

STATE OF MINNESOTA

# Journal of the House

NINETIETH SESSION — 2018

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EIGHTY-FIFTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 24, 2018

The House of Representatives convened at 10:00 a.m. and was called to order by Kurt Daudt, Speaker of the House.

Prayer was offered by the Reverend Mike Gmetro, Family Pastor at Freshwater Community Church, Waconia, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Albright	Dettmer	Heintzeman	Lien	Newberger	Sauke
Anderson, P.	Drazkowski	Hertaus	Loeffler	Nornes	Schomacker
Anderson, S.	Ecklund	Hilstrom	Lohmer	O'Driscoll	Schultz
Anselmo	Erickson	Hoppe	Loon	Olson	Scott
Backer	Fabian	Hornstein	Loonan	Omar	Smith
Bahr, C.	Fenton	Hortman	Lucero	O'Neill	Sundin
Baker	Fischer	Howe	Lueck	Pelowski	Swedzinski
Bennett	Flanagan	Jessup	Mahoney	Peppin	Theis
Bernardy	Franke	Johnson, B.	Mariani	Petersburg	Torkelson
Bliss	Franson	Johnson, C.	Marquart	Peterson	Uglen
Bly	Freiberg	Jurgens	Masin	Pierson	Urdahl
Carlson, A.	Garofalo	Kiel	Maye Quade	Pinto	Vogel
Carlson, L.	Green	Knoblach	McDonald	Poppe	Wagenius
Christensen	Grossell	Koegel	Metsa	Poston	Ward
Clark	Gruenhagen	Koznick	Miller	Pryor	West
Considine	Gunther	Kresha	Moran	Pugh	Whelan
Daniels	Haley	Kunesh-Podein	Munson	Quam	Wills
Davids	Halverson	Layman	Murphy, M.	Rarick	Zerwas
Davnie	Hamilton	Lee	Nash	Rosenthal	Spk. Daudt
Dean, M.	Hansen	Lesch	Nelson	Runbeck	
Dehn, R.	Hausman	Liebling	Neu	Sandstede	

A quorum was present.

Allen; Applebaum; Barr, R.; Becker-Finn; Johnson, S.; Lillie; Murphy, E.; Slocum and Youakim were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

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## REPORTS OF CHIEF CLERK

S. F. No. 2777 and H. F. No. 3290, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

Pugh moved that S. F. No. 2777 be substituted for H. F. No. 3290 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3673 and H. F. No. 3782, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Johnson, B., moved that S. F. No. 3673 be substituted for H. F. No. 3782 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Dean, M., from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 1440, A bill for an act relating to health; establishing the Opioid Addiction Prevention and Treatment Advisory Council; establishing a special revenue fund for opioid addiction prevention and treatment; appropriating money; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 151.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"ARTICLE 1  
OPIOID ADDICTION PREVENTION AND TREATMENT"

Page 2, line 22, delete "18" and insert "19"

Page 3, delete line 8 and insert:

"(9) one member representing a nonprofit organization that operates programs related to opioid awareness, prescriber education, and overdose prevention;"

Page 3, line 16, delete "and"

Page 3, line 17, delete the period and insert ";and"

Page 3, after line 17, insert:

"(17) one member representing a local health department."

Page 6, after line 14, insert:

"ARTICLE 2  
SUBSTANCE USE DISORDER TREATMENT PROVIDER REQUIREMENTS

Section 1. Minnesota Statutes 2017 Supplement, section 245G.05, subdivision 1, is amended to read:

Subdivision 1. **Comprehensive assessment.** (a) A comprehensive assessment of the client's substance use disorder must be administered face-to-face by an alcohol and drug counselor within three calendar days after service initiation for a residential program or during the initial session for all other programs. A program may permit a staff person who is not qualified as an alcohol and drug counselor to interview the client in areas of the comprehensive assessment that are otherwise within the competencies and scope of practice of that staff person, and an alcohol and drug counselor does not need to be face-to-face with the client during this interview. The alcohol and drug counselor must review all of the information contained in a comprehensive assessment and, by signature, confirm the information is accurate and complete and meets the requirements for the comprehensive assessment. If the comprehensive assessment is not completed during the initial session, the client-centered reason for the delay must be documented in the client's file and the planned completion date. If the client received a comprehensive assessment that authorized the treatment service, an alcohol and drug counselor must review the assessment to determine compliance with this subdivision, including applicable timelines. If available, the alcohol and drug counselor may use current information provided by a referring agency or other source as a supplement. Information gathered more than 45 days before the date of admission is not considered current. The comprehensive assessment must include sufficient information to complete the assessment summary according to subdivision 2 and the individual treatment plan according to section 245G.06. The comprehensive assessment must include information about the client's needs that relate to substance use and personal strengths that support recovery, including:

- (1) age, sex, cultural background, sexual orientation, living situation, economic status, and level of education;
- (2) circumstances of service initiation;
- (3) previous attempts at treatment for substance misuse or substance use disorder, compulsive gambling, or mental illness;
- (4) substance use history including amounts and types of substances used, frequency and duration of use, periods of abstinence, and circumstances of relapse, if any. For each substance used within the previous 30 days, the information must include the date of the most recent use and previous withdrawal symptoms;
- (5) specific problem behaviors exhibited by the client when under the influence of substances;
- (6) family status, family history, including history or presence of physical or sexual abuse, level of family support, and substance misuse or substance use disorder of a family member or significant other;
- (7) physical concerns or diagnoses, the severity of the concerns, and whether the concerns are being addressed by a health care professional;
- (8) mental health history and psychiatric status, including symptoms, disability, current treatment supports, and psychotropic medication needed to maintain stability; the assessment must utilize screening tools approved by the commissioner pursuant to section 245.4863 to identify whether the client screens positive for co-occurring disorders;
- (9) arrests and legal interventions related to substance use;
- (10) ability to function appropriately in work and educational settings;

- (11) ability to understand written treatment materials, including rules and the client's rights;
- (12) risk-taking behavior, including behavior that puts the client at risk of exposure to blood-borne or sexually transmitted diseases;
- (13) social network in relation to expected support for recovery and leisure time activities that are associated with substance use;
- (14) whether the client is pregnant and, if so, the health of the unborn child and the client's current involvement in prenatal care;
- (15) whether the client recognizes problems related to substance use and is willing to follow treatment recommendations; and
- (16) collateral information. If the assessor gathered sufficient information from the referral source or the client to apply the criteria in Minnesota Rules, parts 9530.6620 and 9530.6622, a collateral contact is not required.
  - (b) If the client is identified as having opioid use disorder or seeking treatment for opioid use disorder, the program must provide educational information to the client concerning:
    - (1) risks for opioid use disorder and dependence;
    - (2) treatment options, including the use of a medication for opioid use disorder;
    - (3) the risk of and recognizing opioid overdose; and
    - (4) the use, availability, and administration of naloxone to respond to opioid overdose.
  - (c) The commissioner shall develop educational materials that are supported by research and updated periodically. The license holder must use the educational materials that are approved by the commissioner to comply with this requirement.
  - (d) If the comprehensive assessment is completed to authorize treatment service for the client, at the earliest opportunity during the assessment interview the assessor shall determine if:
    - (1) the client is in severe withdrawal and likely to be a danger to self or others;
    - (2) the client has severe medical problems that require immediate attention; or
    - (3) the client has severe emotional or behavioral symptoms that place the client or others at risk of harm.

If one or more of the conditions in clauses (1) to (3) are present, the assessor must end the assessment interview and follow the procedures in the program's medical services plan under section 245G.08, subdivision 2, to help the client obtain the appropriate services. The assessment interview may resume when the condition is resolved."

Amend the title as follows:

Page 1, line 4, after the first semicolon, insert "modifying substance use disorder treatment provider requirements;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 9, H. F. No. 1440 was re-referred to the Committee on Rules and Legislative Administration.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 4328, A bill for an act relating to education finance; providing funding for prekindergarten through grade 12 education, including general education; student and school safety; education excellence; teachers; special education; facilities, technology, and libraries; nutrition; early childhood and family support; community education, prevention, self-sufficiency, and lifelong learning; and state agencies; making forecast adjustments; requiring reporting; appropriating money; amending Minnesota Statutes 2016, sections 120A.20, subdivision 2; 120A.22, subdivision 12; 120B.021, by adding a subdivision; 120B.024, subdivision 1; 120B.11, subdivisions 1, 1a, 2, 5, 9; 120B.12, as amended; 120B.299, subdivision 10; 120B.30, subdivisions 1a, 3; 120B.36, subdivision 2; 121A.39; 121A.41, by adding a subdivision; 121A.45, subdivision 1; 121A.46, by adding subdivisions; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.61, subdivision 2; 121A.67, by adding a subdivision; 122A.42; 122A.71, subdivision 2; 123B.14, subdivision 7; 123B.41, subdivision 5; 123B.52, subdivision 6; 123B.595, as amended; 123B.61; 124D.09, subdivision 4; 124D.111; 124D.151, subdivision 2; 124D.162; 124D.78, subdivision 2; 124D.98; 124E.03, subdivision 5; 125A.76, subdivision 1; 125B.07, subdivision 6; 126C.15, subdivision 5, by adding a subdivision; 126C.44; 127A.41, as amended; 127A.45, subdivisions 11, 16; 134.355, subdivision 10; 171.02, subdivision 2a; 205A.07, subdivision 2; 245C.02, by adding a subdivision; 245C.12; 299C.17; 471.59, subdivision 1; 475.58, subdivision 4; 609.095; 626.556, subdivision 10; 631.40, subdivision 1a; Minnesota Statutes 2017 Supplement, sections 120B.021, subdivision 1; 120B.122, subdivision 1; 120B.125; 120B.30, subdivision 1; 120B.35, subdivision 3; 120B.36, subdivision 1; 122A.09, subdivision 2, by adding a subdivision; 122A.18, subdivision 8; 122A.187, subdivision 3, by adding a subdivision; 122A.20, subdivisions 1, 2; 122A.40, subdivision 13; 122A.41, subdivision 6; 123B.03, subdivisions 1, 2; 123B.41, subdivision 2; 123B.52, subdivision 7; 124D.09, subdivision 3; 124D.151, subdivision 5; 124D.165, subdivisions 2, 3, 4; 124D.549; 124D.99, subdivision 3; 124E.11; 136A.246, subdivision 4; 155A.30, subdivision 12; 171.02, subdivision 2b; 171.3215, subdivisions 2, 3; 475.59, subdivision 1; 609A.03, subdivision 7a; 626.556, subdivisions 2, 3, 10e; Laws 2016, chapter 189, article 25, sections 61; 62, subdivision 15; Laws 2017, First Special Session chapter 5, article 1, section 19, subdivisions 2, 3, 4, 5, 6, 7, 9; article 2, sections 56; 57, subdivisions 2, 3, 4, 5, 6, 12, 14, 21, 23, 24, 26; article 4, sections 11; 12, subdivisions 2, as amended, 3, 4, 5; article 5, section 14, subdivisions 2, 3; article 6, section 3, subdivisions 2, 3, 4; article 7, section 2, subdivision 5; article 8, sections 9, subdivision 2; 10, subdivisions 3, 5a, 6, 12; article 9, section 2, subdivisions 2, 7; article 10, section 6, subdivision 2; article 11, sections 9; 12; 13; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 122A; 125A; 125B; 245C; 299C; repealing Minnesota Statutes 2016, section 120B.299, subdivisions 7, 8, 9, 11; Minnesota Statutes 2017 Supplement, section 122A.09, subdivision 1; Minnesota Rules, part 8710.2100, subparts 1, 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
GENERAL EDUCATION

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

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

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

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

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

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

Subd. 5. **Individualized instructional or cooperative learning materials.** "Individualized instructional or cooperative learning materials" means educational materials which:

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

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

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

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

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

Sec. 3. Minnesota Statutes 2017 Supplement, section 124D.09, subdivision 3, is amended to read:

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

(a) "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an accredited opportunities industrialization center ~~accredited by the North Central Association of Colleges and Schools~~, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota.

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

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

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

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

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

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

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

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

Subd. 5. **Annual expenditure report.** (a) Each year, a district that receives basic skills revenue must submit a report to the commissioner of education identifying the expenditures it incurred to meet the needs of eligible learners under subdivision 1.

(b) The report must:

(1) conform to uniform financial and reporting standards established for this purpose;

(2) categorize expenditures by each of the permitted uses authorized in subdivision 1, in the form and manner specified by the commissioner; and

(3) report under section 120B.11, using valid and reliable data and measurement criteria, ~~the report also must determine~~ whether increased expenditures raised student achievement levels.

**EFFECTIVE DATE.** This section is effective for reports issued after July 1, 2018.

Sec. 6. Minnesota Statutes 2016, section 126C.15, is amended by adding a subdivision to read:

Subd. 6. **Commissioner's report.** By February 15 of each year, the commissioner shall compile the district data submitted under subdivision 5, report the results to the legislative committees with jurisdiction over education, and file the report according to section 3.195.

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

Sec. 7. Minnesota Statutes 2016, section 127A.41, as amended by Laws 2017, chapter 40, article 1, section 16, and Laws 2017, First Special Session chapter 5, article 1, section 15, is amended to read:

#### **127A.41 DISTRIBUTION OF SCHOOL AIDS; APPROPRIATION.**

Subdivision 1. **Commissioner duties.** The commissioner shall supervise distribution of school aids and grants in accordance with law. The commissioner may make rules consistent with law for the distribution to enable districts to perform efficiently the services required by law and further education in the state, including reasonable requirements for the reports and accounts to it as will assure accurate and lawful apportionment of aids. State and federal aids and discretionary or entitlement grants distributed by the commissioner shall not be subject to the contract approval procedures of the commissioner of administration or to chapter 16A, 16B, or 16C. The commissioner shall adopt internal procedures for administration and monitoring of aids and grants.

Subd. 2. **Errors in distribution.** On determining that the amount of state aid distributed to a school district is in error or has been spent contrary to statutorily established revenue uses, the commissioner is authorized to adjust the amount of aid consistent with this subdivision. On determining that the amount of aid is in excess of the school district's entitlement, the commissioner is authorized to recover the amount of the excess by any appropriate means. Notwithstanding the fiscal years designated by the appropriation, the excess may be recovered by reducing future aid payments to the district. Notwithstanding any law to the contrary, if the aid reduced is not of the same type as that overpaid, the district must adjust all necessary financial accounts to properly reflect all revenues earned in accordance with the uniform financial accounting and reporting standards pursuant to sections 123B.75 to 123B.83. Notwithstanding the fiscal years designated by the appropriation, on determining that the amount of an aid paid is less than the school district's entitlement, the commissioner is authorized to increase such aid from the current appropriation. If the aid program has been discontinued and has no appropriation, the appropriation for general education shall be used for recovery or payment of the aid decrease or increase. Any excess of aid recovery over aid payment shall be canceled to the state general fund.

Subd. 3. **Audits.** The commissioner shall establish procedures for conducting and shall conduct audits of district records and files for the purpose of verifying district pupil counts, levy limitations, ~~and~~ aid entitlements, and appropriate revenue uses. The commissioner shall establish procedures for selecting and shall select districts to be audited. Disparities, if any, between pupil counts, levy limitations, ~~or~~ aid entitlements, or revenue uses determined by audit of district records and files and data reported by districts in reports, claims and other documents shall be reviewed by the commissioner who shall order increases or decreases accordingly. The commissioner may reduce an allocation to a district or charter school if the statutorily prescribed uses of the revenue are not being met. Whenever possible, the commissioner shall audit at least ~~25~~ 50 districts each year pursuant to this subdivision. Procedures adopted under this subdivision are not subject to chapter 14, including section 14.386, and may differ from the procedures under section 127A.42.

Subd. 4. **Less than ~~25~~ 50 districts audited.** If the commissioner audits fewer than ~~25~~ 50 districts in a fiscal year pursuant to subdivision 3, the commissioner shall report the reasons for the number audited to the following legislative committees: house of representatives education, house of representatives appropriations, senate education, and senate finance.



Subd. 5. **District appeal of aid reduction; inspection of district schools and accounts and records.** Public schools shall at all times be open to the inspection of the commissioner. The accounts and records of any district must be open to inspection by the state auditor, or the commissioner for the purpose of audits conducted under this section. Each district shall keep for a minimum of three years at least the following: (1) identification of the annual session days held, together with a record of the length of each session day, (2) a record of each pupil's daily attendance, with entrance and withdrawal dates, and (3) identification of the to-and-from school transportation category for each pupil as defined in section 123B.92, subdivision 1.

Subd. 7. **Schedule adjustments.** (a) It is the intention of the legislature to encourage efficient and effective use of staff and facilities by districts. Districts are encouraged to consider both cost and energy saving measures.

(b) Any district operating a program pursuant to sections 124D.12 to 124D.127 or 124D.128, or operating a commissioner-designated area learning center program under section 123A.09, or that otherwise receives the approval of the commissioner to operate its instructional program to avoid an aid reduction in any year, may adjust the annual school schedule for that program throughout the calendar year.

Subd. 8. **Appropriation transfers.** (a) If a direct appropriation from the general fund to the department for any education aid or grant authorized in this chapter and chapters 122A, 123A, 123B, 124D, 124E, 125A, 126C, and 134, excluding appropriations under sections 124D.135, 124D.16, 124D.20, 124D.22, 124D.52, 124D.531, 124D.55, and 124D.56, exceeds the amount required, the commissioner may transfer the excess to any education aid or grant appropriation that is insufficient. However, section 126C.20 applies to a deficiency in the direct appropriation for general education aid. Excess appropriations must be allocated proportionately among aids or grants that have insufficient appropriations. The commissioner of management and budget shall make the necessary transfers among appropriations according to the determinations of the commissioner. If the amount of the direct appropriation for the aid or grant plus the amount transferred according to this subdivision is insufficient, the commissioner shall prorate the available amount among eligible districts. The state is not obligated for any additional amounts.

(b) Transfers for aids paid under section 127A.45, subdivisions 12 and 13, shall be made during the fiscal year after the fiscal year of the entitlement. Transfers for aids paid under section 127A.45, subdivisions 11 and 12a, shall be made during the fiscal year of the appropriation.

Subd. 9. **Appropriation transfers for community education programs.** If a direct appropriation from the general fund to the Department of Education for an education aid or grant authorized under section 124D.135, 124D.16, 124D.20, 124D.22, 124D.52, 124D.531, 124D.55, or 124D.56 exceeds the amount required, the commissioner of education may transfer the excess to any education aid or grant appropriation that is insufficiently funded under these sections. Excess appropriations shall be allocated proportionately among aids or grants that have insufficient appropriations. The commissioner of management and budget shall make the necessary transfers among appropriations according to the determinations of the commissioner of education. If the amount of the direct appropriation for the aid or grant plus the amount transferred according to this subdivision is insufficient, the commissioner shall prorate the available amount among eligible districts. The state is not obligated for any additional amounts.

~~Subd. 10. **Health and safety aid transfer.** The commissioner, with the approval of the commissioner of management and budget, annually may transfer an amount from the appropriation for health and safety aid to the appropriation for debt service aid for the same fiscal year. The amount of the transfer equals the amount necessary to fund any shortage in the debt service aid appropriation created by a data correction that occurs between November 1 and June 30 of the preceding fiscal year.~~

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

Sec. 8. Minnesota Statutes 2016, section 127A.45, subdivision 11, is amended to read:

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

Sec. 9. Minnesota Statutes 2016, section 127A.45, subdivision 16, is amended to read:

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

Sec. 10. Minnesota Statutes 2016, section 471.59, subdivision 1, is amended to read:

Subdivision 1. **Agreement.** (a) Two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised. The agreement may provide for the exercise of such powers by one or more of the participating governmental units on behalf of the other participating units.

(b) The term "governmental unit" as used in this section includes every city, county, town, school district, service cooperative under section 123A.21, independent nonprofit firefighting corporation, other political subdivision of this or another state, another state, federally recognized Indian tribe, the University of Minnesota, the Minnesota Historical Society, nonprofit hospitals licensed under sections 144.50 to 144.56, rehabilitation facilities and extended employment providers that are certified by the commissioner of employment and economic development, day and supported employment services licensed under chapter 245D, and any agency of the state of Minnesota or the United States, and includes any instrumentality of a governmental unit. For the purpose of this section, an instrumentality of a governmental unit means an instrumentality having independent policy-making and appropriating authority.

Sec. 11. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 2, is amended to read:

Subd. 2. **General education aid.** For general education aid under Minnesota Statutes, section 126C.13, subdivision 4:

\$ <del>7,032,051,000</del> <u>7,078,769,000</u>	.....	2018
\$ <del>7,227,809,000</del> <u>7,239,221,000</u>	.....	2019

The 2018 appropriation includes \$686,828,000 for 2017 and ~~\$6,345,223,000~~ \$6,391,941,000 for 2018.

The 2019 appropriation includes ~~\$705,024,000~~ \$683,110,000 for 2018 and ~~\$6,522,785,000~~ \$6,556,111,000 for 2019.

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

Sec. 12. **FUND TRANSFERS.**

Subdivision 1. **Minnetonka school district.** (a) Notwithstanding Minnesota Statutes, section 123B.79, 123B.80, or 124D.20, subdivision 10, on June 30, 2018, Independent School District No. 276, Minnetonka, may permanently transfer up to \$2,400,000 from its community education reserve fund balance to its reserved for operating capital account in the general fund.

(b) The transferred funds must be used only to design, construct, furnish, and equip an early childhood classroom addition.

Subd. 2. **Ivanhoe school district.** Notwithstanding Minnesota Statutes, section 123B.79, 123B.80, or 124D.20, subdivision 10, on June 30, 2018, Independent School District No. 403, Ivanhoe, may permanently transfer up to \$79,000 from its community education reserve fund balance to its undesignated general fund.

Subd. 3. **Minneapolis school district.** (a) Notwithstanding Minnesota Statutes, section 123B.79, 123B.80, or 124D.20, subdivision 10, on June 30, 2018, Special School District No. 1, Minneapolis, may permanently transfer up to \$5,500,000 from its community education reserve fund balance to its undesignated general fund.

(b) The transferred funds must be used only for school support services, including mental health services.

Subd. 4. **Hopkins school district.** (a) Notwithstanding Minnesota Statutes, section 123B.79, 123B.80, or 124D.20, subdivision 10, on June 30, 2018, Independent School District No. 270, Hopkins, may permanently transfer up to \$500,000 from its community education reserve fund balance to its reserved for operating capital account in the general fund.

(b) The transferred funds must be used only to design, construct, furnish, and equip an early childhood classroom addition.

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

Sec. 13. **SCHOOL REVENUE GENERATION AND SPENDING; LEGISLATIVE AUDITOR STUDY.**

(a) The legislative auditor is requested to conduct a study of how students in prekindergarten through grade 12 generate revenue and compare how that revenue is spent and reported at the school level for a sample of school districts.

(b) The study shall focus on a sample of school districts and include the following topics:

(1) the extent to which the funding generated by students is spent at the school sites those students attend;

(2) how district calculations of actual salaries for teachers and staff compare to average salaries and how those calculations may impact per pupil expenditures at the school level;

(3) how per pupil expenditures within a given school district compare across school sites, including expenditures to reduce class sizes, hire additional support staff, and support other resources;

(4) the extent to which revenue sources for a given school district vary by school site, including state and local funding and philanthropic and parent association funds;

(5) whether there is currently variation in reporting across schools in the Uniform Financial Accounting and Reporting Standards (UFARS) system; and

(6) what steps the Department of Education can take to ensure consistent and accurate UFARS reporting from schools and districts on school-level revenue and expenditures.

(c) The legislative auditor must deliver the study findings to the chairs and ranking minority members of the legislative committees with primary jurisdiction over kindergarten through grade 12 education no later than February 1, 2019.

Sec. 14. **APPROPRIATIONS.**

Subdivision 1. **Commissioner of education.** The sum indicated in this section is appropriated from the general fund to the commissioner of education in the fiscal year designated.

Subd. 2. **St. Cloud English language learner summer program.** (a) For a grant to Independent School District No. 742, St. Cloud, for a summer language academy providing targeted services and extended year programming for English language learners:

<u>\$420,000</u>	<u>.....</u>	<u>2019</u>
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(b) A program funded under this subdivision must:

(1) provide a research-based language summer instructional program to help English learners, as defined in Minnesota Statutes, section 124D.59, subdivision 2, acquire English and achieve academic excellence;

(2) be consistent with English language development standards under Minnesota Rules, parts 3501.1200 and 3501.1210; and

(3) provide instruction by a highly qualified teacher of English as a second language.

(c) Independent School District No. 742, St. Cloud, must report to the education committees of the legislature by January 15, 2021, on the program's design, student participation levels, and any measurable outcomes of the program.

(d) This is a onetime appropriation.

(e) This appropriation does not cancel and is available until June 30, 2021.

Subd. 3. **School bus safety campaign.** (a) For transfer to the commissioner of public safety for an education and awareness campaign on passing school buses:

<u>\$50,000</u>	<u>.....</u>	<u>2019</u>
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(b) This is a onetime appropriation.

(c) The campaign must be designed to: (1) help reduce occurrences of motor vehicles unlawfully passing school buses; and (2) inform drivers about the safety of pupils boarding and unloading from school buses, including (i) laws requiring a motor vehicle to stop when a school bus has extended the stop-signal arm and is flashing red lights, and (ii) penalties for violations. When developing the campaign, the commissioner must identify best practices, review effective communication methods to educate drivers, and consider multiple forms of media to convey the information.

Sec. 15. **APPROPRIATION; SCHOOL REVENUE GENERATION AND SPENDING; LEGISLATIVE AUDITOR STUDY.**

\$200,000 in fiscal year 2019 is appropriated from the general fund to the Office of the Legislative Auditor for the legislative auditor to study and report on school revenue generation and spending outlined in section 13. This is a onetime appropriation.

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

Sec. 16. **DUPLICATE APPROPRIATIONS.**

If an appropriation in this act from the general fund or any other fund is enacted more than once in the 2018 legislative session, the appropriation must be given effect only once.

ARTICLE 2  
STUDENT AND SCHOOL SAFETY

Section 1. **[121A.35] SCHOOL THREAT ASSESSMENTS.**

Subdivision 1. **School threat assessment.** "School threat assessment" means a fact-based process using an integrated team approach that helps schools evaluate and assess potentially threatening situations or students whose behavior may pose a threat to the safety of school staff or students.

Subd. 2. **Policy.** A school board must adopt a policy to establish threat assessment teams to conduct school threat assessments consistent with subdivision 1. A threat assessment policy must be consistent with district policies developed in accordance with sections 121A.031 and 121A.035, and with any guidance provided by the Department of Public Safety's School Safety Center. A threat assessment policy must include procedures for referrals to mental health centers or health care providers for evaluation or treatment, when appropriate.

Subd. 3. **Oversight committees.** The superintendent of a school district must establish a committee charged with oversight of the threat assessment teams operating within the district, which may be an existing committee established by the school board.

Subd. 4. **Threat assessment teams.** (a) The superintendent of a school district must establish, for each school, a threat assessment team that includes, to the extent practicable, school officials with expertise in counseling, school administration, students with disabilities, and law enforcement. A threat assessment team may serve one or more schools, as determined by the superintendent.

(b) A threat assessment team must:

(1) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self;

(2) consider whether there is sufficient information to determine whether or not a student poses a threat;

(3) identify members of the community to whom threatening behavior should be reported;

(4) implement a policy adopted by the school board under subdivision 2; and

(5) report summary data on its activities according to guidance developed by the School Safety Center.

(c) Upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team must immediately report its determination to the district superintendent or the superintendent's designee, who must immediately attempt to notify the student's parent or legal guardian. The threat assessment team must consider services to address the student's underlying issues, which may include counseling, social work services, character education consistent with section 120B.232, evidence-based academic and positive behavioral interventions and supports, mental health services, and referrals for special education or section 504 evaluations.

(d) Upon determining that a student exhibits suicidal ideation or self-harm, a school threat assessment team must follow the district's suicide prevention policy or protocol or refer the student to an appropriate school-linked mental health professional or other support personnel.

(e) Nothing in this section precludes a school district official or employee from acting immediately to address an imminent threat.

Subd. 5. **Redisclosure.** (a) A threat assessment team member must not redisclose educational records or use any record of an individual beyond the purpose for which the disclosure was made to the threat assessment team.

(b) Nothing in this section prohibits the disclosure of educational records in health, including mental health, and safety emergencies in accordance with state and federal law.

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

Sec. 2. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision to read:

Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil dismissal.** "Nonexclusionary disciplinary policies and practices" means policies and practices that require school officials to intervene in, redirect, and support a pupil's behavior before dismissing a pupil from school. Nonexclusionary disciplinary policies and practices include evidence-based positive behavioral interventions and supports, social and emotional learning, character education consistent with section 120B.232, school-linked mental health services, counseling services, social work services, referrals for special education or 504 evaluations, academic screening for Title I services or reading interventions, and alternative education services.

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

Sec. 3. **[121A.441] EXPULSION FOR MAKING A THREAT OF VIOLENCE.**

Notwithstanding the time limitation in section 121A.41, subdivision 5, a school board must expel for a period of at least one year a pupil who makes a threat of gun violence against another person or makes a threat of violence with the intent to cause evacuation of a school site or school administration building. A school board may modify this expulsion requirement for a pupil on a case-by-case basis.

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

Sec. 4. Minnesota Statutes 2016, section 121A.45, subdivision 1, is amended to read:

Subdivision 1. **Provision of alternative programs.** ~~No school shall dismiss any pupil without attempting to provide alternative educational services~~ Schools must consider, where appropriate, using nonexclusionary disciplinary policies and practices before dismissal proceedings, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

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

Sec. 5. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision to read:

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

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

Sec. 6. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision to read:

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

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

Sec. 7. Minnesota Statutes 2016, section 121A.47, subdivision 2, is amended to read:

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

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

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

(c) (3) explain the grounds for expelling the pupil instead of imposing nonexclusionary disciplinary policies and practices under section 121A.41, subdivision 12;

(d) (4) state the date, time, and place of the hearing;

(e) (5) be accompanied by a copy of sections 121A.40 to 121A.56;

(f) (6) describe ~~alternative educational services~~ the nonexclusionary disciplinary policies and practices accorded the pupil in an attempt to avoid the expulsion proceedings; and

(g) (7) inform the pupil and parent or guardian of the right to:

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

(i) (ii) examine the pupil's records before the hearing;

(j) (iii) present evidence; and

(k) (iv) confront and cross-examine witnesses.

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

Sec. 8. Minnesota Statutes 2016, section 121A.47, subdivision 14, is amended to read:

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

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

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

Sec. 9. Minnesota Statutes 2016, section 121A.53, subdivision 1, is amended to read:

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

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

Sec. 10. Minnesota Statutes 2016, section 121A.55, is amended to read:

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

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

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



(c) For expulsion and exclusion dismissals:

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

(2) a pupil remains eligible for school-linked mental health services under section 245.4889 in the manner determined by the district until the pupil is enrolled in a new district; and

(3) the school district must provide to the pupil's parent or guardian a list of community mental health programs after expulsion.

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

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

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

Sec. 11. Minnesota Statutes 2016, section 121A.61, subdivision 2, is amended to read:

Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds for which a ~~student~~ pupil may be removed from a class in the district for a period of time under the procedures specified in the policy. The policy must include a procedure for notifying and meeting with a ~~student's~~ pupil's parent or guardian to discuss the problem that is causing the ~~student~~ pupil to be removed from class after the ~~student~~ pupil has been removed from class more than ~~ten~~ five times in one school year. The grounds in the policy must include at least the following provisions as well as other grounds determined appropriate by the board:

~~(a)~~ (1) willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with ~~students~~ pupils in a class or with the ability of other ~~students~~ pupils to learn;

~~(b)~~ (2) willful conduct that endangers surrounding persons, including school district employees, the ~~student~~ pupil, or other ~~students~~ pupils, or the property of the school; and

~~(e)~~ (3) willful violation of any rule of conduct specified in the discipline policy adopted by the board.

Sec. 12. Minnesota Statutes 2016, section 121A.67, is amended by adding a subdivision to read:

Subd. 3. **Parent notification.** A school administrator must make and document efforts to immediately contact the parent or guardian of a pupil removed from a school building or school grounds by a peace officer unless such notice is specifically prohibited by law.

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

Sec. 13. Minnesota Statutes 2016, section 123B.595, as amended by Laws 2017, First Special Session chapter 5, article 5, sections 3 and 4, is amended to read:

**123B.595 LONG-TERM FACILITIES MAINTENANCE REVENUE.**

Subdivision 1. **Long-term facilities maintenance revenue.** ~~(a) For fiscal year 2017 only, long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$193 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.~~

~~(b)~~ (a) For fiscal year 2018 only, long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$292 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus (ii) the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (iii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.

~~(c)~~ (b) For fiscal year 2019 and later, long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$380 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus (ii) the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (iii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.

~~(d)~~ (c) Notwithstanding paragraphs (a); and (b), ~~and~~ ~~(e)~~, a school district that qualified for eligibility under Minnesota Statutes 2014, section 123B.59, subdivision 1, paragraph (a), for fiscal year 2010 remains eligible for funding under this section as a district that would have qualified for eligibility under Minnesota Statutes 2014, section 123B.59, subdivision 1, paragraph (a), for fiscal year 2017 and later.

Subd. 2. **Long-term facilities maintenance revenue for a charter school.** ~~(a) For fiscal year 2017 only, long-term facilities maintenance revenue for a charter school equals \$34 times the adjusted pupil units.~~

~~(b)~~ (a) For fiscal year 2018 only, long-term facilities maintenance revenue for a charter school equals \$85 times the adjusted pupil units.

(e) (b) For fiscal year 2019 and later, long-term facilities maintenance revenue for a charter school equals \$132 times the adjusted pupil units.

Subd. 3. **Intermediate districts and other cooperative units.** Upon approval through the adoption of a resolution by each member district school board of an intermediate district or other cooperative units under section 123A.24, subdivision 2, and the approval of the commissioner of education, a school district may include in its authority under this section a proportionate share of the long-term maintenance costs of the intermediate district or cooperative unit. The cooperative unit may issue bonds to finance the project costs or levy for the costs, using long-term maintenance revenue transferred from member districts to make debt service payments or pay project costs. Authority under this subdivision is in addition to the authority for individual district projects under subdivision 1.

Subd. 4. **Facilities plans.** (a) To qualify for revenue under this section, a school district or intermediate district, not including a charter school, must have a ten-year facility plan adopted by the school board and approved by the commissioner. The plan must include provisions for implementing a health and safety program that complies with health, safety, and environmental regulations and best practices, including indoor air quality management and remediation of lead hazards. The plan may include provisions for enhancing school safety through physical modifications to school facilities as described in subdivision 4a.

(b) The district must annually update the plan, submit the plan to the commissioner for approval by July 31, and indicate whether the district will issue bonds to finance the plan or levy for the costs.

(c) For school districts issuing bonds to finance the plan, the plan must include a debt service schedule demonstrating that the debt service revenue required to pay the principal and interest on the bonds each year will not exceed the projected long-term facilities revenue for that year.

Subd. 4a. **School safety facility enhancements.** A school district may include in its facilities plan a school safety facilities plan. School safety projects may include remodeling and new construction for school security enhancements, public announcement systems, emergency communications devices, and equipment and facility modifications related to violence prevention and facility security.

Subd. 5. **Bond authorization.** (a) A school district may issue general obligation bonds under this section to finance facilities plans approved by its board and the commissioner. Chapter 475, except sections 475.58 and 475.59, must be complied with. The authority to issue bonds under this section is in addition to any bonding authority authorized by this chapter or other law. The amount of bonding authority authorized under this section must be disregarded in calculating the bonding or net debt limits of this chapter, or any other law other than section 475.53, subdivision 4.

(b) At least 20 days before the earliest of solicitation of bids, the issuance of bonds, or the final certification of levies under subdivision 6, the district must publish notice of the intended projects, the amount of the bond issue, and the total amount of district indebtedness.

(c) The portion of revenue under this section for bonded debt must be recognized in the debt service fund.

Subd. 6. **Levy authorization.** A district may levy for costs related to an approved plan under subdivision 4 as follows:

(1) if the district has indicated to the commissioner that bonds will be issued, the district may levy for the principal and interest payments on outstanding bonds issued under subdivision 5 after reduction for any aid receivable under subdivision 9;

(2) if the district has indicated to the commissioner that the plan will be funded through levy, the district may levy according to the schedule approved in the plan after reduction for any aid receivable under subdivision 9; or

(3) if the debt service revenue for a district required to pay the principal and interest on bonds issued under subdivision 5 exceeds the district's long-term facilities maintenance revenue for the same fiscal year, the district's general fund levy must be reduced by the amount of the excess.

Subd. 7. **Long-term facilities maintenance equalization revenue.** ~~(a) For fiscal year 2017 only, a district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$193 times the adjusted pupil units or (2) the district's revenue under subdivision 1.~~

~~(b)~~ (a) For fiscal year 2018 only, a district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$292 times the adjusted pupil units or (2) the district's revenue under subdivision 1.

~~(c)~~ (b) For fiscal year 2019 and later, a district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$380 times the adjusted pupil units or (2) the district's revenue under subdivision 1.

~~(d)~~ (c) Notwithstanding paragraphs (a) ~~to (c)~~ and (b), a district's long-term facilities maintenance equalization revenue must not be less than the lesser of the district's long-term facilities maintenance revenue or the amount of aid the district received for fiscal year 2015 under Minnesota Statutes 2014, section 123B.59, subdivision 6.

Subd. 8. **Long-term facilities maintenance equalized levy.** ~~(a) For fiscal year 2017 and later,~~ A district's long-term facilities maintenance equalized levy equals the district's long-term facilities maintenance equalization revenue minus the greater of:

(1) the lesser of the district's long-term facilities maintenance equalization revenue or the amount of aid the district received for fiscal year 2015 under Minnesota Statutes 2014, section 123B.59, subdivision 6; or

(2) the district's long-term facilities maintenance equalization revenue times the greater of (i) zero or (ii) one minus the ratio of its adjusted net tax capacity per adjusted pupil unit in the year preceding the year the levy is certified to 123 percent of the state average adjusted net tax capacity per adjusted pupil unit for all school districts in the year preceding the year the levy is certified.

(b) For purposes of this subdivision, "adjusted net tax capacity" means the value described in section 126C.01, subdivision 2, paragraph (b).

Subd. 8a. **Long-term facilities maintenance unequalized levy.** ~~For fiscal year 2017 and later,~~ A district's long-term facilities maintenance unequalized levy equals the difference between the district's revenue under subdivision 1 and the district's equalization revenue under subdivision 7.

Subd. 9. **Long-term facilities maintenance equalized aid.** ~~For fiscal year 2017 and later,~~ A district's long-term facilities maintenance equalized aid equals its long-term facilities maintenance equalization revenue minus its long-term facilities maintenance equalized levy times the ratio of the actual equalized amount levied to the permitted equalized levy.

Subd. 10. **Allowed uses for long-term facilities maintenance revenue.** (a) A district may use revenue under this section for any of the following:

- (1) deferred capital expenditures and maintenance projects necessary to prevent further erosion of facilities;
- (2) increasing accessibility of school facilities;

(3) health and safety capital projects under section 123B.57;

(4) school safety facility enhancements authorized under subdivision 4a; or

~~(4)~~ (5) by board resolution, to transfer money from the general fund reserve for long-term facilities maintenance to the debt redemption fund to pay the amounts needed to meet, when due, principal and interest on general obligation bonds issued under subdivision 5.

(b) A charter school may use revenue under this section for any purpose related to the school, including school safety facility enhancements.

Subd. 11. **Restrictions on long-term facilities maintenance revenue.** Notwithstanding subdivision 10, for projects other than school safety facility enhancements, long-term facilities maintenance revenue may not be used:

(1) for the construction of new facilities, remodeling of existing facilities, or the purchase of portable classrooms;

(2) to finance a lease purchase agreement, installment purchase agreement, or other deferred payments agreement;

(3) for energy-efficiency projects under section 123B.65, for a building or property or part of a building or property used for postsecondary instruction or administration, or for a purpose unrelated to elementary and secondary education; or

(4) ~~for violence prevention and facility security, ergonomics, or emergency communication devices.~~

Subd. 12. **Reserve account.** The portion of long-term facilities maintenance revenue not recognized under subdivision 5, paragraph (c), must be maintained in a reserve account within the general fund.

Sec. 14. Minnesota Statutes 2016, section 123B.61, is amended to read:

#### **123B.61 PURCHASE OF CERTAIN EQUIPMENT.**

(a) The board of a district may issue general obligation certificates of indebtedness or capital notes subject to the district debt limits to:

~~(a)~~ (1) purchase vehicles, computers, telephone systems, cable equipment, photocopy and office equipment, technological equipment for instruction, public announcement systems, emergency communications devices, other equipment related to violence prevention and facility security, and other capital equipment having an expected useful life at least as long as the terms of the certificates or notes;

~~(b)~~ (2) purchase computer hardware and software, without regard to its expected useful life, whether bundled with machinery or equipment or unbundled, together with application development services and training related to the use of the computer; and

~~(c)~~ (3) prepay special assessments.

(b) The certificates or notes must be payable in not more than ten years and must be issued on the terms and in the manner determined by the board, except that certificates or notes issued to prepay special assessments must be payable in not more than 20 years. The certificates or notes may be issued by resolution and without the requirement for an election. The certificates or notes are general obligation bonds for purposes of section 126C.55.

(c) A tax levy must be made for the payment of the principal and interest on the certificates or notes, in accordance with section 475.61, as in the case of bonds. The sum of the tax levies under this section and section 123B.62 for each year must not exceed the lesser of the sum of the amount of the district's total operating capital revenue and safe schools revenue or the sum of the district's levy in the general and community service funds excluding the adjustments under this section for the year preceding the year the initial debt service levies are certified.

(d) The district's general fund levy for each year must be reduced by the sum of:

(1) the amount of the tax levies for debt service certified for each year for payment of the principal and interest on the certificates or notes issued under this section as required by section 475.61;

(2) the amount of the tax levies for debt service certified for each year for payment of the principal and interest on bonds issued under section 123B.62; and

(3) any excess amount in the debt redemption fund used to retire bonds, certificates, or notes issued under this section or section 123B.62 after April 1, 1997, other than amounts used to pay capitalized interest.

(e) If the district's general fund levy is less than the amount of the reduction, the balance shall be deducted first from the district's community service fund levy, and next from the district's general fund or community service fund levies for the following year.

(f) A district using an excess amount in the debt redemption fund to retire the certificates or notes shall report the amount used for this purpose to the commissioner by July 15 of the following fiscal year. A district having an outstanding capital loan under section 126C.69 or an outstanding debt service loan under section 126C.68 must not use an excess amount in the debt redemption fund to retire the certificates or notes.

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

Sec. 15. Minnesota Statutes 2016, section 126C.44, is amended to read:

**126C.44 SAFE SCHOOLS LEVY REVENUE.**

Subdivision 1. **Safe schools revenue.** (a) A school district's total safe schools revenue equals the sum of:

(1) the greater of \$30,000 or \$54 per adjusted pupil unit;

(2) the amounts under subdivision 6; and

(3) for a district not accessing revenue under subdivision 6, the amount under subdivision 7.

(b) A school district's equalized safe schools revenue equals \$36 times the district's adjusted pupil units for that year.

(c) A charter school's safe schools revenue equals \$18 times its adjusted pupil units for that year. The revenue must be reserved and used only for costs associated with safe schools activities authorized under subdivision 5, paragraph (a), clauses (1) to (9), or for building lease expenses not funded by charter school building lease aid that are attributable to facility security enhancements made by the landlord after March 1, 2018.

Subd. 2. **Safe schools equalized levy.** (a) ~~Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to \$36 multiplied by the district's~~ A school district's safe school equalized levy equals the

product of its equalized safe schools revenue under subdivision 1 times the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil units for the school year unit to 68.5 percent of the statewide adjusted net tax capacity equalizing factor.

Subd. 3. **Safe schools aid.** (a) A school district's safe schools aid equals the sum of:

(1) \$18 times its adjusted pupil units for that year;

(2) its safe schools equalization aid equal to the difference between its safe schools equalized revenue minus its safe schools equalized levy;

(3) its cooperative unit aid under subdivision 7; and

(4) for fiscal year 2019 only, \$6.50 times its adjusted pupil units for that year for school district members of intermediate school districts.

(b) A charter school's safe schools aid equals its safe schools revenue.

Subd. 4. **Revenue reserved.** ~~The proceeds of the levy~~ A school district's safe schools revenue must be reserved and used for ~~directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes:~~ authorized in subdivision 5.

Subd. 5. **Revenue uses.** (a) A school district must use its safe schools revenue for the following:

(1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools, ~~whether through contract or reimbursement to the city or county employing authority;~~

(2) to pay the costs for a drug abuse prevention program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools;

(3) to pay the costs for a gang resistance education training curriculum in the district's schools;

(4) to pay the costs for security in the district's schools and on school property;

(5) to pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken by the school district;

(6) to pay costs for licensed school counselors, licensed school nurses, licensed school social workers, licensed school psychologists, and licensed alcohol and chemical dependency counselors to help provide early responses to problems;

(7) to pay for facility security enhancements including laminated glass, public announcement systems, emergency communications devices, and equipment and facility modifications related to violence prevention and facility security;

(8) to pay for costs associated with improving the school climate; ~~or~~

(9) to pay costs for colocating and collaborating with mental health professionals who are not district employees or contractors; ~~or~~

(10) by board resolution, to transfer money into the debt redemption fund to pay the amounts needed to meet, when due, principal and interest payments on obligations issued under sections 123B.61 and 123B.62 for purposes included in clause (7).

(b) For expenditures under paragraph (a), clause (1), the district must initially attempt to contract for services to be provided by peace officers or sheriffs with the police department of each city or the sheriff's department of the county within the district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries.

**Subd. 6. Intermediate school districts.** ~~(e)~~ A school district that is a member of an intermediate school district may ~~include in add to its levy authority under this section the costs associated with safe schools activities authorized under paragraph (a) subdivision 5 for intermediate school district programs.~~ This levy authority must not exceed \$15 times the adjusted pupil units of the member districts. This levy authority is in addition to any other authority authorized under this section. Revenue raised under this paragraph subdivision must be transferred to the intermediate school district.

**Subd. 7. Other cooperative units.** A school district that is a member of a cooperative unit defined under section 123A.24, subdivision 2, other than a member of an intermediate school district, is eligible for additional safe schools aid equal to \$7.50 times its adjusted pupil units for that year. Revenue raised under this subdivision must be transferred to the cooperative unit.

**Subd. 8. Reporting.** A school district or charter school receiving revenue under this section must annually report safe schools expenditures to the commissioner, in the form and manner specified by the commissioner. The report must show spending by functional area and align with the revenue uses according to subdivision 5.

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

Sec. 16. Laws 2017, First Special Session chapter 5, article 2, section 56, is amended to read:

**Sec. 56. INTERMEDIATE SCHOOL DISTRICT MENTAL HEALTH INNOVATION GRANT PROGRAM; APPROPRIATION.**

(a) \$2,450,000 in fiscal year 2018 and \$2,450,000 in fiscal year 2019 are appropriated from the general fund to the commissioner of human services for a grant program to fund innovative projects to improve mental health outcomes for youth attending a qualifying school unit.

(b) A "qualifying school unit" means an intermediate district organized under Minnesota Statutes, section 136D.01, or a service cooperative organized under Minnesota Statutes, section 123A.21, subdivision 1, paragraph (a), clause (2), that provides instruction to students in a setting of federal instructional level 4 or higher. Grants under paragraph (a) must be awarded to eligible applicants such that the services are proportionately provided among qualifying school units. The commissioner shall calculate the share of the appropriation to be used in each qualifying school unit by dividing the qualifying school unit's average daily membership in a setting of federal instructional level 4 or higher for fiscal year 2016 by the total average daily membership in a setting of federal instructional level 4 or higher for the same year for all qualifying school units.

(c) An eligible applicant is an entity that has demonstrated capacity to serve the youth identified in paragraph (a) and that is:

(1) certified under Minnesota Rules, parts 9520.0750 to 9520.0870;



(2) a community mental health center under Minnesota Statutes, section 256B.0625, subdivision 5;

(3) an Indian health service facility or facility owned and operated by a tribe or tribal organization operating under United States Code, title 25, section 5321; ~~or~~

(4) a provider of children's therapeutic services and supports as defined in Minnesota Statutes, section 256B.0943; or

(5) enrolled in medical assistance as a mental health or substance use disorder provider agency and must employ at least two full-time equivalent mental health professionals as defined in Minnesota Statutes, section 245.4871, subdivision 27, clauses (1) to (6), or alcohol and drug counselors licensed or exempt from licensure under chapter 148F who are qualified to provide clinical services to children and families.

(d) An eligible applicant must employ or contract with at least two licensed mental health professionals as defined in Minnesota Statutes, section 245.4871, subdivision 27, clauses (1) to (6), who have formal training in evidence-based practices.

(e) A qualifying school unit must submit an application to the commissioner in the form and manner specified by the commissioner. The commissioner may approve an application that describes models for innovative projects to serve the needs of the schools and students. The commissioner may provide technical assistance to the qualifying school unit. The commissioner shall then solicit grant project proposals and award grant funding to the eligible applicants whose project proposals best meet the requirements of this section and most closely adhere to the models created by the intermediate districts and service cooperatives.

(f) To receive grant funding, an eligible applicant must obtain a letter of support for the applicant's grant project proposal from each qualifying school unit the eligible applicant is proposing to serve. An eligible applicant must also demonstrate the following:

(1) the ability to seek third-party reimbursement for services;

(2) the ability to report data and outcomes as required by the commissioner; and

(3) the existence of partnerships with counties, tribes, substance use disorder providers, and mental health service providers, including providers of mobile crisis services.

(g) Grantees shall obtain all available third-party reimbursement sources as a condition of receiving grant funds. For purposes of this grant program, a third-party reimbursement source does not include a public school as defined in Minnesota Statutes, section 120A.20, subdivision 1.

(h) The base budget for this program is \$0. This appropriation is available until June 30, 2020.

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

Sec. 17. **APPROPRIATIONS.**

Subdivision 1. Commissioner of education. The sums indicated in this section are appropriated from the general fund to the commissioner of education for the specified purposes.

Subd. 2. Safe schools aid. (a) For safe schools aid under Minnesota Statutes, section 126C.44:

<u>\$20,256,000</u>	<u>.....</u>	<u>2019</u>
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(b) For fiscal year 2019 only, each district's safe schools state aid equals its safe schools revenue for fiscal year 2019 minus the safe schools levy certified by the school district for taxes payable in 2018.

Subd. 3. **Children's school-linked mental health grants.** For transfer to the commissioner of human services for children's school-linked mental health grants under Minnesota Statutes, section 245.4889, subdivision 1, paragraph (b), clause (8):

\$5,000,000                      .....                      2019

(b) Grants must be used to expand services, including to school districts or counties in which school-linked mental health services are not available, and to fund transportation for children using school-linked mental health services when school is not in session.

(c) The commissioner must require grantees to use all available third-party reimbursement sources as a condition of the receipt of grant funds. For purposes of this appropriation, a third-party reimbursement source does not include a public school within the meaning of Minnesota Statutes, section 120A.20, subdivision 1.

(d) The base for fiscal year 2020 is \$5,000,000.

Subd. 4. **Physical security audit grants for public schools.** (a) For transfer to the commissioner of public safety for grants to school districts and charter schools to reimburse applicants for up to 100 percent of the cost for an audit of the physical security of public school campuses and crisis management policies adopted pursuant to Minnesota Statutes, section 121A.035, subdivision 2:

\$2,000,000                      .....                      2019

(b) The commissioner of public safety must establish specific eligibility and application criteria including a requirement that audits be conducted by consultants holding professional certification deemed acceptable by the commissioner, including but not limited to a Certified Protection Professional certification from the American Society for Industrial Security.

(c) This is a onetime appropriation.

Subd. 5. **School resource officer training grants.** (a) For grants to reimburse school districts and charter schools for up to one-half of the costs of school resource officer training:

\$400,000                      .....                      2019

(b) The commissioner and the director of the Minnesota School Safety Center are encouraged to develop school resource officer training guidelines and provide school districts and charter schools a list of approved school resource officer training programs.

(c) A district or charter school seeking a grant under this subdivision must submit an application in the form and manner specified by the commissioner of education. Reimbursement must not exceed \$500 per officer. The commissioner must prorate grant amounts if the appropriation is insufficient to fully fund the state's share of the training.

(d) A recipient school district or charter school and the local law enforcement agency must enter into an agreement to pay for the remaining training costs for school resource officer training. The school district or charter school and the law enforcement agency may seek private funds to pay for the local share of the school resource officer training costs.

(e) This is a onetime appropriation.



(e) Notwithstanding Minnesota Statutes, section 16A.28, the fiscal year 2019 appropriation is available until June 30, 2021. Any remaining balance is canceled to the general fund.

ARTICLE 3  
EDUCATION EXCELLENCE

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

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

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

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

(d) For a homeless pupil with an individualized education plan enrolled in a program authorized by an intermediate school district, special education cooperative, service cooperative, or education district, the serving district at the time of the pupil's enrollment in the program remains responsible for transporting that pupil for the remainder of the school year unless the initial serving district and the current serving district mutually agree that the current serving district is responsible for transporting the homeless pupil.

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

Sec. 2. Minnesota Statutes 2016, section 120A.22, subdivision 12, is amended to read:

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

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

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

- (ii) family emergencies;
- (iii) the death or serious illness or funeral of an immediate family member;
- ~~(iv) active duty in any military branch of the United States;~~
- ~~(v)~~ (iv) the child has a condition that requires ongoing treatment for a mental health diagnosis; or
- ~~(vi)~~ (v) other exemptions included in the district's school attendance policy;

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

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

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

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

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

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

Sec. 3. Minnesota Statutes 2017 Supplement, section 120B.021, subdivision 1, is amended to read:

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

- (1) language arts;
- (2) mathematics;
- (3) science;
- (4) social studies, including history, geography, economics, and government and citizenship that includes civics consistent with section 120B.02, subdivision 3;
- (5) physical education;
- (6) health, for which locally developed academic standards apply, consistent with subdivision 1b; and

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

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

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

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

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

Sec. 4. Minnesota Statutes 2016, section 120B.021, is amended by adding a subdivision to read:

Subd. 1b. **Health standards.** (a) A school district's locally developed health standards may include instruction on:

(1) child sexual abuse, exploitation, and sexual assault prevention; and

(2) substance misuse prevention in grades 5 through 12.

Instruction under this subdivision must be age-appropriate. Nothing in this subdivision requires a school district to use a specific methodology or curriculum. A school district may provide instruction under this subdivision in a variety of ways, including at an annual assembly or classroom presentation.

(b) Child sexual abuse, exploitation, and sexual assault prevention instruction in a health curriculum may include instruction on recognizing sexual abuse, exploitation and assault, boundary violations, and ways offenders groom or desensitize victims, as well as strategies to promote disclosure, reduce self-blame, and mobilize bystanders. Child sexual exploitation prevention instruction must be consistent with the definition of sexually exploited youth under section 260C.007, subdivision 31. A school district may provide information to parents on the warning signs of child sexual abuse and sexual exploitation and available resources. A school district is encouraged to include in sexual assault prevention instruction:

(1) character education, as defined in section 120B.232;

(2) age-appropriate strategies and techniques to recognize and report sexual abuse, assault, or exploitation; and

(3) age-appropriate information to deter boundary violations and unwanted forms of touching and contact.

(c) A school district's substance misuse prevention curriculum must be evidence-based. Substance misuse prevention must include instruction on opioids and controlled substances as defined in section 121A.25, subdivision 2, chemical abuse as defined in section 121A.25, subdivision 3, prescription and nonprescription medications, and illegal drugs.

(d) A school district may consult with other federal, state, or local agencies and community-based organizations to identify research-based tools, curricula, and programs to develop instruction required under this subdivision. The Department of Education must assist districts when requested and may provide resources including information on best practices, developing standards, curricula, and programs consistent with this subdivision.

(e) Instruction under this subdivision is subject to the requirements of section 120B.20.

(f) The commissioner of education must conduct a survey of school districts and charter schools during the 2021-2022 school year on locally adopted health standards to determine whether school districts and charter schools have implemented instruction consistent with this subdivision. The commissioner must report the findings of the survey to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education in accordance with section 3.195 no later than January 15, 2023.

Sec. 5. Minnesota Statutes 2016, section 120B.024, subdivision 1, is amended to read:

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

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

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

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

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

(5) three and one-half credits of social studies, including credit for a specific course in government and citizenship in either 11th or 12th grade for students beginning 9th grade in the 2020-2021 school year and later, and a combination of other credits encompassing at least United States history, geography, government and citizenship, world history, and economics sufficient to satisfy all of the academic standards in social studies;

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

(7) a minimum of seven elective credits.

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

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

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

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

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

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

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

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

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

(h) "Out-of-field teacher" means a licensed teacher who is providing instruction in an area in which the teacher is not licensed.

Sec. 7. Minnesota Statutes 2016, section 120B.11, subdivision 1a, is amended to read:

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

(1) the size of the academic achievement gap; as measured on the Minnesota Comprehensive Assessments;

(2) rigorous course taking under section 120B.35, subdivision 3, paragraph (c), clause (2), and enrichment experiences by student ~~subgroup~~ group;

(~~2~~) (3) student performance on the Minnesota Comprehensive Assessments in reading and mathematics;

(~~3~~) (4) high school graduation rates; ~~and~~

(~~4~~) (5) career and college readiness under section 120B.30, subdivision 1, ~~paragraph (p), as measured by student performance on the high school Minnesota Comprehensive Assessments in reading and mathematics, and successful completion of rigorous coursework that is part of a well-rounded education, including advanced placement, international baccalaureate, or concurrent enrollment coursework, or attainment of a certificate or industry-recognized credential; and~~

(6) performance measures consistent with the state plan not otherwise required by this subdivision.



Sec. 8. Minnesota Statutes 2016, section 120B.11, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

Sec. 9. Minnesota Statutes 2016, section 120B.11, subdivision 5, is amended to read:

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

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

Sec. 10. Minnesota Statutes 2016, section 120B.11, subdivision 9, is amended to read:

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

(b) The commissioner must use the performance measures in the accountability system of the state plan, including academic achievement in math and reading, graduation rates, and a school quality indicator, to identify those districts in any consecutive three year period and school sites not making sufficient progress in any consecutive three-year period toward improving teaching and learning for all students, including English learners with varied needs, consistent with section 124D.59, subdivisions 2 and 2a, and striving for the world's best workforce, meeting state goals. The commissioner must implement evaluation timelines and measures consistent with the state plan. The commissioner may identify districts or school sites that do not provide information required for evaluation as failing to make sufficient progress toward meeting state goals. The commissioner may evaluate, designate, and report on school districts and charter schools separately, consistent with the evaluation process under the state plan.

(c) The commissioner must review the curricula of a sample of three to five identified school sites to ensure the curricula are aligned with statewide reading and math standards for grades 3, 5, and 8. The sample of school sites must be of varied size and geographic distribution.

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

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

Sec. 11. Minnesota Statutes 2016, section 120B.12, as amended by Laws 2017, First Special Session chapter 5, article 2, sections 5, 6, and 7, is amended to read:

### **120B.12 READING PROFICIENTLY NO LATER THAN THE END OF GRADE 3.**

Subdivision 1. **Literacy goal.** The legislature seeks to have every child reading at or above grade level no later than the end of grade 3, including English learners, and that teachers provide comprehensive, scientifically based reading instruction consistent with section 122A.06, subdivision 4. To the extent practicable, a school district must direct its literacy incentive aid received under section 124D.98 toward this goal consistent with its local literacy plan adopted under this section.

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

(1) all students in kindergarten, grade 1, and grade 2 who are not reading at grade level; and

(2) any student in grade 3 or higher who demonstrates a reading difficulty.

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

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

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

(2) convergence insufficiency disorder.

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

Subd. 2a. **Parent notification and involvement.** Schools, at least annually, must give the parent of each student who is not reading at or above grade level timely information about:

(1) the student's reading proficiency as measured by a locally adopted assessment;

(2) reading-related services currently being provided to the student and the student's progress; and

(3) strategies for parents to use at home in helping their student succeed in becoming grade-level proficient in reading in English and in their native language.

A district may not use this section to deny a student's right to a special education evaluation.

Subd. 3. **Intervention.** (a) For each student identified under subdivision 2, the district ~~shall~~ must provide reading intervention to accelerate student growth and reach the goal of reading at or above grade level by the end of the current grade and school year. If a student does not read at or above grade level by the end of grade 3, the district must continue to provide reading intervention until the student reads at grade level. District intervention methods shall encourage family engagement and, where possible, collaboration with appropriate school and community programs. Intervention methods may include, but are not limited to, requiring attendance in summer school, intensified reading instruction that may require that the student be removed from the regular classroom for part of the school day, extended-day programs, or programs that strengthen students' cultural connections.

(b) A school district or charter school is strongly encouraged to provide a personal learning plan for a student who is unable to demonstrate grade-level proficiency, as measured by the statewide reading assessment in grade 3. The district or charter school must determine the format of the personal learning plan in collaboration with the student's educators and other appropriate professionals. The school must develop the learning plan in consultation with the student's parent or guardian. The personal learning plan must address knowledge gaps and skill deficiencies through strategies such as specific exercises and practices during and outside of the regular school day, periodic assessments, and reasonable timelines. The personal learning plan may include grade retention, if it is in the student's best interest. A school must maintain and regularly update and modify the personal learning plan until the student reads at grade level. This paragraph does not apply to a student under an individualized education program.

Subd. 4. **Staff development.** (a) Each district ~~shall~~ must use the data under subdivision 2 to identify the staff development needs so that:

(1) elementary teachers are able to implement comprehensive, scientifically based reading and oral language instruction in the five reading areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension as defined in section 122A.06, subdivision 4, and other literacy-related areas including writing until the student achieves grade-level reading proficiency;

(2) elementary teachers have sufficient training to provide comprehensive, scientifically based reading and oral language instruction that meets students' developmental, linguistic, and literacy needs using the intervention methods or programs selected by the district for the identified students;

(3) licensed teachers employed by the district have regular opportunities to improve reading and writing instruction, including screenings, intervention strategies, and accommodations for students showing characteristics associated with dyslexia;

(4) licensed teachers recognize students' diverse needs in cross-cultural settings and are able to serve the oral language and linguistic needs of students who are English learners by maximizing strengths in their native languages in order to cultivate students' English language development, including oral academic language development, and build academic literacy; and

(5) licensed teachers are well trained in culturally responsive pedagogy that enables students to master content, develop skills to access content, and build relationships.

(b) A school district may use its literacy incentive aid under section 124D.98 for the staff development purposes of this subdivision.

Subd. 4a. **Local literacy plan.** (a) Consistent with this section, a school district must adopt a local literacy plan to have every child reading at or above grade level no later than the end of grade 3, including English learners. The plan must be consistent with section 122A.06, subdivision 4, and include the following:

(1) a process to assess students' level of reading proficiency and data to support the effectiveness of an assessment used to screen and identify a student's level of reading proficiency;

(2) a process to notify and involve parents;

(3) a description of how schools in the district will determine the proper reading intervention strategy for a student and the process for intensifying or modifying the reading strategy in order to obtain measurable reading progress;

(4) evidence-based intervention methods for students who are not reading at or above grade level and progress monitoring to provide information on the effectiveness of the intervention; and

(5) identification of staff development needs, including a program to meet those needs.

(b) The district must post its literacy plan on the official school district Web site.

Subd. 5. **Commissioner.** The commissioner ~~shall~~ must recommend to districts multiple assessment tools to assist districts and teachers with identifying students under subdivision 2. The commissioner ~~shall~~ must also make available examples of nationally recognized and research-based instructional methods or programs to districts to provide comprehensive, scientifically based reading instruction and intervention under this section.

**EFFECTIVE DATE.** Subdivision 2 is effective July 1, 2019. Subdivisions 1 and 3 to 5 are effective for revenue for fiscal year 2019 and later.

Sec. 12. Minnesota Statutes 2017 Supplement, section 120B.122, subdivision 1, is amended to read:

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

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

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

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

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

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

Sec. 13. Minnesota Statutes 2017 Supplement, section 120B.125, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 14. **[120B.215] SUBSTANCE MISUSE PREVENTION.**

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

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

(1) information regarding substance misuse prevention services; and

(2) assistance in using Minnesota student survey results to inform prevention programs.

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

Sec. 15. Minnesota Statutes 2016, section 120B.299, subdivision 10, is amended to read:

Subd. 10. **Proficiency.** "Proficiency" for purposes of reporting growth on school performance report cards under section 120B.36, subdivision 1, means those students who, in the previous school year, scored at or above "meets standards" on the statewide assessments under section 120B.30. ~~Each year, school performance report cards must separately display: (1) the numbers and percentages of students who achieved low growth, medium growth, and high growth and achieved proficiency in the previous school year; and (2) the numbers and percentages of students who achieved low growth, medium growth, and high growth and did not achieve proficiency in the previous school year.~~

Sec. 16. Minnesota Statutes 2017 Supplement, section 120B.30, subdivision 1, is amended to read:

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

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

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

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

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

(1) mathematics;

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

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

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

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

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

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

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

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

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

A student under paragraph (c), clause (1), must receive targeted, relevant, academically rigorous, and resourced instruction, which may include a targeted instruction and intervention plan focused on improving the student's knowledge and skills in core subjects so that the student has a reasonable chance to succeed in a career or college without need for postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49, and related sections, an enrolling school or district must actively encourage a student in grade 11 or 12 who is identified as academically ready for a career or college to participate in courses and programs awarding college credit to high school students. Students are not required to achieve a specified score or level of proficiency on an assessment under this subdivision to graduate from high school.

(e) Though not a high school graduation requirement, students are encouraged to participate in a nationally recognized college entrance exam. To the extent state funding for college entrance exam fees is available, a district must pay the cost, one time, for an interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take a nationally recognized college entrance exam before graduating. A student must be able to take the



exam under this paragraph at the student's high school during the school day and at any one of the multiple exam administrations available to students in the district. A district may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph. If the district administers only one of these two tests and a free or reduced-price meal eligible student opts not to take that test and chooses instead to take the other of the two tests, the student may take the other test at a different time or location and remains eligible for the examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school district may require a student that is not eligible for a free or reduced-price meal to pay the cost of taking a nationally recognized college entrance exam. The district must waive the cost for a student unable to pay.

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

(g) Districts and schools, on an annual basis, must use career exploration elements to help students, beginning no later than grade 9, and their families explore and plan for postsecondary education or careers based on the students' interests, aptitudes, and aspirations. Districts and schools must use timely regional labor market information and partnerships, among other resources, to help students and their families successfully develop, pursue, review, and revise an individualized plan for postsecondary education or a career. This process must help increase students' engagement in and connection to school, improve students' knowledge and skills, and deepen students' understanding of career pathways as a sequence of academic and career courses that lead to an industry-recognized credential, an associate's degree, or a bachelor's degree and are available to all students, whatever their interests and career goals.

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

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

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

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

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

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

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

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

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

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

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

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

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

(q) For purposes of statewide accountability, "cultural competence," "cultural competency," or "culturally competent" means the ability of families and educators to interact effectively with people of different cultures, native languages, and socioeconomic backgrounds.

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

Sec. 17. Minnesota Statutes 2016, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 18. Minnesota Statutes 2016, section 120B.30, subdivision 3, is amended to read:

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

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

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

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

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

(2) track the student's performance history.

**EFFECTIVE DATE.** Paragraphs (a), (b), and (c) are effective for the 2018-2019 school year and later. Paragraph (d) is effective for the 2019-2020 school year and later.

Sec. 19. Minnesota Statutes 2017 Supplement, section 120B.35, subdivision 3, is amended to read:

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

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

~~(b) The commissioner, in consultation with a stakeholder group that includes assessment and evaluation directors, district staff, experts in culturally responsive teaching, and researchers, must implement a model that uses a value added growth indicator and includes criteria for identifying schools and school districts that demonstrate medium and high growth under section 120B.299, subdivisions 8 and 9, and may recommend other value added measures under section 120B.299, subdivision 3. The model may be used to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs. Data on individual teachers generated under the model are personnel data under section 13.43. The model must allow users to:~~

~~(1) report student the academic growth consistent with this paragraph rates, as defined in the state plan; and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 20. **120B.355 ACADEMIC ACHIEVEMENT RATING SYSTEM.**

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

(b) Each district, school site, and charter school must be assigned a summative rating based on a score on a scale of zero to 100.

(c) The summative rating must be based on the accountability indicators used in the state plan to identify schools for support and improvement. "State plan" as used in this section means the plan submitted by the commissioner in accordance with the Elementary and Secondary Education Act, as most recently authorized, and approved by the United States Department of Education, including state goals.

(d) The summative rating and score of each district, school site, and charter school must be reported on the Department of Education's Web site as part of the commissioner's school performance reports pursuant to section 120B.36 by September 1, 2020, and annually thereafter.

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

**Subd. 2. Report.** The commissioner must report on progress toward developing the rating system required under subdivision 1 to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education in accordance with section 3.195 no later than February 1, 2020.

Sec. 21. Minnesota Statutes 2017 Supplement, section 120B.36, subdivision 1, is amended to read:

Subdivision 1. **School performance reports and public reporting.** (a) The commissioner ~~shall~~ must report:

(1) student academic performance data under section 120B.35, subdivisions 2 and 3;

(2) district, school site, and charter school ratings under section 120B.355;

(3) the percentages of students showing low, medium, and high academic growth rates under section 120B.35, subdivision 3, paragraph (b) the state plan;

(4) school safety and student engagement and connection under section 120B.35, subdivision 3, paragraph (d);

(5) rigorous coursework under section 120B.35, subdivision 3, paragraph (c);

(6) the percentage of students under section 120B.35, subdivision 3, paragraph (b), clause (2), whose progress and performance levels are meeting career and college readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35, subdivision 3, paragraph (e);

(7) longitudinal data on the progress of eligible districts in reducing disparities in students' academic achievement and realizing racial and economic integration under section 124D.861;

(8) the acquisition of English, and where practicable, native language academic literacy, including oral academic language, and the academic progress of all English learners enrolled in a Minnesota public school course or program who are currently or were previously counted as English learners under section 124D.59;

(9) the percentage of students who graduated in the previous school year and correctly answered at least 30 of 50 civics test questions in accordance with section 120B.02, subdivision 3;

(10) two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios;

(11) staff characteristics excluding salaries;

(12) student enrollment demographics;

(13) foster care status, including all students enrolled in a Minnesota public school course or program who are currently or were previously in foster care, student homelessness, and district mobility; and

(14) extracurricular activities.

(b) The school performance report for a ~~school site and a school~~ district, school site, or charter school must include;

(1) school performance reporting information and calculate proficiency, including a prominent display of both the district's, school site's, or charter school's summative rating and score assigned by the commissioner under section 120B.355;

(2) academic achievement rates as required by the ~~most recently reauthorized Elementary and Secondary Education Act~~, state plan as defined under section 120B.355; and

(3) progress toward statewide goals under the state plan as defined under section 120B.355.

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

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

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

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



Sec. 22. Minnesota Statutes 2016, section 120B.36, subdivision 2, is amended to read:

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

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

Sec. 23. Minnesota Statutes 2017 Supplement, section 122A.09, is amended by adding a subdivision to read:

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

Sec. 24. Minnesota Statutes 2016, section 123B.14, subdivision 7, is amended to read:

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

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

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

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

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

Sec. 25. Minnesota Statutes 2016, section 124D.78, subdivision 2, is amended to read:

Subd. 2. **Resolution of concurrence.** Prior to March 1, the school board or American Indian school must submit to the department a copy of a resolution adopted by the American Indian education parent advisory committee. The copy must be signed by the chair of the committee and must state whether the committee concurs with the educational programs for American Indian students offered by the school board or American Indian school. If the committee does not concur with the educational programs, the reasons for nonconcurrence and recommendations ~~shall~~ must be submitted directly to the school board with the resolution. By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence, to each recommendation made by the committee and state its reasons for not implementing the recommendations.

Sec. 26. Minnesota Statutes 2016, section 124D.98, is amended to read:

#### **124D.98 LITERACY INCENTIVE AID.**

Subdivision 1. **Literacy incentive aid.** A district's literacy incentive aid equals the sum of the proficiency aid under subdivision 2, and the growth aid under subdivision 3.

Subd. 2. **Proficiency aid.** The proficiency aid for each school in a district that has submitted to the commissioner its local literacy plan under section 120B.12, subdivision 4a, is equal to the product of the school's proficiency allowance times the number of third grade pupils at the school on October 1 of the previous fiscal year. A school's proficiency allowance is equal to the percentage of students in each building that meet or exceed proficiency on the third grade reading Minnesota Comprehensive Assessment, averaged across the previous three test administrations, times \$530.

Subd. 3. **Growth aid.** The growth aid for each school in a district that has submitted to the commissioner its local literacy plan under section 120B.12, subdivision 4a, is equal to the product of the school's growth allowance times the number of fourth grade pupils enrolled at the school on October 1 of the previous fiscal year. A school's growth allowance is equal to the percentage of students at that school ~~making medium or high growth, under section 120B.299,~~ scoring at least one-half standard deviation below the state expected scores on the fourth grade reading Minnesota Comprehensive Assessment, averaged across the previous three test administrations, times \$530. The state expected scores are based on the average assessment scores for students with similar third grade assessment scores on the Minnesota Comprehensive Assessment.

Subd. 4. **Revenue uses.** (a) A school district or charter school's year-to-year change in its proficiency rate equals its three-year average third grade proficiency rate for the most recent period to the three-year third grade proficiency rate for the previous period, as calculated under subdivision 2.

(b) A school district or charter school must reserve its literacy incentive aid under this section and spend its literacy incentive aid only for the purposes of section 120B.12 if its year-to-year change in its proficiency rate is less than one.

(c) A school district or charter school with a year-to-year change in its proficiency rate of one or greater may direct its literacy incentive aid received under this section toward the goals of its local literacy plan.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal years 2019 and later.

Sec. 27. Minnesota Statutes 2017 Supplement, section 124E.11, is amended to read:

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

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

- (1) pupils within an age group or grade level;
- (2) pupils who are eligible to participate in the graduation incentives program under section 124D.68; or
- (3) residents of a specific geographic area in which the school is located when the majority of students served by the school are members of underserved populations.

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

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

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

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

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

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

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

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

**Subd. 6. Enrollment incentives prohibited.** ~~(f)~~ The charter school shall not distribute any services or goods of value to students, parents, or guardians as an inducement, term, or condition of enrolling a student in a charter school.

**Subd. 7. Enrollment continues.** ~~(g)~~ Once a student is enrolled in the school, the student is considered enrolled in the school until the student formally withdraws or is expelled under the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56.

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

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

Sec. 28. Minnesota Statutes 2016, section 125B.07, subdivision 6, is amended to read:

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

Sec. 29. Laws 2016, chapter 189, article 25, section 61, is amended to read:

Sec. 61. **CERTIFICATION INCENTIVE REVENUE.**

Subdivision 1. **Qualifying certificates.** As soon as practicable, the commissioner of education, in consultation with the Governor's Workforce Development Council established under Minnesota Statutes, section 116L.665, and the P-20 education partnership operating under Minnesota Statutes, section 127A.70, must establish the list of qualifying career and technical certificates and post the names of those certificates on the Department of Education's Web site. The certificates must be in fields where occupational opportunities exist.

Subd. 2. **School district participation.** (a) A school board may adopt a policy authorizing its students in grades 9 through 12, including its students enrolled in postsecondary enrollment options courses under Minnesota Statutes, section 124D.09, the opportunity to complete a qualifying certificate. The certificate may be completed as part of a regularly scheduled course.

(b) A school district may register a student for any assessment necessary to complete a qualifying certificate and pay any associated registration fees for its students.

Subd. 3. **Incentive funding.** (a) A school district's career and technical certification aid equals \$500 times the district's number of students enrolled during the current fiscal year who have obtained one or more qualifying certificates during the current fiscal year.

(b) The statewide total certificate revenue must not exceed ~~\$1,000,000~~ \$400,000 for the 2016-2017, 2017-2018, and 2018-2019 school years. The commissioner must proportionately reduce the initial aid provided under this subdivision so that the statewide aid cap is not exceeded.

Subd. 4. **Reports to the legislature.** (a) The commissioner of education must report to the committees of the legislature with jurisdiction over kindergarten through grade 12 education and higher education by February 1, 2017, on the number and types of certificates authorized for the 2016-2017 school year. The commissioner must also recommend whether the pilot program should be continued.

(b) By February 1, of 2018, 2019, and 2020, the commissioner of education must report to the committees of the legislature with jurisdiction over kindergarten through grade 12 education and higher education about the number and types of certificates earned by Minnesota's students during the ~~2016-2017~~ prior school year.

Sec. 30. Laws 2016, chapter 189, article 25, section 62, subdivision 15, is amended to read:

Subd. 15. **Certificate incentive funding.** (a) For the certificate incentive program:

\$ <del>1,000,000</del> <u>400,000</u>	. . . . .	2017
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(b) \$600,000 of the \$1,000,000 appropriation in Laws 2016, chapter 189, article 25, section 62, subdivision 15, is canceled to the general fund. This is a onetime appropriation. This appropriation is available until June 30, 2019.

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

Sec. 31. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 12, is amended to read:

Subd. 12. **Museums and education centers.** For grants to museums and education centers:

\$460,000	. . . . .	2018
\$ <del>460,000</del> <u>510,000</u>	. . . . .	2019

(a) \$319,000 each year is for the Minnesota Children's Museum. Of the amount in this paragraph, \$50,000 in each year is for the Minnesota Children's Museum, Rochester.

(b) \$50,000 each year is for the Duluth Children's Museum.

(c) \$41,000 each year is for the Minnesota Academy of Science.

(d) \$50,000 each year is for the Headwaters Science Center.

(e) \$50,000 in fiscal year 2019 is for the Grand Rapids Children's Museum.

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

(g) The base for fiscal year 2020 and later is \$460,000.

Sec. 32. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 14, is amended to read:

Subd. 14. **Singing-based pilot program to improve student reading.** (a) For a grant to pilot a research-supported, computer-based educational program that uses singing to improve the reading ability of students in grades 2 through 5:

\$500,000	. . . . .	2018
\$0	. . . . .	2019

(b) The commissioner of education shall award a grant to the Rock 'n' Read Project to implement a research-supported, computer-based educational program that uses singing to improve the reading ability of students in grades 2 through 5. The grantee shall be responsible for selecting participating school sites; providing any required hardware and software, including software licenses, for the duration of the grant period; providing technical support, training, and staff to install required project hardware and software; providing on-site professional development and instructional monitoring and support for school staff and students; administering preintervention and postintervention reading assessments; evaluating the impact of the intervention; and other project management services as required. To the extent practicable, the grantee must select participating schools in urban, suburban, and greater Minnesota, and give priority to schools in which a high proportion of students do not read proficiently at grade level and are eligible for free or reduced-price lunch.

(c) By February 15, 2019, the grantee must submit a report detailing expenditures and outcomes of the grant to the commissioner of education and the chairs and ranking minority members of the legislative committees with primary jurisdiction over kindergarten through grade 12 education policy and finance.

(d) This is a onetime appropriation.

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

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

Sec. 33. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23, is amended to read:

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

\$1,500,000	.....	2018
\$1,500,000	.....	2019

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

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

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

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

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

Sec. 34. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 24, is amended to read:

Subd. 24. **Statewide testing and reporting system.** (a) For the statewide testing and reporting system under Minnesota Statutes, section 120B.30:

\$10,892,000	.....	2018
\$10,892,000	.....	2019

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

(c) For fiscal years 2020 and 2021, the base budget for this program must be adjusted by multiplying the fiscal year 2019 appropriation by the ratio of the estimated total number of Minnesota Comprehensive Assessments taken by students in the current fiscal year to the total number of Minnesota Comprehensive Assessments taken by students in fiscal year 2017. This is estimated to reduce the base appropriation by \$245,000 in fiscal year 2020 and fiscal year 2021.

Sec. 35. **APPROPRIATIONS.**

Subdivision 1. Commissioner of education. The sums indicated in this section are appropriated from the general fund to the commissioner of education in the fiscal year designated.

Subd. 2. **Mounds View early college aid.** (a) For Independent School District No. 621, Mounds View:

\$250,000	.....	2019
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(b) The amount awarded under this subdivision must be used to provide scholarships for teachers who teach secondary school courses for postsecondary credit through the district's early college program to enroll in up to 18 graduate credits in an applicable subject area. The district and the State Partnership are encouraged to collaborate to avoid duplication of service and, to the extent practicable, provide district teachers access to the State Partnership's continuing education program established in accordance with Laws 2017, First Special Session chapter 5, article 2, section 48.

(c) This is a onetime appropriation.

(d) Notwithstanding Minnesota Statutes, section 16A.28, the fiscal year 2019 appropriation is available until June 30, 2022. Any remaining balance is canceled to the general fund.

Subd. 3. **Vocational enrichment revenue.** (a) For vocational enrichment grants to school districts, including Independent School District No. 2752, Fairmont, for career and technical education in extended week and summer school programs:

\$250,000	.....	2019
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(b) A school district must apply for a grant in the form and manner specified by the commissioner. The maximum amount of a vocational enrichment grant equals the product of:

(1) \$5,117;

(2) 1.2;

(3) the number of students participating in the program; and

(4) the ratio of the actual hours of service provided to each student to 1,020.

(c) If applications for funding exceed the amount appropriated for the program, the commissioner must prioritize grants to programs in the following pathways: welding; construction trades; automotive technology; household electrical skills; heating, ventilation, and air conditioning; plumbing; culinary arts; and agriculture.

(d) This is a onetime appropriation.

(e) Notwithstanding Minnesota Statutes, section 16A.28, the fiscal year 2019 appropriation is available until June 30, 2021.

Subd. 4. **Vocational postsecondary enrollment options.** (a) For a grant to Independent School District No. 110, Waconia, to establish a career and technical education dual credit pilot program in partnership with Hennepin County Technical College and Ridgewater College offering courses in manufacturing and construction:

\$150,000

.....

2019

(b) A dual credit course offered under the pilot program must be taught by a qualified school district teacher or college faculty member. A student that completes a course offered by the career and technical education dual credit pilot program must receive both a secondary credit and postsecondary credit. A student may also receive an industry-recognized certificate, if appropriate.

(c) A dual credit course offered under the pilot program is not subject to the requirements of Minnesota Statutes, section 124D.09. A student enrolled in a dual credit course is included in the school district's average daily membership in accordance with Minnesota Statutes, section 126C.05, during the hours of participation in the course.

(d) Notwithstanding Minnesota Statutes, section 16A.28, the fiscal year 2019 appropriation is available until June 30, 2021.

(e) This is a onetime appropriation.

Subd. 5. **Mind Foundry Learning Foundation.** (a) For a grant to the Mind Foundry Learning Foundation to run after-school STEM programming to inspire and educate underserved youth in St. Paul about the value of STEM fields in 21st century work and learning:

\$200,000

.....

2019

(b) Notwithstanding Minnesota Statutes, section 16A.28, the fiscal year 2019 appropriation is available until June 30, 2021.

(c) This is a onetime appropriation.

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



Sec. 36. **REVISOR'S INSTRUCTION.**

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

<u>Column A</u>	<u>Column B</u>
<u>136D.01</u>	<u>123C.01</u>
<u>136D.21</u>	<u>123C.21</u>
<u>136D.22</u>	<u>123C.22</u>
<u>136D.23</u>	<u>123C.23</u>
<u>136D.24</u>	<u>123C.24</u>
<u>136D.25</u>	<u>123C.25</u>
<u>136D.26</u>	<u>123C.26</u>
<u>136D.281</u>	<u>123C.27</u>
<u>136D.29</u>	<u>123C.28</u>
<u>136D.31</u>	<u>123C.29</u>
<u>136D.41</u>	<u>123C.41</u>
<u>136D.42</u>	<u>123C.42</u>
<u>136D.43</u>	<u>123C.43</u>
<u>136D.44</u>	<u>123C.44</u>
<u>136D.45</u>	<u>123C.45</u>
<u>136D.46</u>	<u>123C.46</u>
<u>136D.47</u>	<u>123C.47</u>
<u>136D.48</u>	<u>123C.48</u>
<u>136D.49</u>	<u>123C.49</u>
<u>136D.71</u>	<u>123C.71</u>
<u>136D.72</u>	<u>123C.72</u>
<u>136D.73</u>	<u>123C.73</u>
<u>136D.74</u>	<u>123C.74</u>
<u>136D.741</u>	<u>123C.75</u>
<u>136D.76</u>	<u>123C.76</u>
<u>136D.81</u>	<u>123C.81</u>
<u>136D.82</u>	<u>123C.82</u>
<u>136D.83</u>	<u>123C.83</u>
<u>136D.84</u>	<u>123C.84</u>
<u>136D.85</u>	<u>123C.85</u>
<u>136D.86</u>	<u>123C.86</u>
<u>136D.88</u>	<u>123C.87</u>
<u>136D.90</u>	<u>123C.88</u>
<u>136D.92</u>	<u>123C.89</u>
<u>136D.93</u>	<u>123C.90</u>
<u>136D.94</u>	<u>123C.91</u>

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

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

Sec. 37. **REPEALER.**

Minnesota Statutes 2016, section 120B.299, subdivisions 7, 8, 9, and 11, are repealed.

ARTICLE 4  
TEACHERS

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

**121A.39 SCHOOL COUNSELORS.**

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

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

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

Sec. 2. **[122A.051] CODE OF ETHICS.**

Subdivision 1. **Scope.** Each teacher, upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles that defines professional conduct. These principles are reflected in the code of ethics, which sets forth to the education profession and the public it serves standards of professional conduct. This code applies to all persons licensed according to rules established by the Professional Educator Licensing and Standards Board.

Subd. 2. **Standards of professional conduct.** (a) A teacher must provide professional education services in a nondiscriminatory manner.

(b) A teacher must make reasonable effort to protect students from conditions harmful to health and safety.

(c) In accordance with state and federal laws, a teacher must disclose confidential information about individuals only when a compelling professional purpose is served or when required by law.

(d) A teacher must take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning.

(e) A teacher must not use professional relationships with students, parents, and colleagues to personal advantage.

(f) A teacher must delegate authority for teaching responsibilities only to licensed personnel or as otherwise provided by law.

(g) A teacher must not deliberately suppress or distort subject matter.

(h) A teacher must not knowingly falsify or misrepresent records or facts relating to that teacher's own qualifications or to other teachers' qualifications.

(i) A teacher must not knowingly make false or malicious statements about students or colleagues.

(j) A teacher must accept a contract for a teaching position that requires licensing only if properly or provisionally licensed for that position.

(k) A teacher must not engage in any sexual contact with a student.

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

Sec. 3. Minnesota Statutes 2017 Supplement, section 122A.09, subdivision 2, is amended to read:

Subd. 2. **Advise members of profession.** The Professional Educator Licensing and Standards Board must act in an advisory capacity to members of the profession in matters of interpretation of the code of ethics in section 122A.051.

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

Sec. 4. Minnesota Statutes 2017 Supplement, section 122A.18, subdivision 8, is amended to read:

Subd. 8. **Background checks.** (a) The Professional Educator Licensing and Standards Board and the Board of School Administrators must request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all first-time teaching applicants for licenses under their jurisdiction. Applicants must include with their licensure applications:

(1) an executed criminal history consent form, including fingerprints; and

(2) a money order or cashier's check payable to the Bureau of Criminal Apprehension for the fee for conducting the criminal history background check.

(b) The superintendent of the Bureau of Criminal Apprehension ~~shall~~ must perform the background check required under paragraph (a) by retrieving criminal history data as defined in section 13.87 and shall also conduct a search of the national criminal records repository. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent ~~shall~~ must recover the cost to the bureau of a background check through the fee charged to the applicant under paragraph (a).

~~(c) The Professional Educator Licensing and Standards Board or the Board of School Administrators may issue a license pending completion of a background check under this subdivision, but must notify the individual and the school district or charter school employing the individual that the individual's license may be revoked based on the result of the background check.~~

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

Sec. 5. Minnesota Statutes 2017 Supplement, section 122A.187, subdivision 3, is amended to read:

Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, who have been employed as a teacher during the renewal period of the expiring license, as a condition of license renewal, must present to their local continuing education and relicensure

committee or other local relicensure committee evidence of work that demonstrates professional reflection and growth in best teaching practices, including among other things, cultural competence in accordance with section 120B.30, subdivision 1, paragraph (q), and practices in meeting the varied needs of English learners, from young children to adults under section 124D.59, subdivisions 2 and 2a. A teacher may satisfy the requirements of this paragraph by submitting the teacher's most recent summative evaluation or improvement plan under section 122A.40, subdivision 8, or 122A.41, subdivision 5. Counselors, school social workers, and teachers who do not provide direct instruction but who provide academic, college, and career planning and support to students may submit proof of training on armed forces career options or careers in the skilled trades and manufacturing as additional evidence of professional growth.

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

Sec. 6. Minnesota Statutes 2017 Supplement, section 122A.187, is amended by adding a subdivision to read:

Subd. 7. **Background check.** The Professional Educator Licensing and Standards Board and the Board of School Administrators must request a criminal history background check on a licensed teacher applying for a renewal license who has not had a background check within the preceding five years.

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

Sec. 7. Minnesota Statutes 2017 Supplement, section 122A.20, subdivision 1, is amended to read:

Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Professional Educator Licensing and Standards Board or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the school board employing a teacher, a teacher organization, or any other interested person, refuse to issue, refuse to renew, suspend, or revoke a teacher's license to teach for any of the following causes:

- (1) immoral character or conduct;
- (2) failure, without justifiable cause, to teach for the term of the teacher's contract;
- (3) gross inefficiency or willful neglect of duty;
- (4) failure to meet licensure requirements; or
- (5) fraud or misrepresentation in obtaining a license.

The written complaint must specify the nature and character of the charges.

(b) The Professional Educator Licensing and Standards Board or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, ~~shall~~ must refuse to issue, refuse to renew, or automatically revoke a teacher's license to teach without the right to a hearing upon receiving a certified copy of a conviction showing that the teacher has been convicted of:

- (1) a qualified domestic violence-related offense, as defined in section 609.02, subdivision 16;
- (2) child abuse, as defined in section 609.185;
- (3) domestic assault under section 609.2242;

- (4) sex trafficking in the first degree under section 609.322, subdivision 1;
- (5) sex trafficking in the second degree under section 609.322, subdivision 1a;
- (6) engaging in hiring, or agreeing to hire a minor to engage in prostitution under section 609.324, ~~subdivision subdivisions 1, sexual abuse 1a, and 2;~~
- (7) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3;
- (8) solicitation of children to engage in sexual conduct or communication of sexually explicit materials to children under section 609.352;
- (9) embezzlement of public funds under section 609.54, clause (2);
- (10) interference with privacy under section 609.746 or stalking under section 609.749 and the victim was a minor;
- (11) using minors in a sexual performance under section 617.246;
- (12) possessing pornographic works involving a minor under section 617.247; or
- (13) any other offense not listed in this paragraph that requires the person to register as a predatory offender under section 243.166, or a crime under a similar law of another state or the United States.

In addition, the board must refuse to issue, refuse to renew, or automatically revoke a teacher's license to teach without the right to a hearing upon receiving a certified copy of a stay of adjudication for an offense that, if convicted of, would require predatory offender registration under section 243.166. The board may refuse to issue, refuse to renew, or revoke a teacher's license to teach upon receiving a certified copy of a stay of adjudication for any other offense described in this paragraph.

The board ~~shall~~ must send notice of this licensing action to the district in which the teacher is currently employed.

(c) A person whose license to teach has been revoked, not issued, or not renewed under paragraph (b), may petition the board to reconsider the licensing action if the person's conviction for child abuse or sexual abuse is reversed by a final decision of the Court of Appeals or the Supreme Court or if the person has received a pardon for the offense. The petitioner ~~shall~~ must attach a certified copy of the appellate court's final decision or the pardon to the petition. Upon receiving the petition and its attachment, the board ~~shall~~ must schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2, unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified from teaching under paragraph (a), clause (1), the board ~~shall~~ must affirm its previous licensing action. If the board finds that the petitioner is not disqualified from teaching under paragraph (a), clause (1), it ~~shall~~ must reverse its previous licensing action.

(d) The Professional Educator Licensing and Standards Board or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue, refuse to renew, or revoke a teacher's license to teach if the teacher has been convicted of:

(1) a felony; or

(2) a gross misdemeanor involving a minor.

A person whose license to teach has been revoked, not issued, or not renewed under this paragraph may petition the board to reconsider for good cause shown, in accordance with procedures adopted by the board.

(e) The Professional Educator Licensing and Standards Board or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue, refuse to renew, or revoke a teacher's license to teach if the teacher has engaged in sexual penetration as defined in section 609.321, subdivision 11, with a student enrolled in a school where the teacher works or volunteers.

(f) A decision by the Professional Educator Licensing and Standards Board to refuse to issue, refuse to renew, suspend, or revoke a license under this subdivision is not subject to review under section 122A.188.

(g) The Professional Educator Licensing and Standards Board or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, may suspend a teacher's license pending an investigation into a report of conduct that would be grounds for revocation under paragraph (b), (d), or (e).

~~(d)~~ (h) For purposes of this subdivision, the Professional Educator Licensing and Standards Board is delegated the authority to suspend or revoke coaching licenses.

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

Sec. 8. Minnesota Statutes 2017 Supplement, section 122A.20, subdivision 2, is amended to read:

Subd. 2. **Mandatory reporting.** (a) A school board must report to the Professional Educator Licensing and Standards Board, the Board of School Administrators, or the Board of Trustees of the Minnesota State Colleges and Universities, whichever has jurisdiction over the teacher's or administrator's license, when its teacher or administrator is discharged or resigns from employment after a charge is filed with the school board under section 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7, or after charges are filed that are grounds for discharge under section 122A.40, subdivision 13, paragraph (a), clauses (1) to (5), or when a teacher or administrator is suspended or resigns while an investigation is pending under section 122A.40, subdivision 13, paragraph (a), clauses (1) to (5); 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7; or 626.556, or when a teacher or administrator is suspended without an investigation under section 122A.41, subdivisions 6, paragraph (a), clauses (1), (2), and (3), and 7; or 626.556. The report must be made to the appropriate licensing board within ten days after the discharge, suspension, or resignation has occurred. The licensing board to which the report is made must investigate the report for violation of subdivision 1 and the reporting board must cooperate in the investigation. Notwithstanding any provision in chapter 13 or any law to the contrary, upon written request from the licensing board having jurisdiction over the license, a board or school superintendent ~~shall~~ **must** provide the licensing board with information about the teacher or administrator from the district's files, any termination or disciplinary proceeding, any settlement or compromise, or any investigative file. Upon written request from the appropriate licensing board, a board or school superintendent may, at the discretion of the board or school superintendent, solicit the written consent of a student and the student's parent to provide the licensing board with information that may aid the licensing board in its investigation and license proceedings. The licensing board's request need not identify a student or parent by name. The consent of the student and the student's parent must meet the requirements of chapter 13 and Code of Federal Regulations, title 34, section 99.30. The licensing board may provide a consent form to the district. Any data transmitted to any board under this section is private data under section 13.02, subdivision 12, notwithstanding any other classification of the data when it was in the possession of any other agency.

(b) The licensing board to which a report is made must transmit to the Attorney General's Office any record or data it receives under this subdivision for the sole purpose of having the Attorney General's Office assist that board in its investigation. When the Attorney General's Office has informed an employee of the appropriate licensing board in writing that grounds exist to suspend or revoke a teacher's license to teach, that licensing board must consider suspending or revoking or decline to suspend or revoke the teacher's or administrator's license within 45 days of receiving a stipulation executed by the teacher or administrator under investigation or a recommendation from an administrative law judge that disciplinary action be taken.

(c) The Professional Educator Licensing and Standards Board and Board of School Administrators must report to the appropriate law enforcement authorities a revocation, suspension, or agreement involving a loss of license, relating to a teacher or administrator's inappropriate sexual conduct with a minor. For purposes of this section, "law enforcement authority" means a police department, county sheriff, or tribal police department. A report by the Professional Educator Licensing and Standards Board or the Board of School Administrators to appropriate law enforcement authorities does not diminish, modify, or otherwise affect the responsibilities of a licensing board, school board, or any person mandated to report abuse under section 626.556.

(d) The Professional Educator Licensing and Standards Board and Board of School Administrators must, immediately upon receiving information that gives the board reason to believe a child has at any time been neglected or physically or sexually abused, as defined in section 626.556, subdivision 2, report the information to:

(1) the local welfare agency, agency responsible for assessing or investigating the report, or tribal social services agency; and

(2) the police department, county sheriff, or tribal police department.

A report under this paragraph does not diminish, modify, or otherwise affect the responsibilities of a licensing board under section 626.556.

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

Sec. 9. Minnesota Statutes 2017 Supplement, section 122A.40, subdivision 13, is amended to read:

Subd. 13. **Immediate discharge.** (a) Except as otherwise provided in paragraph (b), a board may discharge a continuing-contract teacher, effective immediately, upon any of the following grounds:

- (1) immoral conduct, insubordination, or conviction of a felony;
- (2) conduct unbecoming a teacher which requires the immediate removal of the teacher from classroom or other duties;
- (3) failure without justifiable cause to teach without first securing the written release of the school board;
- (4) gross inefficiency which the teacher has failed to correct after reasonable written notice;
- (5) willful neglect of duty; or
- (6) continuing physical or mental disability subsequent to a 12 months leave of absence and inability to qualify for reinstatement in accordance with subdivision 12.

For purposes of this paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363A.13.

Prior to discharging a teacher under this paragraph, the board must notify the teacher in writing and state its ground for the proposed discharge in reasonable detail. Within ten days after receipt of this notification the teacher may make a written request for a hearing before the board and it ~~shall~~ must be granted before final action is taken. The board may suspend a teacher with pay pending the conclusion of the hearing and determination of the issues raised in the hearing after charges have been filed which constitute ground for discharge. If a teacher has been charged with a felony and the underlying conduct that is the subject of the felony charge is a ground for a proposed immediate discharge, the suspension pending the conclusion of the hearing and determination of the issues may be

without pay. If a hearing under this paragraph is held, the board must reimburse the teacher for any salary or compensation withheld if the final decision of the board or the arbitrator does not result in a penalty to or suspension, termination, or discharge of the teacher.

(b) A board must discharge a continuing-contract teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for:

- (1) child abuse, as defined in section 609.185;
- (2) sex trafficking in the first degree under section 609.322, subdivision 1;
- (3) sex trafficking in the second degree under section 609.322, subdivision 1a;
- (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section 609.324, subdivision 1;
- (5) sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3;
- (6) solicitation of children to engage in sexual conduct or communication of sexually explicit materials to children under section 609.352;
- (7) interference with privacy under section 609.746 or stalking under section 609.749 and the victim was a minor;
- (8) using minors in a sexual performance under section 617.246;
- (9) possessing pornographic works involving a minor under section 617.247; ~~or~~
- (10) any other offense not listed in this paragraph that requires the person to register as a predatory offender under section 243.166, or a crime under a similar law of another state or the United States; or
- (11) any other offense not listed in this paragraph that requires notice of a licensing action to the district in accordance with section 122A.20, subdivision 1, paragraph (b).

In addition, a board must discharge a continuing-contract teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a stay of adjudication for an offense that, if convicted of, would require predatory offender registration under section 243.166.

(c) When a teacher is discharged under paragraph (b) or when the commissioner makes a final determination of child maltreatment involving a teacher under section 626.556, subdivision 11, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under section 13.41, subdivision 5, and must provide the Professional Educator Licensing and Standards Board ~~and the licensing division at the department~~ with the necessary and relevant information to enable the Professional Educator Licensing and Standards Board ~~and the department's licensing division~~ to fulfill ~~their~~ its statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. Information received by the Professional Educator Licensing and Standards Board ~~or the licensing division at the department~~ under this paragraph is governed by section 13.41 or other applicable law governing data of the receiving entity. In addition to the background check required under section 123B.03, a school board or other school hiring authority must contact the Professional Educator Licensing and Standards Board ~~and the department~~ to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final



maltreatment determinations identified in this paragraph. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher employee or contractor of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

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

Sec. 10. Minnesota Statutes 2017 Supplement, section 122A.41, subdivision 6, is amended to read:

Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided in paragraph (b), causes for the discharge or demotion of a teacher either during or after the probationary period must be:

- (1) immoral character, conduct unbecoming a teacher, or insubordination;
- (2) failure without justifiable cause to teach without first securing the written release of the school board having the care, management, or control of the school in which the teacher is employed;
- (3) inefficiency in teaching or in the management of a school, consistent with subdivision 5, paragraph (b);
- (4) affliction with a communicable disease must be considered as cause for removal or suspension while the teacher is suffering from such disability; or
- (5) discontinuance of position or lack of pupils.

For purposes of this paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363A.13.

(b) A probationary or continuing-contract teacher must be discharged immediately upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for:

- (1) child abuse, as defined in section 609.185;
- (2) sex trafficking in the first degree under section 609.322, subdivision 1;
- (3) sex trafficking in the second degree under section 609.322, subdivision 1a;
- (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section 609.324, subdivision 1;
- (5) sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3;
- (6) solicitation of children to engage in sexual conduct or communication of sexually explicit materials to children under section 609.352;
- (7) interference with privacy under section 609.746 or stalking under section 609.749 and the victim was a minor;
- (8) using minors in a sexual performance under section 617.246;
- (9) possessing pornographic works involving a minor under section 617.247; ~~or~~

(10) any other offense not listed in this paragraph that requires the person to register as a predatory offender under section 243.166, or a crime under a similar law of another state or the United States; or

(11) any other offense not listed in this paragraph that requires notice of a licensing action to the district in accordance with section 122A.20, subdivision 1, paragraph (b).

In addition, a probationary or continuing-contract teacher must be discharged immediately upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a stay of adjudication for an offense that, if convicted of, would require predatory offender registration under section 243.166.

(c) When a teacher is discharged under paragraph (b) or when the commissioner makes a final determination of child maltreatment involving a teacher under section 626.556, subdivision 11, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under section 13.41, subdivision 5, and must provide the Professional Educator Licensing and Standards Board ~~and the licensing division at the department~~ with the necessary and relevant information to enable the Professional Educator Licensing and Standards Board ~~and the department's licensing division~~ to fulfill ~~their~~ its statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. Information received by the Professional Educator Licensing and Standards Board ~~or the licensing division at the department~~ under this paragraph is governed by section 13.41 or other applicable law governing data of the receiving entity. In addition to the background check required under section 123B.03, a school board or other school hiring authority must contact the Professional Educator Licensing and Standards Board ~~and the department~~ to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations identified in this paragraph. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher employee or contractor of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

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

Sec. 11. Minnesota Statutes 2016, section 122A.42, is amended to read:

#### **122A.42 GENERAL CONTROL OF SCHOOLS.**

(a) The teacher of record shall have the general control and government of the school and classroom. When more than one teacher is employed in any district, one of the teachers may be designated by the board as principal and shall have the general control and supervision of the schools of the district, subject to the general supervisory control of the board and other officers.

(b) Consistent with paragraph (a), the teacher may remove students from class under section 121A.61, subdivision 2, for violent or disruptive conduct. A school district must include notice of a teacher's authority under this paragraph in a teacher handbook, school policy guide, or other similar communication.

Sec. 12. Minnesota Statutes 2016, section 122A.71, subdivision 2, is amended to read:

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

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

Sec. 13. Minnesota Statutes 2017 Supplement, section 123B.03, subdivision 1, is amended to read:

Subdivision 1. **Background check required.** (a) A school hiring authority ~~shall~~ **must** request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all individuals who are offered employment in a school and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to a school, regardless of whether any compensation is paid. In order for an individual to be eligible for employment or to provide the services, the individual must provide an executed criminal history consent form and a money order or check payable to either the Bureau of Criminal Apprehension or the school hiring authority, at the discretion of the school hiring authority, in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. A school hiring authority deciding to receive payment may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and shall pay the superintendent of the Bureau of Criminal Apprehension directly to conduct the background check. The superintendent of the Bureau of Criminal Apprehension shall conduct the background check by retrieving criminal history data as defined in section 13.87. A school hiring authority, at its discretion, may decide not to request a criminal history background check on an individual who holds an initial entrance license issued by the Professional Educator Licensing and Standards Board or the commissioner of education within the 12 months preceding an offer of employment.

(b) A school hiring authority may use the results of a criminal background check conducted at the request of another school hiring authority if:

(1) the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;

(2) the other school hiring authority conducted a criminal background check within the previous 12 months;

(3) the individual who is the subject of the criminal background check executes a written consent form giving a school hiring authority access to the results of the check; and

(4) there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment.

(c) A school hiring authority may, at its discretion, request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on any individual who seeks to enter a school or its grounds for the purpose of serving as a school volunteer or working as an independent contractor or student employee. In order for an individual to enter a school or its grounds under this paragraph when the school hiring authority decides to request a criminal history background check on the individual, the individual first must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school district in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual unless a school hiring authority decides to pay the costs of conducting a background check under this paragraph. If the school hiring authority pays the costs, the individual who is the subject of the background check need not pay for it.

(d) In addition to the initial background check required for all individuals offered employment in accordance with paragraph (a), a school hiring authority must request a new criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all employees every five years. Notwithstanding any law to the contrary, in order for an individual to be eligible for continued employment, an individual must provide an executed criminal history consent form and a money order or check payable to either the Bureau of Criminal Apprehension or the school hiring authority, at the discretion of the school hiring authority, in an amount equal to

the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. A school hiring authority deciding to receive payment may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and shall pay the superintendent of the Bureau of Criminal Apprehension directly to conduct the background check. A school hiring authority, at its discretion, may decide not to request a criminal history background check on an employee who provides the hiring authority with a copy of the results of a criminal history background check conducted within the previous 60 months. A school hiring authority may, at its discretion, decide to pay the costs of conducting a background check under this paragraph.

(d) (e) For all nonstate residents who are offered employment in a school, a school hiring authority shall request a criminal history background check on such individuals from the superintendent of the Bureau of Criminal Apprehension and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. Such individuals must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school hiring authority in an amount equal to the actual cost to the government agencies and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

(e) (f) At the beginning of each school year or when a student enrolls, a school hiring authority must notify parents and guardians about the school hiring authority's policy requiring a criminal history background check on employees and other individuals who provide services to the school, and identify those positions subject to a background check and the extent of the hiring authority's discretion in requiring a background check. The school hiring authority may include the notice in the student handbook, a school policy guide, or other similar communication. Nothing in this paragraph affects a school hiring authority's ability to request a criminal history background check on an individual under paragraph (c).

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

Sec. 14. Minnesota Statutes 2017 Supplement, section 123B.03, subdivision 2, is amended to read:

Subd. 2. **Effect of background check or Professional Educator Licensing and Standards Board action.** (a) ~~A school hiring authority may hire or otherwise allow an individual to provide a service to a school pending completion of a background check under subdivision 1 or obtaining notice of a Professional Educator Licensing and Standards Board action under subdivision 1a but shall notify the individual that the individual's employment or other service may be terminated based on the result of the background check or Professional Educator Licensing and Standards Board action.~~ A school hiring authority is not liable for failing to hire or for terminating an individual's employment or other service based on the result of a background check or Professional Educator Licensing and Standards Board action under this section.

(b) For purposes of this paragraph, a school hiring authority must inform an individual if the individual's application to be an employee or volunteer in the district has been denied as a result of a background check conducted under this section. The school hiring authority must also inform an individual who is a current employee or volunteer if the individual's employment or volunteer status in the district is being terminated as a result of a background check conducted under subdivision 4.

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

Sec. 15. Minnesota Statutes 2016, section 171.02, subdivision 2a, is amended to read:

Subd. 2a. **Exception for certain school bus drivers.** Notwithstanding subdivision 2, paragraph (b), the holder of a class D driver's license, without a school bus endorsement, may operate a type A school bus or a multifunction school activity bus under the following conditions:

(a) The operator is an employee of the entity that owns, leases, or contracts for the school bus and is not solely hired to provide transportation services under this subdivision.

(b) The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.

(c) The operator is prohibited from using the eight-light system. Violation of this paragraph is a misdemeanor.

(d) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

- (1) safe operation of the type of school bus the operator will be driving;
- (2) understanding student behavior, including issues relating to students with disabilities;
- (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
- (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
- (5) handling emergency situations; and
- (6) safe loading and unloading of students.

(e) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for teachers; section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision 3, for all other persons operating a school bus under this subdivision.

(f) Operators shall submit to a physical examination as required by section 171.321, subdivision 2.

(g) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.

(h) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute or ordinance of another state is precluded from operating a school bus for five years from the date of conviction.

(i) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), or received a stay of adjudication for an offense that, if convicted of, would require predatory offender registration under section 243.166, may not operate a school bus under this subdivision.

(j) A person who sustains a conviction, as defined under section 609.02, of a fourth moving offense in violation of chapter 169 is precluded from operating a school bus for one year from the date of the last conviction.

(k) Students riding the school bus must have training required under section 123B.90, subdivision 2.

(l) An operator must be trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses," if child safety restraints are used by the passengers.

(m) Annual certification of the requirements listed in this subdivision must be maintained under separate file at the business location for each operator licensed under this subdivision and subdivision 2, paragraph (b), clause (5). The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the school bus operating under this subdivision is responsible for maintaining these files for inspection.

(n) The school bus must bear a current certificate of inspection issued under section 169.451.

(o) If the word "School" appears on the front and rear of the bus, the word "School" must be covered by a sign that reads "Activities" when the bus is being operated under authority of this subdivision.

(p) The type A-I school bus or multifunction school activity bus is designed to transport 15 or fewer passengers, including the driver.

(q) The school bus or multifunction school activity bus has a gross vehicle weight rating of 14,500 pounds or less.

Sec. 16. Minnesota Statutes 2017 Supplement, section 171.02, subdivision 2b, is amended to read:

Subd. 2b. **Exception for type III vehicle drivers.** (a) Notwithstanding subdivision 2, the holder of a class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle described in section 169.011, subdivision 71, paragraph (h), under the conditions in this subdivision.

(b) The operator is an employee of the entity that owns, leases, or contracts for the school bus.

(c) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

- (1) safe operation of a type III vehicle;
- (2) understanding student behavior, including issues relating to students with disabilities;
- (3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;
- (4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;
- (5) handling emergency situations;
- (6) proper use of seat belts and child safety restraints;
- (7) performance of pretrip vehicle inspections;
- (8) safe loading and unloading of students, including, but not limited to:

(i) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;

(ii) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;

(iii) avoiding a loading or unloading location that would require a pupil to cross a road, or ensuring that the driver or an aide personally escort the pupil across the road if it is not reasonably feasible to avoid such a location;

(iv) placing the type III vehicle in "park" during loading and unloading; and

(v) escorting a pupil across the road under item (iii) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and

(9) compliance with paragraph (k), concerning reporting certain convictions to the employer within ten days of the date of conviction.

(d) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for school district employees; section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision 3, for all other persons operating a type III vehicle under this subdivision.

(e) Operators shall submit to a physical examination as required by section 171.321, subdivision 2.

(f) The operator's employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer's policy under section 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the operator's employer may use a Breathalyzer or similar device to fulfill random alcohol testing requirements.

(g) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the type III vehicle as required under section 171.321, subdivision 5.

(h) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to 169A.53 of the implied consent law or section 171.177, or who is convicted of violating or whose driver's license is revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for five years from the date of conviction.

(i) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), or received a stay of adjudication for an offense that, if convicted of, would require predatory offender registration under section 243.166, may not operate a type III vehicle under this subdivision.

(j) A person who sustains a conviction, as defined under section 609.02, of a moving offense in violation of chapter 169 within three years of the first of three other moving offenses is precluded from operating a type III vehicle for one year from the date of the last conviction.

(k) An operator who sustains a conviction as described in paragraph (h), ~~(i)~~, or (j) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the employer within ten days of the date of the conviction. An operator who sustains a conviction or receives a stay of adjudication as described in paragraph (i) while employed by an entity that owns, leases, or contracts for the school bus shall report the conviction or stay of adjudication to the employer within ten days of the date of the conviction or stay of adjudication.

(l) An operator of a type III vehicle whose driver's license is suspended, revoked, canceled, or disqualified by Minnesota, another state, or another jurisdiction must notify the operator's employer in writing of the suspension, revocation, cancellation, lost privilege, or disqualification. The operator must notify the operator's employer before the end of the business day immediately following the day the operator received notice of the suspension, revocation, cancellation, lost privilege, or disqualification.

(m) Students riding the type III vehicle must have training required under section 123B.90, subdivision 2.

(n) Documentation of meeting the requirements listed in this subdivision must be maintained under separate file at the business location for each type III vehicle operator. The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the type III vehicle operating under this subdivision is responsible for maintaining these files for inspection.

(o) The type III vehicle must bear a current certificate of inspection issued under section 169.451.

(p) An employee of a school or of a school district, who is not employed for the sole purpose of operating a type III vehicle, is exempt from paragraphs (e) and (f).

Sec. 17. Minnesota Statutes 2017 Supplement, section 171.3215, subdivision 2, is amended to read:

Subd. 2. **Cancellation for disqualifying and other offenses.** Within ten days of receiving notice under section 631.40, subdivision 1a, or otherwise receiving notice for a nonresident driver, that a school bus driver has been convicted of a disqualifying offense or received a stay of adjudication for an offense that, if convicted of, would require predatory offender registration under section 243.166, the commissioner shall permanently cancel the school bus driver's endorsement on the offender's driver's license and in the case of a nonresident, the driver's privilege to operate a school bus in Minnesota. A school bus driver whose endorsement or privilege to operate a school bus in Minnesota has been permanently canceled may not apply for reinstatement. Within ten days of receiving notice under section 631.40, subdivision 1a, or otherwise receiving notice for a nonresident driver, that a school bus driver has been convicted of a violation of section 169A.20, or a similar statute or ordinance from another state, and within ten days of revoking a school bus driver's license under section 169A.52 or 171.177, the commissioner shall cancel the school bus driver's endorsement on the offender's driver's license or the nonresident's privilege to operate a school bus in Minnesota for five years. After five years, a school bus driver may apply to the commissioner for reinstatement. Even after five years, cancellation of a school bus driver's endorsement or a nonresident's privilege to operate a school bus in Minnesota for a violation under section 169A.20, sections 169A.50 to 169A.53, section 171.177, or a similar statute or ordinance from another state, shall remain in effect until the driver provides proof of successful completion of an alcohol or controlled substance treatment program. For a first offense, proof of completion is required only if treatment was ordered as part of a chemical use assessment. Within ten days of receiving notice under section 631.40, subdivision 1a, or otherwise receiving notice for a nonresident driver, that a school bus driver has been convicted of a fourth moving violation in the last three years, the commissioner shall cancel the school bus driver's endorsement on the offender's driver's license or the nonresident's privilege to operate a school bus in Minnesota until one year has elapsed since the last conviction. A school bus driver who has no new convictions after one year may apply for reinstatement. Upon canceling the offender's school bus driver's endorsement, the commissioner shall immediately notify the licensed offender of the cancellation in writing, by depositing in the United States post office a notice addressed to the licensed offender at the licensed offender's last known address, with postage prepaid thereon.

Sec. 18. Minnesota Statutes 2017 Supplement, section 171.3215, subdivision 3, is amended to read:

Subd. 3. **Background check.** Before issuing or renewing a driver's license with a school bus driver's endorsement, the commissioner shall conduct an investigation to determine if the applicant has been convicted of committing a disqualifying offense, four moving violations in the previous three years, a violation of section 169A.20 or a similar statute or ordinance from another state, a gross misdemeanor, or if the applicant's driver's license has been revoked under section 169A.52 or 171.177 or if the applicant received a stay of adjudication for an offense that, if convicted of, would require predatory offender registration under section 243.166. The commissioner shall not issue a new bus driver's endorsement and shall not renew an existing bus driver's endorsement if the applicant has been convicted of committing a disqualifying offense or if the applicant received a stay of adjudication for an offense that, if convicted of, would require predatory offender registration under section



243.166. The commissioner shall not issue a new bus driver's endorsement and shall not renew an existing bus driver's endorsement if, within the previous five years, the applicant has been convicted of committing a violation of section 169A.20, or a similar statute or ordinance from another state, a gross misdemeanor, or if the applicant's driver's license has been revoked under section 169A.52 or 171.177, or if, within the previous three years, the applicant has been convicted of four moving violations. An applicant who has been convicted of violating section 169A.20, or a similar statute or ordinance from another state, or who has had a license revocation under section 169A.52 or 171.177 within the previous ten years must show proof of successful completion of an alcohol or controlled substance treatment program in order to receive a bus driver's endorsement. For a first offense, proof of completion is required only if treatment was ordered as part of a chemical use assessment. A school district or contractor that employs a nonresident school bus driver must conduct a background check of the employee's driving record and criminal history in both Minnesota and the driver's state of residence. Convictions for disqualifying offenses, gross misdemeanors, a fourth moving violation within the previous three years, or violations of section 169A.20, or a similar statute or ordinance in another state, must be reported to the Department of Public Safety.

Sec. 19. Minnesota Statutes 2016, section 299C.17, is amended to read:

**299C.17 REPORT BY COURT ADMINISTRATOR.**

The superintendent shall require the court administrator of every court which (1) sentences a defendant for a felony, gross misdemeanor, or targeted misdemeanor, or (2) grants a stay of adjudication pursuant to section 609.095, paragraph (b), clause (2), to electronically transmit within 24 hours of the disposition of the case a report, in a form prescribed by the superintendent providing information required by the superintendent with regard to the prosecution and disposition of criminal cases. A copy of the report shall be kept on file in the office of the court administrator.

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

Sec. 20. **299C.77] BACKGROUND CHECKS; ADDITIONAL DISCLOSURE.**

The superintendent shall disclose to each applicant for a background check or background study required or authorized under section 122A.18, subdivision 8; 123B.03; 171.02, subdivision 2a or 2b; or 171.3215, subdivision 3, all records of stays of adjudication granted to the subject of the background check or background study that the superintendent receives pursuant to section 299C.17, clause (2). The data required to be disclosed under this section is in addition to other data on the subject of the background check or background study that the superintendent is mandated to disclose.

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

Sec. 21. Minnesota Statutes 2016, section 609.095, is amended to read:

**609.095 LIMITS OF SENTENCES.**

(a) The legislature has the exclusive authority to define crimes and offenses and the range of the sentences or punishments for their violation. No other or different sentence or punishment shall be imposed for the commission of a crime than is authorized by this chapter or other applicable law.

(b) Except as provided in:

(1) section 152.18 or 609.375; or

(2) upon agreement of the parties, a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a trial.

A stay of adjudication granted under clause (2) must be reported to the superintendent of the Bureau of Criminal Apprehension pursuant to section 299C.17.

(c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

Sec. 22. Minnesota Statutes 2017 Supplement, section 609A.03, subdivision 7a, is amended to read:

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

(b) Notwithstanding the issuance of an expungement order:

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

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

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

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

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

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

(c) An agency or jurisdiction subject to an expungement order shall maintain the record in a manner that provides access to the record by a criminal justice agency under paragraph (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau of Criminal Apprehension shall notify the commissioner of human services, and the Professional Educator Licensing and Standards Board, ~~or the licensing division of the Department of Education~~ of the existence of a sealed record and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement order shall provide access to the record to the commissioner of human services, the Professional Educator Licensing and Standards Board, or the licensing division of the Department of Education under paragraph (b), clause (4) or (5).

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

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

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

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

Sec. 23. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 2, is amended to read:

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

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

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

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

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

(c) "Facility" means:

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

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

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

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

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

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

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

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

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

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

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

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

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

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

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

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

(h) "Nonmaltreatment mistake" means:

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

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

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

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

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

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

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

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

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

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

- (1) throwing, kicking, burning, biting, or cutting a child;
- (2) striking a child with a closed fist;
- (3) shaking a child under age three;
- (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;
- (5) unreasonable interference with a child's breathing;
- (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
- (7) striking a child under age one on the face or head;
- (8) striking a child who is at least age one but under age four on the face or head, which results in an injury;

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

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

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

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

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

(n) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), ~~or 609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children).~~ Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in paragraph (j), clause (1), who has:

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

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

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

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

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

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

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

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

Sec. 24. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 3, is amended to read:

Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in subdivision 2, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department if the person is:

(1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, correctional supervision, probation and correctional services, or law enforcement; ~~or~~

(2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595.02, subdivision 1, paragraph (c); or

(3) a member of a board or other entity whose licensees perform work within a school facility.

(b) Any person may voluntarily report to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department if the person knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse.

(c) A person mandated to report physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter 144H, 245D, or 245H; or a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b. A board or other entity whose licensees perform work within a school facility, upon receiving a complaint of alleged maltreatment, shall provide information about the circumstances of the alleged maltreatment to the commissioner of education. Section 13.03, subdivision 4, applies to data received by the commissioner of education from a licensing entity.

(d) Notification requirements under subdivision 10 apply to all reports received under this section.

(e) For purposes of this section, "immediately" means as soon as possible but in no event longer than 24 hours.

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

Sec. 25. Minnesota Statutes 2016, section 626.556, subdivision 10, is amended to read:

Subd. 10. **Duties of local welfare agency and local law enforcement agency upon receipt of report; mandatory notification between police or sheriff and agency.** (a) The police department or the county sheriff shall immediately notify the local welfare agency or agency responsible for child protection reports under this section orally and in writing when a report is received. The local welfare agency or agency responsible for child protection reports shall immediately notify the local police department or the county sheriff orally and in writing when a report is received. The county sheriff and the head of every local welfare agency, agency responsible for child protection reports, and police department shall each designate a person within their agency, department, or office who is responsible for ensuring that the notification duties of this paragraph are carried out. When the alleged maltreatment occurred on tribal land, the local welfare agency or agency responsible for child protection reports and the local police department or the county sheriff shall immediately notify the tribe's social services agency and tribal



law enforcement orally and in writing when a report is received. When a police department or county sheriff receives a report or otherwise has information indicating that a child has been the subject of physical abuse, sexual abuse, or neglect by a person licensed by the Professional Educator Licensing and Standards Board or Board of School Administrators, it shall, in addition to its other duties under this section, immediately inform the licensing board.

(b) Upon receipt of a report, the local welfare agency shall determine whether to conduct a family assessment or an investigation as appropriate to prevent or provide a remedy for child maltreatment. The local welfare agency:

(1) shall conduct an investigation on reports involving sexual abuse or substantial child endangerment;

(2) shall begin an immediate investigation if, at any time when it is using a family assessment response, it determines that there is reason to believe that sexual abuse or substantial child endangerment or a serious threat to the child's safety exists;

(3) may conduct a family assessment for reports that do not allege sexual abuse or substantial child endangerment. In determining that a family assessment is appropriate, the local welfare agency may consider issues of child safety, parental cooperation, and the need for an immediate response;

(4) may conduct a family assessment on a report that was initially screened and assigned for an investigation. In determining that a complete investigation is not required, the local welfare agency must document the reason for terminating the investigation and notify the local law enforcement agency if the local law enforcement agency is conducting a joint investigation; and

(5) shall provide immediate notice, according to section 260.761, subdivision 2, to an Indian child's tribe when the agency has reason to believe the family assessment or investigation may involve an Indian child. For purposes of this clause, "immediate notice" means notice provided within 24 hours.

If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, or sexual abuse by a person with a significant relationship to the child when that person resides in the child's household or by a sibling, the local welfare agency shall immediately conduct a family assessment or investigation as identified in clauses (1) to (4). In conducting a family assessment or investigation, the local welfare agency shall gather information on the existence of substance abuse and domestic violence and offer services for purposes of preventing future child maltreatment, safeguarding and enhancing the welfare of the abused or neglected minor, and supporting and preserving family life whenever possible. If the report alleges a violation of a criminal statute involving sexual abuse, physical abuse, or neglect or endangerment, under section 609.378, the local law enforcement agency and local welfare agency shall coordinate the planning and execution of their respective investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. Each agency shall prepare a separate report of the results of its investigation or assessment. In cases of alleged child maltreatment resulting in death, the local agency may rely on the fact-finding efforts of a law enforcement investigation to make a determination of whether or not maltreatment occurred. When necessary the local welfare agency shall seek authority to remove the child from the custody of a parent, guardian, or adult with whom the child is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

If the family assessment or investigation indicates there is a potential for abuse of alcohol or other drugs by the parent, guardian, or person responsible for the child's care, the local welfare agency shall conduct a chemical use assessment pursuant to Minnesota Rules, part 9530.6615.

(c) When a local agency receives a report or otherwise has information indicating that a child who is a client, as defined in section 245.91, has been the subject of physical abuse, sexual abuse, or neglect at an agency, facility, or program as defined in section 245.91, it shall, in addition to its other duties under this section, immediately inform the ombudsman established under sections 245.91 to 245.97. The commissioner of education shall inform the ombudsman established under sections 245.91 to 245.97 of reports regarding a child defined as a client in section 245.91 that maltreatment occurred at a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

(d) Authority of the local welfare agency responsible for assessing or investigating the child abuse or neglect report, the agency responsible for assessing or investigating the report, and of the local law enforcement agency for investigating the alleged abuse or neglect includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged offender. The interview may take place at school or at any facility or other place where the alleged victim or other minors might be found or the child may be transported to, and the interview conducted at, a place appropriate for the interview of a child designated by the local welfare agency or law enforcement agency. The interview may take place outside the presence of the alleged offender or parent, legal custodian, guardian, or school official. For family assessments, it is the preferred practice to request a parent or guardian's permission to interview the child prior to conducting the child interview, unless doing so would compromise the safety assessment. Except as provided in this paragraph, the parent, legal custodian, or guardian shall be notified by the responsible local welfare or law enforcement agency no later than the conclusion of the investigation or assessment that this interview has occurred. Notwithstanding rule 32 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, the agency withhold notification of this interview from the parent, legal custodian, or guardian. If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under this paragraph, and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.

(e) When the local welfare, local law enforcement agency, or the agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chair of the local social services agency or the chair's designee. The notification shall be private data on individuals subject to the provisions of this paragraph. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child. Until that time, the local welfare or law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosures regarding the nature of the assessment or investigation.

Except where the alleged offender is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Where the school fails to comply with the provisions of this paragraph, the juvenile court may order the school to comply. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

(f) Where the alleged offender or a person responsible for the care of the alleged victim or other minor prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the local welfare agency or the local law enforcement agency outside the presence of the alleged offender or any person responsible for the child's care at reasonable places and times as specified by court order.

(g) Before making an order under paragraph (f), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If appointed, the guardian ad litem shall be present at the hearing on the order to show cause.

(h) The commissioner of human services, the ombudsman for mental health and developmental disabilities, the local welfare agencies responsible for investigating reports, the commissioner of education, and the local law enforcement agencies have the right to enter facilities as defined in subdivision 2 and to inspect and copy the facility's records, including medical records, as part of the investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglecting a child, and to provide the facility with a copy of the report and the investigative findings.

(i) The local welfare agency responsible for conducting a family assessment or investigation shall collect available and relevant information to determine child safety, risk of subsequent child maltreatment, and family strengths and needs and share not public information with an Indian's tribal social services agency without violating any law of the state that may otherwise impose duties of confidentiality on the local welfare agency in order to implement the tribal state agreement. The local welfare agency or the agency responsible for investigating the report shall collect available and relevant information to ascertain whether maltreatment occurred and whether protective services are needed. Information collected includes, when relevant, information with regard to the person reporting the alleged maltreatment, including the nature of the reporter's relationship to the child and to the alleged offender, and the basis of the reporter's knowledge for the report; the child allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral sources having relevant information related to the alleged maltreatment. The local welfare agency or the agency responsible for investigating the report may make a determination of no maltreatment early in an investigation, and close the case and retain immunity, if the collected information shows no basis for a full investigation.

Information relevant to the assessment or investigation must be asked for, and may include:

(1) the child's sex and age; prior reports of maltreatment, including any maltreatment reports that were screened out and not accepted for assessment or investigation; information relating to developmental functioning; credibility of the child's statement; and whether the information provided under this clause is consistent with other information collected during the course of the assessment or investigation;

(2) the alleged offender's age, a record check for prior reports of maltreatment, and criminal charges and convictions. The local welfare agency or the agency responsible for assessing or investigating the report must provide the alleged offender with an opportunity to make a statement. The alleged offender may submit supporting documentation relevant to the assessment or investigation;

(3) collateral source information regarding the alleged maltreatment and care of the child. Collateral information includes, when relevant: (i) a medical examination of the child; (ii) prior medical records relating to the alleged maltreatment or the care of the child maintained by any facility, clinic, or health care professional and an interview with the treating professionals; and (iii) interviews with the child's caretakers, including the child's parent, guardian, foster parent, child care provider, teachers, counselors, family members, relatives, and other persons who may have knowledge regarding the alleged maltreatment and the care of the child; and

(4) information on the existence of domestic abuse and violence in the home of the child, and substance abuse.

Nothing in this paragraph precludes the local welfare agency, the local law enforcement agency, or the agency responsible for assessing or investigating the report from collecting other relevant information necessary to conduct the assessment or investigation. Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare agency has access to medical data and records for purposes of clause (3). Notwithstanding the data's classification in the possession of any other agency, data acquired by the local welfare agency or the agency responsible for assessing or investigating the report during the course of the assessment or investigation are private data on individuals and must be maintained in accordance with subdivision 11. Data of the commissioner of education collected or maintained during and for the purpose of an investigation of alleged maltreatment in a school are governed by this section, notwithstanding the data's classification as educational, licensing, or personnel data under chapter 13.

In conducting an assessment or investigation involving a school facility as defined in subdivision 2, paragraph (c), the commissioner of education shall collect investigative reports and data that are relevant to a report of maltreatment and are from local law enforcement and the school facility.

(j) Upon receipt of a report, the local welfare agency shall conduct a face-to-face contact with the child reported to be maltreated and with the child's primary caregiver sufficient to complete a safety assessment and ensure the immediate safety of the child. The face-to-face contact with the child and primary caregiver shall occur immediately if sexual abuse or substantial child endangerment is alleged and within five calendar days for all other reports. If the alleged offender was not already interviewed as the primary caregiver, the local welfare agency shall also conduct a face-to-face interview with the alleged offender in the early stages of the assessment or investigation. At the initial contact, the local child welfare agency or the agency responsible for assessing or investigating the report must inform the alleged offender of the complaints or allegations made against the individual in a manner consistent with laws protecting the rights of the person who made the report. The interview with the alleged offender may be postponed if it would jeopardize an active law enforcement investigation.

(k) When conducting an investigation, the local welfare agency shall use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. For investigations only, the following interviewing methods and procedures must be used whenever possible when collecting information:

(1) audio recordings of all interviews with witnesses and collateral sources; and

(2) in cases of alleged sexual abuse, audio-video recordings of each interview with the alleged victim and child witnesses.

(l) In conducting an assessment or investigation involving a school facility as defined in subdivision 2, paragraph (c), the commissioner of education shall collect available and relevant information and use the procedures in paragraphs (j) and (k), and subdivision 3d, except that the requirement for face-to-face observation of the child and face-to-face interview of the alleged offender is to occur in the initial stages of the assessment or investigation provided that the commissioner may also base the assessment or investigation on investigative reports and data received from the school facility and local law enforcement, to the extent those investigations satisfy the requirements of paragraphs (j) and (k), and subdivision 3d.

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

Sec. 26. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 10e, is amended to read:

Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family assessment or the investigation within 45 days of the receipt of a report. The conclusion of the assessment or investigation may be extended to permit the completion of a criminal investigation or the receipt of expert information requested within 45 days of the receipt of the report.

(b) After conducting a family assessment, the local welfare agency shall determine whether services are needed to address the safety of the child and other family members and the risk of subsequent maltreatment.

(c) After conducting an investigation, the local welfare agency shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed. No determination of maltreatment shall be made when the alleged perpetrator is a child under the age of ten.

(d) If the commissioner of education conducts an assessment or investigation, the commissioner shall determine whether maltreatment occurred and what corrective or protective action was taken by the school facility. If a determination is made that maltreatment has occurred, the commissioner shall report to the employer, the school board, and any appropriate licensing entity the determination that maltreatment occurred and what corrective or protective action was taken by the school facility. In all other cases, the commissioner shall inform the school board or employer and any appropriate licensing entity that a report was received, the subject of the report, the date of the initial report, the category of maltreatment alleged as defined in paragraph (f), the fact that maltreatment was not determined, and a summary of the specific reasons for the determination.

(e) When maltreatment is determined in an investigation involving a facility, the investigating agency shall also determine whether the facility or individual was responsible, or whether both the facility and the individual were responsible for the maltreatment using the mitigating factors in paragraph (i). Determinations under this subdivision must be made based on a preponderance of the evidence and are private data on individuals or nonpublic data as maintained by the commissioner of education.

(f) For the purposes of this subdivision, "maltreatment" means any of the following acts or omissions:

- (1) physical abuse as defined in subdivision 2, paragraph (k);
- (2) neglect as defined in subdivision 2, paragraph (g);
- (3) sexual abuse as defined in subdivision 2, paragraph (n);
- (4) mental injury as defined in subdivision 2, paragraph (f); or
- (5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (c).

(g) For the purposes of this subdivision, a determination that child protective services are needed means that the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker, as defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individuals responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment.

(h) This subdivision does not mean that maltreatment has occurred solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, in lieu of medical care. However, if lack of medical care may result in serious danger to the child's health, the local welfare agency may ensure that necessary medical services are provided to the child.

(i) When determining whether the facility or individual is the responsible party, or whether both the facility and the individual are responsible for determined maltreatment in a facility, the investigating agency shall consider at least the following mitigating factors:

(1) whether the actions of the facility or the individual caregivers were according to, and followed the terms of, an erroneous physician order, prescription, individual care plan, or directive; however, this is not a mitigating factor when the facility or caregiver was responsible for the issuance of the erroneous order, prescription, individual care plan, or directive or knew or should have known of the errors and took no reasonable measures to correct the defect before administering care;

(2) comparative responsibility between the facility, other caregivers, and requirements placed upon an employee, including the facility's compliance with related regulatory standards and the adequacy of facility policies and procedures, facility training, an individual's participation in the training, the caregiver's supervision, and facility staffing levels and the scope of the individual employee's authority and discretion; and

(3) whether the facility or individual followed professional standards in exercising professional judgment.

The evaluation of the facility's responsibility under clause (2) must not be based on the completeness of the risk assessment or risk reduction plan required under section 245A.66, but must be based on the facility's compliance with the regulatory standards for policies and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota Rules.

(j) Notwithstanding paragraph (i), when maltreatment is determined to have been committed by an individual who is also the facility license or certification holder, both the individual and the facility must be determined responsible for the maltreatment, and both the background study disqualification standards under section 245C.15, subdivision 4, and the licensing or certification actions under section 245A.06, 245A.07, 245H.06, or 245H.07 apply.

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

Sec. 27. Minnesota Statutes 2016, section 631.40, subdivision 1a, is amended to read:

Subd. 1a. **Certified copy of disqualifying offense convictions sent to public safety and school districts.** When a person is convicted of committing a disqualifying offense, as defined in section 171.3215, subdivision 1, a gross misdemeanor, a fourth moving violation within the previous three years, or a violation of section 169A.20, or a similar statute or ordinance from another state, or if the person received a stay of adjudication for an offense that, if convicted of, would require predatory offender registration under section 243.166, the court shall determine whether the offender is a school bus driver as defined in section 171.3215, subdivision 1, whether the offender possesses a school bus driver's endorsement on the offender's driver's license and in what school districts the offender drives a school bus. If the offender is a school bus driver or possesses a school bus driver's endorsement, the court administrator shall send a certified copy of the conviction or stay of adjudication to the Department of Public Safety and to the school districts in which the offender drives a school bus within ten days after the conviction or stay of adjudication.

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

Sec. 28. **SURVEY OF TEACHER PREPARATION PROGRAMS.**

The Professional Educator Licensing and Standards Board must survey board-approved teacher preparation programs for teachers of elementary education, early childhood education, special education, and reading intervention to determine the extent of dyslexia instruction offered by the programs. The board may consult with the dyslexia specialist at the Department of Education when developing the survey and reviewing the teacher preparation program responses. The board must report its findings to the chairs and ranking minority members of the legislative committees having jurisdiction over kindergarten through grade 12 education policy and finance by January 2, 2019. The report must include information on teacher preparation program instruction on screening for

characteristics of dyslexia, evidence-based instructional strategies for students showing characteristics of dyslexia, and best practices for assisting students showing characteristics of dyslexia and their families. The report must be submitted in accordance with Minnesota Statutes, section 3.195.

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

Sec. 29. **REPEALER.**

Minnesota Statutes 2017 Supplement, section 122A.09, subdivision 1, and Minnesota Rules, part 8710.2100, subparts 1 and 2, are repealed.

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

## ARTICLE 5 SPECIAL EDUCATION

Section 1. Minnesota Statutes 2016, section 125A.76, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of this section and section 125A.79, the definitions in this subdivision apply.

(b) "Basic revenue" has the meaning given it in section 126C.10, subdivision 2. For the purposes of computing basic revenue pursuant to this section, each child with a disability shall be counted as prescribed in section 126C.05, subdivision 1.

(c) "Essential personnel" means teachers, cultural liaisons, related services, and support services staff providing services to students. Essential personnel may also include special education paraprofessionals or clericals providing support to teachers and students by preparing paperwork and making arrangements related to special education compliance requirements, including parent meetings and individualized education programs. Essential personnel does not include administrators and supervisors.

(d) "Average daily membership" has the meaning given it in section 126C.05.

(e) "Program growth factor" means ~~1.046 for fiscal years 2012 through 2015, 1.0 for fiscal year 2016, 1.046 for fiscal year 2017, and~~ the product of 1.046 and the program growth factor for the previous year for fiscal year 2018 and later.

(f) "Nonfederal special education expenditure" means all direct expenditures that are necessary and essential to meet the district's obligation to provide special instruction and services to children with a disability according to sections 124D.454, 125A.03 to 125A.24, 125A.259 to 125A.48, and 125A.65 as submitted by the district and approved by the department under section 125A.75, subdivision 4, excluding expenditures:

- (1) reimbursed with federal funds;
- (2) reimbursed with other state aids under this chapter;
- (3) for general education costs of serving students with a disability;
- (4) for facilities;
- (5) for pupil transportation; and

(6) for postemployment benefits.

(g) "Old formula special education expenditures" means expenditures eligible for revenue under Minnesota Statutes 2012, section 125A.76, subdivision 2.

(h) For the Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind, expenditures under paragraphs (f) and (g) are limited to the salary and fringe benefits of one-to-one instructional and behavior management aides and one-to-one licensed, certified professionals assigned to a child attending the academy, if the aides or professionals are required by the child's individualized education program.

~~(i) "Cross subsidy reduction aid percentage" means 1.0 percent for fiscal year 2014 and 2.27 percent for fiscal year 2015.~~

~~(j) "Cross subsidy reduction aid limit" means \$20 for fiscal year 2014 and \$48 for fiscal year 2015.~~

~~(k) (i) "Special education aid increase limit" means \$80 for fiscal year 2016, \$100 for fiscal year 2017, and, for fiscal year 2018 and later, the sum of the special education aid increase limit for the previous fiscal year and \$40.~~

~~(l) (j) "District" means a school district, a charter school, or a cooperative unit as defined in section 123A.24, subdivision 2. Notwithstanding section 123A.26, cooperative units as defined in section 123A.24, subdivision 2, are eligible to receive special education aid under this section and section 125A.79.~~

(k) "Initial special education cross subsidy" means the greater of zero or:

(1) the nonfederal special education expenditure under paragraph (f); plus

(2) the cost of providing transportation services for pupils with disabilities under section 123B.92, subdivision 1, paragraph (b), clause (4); minus

(3) the special education aid under subdivision 2c and sections 125A.11, subdivision 1, and 127A.47, subdivision 7; minus

(4) the amount of general education revenue, excluding local optional revenue, plus local optional aid and referendum equalization aid attributable to pupils receiving special instruction and services outside the regular classroom for more than 60 percent of the school day for the portion of time the pupils receive special instruction and services outside the regular classroom, excluding portions attributable to district and school administration, district support services, operations and maintenance, capital expenditures, and pupil transportation.

(l) "Special education equity metro region" means the districts with their administrative offices located in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County on January 1, 2012, and districts in other counties with 7,500 or more pupils in adjusted average daily membership.

(m) "Special education equity rural region" means the districts with their administrative offices located outside Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County on January 1, 2012, and districts in other counties with less than 7,500 pupils in adjusted average daily membership.

## Sec. 2. **[125A.81] SPECIAL EDUCATION EQUITY AID.**

Subdivision 1. **Special education equity aid.** For fiscal year 2022 and later, a school district's special education equity aid equals the greater of zero or, for the second preceding year, the lesser of (1) 30 percent of the difference between the school district's initial special education cross subsidy per pupil in adjusted average daily membership and the regional average initial special education cross subsidy per pupil in adjusted average daily membership, or (2) \$120 times the district's adjusted average daily membership.



Subd. 2. **Special education equity region.** The department must assign school districts to special education equity regions under section 125A.76, subdivision 1, paragraphs (l) and (m).

Subd. 3. **Regional equity cross subsidy.** For each region established in subdivision 2, the department must calculate the regional average initial special education cross subsidy under section 125A.76, subdivision 1, paragraph (k), per pupil in adjusted average daily membership for the second preceding year.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

Sec. 3. Laws 2017, First Special Session chapter 5, article 4, section 11, is amended to read:

Sec. 11. **SPECIAL EDUCATION ADJUSTMENT; MONTICELLO SCHOOL DISTRICT.**

(a) Notwithstanding Minnesota Statutes, sections 125A.76 and 127A.45, special education aid payments to Independent School District No. 882, Monticello, must be increased by \$800,000 in fiscal year 2018 to mitigate cash flow problems created by an unforeseeable reduction in the district's special education aid for fiscal year 2016 as a result of the combined effects of converting from a host district cooperative to a joint powers cooperative and implementation of a new special education aid formula in the same fiscal year.

(b) Special education aid payments to Independent School District No. 882, Monticello, must not be reduced by ~~the same amount~~ in fiscal year 2019 to offset the fiscal year 2018 increase.

(c) In addition to paragraphs (a) and (b), special education aid payments to Independent School District No. 882, Monticello, must be increased by an additional \$800,000 for fiscal year 2019.

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

Sec. 4. Laws 2017, First Special Session chapter 5, article 4, section 12, subdivision 2, as amended by Laws 2017, First Special Session chapter 7, section 12, is amended to read:

Subd. 2. **Special education; regular.** For special education aid under Minnesota Statutes, section 125A.75:

\$ 1,341,161,000	1,366,903,000	.....	2018
\$ 1,426,827,000	1,469,521,000	.....	2019

The 2018 appropriation includes \$156,403,000 for 2017 and ~~\$1,184,758,000~~ \$1,210,500,000 for 2018.

The 2019 appropriation includes ~~\$166,667,000~~ \$170,291,000 for 2018 and ~~\$1,260,160,000~~ \$1,299,230,000 for 2019.

Sec. 5. **SPECIAL EDUCATION WORKING GROUP.**

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

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

(2) compare relevant state and federal special education laws and regulations by reviewing the 2013 evaluation report by the Office of the Legislative Auditor on special education and other publicly available reports;

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

(4) identify strategies or programs that would be effective in reducing the need for special education services or could provide less-intensive special education services, when appropriate;

(5) analyze funding for children receiving special education services in a nonresident district or charter school in accordance with Minnesota Statutes, sections 124E.21, 125A.11, and 127A.47;

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

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

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

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

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

(1) the National Alliance on Mental Illness Minnesota;

(2) the Parent Advocacy Coalition for Educational Rights;

(3) the Minnesota School Boards Association;

(4) the Minnesota Administrators for Special Education;

(5) the Minnesota Association of Charter Schools;

(6) Education Minnesota;

(7) the Minnesota Rural Education Association;

(8) the Association of Metropolitan School Districts;

(9) The Arc Minnesota;

(10) the Autism Society of Minnesota;

(11) the Minnesota Disability Law Center;

(12) the Minnesota Alliance with Youth;

(13) the Minnesota Education Equity Partnership;

(14) Service Employees International Union Local 284;

(15) the Minnesota Association of School Administrators;

(16) the Minnesota Association of School Business Officials;

(17) the Minnesota Association of Alternative Programs;

(18) Schools for Equity in Education;

(19) Decoding Dyslexia Minnesota; and

(20) the Minnesota Elementary School Principals' Association.

(b) The commissioner of education must solicit applications for membership in the working group, and based on the applications received, designate by June 25, 2018, the following individuals to serve as members of the working group:

(1) a representative from an intermediate school district;

(2) a representative from a special education cooperative, education district, or service cooperative;

(3) a representative from the Governor's Council on Developmental Disabilities;

(4) a representative from the Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans;

(5) a representative from a school district in a city of the first class;

(6) two students receiving special education services and a parent of a student receiving special education services; and

(7) one representative of a nonprofit organization specializing in early childhood education issues.

Subd. 3. **Meetings.** The commissioner of education, or the commissioner's designee, must convene the first meeting of the working group no later than July 15, 2018. The working group must select a chair or cochairs from among its members at the first meeting. The working group must meet periodically. Meetings of the working group must be open to the public.

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

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

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

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

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

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

ARTICLE 6  
FACILITIES, TECHNOLOGY, AND LIBRARIES

Section 1. Minnesota Statutes 2016, section 123B.52, subdivision 6, is amended to read:

Subd. 6. **Disposing of surplus school computers.** (a) Notwithstanding section 471.345, governing school district contracts made upon sealed bid or otherwise complying with the requirements for competitive bidding, other provisions of this section governing school district contracts, or other law to the contrary, a school district under this subdivision may dispose of school computers, including a tablet device, according to this subdivision.

(b) A school district may dispose of a surplus school computer and related equipment if the district disposes of the surplus property by conveying the property and title to:

(1) another school district;

(2) the state Department of Corrections;

(3) the Board of Trustees of the Minnesota State Colleges and Universities; or

(4) the family of a student residing in the district whose total family income meets the federal definition of poverty.

(c) If surplus school computers are not disposed of under paragraph (b), upon adoption of a written resolution of the school board, when updating or replacing school computers, including tablet devices, used primarily by students, a school district may sell or give used computers or tablets to qualifying students at the price specified in the written resolution. A student is eligible to apply to the school board for a computer or tablet under this subdivision if the student is currently enrolled in the school and intends to enroll in the school in the year following the receipt of the computer or tablet. If more students apply for computers or tablets than are available, the school must first qualify students whose families are eligible for free or reduced-price meals, and then dispose of the remaining computers or tablets by lottery.

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

Sec. 2. Minnesota Statutes 2016, section 123B.595, is amended by adding a subdivision to read:

Subd. 13. **Allocation from districts participating in agreements for secondary education or interdistrict cooperation.** For purposes of this section, a district with revenue authority under subdivision 1 for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site and that participates in an agreement under section 123A.30 or 123A.32 may allocate the revenue authority among participating districts.

Sec. 3. Minnesota Statutes 2016, section 124E.03, subdivision 5, is amended to read:

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

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

(c) A charter school must comply with sections 125B.27 and 125B.28, governing technology providers and educational data. A technology provider contracting with a charter school must comply with sections 125B.27 and 125B.28.

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

Sec. 4. **[125B.27] TECHNOLOGY PROVIDER REQUIREMENTS.**

Subdivision 1. **Technology provider definition.** (a) "Technology provider" means a person or entity who:

(1) provides technological devices for student use or provides access to a software or online application; and

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

(b) A technology provider does not include a nonprofit organization that has the primary purpose of expanding student access to postsecondary education and that obtains a student's consent to utilize a student's personal information from education records for that purpose.

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

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

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

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

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

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

(2) a person is authorized to access educational data only if access is necessary to fulfill official duties.

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

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

Sec. 5. **[125B.28] SCHOOL DISTRICT REQUIREMENTS.**

Subdivision 1. **Contract.** A school board must provide a person who requests a copy of a contract with a technology provider a copy of that contract within two weeks of the request.

Subd. 2. **Training.** (a) To promote understanding of and compliance with this section and applicable provisions of sections 121A.065 and 125B.27, and the Family Educational Rights and Privacy Act, United States Code, title 20, section 1232g, and its regulations as provided by Code of Federal Regulations, title 34, part 99, a school district must:

(1) provide information on available trainings on compliance with applicable provisions of law under this subdivision to all employees with access to educational data; and

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

(b) A school district employee with access to educational data is encouraged to participate in training opportunities provided by a school district under paragraph (a), including free online training on the Family Educational Rights and Privacy Act.

(c) The commissioner of education must provide a school district with information on how employees and independent contractors with access to educational data may access written materials on compliance with applicable provisions of law, in accordance with paragraph (a), clause (2).

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

Sec. 6. Minnesota Statutes 2016, section 134.355, subdivision 10, is amended to read:

Subd. 10. **Award of funds.** (a) The commissioner of education ~~shall~~ **must** develop an application and a reporting form and procedures for regional library telecommunications aid. Aid shall be based on actual costs including, but not limited to, connections, as documented in e-rate funding commitment decision letters for category one services and acceptable documentation for category two services and funds available for this purpose. The commissioner ~~shall~~ **must** make payments directly to the regional public library system.

(b) On March 15 of 2019, 2020, and 2021, the commissioner of education must reallocate any unspent amounts appropriated for paragraph (a) to regional library systems for broadband innovation programs, including equipment purchases, hot spot access devices, and other programs designed to increase Internet access.

(c) By January 15 of 2020, 2021, and 2022, the commissioner of education must report to the legislative committees with jurisdiction over education on the previous fiscal year's spending under this subdivision and make any recommendations for necessary program changes.

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

Sec. 7. Minnesota Statutes 2016, section 205A.07, subdivision 2, is amended to read:

Subd. 2. **Sample ballot, posting.** (a) For every school district primary, general, or special election, the school district clerk shall at least four days before the primary, general, or special election, post a sample ballot in the administrative offices of the school district for public inspection, and shall post a sample ballot in each polling place on election day.

(b) For a school district general or special election to issue bonds to finance a capital project requiring review and comment under section 123B.71, the summary of the commissioner's review and comment and supplemental information required under section 123B.71, subdivision 12, paragraph (a), shall be posted in the same manner as the sample ballot under paragraph (a).

**EFFECTIVE DATE.** This section is effective for elections held on or after August 1, 2018.

Sec. 8. Minnesota Statutes 2016, section 475.58, subdivision 4, is amended to read:

Subd. 4. **Proper use of bond proceeds.** The proceeds of obligations issued after approval of the electors under this section ~~may~~ **must** only be spent: (1) for the purposes stated in the ballot language; or (2) to pay, redeem, or defease obligations and interest, penalties, premiums, and costs of issuance of the obligations. The proceeds ~~may~~ **must** not be spent for a different purpose or for an expansion of the original purpose without the approval by a majority of the electors voting on the question of changing or expanding the purpose of the obligations.

Sec. 9. Minnesota Statutes 2017 Supplement, section 475.59, subdivision 1, is amended to read:

Subdivision 1. **Generally; notice.** (a) When the governing body of a municipality resolves to issue bonds for any purpose requiring the approval of the electors, it shall provide for submission of the proposition of their issuance at a general or special election or town or school district meeting. Notice of such election or meeting shall be given in the manner required by law and shall state the maximum amount and the purpose of the proposed issue.

(b) In any school district, the school board or board of education may, according to its judgment and discretion, submit as a single ballot question or as two or more separate questions in the notice of election and ballots the proposition of their issuance for any one or more of the following, stated conjunctively or in the alternative: acquisition or enlargement of sites, acquisition, betterment, erection, furnishing, equipping of one or more new schoolhouses, remodeling, repairing, improving, adding to, betterment, furnishing, equipping of one or more existing schoolhouses. The ballot question or questions submitted by a school board must state the name of the plan or plans being proposed by the district as submitted to the commissioner of education for review and comment under section 123B.71.

(c) In any city, town, or county, the governing body may, according to its judgment and discretion, submit as a single ballot question or as two or more separate questions in the notice of election and ballots the proposition of their issuance, stated conjunctively or in the alternative, for the acquisition, construction, or improvement of any facilities at one or more locations.

**EFFECTIVE DATE.** This section is effective for elections held on or after August 1, 2018.

Sec. 10. Laws 2017, First Special Session chapter 5, article 7, section 2, subdivision 5, is amended to read:

Subd. 5. **Regional library telecommunications aid.** (a) For regional library telecommunications aid under Minnesota Statutes, section 134.355:

\$2,300,000	.....	2018
\$2,300,000	.....	2019

(b) The 2018 appropriation includes \$230,000 for 2017 and \$2,070,000 for 2018.

(c) The 2019 appropriation includes \$230,000 for 2018 and \$2,070,000 for 2019.

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

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

ARTICLE 7  
NUTRITION

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

(f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit is not eliminated by revenues from food service operations in the next fiscal year, then the deficit must be eliminated by a permanent fund transfer from the general fund at the end of that second fiscal year. However, if a district contracts with a food service management company during the period in which the deficit has accrued, the deficit must be eliminated by a payment from the food service management company. A district's meal charge policy may allow a district to collect unpaid meal debt that contributes to a food service fund deficit. Such collection efforts must be consistent with subdivisions 4 and 5.

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

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

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

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

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

(c) Notwithstanding section 123B.38, the participant must not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to other students because of unpaid meal balances. The participant must not impose any other restriction prohibited under section 123B.37 due to unpaid student meal balances.

(d) The participant must not discipline a student due to an unpaid student meal balance.

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

## ARTICLE 8 EARLY CHILDHOOD AND FAMILY SUPPORT

Section 1. Minnesota Statutes 2016, section 124D.151, subdivision 2, is amended to read:

Subd. 2. **Program requirements.** (a) A voluntary prekindergarten program provider must:

(1) provide instruction through play-based learning to foster children's social and emotional development, cognitive development, physical and motor development, and language and literacy skills, including the native language and literacy skills of English learners, to the extent practicable;

(2) measure each child's cognitive and social skills using a formative measure aligned to the state's early learning standards when the child enters and again before the child leaves the program, screening and progress monitoring measures, and ~~others~~ other age-appropriate versions from the state-approved menu of kindergarten entry profile measures;

(3) provide comprehensive program content including the implementation of curriculum, assessment, and instructional strategies aligned with the state early learning standards, and kindergarten through grade 3 academic standards;

(4) provide instructional content and activities that are of sufficient length and intensity to address learning needs including offering a program with at least 350 hours of instruction per school year for a prekindergarten student;

(5) provide voluntary prekindergarten instructional staff salaries comparable to the salaries of local kindergarten through grade 12 instructional staff;

(6) coordinate appropriate kindergarten transition with families, community-based prekindergarten programs, and school district kindergarten programs;

(7) involve parents in program planning and transition planning by implementing parent engagement strategies that include culturally and linguistically responsive activities in prekindergarten through third grade that are aligned with early childhood family education under section 124D.13;

(8) coordinate with relevant community-based services, including health and social service agencies, to ensure children have access to comprehensive services;

(9) coordinate with all relevant school district programs and services including early childhood special education, homeless students, and English learners;

(10) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20 children;

(11) provide high-quality coordinated professional development, training, and coaching for both school district and community-based early learning providers that is informed by a measure of adult-child interactions and enables teachers to be highly knowledgeable in early childhood curriculum content, assessment, native and English language development programs, and instruction; and

(12) implement strategies that support the alignment of professional development, instruction, assessments, and prekindergarten through grade 3 curricula.

(b) A voluntary prekindergarten program must have teachers knowledgeable in early childhood curriculum content, assessment, native and English language programs, and instruction.

(c) Districts and charter schools must include their strategy for implementing and measuring the impact of their voluntary prekindergarten program under section 120B.11 and provide results in their world's best workforce annual summary to the commissioner of education.

Sec. 2. Minnesota Statutes 2017 Supplement, section 124D.151, subdivision 5, is amended to read:

Subd. 5. **Application process; priority for high poverty schools.** (a) ~~To qualify for program approval for fiscal year 2017, a district or charter school must submit an application to the commissioner by July 1, 2016. To~~ qualify for program approval for fiscal year 2018 and later, a district or charter school must submit an application to the commissioner by January 30 of the fiscal year prior to the fiscal year in which the program will be implemented. The application must include:

(1) a description of the proposed program, including the number of hours per week the program will be offered at each school site or mixed-delivery location;

(2) an estimate of the number of eligible children to be served in the program at each school site or mixed-delivery location; and

(3) a statement of assurances signed by the superintendent or charter school director that the proposed program meets the requirements of subdivision 2.

(b) The commissioner must review all applications ~~submitted for fiscal year 2017 by August 1, 2016, and must review all applications~~ submitted for fiscal year 2018 and later by March 1 of the fiscal year in which the applications are received and determine whether each application meets the requirements of paragraph (a).

(c) The commissioner must divide all applications for new or expanded voluntary prekindergarten programs under this section meeting the requirements of paragraph (a) and school readiness plus programs into ~~four~~ five groups as follows: the Minneapolis ~~and school district; the~~ St. Paul school ~~districts~~ district; other school districts located in the metropolitan equity region as defined in section 126C.10, subdivision 28; school districts located in the rural equity region as defined in section 126C.10, subdivision 28; and charter schools. Within each group, the applications must be ordered by rank using a sliding scale based on the following criteria:

(1) concentration of kindergarten students eligible for free or reduced-price lunches by school site on October 1 of the previous school year. A school site may contract to partner with a community-based provider or Head Start under subdivision 3 or establish an early childhood center and use the concentration of kindergarten students eligible for free or reduced-price meals from a specific school site as long as those eligible children are prioritized and guaranteed services at the mixed-delivery site or early education center. For school district programs to be operated at locations that do not have free and reduced-price lunch concentration data for kindergarten programs for October 1 of the previous school year, including mixed-delivery programs, the school district average concentration of kindergarten students eligible for free or reduced-price lunches must be used for the rank ordering;

(2) presence or absence of a three- or four-star Parent Aware rated program within the school district or close proximity of the district. School sites with the highest concentration of kindergarten students eligible for free or reduced-price lunches that do not have a three- or four-star Parent Aware program within the district or close proximity of the district shall receive the highest priority, and school sites with the lowest concentration of kindergarten students eligible for free or reduced-price lunches that have a three- or four-star Parent Aware rated program within the district or close proximity of the district shall receive the lowest priority; and

(3) whether the district has implemented a mixed delivery system.

(d) The limit on participation for the programs as specified in subdivision 6 must initially be allocated among the ~~four~~ five groups based on each group's percentage share of the statewide kindergarten enrollment on October 1 of the previous school year. Within each group, the participation limit for fiscal years 2018 and 2019 must first be allocated to school sites approved for aid in the previous year to ensure that those sites are funded for the same number of participants as approved for the previous year. The remainder of the participation limit for each group

must be allocated among school sites in priority order until that region's share of the participation limit is reached. If the participation limit is not reached for all groups, the remaining amount must be allocated to the highest priority school sites, as designated under this section, not funded in the initial allocation on a statewide basis. For fiscal year 2020 and later, the participation limit must first be allocated to school sites approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year 2018 based on the statewide rankings under paragraph (c).

(e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid under this subdivision, it shall remain eligible for aid if it continues to meet program requirements, regardless of changes in the concentration of students eligible for free or reduced-price lunches.

(f) If the total number of participants approved based on applications submitted under paragraph (a) is less than the participation limit under subdivision 6, the commissioner must notify all school districts and charter schools of the amount that remains available within 30 days of the initial application deadline under paragraph (a), and complete a second round of allocations based on applications received within 60 days of the initial application deadline.

(g) Procedures for approving applications submitted under paragraph (f) shall be the same as specified in paragraphs (a) to (d), except that the allocations shall be made to the highest priority school sites not funded in the initial allocation on a statewide basis.

Sec. 3. Minnesota Statutes 2016, section 124D.162, is amended to read:

#### **124D.162 KINDERGARTEN READINESS ASSESSMENT.**

**Subdivision 1. Purpose of assessment.** The purpose of kindergarten readiness assessment is to determine whether children are prepared to enter school, to understand the connection between kindergarten readiness and later academic achievement, and to produce data that can inform the effectiveness of early childhood programs.

**Subd. 2. Commissioner duties.** The commissioner of education ~~may~~ must implement a kindergarten readiness assessment representative of incoming kindergartners. The assessment must be based on the Department of Education Kindergarten Readiness Assessment at kindergarten entrance study. The commissioner of education must provide districts with a process for measuring, on a comparable basis, the kindergarten readiness of incoming kindergartners. Districts that use the commissioner-provided process must annually report kindergarten readiness results under this section to the department in the form and manner determined by the commissioner. The commissioner must publicly report kindergarten readiness results as part of the performance reports required under section 120B.36 and consistent with section 120B.35, subdivision 3, paragraph (a), clause (2).

Sec. 4. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 2, is amended to read:

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

(1) have an eligible child; and

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

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

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

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

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

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

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

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

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

(d) Early learning scholarships may not be counted as earned income for the purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota family investment program under chapter 256J, child care assistance programs under chapter 119B, or Head Start under the federal Improving Head Start for School Readiness Act of 2007.

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

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

Sec. 5. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 4, is amended to read:

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

- (1) participate in the quality rating and improvement system under section 124D.142; and
- (2) beginning July 1, 2020, have a three- or four-star rating in the quality rating and improvement system.

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

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

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

Sec. 7. Minnesota Statutes 2016, section 245C.02, is amended by adding a subdivision to read:

Subd. 5a. **National criminal history record check.** (a) "National criminal history record check" means a check of records maintained by the Federal Bureau of Investigation through submission of fingerprints through the Minnesota Bureau of Criminal Apprehension to the Federal Bureau of Investigation when specifically required by law.

(b) For purposes of this chapter, "national crime information database," "national criminal records repository," "criminal history with the Federal Bureau of Investigation," and "national criminal record check" mean a national criminal history record check defined in paragraph (a).

Sec. 8. Minnesota Statutes 2016, section 245C.12, is amended to read:

**245C.12 BACKGROUND STUDY; TRIBAL ORGANIZATIONS.**

(a) For the purposes of background studies completed by tribal organizations performing licensing activities otherwise required of the commissioner under this chapter, after obtaining consent from the background study subject, tribal licensing agencies shall have access to criminal history data in the same manner as county licensing agencies and private licensing agencies under this chapter.

(b) Tribal organizations may contract with the commissioner to obtain background study data on individuals under tribal jurisdiction related to adoptions according to section 245C.34. Tribal organizations may also contract with the commissioner to obtain background study data on individuals under tribal jurisdiction related to child foster care according to section 245C.34.

(c) For the purposes of background studies completed to comply with a tribal organization's licensing requirements for individuals affiliated with a tribally licensed nursing facility, the commissioner shall obtain criminal history data from the National Criminal Records Repository in accordance with section 245C.32.

(d) Tribal organizations may contract with the commissioner to conduct background studies or obtain background study data on individuals affiliated with a child care program sponsored, managed, or licensed by a tribal organization. Studies conducted under this paragraph require the commissioner to conduct a national criminal history record check as defined in section 245C.02, subdivision 5a. Any tribally affiliated child care program that does not contract with the commissioner to conduct background studies is exempt from the relevant requirements in this chapter. A study conducted under this paragraph must include all components of studies for certified license-exempt child care centers under this chapter to be transferable to other child care entities.

Sec. 9. **[245C.121] BACKGROUND STUDY; HEAD START PROGRAMS.**

Head Start programs that receive funding disbursed under section 119A.52 may contract with the commissioner to conduct background studies and obtain background study data on individuals affiliated with a Head Start program. Studies conducted under this paragraph require the commissioner to conduct a national criminal history record check as defined in section 245C.02, subdivision 5a. Any Head Start program site that does not contract with the commissioner, is not licensed, and is not registered to receive funding under chapter 119B is exempt from the relevant requirements in this chapter. Nothing in this paragraph supersedes requirements for background studies in this chapter, chapter 119B, or child care centers under chapter 245H that are related to licensed child care programs or programs registered to receive funding under chapter 119B. A study conducted under this paragraph must include all components of studies for certified license-exempt child care centers under this chapter to be transferable to other child care entities.

Sec. 10. Laws 2017, First Special Session chapter 5, article 8, section 9, subdivision 2, is amended to read:

Subd. 2. **Program requirements.** A school readiness plus program provider must:

(1) assess each child's cognitive and language skills with ~~a~~ an age-appropriate comprehensive child assessment instrument when the child enters and again before the child leaves the program to improve program planning and implementation, communicate with parents, and promote kindergarten readiness;

(2) provide comprehensive program content and intentional instructional practice aligned with the state early childhood learning guidelines and kindergarten standards and based on early childhood research and professional practice that is focused on children's cognitive, social, emotional, and physical skills and development and prepares children for the transition to kindergarten, including early literacy and language skills;

(3) coordinate appropriate kindergarten transition with parents and kindergarten teachers;

(4) involve parents in program planning and decision making;

(5) coordinate with relevant community-based services;

(6) cooperate with adult basic education programs and other adult literacy programs;

(7) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20 children with at least one ~~licensed~~ teacher;

(8) have teachers knowledgeable in early childhood curriculum content, assessment, native and English language development programs, and instruction; and

(9) provide instructional content and activities that are of sufficient length and intensity to address learning needs including offering a program with at least 350 hours of instruction per school year.

A teacher in a school readiness plus program must meet the criteria of a school readiness teacher under section 124D.15 or the criteria for a voluntary prekindergarten teacher under section 124D.151.

**EFFECTIVE DATE.** This section is effective retroactively from July 1, 2017.

ARTICLE 9  
COMMUNITY EDUCATION, PREVENTION, SELF-SUFFICIENCY,  
AND LIFELONG LEARNING

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

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

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



Sec. 2. Minnesota Statutes 2017 Supplement, section 124D.99, subdivision 3, is amended to read:

Subd. 3. **Administration; design.** (a) The commissioner shall establish program requirements, an application process and timeline for each tier of grants specified in subdivision 4, criteria for evaluation of applications, and a grant awards process. The commissioner's process must minimize administrative costs, minimize burdens for applicants and grant recipients, and provide a framework that permits flexibility in program design and implementation among grant recipients.

(b) To the extent practicable, the commissioner shall design the program to align with programs implemented or proposed by organizations in Minnesota that:

(1) identify and increase the capacity of organizations that are focused on achieving data-driven, locally controlled positive outcomes for children and youth throughout an entire neighborhood or geographic area through programs such as Strive Together, Promise Neighborhood, and the Education Partnerships Coalition members;

(2) build a continuum of educational family and community supports with academically rigorous schools at the center;

(3) maximize program efficiencies by integrating programmatic activities and eliminating administrative barriers;

(4) develop local infrastructure needed to sustain and scale up proven and effective solutions beyond the initial neighborhood or geographic area; ~~and~~

(5) utilize appropriate outcome measures based on unique community needs and interests and apply rigorous evaluation on a periodic basis to be used to both monitor outcomes and allow for continuous improvements to systems;

(6) collect and utilize data to improve student outcomes;

(7) share disaggregated performance data with the community to set community-level outcomes;

(8) employ continuous improvement processes;

(9) have an anchor entity to manage the partnership;

(10) convene a cross-sector leadership group and have a documented accountability structure; and

(11) demonstrate use of nonstate funds, from multiple sources, including in-kind contributions.

(c) A grant recipient's supportive services programming must address:

(1) kindergarten readiness and youth development;

(2) grade 3 reading proficiency;

(3) middle school mathematics;

~~(3)~~ (4) high school graduation;

~~(4)~~ (5) postsecondary educational attainment enrollment;

(6) postsecondary education completion;

~~(5)~~ (7) physical and mental health;

~~(6)~~ (8) development of career skills and readiness;

~~(7)~~ (9) parental engagement and development;

~~(8)~~ (10) community engagement and programmatic alignment; and

~~(9)~~ (11) reduction of remedial education.

(d) The commissioner, in consultation with grant recipients, must:

(1) develop and revise core indicators of progress toward outcomes specifying impacts for each tier identified under subdivision 4;

(2) establish a reporting system for grant recipients to measure program outcomes using data sources and program goals; and

(3) evaluate effectiveness based on the core indicators established by each partnership for each tier.

Sec. 3. Minnesota Statutes 2017 Supplement, section 136A.246, subdivision 4, is amended to read:

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

(1) the projected number of employee trainees;

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

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

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

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

(6) the period of the training; and

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

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

Sec. 4. Minnesota Statutes 2017 Supplement, section 155A.30, subdivision 12, is amended to read:

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

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

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

Sec. 5. Laws 2017, First Special Session chapter 5, article 9, section 2, subdivision 7, is amended to read:

Subd. 7. **Tier 2 implementing grants.** (a) For Tier 2 implementing grants under Minnesota Statutes, section 124D.99:

\$480,000	. . . . .	2018
\$ <del>480,000</del> <u>560,000</u>	. . . . .	2019

(b) For fiscal years 2018 and 2019 only, \$160,000 each year is for the Northfield Healthy Community Initiative in Northfield; \$160,000 is for the Jones Family Foundation for the Every Hand Joined program in Red Wing; and \$160,000 is for the United Way of Central Minnesota for the Partners for Student Success program.

(c) For fiscal year 2019 only, \$80,000 is for the United Way of Central Minnesota for the Promise Neighborhood of Central Minnesota.

(d) The base funding for Tier 2 implementing grants is \$480,000. The commissioner must competitively award all grants under this subdivision for fiscal year 2020 and later: according to the criteria in Minnesota Statutes, section 124D.99, subdivision 3. For grants authorized in fiscal year 2020 and later, priority must be given to past grant recipients.

~~(d)~~ (e) Any balance in the first year does not cancel but is available in the second year.

## ARTICLE 10 STATE AGENCIES

Section 1. Laws 2017, First Special Session chapter 5, article 11, section 9, is amended to read:

Sec. 9. **APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

Subdivision 1. **Department of Education.** Unless otherwise indicated, the sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **Department.** (a) For the Department of Education:

\$27,158,000	. . . . .	2018
\$24,874,000	. . . . .	2019

Of these amounts:

(1) \$231,000 each year is for the Board of School Administrators, and beginning in fiscal year 2020, the amount indicated is from the educator licensure account in the special revenue fund;

(2) \$1,000,000 each year is for regional centers of excellence under Minnesota Statutes, section 120B.115;

(3) \$500,000 each year is for the school safety technical assistance center under Minnesota Statutes, section 127A.052;

(4) \$250,000 each year is for the School Finance Division to enhance financial data analysis;

(5) \$720,000 each year is for implementing Minnesota's Learning for English Academic Proficiency and Success Act under Laws 2014, chapter 272, article 1, as amended;

(6) \$2,750,000 in fiscal year 2018 and \$500,000 in fiscal year 2019 are for the Department of Education's mainframe update;

(7) \$123,000 each year is for a dyslexia specialist; and

(8) \$2,000,000 each year is for legal fees and costs associated with litigation.

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

(c) None of the amounts appropriated under this subdivision may be used for Minnesota's Washington, D.C. office.

(d) The expenditures of federal grants and aids as shown in the biennial budget document and its supplements are approved and appropriated and shall be spent as indicated.

(e) This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing information technology costs will be incorporated into the service level agreement and will be paid to the Office of MN.IT Services by the Department of Education under the rates and mechanism specified in that agreement.

(f) The agency's base is ~~\$22,054,000~~ \$21,054,000 for fiscal year 2020 and ~~\$21,965,000~~ \$20,965,000 for 2021.

Sec. 2. Laws 2017, First Special Session chapter 5, article 11, section 12, is amended to read:

**Sec. 12. APPROPRIATIONS; PERPICH CENTER FOR ARTS EDUCATION.**

(a) The sums in this section are appropriated from the general fund to the Perpich Center for Arts Education for the fiscal years designated:

\$ <del>8,173,000</del> <u>7,298,000</u>	.....	2018
\$6,973,000	.....	2019

(b) Of the amounts appropriated in paragraph (a), \$370,000 is for fiscal years 2018 or 2019 only for arts integration and Turnaround Arts programs.

(c) ~~\$1,200,000~~ \$325,000 in fiscal year 2018 is for severance payments related to the closure of Crosswinds school and is available until June 30, ~~2019~~ 2018.

(d) For fiscal year 2020 and later, the base for the Perpich Center for Arts Education is \$5,373,000. This base is calculated with an operational fixed cost of \$2,518,000 and a variable cost of \$16,000 times the estimated number of pupil units served times the ratio of the basic formula allowance for the current year to the formula allowance for fiscal year 2019.

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

Sec. 3. Laws 2017, First Special Session chapter 5, article 11, section 13, is amended to read:

Sec. 13. **CROSSWINDS DISPOSITION COSTS.**

~~\$162,000~~ \$21,000 in fiscal year 2018 only is appropriated from the general fund to the Perpich Center for Arts Education. The amount appropriated in this section is for transfer to the commissioner of administration for costs related to the sale of the Crosswinds school and is available until June 30, 2019.

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

ARTICLE 11  
FORECAST ADJUSTMENTS

A. GENERAL EDUCATION

Section 1. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 3, is amended to read:

Subd. 3. **Enrollment options transportation.** For transportation of pupils attending postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

\$ <del>29,000</del> <u>25,000</u>	.....	2018
\$ <del>31,000</del> <u>27,000</u>	.....	2019

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

Sec. 2. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 4, is amended to read:

Subd. 4. **Abatement aid.** For abatement aid under Minnesota Statutes, section 127A.49:

\$ <del>2,374,000</del> <u>2,584,000</u>	.....	2018
\$ <del>2,163,000</del> <u>3,218,000</u>	.....	2019

The 2018 appropriation includes \$262,000 for 2017 and ~~\$2,112,000~~ \$2,322,000 for 2018.

The 2019 appropriation includes ~~\$234,000~~ \$258,000 for 2018 and ~~\$1,929,000~~ \$2,960,000 for 2019.

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

Sec. 3. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 5, is amended to read:

Subd. 5. **Consolidation transition aid.** For districts consolidating under Minnesota Statutes, section 123A.485:

\$ <del>185,000</del> 0	.....	2018
\$ <del>382,000</del> <u>270,000</u>	.....	2019

The 2018 appropriation includes \$0 for 2017 and ~~\$185,000~~ \$0 for 2018.

The 2019 appropriation includes ~~\$20,000~~ \$0 for 2018 and ~~\$362,000~~ \$270,000 for 2019.

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

Sec. 4. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 6, is amended to read:

Subd. 6. **Nonpublic pupil education aid.** For nonpublic pupil education aid under Minnesota Statutes, sections 123B.40 to 123B.43 and 123B.87:

\$ <del>18,197,000</del> <u>17,779,000</u>	.....	2018
\$ <del>19,225,000</del> <u>17,910,000</u>	.....	2019

The 2018 appropriation includes \$1,687,000 for 2017 and ~~\$16,510,000~~ \$16,092,000 for 2018.

The 2019 appropriation includes ~~\$1,834,000~~ \$1,787,000 for 2018 and ~~\$17,391,000~~ \$16,123,000 for 2019.

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

Sec. 5. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 7, is amended to read:

Subd. 7. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid under Minnesota Statutes, section 123B.92, subdivision 9:

\$ <del>18,372,000</del> <u>17,549,000</u>	.....	2018
\$ <del>18,541,000</del> <u>18,309,000</u>	.....	2019

The 2018 appropriation includes \$1,835,000 for 2017 and ~~\$16,537,000~~ \$15,714,000 for 2018.

The 2019 appropriation includes ~~\$1,837,000~~ \$1,745,000 for 2018 and ~~\$16,704,000~~ \$16,564,000 for 2019.

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

Sec. 6. Laws 2017, First Special Session chapter 5, article 1, section 19, subdivision 9, is amended to read:

Subd. 9. **Career and technical aid.** For career and technical aid under Minnesota Statutes, section 124D.4531, subdivision 1b:

\$ <del>4,561,000</del> <u>4,757,000</u>	.....	2018
\$ <del>4,125,000</del> <u>4,384,000</u>	.....	2019

The 2018 appropriation includes \$476,000 for 2017 and ~~\$4,085,000~~ \$4,281,000 for 2018.

The 2019 appropriation includes ~~\$453,000~~ \$475,000 for 2018 and ~~\$3,672,000~~ \$3,909,000 for 2019.

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

## B. EDUCATION EXCELLENCE

Sec. 7. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 2, is amended to read:

Subd. 2. **Achievement and integration aid.** For achievement and integration aid under Minnesota Statutes, section 124D.862:

\$ <del>71,249,000</del> <u>71,693,000</u>	.....	2018
\$ <del>73,267,000</del> <u>73,926,000</u>	.....	2019

The 2018 appropriation includes \$6,725,000 for 2017 and ~~\$64,524,000~~ \$64,968,000 for 2018.

The 2019 appropriation includes ~~\$7,169,000~~ \$7,218,000 for 2018 and ~~\$66,098,000~~ \$66,708,000 for 2019.

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

Sec. 8. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 3, is amended to read:

Subd. 3. **Literacy incentive aid.** For literacy incentive aid under Minnesota Statutes, section 124D.98:

\$ <del>47,264,000</del> <u>46,517,000</u>	.....	2018
\$ <del>47,763,000</del> <u>46,188,000</u>	.....	2019

The 2018 appropriation includes \$4,597,000 for 2017 and ~~\$42,667,000~~ \$41,920,000 for 2018.

The 2019 appropriation includes ~~\$4,740,000~~ \$4,657,000 for 2018 and ~~\$43,023,000~~ \$41,531,000 for 2019.

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

Sec. 9. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 4, is amended to read:

Subd. 4. **Interdistrict desegregation or integration transportation grants.** For interdistrict desegregation or integration transportation grants under Minnesota Statutes, section 124D.87:

\$ <del>13,337,000</del> <u>14,328,000</u>	.....	2018
\$ <del>14,075,000</del> <u>15,065,000</u>	.....	2019

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

Sec. 10. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 5, is amended to read:

Subd. 5. **Tribal contract schools.** For tribal contract school aid under Minnesota Statutes, section 124D.83:

\$ <del>3,623,000</del> <u>2,954,000</u>	.....	2018
\$ <del>4,018,000</del> <u>3,381,000</u>	.....	2019

The 2018 appropriation includes \$323,000 for 2017 and ~~\$3,300,000~~ \$2,631,000 for 2018.

The 2019 appropriation includes ~~\$366,000~~ \$292,000 for 2018 and ~~\$3,652,000~~ \$3,089,000 for 2019.

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

Sec. 11. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 6, is amended to read:

Subd. 6. **American Indian education aid.** For American Indian education aid under Minnesota Statutes, section 124D.81, subdivision 2a:

\$9,244,000	.....	2018
<del>\$ 9,464,000</del> <u>9,409,000</u>	.....	2019

The 2018 appropriation includes \$886,000 for 2017 and \$8,358,000 for 2018.

The 2019 appropriation includes \$928,000 for 2018 and ~~\$8,536,000~~ \$8,481,000 for 2019.

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

Sec. 12. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 21, is amended to read:

Subd. 21. **Charter school building lease aid.** For building lease aid under Minnesota Statutes, section 124E.22:

<del>\$ 73,341,000</del> <u>73,334,000</u>	.....	2018
<del>\$ 78,802,000</del> <u>79,098,000</u>	.....	2019

The 2018 appropriation includes \$6,850,000 for 2017 and ~~\$66,491,000~~ \$66,484,000 for 2018.

The 2019 appropriation includes \$7,387,000 for 2018 and ~~\$71,415,000~~ \$71,711,000 for 2019.

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

Sec. 13. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 26, is amended to read:

Subd. 26. **Alternative teacher compensation aid.** For alternative teacher compensation aid under Minnesota Statutes, section 122A.415, subdivision 4:

<del>\$ 89,863,000</del> <u>90,131,000</u>	.....	2018
<del>\$ 89,623,000</del> <u>89,789,000</u>	.....	2019

The 2018 appropriation includes \$8,917,000 for 2017 and ~~\$80,946,000~~ \$81,214,000 for 2018.

The 2019 appropriation includes ~~\$8,994,000~~ \$9,023,000 for 2018 and ~~\$80,629,000~~ \$80,766,000 for 2019.

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

#### C. SPECIAL EDUCATION

Sec. 14. Laws 2017, First Special Session chapter 5, article 4, section 12, subdivision 3, is amended to read:

Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section 125A.75, subdivision 3, for children with disabilities placed in residential facilities within the district boundaries for whom no district of residence can be determined:

<del>\$ 1,597,000</del> <u>1,022,000</u>	.....	2018
<del>\$ 1,830,000</del> <u>1,204,000</u>	.....	2019

If the appropriation for either year is insufficient, the appropriation for the other year is available.

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



Sec. 15. Laws 2017, First Special Session chapter 5, article 4, section 12, subdivision 4, is amended to read:

Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based services under Minnesota Statutes, section 125A.75, subdivision 1:

\$ <del>508,000</del> <u>412,000</u>	.....	2018
\$ <del>532,000</del> <u>421,000</u>	.....	2019

The 2018 appropriation includes \$48,000 for 2017 and ~~\$460,000~~ \$364,000 for 2018.

The 2019 appropriation includes ~~\$51,000~~ \$40,000 for 2018 and ~~\$481,000~~ \$381,000 for 2019.

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

Sec. 16. Laws 2017, First Special Session chapter 5, article 4, section 12, subdivision 5, is amended to read:

Subd. 5. **Court-placed special education revenue.** For reimbursing serving school districts for unreimbursed eligible expenditures attributable to children placed in the serving school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

\$ <del>46,000</del> <u>40,000</u>	.....	2018
\$ <del>47,000</del> <u>41,000</u>	.....	2019

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

#### D. FACILITIES AND TECHNOLOGY

Sec. 17. Laws 2017, First Special Session chapter 5, article 5, section 14, subdivision 2, is amended to read:

Subd. 2. **Debt service equalization aid.** For debt service equalization aid under Minnesota Statutes, section 123B.53, subdivision 6:

\$24,908,000	.....	2018
\$ <del>22,360,000</del> <u>23,137,000</u>	.....	2019

The 2018 appropriation includes \$2,324,000 for 2017 and \$22,584,000 for 2018.

The 2019 appropriation includes \$2,509,000 for 2018 and ~~\$19,851,000~~ \$20,628,000 for 2019.

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

Sec. 18. Laws 2017, First Special Session chapter 5, article 5, section 14, subdivision 3, is amended to read:

Subd. 3. **Long-term facilities maintenance equalized aid.** For long-term facilities maintenance equalized aid under Minnesota Statutes, section 123B.595, subdivision 9:

\$ <del>80,179,000</del> <u>81,053,000</u>	.....	2018
\$ <del>103,460,000</del> <u>102,374,000</u>	.....	2019

The 2018 appropriation includes \$5,815,000 for 2017 and ~~\$74,364,000~~ \$75,238,000 for 2018.

The 2019 appropriation includes ~~\$8,262,000~~ \$8,359,000 for 2018 and ~~\$95,198,000~~ \$94,015,000 for 2019.

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

## E. NUTRITION

Sec. 19. Laws 2017, First Special Session chapter 5, article 6, section 3, subdivision 2, is amended to read:

Subd. 2. **School lunch.** For school lunch aid under Minnesota Statutes, section 124D.111, and Code of Federal Regulations, title 7, section 210.17:

\$ <del>16,721,000</del> <u>16,143,000</u>	.....	2018
\$ <del>17,223,000</del> <u>16,477,000</u>	.....	2019

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

Sec. 20. Laws 2017, First Special Session chapter 5, article 6, section 3, subdivision 3, is amended to read:

Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota Statutes, section 124D.1158:

\$ <del>10,601,000</del> <u>10,474,000</u>	.....	2018
\$ <del>11,359,000</del> <u>11,282,000</u>	.....	2019

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

Sec. 21. Laws 2017, First Special Session chapter 5, article 6, section 3, subdivision 4, is amended to read:

Subd. 4. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes, section 124D.118:

\$ <del>758,000</del> <u>734,000</u>	.....	2018
\$ <del>758,000</del> <u>734,000</u>	.....	2019

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

## F. EARLY CHILDHOOD AND FAMILY SUPPORT

Sec. 22. Laws 2017, First Special Session chapter 5, article 8, section 10, subdivision 3, is amended to read:

Subd. 3. **Mixed delivery prekindergarten programs.** (a) For mixed delivery prekindergarten programs and school readiness plus programs:

\$ <del>21,429,000</del> <u>0</u>	.....	2018
\$ <del>28,571,000</del> <u>0</u>	.....	2019

(b) The fiscal year 2018 appropriation includes \$0 for 2017 and ~~\$21,429,000~~ \$0 for 2018.

(c) The fiscal year 2019 appropriation includes ~~\$2,381,000~~ \$0 for 2018 and ~~\$26,190,000~~ \$0 for 2019.

(d) The commissioner must proportionately allocate the amounts appropriated in this subdivision among each education funding program affected by the enrollment of mixed delivery system prekindergarten pupils.

(e) The appropriation under this subdivision is reduced by any other amounts specifically appropriated for those purposes.

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

Sec. 23. Laws 2017, First Special Session chapter 5, article 8, section 10, subdivision 5a, is amended to read:

Subd. 5a. **Early childhood family education aid.** For early childhood family education aid under Minnesota Statutes, section 124D.135:

\$ <del>30,405,000</del> <u>29,760,000</u>	.....	2018
\$ <del>31,977,000</del> <u>30,870,000</u>	.....	2019

The 2018 appropriation includes \$2,904,000 for 2017 and ~~\$27,501,000~~ \$26,856,000 for 2018.

The 2019 appropriation includes ~~\$3,055,000~~ \$2,983,000 for 2018 and ~~\$28,922,000~~ \$27,887,000 for 2019.

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

Sec. 24. Laws 2017, First Special Session chapter 5, article 8, section 10, subdivision 6, is amended to read:

Subd. 6. **Developmental screening aid.** For developmental screening aid under Minnesota Statutes, sections 121A.17 and 121A.19:

\$ <del>3,606,000</del> <u>3,663,000</u>	.....	2018
\$ <del>3,629,000</del> <u>3,688,000</u>	.....	2019

The 2018 appropriation includes \$358,000 for 2017 and ~~\$3,248,000~~ \$3,305,000 for 2018.

The 2019 appropriation includes ~~\$360,000~~ \$367,000 for 2018 and ~~\$3,269,000~~ \$3,321,000 for 2019.

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

Sec. 25. Laws 2017, First Special Session chapter 5, article 8, section 10, subdivision 12, is amended to read:

Subd. 12. **Home visiting aid.** For home visiting aid under Minnesota Statutes, section 124D.135:

\$ <del>527,000</del> <u>503,000</u>	.....	2018
\$ <del>571,000</del> <u>525,000</u>	.....	2019

The 2018 appropriation includes \$0 for 2017 and ~~\$527,000~~ \$503,000 for 2018.

The 2019 appropriation includes ~~\$58,000~~ \$55,000 for 2018 and ~~\$513,000~~ \$470,000 for 2019.

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

#### G. COMMUNITY EDUCATION AND PREVENTION

Sec. 26. Laws 2017, First Special Session chapter 5, article 9, section 2, subdivision 2, is amended to read:

Subd. 2. **Community education aid.** For community education aid under Minnesota Statutes, section 124D.20:

\$ <del>483,000</del> <u>477,000</u>	.....	2018
\$ <del>393,000</del> <u>410,000</u>	.....	2019

The 2018 appropriation includes \$53,000 for 2017 and ~~\$430,000~~ \$424,000 for 2018.

The 2019 appropriation includes \$47,000 for 2018 and ~~\$346,000~~ \$363,000 for 2019.

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

H. SELF-SUFFICIENCY AND LIFELONG LEARNING

Sec. 27. Laws 2017, First Special Session chapter 5, article 10, section 6, subdivision 2, is amended to read:

Subd. 2. **Adult basic education aid.** For adult basic education aid under Minnesota Statutes, section 124D.531:

\$ <del>50,010,000</del> <u>48,708,000</u>	. . . . .	2018
\$ <del>51,497,000</del> <u>50,109,000</u>	. . . . .	2019

The 2018 appropriation includes \$4,881,000 for 2017 and ~~\$45,129,000~~ \$43,827,000 for 2018.

The 2019 appropriation includes ~~\$5,014,000~~ \$4,869,000 for 2018 and ~~\$46,483,000~~ \$45,240,000 for 2019.

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

ARTICLE 12  
APPROPRIATIONS

Section 1. **HIGHER EDUCATION APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are added to the appropriations in Laws 2017, chapter 89, article 1, unless otherwise specified, to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2018" and "2019" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively. "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium" is fiscal years 2018 and 2019.

<b><u>APPROPRIATIONS</u></b>	
<b><u>Available for the Year</u></b>	
<b><u>Ending June 30</u></b>	
<b><u>2018</u></b>	<b><u>2019</u></b>

Sec. 2. **MINNESOTA OFFICE OF HIGHER EDUCATION**

<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$-0-</u></b>	<b><u>\$500,000</u></b>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. <b><u>State Grants</u></b>	-0-	<u>350,000</u>
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This is a onetime appropriation.

Subd. 3. <b><u>Agricultural Educators Loan Forgiveness</u></b>	-0-	<u>100,000</u>
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For transfer to the agricultural education loan forgiveness account in the special revenue fund under Minnesota Statutes, section 136A.1794, subdivision 2. This is a onetime appropriation.

<u>Subd. 3. <b>Student Loan Debt Counseling</b></u>	<u>-0-</u>	<u>50,000</u>
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For a student loan debt counseling grant under Minnesota Statutes, section 136A.1705. This is a onetime appropriation.

**Sec. 3. BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES**

<u>Subdivision 1. <b>Total Appropriation</b></u>	<u>\$-0-</u>	<u>\$5,000,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

<u>Subd. 2. <b>Operations and Maintenance</b></u>	<u>-0-</u>	<u>5,000,000</u>
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(a) This appropriation includes \$1,000,000 in fiscal year 2019 for cyber security programs at Metropolitan State University. This is a onetime appropriation.

(b) This appropriation includes \$4,000,000 in fiscal year 2019 for campus support to be allocated to campuses according to the fiscal year 2019 framework. This is a onetime appropriation.

<b><u>Sec. 4. BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA</u></b>	<b><u>\$-0-</u></b>	<b><u>\$500,000</u></b>
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This is a onetime appropriation.

ARTICLE 13  
HIGHER EDUCATION POLICY

Section 1. Minnesota Statutes 2016, section 135A.15, subdivision 2, is amended to read:

Subd. 2. **Victims' rights.** The policy required under subdivision 1 shall, at a minimum, require that students and employees be informed of the policy, and shall include provisions for:

- (1) filing criminal charges with local law enforcement officials in sexual assault cases;
- (2) the prompt assistance of campus authorities, at the request of the victim, in notifying the appropriate law enforcement officials and disciplinary authorities of a sexual assault incident;
- (3) allowing sexual assault victims to decide whether to report a case to law enforcement;
- (4) requiring campus authorities to treat sexual assault victims with dignity;
- (5) requiring campus authorities to offer sexual assault victims fair and respectful health care, counseling services, or referrals to such services;
- (6) preventing campus authorities from suggesting to a victim of sexual assault that the victim is at fault for the crimes or violations that occurred;

(7) preventing campus authorities from suggesting to a victim of sexual assault that the victim should have acted in a different manner to avoid such a crime;

(8) subject to subdivision 10, protecting the privacy of sexual assault victims by only disclosing data collected under this section to the victim, persons whose work assignments reasonably require access, and, at a sexual assault victim's request, police conducting a criminal investigation;

(9) an investigation and resolution of a sexual assault complaint by campus disciplinary authorities;

(10) a sexual assault victim's participation in and the presence of the victim's attorney or other support person who is not a fact witness to the sexual assault at any meeting with campus officials concerning the victim's sexual assault complaint or campus disciplinary proceeding concerning a sexual assault complaint;

(11) ensuring that a sexual assault victim may decide when to repeat a description of the incident of sexual assault;

(12) notice to a sexual assault victim of the availability of a campus or local program providing sexual assault advocacy services and information on legal resources;

(13) notice to a sexual assault victim of the outcome of any campus disciplinary proceeding concerning a sexual assault complaint, consistent with laws relating to data practices;

(14) the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a sexual assault incident;

(15) the assistance of campus authorities in preserving for a sexual assault complainant or victim materials relevant to a campus disciplinary proceeding;

(16) during and after the process of investigating a complaint and conducting a campus disciplinary procedure, the assistance of campus personnel, in cooperation with the appropriate law enforcement authorities, at a sexual assault victim's request, in shielding the victim from unwanted contact with the alleged assailant, including transfer of the victim to alternative classes or to alternative college-owned housing, if alternative classes or housing are available and feasible;

(17) forbidding retaliation, and establishing a process for investigating complaints of retaliation, against sexual assault victims by campus authorities, the accused, organizations affiliated with the accused, other students, and other employees;

(18) at the request of the victim, providing students who reported sexual assaults to the institution and subsequently choose to transfer to another postsecondary institution with information about resources for victims of sexual assault at the institution to which the victim is transferring; and

(19) consistent with laws governing access to student records, providing a student who reported an incident of sexual assault with access to the student's description of the incident as it was reported to the institution, including if that student transfers to another postsecondary institution.

Sec. 2. Minnesota Statutes 2016, section 135A.15, subdivision 6, is amended to read:

Subd. 6. **Data collection and reporting.** (a) Postsecondary institutions must annually report statistics on sexual assault. This report must be prepared in addition to any federally required reporting on campus security, including reports required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, United States Code, title 20, section 1092(f). The report must include, but not be limited to, the number of incidents of sexual assault reported to the institution in the previous calendar year, as follows:

- (1) the number that were investigated by the institution;
- (2) the number that were referred for a disciplinary proceeding at the institution;
- (3) the number the victim chose to report to local or state law enforcement;
- (4) the number for which a campus disciplinary proceeding is pending, but has not reached a final resolution;
- (5) the number in which the alleged perpetrator was found responsible by the disciplinary proceeding at the institution;
- (6) the number that resulted in any action by the institution greater than a warning issued to the accused;
- (7) the number that resulted in a disciplinary proceeding at the institution that closed without resolution;
- (8) the number that resulted in a disciplinary proceeding at the institution that closed without resolution because the accused withdrew from the institution;
- (9) the number that resulted in a disciplinary proceeding at the institution that closed without resolution because the victim chose not to participate in the procedure; and
- (10) the number of reports made through the online reporting system established in subdivision 5, excluding reports submitted anonymously.

(b) If an institution previously submitted a report indicating that one or more disciplinary proceedings was pending, but had not reached a final resolution, and one or more of those disciplinary proceedings reached a final resolution within the previous calendar year, that institution must submit updated totals from the previous year that reflect the outcome of the pending case or cases.

(c) The reports required by this subdivision must be submitted to the Office of Higher Education by October 1 of each year. Each report must contain the data required under paragraphs (a) and (b) from the previous calendar year.

(d) The commissioner of the Office of Higher Education shall calculate statewide numbers for each data item reported by an institution under this subdivision. The statewide numbers must include data from postsecondary institutions that the commissioner could not publish due to federal laws governing access to student records.

(e) The Office of Higher Education shall publish on its Web site:

- (1) the statewide data calculated under paragraph (d); and
- (2) the data items required under paragraphs (a) and (b) for each postsecondary institution in the state.

Each postsecondary institution shall publish on the institution's Web site the data items required under paragraphs (a) and (b) for that institution.

(f) Reports and data required under this subdivision must be prepared and published as summary data, as defined in section 13.02, subdivision 19, and must be consistent with applicable law governing access to educational data. If an institution or the Office of Higher Education does not publish data because of applicable law, the publication must explain why data are not included.

(g) By October 1 of each year, the Board of Regents of the University of Minnesota must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over higher education policy and finance. In addition to the data on sexual assault incidents described in paragraph (a), the report must include equivalent data on incidents of sexual harassment, as defined in the board's policy on sexual harassment. The report is subject to the requirements of paragraph (f).

Sec. 3. **[136A.1705] STUDENT LOAN DEBT COUNSELING.**

Subdivision 1. **Grant.** (a) A program is established under the Office of Higher Education to provide a grant to a Minnesota-based nonprofit qualified debt counseling organization to provide individual student loan debt repayment counseling to borrowers who are Minnesota residents concerning loans obtained to attend a postsecondary institution. The number of individuals receiving counseling may be limited to those capable of being served with available appropriations for that purpose. A goal of the counseling program is to provide two counseling sessions to at least 75 percent of borrowers receiving counseling.

(b) The purpose of the counseling is to assist borrowers to:

(1) understand their loan and repayment options;

(2) manage loan repayment; and

(3) develop a workable budget based on the borrower's full financial situation regarding income, expenses, and other debt.

Subd. 2. **Qualified debt counseling organization.** A qualified debt counseling organization is an organization that:

(1) has experience in providing individualized student loan counseling;

(2) employs certified financial loan counselors; and

(3) is based in Minnesota and has offices at multiple rural and metropolitan area locations in the state to provide in-person counseling.

Subd. 3. **Grant application and award.** (a) Applications for a grant shall be on a form created by the commissioner and on a schedule set by the commissioner. Among other provisions, the application must include a description of:

(1) the characteristics of borrowers to be served;

(2) the services to be provided and a timeline for implementation of the services;

(3) how the services provided will help borrowers manage loan repayment;

(4) specific program outcome goals and performance measures for each goal; and

(5) how the services will be evaluated to determine whether the program goals were met.

(b) The commissioner shall select one grant recipient for a two-year award every two years. A grant may be renewed biennially.



Subd. 4. **Program evaluation.** (a) The grant recipient must submit a report to the commissioner by January 15 of the second year of the grant award. The report must evaluate and measure the extent to which program outcome goals have been met.

(b) The grant recipient must collect, analyze, and report on participation and outcome data that enable the office to verify the outcomes.

(c) The evaluation must include information on the number of borrowers served with on-time student loan payments, the numbers who brought their loans into good standing, the number of student loan defaults, the number who developed a monthly budget plan, and other information required by the commissioner. Recipients of the counseling must be surveyed on their opinions about the usefulness of the counseling and the survey results must be included in the report.

Subd. 5. **Report to legislature.** By February 1 of the second year of each grant award, the commissioner must submit a report to the committees in the legislature with jurisdiction over higher education finance regarding grant program outcomes.

Sec. 4. Minnesota Statutes 2016, section 136A.901, is amended by adding a subdivision to read:

Subd. 3. **Account.** A spinal cord injury and traumatic brain injury research grant account is created in the special revenue fund in the state treasury. The commissioner shall deposit into the account appropriations made for the purposes of this section. Money in the account is appropriated to the commissioner for the purposes for which it was appropriated.

Sec. 5. Minnesota Statutes 2016, section 137.0245, is amended to read:

**137.0245 REGENT CANDIDATE ADVISORY COUNCIL LEGISLATIVE COMMISSION ON REGENT SELECTION.**

Subdivision 1. **Establishment.** A ~~Regent Candidate Advisory Council~~ Legislative Commission on Regent Selection is established to assist in determining criteria for, and identifying and recruiting qualified candidates for membership on the Board of Regents and making recommendations to the joint legislative committee described in section 137.0246, subdivision 2.

Subd. 2. **Membership.** (a) The ~~Regent Candidate Advisory Council~~ shall consist Legislative Commission on Regent Selection consists of: ~~24 members. Twelve members shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate. Twelve members shall be appointed by the speaker of the house. Each appointing authority must appoint one member who is a student enrolled in a degree program at the University of Minnesota at the time of appointment. No more than one third of the members appointed by each appointing authority may be current or former legislators. No more than two thirds of the members appointed by each appointing authority may belong to the same political party; however, political activity or affiliation is not required for the appointment of any member. Geographical representation must be taken into consideration when making appointments. Section 15.0575 shall govern the advisory council, except that:~~

~~(1) the members shall be appointed to six year terms with one third appointed each even numbered year; and~~

~~(2) student members are appointed to two year terms with two students appointed each even numbered year.~~

~~A member may not serve more than two full terms.~~

(1) four members of the house of representatives, two of whom are appointed by the speaker of the house and two of whom are appointed by the minority leader; and

(2) four members of the senate, two of whom are appointed by the majority leader and two of whom are appointed by the minority leader.

(b) Members serve at the pleasure of the appointing authority. The first appointments must be made by September 1, 2018.

(c) A chair of the commission serves a two-year term, expiring on June 30 in an even-numbered year. The chair must alternate biennially between a designee of the speaker of the house and a designee of the senate majority leader. Only a member of the commission may be designated as the chair. The speaker of the house shall designate the first chair. The chair may vote on any matter before the commission.

Subd. 3. **Duties.** (a) The ~~advisory council~~ commission shall:

(1) develop, in consultation with current and former regents, the University of Minnesota Alumni Association, and the administration of the University of Minnesota, a statement of the selection criteria to be applied and a description of the responsibilities and duties of a regent, and shall distribute this to potential candidates; and

(2) for each position on the board, identify and recruit qualified candidates for the Board of Regents, based on the background and experience of the candidates, their potential for discharging the responsibilities of a member of the Board of Regents, and the needs of the board. The selection criteria must not include a limitation on the number of terms an individual may serve on the Board of Regents.

(b) The selection criteria developed under paragraph (a), clause (1), must include a criterion that regents represent diversity in geography; gender; race; occupation, including business and labor; and experience.

(c) The selection criterion must include an identification of the membership needs of the board for individual skills relevant to the governance of the University of Minnesota and the needs for certain individual characteristics. Individual characteristics relate to qualities such as gender, race, and geographic location of residence.

Subd. 4. **Recommendations.** (a) The ~~advisory council~~ commission shall recommend at least ~~two~~ one and not more than ~~four~~ three candidates for each vacancy. By January 15 of each odd-numbered year, the ~~advisory council~~ commission shall submit its recommendations to the joint legislative committee described in section 137.0246, subdivision 2.

(b) The ~~advisory council~~ commission must submit a report to the joint committee on the needs criterion identified under subdivision 3, paragraph (c), at the same time it submits its recommendations.

Subd. 5. **Support services.** The Legislative Coordinating Commission shall provide administrative and support services for the ~~advisory council~~ commission. The Legislative Coordinating Commission shall collect application materials from regent candidates and forward all materials to the Legislative Commission on Regent Selection.

Sec. 6. Minnesota Statutes 2016, section 137.0246, is amended to read:

#### **137.0246 REGENT NOMINATION AND ELECTION.**

Subd. 2. **Regent nomination joint committee.** (a) The joint legislative committee consists of the members of the higher education budget and policy divisions in each house of the legislature. The chairs of the divisions from each body shall be cochairs of the joint legislative committee. A majority of the members from each house is a quorum of the joint committee.

(b) By February 28 of each odd-numbered year, or at a date agreed to by concurrent resolution, the joint legislative committee shall meet to consider the ~~advisory council's~~ Legislative Commission on Regent Selection's recommendations for regent of the University of Minnesota for possible presentation to a joint convention of the legislature.

(c) The joint committee may recommend to the joint convention candidates recommended by the ~~advisory council~~ Legislative Commission on Regent Selection and the other candidates nominated by the joint committee. A candidate other than those recommended by the ~~advisory council~~ Legislative Commission on Regent Selection may be nominated for consideration by the joint committee only if the nomination receives the support of at least three house of representatives members of the committee and two senate members of the committee. A candidate must receive a majority vote of members from the house of representatives and from the senate on the joint committee to be recommended to the joint convention. The joint committee may recommend no more than one candidate for each vacancy. In recommending nominees, the joint committee must consider the needs of the board of regents and the balance of the board membership with respect to gender, racial, and ethnic composition.

Sec. 7. Laws 2017, chapter 89, article 1, section 2, subdivision 18, is amended to read:

Subd. 18. <b>MNSCU Two-Year Public College Program</b>	3,481,000	-0-
	<u>2,481,000</u>	

(a) ~~\$2,780,000~~ \$1,780,000 in fiscal year 2018 is for two-year public college program grants under Laws 2015, chapter 69, article 3, section 20.

(b) \$545,000 in fiscal year 2018 is to provide mentoring and outreach as specified under Laws 2015, chapter 69, article 3, section 20.

(c) \$156,000 in fiscal year 2018 is for information technology and administrative costs associated with implementation of the grant program.

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

Sec. 8. Laws 2017, chapter 89, article 1, section 2, subdivision 20, is amended to read:

Subd. 20. <b>Spinal Cord Injury and Traumatic Brain Injury Research Grant Program</b>	3,000,000	3,000,000
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For transfer to the spinal cord injury and traumatic brain injury research grant account in the special revenue fund.

For spinal cord injury and traumatic brain injury research grants authorized under Minnesota Statutes, section 136A.901.

The commissioner may use no more than three percent of this appropriation to administer the grant program under this subdivision.

Sec. 9. **AFFORDABLE TEXTBOOK PLAN AND REPORT.**

The Board of Trustees of the Minnesota State Colleges and Universities shall develop a plan to increase the use of affordable textbooks and instructional materials. The board must explore and study registration software or other systems and methods to disclose or display the cost of all textbooks and instructional materials required for a course at or prior to course registration. The plan must describe the systems or methods examined and the results of the study. The plan must establish a goal for the percentage of all courses offered at state colleges and universities that will use affordable textbooks and instructional materials. The plan must identify and describe key terms, including "affordable textbook," "instructional material," and "course." The board must submit the plan to the chairs and ranking minority members of the legislative committees with jurisdiction over higher education by January 15, 2020.

Sec. 10. **UNIVERSITY OF MINNESOTA; APPEAL PROCESS FOR SEXUAL MISCONDUCT FINDINGS INVOLVING EMPLOYEES.**

The Board of Regents of the University of Minnesota is requested to amend its sexual misconduct policies to:

(1) provide a process for accused university employees and their victims to appeal findings of the university's Office of Equal Opportunity and Affirmative Action before an impartial decision maker; and

(2) require the office, at the conclusion of a sexual misconduct investigation, to provide notice to accused university employees and their victims of any appeal rights.

ARTICLE 14  
OFFICE OF HIGHER EDUCATION AGENCY POLICY

Section 1. Minnesota Statutes 2016, section 127A.70, subdivision 2, is amended to read:

Subd. 2. **Powers and duties; report.** (a) The partnership shall develop recommendations to the governor and the legislature designed to maximize the achievement of all P-20 students while promoting the efficient use of state resources, thereby helping the state realize the maximum value for its investment. These recommendations may include, but are not limited to, strategies, policies, or other actions focused on:

(1) improving the quality of and access to education at all points from preschool through graduate education;

(2) improving preparation for, and transitions to, postsecondary education and work;

(3) ensuring educator quality by creating rigorous standards for teacher recruitment, teacher preparation, induction and mentoring of beginning teachers, and continuous professional development for career teachers; and

(4) realigning the governance and administrative structures of early education, kindergarten through grade 12, and postsecondary systems in Minnesota.

(b) Under the direction of the P-20 Education Partnership Statewide Longitudinal Education Data System Governance Committee, the Office of Higher Education and the Departments of Education and Employment and Economic Development shall improve and expand the Statewide Longitudinal Education Data System (SLEDS) to provide policymakers, education and workforce leaders, researchers, and members of the public with data, research, and reports to:

(1) expand reporting on students' educational outcomes for diverse student populations including at-risk students, children with disabilities, English learners, and gifted students, among others, and include formative and summative evaluations based on multiple measures of child well-being, early childhood development, and student progress toward career and college readiness;

(2) evaluate the effectiveness of (i) investments in young children and families and (ii) educational and workforce programs; and

(3) evaluate the relationship between (i) investments in young children and families and (ii) education and workforce outcomes, consistent with section 124D.49.

To the extent possible under federal and state law, research and reports should be accessible to the public on the Internet, and disaggregated by demographic characteristics, organization or organization characteristics, and geography.

It is the intent of the legislature that the Statewide Longitudinal Education Data System inform public policy and decision-making. The SLEDS governance committee, with assistance from staff of the Office of Higher Education, the Department of Education, and the Department of Employment and Economic Development, shall respond to legislative committee and agency requests on topics utilizing data made available through the Statewide Longitudinal Education Data System as resources permit. Any analysis of or report on the data must contain only summary data.

(c) By January 15 of each year, the partnership shall submit a report to the governor and to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over P-20 education policy and finance that summarizes the partnership's progress in meeting its goals and identifies the need for any draft legislation when necessary to further the goals of the partnership to maximize student achievement while promoting efficient use of resources.

Sec. 2. Minnesota Statutes 2017 Supplement, section 136A.1275, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** To be eligible for a grant under this section, a teacher candidate must:

(1) be enrolled in a Professional Educator Licensing and Standards Board-approved teacher preparation program that requires at least 12 weeks of student teaching in order to be recommended for a full professional teaching license;

(2) demonstrate financial need based on criteria established by the commissioner under subdivision 3;

(3) ~~intend to teach in a shortage area or belong to an underrepresented racial or ethnic group~~ be meeting satisfactory academic progress as defined under section 136A.101, subdivision 10; and

(4) ~~be meeting satisfactory academic progress as defined under section 136A.101, subdivision 10~~ intend to teach in a shortage area or belong to an underrepresented racial or ethnic group. Intent can be documented based on the teacher license field the student is pursuing or a statement of intent to teach in an economic development region defined as a shortage area in the year the student receives a grant.

Sec. 3. Minnesota Statutes 2017 Supplement, section 136A.1275, subdivision 3, is amended to read:

Subd. 3. **Administration; repayment.** (a) The commissioner must establish an application process and other guidelines for implementing this program, ~~including repayment responsibilities for stipend recipients who do not complete student teaching or who leave Minnesota to teach in another state during the first year after student teaching.~~

(b) The commissioner must determine each academic year the stipend amount up to \$7,500 based on the amount of available funding, the number of eligible applicants, and the financial need of the applicants.

(c) The percentage of the total award funds available at the beginning of the fiscal year reserved for teacher candidates who identify as belonging to ~~an underrepresented~~ a racial or ethnic group underrepresented in the Minnesota teacher workforce must be equal to or greater than the total percentage of students of ~~underrepresented~~ racial or ethnic groups underrepresented in the Minnesota teacher workforce as measured under section 120B.35, subdivision 3. If this percentage cannot be met because of a lack of qualifying candidates, the remaining amount may be awarded to teacher candidates who intend to teach in a shortage area.

Sec. 4. Minnesota Statutes 2016, section 136A.15, subdivision 8, is amended to read:

Subd. 8. **Eligible student.** "Eligible student" means a student who is officially registered or accepted for enrollment at an eligible institution in Minnesota or a Minnesota resident who is officially registered as a student or accepted for enrollment at an eligible institution in another state ~~or province~~. Non-Minnesota residents are eligible students if they are enrolled or accepted for enrollment in a minimum of one course of at least 30 days in length during the academic year that requires physical attendance at an eligible institution located in Minnesota. Non-Minnesota resident students enrolled exclusively during the academic year in correspondence courses or courses offered over the Internet are not eligible students. Non-Minnesota resident students not physically attending classes in Minnesota due to enrollment in a study abroad program for 12 months or less are eligible students. Non-Minnesota residents enrolled in study abroad programs exceeding 12 months are not eligible students. An eligible student, for section 136A.1701, means a student who gives informed consent authorizing the disclosure of data specified in section 136A.162, paragraph (c), to a consumer credit reporting agency.

Sec. 5. Minnesota Statutes 2016, section 136A.16, subdivision 1, is amended to read:

Subdivision 1. **Designation.** Notwithstanding chapter 16C, the office is designated as the administrative agency for carrying out the purposes and terms of sections 136A.15 to ~~136A.1702~~ 136A.1704. The office may establish one or more loan programs.

Sec. 6. Minnesota Statutes 2016, section 136A.16, subdivision 2, is amended to read:

Subd. 2. **Rules, policies, and conditions.** The office shall adopt policies and may prescribe appropriate rules and conditions to carry out the purposes of sections 136A.15 to 136A.1702. ~~The policies and rules except as they relate to loans under section 136A.1701 must be compatible with the provisions of the National Vocational Student Loan Insurance Act of 1965 and the provisions of title IV of the Higher Education Act of 1965, and any amendments thereof.~~

Sec. 7. Minnesota Statutes 2016, section 136A.16, subdivision 5, is amended to read:

Subd. 5. **Agencies.** The office may contract with loan servicers, collection agencies, credit bureaus, or any other person, to carry out the purposes of sections 136A.15 to ~~136A.1702~~ 136A.1704.

Sec. 8. Minnesota Statutes 2016, section 136A.16, subdivision 8, is amended to read:

Subd. 8. **Investment.** Money made available to the office that is not immediately needed for the purposes of sections 136A.15 to ~~136A.1702~~ 136A.1704 may be invested by the office. The money must be invested in bonds, certificates of indebtedness, and other fixed income securities, except preferred stocks, which are legal investments for the permanent school fund. The money may also be invested in prime quality commercial paper that is eligible for investment in the state employees retirement fund. All interest and profits from such investments inure to the benefit of the office or may be pledged for security of bonds issued by the office or its predecessors.

Sec. 9. Minnesota Statutes 2016, section 136A.16, subdivision 9, is amended to read:

Subd. 9. **Staff.** The office may employ the professional and clerical staff the commissioner deems necessary for the proper administration of the loan programs established and defined by sections 136A.15 to ~~136A.1702~~ 136A.1704.

Sec. 10. Minnesota Statutes 2016, section 136A.162, is amended to read:

**136A.162 CLASSIFICATION OF DATA.**

(a) Except as provided in paragraphs (b) and (c), data on applicants for financial assistance collected and used by the office for student financial aid programs administered by that office are private data on individuals as defined in section 13.02, subdivision 12.

(b) Data on applicants may be disclosed to the commissioner of human services to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5).

(c) The following data collected in the Minnesota supplemental loan program under ~~section~~ sections 136A.1701 and 136A.1704 may be disclosed to a consumer credit reporting agency only if the borrower and the cosigner give informed consent, according to section 13.05, subdivision 4, at the time of application for a loan:

- (1) the lender-assigned borrower identification number;
- (2) the name and address of borrower;
- (3) the name and address of cosigner;
- (4) the date the account is opened;
- (5) the outstanding account balance;
- (6) the dollar amount past due;
- (7) the number of payments past due;
- (8) the number of late payments in previous 12 months;
- (9) the type of account;
- (10) the responsibility for the account; and
- (11) the status or remarks code.

Sec. 11. Minnesota Statutes 2016, section 136A.1701, subdivision 7, is amended to read:

Subd. 7. **Repayment of loans.** ~~(a) The office shall establish repayment procedures for loans made under this section, but in no event shall the period of permitted repayment for SELF II or SELF III loans exceed ten years from the eligible student's termination of the student's postsecondary academic or vocational program, or 15 years from the date of the student's first loan under this section, whichever is less in accordance with the policies, rules, and conditions authorized under section 136A.16, subdivision 2. The office will take into consideration the loan limits and current financial market conditions when establishing repayment terms.~~

~~(b) For SELF IV loans, eligible students with aggregate principal loan balances from all SELF phases that are less than \$18,750 shall have a repayment period not exceeding ten years from the eligible student's graduation or termination date. For SELF IV loans, eligible students with aggregate principal loan balances from all SELF phases of \$18,750 or greater shall have a repayment period not exceeding 15 years from the eligible student's graduation or termination date. For SELF IV loans, the loans shall enter repayment no later than seven years after the first disbursement date on the loan.~~

~~(c) For SELF loans from phases after SELF IV, eligible students with aggregate principal loan balances from all SELF phases that are:~~

~~(1) less than \$20,000, must have a repayment period not exceeding ten years from the eligible student's graduation or termination date;~~

~~(2) \$20,000 up to \$40,000, must have a repayment period not exceeding 15 years from the eligible student's graduation or termination date; and~~

~~(3) \$40,000 or greater, must have a repayment period not exceeding 20 years from the eligible student's graduation or termination date. For SELF loans from phases after SELF IV, the loans must enter repayment no later than nine years after the first disbursement date of the loan.~~

Sec. 12. Minnesota Statutes 2016, section 136A.1702, is amended to read:

#### **136A.1702 LEGISLATIVE OVERSIGHT.**

(a) The office shall notify the chairs of the legislative committees with primary jurisdiction over higher education finance of any proposed material change to any of its student loan programs, including loan refinancing under section 136A.1704, prior to making the change.

(b) By December 1 of each year, the commissioner shall submit a report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over the Office of Higher Education regarding the balance of the following accounts in the special revenue fund:

(1) the aviation degree loan forgiveness program account established by section 136A.1789, subdivision 2;

(2) the teacher shortage loan forgiveness program repayment account established by section 136A.1791, subdivision 8;

(3) the agricultural education loan forgiveness account established by section 136A.1794, subdivision 2; and

(4) the large animal veterinarian loan forgiveness program account established by section 136A.1795, subdivision 2.

Sec. 13. Minnesota Statutes 2017 Supplement, section 136A.1789, subdivision 2, is amended to read:

Subd. 2. **Creation of account.** (a) An aviation degree loan forgiveness program account is established in the special revenue fund to provide qualified pilots and qualified aircraft technicians with financial assistance in repaying qualified education loans. The commissioner must use money from the account to establish and administer the aviation degree loan forgiveness program.

(b) Appropriations made to the aviation degree loan forgiveness program account do not cancel and are available until expended.



Sec. 14. Minnesota Statutes 2016, section 136A.1791, subdivision 8, is amended to read:

Subd. 8. **Fund Account established.** A teacher shortage loan forgiveness repayment ~~fund~~ account is created in the special revenue fund for depositing money appropriated to or received by the commissioner for the program. Money deposited in the fund shall not revert to any state fund at the end of any fiscal year but remains in the loan forgiveness repayment fund and is continuously available for loan forgiveness under this section.

Sec. 15. Minnesota Statutes 2016, section 136A.1795, subdivision 2, is amended to read:

Subd. 2. **Establishment; administration.** (a) The commissioner shall establish and administer a loan forgiveness program for large animal veterinarians who:

- (1) agree to practice in designated rural areas that are considered underserved; and
- (2) work full time in a practice that is at least 50 percent involved with the care of food animals.

(b) A large animal veterinarian loan forgiveness program account is established in the special revenue fund. The commissioner must use money from the account to establish and administer the program under this section. Appropriations to the commissioner for the program are for transfer to the fund.

(c) Appropriations made to the program do not cancel and are available until expended.

Sec. 16. Minnesota Statutes 2017 Supplement, section 136A.646, is amended to read:

#### **136A.646 ADDITIONAL SECURITY.**

(a) New schools that have been granted conditional approval for degrees or names to allow them the opportunity to apply for and receive accreditation under section 136A.65, subdivision 7, ~~or shall provide a surety bond in a sum equal to ten percent of the net revenue from tuition and fees in the registered institution's prior fiscal year, but in no case shall the bond be less than \$10,000.~~

(b) Any registered institution that is notified by the United States Department of Education that it has fallen below minimum financial standards and that its continued participation in Title IV will be conditioned upon its satisfying either the Zone Alternative, Code of Federal Regulations, title 34, section 668.175, paragraph (f), or a Letter of Credit Alternative, Code of Federal Regulations, title 34, section 668.175, paragraph (c), shall provide a surety bond in a sum equal to the "letter of credit" required by the United States Department of Education in the Letter of Credit Alternative, but in no event shall such bond be less than \$10,000 nor more than \$250,000. In the event the letter of credit required by the United States Department of Education is higher than ten percent of the Title IV, Higher Education Act program funds received by the institution during its most recently completed fiscal year, the office shall reduce the office's surety requirement to represent ten percent of the Title IV, Higher Education Act program funds received by the institution during its most recently completed fiscal year, subject to the minimum and maximum in this paragraph.

~~(b)~~ (c) In lieu of a bond, the applicant may deposit with the commissioner of management and budget:

- (1) a sum equal to the amount of the required surety bond in cash;
- (2) securities, as may be legally purchased by savings banks or for trust funds, in an aggregate market value equal to the amount of the required surety bond; or
- (3) an irrevocable letter of credit issued by a financial institution to the amount of the required surety bond.

(⇨) (d) The surety of any bond may cancel it upon giving 60 days' notice in writing to the office and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

(⇨) (e) In the event of a school closure, the additional security must first be used to destroy any private educational data under section 13.32 left at a physical campus in Minnesota after all other governmental agencies have recovered or retrieved records under their record retention policies. Any remaining funds must then be used to reimburse tuition and fee costs to students that were enrolled at the time of the closure or had withdrawn in the previous 120 calendar days but did not graduate. Priority for refunds will be given to students in the following order:

(1) cash payments made by the student or on behalf of a student;

(2) private student loans; and

(3) Veteran Administration education benefits that are not restored by the Veteran Administration. If there are additional security funds remaining, the additional security funds may be used to cover any administrative costs incurred by the office related to the closure of the school.

Sec. 17. Minnesota Statutes 2017 Supplement, section 136A.822, subdivision 6, is amended to read:

Subd. 6. **Bond.** (a) No license shall be issued to any private career school which maintains, conducts, solicits for, or advertises within the state of Minnesota any program, unless the applicant files with the office a continuous corporate surety bond written by a company authorized to do business in Minnesota conditioned upon the faithful performance of all contracts and agreements with students made by the applicant.

(b)(1) The amount of the surety bond shall be ten percent of the preceding year's net ~~income~~ revenue from student tuition, fees, and other required institutional charges collected, but in no event less than \$10,000, except that a private career school may deposit a greater amount at its own discretion. A private career school in each annual application for licensure must compute the amount of the surety bond and verify that the amount of the surety bond complies with this subdivision. A private career school that operates at two or more locations may combine net ~~income~~ revenue from student tuition, fees, and other required institutional charges collected for all locations for the purpose of determining the annual surety bond requirement. The net revenue from tuition and fees used to determine the amount of the surety bond required for a private career school having a license for the sole purpose of recruiting students in Minnesota shall be only that paid to the private career school by the students recruited from Minnesota.

(2) A person required to obtain a private career school license due to the use of "academy," "institute," "college," or "university" in its name and which is also licensed by another state agency or board, except not including those schools licensed exclusively in order to participate in state grants or SELF loan financial aid programs, shall be required to provide a school bond of \$10,000.

(c) The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed the principal sum deposited by the private career school under paragraph (b). The surety of any bond may cancel it upon giving 60 days' notice in writing to the office and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

(d) In lieu of bond, the applicant may deposit with the commissioner of management and budget a sum equal to the amount of the required surety bond in cash, an irrevocable letter of credit issued by a financial institution equal to the amount of the required surety bond, or securities as may be legally purchased by savings banks or for trust funds in an aggregate market value equal to the amount of the required surety bond.

(e) Failure of a private career school to post and maintain the required surety bond or deposit under paragraph (d) may result in denial, suspension, or revocation of the school's license.

Sec. 18. Minnesota Statutes 2016, section 136A.822, subdivision 10, is amended to read:

Subd. 10. **Catalog, brochure, or electronic display.** Before a license is issued to a private career school, the private career school shall furnish to the office a catalog, brochure, or electronic display including:

- (1) identifying data, such as volume number and date of publication;
- (2) name and address of the private career school and its governing body and officials;
- (3) a calendar of the private career school showing legal holidays, beginning and ending dates of each course quarter, term, or semester, and other important dates;
- (4) the private career school policy and regulations on enrollment including dates and specific entrance requirements for each program;
- (5) the private career school policy and regulations about leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance;
- (6) the private career school policy and regulations about standards of progress for the student including the grading system of the private career school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, a description of any probationary period allowed by the private career school, and conditions of reentrance for those dismissed for unsatisfactory progress;
- (7) the private career school policy and regulations about student conduct and conditions for dismissal for unsatisfactory conduct;
- (8) a detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;
- (9) the private career school policy and regulations, including an explanation of section 136A.827, about refunding tuition, fees, and other charges if the student does not enter the program, withdraws from the program, or the program is discontinued;
- (10) a description of the available facilities and equipment;
- (11) a course outline syllabus for each course offered showing course objectives, subjects or units in the course, type of work or skill to be learned, and approximate time, hours, or credits to be spent on each subject or unit;
- (12) the private career school policy and regulations about granting credit for previous education and preparation;
- (13) a notice to students relating to the transferability of any credits earned at the private career school to other institutions;

(14) a procedure for investigating and resolving student complaints; ~~and~~

(15) the name and address of the office; and

(16) the student complaint process and rights under section 136A.8295.

A private career school that is exclusively a distance education school is exempt from clauses (3) and (5).

Sec. 19. Minnesota Statutes 2017 Supplement, section 136A.8295, is amended by adding a subdivision to read:

Subd. 6. **Disclosure.** Schools must disclose on their Web site, student handbook, and student catalog the student complaint process under this section to students.

Sec. 20. Laws 2017, chapter 89, article 1, section 2, subdivision 29, is amended to read:

Subd. 29. **Emergency Assistance for Postsecondary Students** 175,000 175,000

(a) This appropriation is for the Office of Higher Education to allocate grant funds on a matching basis to ~~schools~~ eligible institutions as defined under Minnesota Statutes, section 136A.103, located in Minnesota with a demonstrable homeless student population.

(b) This appropriation shall be used to meet immediate student needs that could result in a student not completing the term or their program including, but not limited to, emergency housing, food, and transportation. Emergency assistance does not impact the amount of state financial aid received.

(c) The commissioner shall determine the application process and the grant amounts. Any balance in the first year does not cancel but shall be available in the second year. The Office of Higher Education shall partner with interested postsecondary institutions, other state agencies, and student groups to establish the programs.

Sec. 21. Laws 2017, chapter 89, article 1, section 2, subdivision 31, is amended to read:

Subd. 31. **Teacher Shortage Loan Forgiveness** 200,000 200,000

For transfer to the teacher shortage loan forgiveness program repayment account in the special revenue fund under Minnesota Statutes, section 136A.1791, subdivision 8.

The commissioner may use no more than three percent of this appropriation to administer the program under this subdivision.

Sec. 22. Laws 2017, chapter 89, article 1, section 2, subdivision 32, is amended to read:

Subd. 32. <b>Large Animal Veterinarian Loan Forgiveness Program</b>	375,000	375,000
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For transfer to the large animal veterinarian loan forgiveness program account in the special revenue fund under Minnesota Statutes, section 136A.1795, subdivision 2.

Sec. 23. Laws 2017, chapter 89, article 1, section 2, subdivision 33, is amended to read:

Subd. 33. <b>Agricultural Educators Loan Forgiveness</b>	50,000	50,000
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For ~~deposit in~~ transfer to the agricultural education loan forgiveness account in the special revenue fund under Minnesota Statutes, section 136A.1794, subdivision 2.

Sec. 24. Laws 2017, chapter 89, article 1, section 2, subdivision 34, is amended to read:

Subd. 34. <b>Aviation Degree Loan Forgiveness Program</b>	25,000	25,000
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For transfer to the aviation degree loan forgiveness program account in the special revenue fund under Minnesota Statutes, section 136A.1789, subdivision 2.

Sec. 25. **REPEALER.**

Minnesota Statutes 2016, sections 136A.15, subdivisions 2 and 7; and 136A.1701, subdivision 12, are repealed."

Delete the title and insert:

"A bill for an act relating to education; providing for the financing of early childhood through higher education, including general education; student and school safety; education excellence; teachers; special education; facilities, technology, and libraries; nutrition; early childhood and family support; community education, prevention, self-sufficiency, and lifelong learning; state agencies; making forecast adjustments; modifying certain higher education policy provisions; making clarifying changes to loan forgiveness and research grant programs; and modifying the regent candidate selection process; requiring reports; appropriating money; amending Minnesota Statutes 2016, sections 120A.20, subdivision 2; 120A.22, subdivision 12; 120B.021, by adding a subdivision; 120B.024, subdivision 1; 120B.11, subdivisions 1, 1a, 2, 5, 9; 120B.12, as amended; 120B.299, subdivision 10; 120B.30, subdivisions 1a, 3; 120B.36, subdivision 2; 121A.39; 121A.41, by adding a subdivision; 121A.45, subdivision 1; 121A.46, by adding subdivisions; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.61, subdivision 2; 121A.67, by adding a subdivision; 122A.42; 122A.71, subdivision 2; 123B.14, subdivision 7; 123B.41, subdivision 5; 123B.52, subdivision 6; 123B.595, as amended; 123B.61; 124D.09, subdivision 4; 124D.111; 124D.151, subdivision 2; 124D.162; 124D.78, subdivision 2; 124D.98; 124E.03, subdivision 5; 125A.76, subdivision 1; 125B.07, subdivision 6; 126C.15, subdivision 5, by adding a subdivision; 126C.44; 127A.41, as amended; 127A.45, subdivisions 11, 16; 127A.70, subdivision 2; 134.355, subdivision 10; 135A.15, subdivisions 2, 6; 136A.15, subdivision 8; 136A.16, subdivisions 1, 2, 5, 8, 9; 136A.162; 136A.1701, subdivision 7; 136A.1702; 136A.1791, subdivision 8; 136A.1795, subdivision 2; 136A.822, subdivision 10; 136A.901, by adding a subdivision; 137.0245; 137.0246; 171.02, subdivision 2a; 205A.07, subdivision 2; 245C.02, by adding a subdivision; 245C.12; 299C.17; 471.59, subdivision 1; 475.58, subdivision 4; 609.095; 626.556, subdivision 10; 631.40, subdivision 1a; Minnesota Statutes 2017 Supplement, sections 120B.021, subdivision 1; 120B.122,

subdivision 1; 120B.125; 120B.30, subdivision 1; 120B.35, subdivision 3; 120B.36, subdivision 1; 122A.09, subdivision 2, by adding a subdivision; 122A.18, subdivision 8; 122A.187, subdivision 3, by adding a subdivision; 122A.20, subdivisions 1, 2; 122A.40, subdivision 13; 122A.41, subdivision 6; 123B.03, subdivisions 1, 2; 123B.41, subdivision 2; 123B.52, subdivision 7; 124D.09, subdivision 3; 124D.151, subdivision 5; 124D.165, subdivisions 2, 3, 4; 124D.549; 124D.99, subdivision 3; 124E.11; 136A.1275, subdivisions 2, 3; 136A.1789, subdivision 2; 136A.246, subdivision 4; 136A.646; 136A.822, subdivision 6; 136A.8295, by adding a subdivision; 155A.30, subdivision 12; 171.02, subdivision 2b; 171.3215, subdivisions 2, 3; 475.59, subdivision 1; 609A.03, subdivision 7a; 626.556, subdivisions 2, 3, 10e; Laws 2016, chapter 189, article 25, sections 61; 62, subdivision 15; Laws 2017, chapter 89, article 1, section 2, subdivisions 18, 20, 29, 31, 32, 33, 34; Laws 2017, First Special Session chapter 5, article 1, section 19, subdivisions 2, 3, 4, 5, 6, 7, 9; article 2, sections 56; 57, subdivisions 2, 3, 4, 5, 6, 12, 14, 21, 23, 24, 26; article 4, sections 11; 12, subdivisions 2, as amended, 3, 4, 5; article 5, section 14, subdivisions 2, 3; article 6, section 3, subdivisions 2, 3, 4; article 7, section 2, subdivision 5; article 8, sections 9, subdivision 2; 10, subdivisions 3, 5a, 6, 12; article 9, section 2, subdivisions 2, 7; article 10, section 6, subdivision 2; article 11, sections 9; 12; 13; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 122A; 125A; 125B; 136A; 245C; 299C; repealing Minnesota Statutes 2016, sections 120B.299, subdivisions 7, 8, 9, 11; 136A.15, subdivisions 2, 7; 136A.1701, subdivision 12; Minnesota Statutes 2017 Supplement, section 122A.09, subdivision 1; Minnesota Rules, part 8710.2100, subparts 1, 2."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. No. 4328 was read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 2777 and 3673 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Dehn, R., and Omar introduced:

H. F. No. 4461, A bill for an act relating to transportation; designating the Stone Arch Bridge as part of the Great River Road; amending Minnesota Statutes 2016, section 161.142, subdivision 7.

The bill was read for the first time and referred to the Committee on Transportation and Regional Governance Policy.

Hortman; Carlson, L.; Maye Quade; Wagenius; Clark; Loeffler; Schultz; Olson; Kunesh-Podein; Omar; Moran; Pinto; Bernardy; Hansen; Bly; Flanagan; Metsa; Koegel; Ecklund; Considine; Sundin; Sandstede; Allen; Nelson; Mahoney; Murphy, M.; Dehn, R.; Lee; Davnie; Masin; Hornstein; Sauke; Ward; Halverson and Pryor introduced:

H. F. No. 4462, A bill for an act relating to human rights; clarifying the definition of sexual harassment; amending Minnesota Statutes 2016, section 363A.03, subdivision 43.

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy.

Peppin moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 3306.

CAL R. LUDEMAN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 3306, A bill for an act relating to campaign finance; adding new definitions; amending provisions relating to disclosure, independent expenditures, noncampaign disbursements, reporting requirements, coordinated and noncoordinated expenditures, and various other changes to campaign finance laws; amending Minnesota Statutes 2016, sections 10A.01, subdivisions 5, 26, by adding subdivisions; 10A.022, subdivision 3, by adding subdivisions; 10A.025, by adding a subdivision; 10A.07, subdivisions 1, 2; 10A.08, subdivision 1, by adding a subdivision; 10A.15, by adding subdivisions; 10A.17, subdivision 4; 10A.25, subdivision 3a; 10A.273, subdivision 3; 10A.322, subdivision 1; 211B.04; Minnesota Statutes 2017 Supplement, sections 10A.09, subdivisions 5, 6; 10A.155; 10A.20, subdivision 3; 10A.27, subdivision 16a; 10A.323; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Rules, parts 4501.0200, subparts 1, 2; 4501.0500, subpart 1a; 4503.0100,

subpart 6; 4503.0500, subpart 2; 4503.1300, subpart 4; 4505.0010; 4505.0100, subparts 1, 4, 6; 4505.0700; 4515.0010; 4515.0100, subparts 1, 5; 4515.0500, subpart 1; 4520.0010; 4520.0100, subparts 1, 4, 6; 4520.0400; 4520.0500; 4525.0330; 4525.0340, subpart 1.

The bill was read for the first time.

O'Driscoll moved that S. F. No. 3306 and H. F. No. 3837, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

### CALENDAR FOR THE DAY

H. F. No. 2391, A bill for an act relating to financial institutions; regulating health savings and medical savings accounts; providing asset protection; amending Minnesota Statutes 2016, section 550.37, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Heintzeman	Lien	Nornes	Schomacker
Anderson, P.	Drazkowski	Hertaus	Loeffler	O'Driscoll	Schultz
Anderson, S.	Ecklund	Hilstrom	Lohmer	Olson	Scott
Anselmo	Erickson	Hoppe	Loon	Omar	Smith
Backer	Fabian	Hornstein	Loonan	O'Neill	Sundin
Bahr, C.	Fenton	Hortman	Lucero	Pelowski	Swedzinski
Baker	Fischer	Howe	Lueck	Peppin	Theis
Bennett	Flanagan	Jessup	Mahoney	Petersburg	Torkelson
Bernardy	Franke	Johnson, B.	Mariani	Peterson	Uglem
Bliss	Franson	Johnson, C.	Marquart	Pierson	Urdahl
Bly	Freiberg	Jurgens	Masin	Pinto	Vogel
Carlson, A.	Garofalo	Kiel	Maye Quade	Poppe	Wagenius
Carlson, L.	Green	Knoblach	McDonald	Poston	Ward
Christensen	Grossell	Koegel	Metsa	Pryor	West
Clark	Gruenhagen	Koznick	Miller	Pugh	Whelan
Considine	Gunther	Kresha	Munson	Quam	Wills
Daniels	Haley	Kunesh-Podein	Murphy, M.	Rarick	Zerwas
Davids	Halverson	Layman	Nash	Rosenthal	Spk. Daudt
Davnie	Hamilton	Lee	Nelson	Runbeck	
Dean, M.	Hansen	Lesch	Neu	Sandstede	
Dehn, R.	Hausman	Liebling	Newberger	Sauke	

The bill was passed and its title agreed to.

H. F. No. 1415, A bill for an act relating to commerce; authorizing and regulating fantasy sports; appropriating money; amending Minnesota Statutes 2016, sections 541.20; 541.21; 609.761, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the third time and placed upon its final passage.



The question was taken on the passage of the bill and the roll was called. There were 48 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Albright	Erickson	Hortman	Lien	Nornes	Schomacker
Baker	Fabian	Howe	Loon	O'Driscoll	Smith
Bennett	Fenton	Jurgens	Lueck	O'Neill	Swedzinski
Bliss	Garofalo	Kiel	Mariani	Peppin	Theis
Carlson, A.	Gunther	Knoblach	Marquart	Petersburg	Torkelson
Carlson, L.	Hamilton	Koegel	Maye Quade	Peterson	West
Christensen	Hilstrom	Kresha	McDonald	Pierson	Wills
Daniels	Hoppe	Liebling	Metsa	Rarick	Spk. Daudt

Those who voted in the negative were:

Anderson, P.	Drazkowski	Heintzeman	Loonan	Omar	Scott
Anselmo	Ecklund	Hertaus	Lucero	Pelowski	Sundin
Backer	Fischer	Hornstein	Mahoney	Pinto	Uglem
Bahr, C.	Flanagan	Jessup	Masin	Poppe	Urdahl
Bernardy	Franke	Johnson, B.	Miller	Poston	Vogel
Bly	Franson	Johnson, C.	Moran	Pryor	Wagenius
Clark	Freiberg	Koznick	Munson	Pugh	Ward
Considine	Green	Kunesh-Podein	Murphy, M.	Quam	Whelan
Davids	Grossell	Layman	Nash	Rosenthal	Zerwas
Davnie	Haley	Lee	Nelson	Runbeck	
Dean, M.	Halverson	Lesch	Neu	Sandstede	
Dehn, R.	Hansen	Loeffler	Newberger	Sauke	
Dettmer	Hausman	Lohmer	Olson	Schultz	

The bill was not passed.

H. F. No. 3548, A bill for an act relating to transportation; modifying certain hours of service requirements for agricultural transportation; amending Minnesota Statutes 2016, sections 221.031, subdivision 2d; 221.0314, subdivision 9.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Bly	Dehn, R.	Franson	Hausman	Johnson, C.
Anderson, P.	Carlson, A.	Dettmer	Freiberg	Heintzeman	Jurgens
Anderson, S.	Carlson, L.	Drazkowski	Garofalo	Hertaus	Kiel
Anselmo	Christensen	Ecklund	Green	Hilstrom	Knoblach
Backer	Clark	Erickson	Grossell	Hoppe	Koegel
Bahr, C.	Considine	Fabian	Gunther	Hornstein	Koznick
Baker	Daniels	Fenton	Haley	Hortman	Kresha
Bennett	Davids	Fischer	Halverson	Howe	Kunesh-Podein
Bernardy	Davnie	Flanagan	Hamilton	Jessup	Layman
Bliss	Dean, M.	Franke	Hansen	Johnson, B.	Lee

Lesch	Marquart	Neu	Pierson	Sauke	Wagenius
Liebling	Masin	Newberger	Pinto	Schomacker	Ward
Lien	Maye Quade	Nornes	Poppe	Schultz	West
Loeffler	McDonald	O'Driscoll	Poston	Scott	Wills
Lohmer	Metsa	Olson	Pryor	Smith	Zerwas
Loon	Miller	Omar	Pugh	Sundin	Spk. Daudt
Loonan	Moran	O'Neill	Quam	Swedzinski	
Lucero	Munson	Pelowski	Rarick	Theis	
Lueck	Murphy, M.	Peppin	Rosenthal	Torkelson	
Mahoney	Nash	Petersburg	Runbeck	Uglem	
Mariani	Nelson	Peterson	Sandstede	Urdahl	

The bill was passed and its title agreed to.

The Speaker called Garofalo to the Chair.

H. F. No. 3552, A bill for an act relating to real property; modifying the definition of residential use under the Minnesota Common Interest Ownership Act; amending Minnesota Statutes 2016, sections 515B.1-102; 515B.1-106; 515B.2-113; 515B.4-111; Minnesota Statutes 2017 Supplement, section 515B.1-103.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Heintzeman	Lien	Newberger	Sauke
Anderson, P.	Drazkowski	Hertaus	Loeffler	Nornes	Schomacker
Anderson, S.	Ecklund	Hilstrom	Lohmer	O'Driscoll	Schultz
Anselmo	Erickson	Hoppe	Loon	Olson	Scott
Backer	Fabian	Hornstein	Loonan	Omar	Smith
Bahr, C.	Fenton	Hortman	Lucero	O'Neill	Sundin
Baker	Fischer	Howe	Lueck	Pelowski	Swedzinski
Bennett	Flanagan	Jessup	Mahoney	Peppin	Theis
Bernardy	Franke	Johnson, B.	Mariani	Petersburg	Torkelson
Bliss	Franson	Johnson, C.	Marquart	Peterson	Uglem
Bly	Freiberg	Jurgens	Masin	Pierson	Urdahl
Carlson, A.	Garofalo	Kiel	Maye Quade	Pinto	Vogel
Carlson, L.	Green	Knoblach	McDonald	Poppe	Wagenius
Christensen	Grossell	Koegel	Metsa	Poston	Ward
Clark	Gruenhagen	Koznick	Miller	Pryor	West
Considine	Gunther	Kresha	Moran	Pugh	Whelan
Daniels	Haley	Kunesh-Podein	Munson	Quam	Wills
Davids	Halverson	Layman	Murphy, M.	Rarick	Zerwas
Davnie	Hamilton	Lee	Nash	Rosenthal	Spk. Daudt
Dean, M.	Hansen	Lesch	Nelson	Runbeck	
Dehn, R.	Hausman	Liebling	Neu	Sandstede	

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES  
AND LEGISLATIVE ADMINISTRATION

Peppin from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Thursday, April 26, 2018 and established a prefiling requirement for amendments offered to the following bills:

H. F. Nos. 4328 and 2908; and S. F. No. 2484.

**MOTIONS AND RESOLUTIONS**

Fenton moved that the name of Masin be added as an author on H. F. No. 501. The motion prevailed.

Peterson moved that the name of Bernardy be added as an author on H. F. No. 2962. The motion prevailed.

Dean, M., moved that the name of Bernardy be added as an author on H. F. No. 3024. The motion prevailed.

Kiel moved that the name of Uglem be added as an author on H. F. No. 3056. The motion prevailed.

Peterson moved that the name of Bernardy be added as an author on H. F. No. 3250. The motion prevailed.

Dauids moved that the name of Layman be added as an author on H. F. No. 3464. The motion prevailed.

Liebling moved that the name of Lee be added as an author on H. F. No. 4276. The motion prevailed.

Schultz moved that her name be stricken as an author on H. F. No. 4385. The motion prevailed.

Torkelson moved that the names of Howe and Kresha be added as authors on H. F. No. 4437. The motion prevailed.

Murphy, E., moved that the name of Schultz be added as an author on H. F. No. 4451. The motion prevailed.

Quam moved that the name of Pierson be added as an author on H. F. No. 4455. The motion prevailed.

Hansen moved that the name of Lohmer be added as an author on H. F. No. 4460. The motion prevailed.

**ADJOURNMENT**

Peppin moved that when the House adjourns today it adjourn until 10:00 a.m., Wednesday, April 25, 2018. The motion prevailed.

Peppin moved that the House adjourn. The motion prevailed, and Speaker pro tempore Garofalo declared the House stands adjourned until 10:00 a.m., Wednesday, April 25, 2018.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

