STATE OF MINNESOTA

NINETY-THIRD SESSION — 2023

THIRTY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 15, 2023

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

Prayer was offered by Pastor Josh Keller, Cornerstone Church, Litchfield, 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:

Acomb	Davids	Harder	Knudsen	Newton	Schomacker
Agbaje	Demuth	Hassan	Koegel	Niska	Schultz
Altendorf	Dotseth	Heintzeman	Kotyza-Witthuhn	Noor	Scott
Anderson, P. E.	Edelson	Hemmingsen-Jaeger	Kozlowski	Norris	Sencer-Mura
Anderson, P. H.	Elkins	Her	Koznick	Novotny	Skraba
Backer	Engen	Hicks	Kraft	O'Driscoll	Smith
Bahner	Feist	Hill	Kresha	Olson, B.	Stephenson
Bakeberg	Finke	Hollins	Lee, F.	Olson, L.	Swedzinski
Baker	Fischer	Hornstein	Lee, K.	Pelowski	Tabke
Becker-Finn	Fogelman	Howard	Liebling	Pérez-Vega	Torkelson
Berg	Franson	Hudella	Lillie	Perryman	Urdahl
Bierman	Frazier	Hudson	Lislegard	Petersburg	Vang
Bliss	Frederick	Huot	Long	Pfarr	West
Brand	Freiberg	Hussein	McDonald	Pinto	Wiener
Burkel	Garofalo	Jacob	Moller	Pryor	Wiens
Carroll	Gillman	Johnson	Mueller	Pursell	Witte
Cha	Gomez	Jordan	Murphy	Quam	Wolgamott
Clardy	Greenman	Joy	Myers	Rehm	Xiong
Coulter	Grossell	Keeler	Nadeau	Reyer	Youakim
Curran	Hansen, R.	Kiel	Nelson, M.	Richardson	Zeleznikar
Daudt	Hanson, J.	Klevorn	Nelson, N.	Robbins	Spk. Hortman

A quorum was present.

Bennett, Daniels, Davis, Igo, Mekeland, Nash, Neu Brindley and O'Neill were excused.

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

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Nelson, M., from the Committee on Labor and Industry Finance and Policy to which was referred:

H. F. No. 10, A bill for an act relating to labor and industry; providing for use of skilled and trained contractor workforces at petroleum refineries; amending Minnesota Statutes 2022, section 177.27, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275, subdivision 2a, 181.722, 181.79, and 181.939 to 181.943, and 181.987, or with any rule promulgated under section 177.28. The commissioner shall issue an order requiring an employer to comply with sections 177.41 to 177.435 or 181.987 if the violation is repeated. For purposes of this subdivision only, a violation is repeated if at any time during the two years that preceded the date of violation, the commissioner issued an order to the employer for violation of sections 177.41 to 177.435 or 181.987 and the order is final or the commissioner and the employer have entered into a settlement agreement that required the employer to pay back wages that were required by sections 177.41 to 177.435. The department shall serve the order upon the employer or the employer's authorized representative in person or by certified mail at the employer's place of business. An employer who wishes to contest the order must file written notice of objection to the order with the commissioner within 15 calendar days after being served with the order. A contested case proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being served with the order, the employer fails to file a written notice of objection with the commissioner, the order becomes a final order of the commissioner.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 2. [181.987] USE OF SKILLED AND TRAINED CONTRACTOR WORKFORCES AT PETROLEUM REFINERIES.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

- (b) "Contractor" means a vendor that enters into or seeks to enter into a contract with an owner or operator of a petroleum refinery to perform construction, alteration, demolition, installation, repair, maintenance, or hazardous material handling work at the site of the petroleum refinery. Contractor includes all contractors or subcontractors of any tier performing work as described in this paragraph at the site of the petroleum refinery. Contractor does not include employees of the owner or operator of a petroleum refinery.
- (c) "Registered apprenticeship program" means an apprenticeship program registered with the Department of Labor and Industry under chapter 178 or with the United States Department of Labor Office of Apprenticeship or a recognized state apprenticeship agency under Code of Federal Regulations, title 29, parts 29 and 30.
- (d) "Skilled and trained workforce" means a workforce in which each employee of the contractor or subcontractor of any tier working at the site of the petroleum refinery in an apprenticeable occupation in the building and construction trades meets one of the following criteria:
 - (1) is currently registered as an apprentice in a registered apprenticeship program in the applicable trade;
 - (2) has graduated from a registered apprenticeship program in the applicable trade;

- (3) has completed all of the related instruction and on-the-job learning requirements needed to graduate from the registered apprenticeship program their employer participates in; or
- (4) has at least five years of experience working in the applicable trade and is currently participating in journeyworker upgrade training in a registered apprenticeship program in the applicable trade or has completed any training identified as necessary by the registered apprenticeship training program for the employee to become a qualified journeyworker in the applicable trade.
- (e) "Petroleum refinery" means a facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oil, lubricants, or other products through distillation of petroleum or through redistillation, cracking, or reforming of unfinished petroleum derivatives. Petroleum refinery includes fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers, fuel gas combustion devices, and indirect heating equipment associated with the refinery.
- (f) "Apprenticeable occupation" means any trade, form of employment, or occupation approved for apprenticeship by the commissioner of labor and industry or the United States Secretary of Labor.
- (g) "OEM" means original equipment manufacturer and refers to organizations that manufacture or fabricate equipment for sale directly to purchasers or other resellers.
- Subd. 2. Use of contractors by owner, operator; requirement. (a) An owner or operator of a petroleum refinery shall, when contracting with contractors for the performance of construction, alteration, demolition, installation, repair, maintenance, or hazardous material handling work at the site of the petroleum refinery, require that the contractors performing that work, and any subcontractors of any tier, use a skilled and trained workforce when performing that work at the site of the petroleum refinery. The requirement to use a safe and skilled workforce under this section shall apply to each contractor and subcontractor of any tier when performing construction, alteration, demolition, installation, repair, maintenance, or hazardous material handling work at the site of the petroleum refinery.
- (b) The requirement under this subdivision applies only when each contractor and subcontractor of any tier is performing work at the site of the petroleum refinery.
- (c) The requirement under this subdivision does not apply when an owner or operator contracts with contractors or subcontractors hired to install OEM equipment and to perform OEM work to comply with equipment warranty requirements.
- (d) A contractor's workforce must meet the requirements of subdivision 1, paragraph (d), according to the following schedule:
 - (1) 30 percent by January 1, 2024;
 - (2) 45 percent by January 1, 2025; and
 - (3) 60 percent by January 1, 2026.
- (e) If a contractor is required under a collective bargaining agreement to hire workers referred by a labor organization for the petroleum refinery worksite, and the labor organization is unable to refer sufficient workers for the contractor to comply with the applicable percentage provided in subdivision 2, paragraph (d), within 48 hours of the contractor's request excluding Saturdays, Sundays, and holidays, the contractor shall be relieved of the obligation to comply with the applicable percentage and shall use the maximum percentage of a skilled and trained workforce that is available to the contractor from the labor organization's referral procedure. The contractor shall comply with the applicable percentage provided in subdivision 2, paragraph (d), once the labor organization is able to refer sufficient workers for the contractor to comply with the applicable percentage.

- (f) This section shall not apply to a contractor to the extent that an emergency makes compliance with this section impracticable for the contractor because the emergency requires immediate action by the contractor to prevent harm to public health or safety or to the environment. The requirements of this section shall apply to the contractor once the emergency ends or it becomes practicable for the contractor to obtain a skilled and trained workforce for the refinery worksite, whichever occurs sooner.
 - (g) An owner or operator is exempt from this section if:
- (1) the owner or operator has entered into a project labor agreement with a council of building trades labor organizations requiring participation in registered apprenticeship programs, or all contractors and subcontractors of any tier have entered into bona fide collective bargaining agreements with labor organizations requiring participation in registered apprenticeship programs; and
- (2) all contracted work at the petroleum refinery that is subject to this section is also subject to the project labor agreement or collective bargaining agreements requiring participation in such registered apprenticeship programs.
- Subd. 3. Penalties. (a) The Division of Labor Standards shall receive complaints of violations of this section. The commissioner of labor and industry shall fine an owner or operator, contractor, or subcontractor of any tier not less than \$5,000 nor more than \$10,000 for each violation of the requirements in this section. An owner or operator, contractor, or subcontractor of any tier shall be considered an employer for purposes of section 177.27.
- (b) An owner or operator shall be found in violation of this section, and subject to fines and other penalties, for failing to:
- (1) require a skilled and trained workforce in its contracts and subcontracts as required by subdivision 2, paragraph (a); or
 - (2) enforce the requirement of use of a skilled and trained workforce as required by subdivision 2, paragraph (a).
- (c) A contractor or subcontractor shall be found in violation of this section, and subject to fines and other penalties, if the contractor or subcontractor fails to use a skilled and trained workforce as required by subdivision 2, paragraph (a).
- (d) Each shift on which a violation of this section occurs shall be considered a separate violation. This fine is in addition to any penalties provided under section 177.27, subdivision 7. In determining the amount of a fine under this subdivision, the appropriateness of the fine to the size of the violator's business and the gravity of the violation shall be considered.
- <u>EFFECTIVE DATE.</u> This section is effective January 1, 2024, and applies to contracts entered into, extended, or renewed on or after that date. Existing contracts entered into before January 1, 2024, must be renegotiated to comply with section 2 by January 1, 2025."

With the recommendation that when so amended the bill be re-referred to the Committee on Judiciary Finance and Civil Law.

The report was adopted.

Moller from the Committee on Public Safety Finance and Policy to which was referred:

H. F. No. 81, A bill for an act relating to waters; requiring reporting of fish kills and development of protocol for state response; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 103G.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Environment and Natural Resources Finance and Policy.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 100, A bill for an act relating to cannabis; establishing the Office of Cannabis Management; establishing advisory councils; requiring reports relating to cannabis use and sales; legalizing and limiting the possession and use of cannabis by adults; providing for the licensing, inspection, and regulation of cannabis businesses; requiring testing of cannabis flower and cannabinoid products; requiring labeling of cannabis flower and cannabinoid products; limiting the advertisement of cannabis flower, cannabinoid products, and cannabis businesses; providing for the cultivation of cannabis in private residences; transferring regulatory authority for the medical cannabis program; taxing the sale of adult-use cannabis; establishing grant and loan programs; clarifying the prohibition on operating a motor vehicle while under the influence of cannabis; amending criminal penalties; establishing expungement procedures for certain individuals; requiring reports on expungements; providing for expungement of certain evictions; clarifying the rights of landlords and tenants regarding use of certain forms of cannabis; establishing labor standards for the use of cannabis by employees and testing of employees; providing for the temporary regulation of certain edible cannabinoid products; providing for professional licensing protections; providing for local registration of certain cannabis retail establishments; amending the scheduling of marijuana and tetrahydrocannabinols; classifying data; making miscellaneous cannabis-related changes and additions; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2022, sections 13.411, by adding a subdivision; 13.871, by adding a subdivision; 34A.01, subdivision 4; 144.99, subdivision 1; 144A.4791, subdivision 14; 151.72; 152.01, by adding subdivisions; 152.02, subdivisions 2, 4; 152.021, subdivisions 1, 2; 152.022, subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.024, subdivision 1; 152.025, subdivisions 1, 2; 152.11, subdivision 2; 169A.03, by adding subdivisions; 169A.20, subdivision 1; 169A.51, subdivisions 1, 4; 169A.72; 175.45, subdivision 1; 181.938, subdivision 2; 181.950, subdivisions 2, 4, 5, 8, 13, by adding a subdivision; 181.951, by adding subdivisions; 181.952, by adding a subdivision; 181.953; 181.954; 181.955; 181.957, subdivision 1; 244.05, subdivision 2; 245C.08, subdivision 1; 256.01, subdivision 18c; 256B.0625, subdivision 13d; 256D.024, subdivisions 1, 3; 256J.26, subdivisions 1, 3; 273.13, subdivision 24; 275.025, subdivision 2; 290.0132, subdivision 29; 290.0134, subdivision 19; 297A.61, subdivision 3; 297A.67, subdivisions 2, 7; 297A.70, subdivisions 2, 18; 297A.99, by adding a subdivision; 297D.01; 297D.04; 297D.06; 297D.07; 297D.08; 297D.085; 297D.09, subdivision 1a; 297D.10; 297D.11; 340A.412, subdivision 14; 484.014, subdivision 3; 504B.171, subdivision 1; 609.135, subdivision 1; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2; 609.5311, subdivision 1; 609.5314, subdivision 1; 609.5316, subdivision 2; 609A.01; 609A.03, subdivisions 5, 9; 609B.425, subdivision 2; 609B.435, subdivision 2; 624.712, by adding subdivisions; 624.713, subdivision 1; 624.714, subdivision 6; 624.7142, subdivision 1; 624.7151; proposing coding for new law in Minnesota Statutes, chapters 3; 116J; 116L; 120B; 144; 152; 169A; 289A; 295; 340A; 504B; 609A; 624; proposing coding for new law as Minnesota Statutes, chapter 342; repealing Minnesota Statutes 2022, sections 151.72; 152.027, subdivisions 3, 4; 152.21; 152.22, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 7, 8, 9, 10, 11, 12, 13, 14; 152.23; 152.24; 152.25, subdivisions 1, 1a, 1b, 1c, 2, 3, 4; 152.26; 152.261; 152.27, subdivisions 1, 2, 3, 4, 5, 6, 7; 152.28, subdivisions 1, 2, 3; 152.29, subdivisions 1, 2, 3, 3a, 4; 152.30; 152.31; 152.32, subdivisions 1, 2, 3; 152.33, subdivisions 1, 1a, 2, 3, 4, 5, 6; 152.34; 152.35; 152.36, subdivisions 1, 1a, 2, 3, 4, 5; 152.37.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Commerce Finance and Policy.

The report was adopted.

Klevorn from the Committee on State and Local Government Finance and Policy to which was referred:

H. F. No. 348, A bill for an act relating to insurance; limiting cost-sharing for prescription drugs and related medical supplies to treat chronic disease; amending Minnesota Statutes 2022, sections 256B.0631, subdivision 1; 256L.03, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 401, A bill for an act relating to transportation; providing various policy changes to transportation-related provisions; appropriating money; amending Minnesota Statutes 2022, sections 3.9741, subdivision 5; 160.27, by adding a subdivision; 161.115, by adding a subdivision; 162.07, subdivision 2; 162.13, subdivisions 2, 3; 168.123; 168.1235, subdivision 1; 168.1253, subdivision 3; 168.1291, subdivision 5; 168.1293, by adding a subdivision; 168.27, subdivision 11; 168A.11, subdivision 3; 169.011, by adding a subdivision; 169.8261; 169.865, subdivision 1a; 169A.60, subdivision 13; 171.0605, subdivision 5; 171.07, subdivision 15; 171.306, subdivision 4; 174.185; 299F.60, subdivision 1; 299J.16, subdivision 1; 325F.6641, subdivision 2; 360.55, subdivision 9; 360.59, subdivision 10; 473.375, by adding a subdivision; Laws 2021, First Special Session chapter 5, article 4, section 143; proposing coding for new law in Minnesota Statutes, chapter 168; repealing Minnesota Rules, part 8835.0350, subpart 2.

Reported the same back with the following amendments:

Pages 1 to 8, delete sections 1 to 9

Page 11, delete section 12

Pages 11 to 18, delete sections 14 to 20

Pages 20 to 31, delete sections 22 to 33

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "providing for various transportation-related policies, including establishing special license plates and modifying requirements for veteran designations on drivers' licenses and identification cards; requiring a report;"

Page 1, line 3, delete "provisions;"

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.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 717, A bill for an act relating to transportation; designating a segment of marked Trunk Highway 5 in Chanhassen as Prince Rogers Nelson Memorial Highway; amending Minnesota Statutes 2022, section 161.14, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2022, section 161.14, subdivision 40, is amended to read:

Subd. 40. **Augie Mueller Memorial Highway.** Marked Trunk Highway 5 from its intersection with Highway 101 in or near the city limits of Chanhassen southwesterly to its intersection with marked Trunk Highway 19 in or near Gaylord is designated "Augie Mueller Memorial Highway." The commissioner of transportation shall adopt a suitable marking design to mark this highway and erect appropriate signs. The people of the community, having resolved to support and financially back the marking of this highway, shall reimburse the department for costs incurred in marking and memorializing this highway.

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

Page 1, after line 11, insert:

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "modifying the Augie Mueller Memorial Highway;"

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.

Klevorn from the Committee on State and Local Government Finance and Policy to which was referred:

H. F. No. 782, A bill for an act relating to retirement; establishing the Minnesota Secure Choice retirement program; proposing coding for new law as Minnesota Statutes, chapter 187.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [187.01] MINNESOTA SECURE CHOICE RETIREMENT PROGRAM; CITATION.

This chapter shall be known as and may be cited as the "Minnesota Secure Choice Retirement Program Act."

Sec. 2. [187.03] DEFINITIONS.

<u>Subdivision 1.</u> <u>Applicability.</u> For purposes of this chapter, the terms defined in this section have the meanings given them.

- <u>Subd. 2.</u> <u>Board.</u> "Board" or "board of directors" means the board of directors of the Minnesota Secure Choice retirement program.
- Subd. 3. Compensation. "Compensation" means compensation within the meaning of Section 219(f)(1) of the Internal Revenue Code that is received by a covered employee from a covered employer.

- Subd. 4. Contribution rate. "Contribution rate" means the percentage of compensation withheld from a covered employee's compensation and deposited in an account established for the covered employee under the program.
- <u>Subd. 5.</u> <u>Covered employee.</u> (a) "Covered employee" means a person who is employed by a covered employer and who satisfies any other criteria established by the board.
 - (b) Covered employee does not include:
 - (1) a person who, on December 31 of the preceding calendar year, was younger than 18 years of age;
- (2) a person covered under the federal Railway Labor Act, as amended, United States Code, title 45, sections 151 et seq.;
- (3) a person on whose behalf an employer makes contributions to a Taft-Hartley multiemployer pension trust fund; or
- (4) a person employed by the government of the United States, another country, the state of Minnesota, another state, or any subdivision thereof.
 - Subd. 6. Covered employer. (a) "Covered employer" means a person or entity:
- (1) engaged in a business, industry, profession, trade, or other enterprise in Minnesota, whether for profit or not for profit;
 - (2) that employs one or more covered employees; and
- (3) that does not sponsor or contribute to and did not in the immediately preceding 12 months sponsor or contribute to a retirement savings plan for its employees.
 - (b) Covered employer does not include:
- (1) an employer that has not engaged in a business, industry, profession, trade, or other enterprise in Minnesota, whether for profit or not for profit, at any time during the immediately preceding 12 months; and
 - (2) a state or federal government or any political subdivision thereof.
- Subd. 7. **Executive director.** "Executive director" means the chief executive and administrative head of the program.
- Subd. 8. Internal Revenue Code. "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended, United States Code, title 26.
 - Subd. 9. **Program.** "Program" means the Minnesota Secure Choice retirement program.
- Subd. 10. **Retirement savings plan.** "Retirement savings plan" means a plan or program offered by an employer that permits contributions to be set aside for retirement on a pretax or after-tax basis and permits all employees of the employer to participate except those employees who have not satisfied participation eligibility requirements that are no more restrictive than the eligibility requirements permitted under section 410(b) of the Internal Revenue Code. Retirement savings plan includes but is not limited to a plan described in section 401(a) of the Internal Revenue Code, an annuity plan or annuity contract described in section 403(a) or 403(b) of the Internal Revenue Code, a plan within the meaning of section 457(b) of the Internal Revenue Code, a simplified employee pension (SEP) plan, a savings incentive match plan for employees (SIMPLE) plan, an automatic enrollment payroll deduction individual retirement account, and a multiemployer pension plan described in section 414(f) of the Internal Revenue Code.

- <u>Subd. 11.</u> <u>Secure Choice administrative fund.</u> "Secure Choice administrative fund" or "administrative fund" means the fund established under section 187.06, subdivision 2.
- Subd. 12. Secure Choice trust. "Secure Choice trust" or "trust" means a trust established under section 187.06, subdivision 1, to hold contributions and investment earnings thereon under the program.
- Subd. 13. Roth IRA. "Roth IRA" means an individual retirement account established under section 408A of the Internal Revenue Code to hold and invest after-tax assets.
- Subd. 14. **Traditional IRA.** "Traditional IRA" means an individual retirement account established under section 408 of the Internal Revenue Code to hold and invest pretax assets.

Sec. 3. [187.05] SECURE CHOICE RETIREMENT PROGRAM.

- <u>Subdivision 1.</u> <u>Program established.</u> (a) The board must operate an employee retirement savings program whereby employee payroll deduction contributions are transmitted on an after-tax or pretax basis by covered employers to individual retirement accounts established under the program.
- (b) The board must establish procedures for opening a Roth IRA, a traditional IRA, or both a Roth IRA and a traditional IRA for each covered employee whose covered employer transmits employee payroll deduction contributions under the program.
- (c) Contributions must be made on an after-tax (Roth) basis, unless the covered employee elects to contribute on a pretax basis.
- Subd. 2. Compliance with Internal Revenue Code. The board must establish and administer each Roth IRA and traditional IRA opened under the program in compliance with section 408 or 408A of the Internal Revenue Code, as applicable, for the benefit of the covered employee for whom the account was opened.
- <u>Subd. 3.</u> <u>Contributions held in trust.</u> <u>Each covered employer must transmit employee payroll deduction contributions to an account established for the benefit of the covered employee in a trust established to hold contributions under the program.</u>
- Subd. 4. Contribution rate. (a) The board must establish default, minimum, and maximum employee contribution rates and an escalation schedule to automatically increase each covered employee's contribution rate annually until the contribution rate is equal to the maximum contribution rate.
- (b) A covered employee must have the right at any time to change the contribution rate, opt out or elect not to contribute, or cease contributions.
 - Subd. 5. Vesting. Covered employees are 100 percent vested in their accounts at all times.
- <u>Subd. 6.</u> **Withdrawals and distributions.** The board must establish alternatives permitting covered employees to take a withdrawal of all or a portion of the covered employee's account while employed and one or more distributions following termination of employment. Distribution alternatives must include lifetime income options.
- Subd. 7. Individuals not employed by a covered employer. The board may allow individuals to open and contribute to an account in the program, in which case the individual shall be considered a covered employee for purposes of sections 187.05 to 187.12.

Sec. 4. [187.06] ESTABLISHMENT OF SECURE CHOICE TRUST AND ADMINISTRATIVE FUND; EMPLOYEE ACCOUNTS; INVESTMENTS.

Subdivision 1. Secure Choice trust established. The Secure Choice trust is established as an instrumentality of the state to hold employee payroll deduction contributions and earnings on the contributions. The board must appoint a financial institution to act as trustee or custodian. The trustee or custodian must manage and administer trust assets for the exclusive purposes of providing benefits and defraying reasonable expenses of administering the program.

- <u>Subd. 2.</u> <u>Secure Choice administrative fund established; money appropriated.</u> (a) The Secure Choice administrative fund is established in the state treasury as a fund separate and apart from the Secure Choice trust.
- (b) The board of directors may assess administrative fees on each covered employee's account to be applied toward the expenses of administering the program. Money in the administrative fund is appropriated to the board to pay administrative expenses of administering the program if fees from the trust are not sufficient to cover expenses. The board must determine which administrative expenses will be paid using money in the administrative fund and which administrative expenses will be paid using money in the exercise of its fiduciary duty.
- (c) The board may receive and deposit into the administrative fund any gifts, grants, donations, loans, appropriations, or other moneys designated for the administrative fund from the state, any unit of federal or local government, any other entity, or any person.
- (d) Any interest or investment earnings that are attributable to money in the administrative fund must be deposited into the administrative fund.
- Subd. 3. <u>Individual accounts established.</u> The trustee or custodian, as applicable, must maintain an account for employee payroll deduction contributions with respect to each covered employee. Interest and earnings on the amount in the account are credited to the account and losses are deducted.
- Subd. 4. Investments. The board must make available for investment a diversified array of investment funds selected by the State Board of Investment. Members of the board, the executive director and members of the State Board of Investment, and all other fiduciaries are relieved of fiduciary responsibility for investment losses resulting from a covered employee's investment directions. Each covered employee is entitled to direct the investment of the contributions credited to the covered employee's account in the trust and earnings on the contributions into the array of investment funds selected by the State Board of Investment.
- Subd. 5. **Default investment fund.** The board must designate a default investment fund that is diversified to minimize the risk of large losses and consists of target date funds, a balanced fund, a capital preservation fund, or any combination of the foregoing funds. Accounts for which no investment direction has been given by the covered employee must be invested in the default investment fund. Members of the board, the executive director of the State Board of Investment, and all other fiduciaries are relieved of fiduciary duty with regard to investment of assets in the default investment fund.
- Subd. 6. <u>Inalienability of accounts.</u> No account under the program is subject to assignment or alienation, either voluntarily or involuntarily, or to the claims of creditors, except as provided in section 518.58.
- Subd. 7. Accounts not property of the state or covered employers. The assets of the Secure Choice trust shall be preserved, invested, and expended solely for the purposes of the trust and no property rights in the trust assets shall exist in favor of the state or any covered employer. The assets of the Secure Choice trust shall not be transferred or used by the state for any purpose other than the purposes of the trust, including reasonable administrative expenses of the program. Amounts deposited in the trust shall not constitute property of the state and shall not be commingled with state funds, and the state shall have no claim to or against, or interest in, the assets of the Secure Choice trust.

Sec. 5. [187.07] RESPONSIBILITIES OF COVERED EMPLOYERS.

Subdivision 1. Requirement to enroll employees. Each covered employer must enroll its covered employees in the program and withhold payroll deduction contributions from each covered employee's paycheck, unless the covered employee has elected not to contribute. The board must establish penalties for covered employers for failing to enroll covered employees.

- <u>Subd. 2.</u> <u>Remitting contributions.</u> A covered employer must timely remit contributions as required by the board. The board must establish penalties for covered employers for failing to timely remit contributions.
- Subd. 3. <u>Distribution of information.</u> Covered employers must provide information prepared by the board to all covered employees regarding the program. The information must be provided to each covered employee at least 30 days prior to the date of the first paycheck from which employee contributions could be deducted for transmittal to the program, if the covered employee does not elect to opt out of the program.
- Subd. 4. No fiduciary responsibility. Except for the responsibilities described in subdivisions 1 to 3, a covered employer has no obligations to covered employees and is not a fiduciary for any purpose under the program or in connection with the Secure Choice trust. Covered employers are not responsible for the administration, investment performance, plan design, or benefits paid to covered employees.
- <u>Subd. 5.</u> <u>Employer liability.</u> A covered employer is not liable to a covered employee for damages alleged to have resulted from a covered employee's participation in or failure to participate in the program.
- Subd. 6. **Enforcement.** (a) The board must establish monthly or quarterly penalties against any covered employer that fails to comply with subdivisions 1, 2, and 3. The penalties for a failure to comply with subdivision 2 shall be commensurate with penalties for failure to remit state payroll taxes and, for any compliance failure, commensurate with penalties imposed under similar programs in other states.
- (b) At the request of the board, the attorney general shall enforce the penalties imposed by the board against a covered employer. Proceeds of such penalties, after deducting enforcement expenses, must be deposited in the Secure Choice administrative fund and are appropriated to the program.
- (c) The board must provide covered employers with written warnings for the first year of noncompliance before assessing penalties.

Sec. 6. [187.08] SECURE CHOICE RETIREMENT PROGRAM BOARD OF DIRECTORS.

- <u>Subdivision 1.</u> <u>Membership.</u> The policy-making function of the program is vested in a board of directors consisting of seven members as follows:
 - (1) the executive director of the Minnesota State Retirement System or the executive director's designee;
 - (2) the executive director of the State Board of Investment or the executive director's designee;
- (3) three members chosen by the Legislative Commission on Pensions and Retirement, one from each of the following experience categories:
 - (i) executive or operations manager with substantial experience in record keeping 401(k) plans;
 - (ii) executive or operations manager with substantial experience in individual retirement accounts; and
 - (iii) executive or other professional with substantial experience in retirement plan investments;

- (4) a human resources or retirement benefits executive from a private company with substantial experience in administering the company's 401(k) plan, appointed by the governor; and
 - (5) a small business owner or executive appointed by the governor.
 - Subd. 2. **Appointment.** Members appointed by the governor must be appointed as provided in section 15.0597.
- <u>Subd. 3.</u> <u>Membership terms.</u> (a) Board members serve for two-year terms, except for the executive directors of the Minnesota State Retirement System and the State Board of Investment, who serve indefinitely.
 - (b) Board members' terms may be renewed, but no member may serve more than two consecutive terms.
- Subd. 4. Resignation; removal; vacancies. (a) A board member may resign at any time by giving written notice to the board.
- (b) A board member may be removed by the appointing authority and a majority vote of the board following notice and hearing before the board. For purposes of this subdivision, the chair may invite the appointing authority or a designee of the appointing authority to serve as a voting member of the board if necessary to constitute a quorum.
- (c) If a vacancy occurs, the Legislative Commission on Pensions and Retirement or the governor, as applicable, shall appoint a new member within 90 days.
- <u>Subd. 5.</u> <u>Compensation.</u> <u>Public members are compensated and expenses reimbursed as provided under section 15.0575, subdivision 3.</u>
- Subd. 6. Chair. The board shall select a chair from among its members. The chair shall serve a two-year term. The board may select other officers as necessary to assist the board in performing the board's duties.
- Subd. 7. Executive director; staff. The board must appoint an executive director, determine the duties of the director, and set the compensation of the executive director. The board may also hire staff as necessary to support the board in performing its duties.
 - Subd. 8. **Duties.** In addition to the duties set forth elsewhere in this chapter, the board has the following duties:
- (1) to establish secure processes for enrolling covered employees in the program and for transmitting employee and employer contributions to accounts in the trust;
- (2) to prepare a budget and establish procedures for the payment of costs of administering and operating the program;
 - (3) to lease or otherwise procure equipment necessary to administer the program;
- (4) to procure insurance in connection with the property of the program and the activities of the board, executive director, and other staff;
 - (5) to determine the following:
- (i) any criteria for "covered employee" other than employment with a covered employer under section 187.03, subdivision 5;
 - (ii) contribution rates and an escalation schedule under section 187.05, subdivision 4;

- (iii) withdrawal and distribution options under section 187.05, subdivision 6; and
- (iv) the default investment fund under section 187.06, subdivision 5;
- (6) to keep annual administrative fees, costs, and expenses as low as possible:
- (i) except that any administrative fee assessed against the accounts of covered employees may not exceed a reasonable amount relative to the fees charged by auto-IRA or defined contribution programs of similar size in the state of Minnesota or another state; and
 - (ii) the fee may be asset-based, flat fee, or a hybrid combination of asset-based and flat fee;
- (7) to determine the eligibility of an employer, employee, or other individual to participate in the program and review and decide claims for benefits and make factual determinations;
- (8) to prepare information regarding the program that is clear and concise for dissemination to all covered employees and includes the following:
 - (i) the benefits and risks associated with participating in the program;
- (ii) procedures for enrolling in the program and opting out of the program, electing a different or zero percent employee contribution rate, making investment elections, applying for a distribution of employee accounts, and making a claim for benefits;
- (iii) the federal and state income tax consequences of participating in the program, which may consist of or include the disclosure statement required to be distributed by retirement plan trustees or custodians under the Internal Revenue Code and the Treasury Regulations thereunder;
 - (iv) how to obtain additional information on the program; and
 - (v) disclaimers of covered employer and state responsibility, including the following statements:
 - (A) covered employees seeking financial, investment, or tax advice should contact their own advisors;
- (B) neither covered employers nor the state of Minnesota are liable for decisions covered employees make regarding their account in the program;
- (C) neither a covered employer nor the state of Minnesota guarantees the accounts in the program or any particular investment rate of return; and
- (D) neither a covered employer nor the state of Minnesota monitors or has an obligation to monitor any covered employee's eligibility under the Internal Revenue Code to make contributions to an account in the program, or whether the covered employee's contributions to an account in the program exceed the maximum permissible contribution under the Internal Revenue Code;
- (9) to publish an annual financial report, prepared according to generally accepted accounting principles, on the operations of the program, which must include but not be limited to costs attributable to the use of outside consultants, independent contractors, and other persons who are not state employees and deliver the report to the chairs and ranking minority members of the legislative committees with jurisdiction over jobs and economic development and state government finance, the executive directors of the State Board of Investment and the Legislative Commission on Pensions and Retirement, and the Legislative Reference Library;

- (10) to publish an annual report regarding plan outcomes, progress toward savings goals established by the board, statistics on covered employees and participating employers, plan expenses, estimated impact of the program on social safety net programs, and penalties and violations and deliver the report to the chairs and ranking minority members of the legislative committees with jurisdiction over jobs and economic development and state government finance, the executive directors of the State Board of Investment and the Legislative Commission on Pensions and Retirement, and the Legislative Reference Library;
 - (11) to file all reports required under the Internal Revenue Code or chapter 290;
- (12) to, at the board's discretion, seek and accept gifts, grants, and donations to be used for the program, unless such gifts, grants, or donations would result in a conflict of interest relating to the solicitation of service provider for program administration, and deposit such gifts, grants, or donations in the Secure Choice administrative fund;
- (13) to, at the board's discretion, seek and accept appropriations from the state or loans from the state or any agency of the state;
- (14) to assess the feasibility of partnering with another state or a governmental subdivision of another state to administer the program through shared administrative resources and, if determined beneficial, enter into contracts, agreements, memoranda of understanding, or other arrangements with any other state or an agency or subdivision of any other state to administer, operate, or manage any part of the program, which may include combining resources, investments, or administrative functions;
- (15) to hire, retain, and terminate third-party service providers as the board deems necessary or desirable for the program, including but not limited to the trustees, consultants, investment managers or advisors, custodians, insurance companies, recordkeepers, administrators, consultants, actuaries, legal counsel, auditors, and other professionals, provided that each service provider is authorized to do business in the state;
- (16) to interpret the program's governing documents and this chapter and make all other decisions necessary to administer the program;
- (17) to conduct comprehensive employer and worker education and outreach regarding the program that reflect the cultures and languages of the state's diverse workforce population, which may, in the board's discretion, include collaboration with state and local government agencies, community-based and nonprofit organizations, foundations, vendors, and other entities deemed appropriate to develop and secure ongoing resources; and
- (18) to prepare notices for delivery to covered employees regarding the escalation schedule and to each covered employee before the covered employee is subject to an automatic contribution increase.
 - Subd. 9. Rules. The board of directors is authorized to adopt rules as necessary to implement this chapter.
- Subd. 10. Conflict of interest; economic interest statement. No member of the board may participate in deliberations or vote on any matter before the board that will or is likely to result in direct, measurable economic gain to the member or the member's family. Members of the board shall file with the Campaign Finance and Public Disclosure Board an economic interest statement in a manner as prescribed by section 10A.09, subdivisions 5 and 6.

Sec. 7. [187.09] FIDUCIARY DUTY; STANDARD OF CARE.

- (a) The members of the board, the executive director of the program, the executive director and members of the State Board of Investment, and any person who controls the disposition or investment of the assets of the Secure Choice trust:
 - (1) owe a fiduciary duty to the covered employees who participate in the program and their beneficiaries;
- (2) must administer the program solely for the exclusive benefit of such covered employees and their beneficiaries, and for the exclusive purpose of providing benefits and paying reasonable plan expenses;

- (3) are subject to the standard of care established in section 356A.04, subdivision 2; and
- (4) are indemnified and held harmless by the state of Minnesota for the reasonable costs, expenses, or liability incurred as a result of any actual or threatened litigation or administrative proceeding arising out of the performance of the person's duties.
- (b) Except as otherwise established in this chapter, the fiduciaries under paragraph (a) owe no other duty to covered employees, express or implied, in common law or otherwise.

Sec. 8. [187.10] NO STATE LIABILITY.

The state has no liability for the payment of, the amount of, or losses to any benefit to any participant in the program.

Sec. 9. [187.11] OTHER STATE AGENCIES TO PROVIDE ASSISTANCE.

- (a) The board may enter into intergovernmental agreements with the commissioner of revenue, the commissioner of labor and industry, and any other state agency that the board deems necessary or appropriate to provide outreach, technical assistance, or compliance services. An agency that enters into an intergovernmental agreement with the board pursuant to this section must collaborate and cooperate with the board to provide the outreach, technical assistance, or compliance services under any such agreement.
- (b) The commissioner of administration must provide office space in the Capitol complex for the executive director and staff of the program.

Sec. 10. [187.12] SEVERABILITY.

If any provision of this chapter is found to be unconstitutional and void, the remaining provisions of this chapter are valid.

Sec. 11. MINNESOTA SECURE CHOICE RETIREMENT PROGRAM; START OF OPERATIONS.

<u>Subdivision 1.</u> <u>Program start; phasing.</u> (a) The board of directors of the Minnesota Secure Choice retirement program must begin operation of the secure choice retirement program under Minnesota Statutes, section 187.05, by January 1, 2025.

- (b) The board of directors must open the program in phases, and the first phase must be opened no later than two years after the opening of the first phase.
- Subd. 2. **Board appointments; first meeting.** Appointing authorities must make appointments to the board of directors under Minnesota Statutes, section 187.08, by January 15, 2024. The Legislative Commission on Pensions and Retirement must designate one member of the board to convene the first meeting of the board of directors by March 1, 2024. At the first meeting, the board shall elect a chair.

Sec. 12. BOARD SUPPORT UNTIL APPOINTMENT OF EXECUTIVE DIRECTOR.

With the assistance of the Legislative Coordinating Commission, the executive director of the Legislative Commission on Pensions and Retirement must:

(1) provide notice to members of the board regarding the first meeting of the board and work with the chair designated under Minnesota Statutes, section 187.08, subdivision 7, to determine the agenda and provide meeting support; and

(2) serve as the interim executive director to assist the board until the board completes the search, recruitment, and interview process and appoints the executive director under Minnesota Statutes, section 187.08, subdivision 8.

Sec. 13. TRANSFERS.

\$...... in fiscal year 2024 and \$...... in fiscal year 2025 are transferred from the general fund to the Secure Choice administrative fund established under Minnesota Statutes, section 187.06, to establish and administer the Secure Choice retirement program. The base for this transfer is \$...... in fiscal year 2026, \$...... in fiscal year 2027, and \$0 in fiscal year 2028 and thereafter.

Sec. 14. **EFFECTIVE DATE.**

Sections 1 to 4 and 6 to 13 are effective the day following final enactment. Section 5 is effective the day after the Secure Choice retirement program board of directors opens the Secure Choice retirement savings program for enrollment of covered employees."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "transferring money; appropriating money;"

With the recommendation that when so amended the bill be re-referred to the Committee on Judiciary Finance and Civil Law.

The report was adopted.

Stephenson from the Committee on Commerce Finance and Policy to which was referred:

H. F. No. 817, A bill for an act relating to housing; modifying the definition of representative acting on behalf of residents; providing residents an opportunity to purchase manufactured home parks; amending Minnesota Statutes 2022, section 327C.015, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 327C; repealing Minnesota Statutes 2022, section 327C.096.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2022, section 327C.096, is amended to read:

327C.096 NOTICE OF SALE.

When a park owner offers to sell a manufactured home park to the public through advertising in a newspaper or by listing the park with a real estate broker licensed by the Department of Commerce, the owner must provide concurrent written notice to a resident of each manufactured home in the park that the park is being offered for sale. Written notice provided once within a one-year period satisfies the requirement under this section. The notice provided by the park owner to a resident of each manufactured home does not grant any property rights in the park and is for informational purposes only. This section does not apply in the case of a taking by eminent domain, a transfer by a corporation to an affiliate, a transfer by a partnership to one or more of its partners, or a sale or transfer to a person who would be an heir of the owner if the owner were to die intestate. If at any time a manufactured home park owner receives an unsolicited bona fide offer to purchase the park that the owner intends to consider or make a counter offer to, the owner is under no obligation to notify the residents as required under this section.

Sec. 2. [327C.097] RESIDENT OPPORTUNITY TO OFFER.

<u>Subdivision 1.</u> <u>Definitions.</u> For the purposes of this section, "nonprofit" means a nonprofit organization under <u>chapter 317A.</u>

- Subd. 2. Scope. This section does not apply to:
- (1) a purchase of a manufactured home park by a nonprofit or a representative acting on behalf of residents pursuant to a bona fide offer to purchase the park pursuant to subdivision 5;
- (2) a purchase of a manufactured home park by a governmental entity under its powers or threat of eminent domain;
- (3) a transfer by a corporation or limited liability company to an affiliate, including any shareholder or member of the transferring corporation; any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation; or any other corporation or entity owned or controlled, directly or indirectly, by any shareholder or member of the transferring corporation;
 - (4) a transfer by a partnership to any of its partners;
 - (5) a sale or transfer between or among joint tenants or tenants in common owning a manufactured home park;
- (6) an exchange of a manufactured home park for other real property, whether or not such exchange also invoices the payment of cash or boot;
- (7) a conveyance of an interest in a manufactured home park incidental to the financing of the manufactured home park;
- (8) a conveyance resulting from the foreclosure of a mortgage, cancellation of a contract for deed, or other instrument encumbering a manufactured home park or any deed given in lieu of such foreclosure or cancellation; or
- (9) a sale or transfer to a person who would be included within the intestate table of descent and distribution of the park owner.
- Subd. 3. Notice of offer. (a) If a park owner receives an offer to purchase the park that the park owner intends to consider or make a counteroffer to, the park owner's only obligation shall be to mail a notice to the Minnesota Housing Finance Agency, by certified mail, and to each park resident household, by regular mail. The notice must indicate that the park owner has received an offer that it is considering, and it must disclose the price range and material terms and conditions upon which the park owner would consider selling the park and consider any offer made by a representative acting on behalf of residents or a nonprofit that will become a representative acting on behalf of residents, as provided below. The park owner shall be under no obligation either to sell to the nonprofit or representative acting on behalf of residents or to interrupt or delay other negotiations and shall be free to execute a purchase agreement or contract for the sale of the park to a party or parties other than the representative acting on behalf of residents. Substantial compliance with the notice requirement in this paragraph shall be deemed sufficient.
- (b) The Minnesota Housing Finance Agency must, within five days of receipt of the notice required under paragraph (a), distribute a copy of the notice to any representative acting on behalf of residents and to any nonprofits that register with the agency to receive such notices. The agency shall make a list of any representatives acting on behalf of residents and any registered nonprofits publicly available on its website.

- Subd. 4. Notice of intent to purchase. (a) Within ten days of receiving the notice required under subdivision 3, if a representative acting on behalf of residents or a nonprofit seeking to become a representative acting on behalf of residents intends to purchase the park on behalf of residents, the representative or nonprofit must inform the park owner of the intent to purchase. This notice must be in writing and must be served personally upon the park owner at the business address listed on file with the Department of Health. Additionally, the representative or nonprofit must provide nonrefundable earnest money in the amount of 1-1/2 percent of the lower value of the price range required to be disclosed under subdivision 3, paragraph (a).
- (b) If notice of intent is received by the park owner within the time period established in paragraph (a), a representative acting on behalf of residents shall have 30 days from its notice of intent to purchase to provide the park owner with a purchase agreement executed by the representative acting on behalf of the residents together with additional refundable earnest money which constitutes at least 1-1/2 percent of the purchase price for the park owner to consider.
- Subd. 5. <u>Unsolicited offer.</u> Nothing contained in this section or section 327C.096 shall prevent a representative acting on behalf of residents or a nonprofit from making an unsolicited bona fide offer to purchase the manufactured home park to the park owner at any time.
- Subd. 6. Remedies. In the event a park owner does not provide the notice required in subdivision 3 prior to a sale to a third party, upon said sale to a third party, the owner shall be liable for damages of up to \$600 per home site. If the sale has not yet been completed to a third party, the representative acting on behalf of the residents may seek injunctive relief to require the park owner to provide the notice required under subdivision 3 or to require the park owner to receive the notice and purchase agreement under subdivision 4, up until the time of a sale to a third party, but not thereafter. If a representative acting on behalf of residents or a nonprofit is found by a court to have made a frivolous offer only for the purposes of frustration and delay of a sale to a bona fide purchaser, the provisions of this section shall be waived for three years with respect to the park.
- Subd. 7. Challenge to petition. In any action challenging the validity of the signatories of the petition authorizing a representative acting on behalf of residents to represent residents in negotiations to purchase a manufactured home park, there shall be a rebuttable presumption that the challenged party's signature is sufficient evidence that the party is a valid signatory.
- <u>Subd. 8.</u> **Requirement of affordable housing preservation.** In the event of a sale to a representative acting on behalf of residents, the representative must certify to the commissioner of commerce and the Minnesota Housing <u>Finance Agency that the property will be preserved as a manufactured home park for ten years from the date of the sale.</u>
- **EFFECTIVE DATE.** This section is effective once the commissioner of revenue certifies to the commissioner of Minnesota Management and Budget that a tax bill has been enacted."

Delete the title and insert:

"A bill for an act relating to housing; providing residents an opportunity to purchase manufactured home parks; amending Minnesota Statutes 2022, section 327C.096; proposing coding for new law in Minnesota Statutes, chapter 327C."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 855, A bill for an act relating to public safety; establishing a public safety innovation board; providing for community safety grants; providing for body camera data storage; providing for law enforcement policy; providing civilian oversight of law enforcement; requiring a report; providing for rulemaking; appropriating money; amending Minnesota Statutes 2022, sections 13.825, subdivision 2; 214.10, subdivision 10; 626.843, by adding a subdivision; 626.8473, subdivision 3; 626.89, subdivision 17; Laws 2021, First Special Session chapter 11, article 1, section 15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 299A.

Reported the same back with the recommendation that the bill be re-referred to the Committee on State and Local Government Finance and Policy.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 949, A bill for an act relating to natural resources; requiring safety education and permitting for certain watercraft operators; imposing certain obligations on motorboat rental businesses; amending Minnesota Statutes 2022, sections 86B.313, subdivision 4; 171.07, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 86B; repealing Minnesota Statutes 2022, sections 86B.101; 86B.305; 86B.313, subdivisions 2, 3.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Nelson, M., from the Committee on Labor and Industry Finance and Policy to which was referred:

H. F. No. 981, A bill for an act relating to the State Building Code; requiring the installation of adult-size changing facilities in restrooms accessible to the public; amending Minnesota Statutes 2022, section 326B.106, subdivision 4.

Reported the same back with the following amendments:

Page 3, line 13, delete "(1)" and delete "The code must require the installation of adult-size" and insert "The commissioner shall adopt rules requiring adult-size changing facilities as part of the State Building Code."

Page 3, delete lines 14 to 30 and insert:

"Sec. 2. RULEMAKING AUTHORITY.

The commissioner of labor and industry shall adopt rules, using the expedited rulemaking process in Minnesota Statutes, section 14.389, that set forth adult-size changing facilities to conform with the addition of Minnesota Statutes, section 326B.106, subdivision 4, paragraph (n), under this act.

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

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing rulemaking;"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Noor from the Committee on Human Services Finance to which was referred:

H. F. No. 1067, A bill for an act relating to human services; modifying personal care assistance program; amending Minnesota Statutes 2022, section 256B.0659, subdivisions 1, 12, 19, 24.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Vang from the Committee on Agriculture Finance and Policy to which was referred:

H. F. No. 1130, A bill for an act relating to agriculture; authorizing cities to adopt certain pesticide control ordinances; amending Minnesota Statutes 2022, section 18B.09, subdivision 2, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 10, delete "and"

Page 2, line 11, after "(5)" insert "wood preservative pesticides used either within a sealed steel cylinder or inside an enclosed building at a secure facility by trained technicians and" and delete the period and insert a semicolon

Page 2, after line 11, insert:

"(6) pesticides used or applied to control or eradicate a noxious weed designated by the commissioner under section 18.79, subdivision 13; and

(7) pesticides used or applied on land used for agricultural production and located in an area zoned for agricultural use."

With the recommendation that when so amended the bill be re-referred to the Committee on Environment and Natural Resources Finance and Policy.

The report was adopted.

Moller from the Committee on Public Safety Finance and Policy to which was referred:

H. F. No. 1134, A bill for an act relating to capital investment; requiring the commissioner of management and budget to submit evaluations of capital improvement project requests relating to jails to the legislature; requiring a study and report of county jails by the commissioner of corrections; amending Minnesota Statutes 2022, section 16A.86, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. REGIONAL AND COUNTY JAILS; STUDY AND REPORT.

Subdivision 1. Study. The commissioner of corrections must study and make recommendations on the consolidation or merger of county jails and alternatives to incarceration for persons experiencing mental health disorders. The commissioner must engage and solicit feedback from citizens who live in communities served by facilities that may be impacted by the commissioner's recommendations for the consolidation or merger of jails. The commissioner must consult with the following individuals on the study and recommendations:

- (1) county sheriffs;
- (2) county and city attorneys that prosecute offenders;
- (3) chief law enforcement officers;
- (4) administrators of county jail facilities; and
- (5) district court administrators.

Each party receiving a request for information from the commissioner under this section shall provide the requested information in a timely manner.

- Subd. 2. **Report.** The commissioner of corrections must file a report with the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over public safety and capital investment on the study and recommendations under subdivision 1 on or before December 1, 2024. The report must, at a minimum, provide the following information:
 - (1) the daily average number of offenders incarcerated in each county jail facility:
 - (i) that are in pretrial detention;
 - (ii) that cannot afford to pay bail;
 - (iii) for failure to pay fines and fees;
 - (iv) for offenses that stem from controlled substance addiction or mental health disorders:
 - (v) for nonfelony offenses;
 - (vi) that are detained pursuant to contracts with other authorities; and
 - (vii) for supervised release and probation violations;
 - (2) the actual cost of building a new jail facility, purchasing another facility, or repairing a current facility;
 - (3) the age of current jail facilities;
 - (4) county population totals and trends;
 - (5) county crime rates and trends;
- (6) the proximity of current jails to courthouses, probation services, social services, treatment providers, and work-release employment opportunities;
 - (7) specific recommendations for alternatives to incarceration for persons experiencing mental health disorders; and

- (8) specific recommendations on the consolidation or merger of county jail facilities and operations, including:
- (i) where consolidated facilities should be located;
- (ii) which counties are best suited for consolidation;
- (iii) the projected costs of construction, renovation, or purchase of the facility; and
- (iv) the projected cost of operating the facility.
- Subd. 3. Evaluation. The commissioner, in consultation with the commissioner of management and budget, must evaluate the need of any capital improvement project that requests an appropriation of state capital budget money during an odd-numbered year to construct a jail facility or for capital improvements to expand the number of incarcerated offenders at an existing jail facility. The commissioner shall use the report under subdivision 2 to inform the evaluation. The commissioner must submit all evaluations under this subdivision by January 15 of each even-numbered year to the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over public safety and capital investment on the study and recommendations under this subdivision.

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

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Capital Investment.

The report was adopted.

Pelowski from the Committee on Higher Education Finance and Policy to which was referred:

H. F. No. 1161, A bill for an act relating to labor; modifying certain exclusions to the definition of public employee; amending Minnesota Statutes 2022, section 179A.03, subdivision 14.

Reported the same back with the following amendments:

Page 3, line 10, after "more" insert "credit-bearing"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Pinto from the Committee on Children and Families Finance and Policy to which was referred:

H. F. No. 1198, A bill for an act relating to human services; expanding child care assistance to certain families; expanding and modifying grants and rules regarding children's mental health; modifying the transition to community initiative; modifying training requirements for mental health staff; modifying covered transportation services; modifying coverage of mental health clinical care coordination; modifying rules regarding children's long-term stays in the emergency room; establishing the rural family response and stabilization services pilot program; requiring

reports; appropriating money; amending Minnesota Statutes 2022, sections 119B.05, subdivision 1; 245.4662; 245.4889, subdivision 1; 245I.04, subdivisions 5, 7; 254B.05, subdivision 1a; 256.478; 256B.0616, subdivisions 4, 5, by adding a subdivision; 256B.0622, subdivision 2a; 256B.0624, subdivisions 5, 8; 256B.0625, subdivisions 17, 45a; 256B.0659, subdivisions 1, 17a; 256B.0671, subdivision 7; 256B.0943, by adding a subdivision; 256B.0946, subdivision 7; 256B.0947, subdivision 7, by adding a subdivision; 260C.007, subdivision 6; 260C.708; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Page 3, line 17, delete "are in" and delete "of"

Page 5, line 3, after "or" insert "whose" and after "discharge" insert "from an emergency room or residential setting"

Page 7, lines 1 and 14, delete "coordination" and insert "consultation"

Page 22, line 13, delete "on top of" and insert "in addition to"

Page 24, line 16, delete the new language and insert ". A child must not be considered abandoned if a child's parent"

Page 24, line 17, delete "a parent who"

Page 28, line 7, before the period, insert "; APPROPRIATION"

Page 28, after line 21, insert:

"(c) \$...... in fiscal year 2024 is appropriated from the general fund to the commissioner of human services for the rural family response and stabilization services pilot program. The department must develop a request for proposals for counties and adult mental health initiatives in rural Minnesota to meet the requirements of the pilot program. A county or adult mental health initiative may serve multiple counties provided the grantee can respond in person within one hour in the established service area."

Page 28, line 22, before the third period, insert ": BEHAVIORAL HEALTH FUND ROOM AND BOARD RATES"

Page 29, line 1, after "TO" insert "THE"

Page 29, line 8, before the third period, insert ": CHILD AND ADULT TRANSITION TO COMMUNITY INITIATIVE"

Page 30, line 10, before the third period, insert "; STATE MEDICAL REVIEW TEAM STAFFING"

Page 30, line 15, before the third period, insert "; EARLY CHILDHOOD MENTAL HEALTH SERVICES AND CONSULTATION"

Page 31, line 1, before the third period, insert "; MFIP CHILD CARE ASSISTANCE EXPANSION"

Page 31, line 6, before the third period, insert "; MOBILE CRISIS TEAM ONGOING TRAINING"

Page 31, delete section 38

Renumber the sections in sequence

With the recommendation that when so amended the bill be re-referred to the Committee on Human Services Finance.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 1234, A bill for an act relating to labor; modifying peace officer and firefighter duty disability provisions; requiring a report; appropriating money; amending Minnesota Statutes 2022, sections 299A.465, subdivision 4, by adding a subdivision; 352B.10, subdivisions 1, 2a, 4; 352B.101; 353.01, subdivision 47; 353.031, subdivisions 1, 3, 4, 8, 9; 353.335; 353.656, subdivisions 1, 1a, 1b, 3, 3a, 4, 6a, 10; proposing coding for new law in Minnesota Statutes, chapters 352B; 353; 626; repealing Minnesota Statutes 2022, section 353.656, subdivisions 2, 2a.

Reported the same back with the recommendation that the bill be re-referred to the Committee on State and Local Government Finance and Policy.

The report was adopted.

Pryor from the Committee on Education Policy to which was referred:

H. F. No. 1269, A bill for an act relating to education; modifying provisions for prekindergarten through grade 12 including general education accountability and transparency, education excellence, American Indian education, charter schools, discipline, teachers, special education, and early learning; requiring reports; amending Minnesota Statutes 2022, sections 13.32, subdivision 3; 120A.22, subdivisions 7, 10; 120A.24, subdivision 1; 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4, by adding a subdivision; 120B.022, subdivision 1; 120B.024, subdivisions 1, 2; 120B.11, subdivisions 1, 2, 3; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301; 120B.35, subdivision 3; 120B.36, subdivision 2; 121A.031, subdivision 6; 121A.17, subdivision 3; 121A.41, by adding subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.58; 121A.61, subdivisions 1, 3, by adding a subdivision; 122A.181, subdivision 5; 122A.183, subdivision 2; 122A.185, subdivision 1; 122A.26, subdivision 2; 122A.40, subdivision 8; 122A.41, subdivision 5; 123B.147, subdivision 3; 123B.71, subdivision 12; 124D.03, subdivisions 5, 5a, 12; 124D.09, subdivisions 3, 13; 124D.111, subdivisions 2a, 5; 124D.119; 124D.128, subdivision 1; 124D.141, subdivision 2; 124D.165, subdivisions 2, 3; 124D.59, subdivision 2a; 124D.68, subdivision 3; 124D.73, by adding a subdivision; 124D.74, subdivisions 1, 3, 4, by adding a subdivision; 124D.76; 124D.78; 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81, subdivisions 1, 5; 124D.861, subdivision 2; 124D.862, subdivision 8; 124E.02; 124E.03, subdivision 2, by adding a subdivision; 124E.05, subdivisions 4, 7; 124E.06, subdivisions 1, 4, 5; 124E.10, subdivision 1; 124E.11; 124E.12, subdivision 1; 124E.13, subdivisions 1, 3; 124E.25, subdivision 1a; 125A.0942; 125A.13; 125A.15; 125A.51; 125A.515, subdivision 3; 126C.15, subdivision 5; 134.31, subdivisions 1, 4a; 134.32, subdivision 4; 134.34, subdivision 1; 144.4165; 290.0679, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 124D; repealing Minnesota Statutes 2022, sections 120B.35, subdivision 5; 124D.095, subdivisions 1, 2, 3, 4, 5, 6, 7, 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1 GENERAL EDUCATION

- Section 1. Minnesota Statutes 2022, section 123B.71, subdivision 12, is amended to read:
- Subd. 12. **Publication.** (a) At least 20 48 days but not more than 60 days before a referendum for bonds or solicitation of bids for a project that has received a positive or unfavorable review and comment under section 123B.70, the school board shall publish a summary of the commissioner's review and comment of that project in the legal newspaper of the district. The school board must hold a public meeting to discuss the commissioner's review and comment before the referendum for bonds. Supplementary information shall be available to the public.
- (b) The publication requirement in paragraph (a) does not apply to alternative facilities projects approved under section 123B.595.

EFFECTIVE DATE. This section is effective for elections conducted on or after August 9, 2023.

- Sec. 2. Minnesota Statutes 2022, section 123B.86, subdivision 3, is amended to read:
- Subd. 3. **Board control.** (a) When transportation is provided, the scheduling of routes, manner and method of transportation, control and discipline of school children and any other matter relating thereto shall be within the sole discretion, control and management of the board.
- (b) A school board and a nonpublic school may mutually agree to a written plan for the board to provide nonpublic pupil transportation to nonpublic school students.
- (c) A school board that provides pupil transportation through the school's employees may transport nonpublic school students according to the plan and retain the nonpublic pupil transportation aid attributable to that plan. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services not required under sections 123B.84 to 123B.87.
- (d) A school board that contracts for pupil transportation services may enter into a contractual arrangement with a school bus contractor according to the written plan adopted by the school board and the nonpublic school to transport nonpublic school students and retain the nonpublic pupil transportation aid attributable to that plan for the purposes of paying the school bus contractor. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services included in the contract that are not required under sections 123B.84 to 123B.87.
- (e) The school district must report the number of nonpublic school students transported and the nonpublic pupil transportation expenditures incurred under paragraph (b) in the form and manner specified by the commissioner.

EFFECTIVE DATE. This section is effective for fiscal year 2024 and later.

- Sec. 3. Minnesota Statutes 2022, section 126C.15, subdivision 5, is amended to read:
- Subd. 5. **Annual expenditure report.** Each year a district By February 1 annually, the commissioner of education must report to the legislature the expenditures of each district that receives receive basic skills revenue must submit a report identifying the expenditures it incurred to meet the needs of eligible learners in the previous fiscal year under subdivision 1. The report must conform to uniform financial and reporting standards established for this purpose and provide a breakdown by functional area. Using valid and reliable data and measurement criteria, the report also must determine whether increased expenditures raised student achievement levels.

- Sec. 4. Minnesota Statutes 2022, section 127A.353, subdivision 2, is amended to read:
- Subd. 2. **Qualifications.** The governor shall select the school trust lands director on the basis of outstanding professional qualifications and knowledge of finance, business practices, minerals, forest and real estate management, and the fiduciary responsibilities of a trustee to the beneficiaries of a trust. The school trust lands director serves in the unclassified service for a term of four years. The first term shall end on December 31, 2020. The governor may remove the school trust lands director for cause. If a director resigns or is removed for cause, the governor shall appoint a director for the remainder of the term.
 - Sec. 5. Minnesota Statutes 2022, section 127A.353, subdivision 4, is amended to read:
 - Subd. 4. **Duties; powers.** (a) The school trust lands director shall:
- (1) take an oath of office before assuming any duties as the director act in a fiduciary capacity for trust beneficiaries in accordance with the principles under section 127A.351;
 - (2) evaluate the school trust land asset position;
 - (3) determine the estimated current and potential market value of school trust lands;
- (4) advise <u>and provide recommendations to</u> the governor, <u>Executive Council</u>, <u>commissioner of natural resources</u>, <u>and the Legislative Permanent School Fund Commission on the management of school trust lands, including: on school trust land management policies and other policies that may affect the goal of the permanent school fund under section 127A.31;</u>
- (5) advise and provide recommendations to the Executive Council and Land Exchange Board on all matters regarding school trust lands presented to either body;
- (6) advise and provide recommendations to the commissioner of natural resources on managing school trust lands, including but not limited to advice and recommendations on:
 - (i) Department of Natural Resources school trust land management plans;
 - (ii) leases of school trust lands;
 - (iii) royalty agreements on school trust lands;
 - (iv) land sales and exchanges;
 - (v) cost certification; and
 - (vi) revenue generating options;
- (7) serve as temporary trustee of school trust lands for school trust lands subject to proposed or active eminent domain proceedings;
 - (8) serve as temporary trustee of school trust lands pursuant to section 94.342, subdivision 5;
- (5) propose (9) submit to the Legislative Permanent School Fund Commission for review an annual budget and management plan for the director that includes proposed legislative changes that will improve the asset allocation of the school trust lands:

- (6) (10) develop <u>and implement</u> a ten-year strategic plan and a 25-year framework for management of school trust lands, in conjunction with the commissioner of natural resources, that is updated every five years and implemented by the commissioner, with goals to:
 - (i) retain core real estate assets;
 - (ii) increase the value of the real estate assets and the cash flow from those assets;
 - (iii) rebalance the portfolio in assets with high performance potential and the strategic disposal of selected assets;
 - (iv) establish priorities for management actions;
 - (v) balance revenue enhancement and resource stewardship; and
 - (vi) advance strategies on school trust lands to capitalize on ecosystem services markets; and
- (7) submit to the Legislative Permanent School Fund Commission for review an annual budget and management plan for the director; and
- (8) (11) keep the beneficiaries, governor, legislature, and the public informed about the work of the director by reporting to the Legislative Permanent School Fund Commission in a public meeting at least once during each calendar quarter.
 - (b) In carrying out the duties under paragraph (a), the school trust lands director shall have the authority to may:
 - (1) direct and control money appropriated to the director;
- (2) establish job descriptions and employ up to five employees in the unclassified service, <u>staff</u> within the limitations of money appropriated to the director;
 - (3) enter into interdepartmental agreements with any other state agency;
 - (4) enter into joint powers agreements under chapter 471;
- (5) evaluate and initiate real estate development projects on school trust lands <u>in conjunction with the commissioner of natural resources and</u> with the advice of the Legislative Permanent School Fund Commission in order to generate long-term economic return to the permanent school fund; <u>and</u>
- (6) serve as temporary trustee of school trust land for school trust lands subject to proposed or active eminent domain proceedings; and
- (7) (6) submit recommendations on strategies for school trust land leases, sales, or exchanges to the commissioner of natural resources and the Legislative Permanent School Fund Commission.
 - Sec. 6. Minnesota Statutes 2022, section 290.0679, subdivision 2, is amended to read:
- Subd. 2. **Conditions for assignment.** A qualifying taxpayer may assign all or part of an anticipated refund for the current and future taxable years to a financial institution or a qualifying organization. A financial institution or qualifying organization accepting assignment must pay the amount secured by the assignment to a third-party vendor. The commissioner of education shall, upon request from a third-party vendor, certify that the vendor's products and services qualify for the education credit. A denial of a certification is subject to the contested case

procedure under may be appealed to the commissioner pursuant to this subdivision and notwithstanding chapter 14. A financial institution or qualifying organization that accepts assignments under this section must verify as part of the assignment documentation that the product or service to be provided by the third-party vendor has been certified by the commissioner of education as qualifying for the education credit. The amount assigned for the current and future taxable years may not exceed the maximum allowable education credit for the current taxable year. Both the taxpayer and spouse must consent to the assignment of a refund from a joint return.

ARTICLE 2 EDUCATION EXCELLENCE

- Section 1. Minnesota Statutes 2022, section 120A.22, subdivision 10, is amended to read:
- Subd. 10. **Requirements for instructors.** A person who is providing instruction to a child must meet at least one of the following requirements:
 - (1) hold a valid Minnesota teaching license in the field and for the grade level taught;
 - (2) be directly supervised by a person holding a valid Minnesota teaching license;
 - (3) successfully complete a teacher competency examination;
- (4) (3) provide instruction in a school that is accredited by an accrediting agency, recognized according to section 123B.445, or recognized by the commissioner;
 - (5) (4) hold a baccalaureate degree; or
 - (6) (5) be the parent of a child who is assessed according to the procedures in subdivision 11.

Any person providing instruction in a public school must meet the requirements of clause (1).

- Sec. 2. Minnesota Statutes 2022, section 120A.414, is amended by adding a subdivision to read:
- Subd. 6. Other school personnel. A school district or charter school that declares an e-learning day must continue to pay the full wages for scheduled work hours and benefits of all school employees for the duration of the e-learning period. During the e-learning period, school employees must be allowed to work from home to the extent practicable, be assigned to work in an alternative location, or be retained on an on-call basis for any potential need.

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

- Sec. 3. Minnesota Statutes 2022, section 120B.018, subdivision 6, is amended to read:
- Subd. 6. **Required standard.** "Required standard" means (1) a statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, and the arts, or and (2) a locally adopted expectation for student learning in health or the arts.
 - Sec. 4. Minnesota Statutes 2022, 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, encompassing algebra II, integrated mathematics III, or an equivalent in high school, and to be prepared for the three credits of mathematics in grades 9 through 12, the grade 8 standards include completion of algebra;

- (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; 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 five arts areas: dance; media arts; 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 SHAPE America (Society of Health and Physical Educators) standards 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) 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. 5. Minnesota Statutes 2022, section 120B.021, subdivision 3, is amended to read:
- Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section and section 120B.022, must adopt statewide rules under section 14.389 for implementing statewide rigorous core academic standards in language arts, mathematics, science, social studies, physical education, and the arts. After the rules authorized under this subdivision are initially adopted, the commissioner may not amend or repeal these rules nor adopt new rules on the same topic without specific legislative authorization.
 - Sec. 6. Minnesota Statutes 2022, section 120B.022, subdivision 1, is amended to read:
- Subdivision 1. **Elective standards.** A district must establish <u>and regularly review</u> its own standards in for career and technical education (CTE) programs. <u>Standards must align with CTE frameworks developed by the Department of Education, standards developed by national CTE organizations, or recognized industry standards. A district must use the current world languages standards developed by the American Council on the Teaching of Foreign Languages. A school district must offer courses in all elective subject areas.</u>

- Sec. 7. Minnesota Statutes 2022, section 120B.024, subdivision 1, is amended to read:
- Subdivision 1. **Graduation requirements.** (a) 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) (3) 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) (4) three and one-half credits of social studies, including credit for a course in government and citizenship for students beginning grade 9 in the 2024-2025 school year and later or an advanced placement, international baccalaureate, or other rigorous course on government and citizenship under section 120B.021, subdivision 1a, 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) (5) one credit of the arts sufficient to satisfy all of the state or local academic standards in the arts; and
 - (7) (6) credits sufficient to satisfy the state standards in physical education; and
 - (7) a minimum of seven elective credits.
- (b) A school district is encouraged to offer a course for credit in government and citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year and later, that satisfies the government and citizenship requirement in paragraph (a), clause (5).

EFFECTIVE DATE. This section is effective for the 2024-2025 school year and later.

- Sec. 8. Minnesota Statutes 2022, section 120B.024, subdivision 2, is amended to read:
- Subd. 2. **Credit equivalencies.** (a) A one-half credit of economics taught in a school's <u>agriculture agricultural</u>, <u>food</u>, <u>and natural resources</u> education or business <u>education program or</u> department may fulfill a one-half credit in social studies under subdivision 1, clause (5), if the credit is sufficient to satisfy all of the academic standards in economics.
- (b) An agriculture science or career and technical education credit may fulfill the elective science credit required under subdivision 1, clause (4), if the credit meets the state physical science, life science, earth and space science, chemistry, or physics academic standards or a combination of these academic standards as approved by the district. An agriculture or career and technical education credit may fulfill the credit in chemistry or physics required under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic standards as approved by the district. A student must satisfy either all of the chemistry academic standards or all of the physics academic standards prior to graduation. An agriculture science or career and technical education credit may not fulfill the required biology credit under subdivision 1, clause (4).

- (c) A career and technical education credit may fulfill a mathematics or arts credit requirement under subdivision 1, clause (2) or (6).
- (d) An agriculture agricultural, food, and natural resources education teacher is not required to meet the requirements of Minnesota Rules, part 3505.1150, subpart 4 2, item B, to meet the credit equivalency requirements of paragraph (b) above.
- (e) A computer science credit may fulfill a mathematics credit requirement under subdivision 1, clause (2), if the credit meets state academic standards in mathematics.
- (f) A Project Lead the Way credit may fulfill a science or mathematics credit requirement under subdivision 1, clause (2) or (4), if the credit meets the state academic standards in science or mathematics.

Sec. 9. [120B.025] ETHNIC STUDIES.

"Ethnic studies" means the critical and interdisciplinary study of race, ethnicity, and indigeneity with a focus on the experiences and perspectives of people of color within and beyond the United States. Ethnic studies analyzes the ways in which race and racism have been and continue to be powerful social, cultural, and political forces, and the connection of race to the stratification of other groups, including stratification based on gender, class, sexuality, religion, and legal status.

Sec. 10. Minnesota Statutes 2022, 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) "Ethnic studies curriculum" means the critical and interdisciplinary study of race, ethnicity, and indigeneity with a focus on the experiences and perspectives of People of Color within and beyond the United States. Ethnic studies analyzes the ways in which race and racism have been and continue to be powerful social, cultural, and political forces, and the connection of race to the stratification of other groups, including stratification based on gender, class, sexuality, religion, and legal status. The ethnic studies curriculum may be integrated in existing curricular opportunities or provided through additional curricular offerings.
- (f) "Antiracist" means actively working to identify and eliminate racism in all forms so that power and resources are redistributed and shared equitably among racial groups.

- (g) "Culturally sustaining" means integrating content and practices that infuse the culture and language of Black, Indigenous, and People of Color communities who have been and continue to be harmed and erased through schooling.
- (h) "Institutional racism" means structures, policies, and practices within and across institutions that produce outcomes that chronically favor white people and disadvantage those who are Black, Indigenous, and People of Color.
 - Sec. 11. Minnesota Statutes 2022, section 120B.11, subdivision 2, is amended to read:
- Subd. 2. **Adopting plans and budgets.** A school board, at a public meeting, shall <u>must</u> 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 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; assess ethnic studies curriculum needs to determine priorities for integrating ethnic studies into existing courses or developing new courses; and identifying identify 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, including ethnic studies 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:
- (i) the English and, where practicable, the native language development and the academic achievement of English learners; and
 - (ii) access to ethnic studies curriculum using culturally responsive methodologies for all learners;
- (5) a process to examine the equitable distribution of teachers and strategies to ensure <u>children in low-income</u> and <u>minority children families</u>, <u>children in families</u> of People of Color, and <u>children in American Indian families</u> are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers;
 - (6) education effectiveness practices that:
- (i) integrate high-quality instruction, rigorous curriculum, technology, and curriculum that is rigorous, accurate, antiracist, and culturally sustaining;
- (ii) ensure learning and work environments validate, affirm, embrace, and integrate cultural and community strengths for all students, families, and employees; and
- (iii) provide a collaborative professional culture that develops and supports seeks to retain qualified, racially and ethnically diverse staff effective at working with diverse students while developing and supporting teacher quality, performance, and effectiveness; and

- (7) an annual budget for continuing to implement the district plan-; and
- (8) identifying a list of suggested and required materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota.

EFFECTIVE DATE. This section is effective for all strategic plans reviewed and updated after June 30, 2024.

- Sec. 12. Minnesota Statutes 2022, section 120B.11, subdivision 3, is amended to read:
- Subd. 3. District advisory committee. Each school board shall must establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards, consistent with subdivision 2. A district advisory committee, to the extent possible, shall must reflect the diversity of the district and its school sites, include teachers, parents, support staff, students, and other community residents, and provide translation to the extent appropriate and practicable. The district advisory committee shall must pursue community support to accelerate the academic and native literacy and achievement of English learners with varied needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and 2a. The district may establish site teams as subcommittees of the district advisory committee under subdivision 4. The district advisory committee shall must recommend to the school board: rigorous academic standards; student achievement goals and measures consistent with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35₇; district assessments₇; means to improve students' equitable access to effective and more diverse teachers; strategies to ensure the curriculum is rigorous, accurate, antiracist, and culturally sustaining; strategies to ensure that curriculum and learning and work environments validate, affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic groups; and program evaluations. School sites may expand upon district evaluations of instruction, curriculum, assessments, or programs. Whenever possible, parents and other community residents shall must comprise at least two-thirds of advisory committee members.
 - Sec. 13. Minnesota Statutes 2022, section 120B.15, is amended to read:

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

- (a) School districts may identify students, locally develop programs <u>and services</u> addressing instructional and affective needs, provide staff development, and evaluate programs to provide gifted and talented students with challenging and appropriate educational programs <u>and services</u>.
- (b) School districts must adopt guidelines for assessing and identifying students for participation in gifted and talented programs <u>and services</u> consistent with section 120B.11, subdivision 2, clause (2). The guidelines should include the use of:
 - (1) multiple and objective criteria; and
- (2) assessments and procedures that are valid and reliable, fair, and based on current theory and research. Assessments and procedures should be sensitive to underrepresented groups, including, but not limited to, low-income, minority, twice-exceptional, and English learners.
- (c) School districts must adopt procedures for the academic acceleration of gifted and talented students consistent with section 120B.11, subdivision 2, clause (2). These procedures must include how the district will:
 - (1) assess a student's readiness and motivation for acceleration; and
- (2) match the level, complexity, and pace of the curriculum to a student to achieve the best type of academic acceleration for that student.

- (d) School districts must adopt procedures consistent with section 124D.02, subdivision 1, for early admission to kindergarten or first grade of gifted and talented learners consistent with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to underrepresented groups.
 - Sec. 14. Minnesota Statutes 2022, 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, 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 must establish 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.
- (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.
- (1) 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 must be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. 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 must determine the testing process and the order of administration. The statewide results must be aggregated at the site and district level, consistent with subdivision 1a.
 - (o) The commissioner 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 consistent attendance, high school graduation rates, and high school drop-out rates by age and grade level;
 - (3) state results on the American College Test ACT 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.
 - Sec. 15. Minnesota Statutes 2022, 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 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.
- (e) (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.
 - (f) (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.
- (g) (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.
- (h) (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.
 - Sec. 16. Minnesota Statutes 2022, section 120B.301, is amended to read:

120B.301 LIMITS ON LOCAL TESTING.

- (a) For students in grades 1 through 6, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed ten hours per school year. For students in grades 7 through 12, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed 11 hours per school year. For purposes of this paragraph, international baccalaureate and advanced placement exams are not considered locally adopted assessments.
- (b) A district or charter school is exempt from the requirements of paragraph (a), if the district or charter school, in consultation with the exclusive representative of the teachers or other teachers if there is no exclusive representative of the teachers, decides to exceed a time limit in paragraph (a) and includes the information in the report required under section 120B.11, subdivision 5.
- (c) A district or charter school, before the first day of each school year, must publish on its website a comprehensive calendar of standardized tests to be administered in the district or charter school during that school year. The calendar must provide the rationale for administering each assessment and indicate whether the assessment is a local option or required by state or federal law. The calendar must be published at least one week prior to any eligible assessments being administered but no later than October 1.

- Sec. 17. Minnesota Statutes 2022, section 120B.35, subdivision 3, is amended to read:
- Subd. 3. **State growth <u>target measures</u>**; **other state measures**. (a)(1) The state's educational assessment system measuring individual students' educational growth is based on indicators of <u>current</u> achievement growth that show <u>growth relative to</u> 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 an appropriate growth model that compares the difference in students' achievement scores over time, and includes criteria for identifying schools and school districts that demonstrate academic progress or progress toward English language proficiency. 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 growth consistent with this paragraph; 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. 18. Minnesota Statutes 2022, 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 expectations under the most recently reauthorized Elementary and Secondary Education Act, set state growth targets, and determine student 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 annually post federal expectations and state student growth, learning, and outcome data to the department's public website no later than September 1, except that in years when data or federal expectations reflect new performance standards, the commissioner shall post data on federal expectations and state student growth data no later than October 1.
 - Sec. 19. Minnesota Statutes 2022, section 121A.031, subdivision 6, is amended to read:
- Subd. 6. **State model policy.** (a) The commissioner, in consultation with the commissioner of human rights, shall develop and maintain a state model policy. A district or school that does not adopt and implement a local policy under subdivisions 3 to 5 must implement and may supplement the provisions of the state model policy. The commissioner must assist districts and schools under this subdivision to implement the state policy. The state model policy must:
 - (1) define prohibited conduct, consistent with this section;
 - (2) apply the prohibited conduct policy components in this section;
- (3) for a child with a disability, whenever an evaluation by an individualized education program team or a section 504 team indicates that the child's disability affects the child's social skills development or the child is vulnerable to prohibited conduct because of the child's disability, the child's individualized education program or section 504 plan may address the skills and proficiencies the child needs to not engage in and respond to such conduct; and
- (4) encourage violence prevention and character development education programs under section 120B.232, subdivision 1.
 - (b) The commissioner shall develop and post departmental procedures for:
 - (1) periodically reviewing district and school programs and policies for compliance with this section;
- (2) investigating, reporting, and responding to noncompliance with this section, which may include an annual review of plans to improve and provide a safe and supportive school climate; and
 - (3) allowing students, parents, and educators to file a complaint about noncompliance with the commissioner.
- (c) The commissioner must post on the department's website information indicating that when districts and schools allow non-curriculum-related student groups access to school facilities, the district or school must give all student groups equal access to the school facilities regardless of the content of the group members' speech.
- (d) The commissioner must develop and maintain resources to assist a district or school in implementing strategies for creating a positive school climate and use evidence-based, social-emotional learning to prevent and reduce discrimination and other improper conduct.

Sec. 20. [121A.0312] MALICIOUS AND SADISTIC CONDUCT.

- (a) For purposes of this section, "malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.
- (b) A school board must adopt a written policy to address malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation, as defined in chapter 363A, and sexual exploitation by a district or school staff member, independent contractor, or student enrolled in a public school against a staff member, independent contractor, or student that occurs as described in section 121A.031, subdivision 1, paragraph (a).
- (c) The policy must apply to students, independent contractors, teachers, administrators, and other school personnel; must include at a minimum the components under section 121A.031, subdivision 4, paragraph (a); and must include disciplinary actions for each violation of the policy. Disciplinary actions must conform with collective bargaining agreements and sections 121A.41 to 121A.56.
- (d) The policy must be conspicuously posted throughout each school building, distributed to each district employee and independent contractor at the time of hiring or contracting, and included in each school's student handbook on school policies. Each school must develop a process for discussing with students, parents of students, independent contractors, and school employees the school's policy addressing malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation, as defined in chapter 363A, and sexual exploitation.
 - Sec. 21. Minnesota Statutes 2022, section 121A.41, is amended by adding a subdivision to read:
- Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal. "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to removing a pupil from class or dismissing a pupil from school, including evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, referrals for special education or 504 evaluations, academic screening for Title 1 services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices require actions by school officials to intervene in, redirect, and support a pupil's behavior before beginning dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clauses (3).

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

- Sec. 22. Minnesota Statutes 2022, section 121A.41, is amended by adding a subdivision to read:
- Subd. 13. **Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal or written agreement between a school administrator or district administrator and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

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

Sec. 23. Minnesota Statutes 2022, section 121A.425, is amended to read:

121A.425 FULL AND EQUITABLE PARTICIPATION IN PRESCHOOL AND PREKINDERGARTEN EARLY LEARNING.

- Subdivision 1. **Disciplinary dismissals prohibited.** (a) A pupil enrolled in the following is not subject to dismissals under this chapter:
- (1) a preschool or prekindergarten program, including a child participating in an early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program, may not be subject to dismissals under this chapter; or
 - (2) kindergarten through grade 3.
- (b) Notwithstanding this subdivision, expulsions and exclusions may be used only after resources outlined in subdivision 2 have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.
- Subd. 2. **Nonexclusionary discipline.** For purposes of this section, nonexclusionary discipline must include at least one of the following:
- (1) collaborating with the pupil's family or guardian, child mental health consultant or provider, education specialist, or other community-based support;
- (2) creating a plan, written with the parent or guardian, that details the action and support needed for the pupil to fully participate in the current educational program, including a preschool or prekindergarten program; or
- (3) providing a referral for needed support services, including parenting education, home visits, other supportive education interventions, or, where appropriate, an evaluation to determine if the pupil is eligible for special education services or section 504 services.

EFFECTIVE DATE. This section is effective July 1, 2023.

- Sec. 24. Minnesota Statutes 2022, 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 use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements, 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 2024-2025 school year and later.

- Sec. 25. Minnesota Statutes 2022, section 121A.46, subdivision 4, is amended to read:
- Subd. 4. <u>Provision of alternative education services</u>; suspension pending expulsion or exclusion hearing. (a) Alternative education services must be provided to a pupil who is suspended for more than five consecutive school days.
- (b) Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five <u>consecutive school</u> days.

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

- Sec. 26. Minnesota Statutes 2022, section 121A.46, is amended by adding a subdivision to read:
- Subd. 5. Minimum education services. School administration must allow a suspended pupil the opportunity to complete all school work assigned during the period of 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 2023-2024 school year and later.

- Sec. 27. Minnesota Statutes 2022, section 121A.47, subdivision 2, is amended to read:
- Subd. 2. Written notice. Written notice of intent to take action shall:
- (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
- (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
- (c) state the date, time, and place of the hearing;
- (d) be accompanied by a copy of sections 121A.40 to 121A.56;
- (e) describe alternative educational services the nonexclusionary disciplinary practices accorded the pupil in an attempt to avoid the expulsion proceedings; and
 - (f) inform the pupil and parent or guardian of the right to:
- (1) 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 their website;
 - (2) examine the pupil's records before the hearing;
 - (3) present evidence; and
 - (4) confront and cross-examine witnesses.

EFFECTIVE DATE. This section is effective for the 2024-2025 school year and later.

- Sec. 28. Minnesota Statutes 2022, section 121A.47, subdivision 14, is amended to read:
- Subd. 14. **Admission or readmission plan.** (a) A school administrator shall <u>must</u> prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan <u>may must</u> include measures to improve the pupil's behavior, <u>including which may include</u> completing a character education program, consistent with section 120B.232, subdivision 1, <u>and require 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 include reasonable attempts to obtain parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.</u>
- (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 than one school day, 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 2023-2024 school year and later.

Sec. 29. Minnesota Statutes 2022, section 121A.53, subdivision 1, is amended to read:

Subdivision 1. **Exclusions and expulsions;** <u>student withdrawals;</u> physical assaults. <u>Consistent with subdivision 2,</u> the school board must report through the department electronic reporting system each exclusion or expulsion <u>and</u>, each physical assault of a district employee by a <u>student pupil, and each pupil withdrawal agreement</u> within 30 days of the effective date of the dismissal action, <u>pupil withdrawal</u>, or assault, to the commissioner of education. This report must include a statement of <u>alternative educational services nonexclusionary disciplinary practices</u>, 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 <u>student's pupil's</u> age, grade, gender, race, and special education status.

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

Sec. 30. Minnesota Statutes 2022, section 121A.55, is amended to read:

121A.55 POLICIES TO BE ESTABLISHED.

- (a) The commissioner of education shall <u>must</u> promulgate guidelines to assist each school board. Each school board shall <u>must</u> 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 <u>must</u> include nonexclusionary disciplinary policies and <u>practices consistent with section 121A.41</u>, subdivision 12, and <u>must</u> emphasize preventing dismissals through early detection of problems and shall. The policies <u>must</u> be designed to address students' inappropriate behavior from recurring.
- (b) The policies shall must recognize the continuing responsibility of the school for the education of the pupil during the dismissal period.
- (c) The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards toward meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission in accordance with section 121A.46, subdivision 5.
- (d) For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in section 121A.41, subdivision 13:
- (1) for a pupil who remains enrolled in the district or is awaiting enrollment in a new district, a 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. 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 as defined in section 121A.41, subdivision 11. These services are required until a pupil enrolls in another school or returns to the same school.
- (2) a pupil receiving school-based or school-linked mental health services in the district under section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and

- (3) a school district must provide to the pupil's parent or guardian information on accessing mental health services, including any free or sliding fee providers in the community. The information must also be posted on the district or charter school website.
- (b) (e) 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) (f) 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 2024-2025 school year and later.

Sec. 31. Minnesota Statutes 2022, section 121A.58, is amended to read:

121A.58 CORPORAL PUNISHMENT; PRONE RESTRAINT; AND CERTAIN PHYSICAL HOLDS.

- Subdivision 1. **Definition** <u>Definitions</u>. (a) For the purpose of this section, "corporal punishment" means conduct involving:
 - (1) hitting or spanking a person with or without an object; or
 - (2) unreasonable physical force that causes bodily harm or substantial emotional harm.
 - (b) For the purpose of this section, "prone restraint" means placing a child in a face-down position.
- Subd. 2. **Corporal punishment not allowed.** An employee or agent of a district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.
- Subd. 2a. Prone restraint and certain physical holds not allowed. (a) An employee or agent of a district, including a school resource officer or police officer contracted with a district, shall not use prone restraint.
- (b) An employee or agent of a district, including a school resource officer or police officer contracted with a district, shall not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.
- Subd. 3. **Violation.** Conduct that violates subdivision 2 is not a crime under section 645.241, but may be a crime under chapter 609 if the conduct violates a provision of chapter 609.
 - Sec. 32. Minnesota Statutes 2022, section 121A.61, subdivision 1, is amended to read:
- Subdivision 1. **Required policy.** Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class. The policy must contain the discipline complaint procedure that any member of the school community may use to file a complaint regarding the application of discipline policies and seek corrective action. The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.

- Sec. 33. Minnesota Statutes 2022, section 121A.61, subdivision 3, is amended to read:
- Subd. 3. **Policy components.** The policy must include at least the following components:
- (a) rules governing student conduct and procedures for informing students of the rules;
- (b) the grounds for removal of a student from a class;
- (c) the authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district's policy;
- (d) the procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;
- (e) the period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;
 - (f) provisions relating to the responsibility for and custody of a student removed from a class;
 - (g) the procedures for return of a student to the specified class from which the student has been removed;
- (h) the procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;
- (i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;
 - (j) any procedures determined appropriate for encouraging early detection of behavioral problems;
- (k) any procedures determined appropriate for referring a student in need of special education services to those services;
- (1) any procedures determined appropriate for ensuring victims of bullying who respond with behavior not allowed under the school's behavior policies have access to a remedial response, consistent with section 121A.031;
- (1) (m) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;
- (m) (n) procedures for detecting and addressing chemical abuse problems of a student while on the school premises;
 - (n) (o) the minimum consequences for violations of the code of conduct;
 - (p) procedures for immediate and appropriate interventions tied to violations of the code;
- (p) (q) a provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws;
- (q) (r) an agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention; and

- $\frac{(\mathbf{r})}{(\mathbf{s})}$ a provision that states a student must be removed from class immediately if the student engages in assault or violent behavior. For purposes of this paragraph, "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher-;
 - (t) a prohibition on the use of exclusionary practices for early learners as defined in section 121A.425; and
 - (u) a prohibition on the use of exclusionary practices to address attendance and truancy issues.
 - Sec. 34. Minnesota Statutes 2022, section 121A.61, is amended by adding a subdivision to read:
- Subd. 4. School supports. (a) A school board is strongly encouraged to adopt a policy that promotes the understanding in school staff that when a student is unable to meet adult expectations it is often because the student lacks the skills to respond to a situation appropriately. A school district must support school staff in using tiered interventions that teach students skills and prioritize relationships between students and teachers.
- (b) A school board is strongly encouraged to adopt a policy that discourages teachers and staff from reacting to unwanted student behavior with approaches that take away the student's opportunity to build skills for responding more appropriately.
 - Sec. 35. Minnesota Statutes 2022, section 121A.61, is amended by adding a subdivision to read:
- Subd. 5. Discipline complaint procedure. The discipline policy must contain procedures for students, parents and other guardians, and school staff to file a complaint and seek corrective action when the requirements of sections 121A.40 to 121A.61, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied. Each district and school policy implemented under this section must, at a minimum:
- (1) provide procedures for communicating this policy including the ability for a parent to appeal a decision under section 121A.49 that contains explicit instructions for filing the complaint;
 - (2) provide an opportunity for involved parties to submit additional information related to the complaint;
- (3) provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;
- (4) provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;
- (5) if the investigation finds the requirements of sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and
- (6) prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

Sec. 36. [121A.611] RECESS AND OTHER BREAKS.

(a) "Recess detention" as used in this chapter means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.

- (b) A school district or charter school is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.
 - (c) A school district or charter school must not use recess detention unless:
 - (1) a student causes or is likely to cause serious physical harm to other students or staff;
 - (2) the student's parent or guardian specifically consents to the use of recess detention; or
- (3) for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.
 - (d) A school district or charter school must not withhold recess from a student based on incomplete homework.
- (e) A school district or charter school must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.
- (f) A school district or charter school must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. This information must be available to the public upon request. A school district or charter school is encouraged to use the data in professional development promoting the use of nonexclusionary discipline.
- (g) A school district or charter school must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a district's or school's existing responsibilities under section 124D.111 or other state or federal law.
 - Sec. 37. Minnesota Statutes 2022, section 124D.03, subdivision 3, is amended to read:
- Subd. 3. **Pupil application procedures.** (a) In order that a pupil may attend a school or program in a nonresident district, the pupil's parent or guardian must submit an application to the nonresident district. The pupil's application must identify a reason for enrolling in the nonresident district. The parent or guardian of a pupil must submit a signed application by January 15 for initial enrollment beginning the following school year. The application must be on a form provided by the Department of Education. A particular school or program may be requested by the parent. Once enrolled in a nonresident district, the pupil may remain enrolled and is not required to submit annual or periodic applications. If the student moves to a new resident district, the student retains the seat in the nonresident district, but must submit a new enrollment options form to update the student's information. To return to the resident district or to transfer to a different nonresident district, the parent or guardian of the pupil must provide notice to the resident district or apply to a different nonresident district by January 15 for enrollment beginning the following school year.
- (b) A school district may require a nonresident student enrolled in a program under section 125A.13, or in a preschool program, except for a program under section 124D.151 or Laws 2017, First Special Session chapter 5, article 8, section 9, to follow the application procedures under this subdivision to enroll in kindergarten. A district must allow a nonresident student enrolled in a program under section 124D.151 or Laws 2017, First Special Session chapter 5, article 8, section 9, to remain enrolled in the district when the student enters kindergarten without submitting annual or periodic applications, unless the district terminates the student's enrollment under subdivision 12.
 - Sec. 38. Minnesota Statutes 2022, section 124D.03, subdivision 5, is amended to read:
- Subd. 5. **Nonresident district procedures.** A district shall notify the parent or guardian in writing by February 15 or within 90 days for applications submitted after January 15 in the case of achievement and integration district transfers whether the application has been accepted or rejected. If an application is rejected, the district must state in the notification the reason for rejection. The parent or guardian must notify the nonresident district by March 1 or

within 45 ten business days whether the pupil intends to enroll in the nonresident district. Notice of intent to enroll in the nonresident district obligates the pupil to attend the nonresident district during the following school year, unless the boards of the resident and the nonresident districts agree in writing to allow the pupil to transfer back to the resident district. If the pupil's parents or guardians change residence to another district, the student does not lose the seat in the nonresident district but the parent or guardian must complete an updated enrollment options form. If a parent or guardian does not notify the nonresident district by the January 15 deadline, if it applies, the pupil may not enroll in that nonresident district during the following school year, unless the boards of the resident and nonresident district agree otherwise. The nonresident district must notify the resident district by March 15 or 30 days later of the pupil's intent to enroll in the nonresident district. The same procedures apply to a pupil who applies to transfer from one participating nonresident district to another participating nonresident district.

- Sec. 39. Minnesota Statutes 2022, 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 opportunities industrialization center accredited by an accreditor recognized by the United States Department of Education, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota. An eligible institution must not require a faith statement from a secondary student seeking to enroll in a postsecondary course under this section during the application process or base any part of the admission decision on a student's race, creed, ethnicity, disability, gender, or sexual orientation or religious beliefs or affiliations.
 - (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.
 - Sec. 40. Minnesota Statutes 2022, section 124D.09, subdivision 5, is amended to read:
- Subd. 5. **Authorization; notification.** Notwithstanding any other law to the contrary, an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal contract or grant school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district under a cultural exchange program, may apply to an eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that postsecondary institution. If an institution accepts a secondary pupil for enrollment under this section, the institution shall send written notice to the pupil, the pupil's school or school district, and the commissioner. The notice must indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for postsecondary credit, the institution must notify:
 - (1) the pupil about payment in the customary manner used by the institution-; and
 - (2) the pupil's school as soon as practicable if the pupil withdraws from the course or stops attending the course.

EFFECTIVE DATE. This section is effective July 1, 2023.

- Sec. 41. Minnesota Statutes 2022, section 124D.09, subdivision 12, is amended to read:
- Subd. 12. Credits; grade point average weighting policy. (a) A pupil must not audit a course under this section.

- (b) A district shall <u>must</u> grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Seven quarter or four semester college credits equal at least one full year of high school credit. Fewer college credits may be prorated. A district must also grant academic credit to a pupil enrolled in a course for postsecondary credit if secondary credit is requested by a pupil. If no comparable course is offered by the district, the district must, as soon as possible, notify the commissioner, who <u>shall must</u> determine the number of credits that <u>shall must</u> be granted to a pupil who successfully completes a course. If a comparable course is offered by the district, the school board <u>shall must</u> grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course, the pupil may appeal the board's decision to the commissioner. The commissioner's decision regarding the number of credits <u>shall be</u> is final.
- (c) A school board must adopt a policy regarding weighted grade point averages for any high school or dual enrollment course. The policy must state whether the district offers weighted grades. A school board must annually publish on its website a list of courses for which a student may earn a weighted grade.
- (d) The secondary credits granted to a pupil must be counted toward the graduation requirements and subject area requirements of the district. Evidence of successful completion of each course and secondary credits granted must be included in the pupil's secondary school record. A pupil shall must provide the school with a copy of the pupil's grade grades in each course taken for secondary credit under this section, including interim or nonfinal grades earned during the academic term. Upon the request of a pupil, the pupil's secondary school record must also include evidence of successful completion and credits granted for a course taken for postsecondary credit. In either case, the record must indicate that the credits were earned at a postsecondary institution.
- (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the postsecondary institution must award postsecondary credit for any course successfully completed for secondary credit at that institution. Other postsecondary institutions may award, after a pupil leaves secondary school, postsecondary credit for any courses successfully completed under this section. An institution may not charge a pupil for the award of credit.
- (f) The Board of Trustees of the Minnesota State Colleges and Universities and the Board of Regents of the University of Minnesota must, and private nonprofit and proprietary postsecondary institutions should, award postsecondary credit for any successfully completed courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships offered according to an agreement under subdivision 10. Consistent with section 135A.101, subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who completes for postsecondary credit a postsecondary course or program that is part or all of a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a MnSCU institution after leaving secondary school. Once one MnSCU institution certifies as completed a secondary student's postsecondary course or program that is part or all of a goal area or a transfer curriculum, every MnSCU institution must consider the student's course or program for that goal area or the transfer curriculum as completed.

EFFECTIVE DATE. This section is effective July 1, 2023.

- Sec. 42. Minnesota Statutes 2022, section 124D.09, subdivision 13, is amended to read:
- Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this section, the department must make payments according to this subdivision for courses that were taken for secondary credit.

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

A postsecondary institution shall receive the following:

- (1) for an institution granting quarter credit, the reimbursement per credit hour shall be an amount equal to 88 percent of the product of the formula allowance minus \$425, multiplied by 1.2, and divided by 45; or
- (2) for an institution granting semester credit, the reimbursement per credit hour shall be an amount equal to 88 percent of the product of the general revenue formula allowance minus \$425, multiplied by 1.2, and divided by 30.

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

Sec. 43. [124D.094] ONLINE INSTRUCTION ACT.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

- (b) "Blended instruction" means a form of digital instruction that occurs when a student learns part time in a supervised physical setting and part time through online instruction under paragraph (f).
- (c) "Digital instruction" means instruction facilitated by technology that offers students an element of control over the time, place, path, or pace of learning and includes blended and online instruction.
- (d) "Enrolling district" means the school district or charter school in which a student is enrolled under section 120A.22, subdivision 4.
- (e) "Online course syllabus" means a written document that identifies the state academic standards taught and assessed in a supplemental online course under paragraph (j); course content outline; required course assessments; instructional methods; communication procedures with students, guardians, and the enrolling district under paragraph (d); and supports available to the student.
- (f) "Online instruction" means a form of digital instruction that occurs when a student learns primarily through digital technology away from a supervised physical setting.
- (g) "Online instructional site" means a site that offers courses using online instruction under paragraph (f) and may enroll students receiving online instruction under paragraph (f).
- (h) "Online teacher" means an employee of the enrolling district under paragraph (d) or the supplemental online course provider under paragraph (k) who holds the appropriate licensure under Minnesota Rules, chapter 8710, and is trained to provide online instruction under paragraph (f).
- (i) "Student" means a Minnesota resident enrolled in a school defined under section 120A.22, subdivision 4, in kindergarten through grade 12 up to the age of 21.
- (j) "Supplemental online course" means an online learning course taken in place of a course provided by the student's enrolling district under paragraph (d).
- (k) "Supplemental online course provider" means a school district, an intermediate school district, an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that is authorized by the Department of Education to provide supplemental online courses under paragraph (j).

- Subd. 2. **Digital instruction.** (a) An enrolling district may provide digital instruction, including blended instruction and online instruction, to the district's own enrolled students. Enrolling districts may establish agreements to provide digital instruction, including blended instruction and online instruction, to students enrolled in the cooperating schools.
- (b) When online instruction is provided, an online teacher as defined under subdivision 1, paragraph (h), shall perform all duties of teacher of record under Minnesota Rules, part 8710.0310. Unless the commissioner grants a waiver, a teacher providing online instruction shall not instruct more than 40 students in any one online learning course or section.
- (c) Students receiving online instruction full time shall be reported as enrolled in an online instructional site under subdivision 1, paragraph (g).
- (d) Curriculum used for digital instruction shall be aligned with Minnesota's current academic standards and benchmarks.
- (e) Digital instruction shall be accessible to students under section 504 of the federal Rehabilitation Act and Title II of the federal Americans with Disabilities Act.
- (f) An enrolling district providing digital instruction and a supplemental online course provider shall assist an enrolled student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software so they may participate in digital instruction. Funds provided to a family to support digital instruction or supplemental online courses may only be used for qualifying expenses as determined by the provider. Nonconsumable materials purchased with public education funds remain the property of the provider. Records for any funds provided must be available for review by the public or the department.
- (g) An enrolling district providing digital instruction shall establish and document procedures for determining attendance for membership and keep accurate records of daily attendance under section 120A.21.
- Subd. 3. Supplemental online courses. (a) Notwithstanding sections 124D.03 and 124D.08 and chapter 124E, procedures for applying to take supplemental online courses other than those offered by the student's enrolling district are as provided in this subdivision.
- (b) Any kindergarten through grade 12 student may apply to take a supplemental online course under subdivision 1, paragraph (j). The student, or the student's parent or guardian for a student under age 17, must submit an application for the proposed supplemental online course or courses. A student may:
- (1) apply to take an online course from a supplemental online course provider that meets or exceeds the academic standards of the course in the enrolling district they are replacing;
 - (2) apply to take supplemental online courses for up to 50 percent of the student's scheduled course load; and
- (3) apply to take supplemental online courses no later than 15 school days after the student's enrolling district's term has begun. An enrolling district may waive the 50 percent course enrollment limit or the 15-day time limit.
- (c) A student taking a supplemental online course must have the same access to the computer hardware and education software available in a school as all other students in the enrolling district.
- (d) A supplemental online course provider must have a current, approved application to be listed by the Department of Education as an approved provider. The supplemental online course provider must:
 - (1) use an application form specified by the Department of Education;

- (2) notify the student, the student's guardian if they are age 17 or younger, and enrolling district of the accepted application to take a supplemental online course within ten days of receiving a completed application;
- (3) notify the enrolling district of the course title, credits to be awarded, and the start date of the online course. A supplemental online course provider must make the online course syllabus available to the enrolling district;
- (4) request applicable academic support information for the student, including a copy of the IEP, EL support plan, or 504 plan; and
- (5) track student attendance and monitor academic progress and communicate with the student, the student's guardian if they are age 17 or younger, and the enrolling district's designated online learning liaison.
- (e) A supplemental online course provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications. The provisions may not discriminate against any protected class or students with disabilities.
- (f) A supplemental online course provider may request that the Department of Education review an enrolling district's written decision to not accept a student's supplemental online course application. The student may participate in the supplemental online course while the application is under review. Decisions shall be final and binding for both the enrolling district and the supplemental online course provider.
- (g) A supplemental online course provider must participate in continuous improvement cycles with the Department of Education.
- Subd. 4. Enrolling district. (a) An enrolling district may not restrict or prevent a student from applying to take supplemental online courses.
- (b) An enrolling district may request an online course syllabus as defined under subdivision 1, paragraph (e), to review whether the academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district.
- (c) Within 15 days after receiving notice of a student applying to take a supplemental online course, the enrolling district must notify the supplemental online course provider whether the student, the student's guardian, and the enrolling district agree that academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district. If the enrolling district does not agree that the academic standards in the online course meet or exceed the academic standards in the course it would replace at the enrolling district, then:
- (1) the enrolling district must provide a written explanation of the district's decision to the student, the student's guardian, and the supplemental online course provider; and
- (2) the online provider must provide a response to the enrolling district explaining how the course or program meets the graduation requirements of the enrolling district.
- (d) An enrolling district may reduce the course schedule of a student taking supplemental online courses in proportion to the number of supplemental online learning courses the student takes.
 - (e) An enrolling district must appoint an online learning liaison who:
 - (1) provides information to students and families about supplemental online courses;
- (2) provides academic support information including IEPs, EL support plans, and 504 plans to supplemental online providers; and

- (3) monitors attendance and academic progress, and communicates with supplemental online learning providers, students, families, and enrolling district staff.
- (f) An enrolling district must continue to provide support services to students taking supplemental online courses as they would for any other enrolled student including support for English learners, case management of an individualized education program, and meal and nutrition services for eligible students.
- (g) An online learning student must receive academic credit for completing the requirements of a supplemental online learning course. If a student completes an online learning course that meets or exceeds a graduation standard or the grade progression requirement at the enrolling district, that standard or requirement is met.
- (h) Secondary credits granted to a supplemental online learning student count toward the graduation and credit requirements of the enrolling district. The enrolling district must apply the same graduation requirements to all students, including students taking supplemental online courses.
- (i) An enrolling district must provide access to extracurricular activities for students taking supplemental online courses on the same basis as any other enrolled student.
- <u>Subd. 5.</u> <u>Reporting.</u> Courses that include blended instruction and online instruction must be reported in the manner determined by the commissioner of education.
- <u>Subd. 6.</u> <u>Department of Education.</u> (a) The commissioner must establish quality standards to be used for applications and continuous improvement of supplemental online course providers, and by enrolling districts using digital instruction.
- (b) The commissioner must support the enrolling district's development of high-quality digital instruction and monitor implementation. The department must establish and participate in continuous improvement cycles with supplemental online course providers.
- (c) Applications from prospective supplemental online course providers must be reviewed using quality standards and approved or denied within 90 calendar days of receiving a complete application.
- (d) The department may collect a fee not to exceed \$250 for reviewing applications by supplemental online course providers or \$50 per supplemental course application review request. Funds generated from application review fees shall be used to support high quality digital instruction.
- (e) The department must develop, publish, and maintain a list of supplemental online course providers that the department has reviewed and approved.
- (f) The department may review a complaint about an enrolling district providing digital instruction, or a complaint about a supplemental online course provider based on the provider's response to notice of a violation. If the department determines that an enrolling district providing digital instruction or a supplemental online course provider violated a law or rule, the department may:
 - (1) create a compliance plan for the provider; or
- (2) withhold funds from the provider under this section and sections 124E.25 and 127A.42. The department must notify an online learning provider in writing about withholding funds and provide detailed calculations.
- Subd. 7. Financial arrangements. (a) For a student enrolled in an online supplemental course, the department must calculate average daily membership and make payments according to this subdivision.

- (b) The initial online supplemental average daily membership equals 1/12 for each semester course or a proportionate amount for courses of different lengths. The adjusted online learning average daily membership equals the initial online supplemental average daily membership times .88.
 - (c) No online supplemental average daily membership shall be generated if the student:
 - (1) does not complete the online learning course; or
 - (2) is enrolled in an online course provided by the enrolling district.
- (d) Online course average daily membership under this subdivision for a student currently enrolled in a Minnesota public school shall be used only for computing average daily membership according to section 126C.05, subdivision 19, paragraph (a), clause (2), and for computing online course aid according to section 124D.096.
 - Sec. 44. Minnesota Statutes 2022, section 124D.128, subdivision 1, is amended to read:
- Subdivision 1. **Program established.** A learning year program provides instruction throughout the year on an extended year calendar, extended school day calendar, or both. A pupil may participate in the program and accelerate attainment of grade level requirements or graduation requirements. A learning year program may begin after the close of the regular school year in June. The program may be for students in one or more grade levels from kindergarten through grade 12.
 - Sec. 45. Minnesota Statutes 2022, section 124D.59, subdivision 2a, is amended to read:
- Subd. 2a. **English learner**; <u>limited or</u> <u>interrupted formal education</u>. Consistent with subdivision 2, an English learner <u>includes an English learner</u> with <u>an limited or</u> interrupted formal education <u>is an English learner under subdivision 2</u> who <u>meets three of the following five requirements:</u>
- (1) comes from a home where the language usually spoken is other than English, or usually speaks a language other than English;
 - (2) enters school in the United States after grade 6;
 - (3) has at least two years less schooling than the English learner's peers;
 - (4) functions at least two years below expected grade level in reading and mathematics; and
- (5) may be preliterate in the English learner's native language. has at least two fewer years of schooling than the English learner's peers when entering school in the United States.
 - Sec. 46. Minnesota Statutes 2022, section 124D.68, subdivision 2, is amended to read:
- Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation incentives program, if the pupil:
- (1) performs substantially below the performance level for pupils of the same age in a locally determined achievement test;
 - (2) is behind in satisfactorily completing coursework or obtaining credits for graduation;
 - (3) is pregnant or is a parent;

- (4) has been assessed as having substance use disorder;
- (5) has been excluded or expelled according to sections 121A.40 to 121A.56;
- (6) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 124D.69;
 - (7) is a victim of physical or sexual abuse;
 - (8) has experienced mental health problems;
- (9) has experienced homelessness sometime within six months before requesting a transfer to an eligible program;
 - (10) speaks English as a second language or is an English learner;
 - (11) has withdrawn from school or has been chronically truant; or
- (12) is being treated in a hospital in the seven-county metropolitan area for cancer or other life threatening illness or is the sibling of an eligible pupil who is being currently treated, and resides with the pupil's family at least 60 miles beyond the outside boundary of the seven-county metropolitan area.
- (b) A pupil otherwise qualifying under paragraph (a) who is at least 21 years of age and not yet 22 years of age, and is an English learner with an interrupted formal education according to section 124D.59, subdivision 2a, is eligible to participate in the graduation incentives program under section 124D.68 and in concurrent enrollment courses offered under section 124D.09, subdivision 10, and is funded in the same manner as other pupils under this section: if the pupil otherwise qualifies under paragraph (a), is at least 21 years of age and not yet 22 years of age, and:
- (1) is an English learner with a limited or interrupted formal education according to section 124D.59, subdivision 2a; or
 - (2) meets three of the following four requirements:
- (i) comes from a home where the language usually spoken is other than English, or usually speaks a language other than English;
 - (ii) enters school in the United States after grade 6;
 - (iii) functions at least two years below expected grade level in reading and mathematics; and
 - (iv) may be preliterate in the English learner's native language.
 - Sec. 47. Minnesota Statutes 2022, section 124D.68, subdivision 3, is amended to read:
- Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2 may enroll in a state-approved alternative program under sections 123A.05 to 123A.08.
- (b) A pupil who is eligible according to subdivision 2 and who is a high school junior or senior may enroll in postsecondary courses under section 124D.09.

- (c) A pupil who is eligible under subdivision 2, may enroll in any public elementary or secondary education program.
- (d) A pupil who is eligible under subdivision 2, may enroll in any nonpublic, nonsectarian school that has contracted with the serving school district to provide educational services. However, notwithstanding other provisions of this section, only a pupil who is eligible under subdivision 2, clause (12), may enroll in a contract alternative school that is specifically structured to provide educational services to such a pupil.
- (e) A pupil who is between the ages of <u>16 17</u> and 21 may enroll in any adult basic education programs approved under section 124D.52 and operated under the community education program contained in section 124D.19.
 - Sec. 48. Minnesota Statutes 2022, section 124D.861, subdivision 2, is amended to read:
- Subd. 2. Plan implementation; components. (a) The school board of each eligible district must formally develop and implement a long-term plan under this section. The plan must be incorporated into the district's comprehensive strategic plan under section 120B.11. Plan components may include: innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices; family engagement initiatives that involve families in their students' academic life and success; professional development opportunities for teachers and administrators focused on improving the academic achievement of all students, including teachers and administrators who are members of populations underrepresented among the licensed teachers or administrators in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for underserved students, including students enrolled in alternative learning centers under section 123A.05, public alternative programs under section 126C.05, subdivision 15, and contract alternative programs under section 124D.69, among other underserved students; or recruitment and retention of teachers and administrators with diverse racial and ethnic backgrounds.
 - (b) The plan must contain goals for:
- (1) reducing the disparities in academic achievement and in equitable access to effective and more diverse teachers among all students and specific categories of students under section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender, disability, and English learners; and
 - (2) increasing racial and economic diversity and integration in schools and districts.
- (c) The plan must include strategies to validate, affirm, embrace, and integrate cultural and community strengths of all students, families, and employees in the district's curriculum as well as learning and work environments. The plan must address issues of institutional racism as defined in section 120B.11, subdivision 1, in schools that create opportunity and achievement gaps for students, families, and staff who are of color or who are American Indian. Examples of institutional racism experienced by students who are of color or who are American Indian include policies and practices that intentionally or unintentionally result in disparate discipline referrals and suspension, inequitable access to advanced coursework, overrepresentation in lower-level coursework, inequitable participation in cocurricular activities, inequitable parent involvement, and lack of equitable access to racially and ethnically diverse teachers who reflect the racial or ethnic diversity of students because it has not been a priority to hire or retain such teachers.
- (d) School districts must use local data, to the extent practicable, to develop plan components and strategies. Plans may include:
- (1) innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices;

- (2) family engagement initiatives that involve families in their students' academic life and success and improve relations between home and school;
- (3) opportunities for students, families, staff, and community members who are of color or American Indian to share their experiences in the school setting with school staff and administration and to inform the development of specific proposals for making school environments more validating, affirming, embracing, and integrating of their cultural and community strengths;
- (4) professional development opportunities for teachers and administrators focused on improving the academic achievement of all students, including knowledge, skills, and dispositions needed to be antiracist and culturally sustaining as defined in section 120B.11, subdivision 1, for serving students who are from racially and ethnically diverse backgrounds;
- (5) recruitment and retention of teachers, administrators, cultural and family liaisons, paraprofessionals, and other staff from racial, ethnic, and linguistic backgrounds represented in the student population to strengthen relationships with all students, families, and other members of the community;
- (6) collection, examination, and evaluation of academic and discipline data for institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and practices that result in the education disparities, in order to propose antiracist changes as defined in section 120B.11, subdivision 1, that increase access, meaningful participation, representation, and positive outcomes for students of color and American Indian students;
- (7) increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for students who are impacted by racial, gender, linguistic, and economic disparities, including students enrolled in area learning centers or alternative learning programs under section 123A.05, state-approved alternative programs under section 126C.05, subdivision 15, and contract alternative programs under section 124D.69, among other underserved students;
- (8) ethnic studies curriculum as defined in section 120B.11, subdivision 1, to provide all students with opportunities to learn about their own and others' cultures and historical experiences; or
- (9) examination and revision of district curricula in all subjects to be inclusive of diverse racial and ethnic groups while meeting state academic standards and being culturally sustaining as defined in section 120B.11, subdivision 1, ensuring content being studied about any group is accurate and based in knowledge from that group.
- (b) (e) Among other requirements, an eligible district must implement effective, research-based interventions that include formative multiple measures of assessment practices and engagement in order to reduce the eliminate academic disparities in student academic performance among the specific categories of students as measured by student progress and growth on state reading and math assessments and for students impacted by racial, gender, linguistic, and economic inequities as aligned with section 120B.11.
- (e) (f) Eligible districts must create efficiencies and eliminate duplicative programs and services under this section, which may include forming collaborations or a single, seven-county metropolitan areawide partnership of eligible districts for this purpose.
- **EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after the day following final enactment.
 - Sec. 49. Minnesota Statutes 2022, section 124D.862, subdivision 8, is amended to read:
- Subd. 8. **Commissioner authority to withhold revenue.** (a) The commissioner must review the results of each district's integration and achievement plan by August 1 at the end of the third year of implementing the plan and determine if the district met its goals.

- (b) If a district met its goals, it may submit a new three-year plan to the commissioner for review.
- (c) If a district has not met its goals, the commissioner must:
- (1) develop a guide the district in the development of an improvement plan and timeline, in consultation with the affected district, that identifies strategies and practices designed to meet the district's goals under this section and section 120B.11; and
- (2) use up to 20 percent of the district's integration revenue, until the district's goals are reached, to implement the improvement plan.
 - Sec. 50. Minnesota Statutes 2022, section 179A.03, subdivision 14, is amended to read:
- Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee" means any person appointed or employed by a public employer except:
 - (1) elected public officials;
 - (2) election officers;
 - (3) commissioned or enlisted personnel of the Minnesota National Guard;
 - (4) emergency employees who are employed for emergency work caused by natural disaster;
- (5) part-time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's appropriate unit;
- (6) employees whose positions are basically temporary or seasonal in character and: (i) are not for more than 67 working days in any calendar year; Θ (ii) are not working for a school district or charter school; or (iii) are not for more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment;
- (7) employees providing services for not more than two consecutive quarters to the Board of Trustees of the Minnesota State Colleges and Universities under the terms of a professional or technical services contract as defined in section 16C.08, subdivision 1;
- (8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public employees for purposes of sections 179A.051, 179A.052, and 179A.13;
- (9) full-time undergraduate students employed by the school which they attend under a work-study program or in connection with the receipt of financial aid, irrespective of number of hours of service per week;
- (10) an individual who is employed for less than 300 hours in a fiscal year as an instructor in an adult vocational education program;
- (11) an individual hired by the Board of Trustees of the Minnesota State Colleges and Universities to teach one course for three or fewer credits for one semester in a year;
 - (12) with respect to court employees:

- (i) personal secretaries to judges;
- (ii) law clerks;
- (iii) managerial employees;
- (iv) confidential employees; and
- (v) supervisory employees;
- (13) with respect to employees of Hennepin Healthcare System, Inc., managerial, supervisory, and confidential employees.
 - (b) The following individuals are public employees regardless of the exclusions of paragraph (a), clauses (5) and (6):
- (1) an employee hired by a school district or the Board of Trustees of the Minnesota State Colleges and Universities except at the university established in the Twin Cities metropolitan area under section 136F.10 or for community services or community education instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member who is a public employee, where the replacement employee is employed more than 30 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching position created due to increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons;
- (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same position has already been filled under paragraph (a), clause (6), item (i), in the same calendar year and the cumulative number of days worked in that same position by all employees exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position" includes a substantially equivalent position if it is not the same position solely due to a change in the classification or title of the position; and
 - (3) an early childhood family education teacher employed by a school district.

Sec. 51. **REVISOR INSTRUCTION.**

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

<u>Column A</u> <u>Column B</u>

General Requirements Statewide Assessments

120B.30, subdivision 1a, paragraph (h)	<u>120B.30</u> , subdivision 1
120B.30, subdivision 1, paragraph (q)	120B.30, subdivision 2
120B.30, subdivision 1a, paragraph (g)	120B.30, subdivision 3
120B.30, subdivision 1b	120B.30, subdivision 4
120B.30, subdivision 1, paragraph (n)	120B.30, subdivision 5, paragraph (a)
120B.30, subdivision 1, paragraph (a)	120B.30, subdivision 5, paragraph (b)
120B.30, subdivision 1a, paragraph (e)	120B.30, subdivision 6, paragraph (a)
120B.30, subdivision 2, paragraph (a)	120B.30, subdivision 6, paragraph (b)
120B.30, subdivision 2, paragraph (b), clauses (1)	120B.30, subdivision 6, paragraph (c)
and (2)	

and (2)

120B.30, subdivision 2	120B.30, subdivision 6, paragraph (d)
<u>120B.30</u> , subdivision 4	<u>120B.30</u> , subdivision 7
120B.30, subdivision 5	120B.30, subdivision 8
120B.30, subdivision 6	120B.30, subdivision 9
120B.30, subdivision 1, paragraph (e)	<u>120B.30</u> , subdivision <u>10</u>

General Requirements Test Design

120B.30, subdivision 1a, paragraph (a), clauses	<u>120B.301, subdivision 1</u>
(1) to (5)	
120B.30, subdivision 1, paragraph (a)	<u>120B.301</u> , subdivision 2
120B.30, subdivision 1, paragraph (b)	120B.301, subdivision 3, paragraph (a)
120B.30, subdivision 1, paragraph (n)	120B.301, subdivision 3, paragraph (b)
120B.30, subdivision 1a, paragraph (b)	120B.301, subdivision 3, paragraph (c)
120B.30, subdivision 1a, paragraph (c), clauses	120B.301, subdivision 3, paragraph (d)
(1) and (2)	

Assessment Graduation Requirements

120B.30, subdivision 1, paragraph I, clauses (1)	<u>120B.304</u> , subdivision 1
and (2)	
120B.30, subdivision 1, paragraph (d)	120B.304, subdivision 2
120B.30, subdivision 1, paragraph (i)	120B.304, subdivision 3

Assessment Reporting Requirements

120B.30, subdivision 1a, paragraph (f), clauses	120B.305, subdivision 1
(1) to (3)	
120B.30, subdivision 1a, paragraph (d), clauses	120B.305, subdivision 2, paragraph (a)
(1) to (4)	
120B.30, subdivision 1, paragraph (m)	120B.305, subdivision 2, paragraph (b)
120B.30, subdivision 1, paragraph (n)	120B.305, subdivision 2, paragraph (c)
120B.30, subdivision 1, paragraph (o), clauses (1)	120B.305, subdivision 3, paragraph (a)
<u>to (4)</u>	
<u>120B.30</u> , subdivision 3	120B.305, subdivision 3, paragraph (b)

District Assessment Requirements

120B.301, paragraphs (a) to (c)	<u>120B.306, subdivision 1</u>
120B.304, paragraphs (a) and (b)	120B.306, subdivision 2

College and Career Readiness

120B.307, subdivision 1
<u>120B.307</u> , subdivision 2
<u>120B.307</u> , subdivision 3
120B.307, subdivision 4, paragraph (a)
120B.307, subdivision 4, paragraph (b)
120B.307, subdivision 4, paragraph (c)
120B.307, subdivision 4, paragraph (d)
120B.307, subdivision 4, paragraph (e)

Sec. 52. **REPEALER.**

Minnesota Statutes 2022, sections 120B.35, subdivision 5; and 124D.095, subdivisions 1, 2, 3, 4, 5, 6, 7, and 8, are repealed.

ARTICLE 3 AMERICAN INDIAN EDUCATION

- Section 1. Minnesota Statutes 2022, section 13.32, subdivision 3, is amended to read:
- Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:
 - (a) pursuant to section 13.05;
 - (b) pursuant to a valid court order;
 - (c) pursuant to a statute specifically authorizing access to the private data;
- (d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I), and Code of Federal Regulations, title 34, section 99.36;
- (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;
- (f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
- (g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;
- (h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;
- (i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;
- (j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;
- (k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;
- (l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

- (m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;
- (n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:
 - (1) information regarding the student alleged to have been maltreated;
 - (2) information regarding student and employee witnesses;
 - (3) information regarding the alleged perpetrator; and
- (4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;
- (o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20, section 1232g(b)(6)(A) and (B), and Code of Federal Regulations, title 34, sections 99.31(a)(13) and (14);
- (p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); or
- (q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31(a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings; or
- (r) with Tribal Nations about Tribally enrolled or descendant students to the extent necessary for the Tribal Nation and school district or charter school to support the educational attainment of the student.
 - Sec. 2. Minnesota Statutes 2022, section 120A.42, is amended to read:

120A.42 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.

- (a) The governing body of any district may contract with any of the teachers of the district for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract: Martin Luther King's birthday, Lincoln's and Washington's birthdays, Columbus Day Indigenous Peoples Day, and Veterans' Day. On Martin Luther King's birthday, Washington's birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program must be devoted to a patriotic observance of the day. On Indigenous Peoples Day, at least one hour of the school program must be devoted to observance of the day. As part of its observance of Indigenous Peoples Day, a district may provide professional development to teachers and staff, or instruction to students, on the following topics:
 - (1) the history of treaties between the United States and Indigenous peoples;

- (2) the history of federal boarding schools for Indigenous children;
- (3) Indigenous languages;
- (4) Indigenous traditional medicines and cultural or spiritual practices;
- (5) the sovereignty of Tribal nations;
- (6) the contributions of Indigenous people to American culture, literature, and society; and
- (7) current issues affecting Indigenous communities.
- (b) A district may conduct a school program to honor Constitution Day and Citizenship Day by providing opportunities for students to learn about the principles of American democracy, the American system of government, American citizens' rights and responsibilities, American history, and American geography, symbols, and holidays. Among other activities under this paragraph, districts may administer to students the test questions United States Citizenship and Immigration Services officers pose to applicants for naturalization.
 - Sec. 3. Minnesota Statutes 2022, section 120B.021, subdivision 2, is amended to read:
- Subd. 2. **Standards development.** (a) The commissioner must consider advice from at least the following stakeholders in developing statewide rigorous core academic standards in language arts, mathematics, science, social studies, including history, geography, economics, government and citizenship, and the arts:
 - (1) parents of school-age children and members of the public throughout the state;
- (2) teachers throughout the state currently licensed and providing instruction in language arts, mathematics, science, social studies, or the arts and licensed elementary and secondary school principals throughout the state currently administering a school site;
 - (3) currently serving members of local school boards and charter school boards throughout the state;
 - (4) faculty teaching core subjects at postsecondary institutions in Minnesota; and
 - (5) representatives of the Minnesota business community-; and
- (6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal Nations and communities, including both Anishinaabe and Dakota.
 - (b) Academic standards must:
 - (1) be clear, concise, objective, measurable, and grade-level appropriate;
 - (2) not require a specific teaching methodology or curriculum; and
 - (3) be consistent with the Constitutions of the United States and the state of Minnesota.
 - Sec. 4. Minnesota Statutes 2022, section 120B.021, subdivision 4, is amended to read:
- Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must revise and appropriately embed technology and information literacy standards consistent with recommendations from school media specialists into the state's academic standards and graduation requirements and implement a ten-year cycle to review and, consistent with the review, revise state academic standards and related benchmarks, consistent with this subdivision. During each ten-year review and revision cycle, the commissioner also must examine the alignment of

each required academic standard and related benchmark with the knowledge and skills students need for career and college readiness and advanced work in the particular subject area. The commissioner must include the contributions of Minnesota American Indian tribes and communities, including urban Indigenous communities, as related to the academic standards during the review and revision of the required academic standards. The commissioner must embed Indigenous education for all students consistent with recommendations from Minnesota's Tribal Nations and urban Indigenous communities regarding the contributions of Minnesota American Indian Tribes and communities into the state's academic standards during the review and revision of the required academic standards. The recommendations to embed Indigenous education for all students includes but is not limited to American Indian experiences in Minnesota, including Tribal histories, Indigenous languages, sovereignty issues, cultures, treaty rights, governments, socioeconomic experiences, contemporary issues, and current events.

- (b) The commissioner must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 and 11 are aligned with the state academic standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b). The commissioner must implement a review of the academic standards and related benchmarks in mathematics beginning in the 2021-2022 school year and every ten years thereafter.
- (c) The commissioner must implement a review of the academic standards and related benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.
- (d) The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.
- (e) The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2019-2020 school year and every ten years thereafter.
- (f) The commissioner must implement a review of the academic standards and related benchmarks in social studies beginning in the 2020-2021 school year and every ten years thereafter.
- (g) The commissioner must implement a review of the academic standards and related benchmarks in physical education beginning in the 2022 2023 2026-2027 school year and every ten years thereafter.
- (h) School districts and charter schools must revise and align local academic standards and high school graduation requirements in health, world languages, and career and technical education to require students to complete the revised standards beginning in a school year determined by the school district or charter school. School districts and charter schools must formally establish a periodic review cycle for the academic standards and related benchmarks in health, world languages, and career and technical education.
- (i) The commissioner of education must embed technology and information literacy standards consistent with recommendations from school media specialists into the state's academic standards and graduation requirements.
- (j) The commissioner of education must embed ethnic studies as related to the academic standards during the review and revision of the required academic standards.
 - Sec. 5. Minnesota Statutes 2022, section 120B.021, is amended by adding a subdivision to read:
- <u>Subd. 5.</u> <u>Indigenous education for all students.</u> <u>To support implementation of Indigenous education for all students, the commissioner must:</u>
- (1) provide historically accurate, Tribally endorsed, culturally relevant, community-based, contemporary, and developmentally appropriate resources. Resources to implement standards must include professional development and must demonstrate an awareness and understanding of the importance of accurate, high-quality materials about the histories, languages, cultures, and governments of local Tribes;

- (2) provide resources to support all students learning about the histories, languages, cultures, governments, and experiences of their American Indian peers and neighbors. Resources to implement standards across content areas must be developed to authentically engage all students and support successful learning; and
- (3) conduct a needs assessment by December 31, 2023. The needs assessment must fully inform the development of future resources for Indigenous education for all students by using information from Minnesota's American Indian Tribes and communities, including urban Indigenous communities, Minnesota's Tribal Nations Education Committee, schools and districts, students, and educational organizations. The commissioner must submit a report on the findings and recommendations from the needs assessment to the chairs and ranking minority members of legislative committees with jurisdiction over education; to the American Indian Tribes and communities in Minnesota, including urban Indigenous communities; and to all schools and districts in the state by February 1, 2024.

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

Sec. 6. [121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

- (b) "American Indian" means an individual who is:
- (1) a member of an Indian Tribe or band, as membership is defined by the Tribe or band, including:
- (i) any Tribe or band terminated since 1940; and
- (ii) any Tribe or band recognized by the state in which the Tribe or band resides;
- (2) a descendant, in the first or second degree, of an individual described in clause (1);
- (3) considered by the Secretary of the Interior to be an Indian for any purpose;
- (4) an Eskimo, Aleut, or other Alaska Native; or
- (5) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding October 20, 1994.
 - (c) "District" means a district under section 120A.05, subdivision 8.
 - (d) "Mascot" means any human, nonhuman animal, or object used to represent a school and its population.
- (e) "Public school" or "school" means a public school under section 120A.05, subdivisions 9, 11, 13, and 17, and a charter school under chapter 124E.
- Subd. 2. **Prohibition on American Indian mascots.** (a) A public school may not have or adopt a name, symbol, or image that depicts or refers to an American Indian Tribe, individual, custom, or tradition to be used as a mascot, nickname, logo, letterhead, or team name of the district or school within the district.
- (b) A public school may seek an exemption to paragraph (a) by submitting a request in writing to all eleven federally recognized Tribal Nations in Minnesota and to the Tribal Nations Education Committee. The exemption is denied if any of the eleven Tribal Nations or the Tribal Nations Education Committee opposes the exemption. A public school whose exemption is denied must comply with paragraph (a) by September 1 of the following calendar year after which the exemption request was made.

EFFECTIVE DATE. This section is effective June 30, 2024.

- Sec. 7. Minnesota Statutes 2022, section 124D.73, is amended by adding a subdivision to read:
- Subd. 5. American Indian student. "American Indian student" means a student who identifies as American Indian or Alaska Native, as defined by the state on October 1 of the previous school year.
 - Sec. 8. Minnesota Statutes 2022, section 124D.74, subdivision 1, is amended to read:

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

- (1) support postsecondary preparation for American Indian pupils;
- (2) support the academic achievement of American Indian students pupils;
- (3) make the curriculum relevant to the needs, interests, and cultural heritage of American Indian pupils;
- (4) provide positive reinforcement of the self-image of American Indian pupils;
- (5) develop intercultural awareness among pupils, parents, and staff; and
- (6) supplement, not supplant, state and federal educational and cocurricular programs.

Program services designed to increase completion and graduation rates of American Indian students must emphasize academic achievement, retention, and attendance; development of support services for staff, including in-service training and technical assistance in methods of teaching American Indian pupils; research projects, including innovative teaching approaches and evaluation of methods of relating to American Indian pupils; provision of career counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and supplemental instruction in American Indian language, literature, history, and culture. Districts offering programs may make contracts for the provision of program services by establishing cooperative liaisons with tribal programs and American Indian social service agencies. These programs may also be provided as components of early childhood and family education programs.

- Sec. 9. Minnesota Statutes 2022, section 124D.74, subdivision 3, is amended to read:
- Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent it is economically feasible, a district or participating school may make provision for the voluntary enrollment of non-American Indian children in the instructional components of an American Indian education program in order that they may acquire an understanding of the cultural heritage of the American Indian children for whom that particular program is designed. However, in determining eligibility to participate in a program, priority must be given to American Indian children. American Indian children and other children enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian education programs.
 - Sec. 10. Minnesota Statutes 2022, section 124D.74, subdivision 4, is amended to read:
- Subd. 4. **Location of programs.** American Indian education programs must be located in <u>facilities educational settings</u> in which regular classes in a variety of subjects are offered on a daily basis. Programs may operate on an extended day or extended year basis, <u>including school districts</u>, <u>charter schools</u>, and <u>Tribal contract schools that offer virtual learning environments</u>.
 - Sec. 11. Minnesota Statutes 2022, section 124D.74, is amended by adding a subdivision to read:
- Subd. 7. American Indian culture and language classes. A district or participating school that conducts American Indian education programs under sections 124D.71 to 124D.82 must provide American Indian culture and language classes if: (1) at least five percent of enrolled students meet the definition of American Indian students; or (2) 100 or more enrolled students meet the definition of American Indian students.

Sec. 12. Minnesota Statutes 2022, section 124D.76, is amended to read:

124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS, PARAPROFESSIONALS.

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

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

Sec. 13. Minnesota Statutes 2022, section 124D.78, is amended to read:

124D.78 PARENT AND COMMUNITY PARTICIPATION.

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

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

Subd. 2. Resolution of concurrence Annual compliance. 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 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. American Indian Parent Advisory Committee must meet to discuss whether or not they concur with the educational offerings that have been extended by the district to American Indian students. If the committee finds that the district, charter school, Tribal contract school, and the school board have been meeting the needs of American Indian students, they issue a vote and resolution of

concurrence. If they find that the needs of American Indian students are not being met, they issue a vote and resolution of nonconcurrence. The vote and resolution must be presented to the school board by one or more members of the American Indian Parent Advisory Committee. The vote is formally reflected on documentation provided by the Department of Education and must be submitted annually on March 1.

If the vote is one of nonconcurrence, the committee must provide written recommendations for improvement to the school board at the time of the presentation. In the case of nonconcurrence, the school board is given 60 days in which to respond, in writing, to the committee's recommendations. The board response must be signed by the entire school board and submitted to both the American Indian Parent Advisory Committee and to the Department of Education. The resolution must be accompanied by Parent Advisory Committee meeting minutes that show they have been appraised by the district on the goals of the Indian Education Program Plan and the measurement of progress toward those goals.

- Subd. 3. **Membership.** The American Indian education Parent Advisory Committee must be composed of parents or guardians of American Indian children eligible to be enrolled in American Indian education programs; American Indian secondary students eligible to be served; American Indian family members of students eligible to be enrolled in American Indian education programs; American Indian language and culture education teachers and paraprofessionals; American Indian teachers; American Indian district employees; American Indian counselors; adult American Indian people enrolled in educational programs; and representatives from community groups. A American Indian community members. The majority of each committee must be the parents or guardians of the American Indian children enrolled or eligible to be enrolled in the programs. The number of parents of American Indian and non American Indian children shall reflect approximately the proportion of children of those groups enrolled in the programs.
- Subd. 4. **Alternate committee.** If the organizational membership or the board of directors of an American Indian school a Tribal contract school consists of parents of children attending the school, that membership or board may serve also as the American Indian education Parent Advisory Committee.
- Subd. 5. State-identified American Indian. For the purposes of sections 124D.71 to 124D.82, the number of students who identify as American Indian or Alaska Native, as defined by the state of Minnesota on October 1 of the previous school year, will be used to determine the state-identified American Indian student counts for school districts, charter schools, and Tribal contract schools for the subsequent school year.
 - Sec. 14. Minnesota Statutes 2022, section 124D.79, subdivision 2, is amended to read:
- Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance to districts, schools and postsecondary institutions for preservice and in-service training for teachers, American Indian education teachers and paraprofessionals specifically designed to implement culturally responsive teaching methods, culturally based curriculum development, testing and testing mechanisms, and the development of materials for American Indian education programs, and the annual report of American Indian student data using the state count.
 - Sec. 15. Minnesota Statutes 2022, section 124D.791, subdivision 4, is amended to read:
 - Subd. 4. **Duties; powers.** The <u>American</u> Indian education director shall:
- (1) serve as the liaison for the department work collaboratively and in conjunction with the <u>Tribal Liaison</u>, the Tribal Nations Education Committee, the 11 Tribal communities <u>nations</u> in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs Council;
 - (2) evaluate the state of American Indian education in Minnesota;

- (3) engage the tribal bodies, community groups, parents of children eligible to be served by American Indian education programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian education programs, the tribally controlled schools, and other persons knowledgeable in the field of American Indian education and seek their advice on policies that can improve the quality of American Indian education;
 - (4) advise the commissioner on American Indian education issues, including:
 - (i) issues facing American Indian students;
 - (ii) policies for American Indian education;
- (iii) awarding scholarships to eligible American Indian students and in administering the commissioner's duties regarding awarding of American Indian education grants to school districts; and
- (iv) administration of the commissioner's duties under sections 124D.71 to 124D.82 and other programs for the education of American Indian people;
 - (5) propose to the commissioner legislative changes that will improve the quality of American Indian education;
- (6) develop a strategic plan and a long-term framework for American Indian education, in conjunction with the Minnesota Indian Affairs Council, that is updated every five years and implemented by the commissioner, with goals to:
- (i) increase American Indian student achievement, including increased levels of proficiency and growth on statewide accountability assessments;
 - (ii) increase the number of American Indian teachers in public schools;
 - (iii) close the achievement gap between American Indian students and their more advantaged peers;
 - (iv) increase the statewide graduation rate for American Indian students; and
 - (v) increase American Indian student placement in postsecondary programs and the workforce; and
- (7) keep the American Indian community informed about the work of the department by reporting to the Tribal Nations Education Committee at each committee meeting.

Sec. 16. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND OBJECTS OF CULTURAL SIGNIFICANCE.

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

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

Sec. 17. Minnesota Statutes 2022, section 124D.81, subdivision 1, is amended to read:

Subdivision 1. **Procedures.** A school district, charter school, or American Indian-controlled tribal contract or grant school enrolling at least 20 American Indian students <u>identified by the state count</u> on October 1 of the previous school year and operating an American Indian education program according to section 124D.74 is eligible for Indian

education aid if it meets the requirements of this section. Programs may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner of application for aids, and no aid shall be made for a program not complying with the requirements of sections 124D.71 to 124D.82.

- Sec. 18. Minnesota Statutes 2022, section 124D.81, subdivision 5, is amended to read:
- Subd. 5. **Records.** Participating schools and districts must keep records and afford access to them as the commissioner finds necessary to ensure that American Indian education programs are implemented in conformity with sections 124D.71 to 124D.82. Each school district or participating school must keep accurate, detailed, and separate revenue and expenditure accounts for pilot American Indian education programs funded under this section.
 - Sec. 19. Minnesota Statutes 2022, section 144.4165, is amended to read:

144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.

- (a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or use an activated electronic delivery device as defined in section 609.685, subdivision 1, in a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls.
- (b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. For purposes of this section, an Indian is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12.

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

ARTICLE 4 TEACHERS

- Section 1. Minnesota Statutes 2022, section 120A.414, subdivision 2, is amended to read:
- Subd. 2. **Plan.** A school board, including the board of a charter school, may adopt an e-learning day plan after eonsulting meeting and negotiating with the exclusive representative of the teachers. A <u>If a charter school's teachers are not represented by an exclusive representative, the</u> charter school may adopt an e-learning day plan after consulting with its teachers. The plan must include accommodations for students without Internet access at home and for digital device access for families without the technology or an insufficient amount of technology for the number of children in the household. A school's e-learning day plan must provide accessible options for students with disabilities under chapter 125A.

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

A school board must adopt a written policy that prohibits discrimination or discipline for a teacher or principal on the basis of incorporating into curriculum contributions by persons in a federally protected class or protected class under section 363A.13 consistent with local collective bargaining agreements.

Sec. 3. [122A.04] LICENSE REQUIRED.

Pursuant to section 120A.22, subdivision 10, a teacher must hold a field license or a permission aligned to the content area and scope of the teacher's assignment to provide instruction in a public school, including a charter school.

- Sec. 4. Minnesota Statutes 2022, section 122A.06, subdivision 1, is amended to read:
- Subdivision 1. **Scope.** For the purpose of sections 122A.05 122A.04 to 122A.093, and 122A.15 to 122A.33, the terms defined in this section have the meanings given them, unless another meaning is clearly indicated.
 - Sec. 5. Minnesota Statutes 2022, section 122A.06, subdivision 2, is amended to read:
- Subd. 2. **Teacher.** "Teacher" means a classroom teacher or other similar professional employee required <u>by law</u> to hold a license from the Professional Educator Licensing and Standards Board.
 - Sec. 6. Minnesota Statutes 2022, section 122A.06, subdivision 5, is amended to read:
- Subd. 5. **Field.** A "field," "licensure area," or "subject area" means the content area in which a teacher may become licensed to teach.
 - Sec. 7. Minnesota Statutes 2022, section 122A.06, subdivision 6, is amended to read:
 - Subd. 6. Shortage area. "Shortage area" means:
- (1) licensure fields and economic development regions reported by the eommissioner of education Office of Higher Education or the Professional Educator Licensing and Standards Board as experiencing a teacher shortage; and
- (2) economic development regions where there is a shortage of licensed teachers who reflect the racial or ethnic diversity of students in the region: the aggregate percentage of Indigenous teachers and teachers of color in the region is lower than the aggregate percentage of kindergarten through grade 12 Indigenous students and students of color in that region. Only individuals who close the gap between these percentages qualify as filling a shortage by this definition.
 - Sec. 8. Minnesota Statutes 2022, section 122A.06, subdivision 7, is amended to read:
- Subd. 7. **Teacher preparation program.** "Teacher preparation program" means a program approved by the Professional Educator Licensing and Standards Board for the purpose of preparing individuals for a specific teacher licensure field in Minnesota. Teacher preparation programs include traditional programs delivered by postsecondary institutions, alternative teacher preparation programs, and nonconventional teacher preparation programs.
 - Sec. 9. Minnesota Statutes 2022, section 122A.06, subdivision 8, is amended to read:
- Subd. 8. **Teacher preparation program provider.** "Teacher preparation program provider" or "unit" means an entity that has primary responsibility for overseeing and delivering a teacher preparation program. <u>Teacher preparation program providers include institutes of higher education, school districts, charter schools, or nonprofit corporations organized under chapter 317A.</u>
 - Sec. 10. Minnesota Statutes 2022, section 122A.06, is amended by adding a subdivision to read:
 - Subd. 9. District. "District" means a school district or charter school.
 - Sec. 11. Minnesota Statutes 2022, section 122A.06, is amended by adding a subdivision to read:
- Subd. 10. Transfer pathway. "Transfer pathway" means an established pathway to licensure between a two-year college or Tribal college, and a board-approved teacher preparation provider.

- Sec. 12. Minnesota Statutes 2022, section 122A.07, subdivision 4a, is amended to read:
- Subd. 4a. **Administration.** (a) The executive director of the board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director shall maintain the records of the board, account for all fees received by the board, supervise and direct employees servicing the board, and perform other services as directed by the board.
- (b) The Department of Administration must provide administrative support in accordance with section 16B.371. The commissioner of administration must assess the board for services it provides under this section.
- (c) The Department of Education must provide suitable offices and other space to the board at reasonable cost until January 1, 2020. Thereafter, the board may contract with either the Department of Education or the Department of Administration for the provision of suitable offices and other space, joint conference and hearing facilities, and examination rooms.
 - Sec. 13. Minnesota Statutes 2022, section 122A.09, subdivision 4, is amended to read:
- Subd. 4. **Licensing and approval.** (a) The Professional Educator Licensing and Standards Board must license teachers, as defined in section 122A.15, subdivision 1, except for supervisory personnel, as defined in section 122A.15, subdivision 2. The board must not delegate its authority to make all licensing decisions with respect to eandidates applicants for teacher licensure. The board must evaluate eandidates applicants for compliance with statutory or rule requirements for licensure and develop licensure verification requirements.
- (b) The Professional Educator Licensing and Standards Board must approve teacher preparation providers seeking to prepare applicants for teacher licensure in Minnesota.
 - Sec. 14. Minnesota Statutes 2022, section 122A.09, subdivision 6, is amended to read:
- Subd. 6. **Register of persons licensed.** The executive director of the Professional Educator Licensing and Standards Board must keep a record of the proceedings of and a register of all persons licensed pursuant to the provisions of this chapter. The register must show the name, address, licenses and permissions held, including renewals, and license number and the renewal of the license. The board must on July 1, of each year or as soon thereafter as is practicable, compile a list of such duly licensed teachers. A copy of the register This list must be available during business hours at the office of the board to any interested person on the board's website.
 - Sec. 15. Minnesota Statutes 2022, section 122A.09, subdivision 9, is amended to read:
- Subd. 9. **Professional Educator Licensing and Standards Board must adopt rules.** (a) The Professional Educator Licensing and Standards Board must adopt rules subject to the provisions of chapter 14 to implement sections 120B.363, 122A.05 to 122A.09, 122A.092, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.183, 122A.184, 122A.185, 122A.187, 122A.188, 122A.19, 122A.20, 122A.21, 122A.23, 122A.26, 122A.28, and 122A.29, and 124D.72.
- (b) The board must adopt rules relating to fields of licensure and grade levels that a licensed teacher may teach, including a process for granting permission to a licensed teacher to teach in a field that is different from the teacher's field of licensure without change to the teacher's license tier level.
 - (c) The board must adopt rules relating to the grade levels that a licensed teacher may teach.
- (d) (c) If a rule adopted by the board is in conflict with a session law or statute, the law or statute prevails. Terms adopted in rule must be clearly defined and must not be construed to conflict with terms adopted in statute or session law.

- (e) (d) The board must include a description of a proposed rule's probable effect on teacher supply and demand in the board's statement of need and reasonableness under section 14.131.
 - (f) (e) The board must adopt rules only under the specific statutory authority.
 - Sec. 16. Minnesota Statutes 2022, section 122A.09, subdivision 10, is amended to read:
- Subd. 10. **Permissions.** (a) Notwithstanding subdivision 9 and sections 14.055 and 14.056, the Professional Educator Licensing and Standards Board may grant waivers to its rules upon application by a school district or a charter school for purposes of implementing experimental programs in learning or management.
- (b) To enable a school district or a charter school to meet the needs of students enrolled in an alternative education program and to enable licensed teachers instructing those students to satisfy content area licensure requirements, the Professional Educator Licensing and Standards Board annually may permit a licensed teacher teaching in an alternative education program to instruct students in a content area for which the teacher is not licensed, consistent with paragraph (a).
- (c) A special education license permission issued by the Professional Educator Licensing and Standards Board for a primary employer's low-incidence region is valid in all low-incidence regions.
- (d) A candidate An applicant that has obtained career and technical education certification may apply for a Tier 1 license under section 122A.181. Consistent with section 136F.361, the Professional Educator Licensing and Standards Board must strongly encourage approved eollege or university based teacher preparation programs throughout Minnesota to develop alternative pathways for certifying and licensing high school career and technical education instructors and teachers, allowing such candidates applicants to meet certification and licensure standards that demonstrate their content knowledge, classroom experience, and pedagogical practices and their qualifications based on a combination of occupational testing, professional certification or licensure, and long-standing work experience.
 - Sec. 17. Minnesota Statutes 2022, section 122A.091, subdivision 1, is amended to read:
- Subdivision 1. **Teacher and administrator preparation and performance data; report.** (a) The Professional Educator Licensing and Standards Board and the Board of School Administrators, in cooperation with board adopted board-approved teacher or administrator preparation programs, annually must collect and report summary data on teacher and administrator preparation and performance outcomes, consistent with this subdivision. The Professional Educator Licensing and Standards Board and the Board of School Administrators annually by June July 1 must update and post the reported summary preparation and performance data on teachers and administrators from the preceding school years on a website hosted jointly by the boards their respective websites.
 - (b) Publicly reported summary data on teacher preparation programs providers must include:
- (1) student entrance requirements for each Professional Educator Licensing and Standards Board approved program, including grade point average for enrolling students in the preceding year;
- (2) the average board adopted skills examination or ACT or SAT scores of students entering the program in the preceding year;
- (3) (1) summary data on faculty teacher educator qualifications, including at least the content areas of faculty undergraduate and graduate degrees and their years of experience either as kindergarten birth through grade 12 classroom teachers or school administrators;

- (4) the average time resident and nonresident program graduates in the preceding year needed to complete the program;
- (2) the current number and percentage of enrolled candidates who entered the program through a transfer pathway disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;
- (5) (3) the current number and percentage of students program completers by program who graduated, received a standard Minnesota teaching license, and Tier 3 or Tier 4 license disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;
- (4) the current number and percentage of program completers who entered the program through a transfer pathway and received a Tier 3 or Tier 4 license disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;
- (5) the current number and percentage of program completers who were hired to teach full time in their licensure field in a Minnesota district or school in the preceding year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;
- (6) the number of content area credits and other credits by undergraduate program that students in the preceding school year needed to complete to graduate the current number and percentage of program completers who entered the program through a transfer pathway and who were hired to teach full time in their licensure field in a Minnesota district or school in the preceding year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;
- (7) students' pass rates on skills pedagogy and subject matter exams required for graduation in each program and licensure area for program completers in the preceding school year;
- (8) <u>board-adopted</u> survey results measuring <u>student and graduate satisfaction with the program initial licensure program quality and structure</u> in the preceding school year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;
- (9) a standard measure of the satisfaction of board-adopted survey results from school principals or supervising teachers with the student teachers assigned to a school or supervising teacher supervisors on initial licensure program quality and structure; and
- (10) information under subdivision 3, paragraphs (a) and (b) the number and percentage of program completers who met or exceeded the state threshold score on the board-adopted teacher performance assessment. Program reporting must be consistent with subdivision 2.
- (c) Publicly reported summary data on administrator preparation programs approved by the Board of School Administrators must include:
- (1) summary data on faculty qualifications, including at least the content areas of faculty undergraduate and graduate degrees and the years of experience either as kindergarten through grade 12 classroom teachers or school administrators;
 - (2) the average time program graduates in the preceding year needed to complete the program;
- (3) the current number and percentage of students who graduated, received a standard Minnesota administrator license, and were employed as an administrator in a Minnesota school district or school in the preceding year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

- (4) the number of credits by graduate program that students in the preceding school year needed to complete to graduate;
- (5) survey results measuring student, graduate, and employer satisfaction with the program in the preceding school year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual; and
- (6) information under subdivision 3, paragraphs (c) and (d). Program reporting must be consistent with section 122A.14, subdivision 10.
 - Sec. 18. Minnesota Statutes 2022, section 122A.091, subdivision 2, is amended to read:
- Subd. 2. **Teacher preparation program reporting.** (a) By December 31, 2018, and annually thereafter, the Professional Educator Licensing and Standards Board shall report and publish on its website the cumulative summary results of at least three consecutive years of data reported to the board under subdivision 1, paragraph (b). Where the data are sufficient to yield statistically reliable information and the results would not reveal personally identifiable information about an individual teacher, the board shall report the data by teacher preparation program.
- (b) The Professional Educator Licensing and Standards Board must report annually to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education, the following information:
- (1) the total number of teacher candidates during the most recent school year taking a board-adopted skills examination;
 - (2) the number who achieve a qualifying score on the examination;
 - (3) the number who do not achieve a qualifying score on the examination; and
 - (4) the <u>number of</u> candidates who have not passed a content or pedagogy exam.

The information reported under this paragraph must be disaggregated by categories of race, ethnicity, and, if applicable, eligibility for financial aid. The report must be submitted in accordance with section 3.195.

Sec. 19. Minnesota Statutes 2022, section 122A.15, subdivision 1, is amended to read:

Subdivision 1. **Teachers.** The term "teachers" for the purpose of licensure, means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, <u>school</u> counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and <u>speech therapists</u> <u>school</u> speech-language pathologists. This definition does not apply to sections 122A.05 to 122A.093.

Sec. 20. Minnesota Statutes 2022, section 122A.18, subdivision 1, is amended to read:

Subdivision 1. **Authority to license.** (a) The Professional Educator Licensing and Standards Board must issue the following teacher licenses to eandidates applicants who meet the qualifications prescribed by this chapter:

- (1) Tier 1 license under section 122A.181;
- (2) Tier 2 license under section 122A.182;

- (3) Tier 3 license under section 122A.183; and
- (4) Tier 4 license under section 122A.184.
- (b) The Board of School Administrators must license supervisory personnel as defined in section 122A.15, subdivision 2, except for athletic coaches.
- (c) The Professional Educator Licensing and Standards Board and the Department of Education must enter into a data sharing agreement to share:
- (1) educational data at the E-12 level for the limited purpose of program approval and improvement for teacher education programs. The program approval process must include targeted redesign of teacher preparation programs to address identified E-12 student areas of concern; and
- (2) data in the staff automated reporting system for the limited purpose of managing and processing funding to school districts and other entities.
- (d) The Board of School Administrators and the Department of Education must enter into a data sharing agreement to share educational data at the E-12 level for the limited purpose of program approval and improvement for education administration programs. The program approval process must include targeted redesign of education administration programs to address identified E-12 student areas of concern.
- (e) For purposes of the data sharing agreements under paragraphs (c) and (d), the Professional Educator Licensing and Standards Board, Board of School Administrators, and Department of Education may share private data, as defined in section 13.02, subdivision 12, on teachers and school administrators. The data sharing agreements must not include educational data, as defined in section 13.32, subdivision 1, but may include summary data, as defined in section 13.02, subdivision 19, derived from educational data.
 - Sec. 21. Minnesota Statutes 2022, section 122A.18, subdivision 2, is amended to read:
- Subd. 2. **Support personnel qualifications.** The Professional Educator Licensing and Standards Board must issue licenses and credentials under its jurisdiction to persons the board finds to be qualified and competent for support personnel positions in accordance with section 120B.361.
 - Sec. 22. Minnesota Statutes 2022, section 122A.18, subdivision 10, is amended to read:
- Subd. 10. **Licensure via portfolio.** (a) The Professional Educator Licensing and Standards Board must adopt rules establishing a process for an eligible <u>candidate</u> <u>applicant</u> to obtain <u>any teacher</u> <u>an initial Tier 3</u> license <u>under subdivision 1</u>, or to add a licensure field, <u>to a Tier 3 or Tier 4 license</u> via portfolio. The portfolio licensure application process must be consistent with the requirements in this subdivision.
- (b) A candidate An applicant for a an initial Tier 3 license via portfolio must submit to the board one portfolio demonstrating pedagogical competence and one portfolio demonstrating content competence.
- (c) A candidate An applicant seeking to add a licensure field via portfolio must submit to the board one portfolio demonstrating content competence for each licensure field the candidate seeks to add.
- (d) The board must notify a candidate an applicant who submits a portfolio under paragraph (b) or (c) within 90 calendar days after the portfolio is received whether or not the portfolio is approved. If the portfolio is not approved, the board must immediately inform the eandidate applicant how to revise the portfolio to successfully demonstrate the requisite competence. The eandidate applicant may resubmit a revised portfolio at any time and the board must approve or disapprove the revised portfolio within 60 calendar days of receiving it.

- (e) A candidate An applicant must pay a fee for a portfolio in accordance with section 122A.21, subdivision 4.
- Sec. 23. Minnesota Statutes 2022, section 122A.18, is amended by adding a subdivision to read:
- <u>Subd. 11.</u> <u>Staff Automated Reporting.</u> <u>The Professional Educator Licensing and Standards Board shall collect data on educators' employment and assignments from all school districts and charter schools. The report may include data on educators' demographics and licensure.</u>
 - Sec. 24. Minnesota Statutes 2022, section 122A.181, subdivision 1, is amended to read:
- Subdivision 1. **Application requirements.** The Professional Educator Licensing and Standards Board must approve a request from a district or charter school to issue a Tier 1 license in a specified content area to a candidate an application for a Tier 1 license in a specified content area if:
 - (1) the application has been submitted jointly by the applicant and the district;
 - (2) the application has been paid for by the district or the applicant;
 - (1) (3) the candidate applicant meets the professional requirement in subdivision 2;
- (2) (4) the district or charter school affirms that the eandidate applicant has the necessary skills and knowledge to teach in the specified content area; and
- (3) (5) the district or charter school demonstrates that: (i) a criminal background check under section 122A.18, subdivision 8, has been completed on the eandidate applicant; and
- (ii) (6) the district or charter school has posted the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position.
 - Sec. 25. Minnesota Statutes 2022, section 122A.181, subdivision 2, is amended to read:
- Subd. 2. **Professional requirements.** (a) A candidate An applicant for a Tier 1 license must have a bachelor's degree to teach a class or course outside a career and technical education or career pathways course of study.
- (b) A candidate An applicant for a Tier 1 license must have one of the following credentials in a relevant content area to teach a class in a career and technical education or career pathways course of study:
 - (1) an associate's degree;
 - (2) a professional certification; or
 - (3) five years of relevant work experience.
 - Sec. 26. Minnesota Statutes 2022, section 122A.181, is amended by adding a subdivision to read:
- <u>Subd. 2a.</u> Exemptions from a bachelor's degree. (a) The following applicants for a Tier 1 license are exempt from the requirement to hold a bachelor's degree in subdivision 2:
- (1) an applicant for a Tier 1 license to teach career and technical education or career pathways courses of study if the applicant has:
 - (i) an associate's degree;
 - (ii) a professional certification; or

- (iii) five years of relevant work experience;
- (2) an applicant for a Tier 1 license to teach world languages and culture pursuant to Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language; and
- (3) an applicant for a Tier 1 license in the performing or visual arts pursuant to Minnesota Rules, parts 8710.4300, dance and theatre; 8710.4310, dance; 8710.4320, theatre; 8710.4650, vocal music and instrumental music; and 8710.4900, visual arts, if the applicant has at least five years of relevant work experience.
- (b) The Professional Educator Licensing and Standards Board must adopt rules regarding the qualifications and determinations for applicants exempt from paragraph (a).
 - Sec. 27. Minnesota Statutes 2022, section 122A.181, subdivision 3, is amended to read:
- Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and Standards Board must issue an initial Tier 1 license for a term of one year. A Tier 1 license may be renewed subject to paragraphs (b) and (c). The board may submit written comments to the district or charter school that requested the renewal regarding the candidate.
 - (b) The Professional Educator Licensing and Standards Board must renew a Tier 1 license if:
- (1) the district or charter school requesting the renewal demonstrates that it has posted the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position;
- (2) the teacher holding the Tier 1 license took a content examination in accordance with section 122A.185 and submitted the examination results to the teacher's employing district or charter school within one year of the board approving the request for the initial Tier 1 license;
- (3) the teacher holding the Tier 1 license participated in cultural competency training consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the board approving the request for the initial Tier 1 license; and
- (4) the teacher holding the Tier 1 license met the mental illness training renewal requirement under section 122A.187, subdivision 6.

The requirement in clause (2) does not apply to a teacher that teaches a class in a career and technical education or career pathways course of study.

- (c) A Tier 1 license must not be renewed more than three times, unless the requesting district or charter school can show good cause for additional renewals. A Tier 1 license issued to teach (1) a class or course in a career and technical education or career pathway course of study or (2) in a shortage area, as defined in section 122A.06, subdivision 6, may be renewed without limitation.
 - Sec. 28. Minnesota Statutes 2022, section 122A.181, subdivision 4, is amended to read:
- Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must accept <u>and review</u> applications for a Tier 1 teaching license beginning July 1 of the school year for which the license is requested and must issue or deny the Tier 1 teaching license within 30 days of receiving the completed application; at the board's discretion, the board may begin to accept and review applications before July 1.

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

- Sec. 29. Minnesota Statutes 2022, section 122A.181, subdivision 5, is amended to read:
- Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and limited to the district or charter school that requested the initial Tier 1 license.
- (b) A Tier 1 license does not bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).
- (c) A Tier 1 license does not bring an individual within the definition of a teacher under section 179A.03, subdivision 18.
 - Sec. 30. Minnesota Statutes 2022, section 122A.182, subdivision 1, is amended to read:
- Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards Board must approve a request from a district or charter school to issue an application for a Tier 2 license in a specified content area to a candidate if:
 - (1) the candidate meets the educational or professional requirements in paragraph (b) or (c);
 - (2) the candidate:
 - (i) has completed the coursework required under subdivision 2;
 - (ii) is enrolled in a Minnesota approved teacher preparation program; or
 - (iii) has a master's degree in the specified content area; and
- (3) the district or charter school demonstrates that a criminal background check under section 122A.18, subdivision 8, has been completed on the candidate.
- (b) A candidate for a Tier 2 license must have a bachelor's degree to teach a class outside a career and technical education or career pathways course of study.
- (c) A candidate for a Tier 2 license must have one of the following credentials in a relevant content area to teach a class or course in a career and technical education or career pathways course of study:
 - (1) an associate's degree;
 - (2) a professional certification; or
 - (3) five years of relevant work experience.
 - (1) the application has been submitted jointly by the applicant and the district;
 - (2) the application has been paid for by the district or the applicant;
 - (3) the applicant holds a bachelor's degree, unless specifically exempt by statute or rule;
- (4) the district demonstrates that a criminal background check under section 122A.18, subdivision 8, has been completed for the applicant; and

- (5) the applicant:
- (i) has completed the coursework required under subdivision 2;
- (ii) is enrolled in a Minnesota-approved teacher preparation program; or
- (iii) has a master's degree in the specified content area.
- Sec. 31. Minnesota Statutes 2022, section 122A.182, subdivision 2, is amended to read:
- Subd. 2. **Coursework.** (a) A candidate An applicant for a Tier 2 license must meet the coursework requirement by demonstrating completion of two of the following:
 - (1) at least eight upper division or graduate-level credits in the relevant content area;
 - (2) field-specific methods of training, including coursework;
 - (3) at least two years of teaching experience in a similar content area in any state, as determined by the board;
 - (4) a passing score on the pedagogy and content exams under section 122A.185; or
 - (5) completion of a state-approved teacher preparation program.
- (b) For purposes of paragraph (a), "upper division" means classes normally taken at the junior or senior level of college which require substantial knowledge and skill in the field. Candidates An applicant must identify the upper division credits that fulfill the requirement in paragraph (a), clause (1).
 - Sec. 32. Minnesota Statutes 2022, section 122A.182, is amended by adding a subdivision to read:
- Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a Tier 2 license are exempt from the requirement to hold a bachelor's degree in subdivision 1:
- (1) an applicant for a Tier 2 license to teach career and technical education or career pathways courses of study when the applicant has:
 - (i) an associate's degree;
 - (ii) a professional certification; or
 - (iii) five years of relevant work experience;
- (2) an applicant for a Tier 2 license to teach world languages and culture pursuant to Minnesota Rules, part 8710.4950, when the applicant is a native speaker of the language; and
- (3) an applicant for a Tier 2 license in the performing or visual arts pursuant to Minnesota Rules, parts 8710.4300, dance and theatre; 8710.4310, dance; 8710.4320, theatre; 8710.4650, vocal music and instrumental music; and 8710.4900, visual arts, when the applicant has at least five years of relevant work experience.
- (b) The Professional Educator Licensing and Standards Board must adopt rules regarding the qualifications and determinations for applicants exempt from the requirement to hold a bachelor's degree in subdivision 1.

- Sec. 33. Minnesota Statutes 2022, section 122A.182, subdivision 4, is amended to read:
- Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must accept applications for a Tier 2 teaching license beginning July 1 of the school year for which the license is requested and must issue or deny the Tier 2 teaching license within 30 days of receiving the completed application. At the board's discretion, the board may begin to accept and review applications before July 1.

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

- Sec. 34. Minnesota Statutes 2022, section 122A.183, subdivision 1, is amended to read:
- Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards Board must issue a Tier 3 license to a candidate an applicant who provides information sufficient to demonstrate all of the following:
 - (1) the candidate meets the educational or professional requirements in paragraphs (b) and (c);
- (2) (1) the eandidate applicant has obtained a passing score on the required licensure exams under section 122A.185; and
 - (2) the applicant holds a bachelor's degree, unless specifically exempt by statute or rule; and
 - (3) the eandidate applicant has completed the coursework required under subdivision 2.
- (b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or course outside a career and technical education or career pathways course of study.
- (c) A candidate for a Tier 3 license must have one of the following credentials in a relevant content area to teach a class or course in a career and technical education or career pathways course of study:
 - (1) an associate's degree;
 - (2) a professional certification; or
 - (3) five years of relevant work experience.

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

- (b) The board must issue a Tier 3 license to an applicant who has completed student teaching comparable to the student teaching expectations in Minnesota, and has completed either: a teacher preparation program from a culturally specific Minority Serving Institution in the United States, such as Historically Black Colleges and Universities, Tribal Colleges and Universities, or Hispanic-Serving Institutions, including those in Puerto Rico; or a university teacher preparation program in another country, and has taught at least two years. An applicant who qualifies for a Tier 3 license under this paragraph is not required to obtain a passing score on licensure exams under section 122A.185.
 - Sec. 35. Minnesota Statutes 2022, section 122A.183, is amended by adding a subdivision to read:
- Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a Tier 3 license are exempt from the requirement to hold a bachelor's degree in subdivision 1:

- (1) an applicant for a Tier 3 license to teach career and technical education or career pathways courses of study when the applicant has:
 - (i) an associate's degree;
 - (ii) a professional certification; or
 - (iii) five years of relevant work experience;
- (2) an applicant for a Tier 3 license to teach world languages and culture pursuant to Minnesota Rules, part 8710.4950, when the applicant is a native speaker of the language; and
- (3) an applicant for a Tier 3 license in the performing or visual arts pursuant to Minnesota Rules, parts 8710.4300, dance and theatre; 8710.4310, dance; 8710.4320, theatre; 8710.4650, vocal music and instrumental music; and 8710.4900, visual arts, when the applicant has at least five years of relevant work experience.
- (b) The Professional Educator Licensing and Standards Board must adopt rules regarding the qualifications and determinations for applicants exempt from the requirement to hold a bachelor's degree in subdivision 1.
 - Sec. 36. Minnesota Statutes 2022, section 122A.184, subdivision 1, is amended to read:
- Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards Board must issue a Tier 4 license to a candidate an applicant who provides information sufficient to demonstrate all of the following:
- (1) the <u>eandidate applicant</u> meets all requirements for a Tier 3 license under section 122A.183, and has completed a teacher preparation program under section 122A.183, subdivision 2, clause (1) or (2);
- (2) the <u>candidate applicant</u> has at least three years of <u>field-specific</u> teaching experience <u>in Minnesota</u> <u>as a teacher of record</u>;
 - (3) the eandidate applicant has obtained a passing score on all required licensure exams under section 122A.185; and
- (4) the candidate's most recent summative teacher evaluation did not result in placing or otherwise keeping the teacher in an improvement process pursuant to section 122A.40, subdivision 8, or 122A.41, subdivision 5.
- (4) if the applicant previously held a Tier 3 license under section 122A.183, the applicant has completed the renewal requirements in section 122A.187.
 - Sec. 37. Minnesota Statutes 2022, section 122A.185, subdivision 1, is amended to read:
- Subdivision 1. **Tests.** (a) The Professional Educator Licensing and Standards Board must adopt rules requiring a candidate to demonstrate a passing score on a board adopted examination of skills in reading, writing, and mathematics before being granted a Tier 4 teaching license under section 122A.184 to provide direct instruction to pupils in elementary, secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier 3 license to provide direct instruction to pupils in elementary, secondary, or special education programs if candidates meet the other requirements in section 122A.181, 122A.182, or 122A.183, respectively.
- (b) (a) The board must adopt rules requiring eandidates applicants for Tier 3 and Tier 4 licenses to pass an examination or performance assessment of general pedagogical knowledge and examinations of licensure field specific content. An applicant is exempt from the examination requirements if the applicant completed:
 - (1) a board-approved teacher preparation program;

- (2) licensure via portfolio pursuant to section 122A.18, subdivision 10, and the portfolio has been approved; or
- (3) a state-approved teacher preparation program in another state and passed licensure examinations in that state, if applicable. The content examination requirement does not apply if no relevant content exam exists.
- (c) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must pass test items assessing the candidates' knowledge, skill, and ability in comprehensive, scientifically based reading instruction under section 122A.06, subdivision 4, knowledge and understanding of the foundations of reading development, development of reading comprehension and reading assessment and instruction, and the ability to integrate that knowledge and understanding into instruction strategies under section 122A.06, subdivision 4.
- (d) The requirement to pass a board adopted reading, writing, and mathematics skills examination does not apply to nonnative English speakers, as verified by qualified Minnesota school district personnel or Minnesota higher education faculty, who, after meeting the content and pedagogy requirements under this subdivision, apply for a teaching license to provide direct instruction in their native language or world language instruction under section 120B.022, subdivision 1.
- (b) All testing centers in the state must provide monthly opportunities for untimed content and pedagogy examinations. These opportunities must be advertised on the test registration website. The board must require the exam vendor to provide other equitable opportunities to pass exams, including: (1) waiving testing fees for test takers who qualify for federal grants; (2) providing free, multiple, full-length practice tests for each exam and free, comprehensive study guides on the test registration website; (3) making content and pedagogy exams available in languages other than English for teachers seeking licensure to teach in language immersion programs; and (4) providing free, detailed exam results analysis by test objective to assist applicants who do not pass an exam in identifying areas for improvement. Any applicant who has not passed a required exam after two attempts must be allowed to retake the exam, including new versions of the exam, without being charged an additional fee.
 - Sec. 38. Minnesota Statutes 2022, section 122A.185, subdivision 4, is amended to read:
- Subd. 4. **Remedial assistance.** (a) A board approved teacher preparation program must make available upon request remedial assistance that includes a formal diagnostic component to persons enrolled in their institution who did not achieve a qualifying score on a board adopted skills examination, including those for whom English is a second language. The teacher preparation programs must make available assistance in the specific academic areas of candidates' deficiency.
- (b) School districts may make available upon request similar, appropriate, and timely remedial assistance that includes a formal diagnostic component to those persons employed by the district who completed their teacher education program, who did not achieve a qualifying score on a board-adopted skills examination, and who received a Tier 1, Tier 2, or Tier 3 license under section 122A.181, 122A.182, or 122A.183, respectively, to teach in Minnesota.
 - Sec. 39. Minnesota Statutes 2022, section 122A.187, subdivision 1, is amended to read:

Subdivision 1. **License form requirements.** Each license issued under this chapter must bear the date of issue and the name of the state-approved teacher training provider or alternative teaching program, as applicable. Licenses must expire and be renewed according to rules adopted by the Professional Educator Licensing and Standards Board or the Board of School Administrators. The rules adopted by the Professional Educator Licensing and Standards Board for renewing a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, must include showing satisfactory evidence of successful teaching or administrative experience for at least one school year during the period covered by the license in grades or subjects for which the license is valid or completing such additional preparation as required under this section, or as the Professional Educator Licensing and Standards Board prescribes. The Board of School Administrators shall establish requirements for renewing the licenses of supervisory personnel except athletic coaches. The Professional Educator Licensing and Standards Board shall establish requirements for renewing the licenses of athletic coaches.

- Sec. 40. Minnesota Statutes 2022, section 122A.19, subdivision 4, is amended to read:
- Subd. 4. **Teacher preparation programs.** (a) For the purpose of licensing bilingual and English as a second language teachers, the board may approve <u>teacher preparation</u> programs at colleges or universities designed for their training.
- (b) Programs that prepare English as a second language teachers must provide instruction in implementing research-based practices designed specifically for English learners. The programs must focus on developing English learners' academic language proficiency in English, including oral academic language, giving English learners meaningful access to the full school curriculum, developing culturally relevant teaching practices appropriate for immigrant students, and providing more intensive instruction and resources to English learners with lower levels of academic English proficiency and varied needs, consistent with section 124D.59, subdivisions 2 and 2a.
 - Sec. 41. Minnesota Statutes 2022, section 122A.26, subdivision 2, is amended to read:
- Subd. 2. **Exceptions.** (a) A person who teaches in a community education program which that qualifies for aid pursuant to section 124D.52 shall continue to meet licensure requirements as a teacher. A person who teaches in an early childhood and family education program which that is offered through a community education program and which that qualifies for community education aid pursuant to section 124D.20 or early childhood and family education aid pursuant to section 124D.135 shall continue to meet licensure requirements as a teacher. A person who teaches in a community education course which that is offered for credit for graduation to persons under 18 years of age shall continue to meet licensure requirements as a teacher.
- (b) A person who teaches a driver training course which that is offered through a community education program to persons under 18 years of age shall be licensed by the Professional Educator Licensing and Standards Board or be subject to section 171.35. A license which that is required for an instructor in a community education program pursuant to this subdivision paragraph shall not be construed to bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause paragraph (a).

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

- Sec. 42. Minnesota Statutes 2022, section 122A.40, subdivision 5, is amended to read:
- Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is are deemed to be a probationary period of employment, and, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period that is consistent with subdivision 8. Evaluation must occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. However, the board must give any such teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

- (b) A board must discharge a probationary 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 child abuse or sexual abuse.
- (c) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).
- (d) A probationary teacher whose first three years of consecutive employment are interrupted for maternity, paternity, or medical leave and who resumes teaching within 12 months of when the leave began is considered to have a consecutive teaching experience for purposes of paragraph (a) if the probationary teacher completes a combined total of three years of teaching service immediately before and after the leave.
- (e) A probationary teacher must complete at least 120 90 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.
- (f) Notwithstanding any law to the contrary, a teacher who has taught for three consecutive years in a single school district or charter school in Minnesota or another state must serve a probationary period of no longer than one year in a Minnesota school district.

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

- Sec. 43. Minnesota Statutes 2022, section 122A.40, subdivision 8, is amended to read:
- Subd. 8. **Development, evaluation, and peer coaching for continuing contract teachers.** (a) To improve student learning and success, a school board and an exclusive representative of the teachers in the district, consistent with paragraph (b), may develop a teacher evaluation and peer review process for probationary and continuing contract teachers through joint agreement. If a school board and the exclusive representative of the teachers do not agree to an annual teacher evaluation and peer review process, then the school board and the exclusive representative of the teachers must implement the state teacher evaluation plan under paragraph (c). The process must include having trained observers serve as peer coaches or having teachers participate in professional learning communities, consistent with paragraph (b).
- (b) To develop, improve, and support qualified teachers and effective teaching practices, improve student learning and success, and provide all enrolled students in a district or school with improved and equitable access to more effective and diverse teachers, the annual evaluation process for teachers:
 - (1) must, for probationary teachers, provide for all evaluations required under subdivision 5;
- (2) must establish a three-year professional review cycle for each teacher that includes an individual growth and development plan, a peer review process, and at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator. For the years when a tenured teacher is not evaluated by a qualified and trained evaluator, the teacher must be evaluated by a peer review;
- (3) must be based on professional teaching standards established in rule include a rubric of performance standards for teacher practice that: (i) is based on professional teaching standards established in rule; (ii) includes culturally responsive methodologies; and (iii) provides common descriptions of effectiveness using at least three levels of performance;

- (4) must coordinate staff development activities under sections 122A.60 and 122A.61 with this evaluation process and teachers' evaluation outcomes;
 - (5) may provide time during the school day and school year for peer coaching and teacher collaboration;
 - (6) may include job-embedded learning opportunities such as professional learning communities;
- (7) may include mentoring and induction programs for teachers, including teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;
- (8) must include an option for teachers to develop and present a portfolio demonstrating evidence of reflection and professional growth, consistent with section 122A.187, subdivision 3, and include teachers' own performance assessment based on student work samples and examples of teachers' work, which may include video among other activities for the summative evaluation;
- (9) must use data from valid and reliable assessments aligned to state and local academic standards and must use state and local measures of student growth and literacy that may include value-added models or student learning goals to determine 35 percent of teacher evaluation results;
- (10) must use longitudinal data on student engagement and connection, and other student outcome measures explicitly aligned with the elements of curriculum for which teachers are responsible, including academic literacy, oral academic language, and achievement of content areas of English learners;
- (11) must require qualified and trained evaluators such as school administrators to perform summative evaluations and ensure school districts and charter schools provide for effective evaluator training specific to teacher development and evaluation;
- (12) must give teachers not meeting professional teaching standards under clauses (3) through (11) support to improve through a teacher improvement process that includes established goals and timelines; and
- (13) must discipline a teacher for not making adequate progress in the teacher improvement process under clause (12) that may include a last chance warning, termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline a school administrator determines is appropriate.

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

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

- (1) for students in kindergarten through grade 4, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that grade; and
- (2) for students in grades 5 through 12, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area and grade.

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

EFFECTIVE DATE. This section is effective July 1, 2025.

- Sec. 44. Minnesota Statutes 2022, section 122A.41, subdivision 2, is amended to read:
- Subd. 2. Probationary period; discharge or demotion. (a) All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not, be renewed as the school board, after consulting with the peer review committee charged with evaluating the probationary teachers under subdivision 3, shall see fit. The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district are deemed to be a probationary period of employment, and the probationary period in each district in which the teacher is thereafter employed shall be one year. The school site management team or the school board if there is no school site management team, shall adopt a plan for a written evaluation of teachers during the probationary period according to subdivisions 3 and 5. Evaluation by the peer review committee charged with evaluating probationary teachers under subdivision 3 shall occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school shall not be included in determining the number of school days on which a teacher performs services. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.
- (b) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).
- (c) A probationary teacher whose first three years of consecutive employment are interrupted for maternity, paternity, or medical leave and who resumes teaching within 12 months of when the leave began is considered to have a consecutive teaching experience for purposes of paragraph (a) if the probationary teacher completes a combined total of three years of teaching service immediately before and after the leave.
- (d) A probationary teacher must complete at least $\frac{420}{90}$ days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

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

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

- Sec. 45. Minnesota Statutes 2022, section 122A.41, subdivision 5, is amended to read:
- Subd. 5. **Development, evaluation, and peer coaching for continuing contract teachers.** (a) To improve student learning and success, a school board and an exclusive representative of the teachers in the district, consistent with paragraph (b), may develop an annual teacher evaluation and peer review process for probationary and nonprobationary teachers through joint agreement. If a school board and the exclusive representative of the teachers in the district do not agree to an annual teacher evaluation and peer review process, then the school board and the exclusive representative of the teachers must implement the state teacher evaluation plan developed under paragraph (c). The process must include having trained observers serve as peer coaches or having teachers participate in professional learning communities, consistent with paragraph (b).
- (b) To develop, improve, and support qualified teachers and effective teaching practices and improve student learning and success, and provide all enrolled students in a district or school with improved and equitable access to more effective and diverse teachers, the annual evaluation process for teachers:
 - (1) must, for probationary teachers, provide for all evaluations required under subdivision 2;
- (2) must establish a three-year professional review cycle for each teacher that includes an individual growth and development plan, a peer review process, and at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator;
- (3) must be based on professional teaching standards established in rule include a rubric of performance standards for teacher practice that: (i) is based on professional teaching standards established in rule; (ii) includes culturally responsive methodologies; and (iii) provides common descriptions of effectiveness using at least three levels of performance;
- (4) must coordinate staff development activities under sections 122A.60 and 122A.61 with this evaluation process and teachers' evaluation outcomes;
 - (5) may provide time during the school day and school year for peer coaching and teacher collaboration;
 - (6) may include job-embedded learning opportunities such as professional learning communities;
- (7) may include mentoring and induction programs for teachers, including teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;
- (8) must include an option for teachers to develop and present a portfolio demonstrating evidence of reflection and professional growth, consistent with section 122A.187, subdivision 3, and include teachers' own performance assessment based on student work samples and examples of teachers' work, which may include video among other activities for the summative evaluation;

- (9) must use data from valid and reliable assessments aligned to state and local academic standards and must use state and local measures of student growth and literacy that may include value-added models or student learning goals to determine 35 percent of teacher evaluation results;
- (10) must use longitudinal data on student engagement and connection and other student outcome measures explicitly aligned with the elements of curriculum for which teachers are responsible, including academic literacy, oral academic language, and achievement of English learners;
- (11) must require qualified and trained evaluators such as school administrators to perform summative evaluations and ensure school districts and charter schools provide for effective evaluator training specific to teacher development and evaluation;
- (12) must give teachers not meeting professional teaching standards under clauses (3) through (11) support to improve through a teacher improvement process that includes established goals and timelines; and
- (13) must discipline a teacher for not making adequate progress in the teacher improvement process under clause (12) that may include a last chance warning, termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline a school administrator determines is appropriate.

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

- (c) The department, in consultation with parents who may represent parent organizations and teacher and administrator representatives appointed by their respective organizations, representing the Professional Educator Licensing and Standards Board, the Minnesota Association of School Administrators, the Minnesota School Boards Association, the Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and representatives of the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with research expertise in teacher evaluation, must create and publish a teacher evaluation process that complies with the requirements in paragraph (b) and applies to all teachers under this section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher evaluation and peer review process. The teacher evaluation process created under this subdivision does not create additional due process rights for probationary teachers under subdivision 2.
 - (d) Consistent with the measures of teacher effectiveness under this subdivision:
- (1) for students in kindergarten through grade 4, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that grade; and
- (2) for students in grades 5 through 12, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area and grade.

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

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 46. [122A.441] SHORT-CALL SUBSTITUTE TEACHER PILOT PROGRAM.

- (a) A school district or charter school and applicant may jointly request the Professional Educator Licensing and Standards Board approve an application for a short-call substitute teaching license. The application information must sufficiently demonstrate the following:
 - (1) the applicant:
- (i) holds a minimum of an associate's degree or equivalent and has or will receive substitute training from the school district or charter school; or
- (ii) holds a minimum of a high school diploma or equivalent and has been employed as an education support personnel or paraprofessional within the district or charter school for at least one academic year; and
 - (2) the school district or charter school has requested a background check in accordance with section 123B.03.
- (b) The Professional Educator Licensing and Standards Board may issue a temporary teaching license pending a background check under section 122A.18, subdivision 8, and may immediately suspend or revoke the license upon receiving background check information. An applicant submitting an application for a short-call substitute teaching license in accordance with section 122A.18, subdivision 7a, paragraph (a), must not be required to complete a joint application with a district and must not be issued a license pending a background check under section 122A.18, subdivision 8.
 - (c) The board may prioritize short-call substitute teaching license applications to expedite the review process.
- (d) A school district or charter school must provide a substitute teacher who receives a substitute teaching license through the pilot program with substitute teacher training. The board may remove a school district or charter school from the pilot program for failure to provide the required training.
- (e) A school district or charter school must not require an employee to apply for a substitute teaching license, or retaliate against an employee that does not apply for a substitute teaching license under the pilot program.
- (f) A school district or charter school must compensate an employee working as a short-call substitute teacher under the pilot program with the greater of \$200 per day or the employee's regular rate of pay.

EFFECTIVE DATE. This section is effective for the 2023-2024 and 2024-2025 school years only.

Sec. 47. Minnesota Statutes 2022, section 122A.69, is amended to read:

122A.69 PRACTICE OR STUDENT TEACHERS.

The Professional Educator Licensing and Standards Board may, by agreements with teacher preparation institutions, arrange for classroom experience in the district for practice or student teachers who have completed at least two years of <u>in</u> an approved teacher preparation program. Such practice and student teachers must be appropriately supervised by a fully qualified teacher under rules adopted by the board. A practice or student teacher must be placed with a cooperating licensed teacher who has at least three years of teaching experience and is not in the improvement process under section 122A.40, subdivision 8, paragraph (b), clause (12), or 122A.41, subdivision 5, paragraph (b), clause (12). Practice and student teachers are employees of the school district in which they are rendering services for purposes of workers' compensation; liability insurance, if provided for other district employees under section 123B.23; and legal counsel under section 123B.25.

- Sec. 48. Minnesota Statutes 2022, section 123B.147, subdivision 3, is amended to read:
- Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory, and instructional leadership services, under the supervision of the superintendent of schools of the district and according to the policies, rules, and regulations of the school board, for the planning, management, operation, and evaluation of the education program of the building or buildings to which the principal is assigned.
- (b) To enhance a principal's <u>culturally responsive</u> leadership skills and support and improve teaching practices, school performance, and student achievement for diverse student populations, including at-risk students, children with disabilities, English learners, and gifted students, among others, a district must develop and implement a performance-based system for annually evaluating school principals assigned to supervise a school building within the district. The evaluation must be designed to improve teaching and learning by supporting the principal in shaping the school's professional environment and developing teacher quality, performance, and effectiveness. The annual evaluation must:
- (1) support and improve a principal's instructional leadership, organizational management, and professional development, and strengthen the principal's capacity in the areas of instruction, supervision, evaluation, and teacher development;
- (2) support and improve a principal's culturally responsive leadership practices that create inclusive and respectful teaching and learning environments for all students, families, and employees;
- (2) (3) include formative and summative evaluations based on multiple measures of student progress toward career and college readiness;
- (3) (4) be consistent with a principal's job description, a district's long-term plans and goals, and the principal's own professional multiyear growth plans and goals, all of which must support the principal's leadership behaviors and practices, rigorous curriculum, school performance, and high-quality instruction;
 - (4) (5) include on-the-job observations and previous evaluations;
- (5) (6) allow surveys to help identify a principal's effectiveness, leadership skills and processes, and strengths and weaknesses in exercising leadership in pursuit of school success;
- (6) (7) use longitudinal data on student academic growth as 35 percent of the evaluation and incorporate district achievement goals and targets;
- (7) (8) be linked to professional development that emphasizes improved teaching and learning, curriculum and instruction, student learning, <u>culturally responsive leadership practices</u>, and a collaborative professional culture; and
- (8) (9) for principals not meeting standards of professional practice or other criteria under this subdivision, implement a plan to improve the principal's performance and specify the procedure and consequence if the principal's performance is not improved.

The provisions of this paragraph are intended to provide districts with sufficient flexibility to accommodate district needs and goals related to developing, supporting, and evaluating principals.

EFFECTIVE DATE. This section is effective July 1, 2024.

- Sec. 49. Minnesota Statutes 2022, section 179A.03, subdivision 18, is amended to read:
- Subd. 18. **Teacher.** "Teacher" means any public employee other than a superintendent or assistant superintendent, principal, assistant principal, or a supervisory or confidential employee, employed by a school district:
- (1) in a position for which the person must be licensed by the Professional Educator Licensing and Standards Board or the commissioner of education; of
 - (2) in a position as a physical therapist, occupational therapist, art therapist, music therapist, or audiologist; or
- (3) in a position creating and delivering instruction to children in a prekindergarten or early learning program, except that an employee in a bargaining unit certified before January 1, 2023, may remain in a bargaining unit that does not include teachers unless an exclusive representative files a petition for a unit clarification or to transfer exclusive representative status.

EFFECTIVE DATE. This section is effective July 1, 2023.

- Sec. 50. Minnesota Statutes 2022, section 179A.03, subdivision 19, is amended to read:
- Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment" means the hours of employment, the compensation therefor including fringe benefits except retirement contributions or benefits other than employer payment of, or contributions to, premiums for group insurance coverage of retired employees or severance pay, and the employer's personnel policies affecting the working conditions of the employees. In the case of professional employees the term does not mean educational policies of a school district. "Terms and conditions of employment" is subject to section 179A.07. In the case of school employees, "terms and conditions of employment" includes class sizes, student testing, and student-to-personnel ratios.

Sec. 51. **REVISOR INSTRUCTION.**

The revisor of statutes shall replace the terms "candidate" or "candidates" with "applicant" or "applicants" wherever they appear in sections 122A.09, 122A.18, 122A.181, 122A.182, 122A.183, 122A.184, 122A.185, 122A.188, 122A.21, and 122A.28.

Sec. 52. REPEALER.

- (a) Minnesota Statutes 2022, sections 122A.07, subdivision 2a; 122A.091, subdivisions 3 and 6; and 122A.18, subdivision 7c; are repealed.
 - (b) Minnesota Rules, part 8710.0500, subparts 8 and 11, are repealed.

ARTICLE 5 CHARTER SCHOOLS

Section 1. Minnesota Statutes 2022, section 124E.02, is amended to read:

124E.02 DEFINITIONS.

- (a) For purposes of this chapter, the terms defined in this section have the meanings given them.
- (b) "Affidavit" means a written statement the authorizer submits to the commissioner for approval to establish a charter school under section 124E.06, subdivision 4, attesting to its review and approval process before chartering a school.

- (c) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.
- (d) "Control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether by owning voting securities, by contract, or otherwise.
- (e) "Immediate family" means an individual whose relationship by blood, marriage, adoption, or partnership is no more remote than first cousin.
- (f) "Market need and demand study" means a study that includes the following for the proposed locations of the school or additional site:
 - (1) current and projected demographic information of student populations in the geographic area;
 - (2) current student enrollment patterns in the geographic area;
 - (3) information on existing schools and types of educational programs currently available;
 - (4) documentation of the plan to do outreach to diverse and underrepresented populations;
 - (5) information on the availability of properly zoned and classified facilities; and
 - (6) quantification of existing demand for the new school or site expansion.
 - (f) (g) "Person" means an individual or entity of any kind.
- (g) (h) "Related party" means an affiliate or immediate relative of the other interested party, an affiliate of an immediate relative who is the other interested party, or an immediate relative of an affiliate who is the other interested party.
 - (h) (i) For purposes of this chapter, the terms defined in section 120A.05 have the same meanings.
 - Sec. 2. Minnesota Statutes 2022, section 124E.03, subdivision 2, is amended to read:
- Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.
- (b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.
 - (c) A charter school must comply with the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.
 - (d) A charter school is a district for the purposes of tort liability under chapter 466.
 - (e) A charter school must comply with the Pledge of Allegiance requirement under section 121A.11, subdivision 3.
- (f) A charter school and charter school board of directors must comply with chapter 181 governing requirements for employment.
 - (g) A charter school must comply with continuing truant notification under section 260A.03.

- (h) A charter school must develop and implement a teacher evaluation and peer review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d). The teacher evaluation process in this paragraph does not create any additional employment rights for teachers.
- (i) A charter school must adopt a policy, plan, budget, and process, consistent with section 120B.11, to review curriculum, instruction, and student achievement and strive for the world's best workforce.
- (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56 and 121A.575.
 - Sec. 3. Minnesota Statutes 2022, section 124E.03, is amended by adding a subdivision to read:
- Subd. 9. English learners. A charter school is subject to and must comply with the Education for English Learners Act under sections 124D.58 to 124D.64 as though the charter school were a district.
 - Sec. 4. Minnesota Statutes 2022, section 124E.05, subdivision 4, is amended to read:
- Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must include in its application to the commissioner at least the following:
 - (1) how the organization carries out its mission by chartering schools;
- (2) a description of the capacity of the organization to serve as an authorizer, including the positions allocated to authorizing duties, the qualifications for those positions, the full-time equivalencies of those positions, and the financial resources available to fund the positions;
 - (3) the application and review process the authorizer uses to decide whether to grant charters;
 - (4) the type of contract it arranges with the schools it charters to meet the provisions of section 124E.10;
- (5) the process for overseeing the school, consistent with clause (4), to ensure that the schools chartered comply with applicable law and rules and the contract;
- (6) the criteria and process the authorizer uses to approve applications adding grades or sites under section 124E.06, subdivision 5;
- (7) the process for renewing or terminating the school's charter based on evidence showing the academic, organizational, and financial competency of the school, including its success in increasing student achievement and meeting the goals of the charter school agreement; and
- (8) an assurance specifying that the organization is committed to serving as an authorizer for the full five year term until the commissioner terminates the organization's ability to authorize charter schools under subdivision 6 or the organization formally withdraws as an approved authorizer under subdivision 7.
- (b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict of interest between an authorizer and its charter schools or ongoing evaluation or continuing education of an administrator or other professional support staff by submitting to the commissioner a written promise to comply with the requirements.
 - Sec. 5. Minnesota Statutes 2022, section 124E.05, subdivision 7, is amended to read:
- Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw as an approved authorizer for a reason unrelated to any cause under section 124E.10, subdivision 4 subdivision 6, the authorizer must notify all its chartered schools and the commissioner in writing by March 1 of its intent to withdraw as an

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authorizer on June 30 in the next calendar year, regardless of when the authorizer's five year term of approval ends. Upon notification of the schools and commissioner, the authorizer must provide a letter to the school for distribution to families of students enrolled in the school that explains the decision to withdraw as an authorizer. The commissioner may approve the transfer of a charter school to a new authorizer under section 124E.10, subdivision 5.

Sec. 6. Minnesota Statutes 2022, section 124E.06, subdivision 1, is amended to read:

Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an application from a charter school developer, may charter either a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the authorizer's affidavit under subdivision 4.

- (b) "Application" under this section means the charter school business plan a charter school developer submits to an authorizer for approval to establish a charter school. This application must include:
 - (1) the school developer's:
 - (i) mission statement;
 - (ii) school purposes;
 - (iii) program design;
 - (iv) financial plan;
 - (v) governance and management structure; and
 - (vi) background and experience; and
 - (vii) market need and demand study; and
 - (2) any other information the authorizer requests; and.
 - (3) a "statement of assurances" of legal compliance prescribed by the commissioner.
- (c) An authorizer shall not approve an application submitted by a charter school developer under paragraph (a) if the application does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit submitted by an authorizer under subdivision 4 if the affidavit does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1.
 - Sec. 7. Minnesota Statutes 2022, section 124E.06, subdivision 4, is amended to read:
- Subd. 4. **Authorizer's affidavit; approval process.** (a) Before an operator may establish and operate a school, the authorizer must file an affidavit with the commissioner stating its intent to charter a school. An authorizer must file a separate affidavit for each school it intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of the year the new charter school plans to serve students. The affidavit must state:
- (1) the terms and conditions under which the authorizer would charter a school, including a market need and demand study; and
 - (2) how the authorizer intends to oversee:
 - (i) the fiscal and student performance of the charter school; and

- (ii) compliance with the terms of the written contract between the authorizer and the charter school board of directors under section 124E.10, subdivision 1.
- (b) The commissioner must approve or disapprove the authorizer's affidavit within 60 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business days to address the deficiencies. The commissioner must notify the authorizer of the commissioner's final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction, the commissioner's disapproval is final. An authorizer who fails to obtain the commissioner's approval is precluded from chartering the school that is the subject of this affidavit.
 - Sec. 8. Minnesota Statutes 2022, section 124E.06, subdivision 5, is amended to read:
- Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to amend the school charter to add grades or primary enrollment sites beyond those defined in the original affidavit approved by the commissioner. After approving the school's application, the authorizer shall submit a supplemental affidavit in the form and manner prescribed by the commissioner. The authorizer must file a supplemental affidavit to the commissioner by October 1 to be eligible to add grades or sites in the next school year. The supplemental affidavit must document to the authorizer's satisfaction:
 - (1) the need for the additional grades or sites with supporting long-range enrollment projections;
- (2) a longitudinal record of student academic performance and growth on statewide assessments under chapter 120B or on other academic assessments that measure longitudinal student performance and growth approved by the charter school's board of directors and agreed upon with the authorizer;
 - (3) a history of sound school finances and a plan to add grades or sites that sustains the school's finances; and
 - (4) board capacity to administer and manage the additional grades or sites; and
 - (5) for site expansion, a market need and demand study.
- (b) The commissioner shall have 30 business days to review and comment on the supplemental affidavit. The commissioner shall notify the authorizer in writing of any deficiencies in the supplemental affidavit and the authorizer then has 20 business days to address any deficiencies in the supplemental affidavit to the commissioner's satisfaction. The commissioner must notify the authorizer of final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. The school may not add grades or sites until the commissioner has approved the supplemental affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.
 - Sec. 9. Minnesota Statutes 2022, section 124E.10, subdivision 1, is amended to read:
- Subdivision 1. **Contents.** (a) To authorize a charter school, the authorizer and the charter school board of directors must sign a written contract within 45 business days of the commissioner's approval of the authorizer's affidavit. The authorizer shall submit a copy of the charter contract to the commissioner within ten business days after the contract is signed by the contracting parties. The contract must include at least the following:
- (1) a declaration that the charter school will carry out the primary purpose in section 124E.01, subdivision 1, and indicate how the school will report its implementation of the primary purpose to its authorizer;
- (2) a declaration of the additional purpose or purposes in section 124E.01, subdivision 1, that the school intends to carry out and indicate how the school will report its implementation of those purposes to its authorizer;

- (3) a description of the school program and the specific academic and nonacademic outcomes that pupils must achieve:
 - (4) a statement of the school's admission policies and procedures;
 - (5) a school governance, management, and administration plan;
- (6) signed agreements from charter school board members to comply with the federal and state laws governing organizational, programmatic, and financial requirements applicable to charter schools;
- (7) the criteria, processes, and procedures the authorizer will use to monitor and evaluate the fiscal, operational, and academic performance, consistent with subdivision 3, paragraphs (a) and (b);
- (8) for contract renewal, the formal written performance evaluation that is a prerequisite for reviewing a charter contract under subdivision 3;
- (9) types and amounts of insurance liability coverage the charter school must obtain, consistent with section 124E.03, subdivision 2, paragraph (d);
- (10) consistent with section 124E.09, paragraph (d), a provision to indemnify and hold harmless from any suit, claim, or liability arising from any charter school operation:
 - (i) the authorizer and its officers, agents, and employees; and
 - (ii) notwithstanding section 3.736, the commissioner and department officers, agents, and employees;
- (11) the term of the contract, which, for an initial contract, may be up to five years plus a preoperational planning period, or for a renewed contract or a contract with a new authorizer after a transfer of authorizers, may be up to five years, if warranted by the school's academic, financial, and operational performance;
- (12) how the charter school board of directors or the charter school operators will provide special instruction and services for children with a disability under sections 125A.03 to 125A.24, and 125A.65, and a description of the financial parameters within which the charter school will provide the special instruction and services to children with a disability;
- (13) the specific conditions for contract renewal that identify the performance of all students under the primary purpose of section 124E.01, subdivision 1, as the most important factor in determining whether to renew the contract; and
- (14) the additional purposes under section 124E.01, subdivision 1, and related performance obligations under clause (7) contained in the charter contract as additional factors in determining whether to renew the contract.
- (b) In addition to the requirements of paragraph (a), the charter contract must contain the plan for an orderly closing of the school under chapter 317A, that establishes the responsibilities of the school board of directors and the authorizer, whether the closure is a termination for cause, a voluntary termination, or a nonrenewal of the contract. The plan must establish who is responsible for:
- (1) notifying the commissioner, school district in which the charter school is located, and parents of enrolled students about the closure;
- (2) providing parents of enrolled students information and assistance to enable the student to re-enroll in another school;

- (3) transferring student records under section 124E.03, subdivision 5, paragraph (b), to the student's resident school district; and
 - (4) closing financial operations.
- (c) A charter school must design its programs to at least meet the outcomes adopted by the commissioner for public school students, including world's best workforce goals under section 120B.11, subdivision 1. In the absence of the commissioner's requirements governing state standards and benchmarks, the school must meet the outcomes contained in the contract with the authorizer. The achievement levels of the outcomes contained in the contract may exceed the achievement levels of any outcomes adopted by the commissioner for public school students.
 - Sec. 10. Minnesota Statutes 2022, section 124E.11, is amended to read:

124E.11 ADMISSION REQUIREMENTS AND 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.
- (b) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), shall <u>must</u> 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 website, a lottery policy and process that it must use when accepting pupils by lot.
- (c) Admission to a charter school must be free to any eligible pupil who resides within the state. A charter school must give enrollment preference to a Minnesota resident pupil over pupils that do not reside in Minnesota. A charter school must require a pupil who does not reside in Minnesota to annually apply to enroll in accordance with paragraphs (a) to (f). 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. A charter school that is located in Duluth township in St. Louis 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 (b), who are eligible to enroll in kindergarten in the next school year.
- (d) A person shall <u>may</u> 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 website a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).
- (e) Except as permitted in paragraph (d) paragraphs (d) and (i), 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.

- (f) The charter school shall <u>must</u> 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.
- (g) Once a student who resides in Minnesota is enrolled in the school in kindergarten through grade 12, or in the school's free preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b), while generating pupil units, 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.
- (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).
- (i) A charter school serving at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf, hard-of-hearing, or deafblind may give enrollment preference to students who are eligible for special education services and have a primary disability of deaf, hard-of-hearing, or deafblind. The charter school may not limit admission based on the student's eligibility for additional special education services.
 - Sec. 11. Minnesota Statutes 2022, section 124E.12, subdivision 1, is amended to read:
- Subdivision 1. **Teachers.** A charter school, excluding its preschool or prekindergarten program established under section 124E.06, subdivision 3, must employ or contract with necessary teachers, as defined by section 122A.15, subdivision 1, 122A.06, subdivision 2, or contract with a cooperative formed under chapter 308A to provide necessary teachers, who hold valid licenses to perform the particular service for which they are employed in the school. A charter school's preschool or prekindergarten program must employ or contract with teachers knowledgeable in early childhood curriculum content, assessment, native and English language programs, and instruction established under section 124E.06, subdivision 3. The commissioner may reduce the charter school's state aid under section 127A.43 if the school employs a teacher who is not appropriately licensed or approved by the Professional Educator Licensing and Standards Board. The school may employ necessary employees who are not required to hold teaching licenses to perform duties other than teaching and may contract for other services. The school may discharge teachers and nonlicensed employees. The charter school board is subject to section 181.932 governing whistle-blowers. When offering employment to a prospective employee, a charter school must give that employee a written description of the terms and conditions of employment and the school's personnel policies.
 - Sec. 12. Minnesota Statutes 2022, section 124E.13, subdivision 1, is amended to read:
- Subdivision 1. **Leased space.** A charter school may lease space from: an independent or special school board; other public organization; private, nonprofit, nonsectarian organization; private property owner; or a sectarian organization if the leased space is constructed as a school facility. <u>In all cases, the eligible lessor must also be the building owner.</u> The commissioner must review and approve or disapprove leases in a timely manner to determine eligibility for lease aid under section 124E.22.
 - Sec. 13. Minnesota Statutes 2022, section 124E.13, subdivision 3, is amended to read:
- Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building corporation may purchase, expand, or renovate an existing facility to serve as a school or may construct a new school facility. A <u>One</u> charter school may organize an affiliated nonprofit building corporation that serves only that charter school if the charter school:
 - (1) has operated for at least six consecutive years;
 - (2) as of June 30, has a net positive unreserved general fund balance in the preceding three fiscal years;

- (3) has long-range strategic and financial plans that include enrollment projections for at least five years;
- (4) completes a feasibility study of facility options that outlines the benefits and costs of each option; and
- (5) has a plan that describes project parameters and budget.
- (b) An affiliated nonprofit building corporation under this subdivision must:
- (1) be incorporated under section 317A;
- (2) comply with applicable Internal Revenue Service regulations, including regulations for "supporting organizations" as defined by the Internal Revenue Service;
- (3) post on the school website the name, mailing address, bylaws, minutes of board meetings, and names of the current board of directors of the affiliated nonprofit building corporation;
 - (4) submit to the commissioner a copy of its annual audit by December 31 of each year; and
 - (5) comply with government data practices law under chapter 13.
- (c) An affiliated nonprofit building corporation must not serve as the leasing agent for property or facilities it does not own. A charter school that leases a facility from an affiliated nonprofit building corporation that does not own the leased facility is ineligible to receive charter school lease aid. The state is immune from liability resulting from a contract between a charter school and an affiliated nonprofit building corporation.
- (d) The board of directors of the charter school must ensure the affiliated nonprofit building corporation complies with all applicable legal requirements. The charter school's authorizer must oversee the efforts of the board of directors of the charter school to ensure legal compliance of the affiliated building corporation. A school's board of directors that fails to ensure the affiliated nonprofit building corporation's compliance violates its responsibilities and an authorizer must consider that failure when evaluating the charter school.
 - Sec. 14. Minnesota Statutes 2022, section 124E.25, subdivision 1a, is amended to read:
- Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods occurring after the school ceases serving students, the commissioner shall withhold the estimated state aid owed the school. The charter school board of directors and authorizer must submit to the commissioner a closure plan under chapter 308A or 317A, and financial information about the school's liabilities and assets. After receiving the closure plan, financial information, an audit of pupil counts, and documented lease expenditures from the charter school and monitoring special education expenditures, the commissioner may release cash withheld and may continue regular payments up to the current year payment percentages if further amounts are owed. If, based on audits and monitoring, the school received state aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to eliminate the aid overpayment.
- (b) For a charter school ceasing operations before or at the end of a school year, notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary final payments after the school submits the closure plan, an audit of pupil counts, documented lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS) financial data and the commissioner monitors special education expenditures for the final year of operation. The commissioner may make the final payment after receiving audited financial statements under section 123B.77, subdivision 3.
- (c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and satisfying creditors, remaining cash and investment balances shall be returned by the commissioner to the state general fund.

ARTICLE 6 SPECIAL EDUCATION

Section 1. Minnesota Statutes 2022, section 125A.0942, is amended to read:

125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.

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

- (1) lists the restrictive procedures the school intends to use;
- (2) describes how the school will implement a range of positive behavior strategies and provide links to mental health services;
- (3) describes how the school will provide training on de-escalation techniques, consistent with section 122A.187, subdivision 4;
 - (4) describes how the school will monitor and review the use of restrictive procedures, including:
 - (i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a), clause (5); and
- (ii) convening an oversight committee to undertake a quarterly review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures; the number of times a restrictive procedure is used schoolwide and for individual children; the number and types of injuries, if any, resulting from the use of restrictive procedures; whether restrictive procedures are used in nonemergency situations; the need for additional staff training; and proposed actions to minimize the use of restrictive procedures; any disproportionate use of restrictive procedures based on race, gender, or disability status; the role of the school resource officer or police in emergencies and the use of restrictive procedures; and documentation to determine if the standards for using restrictive procedures as described in sections 125A.0941 and 125A.0942 are met; and
 - (5) includes a written description and documentation of the training staff completed under subdivision 5.
 - (b) Schools annually must publicly identify oversight committee members who must at least include:
 - (1) a mental health professional, school psychologist, or school social worker;
 - (2) an expert in positive behavior strategies;
 - (3) a special education administrator; and
 - (4) a general education administrator.
- Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a licensed special education teacher, school social worker, school psychologist, behavior analyst certified by the National Behavior Analyst Certification Board, a person with a master's degree in behavior analysis, other licensed education professional, paraprofessional under section 120B.363, or mental health professional under section 245.4871, subdivision 27, who has completed the training program under subdivision 5.

- (b) A school shall make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the child, or if the school is unable to provide same-day notice, notice is sent within two days by written or electronic means or as otherwise indicated by the child's parent under paragraph (f).
- (c) The district must hold a meeting of the individualized education program or individualized family service plan team, conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the individualized education program, individualized family service plan, or behavior intervention plan as appropriate. The district must hold the meeting: within ten calendar days after district staff use restrictive procedures on two separate school days within 30 calendar days or a pattern of use emerges and the child's individualized education program, individualized family service plan, or behavior intervention plan does not provide for using restrictive procedures in an emergency; or at the request of a parent or the district after restrictive procedures are used. The district must review use of restrictive procedures at a child's annual individualized education program or individualized family service plan meeting when the child's individualized education program or individualized family service plan provides for using restrictive procedures in an emergency.
- (d) If the individualized education program or individualized family service plan team under paragraph (c) determines that existing interventions and supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a child on ten or more school days during the same school year, the team, as appropriate, either must consult with other professionals working with the child; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the child.
- (e) At the individualized education program <u>or individualized family service plan</u> meeting under paragraph (c), the team must review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the individualized education program, individualized family service plan, or behavior intervention plan.
- (f) An individualized education program or individualized family service plan team may plan for using restrictive procedures and may include these procedures in a child's individualized education program, individualized family service plan, or behavior intervention plan; however, the restrictive procedures may be used only in response to behavior that constitutes an emergency, consistent with this section. The individualized education program, individualized family service plan, or behavior intervention plan shall indicate how the parent wants to be notified when a restrictive procedure is used.
- Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be used only in an emergency. A school that uses physical holding or seclusion shall meet the following requirements:
 - (1) physical holding or seclusion is the least intrusive intervention that effectively responds to the emergency;
 - (2) physical holding or seclusion is not used to discipline a noncompliant child;
- (3) physical holding or seclusion ends when the threat of harm ends and the staff determines the child can safely return to the classroom or activity;
 - (4) staff directly observes the child while physical holding or seclusion is being used;
- (5) each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion documents, as soon as possible after the incident concludes, the following information:
 - (i) a description of the incident that led to the physical holding or seclusion;
 - (ii) why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;

- (iii) the time the physical holding or seclusion began and the time the child was released; and
- (iv) a brief record of the child's behavioral and physical status; and
- (v) a brief description of the post-use debriefing that occurred as a result of the use of the physical hold or seclusion;
 - (6) the room used for seclusion must:
 - (i) be at least six feet by five feet;
 - (ii) be well lit, well ventilated, adequately heated, and clean;
 - (iii) have a window that allows staff to directly observe a child in seclusion;
 - (iv) have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings;
- (v) have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system; and
 - (vi) not contain objects that a child may use to injure the child or others; and
 - (7) before using a room for seclusion, a school must:
- (i) receive written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes; and
 - (ii) register the room with the commissioner, who may view that room.
- (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary, recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and the commissioner must submit to the legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion; and recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. Beginning with the 2016-2017 school year, in a form and manner determined by the commissioner, districts must report data quarterly to the department by January 15, April 15, July 15, and October 15 about individual students who have been secluded. By July 15 each year, districts must report summary data on their use of restrictive procedures to the department for the prior school year, July 1 through June 30, in a form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.
 - Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:
 - (1) engaging in conduct prohibited under section 121A.58;
- (2) requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;

- (3) totally or partially restricting a child's senses as punishment;
- (4) presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
- (5) denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
 - (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under chapter 260E;
 - (7) withholding regularly scheduled meals or water;
 - (8) denying access to bathroom facilities;
- (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso; and
 - (10) prone restraint.; and
 - (11) the use of seclusion on children from birth through prekindergarten.
- Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1, staff who use restrictive procedures, including paraprofessionals, shall complete training in the following skills and knowledge areas:
 - (1) positive behavioral interventions;
 - (2) communicative intent of behaviors;
 - (3) relationship building;
- (4) alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
 - (5) de-escalation methods;
 - (6) standards for using restrictive procedures only in an emergency;
 - (7) obtaining emergency medical assistance;
 - (8) the physiological and psychological impact of physical holding and seclusion;
 - (9) monitoring and responding to a child's physical signs of distress when physical holding is being used;
 - (10) recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used;
- (11) district policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure; and
 - (12) schoolwide programs on positive behavior strategies.

- (b) The commissioner, after consulting with the commissioner of human services, must develop and maintain a list of training programs that satisfy the requirements of paragraph (a). The commissioner also must develop and maintain a list of experts to help individualized education program or individualized family service plan teams reduce the use of restrictive procedures. The district shall maintain records of staff who have been trained and the organization or professional that conducted the training. The district may collaborate with children's community mental health providers to coordinate trainings.
- Subd. 6. **Behavior supports; reasonable force.** (a) School districts are encouraged to establish effective schoolwide systems of positive behavior interventions and supports.
- (b) Nothing in this section or section 125A.0941 precludes the use of reasonable force under sections 121A.582; 609.06, subdivision 1; and 609.379. For the 2014 2015 school year and later, districts must collect and submit to the commissioner summary data, consistent with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with the definition of physical holding or seclusion for a child with a disability under this section. Any reasonable force used under sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.
 - Sec. 2. Minnesota Statutes 2022, section 125A.13, is amended to read:

125A.13 SCHOOL OF PARENTS' CHOICE.

- (a) Nothing in this chapter must be construed as preventing parents of a child with a disability from sending the child to a school of their choice, if they so elect, subject to admission standards and policies adopted according to sections 125A.62 to 125A.64 and 125A.66 to 125A.73, and all other provisions of chapters 120A to 129C.
- (b) The parent of a student with a disability not yet enrolled in kindergarten and not open enrolled in a nonresident district may request that the resident district enter into a tuition agreement with elect, in the same manner as the parent of a resident student with a disability, a school in the nonresident district if:
- (1) where the child is enrolled in a Head Start program or a licensed child care setting in the nonresident district; and, provided
- (2) the child can be served in the same setting as other children in the nonresident district with the same level of disability.
 - Sec. 3. Minnesota Statutes 2022, section 125A.15, is amended to read:

125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.

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

- (a) The district of residence of a child shall be the district in which the child's parent resides, if living, or the child's guardian. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner.
- (b) If a district other than the resident district places a pupil for care and treatment, the district placing the pupil must notify and give the resident district an opportunity to participate in the placement decision. When an immediate emergency placement of a pupil is necessary and time constraints foreclose a resident district from

participating in the emergency placement decision, the district in which the pupil is temporarily placed must notify the resident district of the emergency placement within 15 days. The resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

- (c) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation to and from the care and treatment program and an appropriate educational program for the child. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district. If a child's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statutes, the child's district of residence may utilize that state-approved online learning program in fulfilling its educational program responsibility under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.
- (d) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child and necessary transportation while the child is attending the educational program; and must bill the district of the child's residence for the actual cost of providing the program, as outlined in section 125A.11, except as provided in paragraph (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a disability placed outside of the school district of residence by the commissioner of human services or the commissioner of corrections or their agents, for reasons other than providing for the child's special educational needs must not become the responsibility of either the district providing the instruction or the district of the child's residence. For the purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment. If a child's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statutes, the nonresident district may utilize that state-approved online learning program in fulfilling its educational program responsibility under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.
- (e) A privately owned and operated residential facility may enter into a contract to obtain appropriate educational programs for special education children and services with a joint powers entity. The entity with which the private facility contracts for special education services shall be the district responsible for providing students placed in that facility an appropriate educational program in place of the district in which the facility is located. If a privately owned and operated residential facility does not enter into a contract under this paragraph, then paragraph (d) applies.
- (f) The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim general education aid for the child as provided by law. Transportation costs must be paid by the district responsible for providing the transportation and the state must pay transportation aid to that district.
 - Sec. 4. Minnesota Statutes 2022, section 125A.51, is amended to read:

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

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

- (a) The school district of residence of the pupil is the district in which the pupil's parent or guardian resides. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner.
- (b) When parental rights have been terminated by court order, the legal residence of a child placed in a residential or foster facility for care and treatment is the district in which the child resides.
- (c) Before the placement of a pupil for care and treatment, the district of residence must be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the pupil is temporarily placed, if different from the district of residence, must notify the district of residence of the emergency placement within 15 days of the placement. When a nonresident district makes an emergency placement without first consulting with the resident district, the resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.
- (d) When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence must provide instruction and necessary transportation to and from the care and treatment program for the pupil. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the instruction at a school within the district of residence; at the pupil's residence; through an authorized online learning program provided by the pupil's resident district, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction; or, in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. The district of placement may contract with a facility to provide instruction by teachers licensed by the Professional Educator Licensing and Standards Board.
- (e) When a pupil without a disability is temporarily placed in a residential program for care and treatment, the district in which the pupil is placed must provide instruction for the pupil and necessary transportation while the pupil is receiving instruction, and in the case of a placement outside of the district of residence, the nonresident district must bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs. If a pupil's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statutes, the district in which the pupil is placed may utilize that state-approved online learning program in fulfilling its responsibility to provide instruction under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.
- (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or private homeless shelter, then the district that enrolls the pupil under section 120A.20, subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls the pupil and the district in which the pupil is temporarily placed agree that the district in which the pupil is temporarily placed shall provide transportation. When a pupil without a disability is temporarily placed in a residential program outside the district of residence, the administrator of the court placing the pupil must send timely written notice of the placement to the district of residence. The district of placement may contract with a residential facility to provide instruction by teachers licensed by the Professional Educator Licensing and Standards Board. For purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.

- (g) The district of residence must include the pupil in its residence count of pupil units and pay tuition as provided in section 123A.488 to the district providing the instruction. Transportation costs must be paid by the district providing the transportation and the state must pay transportation aid to that district. For purposes of computing state transportation aid, pupils governed by this subdivision must be included in the disabled transportation category if the pupils cannot be transported on a regular school bus route without special accommodations.
 - Sec. 5. Minnesota Statutes 2022, section 125A.515, subdivision 3, is amended to read:
- Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's residential facility is located must provide education services, including special education if eligible, to all students placed in a facility. If a child's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statutes, the district in which the children's residential facility is located may utilize that state-approved online learning program in fulfilling its education services responsibility under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.
- (b) For education programs operated by the Department of Corrections, the providing district shall be the Department of Corrections. For students remanded to the commissioner of corrections, the providing and resident district shall be the Department of Corrections.

ARTICLE 7 NUTRITION AND LIBRARIES

- Section 1. Minnesota Statutes 2022, section 124D.111, subdivision 2a, is amended to read:
- Subd. 2a. **Federal child and adult care food program** and federal summer food service program; criteria and notice. (a) The commissioner must post on the department's website 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 and federal summer food service 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.
- (b) The commissioner must evaluate financial eligibility as part of the application process. An organization applying to be a prospective sponsor for the federal child and adult food care program or the federal summer food service program must provide documentation of financial viability as an organization. Documentation must include:
 - (1) evidence that the organization has operated for at least one year and has filed at least one tax return;
 - (2) the most recent tax return submitted by the organization and corresponding forms and financial statements;
 - (3) a profit and loss statement and balance sheet or similar financial information; and

(4) evidence that at least ten percent of the organization's operating revenue comes from sources other than the United States Department of Agriculture child nutrition program and that the organization has additional funds or a performance bond available to cover at least one month of reimbursement claims.

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

- Sec. 2. Minnesota Statutes 2022, section 124D.111, subdivision 5, is amended to read:
- Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students in a respectful manner according to the policy adopted under subdivision 1. The participant must ensure that any reminders for payment of outstanding student meal balances do not demean or stigmatize any child participating in the school lunch program, including but not limited to dumping meals; withdrawing a meal that has been served; announcing or listing students' names publicly; providing alternative meals not specifically related to dietary needs; providing nonreimbursable meals; or affixing stickers, stamps, or pins. The participant must not impose any other restriction prohibited under section 123B.37 due to unpaid student meal balances. 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 students due to an unpaid student meal balance.
- (b) If the commissioner or the commissioner's designee determines a participant has violated the requirement to provide meals to participating students in a respectful manner, the commissioner or the commissioner's designee must send a letter of noncompliance to the participant. The participant is required to respond and, if applicable, remedy the practice within 60 days.

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

Sec. 3. Minnesota Statutes 2022, section 124D.119, is amended to read:

124D.119 SUMMER FOOD SERVICE REPLACEMENT AID PROGRAM AND CHILD AND ADULT CARE FOOD PROGRAM.

<u>Subdivision 1.</u> <u>Summer Food Service Program replacement aid.</u> <u>States State</u> funds are available to compensate department-approved Summer Food <u>Service</u> Program sponsors. Reimbursement shall be made on December 15 based on total meals served by each sponsor from the end of the school year to the beginning of the next school year on a pro rata basis.

- Subd. 2. Child and Adult Care Food Program and Summer Food Service Program sponsor organizations. Legally distinct Child and Adult Care Food Program and Summer Food Service Program sites may transfer sponsoring organizations no more than once per year, except under extenuating circumstances including termination of the sponsoring organization's agreement or other circumstances approved by the Department of Education.
- Subd. 3. Child and Adult Care Food Program and Summer Food Service Program training. Prior to applying to sponsor a Child and Adult Care Food Program or Summer Food Service Program site, a nongovernmental organization applicant must provide documentation to the Department of Education verifying that staff members have completed program-specific training as designated by the commissioner.
- Subd. 4. **Summer Food Service Program locations.** Consistent with Code of Federal Regulations, title 7, section 225.6(d)(1)(ii), the Department of Education must not approve a new Summer Food Service Program open site that is within a half-mile radius of an existing Summer Food Service Program open site. The department may approve a new Summer Food Service Program open site within a half-mile radius only if the new program will not be serving the same group of children for the same meal type or if there are safety issues that could present barriers to participation.

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

Sec. 4. [124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.

A school district or charter school library or school library media center provides equitable and free access to students, teachers, and administrators.

A school library or school library media center must have the following characteristics:

- (1) ensures every student has equitable access to resources and is able to locate, access, and use resources that are organized and cataloged;
- (2) has a collection development plan that includes but is not limited to materials selection and deselection, a challenged materials procedure, and an intellectual and academic freedom statement;
- (3) is housed in a central location that provides an environment for expanded learning and supports a variety of student interests;
 - (4) has technology and Internet access; and
 - (5) is served by a licensed school library media specialist or licensed school librarian.
 - Sec. 5. Minnesota Statutes 2022, section 134.31, subdivision 1, is amended to read:
- Subdivision 1. **Library service.** The state shall, as an integral part of its responsibility for public education, support the provision of library service for every <u>eitizen resident</u>, the development of cooperative programs for the sharing of resources and services among all libraries, and the establishment of jointly operated library services at a single location where appropriate.
 - Sec. 6. Minnesota Statutes 2022, section 134.31, subdivision 4a, is amended to read:
- Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota Department of Education shall provide specialized services to people with visual and physical disabilities through the Minnesota Braille and Talking Book Library under a cooperative plan with the National Library Services Service for the Blind and Physically Handicapped Print Disabled of the Library of Congress.
 - Sec. 7. Minnesota Statutes 2022, section 134.32, subdivision 4, is amended to read:
- Subd. 4. **Special project grants.** It may provide special project grants to assist innovative and experimental library programs including, but not limited to, special services for American Indians and the Spanish speaking multilingual learners, delivery of library materials to homebound persons, other extensions of library services to persons without access to libraries and projects to strengthen and improve library services.
 - Sec. 8. Minnesota Statutes 2022, section 134.34, subdivision 1, is amended to read:

Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall be provided to any regional public library system where there are at least three participating counties and where each participating city and county is providing for public library service support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted net tax capacity of the taxable property of that city or county, as determined by the commissioner of revenue for the second, third, and fourth year preceding that calendar year or (b) a per capita amount calculated under the provisions of this subdivision. The per capita amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the per capita amount shall be increased by a percentage equal to one-half of the percentage by which the total state adjusted net tax capacity of property as determined by the commissioner of revenue for the second year preceding that calendar year increases over that total adjusted net tax capacity for the third year preceding that calendar year.

- (b) The minimum level of support specified under this subdivision or subdivision 4 shall be certified annually to the participating cities and counties by the Department of Education. If a city or county chooses to reduce its local support in accordance with subdivision 4, paragraph (b) or (c), it shall notify its regional public library system. The regional public library system shall notify the Department of Education that a revised certification is required. The revised minimum level of support shall be certified to the city or county by the Department of Education.
- (c) A city which is a part of a regional public library system shall not be required to provide this level of support if the property of that city is already taxable by the county for the support of that regional public library system. In no event shall the Department of Education require any city or county to provide a higher level of support than the level of support specified in this section in order for a system to qualify for regional library basic system support aid. This section shall not be construed to prohibit a city or county from providing a higher level of support for public libraries than the level of support specified in this section.
- (d) The amounts required to be expended under this section are subject to the reduced maintenance of effort requirements under section 275.761.

Sec. 9. REVISOR INSTRUCTION.

The revisor of statutes shall replace the terms "free lunch," "reduced price lunch," "reduced-price lunch," and "free or reduced price lunch" with "free meals," "reduced-price meals," and "free or reduced-price meals" wherever they appear in Minnesota Statutes when used in context with the national school lunch and breakfast programs."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to education; modifying provisions for prekindergarten through grade 12 including general education accountability and transparency, education excellence, American Indian education, charter schools, discipline, teachers, special education, and early learning; requiring reports; amending Minnesota Statutes 2022, sections 13.32, subdivision 3; 120A.22, subdivision 10; 120A.414, subdivision 2, by adding a subdivision; 120A.42; 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4, by adding a subdivision; 120B.022, subdivision 1; 120B.024, subdivisions 1, 2; 120B.11, subdivisions 1, 2, 3; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301; 120B.35, subdivision 3; 120B.36, subdivision 2; 121A.031, subdivision 6; 121A.41, by adding subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.58; 121A.61, subdivisions 1, 3, by adding subdivisions; 122A.06, subdivisions 1, 2, 5, 6, 7, 8, by adding subdivisions; 122A.07, subdivision 4a; 122A.09, subdivisions 4, 6, 9, 10; 122A.091, subdivisions 1, 2; 122A.15, subdivision 1; 122A.18, subdivisions 1, 2, 10, by adding a subdivision; 122A.181, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 122A.182, subdivisions 1, 2, 4, by adding a subdivision; 122A.183, subdivision 1, by adding a subdivision; 122A.184, subdivision 1; 122A.185, subdivisions 1, 4; 122A.187, subdivision 1; 122A.19, subdivision 4; 122A.26, subdivision 2; 122A.40, subdivisions 5, 8; 122A.41, subdivisions 2, 5; 122A.69; 123B.147, subdivision 3; 123B.71, subdivision 12; 123B.86, subdivision 3; 124D.03, subdivisions 3, 5; 124D.09, subdivisions 3, 5, 12, 13; 124D.111, subdivisions 2a, 5; 124D.119; 124D.128, subdivision 1; 124D.59, subdivision 2a; 124D.68, subdivisions 2, 3; 124D.73, by adding a subdivision; 124D.74, subdivisions 1, 3, 4, by adding a subdivision; 124D.76; 124D.78; 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81, subdivisions 1, 5; 124D.861, subdivision 2; 124D.862, subdivision 8; 124E.02; 124E.03, subdivision 2, by adding a subdivision; 124E.05, subdivisions 4, 7; 124E.06, subdivisions 1, 4, 5; 124E.10, subdivision 1; 124E.11; 124E.12, subdivision 1; 124E.13, subdivisions 1, 3; 124E.25, subdivision 1a; 125A.0942; 125A.13; 125A.15; 125A.51; 125A.515, subdivision 3; 126C.15, subdivision 5; 127A.353, subdivisions 2, 4; 134.31, subdivisions 1, 4a; 134.32, subdivision 4; 134.34, subdivision 1; 144.4165; 179A.03, subdivisions 14, 18, 19; 290.0679, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 122A; 124D; repealing Minnesota Statutes 2022, sections 120B.35, subdivision 5; 122A.07, subdivision 2a; 122A.091, subdivisions 3, 6; 122A.18, subdivision 7c; 124D.095, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; Minnesota Rules, part 8710.0500, subparts 8, 11."

With the recommendation that when so amended the bill be re-referred to the Committee on Education Finance.

MINORITY REPORT

March 14, 2023

We, the undersigned, being a minority of the Committee on Education Policy, recommend that H. F. No. 1269 be amended as follows and placed on the General Register.

Delete everything after the enacting clause and insert:

"ARTICLE 1 LITERACY AND LEARNING

Section 1. [120B.116] SCIENCE OF READING.

- <u>Subdivision 1.</u> <u>Policy.</u> <u>It is the intent of the legislature that public schools promote foundational literacy and grade-level reading proficiency through the use of curriculum, textbooks, instructional materials, instructional practices, interventions, and teacher development and training based solely on the science of reading.</u>
- Subd. 2. Science of reading defined. (a) "Science of reading" means explicit, systematic, evidence-based reading instruction using reliable, trustworthy, and valid evidence consistent with science-based reading research. This includes developing foundational reading skills relying on phonemic or phonological awareness, phonics and decoding, fluency, vocabulary, and comprehension that can be differentiated to meet the needs of individual students.
- (b) The science of reading does not include using visual memory as the primary basis for teaching word recognition and does not include the use of the three-cueing system model based on meaning, structure or syntax, and visual cues, also known as MSV, as a method to teach students to read.
- <u>Subd. 3.</u> Other definitions. (a) For the purposes of this section, the terms defined in this subdivision have the meanings given.
- (b) "Comprehension" is the purpose of reading, including the ability to understand, remember, and make meaning of what has been read.
 - (c) "Fluency" is the ability to read text with speed, accuracy, and proper expression, either to oneself or aloud.
- (d) "Phonemic or phonological awareness" is the ability of students to hear, identify, manipulate, and substitute individual sounds, word parts, and syllables in spoken words.
- (e) "Phonics" is the understanding that there are systematic and predictable relationships between phonemes and graphemes and the ability to apply that knowledge to decode unfamiliar printed words. "Phonemes" means sounds and "graphemes" means the letters that represent those sounds in written language, commonly known as "sounding out" words.

- (f) "Science-based reading research" means research that:
- (1) applies rigorous, systematic, and objective observational or experimental procedures to obtain knowledge relevant to reading development, reading instruction, and reading and writing difficulties; and
- (2) explains how proficient reading and writing develop, why some children have difficulties developing key literacy skills, and how schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction practices to promote reading and writing achievement.
- (g) "Vocabulary" is the process of acquiring new words that students understand and use in their conversation (oral vocabulary) and recognize in print (reading vocabulary) through direct and indirect instruction.
 - Sec. 2. Minnesota Statutes 2022, section 120B.12, 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 based on the science of reading consistent with section 122A.06, subdivision 4 120B.116.

- Subd. 2. **Identification; report.** (a) Each school district must identify before the end of kindergarten, grade 1, and grade 2 all students who are not reading at grade level. Students identified as not reading at grade level by the end of kindergarten, grade 1, and grade 2 must be screened, in a locally determined manner, for characteristics of dyslexia.
- (b) Students in grade 3 or higher who demonstrate a reading difficulty to a classroom teacher must be screened, in a locally determined manner, for characteristics of dyslexia, unless a different reason for the reading difficulty has been identified.
- (c) 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.
- (d) The district also must annually report to the commissioner by July 1 a summary of the district's efforts to screen and identify students who demonstrate characteristics of dyslexia using screening tools such as those recommended by the department's dyslexia specialist. With respect to students screened or identified under paragraph (a), the report must include:
 - (1) a summary of the district's efforts to screen for dyslexia;
 - (2) the number of students screened for that reporting year; and
 - (3) the number of students demonstrating characteristics of dyslexia for that year.
- (e) 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 <u>clear notice to</u> the parent of each student who is not reading at or above grade level <u>that the student is not reading at or above grade level, and provide the parent</u> 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. The strategies must align with the interventions identified in the improvement plan under subdivision 3.

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 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 or a summer reading program or camp, 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 grades 3 and 4. 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.** Each district shall 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 instructional practices consistent with the science of reading as defined in section 120B.116 until the student achieves and maintains grade-level reading proficiency;
- (2) elementary teachers have sufficient training <u>and professional development</u> to provide comprehensive, scientifically based reading and oral language instruction <u>aligned to the science of reading as defined in section 120B.116</u> 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 aligned to the science of reading as defined in section 120B.116;

- (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.
- 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 120B.116, 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 <u>aligned to the science of reading as defined in section 120B.116</u> 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 website.
- Subd. 5. **Commissioner.** The commissioner shall recommend to districts multiple assessment tools to assist districts and teachers with identifying students under subdivision 2. The commissioner shall 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.
 - Sec. 3. Minnesota Statutes 2022, section 122A.092, subdivision 5, is amended to read:
- Subd. 5. **Reading strategies.** (a) A teacher preparation provider approved by the Professional Educator Licensing and Standards Board to prepare persons for classroom teacher licensure must include in its teacher preparation programs research-based best practices in reading, consistent with section 122A.06, subdivision 4 120B.116, that enable the licensure candidate to teach reading in the candidate's content areas. Teacher candidates must be instructed in using students' native languages as a resource in creating effective differentiated instructional strategies for English learners developing literacy skills. A teacher preparation provider also must prepare early childhood and elementary teacher candidates for Tier 3 and Tier 4 teaching licenses under sections 122A.183 and 122A.184, respectively, for the portion of the examination under section 122A.185, subdivision 1, paragraph (c), covering assessment of reading instruction.
- (b) Board-approved teacher preparation programs for teachers of elementary education must require instruction in applying comprehensive, scientifically based or evidence-based, and structured reading instruction programs that:
- (1) teach students to read using foundational knowledge, practices, and strategies consistent with section 122A.06, subdivision 4 120B.116, so that all students achieve continuous progress in reading; and

- (2) teach specialized instruction in reading strategies, interventions, and remediations that enable students of all ages and proficiency levels to become proficient readers; and
- (3) exclude or prohibit the use of whole language, balanced-literacy, or a three-cueing system model based on meaning, structure or syntax, and visual cues, also known as MSV.
- (c) Board-approved teacher preparation programs for teachers of elementary education, early childhood education, special education, and reading intervention must include instruction on dyslexia, as defined in section 125A.01, subdivision 2. Teacher preparation programs may consult with the Department of Education, including the dyslexia specialist under section 120B.122, to develop instruction under this paragraph. Instruction on dyslexia must be modeled on practice standards of the International Dyslexia Association, and must address:
 - (1) the nature and symptoms of dyslexia;
 - (2) resources available for students who show characteristics of dyslexia;
- (3) evidence-based instructional strategies for students who show characteristics of dyslexia, including the structured literacy approach; and
 - (4) outcomes of intervention and lack of intervention for students who show characteristics of dyslexia.
- (d) Nothing in this section limits the authority of a school district to select a school's reading program or curriculum.
 - Sec. 4. Minnesota Statutes 2022, section 122A.185, subdivision 1, is amended to read:
- Subdivision 1. **Tests.** (a) The Professional Educator Licensing and Standards Board must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted examination of skills in reading, writing, and mathematics before being granted a Tier 4 teaching license under section 122A.184 to provide direct instruction to pupils in elementary, secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier 3 license to provide direct instruction to pupils in elementary, secondary, or special education programs if candidates meet the other requirements in section 122A.181, 122A.182, or 122A.183, respectively.
- (b) The board must adopt rules requiring candidates for Tier 3 and Tier 4 licenses to pass an examination of general pedagogical knowledge and examinations of licensure field specific content. The content examination requirement does not apply if no relevant content exam exists.
- (c) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must pass test items assessing the candidates' knowledge, skill, and ability in comprehensive, scientifically based reading instruction under section 122A.06, subdivision 4, knowledge and understanding of the foundations of reading development, development of reading comprehension and reading assessment and instruction, and the ability to integrate that knowledge and understanding into instruction strategies under section 122A.06, subdivision 4 demonstrate their knowledge and understanding of the science of reading as defined in section 120B.116 and their ability to provide instruction and assess student proficiency in reading on an examination approved or adopted by the board.
- (d) The requirement to pass a board-adopted reading, writing, and mathematics skills examination does not apply to nonnative English speakers, as verified by qualified Minnesota school district personnel or Minnesota higher education faculty, who, after meeting the content and pedagogy requirements under this subdivision, apply for a teaching license to provide direct instruction in their native language or world language instruction under section 120B.022, subdivision 1.

- Sec. 5. Minnesota Statutes 2022, section 122A.187, subdivision 5, is amended to read:
- Subd. 5. <u>Science of reading preparation and professional development.</u> The Professional Educator Licensing and Standards Board must adopt rules that require all licensed teachers who are renewing a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the renewal requirements further reading preparation and professional development, consistent with section 122A.06, subdivision 4 120B.116. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.
 - Sec. 6. Minnesota Statutes 2022, section 124D.98, is amended by adding a subdivision to read:
- <u>Subd. 5.</u> Recommended uses. (a) A school district or charter school is encouraged to use aid received under this section on:
- (1) meeting the requirements and recommendations to achieve grade-level reading proficiency under section 120B.12;
- (2) professional development for teachers and education support personnel in the science of reading as defined in section 120B.116;
- (3) providing bonuses or stipends to teachers demonstrating success in helping students attain grade-level proficiency or exceptional growth toward grade-level proficiency;
- (4) providing bonuses or stipends to teachers identified under clause (3) who seek training to work as a literacy specialist or mentor; and
- (5) providing bonuses or stipends to teachers and education support personnel using the science of reading as defined in section 120B.116 to tutor struggling readers.
- (b) A school board is not required to meet and negotiate with an exclusive representative of employees on the uses of aid received under this section, but must confer with the exclusive representative of teachers in the district or school on the use of aid under this section.

Sec. 7. **REPEALER.**

Minnesota Statutes 2022, section 122A.06, subdivision 4, is repealed.

ARTICLE 2 EDUCATION INNOVATION

Section 1. Minnesota Statutes 2022, section 124D.085, is amended to read:

124D.085 EXPERIENTIAL AND APPLIED LEARNING OPPORTUNITIES FOR STUDENTS.

- (a) To strengthen the alignment between career and college ready curriculum and state and local academic standards and increase students' opportunities for participating in applied and experiential learning in a nontraditional setting, school districts are encouraged to provide programs such as:
 - (1) magnet schools;
 - (2) language immersion programs;

(3) project-based learning;
(4) accelerated learning;
(5) college prep schools;
(6) career and technical education,
(7) Montessori schools;
(8) military schools;
(9) work-based schools; and

(10) place-based learning.

- (b) Districts may provide such programs independently or in cooperation with other districts, at a school single site, for particular grades, or throughout the district. In addition to meeting the other accountability measures under chapter 120B, districts may declare that a student meets or exceeds specific academic standards required for graduation under the rigorous course of study waiver in section 120B.021, subdivision 1a, where appropriate.
- (b) (c) The board of a district that chooses to participate must publicly adopt and review a plan for providing a program under this section. The plan must: define the program and its structure; describe the enrollment process; identify measures and processes for regularly assessing, evaluating, and publicly reporting on program efficacy and use summary data to show student progress and outcomes; and establish a data-informed public process for modifying and revising the plan as needed. A district must publish its plan contents and evaluation outcomes on the district website.
- (e) (d) For purposes of further integrating experiential and applied learning into career and college ready curricula, the commissioner may request program information from providing districts under this section, but is not authorized to approve or deny any school board-adopted program provided under this section.
 - Sec. 2. Minnesota Statutes 2022, section 124D.093, subdivision 3, is amended to read:
- Subd. 3. Application Board approval process. The commissioner must determine the form and manner of application for a school to be designated a P TECH school. The application school board plan for adopting a P-TECH program must contain at least the following information:
- (1) the written agreement between a public school, a higher education institution under section 124D.09, subdivision 3, paragraph (a), and a business partner to jointly develop and support a P-TECH school;
 - (2) a proposed school design consistent with subdivisions 1 and 2;
- (3) a description of how the P-TECH school supports the needs of the economic development region in which the P-TECH school is to be located;
 - (4) a description of the facilities to be used by the P-TECH school;
- (5) a description of proposed budgets, curriculum, transportation plans, and other operating procedures for the P-TECH school;

- (6) the process by which students will be enrolled in the P-TECH school;
- (7) the qualifications required for individuals employed in the P-TECH school; and
- (8) any additional information that the commissioner requires board determines is appropriate.
- Sec. 3. Minnesota Statutes 2022, section 124D.093, subdivision 4, is amended to read:
- Subd. 4. <u>Grant approval process.</u> (a) <u>When an appropriation is available,</u> the commissioner of education must appoint an advisory committee to review the applications and to recommend approval for those applications that meet the requirements of this section. The commissioner of education has final authority over application approvals.
- (b) To the extent practicable, the commissioner must ensure an equitable geographic distribution of approved P-TECH schools.
- (c) The commissioner must first begin approving applications for a P-TECH school enrolling students in the 2020-2021 school year or later.
- (d) Nothing in this subdivision should be construed to give the commissioner the authority to approve or deny a locally adopted P-TECH plan.
 - Sec. 4. Laws 2017, First Special Session chapter 5, article 2, section 52, is amended to read:

Sec. 52. EDUCATION INNOVATION RESEARCH ZONES PILOT PROGRAM.

- Subdivision 1. **Establishment; requirements for participation; research** innovation zone plans. (a) The innovation research zone pilot program is established to improve student and school outcomes consistent with the world's best workforce requirements under Minnesota Statutes, section 120B.11. Innovation zone partnerships allow school districts and charter schools to research and implement innovative education programming models designed to better prepare students for the world of the 21st century.
- (b) One or more school districts or charter schools may join together to form an innovation zone partnership. The partnership may include other nonschool partners, including postsecondary institutions, other units of local government, nonprofit organizations, and for-profit organizations. An innovation zone plan must be collaboratively developed in concert with the school's instructional staff.
- (c) An innovation research zone partnership must research and may implement innovative education programs and models that are based on proposed hypotheses. An innovation zone plan may include an emerging practice not yet supported by peer reviewed research. Examples of innovation zone research may include, but are not limited to:
- (1) personalized learning, allowing students to excel at their own pace and according to their interests, aspirations, and unique needs;
- (2) the use of competency outcomes rather than seat time and course completion to fulfill standards, credits, and other graduation requirements;
- (3) multidisciplinary, real-world, inquiry-based, and student-directed models designed to make learning more engaging and relevant, including documenting and validating learning that takes place beyond the school day and school walls;

- (4) models of instruction designed to close the achievement gap, including new models for age three to grade 3 models, English as a second language models, early identification and prevention of mental health issues, and others;
- (5) new partnerships between secondary schools and postsecondary institutions, employers, or career training institutions enabling students to complete industry certifications, postsecondary education credits, and other credentials:
- (6) new methods of collaborative leadership including the expansion of schools where teachers have larger professional roles;
 - (7) new ways to enhance parental and community involvement in learning;
 - (8) new models of professional development for educators, including embedded professional development; or
- (9) new models in other areas such as whole child instruction, social-emotional skill development, technology-based or blended learning, parent and community involvement, professional development and mentoring, and models that increase the return on investment-;
- (10) new models of evaluation, assessment, and accountability using multiple indicators, including models that demonstrate alternative ways to validate a student's academic attainment that have predictive validity to the state tests, and also include other variables such as problem solving, creativity, analytical thinking, collaboration, respecting others, global understanding, postgraduation student performance, and other information;
 - (11) improving teacher and principal mentoring and evaluation;
- (12) granting a high school diploma to a student who meets the graduation requirements under Minnesota Statutes, section 120B.02, subdivision 2, while providing the student opportunities to:
- (i) attain postsecondary credits or degrees through advanced placement, international baccalaureate, or concurrent enrollment or courses; or
 - (ii) participate in career and industrial certification programs, including apprenticeship programs;
- (13) the use of the provisions in Minnesota Statutes, sections 124D.085, governing experiential and applied learning opportunities; 124D.52, subdivision 9, governing standard adult high school diploma requirements; and 126C.05, subdivision 15, paragraph (b), item (i), governing the use of independent study;
- (14) the use of the provisions of a learning year in Minnesota Statutes, section 124D.128, for a student in grade 10, 11, or 12 to participate in career and technical programs after school, on weekends, and during school breaks, including summers, and be included in the general education revenue computation. The classes must generate both high school and postsecondary credit and lead to either a career certification, technical college degree, or apprenticeship program. A student participating in a learning year may attend school year round, and the student's continual learning plan must provide for the student to meet the high school graduation standards no later than the end of the fall semester of grade 12;
- (15) methods to initiate prevention models to reduce student needs for special education and to reduce teacher time devoted to the required special education documentation; or
 - (16) other innovations as determined by the local boards.

- (d) An innovation zone plan submitted to the commissioner of education must describe:
- (1) how the plan will improve student and school outcomes consistent with the world's best workforce requirements under Minnesota Statutes, section 120B.11;
 - (2) the role of each partner in the zone;
 - (3) the research methodology used for each proposed action in the plan;
 - (4) (3) the exemptions from statutes and rules in subdivision 2 that the research innovation zone partnership will use;
- (5) (4) a description of how teachers and other educational staff from the affected school sites will be included in the planning and implementation process;
 - (6) (5) a detailed description of expected outcomes and graduation standards;
 - (7) (6) a timeline for implementing the plan and assessing the outcomes; and
 - (8) (7) how results of the plan will be disseminated.

The governing board for each partner must approve the innovation zone plan.

- (e) Upon unanimous approval of the initial innovation zone partners and approval of the commissioner of education, the innovation zone partnership may extend membership to other partners. A new partner's membership is effective 30 days after the innovation zone partnership notifies the commissioner of the proposed change in membership unless the commissioner disapproves the new partner's membership and updates the plan.
- (f) Notwithstanding any other law to the contrary, a school district or charter school participating in an innovation zone partnership under this section continues to receive all revenue and maintains its taxation authority in the same manner as before its participation in the innovation zone partnership. The innovation zone school district and charter school partners remain organized and governed by their respective school boards with general powers under Minnesota Statutes, chapter 123B or 124E, and remain subject to any employment agreements under Minnesota Statutes, chapters 122A and 179A. School district and charter school employees participating in an innovation zone partnership remain employees of their respective school district or charter school.
- (g) An innovation zone partnership may submit its plan at any time to the commissioner in the form and manner specified by the commissioner. The commissioner must approve or reject the plan after reviewing the recommendation of the Innovation Research Zone Advisory Panel. An initial innovation zone plan that has been rejected by the commissioner may be resubmitted to the commissioner after the innovation zone partnership has modified the plan to meet each individually identified objection.
 - (h) An innovation zone plan must not cause an increase in state aid or levies for partners.
- Subd. 2. **Exemptions from laws and rules.** (a) Notwithstanding any other law to the contrary, an innovation zone partner with an approved a plan filed with the commissioner is exempt from each of the following state education laws and rules specifically identified in its plan:
- (1) any law or rule from which a district-created, site-governed school under Minnesota Statutes, section 123B.045, is exempt;

- (2) any statute or rule from which the commissioner has exempted another district or charter school, as identified in the list published on the Department of Education's Web site website under subdivision 4, paragraph (b);
- (3) online learning program approval under Minnesota Statutes, section 124D.095, subdivision 7, if the school district or charter school offers a course or program online combined with direct access to a teacher for a portion of that course or program;
- (4) restrictions on extended time revenue under Minnesota Statutes, section 126C.10, subdivision 2a, for a student who meets the criteria of Minnesota Statutes, section 124D.68, subdivision 2; and
- (5) any required hours of instruction in any class or subject area for a student who is meeting all competencies consistent with the graduation standards described in the innovation zone plan.
- (b) The exemptions under this subdivision must not be construed as exempting an innovation zone partner from the Minnesota Comprehensive Assessments or as increasing any state aid or levy.
- Subd. 3. **Innovation Research Zone Advisory Panel.** (a) The commissioner must establish and convene an Innovation Research Zone Advisory Panel to review all innovation zone plans submitted for approval.
- (b) The panel must be composed of nine members. One member must be appointed by each of the following organizations: Educators for Excellence, Education Minnesota, Minnesota Association of Secondary School Principals, Minnesota Elementary School Principals' Association, Minnesota Association of School Administrators, Minnesota School Boards Association, Minnesota Association of Charter Schools, and the Office of Higher Education. The commissioner must appoint one member with expertise in evaluation and research.
- Subd. 4. Role of the commissioner approval. (a) Upon recommendation of the Innovation Research Zone Advisory Panel, the commissioner may approve up to three innovation zone plans in the seven county metropolitan area and up to three in greater Minnesota. If an innovation zone partnership fails to implement its innovation zone plan as described in its application and according to the stated timeline, upon recommendation of the Innovation Research Zone Advisory Panel, the commissioner must may alert the partnership members and provide the opportunity to remediate. If implementation continues to fail, the commissioner must may suspend or terminate the innovation zone plan.
- (b) The commissioner must publish a list of the exemptions the commissioner has granted to a district or charter school on the Department of Education's Web site website by July 1, 2017. The list must be updated annually.
- Subd. 5. **Project evaluation, dissemination, and report to legislature.** Each research innovation zone partnership must submit project data to the commissioner in the form and manner provided for in the approved application specified by the commissioner. At least once every two years, the commissioner must may analyze each innovation zone's progress in realizing the objectives of the innovation zone partnership's plan. To the extent practicable, and using existing resources, the commissioner must may summarize and categorize innovation zone plans and submit a report to the legislative committees having jurisdiction over education by February 1 of each odd-numbered year in accordance with Minnesota Statutes, section 3.195.

Sec. 5. REVISOR INSTRUCTION.

(a) The revisor of statutes shall renumber the provisions of Minnesota Statutes and laws listed in column A to the references listed in column B. The revisor shall also make necessary cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the renumbering in this instruction.

Column A	Column B
Laws 2017, First Special Session chapter 5,	
article 2, section 52	<u>124F.01</u>
<u>124D.085</u>	<u>124F.02</u>
<u>124D.093</u>	124F.03
<u>124D.4535</u>	124F.04
<u>124D.46</u>	124F.05
<u>124D.47</u>	124F.06
<u>124D.48</u>	<u>124F.07</u>
<u>124D.49</u>	124F.08
124D.50	124F.09

(b) This act is intended to be a reorganization of statutes relating to Education Innovation in Minnesota Statutes, chapter 124F. The changes that have been made are not intended to change the meaning or prior interpretation of those laws.

Sec. 6. **REPEALER.**

Laws 2017, First Special Session chapter 5, article 2, section 52, subdivision 3, is repealed.

ARTICLE 3 GENERAL EDUCATION

Section 1. Minnesota Statutes 2022, section 120B.024, subdivision 1, is amended to read:

Subdivision 1. **Graduation requirements.** (a) Students beginning 9th grade 9 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 8 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 course in government and citizenship in either grade 11 or 12 for students beginning grade 9 in the 2024-2025 school year and later or an advanced placement, international baccalaureate, or other rigorous course on government and citizenship under section 120B.021, subdivision 1a, 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.

(b) A school district is encouraged to offer a course for credit in government and citizenship to 11th or 12th grade 11 or 12 students who begin 9th grade 9 in the 2020-2021 school year and later, that satisfies the government and citizenship requirement in paragraph (a), clause (5). A school district must offer the course starting in the 2024-2025 school year.

- Sec. 2. Minnesota Statutes 2022, section 121A.031, subdivision 1, is amended to read:
- Subdivision 1. **Student bullying policy; scope and application.** (a) This section applies to bullying by a student against another student enrolled in a public school and which occurs:
 - (1) on the school premises, at the school functions or activities, or on the school transportation;
- (2) by use of electronic technology and communications on the school premises, during the school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists; or
- (3) by use of electronic technology and communications on a school-issued device, as defined in section 13.32, subdivision 1, off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.
- (b) A nonpublic school under section 123B.41, subdivision 9, consistent with its school accreditation cycle, is encouraged to electronically transmit to the commissioner its antibullying policy, if any, and any summary data on its bullying incidents.
- (c) This section does not apply to a home school under sections 120A.22, subdivision 4, and 120A.24, or a nonpublic school under section 123B.41, subdivision 9.
- (d) A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the same student bullying policy provisions applicable to the public school students participating in the activity.
 - Sec. 3. Minnesota Statutes 2022, section 122A.18, subdivision 7a, is amended to read:
- Subd. 7a. Permission to Lifetime substitute teach teaching license. (a) The Professional Educator Licensing and Standards Board may allow a person who otherwise qualifies for a Tier 1 license in accordance with section 122A.181, subdivision 2, or is enrolled in and making satisfactory progress in a board approved teacher program and who has successfully completed student teaching to be employed as a short call substitute teacher.
- (b) The Professional Educator Licensing and Standards Board may issue a lifetime qualified short-call or long-call substitute teaching license to a person who:
- (1) was a qualified teacher under section 122A.16 while holding a Tier 3 or Tier 4 teaching license issued by the board, under sections 122A.183 and 122A.184, respectively, and receives a retirement annuity from the Teachers Retirement Association or the St. Paul Teachers Retirement Fund Association;
- (2) holds an out-of-state teaching license and receives a retirement annuity as a result of the person's teaching experience; or

(3) held a Tier 3 or Tier 4 teaching license issued by the board, under sections 122A.183 and 122A.184, respectively, taught at least three school years in an accredited nonpublic school in Minnesota, and receives a retirement annuity as a result of the person's teaching experience.

A person holding a lifetime qualified short-call or long-call substitute teaching license is not required to complete continuing education clock hours. A person holding this license may reapply to the board for either:

- (i) a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, and must again complete continuing education clock hours one school year after receiving the Tier 3 or Tier 4 teaching license; or
- (ii) a Tier 1 license under section 122A.181, provided that the candidate has a bachelor's degree, an associate's degree, or an appropriate professional credential in the content area the candidate will teach, in accordance with section 122A.181, subdivision 2.

EFFECTIVE DATE. This section is effective July 1, 2023.

- Sec. 4. Minnesota Statutes 2022, section 122A.18, is amended by adding a subdivision to read:
- Subd. 7d. Short-call substitute teaching license. (a) Notwithstanding any law to the contrary, the Professional Educator Licensing and Standards Board must issue a short-call substitute teaching license to an applicant who submits a joint application with a school district or charter school affirming that the applicant has the necessary knowledge and skills to work as a substitute teacher and:
 - (1) holds at least an associate's degree or equivalent;
 - (2) is enrolled in a state-approved teacher preparatory program; or
- (3) has been employed as an education support personnel or paraprofessional within the school district or charter school for at least one school year.
- (b) A short-call substitute teaching license is valid for at least one school year and qualifies the teacher to work as a substitute teacher in any school district or charter school in the state, subject to the school district or charter school's terms and conditions of employment.
- (c) The board may issue a license pending a background study under section 122A.18, subdivision 8, and may immediately suspend or revoke the license based on the results of the background study.
- (d) The board may prioritize review of applications for short-call substitute teacher licenses over review of other applications. The board must issue an application denial in writing and must include a detailed explanation of the reason for the denial. The review and appeal provisions of section 122A.188 apply to an application for a license under this subdivision.

- Sec. 5. Minnesota Statutes 2022, section 123B.86, subdivision 3, is amended to read:
- Subd. 3. **Board control.** (a) When transportation is provided, the scheduling of routes, manner and method of transportation, control and discipline of school children and any other matter relating thereto shall be within the sole discretion, control and management of the board.

- (b) A school board and a nonpublic school may mutually agree to a written plan for the board to provide nonpublic pupil transportation to nonpublic school students.
- (c) A school board that provides pupil transportation through the school's employees may transport nonpublic school students according to the plan and retain the nonpublic pupil transportation aid attributable to that plan. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services not required under sections 123B.84 to 123B.87.
- (d) A school board that contracts for pupil transportation services may enter into a contractual arrangement with a school bus contractor according to the written plan adopted by the school board and the nonpublic school to transport nonpublic school students and retain the nonpublic pupil transportation aid attributable to that plan for the purposes of paying the school bus contractor. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services included in the contract that are not required under sections 123B.84 to 123B.87.
- (e) The school district must report the number of nonpublic school students transported and the nonpublic pupil transportation expenditures incurred under paragraph (b) in the form and manner specified by the commissioner.

EFFECTIVE DATE. This section is effective for fiscal year 2024 and later.

- Sec. 6. Minnesota Statutes 2022, section 124D.09, subdivision 5, is amended to read:
- Subd. 5. **Authorization; notification.** Notwithstanding any other law to the contrary, an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal contract or grant school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district under a cultural exchange program, may apply to an eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that postsecondary institution. If an institution accepts a secondary pupil for enrollment under this section, the institution shall send written notice to the pupil, the pupil's school or school district, and the commissioner. The notice must indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for postsecondary credit, the institution must notify:
 - (1) the pupil about payment in the customary manner used by the institution; and
 - (2) the pupil's school as soon as practicable if the pupil withdraws from the course or stops attending the course.

- Sec. 7. Minnesota Statutes 2022, section 124D.09, subdivision 12, is amended to read:
- Subd. 12. Credits; grade point average weighting policy. (a) A pupil must not audit a course under this section.
- (b) A district shall <u>must</u> grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Seven quarter or four semester college credits equal at least one full year of high school credit. Fewer college credits may be prorated. A district must also grant academic credit to a pupil enrolled in a course for postsecondary credit if secondary credit is requested by a pupil. If no comparable course is offered by the district, the district must, as soon as possible, notify the commissioner, who <u>shall must</u> determine the number of credits that <u>shall must</u> be granted to a pupil who successfully completes a course. If a comparable course is offered by the district, the school board <u>shall must</u> grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course, the pupil may appeal the board's decision to the commissioner. The commissioner's decision regarding the number of credits <u>shall be is</u> final.

- (c) A school board must adopt a policy regarding weighted grade point averages for any high school or dual enrollment course. The policy must state whether the district offers weighted grades. A school board must annually publish on its website a list of courses for which a student may earn a weighted grade.
- (d) The secondary credits granted to a pupil must be counted toward the graduation requirements and subject area requirements of the district. Evidence of successful completion of each course and secondary credits granted must be included in the pupil's secondary school record. A pupil shall must provide the school with a copy of the pupil's grade grades in each course taken for secondary credit under this section, including interim or nonfinal grades earned during the academic term. Upon the request of a pupil, the pupil's secondary school record must also include evidence of successful completion and credits granted for a course taken for postsecondary credit. In either case, the record must indicate that the credits were earned at a postsecondary institution.
- (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the postsecondary institution must award postsecondary credit for any course successfully completed for secondary credit at that institution. Other postsecondary institutions may award, after a pupil leaves secondary school, postsecondary credit for any courses successfully completed under this section. An institution may not charge a pupil for the award of credit.
- (f) The Board of Trustees of the Minnesota State Colleges and Universities and the Board of Regents of the University of Minnesota must, and private nonprofit and proprietary postsecondary institutions should, award postsecondary credit for any successfully completed courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships offered according to an agreement under subdivision 10. Consistent with section 135A.101, subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who completes for postsecondary credit a postsecondary course or program that is part or all of a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a MnSCU institution after leaving secondary school. Once one MnSCU institution certifies as completed a secondary student's postsecondary course or program that is part or all of a goal area or a transfer curriculum, every MnSCU institution must consider the student's course or program for that goal area or the transfer curriculum as completed.

EFFECTIVE DATE. This section is effective July 1, 2023.

Sec. 8. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND OBJECTS OF CULTURAL SIGNIFICANCE.

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

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

Sec. 9. Minnesota Statutes 2022, section 124E.11, is amended to read:

124E.11 ADMISSION REQUIREMENTS AND 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.

- (b) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), shall 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 website, a lottery policy and process that it must use when accepting pupils by lot.
- (c) A charter school shall 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. A charter school that is located in Duluth township in St. Louis 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 (b), who are eligible to enroll in kindergarten in the next school year.
- (d) A person shall 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 website a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).
- (e) Except as permitted in paragraph (d) paragraphs (d) and (i), 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.
- (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.
- (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.
- (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).
- (i) A charter school serving at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf, hard-of-hearing, or deafblind may give enrollment preference to students who are eligible for special education services and have a primary disability of deaf, hard-of-hearing, or deafblind. The charter school may not limit admission based on the student's eligibility for additional special education services.
 - Sec. 10. Minnesota Statutes 2022, section 127A.05, is amended by adding a subdivision to read:
- Subd. 7. **Staffing review.** The commissioner must conduct an annual review of all department positions and report to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education whether each position fulfills state or federal requirements. The commissioner must not use state funds to pay staffing costs for positions required to satisfy federal requirements. The report must be submitted to the legislature by January 15 of each year.

- Sec. 11. Minnesota Statutes 2022, section 127A.05, is amended by adding a subdivision to read:
- <u>Subd. 8.</u> <u>Department directives.</u> <u>The commissioner must require all guidance or directives issued to school districts, charter schools, administrators, or teachers to include the name and contact information of the department employee responsible for issuing the guidance or directive.</u>
 - Sec. 12. Minnesota Statutes 2022, section 127A.353, subdivision 2, is amended to read:
- Subd. 2. **Qualifications.** The governor shall select the school trust lands director on the basis of outstanding professional qualifications and knowledge of finance, business practices, minerals, forest and real estate management, and the fiduciary responsibilities of a trustee to the beneficiaries of a trust. The school trust lands director serves in the unclassified service for a term of four years. The first term shall end on December 31, 2020. The governor may remove the school trust lands director for cause. If a director resigns or is removed for cause, the governor shall appoint a director for the remainder of the term.
 - Sec. 13. Minnesota Statutes 2022, section 127A.353, subdivision 4, is amended to read:
 - Subd. 4. **Duties; powers.** (a) The school trust lands director shall:
- (1) take an oath of office before assuming any duties as the director act in a fiduciary capacity for trust beneficiaries in accordance with the principles under section 127A.351;
 - (2) evaluate the school trust land asset position;
 - (3) determine the estimated current and potential market value of school trust lands;
- (4) advise <u>and provide recommendations to</u> the governor, <u>Executive Council</u>, <u>commissioner of natural resources</u>, <u>and the Legislative Permanent School Fund Commission on the management of school trust lands, including: on school trust land management policies and other policies that may affect the goal of the permanent school fund <u>under section 127A.31</u>;</u>
- (5) advise and provide recommendations to the Executive Council and Land Exchange Board on all matters regarding school trust lands presented to either body;
- (6) advise and provide recommendations to the commissioner of natural resources on managing school trust lands, including but not limited to advice and recommendations on:
 - (i) Department of Natural Resources school trust land management plans;
 - (ii) leases of school trust lands;
 - (iii) royalty agreements on school trust lands;
 - (iv) land sales and exchanges;
 - (v) cost certification; and
 - (vi) revenue generating options;
- (7) serve as temporary trustee of school trust lands for school trust lands subject to proposed or active eminent domain proceedings;

- (8) serve as temporary trustee of school trust lands pursuant to section 94.342, subdivision 5;
- (5) propose (9) submit to the Legislative Permanent School Fund Commission for review an annual budget and management plan for the director that includes proposed legislative changes that will improve the asset allocation of the school trust lands;
- (6) (10) develop and implement a ten-year strategic plan and a 25-year framework for management of school trust lands, in conjunction with the commissioner of natural resources, that is updated every five years and implemented by the commissioner, with goals to:
 - (i) retain core real estate assets;
 - (ii) increase the value of the real estate assets and the cash flow from those assets;
 - (iii) rebalance the portfolio in assets with high performance potential and the strategic disposal of selected assets;
 - (iv) establish priorities for management actions;
 - (v) balance revenue enhancement and resource stewardship; and
 - (vi) advance strategies on school trust lands to capitalize on ecosystem services markets; and
- (7) submit to the Legislative Permanent School Fund Commission for review an annual budget and management plan for the director; and
- (8) (11) keep the beneficiaries, governor, legislature, and the public informed about the work of the director by reporting to the Legislative Permanent School Fund Commission in a public meeting at least once during each calendar quarter.
 - (b) In carrying out the duties under paragraph (a), the school trust lands director shall have the authority to may:
 - (1) direct and control money appropriated to the director;
- (2) establish job descriptions and employ up to five employees in the unclassified service, <u>staff</u> within the limitations of money appropriated to the director;
 - (3) enter into interdepartmental agreements with any other state agency;
 - (4) enter into joint powers agreements under chapter 471;
- (5) evaluate and initiate real estate development projects on school trust lands <u>in conjunction with the commissioner of natural resources and</u> with the advice of the Legislative Permanent School Fund Commission in order to generate long-term economic return to the permanent school fund; <u>and</u>
- (6) serve as temporary trustee of school trust land for school trust lands subject to proposed or active eminent domain proceedings; and
- (7) (6) submit recommendations on strategies for school trust land leases, sales, or exchanges to the commissioner of natural resources and the Legislative Permanent School Fund Commission.

Sec. 14. Minnesota Statutes 2022, section 144.4165, is amended to read:

144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.

- (a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or use an activated electronic delivery device as defined in section 609.685, subdivision 1, in a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls.
- (b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. An American Indian student may carry a medicine pouch containing loose tobacco intended as observance of traditional spiritual or cultural practices. For purposes of this section, an Indian is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12.

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

Sec. 15. SHORT-CALL SUBSTITUTE TEACHER PERMISSION.

- (a) Notwithstanding any other teacher licensing requirement, a school district or charter school may employ a person as a short-call substitute teacher if the person:
 - (1) meets the professional requirements under Minnesota Statutes, section 122A.181, subdivision 2; or
- (2) has been employed as an education support person or paraprofessional with the school district or charter school for at least one school year.
- (b) A school district or charter school employing a substitute teacher under this section must report to the Professional Educator Licensing and Standards Board all persons it employs under this section and, for each person, must affirm that:
- (1) a criminal background study was completed consistent with Minnesota Statutes, section 122A.18, subdivision 8;
 - (2) the person meets the professional requirements in paragraph (a); and
 - (3) the person has the knowledge and skills to provide instruction in the content area the person is teaching.
- (c) A school district or charter school must report any complaints against a substitute teacher hired under this section to the board, which may consider the substance of the complaint when reviewing the person's application for a license under Minnesota Statutes, chapter 122A.
- (d) This section is effective for the 2022-2023, 2023-2024, and 2024-2025 school years only. This section expires June 30, 2025.

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

Amend the title accordingly

Signed:

PATRICIA MUELLER BEN BAKEBERG
DEAN URDAHL KRISTA KNUDSEN

Mueller moved that the Minority Report from the Committee on Education Policy relating to H. F. No. 1269 be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

LAY ON THE TABLE

Long moved that the Minority Report from the Committee on Education Policy relating to H. F. No. 1269 be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Long motion and the roll was called. There were 69 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hassan	Klevorn	Nelson, M.	Richardson
Agbaje	Elkins	Hemmingsen-Jaeger	Koegel	Newton	Sencer-Mura
Bahner	Feist	Her	Kotyza-Witthuhn	Noor	Smith
Becker-Finn	Finke	Hicks	Kozlowski	Norris	Stephenson
Berg	Fischer	Hill	Kraft	Olson, L.	Tabke
Bierman	Frazier	Hollins	Lee, F.	Pelowski	Wolgamott
Brand	Frederick	Hornstein	Lee, K.	Pérez-Vega	Xiong
Carroll	Freiberg	Howard	Liebling	Pinto	Youakim
Cha	Gomez	Huot	Lillie	Pryor	Spk. Hortman
Clardy	Greenman	Hussein	Lislegard	Pursell	
Coulter	Hansen, R.	Jordan	Long	Rehm	
Curran	Hanson, J.	Keeler	Moller	Reyer	

Those who voted in the negative were:

Altendorf	Demuth	Hudella	Mueller	Petersburg	Urdahl
Anderson, P. E.	Dotseth	Hudson	Murphy	Pfarr	West
Anderson, P. H.	Engen	Jacob	Myers	Quam	Wiener
Backer	Fogelman	Johnson	Nadeau	Robbins	Wiens
Bakeberg	Franson	Joy	Nelson, N.	Schomacker	Witte
Baker	Garofalo	Kiel	Niska	Schultz	Zeleznikar
Bliss	Gillman	Knudsen	Novotny	Scott	
Burkel	Grossell	Koznick	O'Driscoll	Skraba	
Daudt	Harder	Kresha	Olson, B.	Swedzinski	
Davids	Heintzeman	McDonald	Perryman	Torkelson	

The motion prevailed and the Minority Report from the Committee on Education Policy relating to H. F. No. 1269 was laid on the table.

The question recurred on the adoption of the Majority Report from the Committee on Education Policy relating to H. F. No. 1269.

The report was adopted.

Vang from the Committee on Agriculture Finance and Policy to which was referred:

H. F. No. 1317, A bill for an act relating to agriculture; defining terms; regulating the use, storage, disposal, and sale of pesticide-treated seed; requiring label statements for certain pesticide-treated seed; requiring consumer

guidance; requiring rulemaking; appropriating money; amending Minnesota Statutes 2022, sections 18B.01, subdivision 31; 21.82, subdivision 3; 21.86, subdivision 2; 115A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 18B; 21; 115A.

Reported the same back with the following amendments:

Page 1, after line 18, insert:

"Sec. 3. Minnesota Statutes 2022, section 18D.40, is amended to read:

18D.40 ENHANCED PENALTIES; OUTDOOR RECREATION LANDS.

Notwithstanding limitations placed on administrative or civil penalty amounts under sections 18D.315 and 18D.325, a person who applies a pesticide or plants seed treated with pesticide resulting in damage to adjacent property that is part of the state outdoor recreation system may be subject to a monetary penalty equal to twice the amount that the commissioner would otherwise assess for a comparable violation."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "rulemaking;" insert "modifying certain penalties;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Environment and Natural Resources Finance and Policy.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 1322, A bill for an act relating to public transit; authorizing Metropolitan Council to issue administrative citations for transit fare evasion; requiring Metropolitan Council to implement transit safety measures; imposing civil penalties; making technical and clarifying changes; requiring a report; amending Minnesota Statutes 2022, sections 473.407, by adding a subdivision; 609.855, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 473.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2022, section 151.37, subdivision 12, is amended to read:

Subd. 12. **Administration of opiate antagonists for drug overdose.** (a) A licensed physician, a licensed advanced practice registered nurse authorized to prescribe drugs pursuant to section 148.235, or a licensed physician assistant may authorize the following individuals to administer opiate antagonists, as defined in section 604A.04, subdivision 1:

(1) an emergency medical responder registered pursuant to section 144E.27;

- (2) a peace officer as defined in section 626.84, subdivision 1, paragraphs (c) and (d);
- (3) correctional employees of a state or local political subdivision;
- (4) staff of community-based health disease prevention or social service programs;
- (5) a volunteer firefighter; and
- (6) a licensed school nurse or certified public health nurse employed by, or under contract with, a school board under section 121A.21; and
 - (7) TRIP personnel authorized under section 473.4075.
 - (b) For the purposes of this subdivision, opiate antagonists may be administered by one of these individuals only if:
- (1) the licensed physician, licensed physician assistant, or licensed advanced practice registered nurse has issued a standing order to, or entered into a protocol with, the individual; and
- (2) the individual has training in the recognition of signs of opiate overdose and the use of opiate antagonists as part of the emergency response to opiate overdose.
 - (c) Nothing in this section prohibits the possession and administration of naloxone pursuant to section 604A.04.

- Sec. 2. Minnesota Statutes 2022, section 357.021, subdivision 6, is amended to read:
- Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this subdivision, the court shall impose and the court administrator shall collect a \$75 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of: (1) a law or ordinance relating to vehicle parking, for which there shall be is a \$12 surcharge; and (2) section 609.855, subdivision 1, 3, or 3a, for which there is a \$25 surcharge. When a defendant is convicted of more than one offense in a case, the surcharge shall be imposed only once in that case. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.
- (b) The court may reduce the amount or waive payment of the surcharge required under this subdivision on a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family. Additionally, the court may permit the defendant to perform community work service in lieu of a surcharge.
- (c) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of management and budget.
- (d) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the court administrator or other entity collecting the surcharge imposed by the court.

- (e) A person who enters a diversion program, continuance without prosecution, continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay the surcharge described in this subdivision. A surcharge imposed under this paragraph shall be imposed only once per case.
 - (f) The surcharge does not apply to administrative citations issued pursuant to section 169.999.

EFFECTIVE DATE. This section is effective July 1, 2023, and applies to violations committed on or after that date.

- Sec. 3. Minnesota Statutes 2022, section 357.021, subdivision 7, is amended to read:
- Subd. 7. **Disbursement of surcharges by commissioner of management and budget.** (a) Except as provided in paragraphs (b) to (d), the commissioner of management and budget shall disburse surcharges received under subdivision 6 as follows:
- (1) one percent shall be credited to the peace officer training account in the game and fish fund to provide peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws; and
 - (2) 99 percent shall be credited to the general fund.
- (b) The commissioner of management and budget shall credit \$3 of each surcharge received under subdivision 6 to the general fund.
- (c) In addition to any amounts credited under paragraph (a), the commissioner of management and budget shall credit the following to the general fund: \$47 of each surcharge received under subdivision 6 and; the \$12 parking surcharge, to the general fund; and the \$25 surcharge for a violation of section 609.855, subdivision 1, 3, or 3a.
- (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of management and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

EFFECTIVE DATE. This section is effective July 1, 2023, and applies to violations committed on or after that date.

Sec. 4. [473.4065] TRANSIT RIDER ACTIVITY.

Subdivision 1. Code of conduct; establishment. (a) The council must adopt a rider code of conduct for transit passengers. The council must post a copy of the code of conduct in a prominent location at each light rail transit station and each park-and-ride station.

- (b) The code of conduct must not prohibit sleeping in a manner that does not otherwise violate conduct requirements.
 - Subd. 2. Code of conduct; violations. (a) For purposes of this subdivision:
 - (1) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph (c); and
 - (2) "transit official" has the meaning given in section 473.4075, subdivision 1, paragraph (b).

- (b) A peace officer may order a person to depart a transit vehicle or transit facility for a violation of the rider code of conduct established under subdivision 1 if the person continues to act in violation of the code of conduct after being warned once by a transit official to stop.
- <u>Subd. 3.</u> Paid fare zones. The council must establish and clearly designate paid fare zones at each light rail transit station where the council utilizes self-service barrier-free fare collection.
- Subd. 4. <u>Light rail transit facility monitoring.</u> (a) The council must implement public safety monitoring and response activities at light rail transit facilities that include:
- (1) placement of security cameras and sufficient associated lighting that provide live coverage for (i) the entire area at each light rail transit station, and (ii) each light rail transit vehicle;
- (2) installation of a public address system at each light rail transit station that is capable of providing information and warnings to passengers; and
- (3) real-time active monitoring of passenger activity and potential violations throughout the light rail transit system.
- (b) The monitoring activities must include timely maintenance or replacement of malfunctioning cameras or public address systems.

EFFECTIVE DATE; APPLICATION. This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 5. [473.4075] TRANSIT RIDER INVESTMENT PROGRAM.

- <u>Subdivision 1.</u> <u>**Definitions.** (a) For purposes of this section, the following terms and the terms defined in section 609.855, subdivision 7, have the meanings given.</u>
- (b) "Transit official" means an individual who is authorized as TRIP personnel, a community service officer, or a peace officer as defined in section 626.84, subdivision 1, paragraph (c).
- (c) "TRIP personnel" means persons specifically authorized by the council for the TRIP program under this section, including but not limited to fare inspection and enforcement, who are not peace officers or community service officers.
 - (d) "TRIP program" or "program" means the transit rider investment program established in this section.
- Subd. 2. **Program established.** (a) Subject to available funds, the council must implement a transit rider investment program that provides for TRIP personnel deployment, fare payment inspection, administrative citation issuance, rider education and assistance, and improvements to the transit experience.
 - (b) As part of program implementation, the council must:
 - (1) adopt a resolution that establishes the program and establishes fine amounts in accordance with subdivision 8;
- (2) establish policies and procedures that govern authorizing and training TRIP personnel, TRIP personnel uniforms, issuing an administrative citation, and contesting an administrative citation;
 - (3) consult with interested stakeholders on the design of the program;

- (4) develop a TRIP personnel recruitment plan that includes informing and supporting potential applicants who are: (i) representative of transit users; and (ii) from cultural, ethnic, and racial communities that are historically underrepresented in state or local public service; and
- (5) develop a TRIP personnel strategic deployment plan that: (i) requires teams of at least two individuals; and (ii) targets deployment to times and locations with identified concentrations of activity that are subject to an administrative citation, other citations, or arrest or that negatively impact the rider experience.
- Subd. 3. TRIP manager. The council must appoint a TRIP manager to manage the program. The TRIP manager must have managerial experience in social services, transit service, or law enforcement. The TRIP manager is a TRIP personnel staff member.
 - Subd. 4. **TRIP personnel; duties; requirements.** (a) The duties of the TRIP personnel include:
 - (1) monitoring and responding to passenger activity, including:
 - (i) educating passengers and specifying expectations related to the council's rider code of conduct; and
 - (ii) assisting passengers in obtaining social services, such as through information and referrals;
 - (2) acting as a liaison to social service agencies;
 - (3) providing information to passengers on using the transit system;
- (4) providing direct navigation assistance and accompaniment to passengers who have a disability, are elderly, or request enhanced personal aid;
 - (5) performing fare payment inspections;
 - (6) issuing administrative citations as provided in subdivision 6; and
 - (7) obtaining assistance from peace officers or community service officers as necessary.
- (b) An individual who is authorized as TRIP personnel must be an employee of the council and must wear the uniform as established by the council at all times when on duty.
 - Subd. 5. **TRIP personnel; training.** Training for TRIP personnel must include the following topics:
 - (1) early warning techniques, crisis intervention, conflict de-escalation, and conflict resolution;
 - (2) identification of persons likely in need of social services;
 - (3) locally available social service providers, including services for homelessness, mental health, and addiction;
 - (4) policies and procedures for administrative citations; and
- (5) administration of opiate antagonists in a manner that meets the requirements under section 151.37, subdivision 12.

- Subd. 6. Administrative citations; authority; issuance. (a) A transit official has the exclusive authority to issue an administrative citation to a person who commits a violation under section 609.855, subdivision 1, 3, or 3a.
- (b) An administrative citation must include notification that the person has the right to contest the citation, basic procedures for contesting the citation, and information on the timeline and consequences for failure to contest the citation or pay the fine.
- (c) The council must not mandate or suggest a quota for the issuance of administrative citations under this section.
- (d) Issuance and resolution of an administrative citation is a bar to prosecution under section 609.855, subdivision 1, 3, or 3a, or for any other violation arising from the same conduct.
- Subd. 7. Administrative citations; disposition. (a) A person who commits a violation under section 609.855, subdivision 1, 3, or 3a, and is issued an administrative citation under this section must, within 90 days of issuance, pay the fine as specified or contest the citation. A person who fails to either pay the fine or contest the citation within the specified period is considered to have waived the contested citation process and is subject to collections.
- (b) The council must provide a civil process for a person to contest the administrative citation before a neutral third party. The council may employ a council employee not associated with its transit operations to hear and rule on challenges to administrative citations or may contract with another unit of government or a private entity to provide the service.
- (c) The council may contract with credit bureaus, public and private collection agencies, the Department of Revenue, and other public or private entities providing collection services as necessary for the collection of fine debts under this section. As determined by the council, collection costs are added to the debts referred to a public or private collection entity for collection. Collection costs include the fees of the collection entity and may include, if separately provided, skip tracing fees, credit bureau reporting charges, and fees assessed by any public entity for obtaining information necessary for debt collection. If the collection entity collects an amount less than the total due, the payment is applied proportionally to collection costs and the underlying debt.
- Subd. 8. Administrative citations; penalties. (a) The amount of a fine under this section must be set at no less than \$35 and no more than \$100.
- (b) Subject to paragraph (a), the council may adopt a graduated structure that increases the fine amount for second and subsequent violations.
- (c) The council may adopt an alternative resolution procedure under which a person may resolve an administrative citation in lieu of paying a fine by complying with terms established by the council for community service, prepayment of future transit fares, or both. The alternative resolution procedure must be available only to a person who has committed a violation under section 609.855, subdivision 1, 3, or 3a, for the first time, unless the person demonstrates financial hardship under criteria established by the council.
- <u>EFFECTIVE DATE; APPLICATION.</u> This section is effective July 1, 2023, except that subdivisions 1 and 3 are effective the day following final enactment. This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 6. [473.4077] LEGISLATIVE REPORT; TRANSIT SAFETY AND RIDER EXPERIENCE.

<u>Subdivision 1.</u> <u>Definitions.</u> For purposes of this section, the terms defined in section 473.4075 have the meanings given.

- <u>Subd. 2.</u> <u>Legislative report.</u> (a) Annually by February 15, the council must submit a report on transit safety and rider experience to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance.
 - (b) At a minimum, the report must:
- (1) provide an overview of transit safety issues and actions taken by the council to improve safety, including improvements made to equipment and infrastructure;
 - (2) provide an overview of the rider code of conduct and measures required under section 473.4065;
- (3) provide an overview of the transit rider investment program under section 473.4075 and the program's structure and implementation;
- (4) provide an overview of the activities of TRIP personnel, including specifically describing the activities of uniformed transit safety officials;
- (5) provide a description of all policies adopted pursuant to section 473.4075, the need for each policy, and a copy of each policy;
- (6) if the council adopted an alternative resolution procedure pursuant to section 473.4075, subdivision 8, provide:
 - (i) a description of that procedure;
 - (ii) the criteria used to determine financial hardship; and
- (iii) for each of the previous three calendar years, how frequently the procedure was used, the number of community service hours performed, and the total amount paid as prepayment of transit fares;
 - (7) for each of the previous three calendar years:
- (i) identify the number of fare compliance inspections that were completed, including the total number and the number as a percentage of total rides;
- (ii) state the number of warnings and citations issued by the Metro Transit Police Department and transit agents, including a breakdown of which type of officer or official issued the citation, the statutory authority for issuing the warning or citation, the reason given for each warning or citation issued, and the total number of times each reason was given;
- (iii) state the number of administrative citations that were appealed pursuant to section 473.4075, the number of those citations that were dismissed on appeal, and a breakdown of the reasons for dismissal;
- (iv) include data and statistics on crime rates occurring on public transit vehicles and surrounding transit stops and stations;
 - (v) state the number of peace officers employed by the Metro Transit Police Department;
 - (vi) state the average number of peace officers employed by the Metro Transit Police Department; and
- (vii) state the number of uniformed transit safety officials and community service officers who served as transit agents;

- (8) analyze impacts of the transit rider investment program on fare compliance and customer experience for riders, including rates of fare violations; and
 - (9) make recommendations on the following:
 - (i) changes to the administrative citation program; and
 - (ii) methods to improve safety on public transit and transit stops and stations.

EFFECTIVE DATE; APPLICATION. This section is effective July 1, 2023, and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

- Sec. 7. Minnesota Statutes 2022, section 609.855, subdivision 1, is amended to read:
- Subdivision 1. **Unlawfully obtaining services; <u>petty</u> misdemeanor.** (a) A person is guilty of a <u>petty</u> misdemeanor who intentionally obtains or attempts to obtain service for himself, herself, or another person from a provider of public transit or from a public conveyance by doing any of the following:
- (1) occupies or rides in any public transit vehicle without paying the applicable fare or otherwise obtaining the consent of the transit provider including:
 - (i) the use of a reduced fare when a person is not eligible for the fare; or
 - (ii) the use of a fare medium issued solely for the use of a particular individual by another individual;
- (2) presents a falsified, counterfeit, photocopied, or other deceptively manipulated fare medium as fare payment or proof of fare payment;
- (3) sells, provides, copies, reproduces, or creates any version of any fare medium without the consent of the transit provider; or
- (4) puts or attempts to put any of the following into any fare box, pass reader, ticket vending machine, or other fare collection equipment of a transit provider:
 - (i) papers, articles, instruments, or items other than fare media or currency; or
 - (ii) a fare medium that is not valid for the place or time at, or the manner in, which it is used.
- (b) Where self-service barrier-free fare collection is utilized by a public transit provider, it is a violation of this subdivision to intentionally fail to exhibit proof of fare payment upon the request of an authorized transit representative when entering, riding upon, or leaving a transit vehicle or when present in a designated paid fare zone located in a transit facility.
 - (c) A person who violates this subdivision must pay a fine of no more than \$10.

EFFECTIVE DATE. This section is effective July 1, 2023, and applies to violations committed on or after that date.

- Sec. 8. Minnesota Statutes 2022, section 609.855, subdivision 3, is amended to read:
- Subd. 3. **Prohibited activities;** <u>petty</u> <u>misdemeanor.</u> (a) A person is guilty of a misdemeanor who, while riding in a vehicle providing public transit service:

- (1) operates a radio, television, tape player, electronic musical instrument, or other electronic device, other than a watch, which amplifies music, unless the sound emanates only from earphones or headphones and except that vehicle operators may operate electronic equipment for official business;
 - (2) smokes or carries lighted smoking paraphernalia;
 - (3) consumes food or beverages, except when authorized by the operator or other official of the transit system;
- (4) (a) A person who throws or deposits litter; or while riding in a vehicle providing public transit service is guilty of a petty misdemeanor.
 - (5) carries or is in control of an animal without the operator's consent.
- (b) A person is guilty of a violation of this subdivision only if the person continues to act in violation of this subdivision after being warned once by an authorized transit representative to stop the conduct.
- **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to violations committed on or after that date.
 - Sec. 9. Minnesota Statutes 2022, section 609.855, is amended by adding a subdivision to read:
- Subd. 3a. **Prohibited activities; misdemeanor.** (a) A person who performs any of the following while in a transit vehicle or at a transit facility is guilty of a misdemeanor:
 - (1) smokes, as defined in section 144.413, subdivision 4;
 - (2) urinates or defecates;
 - (3) consumes an alcoholic beverage, as defined in section 340A.101, subdivision 2;
- (4) damages a transit vehicle or transit facility in a manner that meets the requirements for criminal damage to property in the fourth degree under section 609.595, subdivision 3, which includes but is not limited to vandalism, defacement, and placement of graffiti, as defined in section 617.90, subdivision 1; or
 - (5) engages in disorderly conduct as specified in section 609.72, subdivision 1, clause (3).
- (b) A peace officer, as defined in section 626.84, subdivision 1, paragraph (c), may order a person to depart a transit vehicle or transit facility for a violation under paragraph (a).
- **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to violations committed on or after that date.
 - Sec. 10. Minnesota Statutes 2022, section 609.855, subdivision 7, is amended to read:
 - Subd. 7. **Definitions.** (a) The definitions in this subdivision apply in this section.
 - (b) "Public transit" or "transit" has the meaning given in section 174.22, subdivision 7.
- (c) "Public transit vehicle" or "transit vehicle" means any vehicle used for the purpose of providing public transit, whether or not the vehicle is owned or operated by a public entity.

- (d) "Public transit facilities" or "transit facilities" means any vehicles, equipment, property, structures, stations, improvements, plants, parking or other facilities, or rights that are owned, leased, held, or used for the purpose of providing public transit, whether or not the facility is owned or operated by a public entity.
- (e) "Fare medium" means a ticket, smart card, pass, coupon, token, transfer, or other medium sold or distributed by a public transit provider, or its authorized agents, for use in gaining entry to or use of the public transit facilities or vehicles of the provider.
- (f) "Proof of fare payment" means a fare medium valid for the place or time at, or the manner in, which it is used. If using a reduced-fare medium, proof of fare payment also includes proper identification demonstrating a person's eligibility for the reduced fare. If using a fare medium issued solely for the use of a particular individual, proof of fare payment also includes an identification document bearing a photographic likeness of the individual and demonstrating that the individual is the person to whom the fare medium is issued.
- (g) "Authorized transit representative" means the person authorized by the transit provider to operate the transit vehicle, a peace officer, a transit official under section 473.4075, subdivision 1, or any other person designated by the transit provider as an authorized transit provider representative under this section.

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

Sec. 11. TRANSIT SERVICE INTERVENTION PROJECT.

- Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.
- (b) "Council" means the Metropolitan Council established under Minnesota Statutes, chapter 473.
- (c) "Intervention project" means the Transit Service Intervention Project established in this section.
- Subd. 2. Establishment. A Transit Service Intervention Project is established to provide coordinated, high-visibility interventions on light rail transit lines that provide for enhanced social services outreach and engagement, code of conduct regulation, and law enforcement.
- <u>Subd. 3.</u> <u>Project management.</u> <u>The TRIP manager under Minnesota Statutes, section 473.4075, must implement the intervention project.</u>
- <u>Subd. 4.</u> <u>Participating organizations.</u> The TRIP manager must seek the participation of the following entities to provide for coordination on the intervention project:
 - (1) the Department of Human Services;
 - (2) the Department of Public Safety;
 - (3) the Metropolitan Council;
 - (4) each county within which a light rail transit line operates;
 - (5) each city within which a light rail transit line operates;
 - (6) the National Alliance on Mental Illness Minnesota;
 - (7) the exclusive representative of transit vehicle operators; and
 - (8) other interested community-based social service organizations.

- Subd. 5. **Duties.** (a) In collaboration with the participating organizations under subdivision 4, the TRIP manager must:
- (1) establish social services intervention teams that consist of county-based social services personnel and personnel from nonprofit organizations having mental health services or support capacity to perform on-site social services engagement with (i) transit riders experiencing homelessness, (ii) transit riders with substance use disorders or mental or behavioral health disorders, or (iii) a combination;
- (2) establish coordinated intervention teams that consist of personnel under clause (1), community service officers, and peace officers;
 - (3) implement interventions in two phases as follows:
- (i) by June 1, 2023, and for a period of three weeks, deploy the social services intervention teams on a mobile basis on light rail transit lines and facilities; and
- (ii) beginning at the conclusion of the period under item (i), and for a period of at least nine weeks, deploy the coordinated intervention teams on a mobile basis on light rail transit lines and facilities, utilizing both social services and law enforcement partners; and
- (4) evaluate impacts of the intervention teams related to social services outreach, code of conduct violations, and rider experience.
- (b) Social services engagement under paragraph (a) includes but is not limited to outreach, preliminary assessment and screening, information and resource sharing, referral or connections to service providers, assistance in arranging for services, and precrisis response.
- <u>Subd. 6.</u> <u>Administration.</u> <u>Using existing resources, the council must provide staff assistance and administrative support for the project.</u>
- Subd. 7. Reports. By the 15th of each month, the TRIP manager must submit a status report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance. At a minimum, each report must include:
 - (1) a summary of activities under the intervention project;
 - (2) a fiscal review of expenditures; and
- (3) analysis of impacts and outcomes related to social services outreach, violations under Minnesota Statutes, sections 473.4065 and 609.855, and rider experience.
 - Subd. 8. Expiration. This section expires June 30, 2024.
- **EFFECTIVE DATE; APPLICATION.** This section is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 12. APPROPRIATION; TRANSIT RIDER INVESTMENT PROGRAM.

(a) \$...... in fiscal year 2023, \$...... in fiscal year 2024, and \$..... in fiscal year 2025 are appropriated from the general fund to the Metropolitan Council for the transit rider investment program under Minnesota Statutes, section 473.4075, and for the legislative report under Minnesota Statutes, section 473.4077. \$...... is added to the base for this activity.

(b) From the appropriation in paragraph (a), the Metropolitan Council must: (1) first implement the transit rider investment program within six months of the date of enactment of this section; and (2) deploy the TRIP personnel to the light rail transit system, including stations and trains.

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

Sec. 13. APPROPRIATION; TRANSIT SERVICE INTERVENTION PROJECT.

\$2,000,000 in fiscal year 2023 is appropriated from the general fund to the Metropolitan Council for grants to participating organizations in the Transit Service Intervention Project under section 11, subdivision 4. The council must allocate the grants to provide reimbursements for project implementation, including but not limited to intervention teams, labor, and other expenses. This is a onetime appropriation and is available until June 30, 2024.

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

Delete the title and insert:

"A bill for an act relating to public transit; authorizing Metropolitan Council to issue administrative citations; requiring Metropolitan Council to implement transit safety measures, including a transit rider code of conduct; establishing a transit service intervention project; imposing civil penalties; establishing criminal penalties; establishing a surcharge; making technical and clarifying changes; requiring reports; amending Minnesota Statutes 2022, sections 151.37, subdivision 12; 357.021, subdivisions 6, 7; 609.855, subdivisions 1, 3, 7, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 473."

With the recommendation that when so amended the bill be re-referred to the Committee on Public Safety Finance and Policy.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 1346, A bill for an act relating to transportation; authorizing electric vehicle infrastructure program; proposing coding for new law in Minnesota Statutes, chapter 174.

Reported the same back with the following amendments:

Page 1, line 15, delete "shall" and insert "must"

Page 2, line 2, delete "by a person" and insert "in conformance with the requirements under Code of Federal Regulations, title 23, section 680.106, paragraph (j), or successor requirements."

Page 2, delete lines 3 and 4

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Moller from the Committee on Public Safety Finance and Policy to which was referred:

H. F. No. 1370, A bill for an act relating to public safety; establishing a cause of action for nonconsensual dissemination of deep fake sexual images; establishing the crime of using deep fake technology to influence an election; establishing a crime for nonconsensual dissemination of deep fake sexual images; proposing coding for new law in Minnesota Statutes, chapters 604; 609; 617.

Reported the same back with the following amendments:

- Page 3, line 25, delete ", or should have known,"
- Page 3, line 26, before the semicolon, insert "in a commercial setting"
- Page 3, line 28, before the semicolon, insert "and the person disseminating the deep fake as a matter of public interest clearly identifies that the video recording, motion-picture film, sound recording, electronic image, or photograph, or other item is a deep fake, and acts in good faith to prevent further dissemination of the deep fake"
- Page 3, line 29, before the semicolon, insert "and the deep fake is clearly identified as such, and the person acts in good faith to minimize the risk that the deep fake will be further disseminated"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 1600, A bill for an act relating to state government; precluding pattern bargaining for law enforcement officers; amending Minnesota Statutes 2022, section 43A.17, by adding a subdivision.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Public Safety Finance and Policy.

The report was adopted.

Pinto from the Committee on Children and Families Finance and Policy to which was referred:

H. F. No. 1629, A bill for an act relating to education finance; expanding the Learning with Music program to early childhood educators; appropriating money.

Reported the same back with the following amendments:

Page 2, after line 1, insert:

"Subd. 3. Online music instruction grant. (a) For a grant to MacPhail Center for Music for an online music instruction program:

\$300,000 \$0 2024 2025

(b) The MacPhail Center for Music must use the grant funds received under this subdivision to:

- (1) partner with schools and early childhood centers to provide online music instruction to students and children for the purpose of increasing student self-confidence, providing students with a sense of community, and reducing individual stress. In applying for the grant, MacPhail Center for Music must commit to providing at least a 30 percent match of the funds allocated. MacPhail Center for Music must also include in the application the measurable outcomes the applicant intends to accomplish with the grant funds;
- (2) partner with schools or early childhood centers that are designated Title I schools or centers or are located in rural Minnesota, and may use the funds in consultation with the music or early childhood educators in each school or early childhood center to provide individual or small group music instruction, sectional ensembles or other group music activities, music workshops, or early childhood music activities. At least half of the online music programs must be in partnership with schools or early childhood centers located in rural Minnesota. MacPhail Center for Music may use the grant money to supplement or enhance an existing online music program within a school or early childhood center that meets the criteria described in this clause; and
- (3) contract with a third-party entity to evaluate the success of the online music program. The evaluation must include interviews with the music educators and students at the schools and early childhood centers where an online music program was established. The results of the evaluation must be submitted to the commissioner of education and to the legislative committees with jurisdiction over education policy and finance by December 15, 2026.
 - (c) Any balance in the first year does not cancel but is available in the second year.
 - (d) The base for fiscal year 2026 is \$0."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "providing grants for music education programs"

Page 1, line 3, delete everything before the semicolon

With the recommendation that when so amended the bill be re-referred to the Committee on Education Finance.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 1691, A bill for an act relating to labor relations; modifying public labor relations; modifying teacher probationary period requirements; amending Minnesota Statutes 2022, sections 13.43, subdivision 6; 120A.414, subdivision 2; 122A.181, subdivision 5; 122A.26, subdivision 2; 122A.40, subdivision 5; 122A.41, subdivision 2; 179A.03, subdivisions 14, 18, 19; 179A.06, by adding a subdivision; 179A.07, subdivision 6, by adding subdivisions; 572B.17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

- "Section 1. Minnesota Statutes 2022, section 13.43, subdivision 6, is amended to read:
- Subd. 6. Access by labor organizations. (a) Personnel data may must be disseminated to labor organizations to the extent that the responsible authority determines that the dissemination is necessary to conduct elections, notify employees of fair share fee assessments, investigate and process grievances, and implement the provisions of chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and to the Bureau of Mediation

Services to the extent the dissemination is ordered or authorized by the commissioner of the Bureau of Mediation Services. Personnel data described under section 179A.07, subdivision 8, must be disseminated to an exclusive representative under the terms of that subdivision. Employee Social Security numbers are not necessary to implement the provisions of chapters 179 and 179A.

(b) The home addresses, nonemployer issued phone numbers and email addresses, dates of birth, and emails or other communications between exclusive representatives and their members, prospective members, and nonmembers are private data on individuals.

Sec. 2. [16A.1335] EMPLOYEE SALARIES AND BENEFITS IN EVENT OF STATE GOVERNMENT SHUTDOWN.

Subdivision 1. **Definition.** As used in this section, "government shutdown" means that, as of July 1 of an odd-numbered year, legislation appropriating money for the general operations of (1) an executive agency, (2) an office or department of the legislature, including each house of the legislature and the Legislative Coordinating Commission, or (3) a judicial branch agency or department, including a court, has not been enacted for the biennium beginning July 1 of that year.

- Subd. 2. Payment required. Notwithstanding section 16A.17, subdivision 8, state employees must be provided payment for lost salary and benefits resulting from their absence from work during a government shutdown. An employee is eligible for a payment under this section only upon the employee's return to work.
- Subd. 3. Appropriation; limitation. (a) In the event of a government shutdown, the amount necessary to pay the salary and benefits of employees of any impacted agency, office, or department is appropriated beginning on that July 1 to that agency, office, or department. The appropriation is made from the fund or funds from which an appropriation was made in the previous fiscal year for salary and benefits paid to each affected employee.
- (b) Amounts appropriated under this subdivision may not exceed the amount or amounts appropriated for general operations of the affected agency, office, or department in the previous fiscal year.
- Subd. 4. Certification of amount for employees in the legislative and judicial branches. By June 25 of an odd-numbered year, if a government shutdown appears imminent, the director of the Legislative Coordinating Commission, the chief clerk of the house of representatives, the secretary of the senate, and the chief clerk of the supreme court must each certify to the commissioner of management and budget the amount needed for salaries and benefits for each fiscal year of the next biennium, and the commissioner of management and budget shall make the certified amount available on July 1 of that year, or on another schedule that permits payment of all salary and benefit obligations required by this section in a timely manner.
- <u>Subd. 5.</u> <u>Subsequent appropriations.</u> A subsequent appropriation to the agency, office, or department for regular operations for a biennium in which this section has been applied may only supersede and replace the appropriation provided by subdivision 3 by express reference to this section.
 - Sec. 3. Minnesota Statutes 2022, section 120A.414, subdivision 2, is amended to read:
- Subd. 2. **Plan.** A school board, including the board of a charter school, may adopt an e-learning day plan after consulting meeting and negotiating with the exclusive representative of the teachers. A <u>If a charter school's teachers are not represented by an exclusive representative, the</u> charter school may adopt an e-learning day plan after consulting with its teachers. The plan must include accommodations for students without Internet access at home and for digital device access for families without the technology or an insufficient amount of technology for the number of children in the household. A school's e-learning day plan must provide accessible options for students with disabilities under chapter 125A.

- Sec. 4. Minnesota Statutes 2022, section 122A.181, subdivision 5, is amended to read:
- Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and limited to the district or charter school that requested the initial Tier 1 license.
- (b) A Tier 1 license does not bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).
- (c) A Tier 1 license does not bring an individual within the definition of a teacher under section 179A.03, subdivision 18.
 - Sec. 5. Minnesota Statutes 2022, section 122A.26, subdivision 2, is amended to read:
- Subd. 2. **Exceptions.** (a) A person who teaches in a community education program which that qualifies for aid pursuant to section 124D.52 shall continue to meet licensure requirements as a teacher. A person who teaches in an early childhood and family education program which that is offered through a community education program and which qualifies for community education aid pursuant to section 124D.20 or early childhood and family education aid pursuant to section 124D.135 shall continue to meet licensure requirements as a teacher. A person who teaches in a community education course which that is offered for credit for graduation to persons under 18 years of age shall continue to meet licensure requirements as a teacher.
- (b) A person who teaches a driver training course which that is offered through a community education program to persons under 18 years of age shall be licensed by the Professional Educator Licensing and Standards Board or be subject to section 171.35. A license which that is required for an instructor in a community education program pursuant to this subdivision paragraph shall not be construed to bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, elause paragraph (a).

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

- Sec. 6. Minnesota Statutes 2022, section 122A.40, subdivision 5, is amended to read:
- Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period that is consistent with subdivision 8. Evaluation must occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. However, the board must give any such teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

- (b) A board must discharge a probationary 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 child abuse or sexual abuse.
- (c) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).
- (d) A probationary teacher whose first three years of consecutive employment are interrupted for maternity, paternity, or medical leave and who resumes teaching within 12 months of when the leave began is considered to have a consecutive teaching experience for purposes of paragraph (a) if the probationary teacher completes a combined total of three years of teaching service immediately before and after the leave.
- (e) A probationary teacher must complete at least 120 90 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.
 - Sec. 7. Minnesota Statutes 2022, section 122A.41, subdivision 2, is amended to read:
- Subd. 2. Probationary period; discharge or demotion. (a) All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not, be renewed as the school board, after consulting with the peer review committee charged with evaluating the probationary teachers under subdivision 3, shall see fit. The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and the probationary period in each district in which the teacher is thereafter employed shall be one year. The school site management team or the school board if there is no school site management team, shall adopt a plan for a written evaluation of teachers during the probationary period according to subdivisions 3 and 5. Evaluation by the peer review committee charged with evaluating probationary teachers under subdivision 3 shall occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school shall not be included in determining the number of school days on which a teacher performs services. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.
- (b) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).
- (c) A probationary teacher whose first three years of consecutive employment are interrupted for maternity, paternity, or medical leave and who resumes teaching within 12 months of when the leave began is considered to have a consecutive teaching experience for purposes of paragraph (a) if the probationary teacher completes a combined total of three years of teaching service immediately before and after the leave.
- (d) A probationary teacher must complete at least 120 90 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

- Sec. 8. Minnesota Statutes 2022, section 179A.03, subdivision 14, is amended to read:
- Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee" means any person appointed or employed by a public employer except:
 - (1) elected public officials;
 - (2) election officers;
 - (3) commissioned or enlisted personnel of the Minnesota National Guard;
 - (4) emergency employees who are employed for emergency work caused by natural disaster;
- (5) part-time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's appropriate unit;
- (6) employees whose positions are basically temporary or seasonal in character and: (i) are not for more than 67 working days in any calendar year; Θ (ii) are not working for a Minnesota school district or charter school; or (iii) are not for more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment;
- (7) employees providing services for not more than two consecutive quarters to the Board of Trustees of the Minnesota State Colleges and Universities under the terms of a professional or technical services contract as defined in section 16C.08, subdivision 1;
- (8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public employees for purposes of sections 179A.051, 179A.052, and 179A.13;
- (9) full-time undergraduate students employed by the school which they attend under a work-study program or in connection with the receipt of financial aid, irrespective of number of hours of service per week;
- (10) an individual who is employed for less than 300 hours in a fiscal year as an instructor in an adult vocational education program;
- (11) an individual hired by the Board of Trustees of the Minnesota State Colleges and Universities to teach one course for three or fewer credits for one semester in a year:
 - (12) (11) with respect to court employees:
 - (i) personal secretaries to judges;
 - (ii) law clerks;
 - (iii) managerial employees;
 - (iv) confidential employees; and
 - (v) supervisory employees; or

- (13) (12) with respect to employees of Hennepin Healthcare System, Inc., managerial, supervisory, and confidential employees.
- (b) The following individuals are public employees regardless of the exclusions of paragraph (a), clauses (5) and $\frac{(6)}{(7)}$:
- (1) an employee hired by a school district or the Board of Trustees of the Minnesota State Colleges and Universities except at the university established in the Twin Cities metropolitan area under section 136F.10 or for community services or community education instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member who is a public employee, where the replacement employee is employed more than 30 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching position created due to increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons;
- (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same position has already been filled under paragraph (a), clause (6), item (i), in the same calendar year and the cumulative number of days worked in that same position by all employees exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position" includes a substantially equivalent position if it is not the same position solely due to a change in the classification or title of the position; and
 - (3) an early childhood family education teacher employed by a school district-; and
- (4) an individual hired by the Board of Trustees of the Minnesota State Colleges and Universities as the instructor of record to teach (i) one class for more than three credits in a fiscal year, or (ii) two or more credit-bearing classes in a fiscal year.
 - Sec. 9. Minnesota Statutes 2022, section 179A.03, subdivision 18, is amended to read:
- Subd. 18. **Teacher.** "Teacher" means any public employee other than a superintendent or assistant superintendent, principal, assistant principal, or a supervisory or confidential employee, employed by a school district:
- (1) in a position for which the person must be licensed by the Professional Educator Licensing and Standards Board or the commissioner of education; or
 - (2) in a position as a physical therapist, occupational therapist, art therapist, music therapist, or audiologist-; or
- (3) in a position creating and delivering instruction to children in a prekindergarten or early learning program, except that an employee in a bargaining unit certified before January 1, 2023, may remain in a bargaining unit that does not include teachers unless an exclusive representative files a petition for a unit clarification or to transfer exclusive representative status.

EFFECTIVE DATE. This section is effective July 1, 2023.

- Sec. 10. Minnesota Statutes 2022, section 179A.03, subdivision 19, is amended to read:
- Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment" means the hours of employment, the compensation therefor including fringe benefits except retirement contributions or benefits other than employer payment of, or contributions to, premiums for group insurance coverage of retired employees or severance pay, staffing ratios, and the employer's personnel policies affecting the working conditions of the

employees. In the case of professional employees the term does not mean educational policies of a school district. "Terms and conditions of employment" is subject to section 179A.07. <u>In the case of school employees, "terms and conditions of employment" includes class sizes, student testing, and student-to-personnel ratios.</u>

- Sec. 11. Minnesota Statutes 2022, section 179A.06, subdivision 6, is amended to read:
- Subd. 6. Dues checkoff Payroll deduction, authorization, and remittance. (a) Public employees have the right to request and be allowed dues checkoff payroll deduction for the exclusive representative. In the absence of an exclusive representative, public employees have the right to request and be allowed dues checkoff for the organization of their choice. and the political fund associated with the exclusive representative and registered pursuant to section 10A.12. A public employer must rely on a certification from any exclusive representative requesting remittance of a deduction that the organization has and will maintain an authorization, signed by the public employee from whose salary or wages the deduction is to be made, which may include an electronic signature by the public employee as defined in section 325L.02, paragraph (h). An exclusive representative making such certification must not be required to provide the public employer a copy of the authorization unless a dispute arises about the existence or terms of the authorization. The exclusive representative must indemnify the public employer for any successful claims made by the employee for unauthorized deductions in reliance on the certification.
- (b) A dues deduction authorization remains in effect until the employer receives notice from the exclusive representative that a public employee has changed or canceled their authorization in writing in accordance with the terms of the original authorizing document, and a public employer must rely on information from the exclusive representative receiving remittance of the deduction regarding whether the deductions have been properly changed or canceled. The exclusive representative must indemnify the public employer for any successful claims made by the employee for unauthorized deductions made in reliance on such information.
- (c) Deduction authorization under this section is independent from the public employee's membership status in the organization to which payment is remitted and is effective regardless of whether a collective bargaining agreement authorizes the deduction.
- (d) Employers must commence deductions within 30 days of notice of authorization from the exclusive representative and must remit the deductions to the exclusive representative within 30 days of the deduction. The failure of an employer to comply with the provisions of this paragraph shall be an unfair labor practice under section 179A.13, the relief for which shall be reimbursement by the employer of deductions that should have been made or remitted based on a valid authorization given by the employee or employees.
- (e) In the absence of an exclusive representative, public employees have the right to request and be allowed payroll deduction for the organization of their choice.
- (f) Any dispute under this subdivision must be resolved through an unfair labor practice proceeding under section 179A.13.
 - Sec. 12. Minnesota Statutes 2022, section 179A.06, is amended by adding a subdivision to read:
- Subd. 8. Liability. (a) A public employer, a labor organization, or any of its employees or agents shall not be liable for and shall have a complete defense to claims or actions under the laws of this state for requiring, deducting, receiving, or retaining agency or fair share fees from public employees. Current or former public employees shall not have standing to pursue these claims or actions if the fees were permitted at the time under the laws of this state then in force and paid, through payroll deduction or otherwise, prior to June 27, 2018.
- (b) This subdivision applies to claims or actions pending on the effective date of this section and to claims or actions filed on or after that date.

- (c) The enactment of this section shall not be interpreted to create the inference that any relief made unavailable by this section would otherwise be available.
 - (d) The legislature finds and declares:
- (1) application of this subdivision to pending claims or actions clarifies state law rather than changes it. Public employees who paid agency or fair share fees as a condition of employment according to state law and supreme court precedent prior to June 27, 2018, had no legitimate expectation of receiving the money under any available cause of action. Public employees and organizations who relied on and abided by state law and supreme court precedent in deducting and accepting those fees were not liable to refund them or any agency or fair share fees paid for collective bargaining representation that employee organizations were obligated by state law to provide to public employees. Application of this subdivision to pending claims will preserve, rather than interfere with, important reliance interests; and
- (2) this subdivision is necessary to provide certainty to public employers and employee organizations that relied on state law, and to avoid disruption of public employee labor relations.

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

Sec. 13. Minnesota Statutes 2022, section 179A.07, subdivision 1, is amended to read:

- Subdivision 1. **Inherent managerial policy.** A public employer is not required to meet and negotiate on matters of inherent managerial policy. Matters of inherent managerial policy include, but are not limited to, such areas of discretion or policy as the functions and programs of the employer, its overall budget, utilization of technology, the organizational structure, selection of personnel, and direction and the number of personnel. No public employer shall sign an agreement which limits its right to select persons to serve as supervisory employees or state managers under section 43A.18, subdivision 3, or requires the use of seniority in their selection.
 - Sec. 14. Minnesota Statutes 2022, section 179A.07, subdivision 6, is amended to read:
- Subd. 6. **Time off.** A public employer must afford reasonable time off to elected officers or appointed representatives of the exclusive representative to conduct the duties of the exclusive representative and must, upon request, provide for leaves of absence to elected or appointed officials of the exclusive representative, to elected or appointed officials of an affiliate of an exclusive representative, or to a full-time appointed official of an exclusive representative of teachers in another Minnesota school district.
 - Sec. 15. Minnesota Statutes 2022, section 179A.07, is amended by adding a subdivision to read:
- Subd. 8. Bargaining unit information. (a) Within ten calendar days from the date of hire of a bargaining unit employee, a public employer must provide the following contact information to an exclusive representative in an Excel file format or other format agreed to by the exclusive representative: name; job title; worksite location, including location within a facility when appropriate; home address; work telephone number; home and personal cell phone numbers on file with the public employer; date of hire; and work email address and personal email address on file with the public employer.
- (b) Every 120 calendar days beginning on January 1, 2024, a public employer must provide an exclusive representative in an Excel file or similar format agreed to by the exclusive representative the following information for all bargaining unit employees: name, job title, worksite location, home address, work telephone number, home and personal cell phone numbers on file with the public employer, date of hire, and work email address and personal email address on file with the public employer.

- Sec. 16. Minnesota Statutes 2022, section 179A.07, is amended by adding a subdivision to read:
- Subd. 9. Access. (a) A public employer must allow an exclusive representative to meet in person with newly hired employees, without charge to the pay or leave time of the employees, for 30 minutes, within 30 calendar days from the date of hire, during new employee orientations or, if the employer does not conduct new employee orientations, at individual or group meetings. An exclusive representative shall receive no less than ten days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the operations of the public employer that was not reasonably foreseeable. Notice of and attendance at new employee orientations and other meetings under this paragraph must be limited to the public employer, the employees, the exclusive representative, and any vendor contracted to provide a service for purposes of the meeting. Meetings may be held virtually or for longer than 30 minutes only by mutual agreement of the public employer and exclusive representative.
- (b) A public employer must allow an exclusive representative to communicate with bargaining unit members using their employer-issued email addresses regarding collective bargaining, the administration of collective bargaining agreements, the investigation of grievances, other workplace-related complaints and issues, and internal matters involving the governance or business of the exclusive representative, consistent with the employer's generally applicable technology use policies.
- (c) A public employer must allow an exclusive representative to meet with bargaining unit members in facilities owned or leased by the public employer regarding collective bargaining, the administration of collective bargaining agreements, grievances and other workplace-related complaints and issues, and internal matters involving the governance or business of the exclusive representative, provided the use does not interfere with governmental operations. Meetings conducted in government buildings pursuant to this paragraph must not be for the purpose of supporting or opposing any candidate for partisan political office or for the purpose of distributing literature or information regarding partisan elections. An exclusive representative conducting a meeting in a government building or other government facility pursuant to this subdivision may be charged for maintenance, security, and other costs related to the use of the government building or facility that would not otherwise be incurred by the government entity.
 - Sec. 17. Minnesota Statutes 2022, section 179A.12, is amended by adding a subdivision to read:
- Subd. 2a. Majority verification procedure. (a) Notwithstanding any other provision of this section, an employee organization may file a petition with the commissioner requesting certification as the exclusive representative of an appropriate unit based on a verification that over 50 percent of the employees in the proposed appropriate unit wish to be represented by the petitioner. The commissioner shall require dated representation authorization signatures of affected employees as verification of the employee organization's claim of majority status.
- (b) Upon receipt of an employee organization's petition, accompanied by employee authorization signatures under this subdivision, the commissioner shall investigate the petition. If the commissioner determines that over 50 percent of the employees in an appropriate unit have provided authorization signatures designating the employee organization specified in the petition as their exclusive representative, the commissioner shall not order an election but shall certify the employee organization.
 - Sec. 18. Minnesota Statutes 2022, section 179A.12, subdivision 6, is amended to read:
- Subd. 6. **Authorization signatures.** In determining the numerical status of an employee organization for purposes of this section, the commissioner shall require dated representation authorization signatures of affected employees as verification of the statements contained in the joint request or petitions. These authorization signatures shall be privileged and confidential information available to the commissioner only. <u>Electronic signatures</u>, as defined in section 325L.02, paragraph (h), shall be valid as authorization signatures. Authorization signatures shall be valid for a period of one year following the date of signature.

- Sec. 19. Minnesota Statutes 2022, section 179A.12, subdivision 11, is amended to read:
- Subd. 11. **Unfair labor practices.** If the commissioner finds that an unfair labor practice was committed by an employer or representative candidate or an employee or group of employees, and that the unfair labor practice affected the result of an election <u>or majority verification procedure pursuant to subdivision 2a</u>, or that procedural or other irregularities in the conduct of the election <u>or majority verification procedure</u> may have substantially affected its results, the commissioner may void the <u>election</u> result and order a new election <u>or majority verification procedure</u>.
 - Sec. 20. Minnesota Statutes 2022, section 572B.17, is amended to read:

572B.17 WITNESSES; SUBPOENAS; DEPOSITIONS; DISCOVERY.

- (a) An arbitrator may issue a subpoena for the attendance of a witness and for the production of records and other evidence at any hearing and may administer oaths. A subpoena must be served in the manner for service of subpoenas in a civil action and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for enforcement of subpoenas in a civil action.
- (b) On request of a party to or a witness in an arbitration proceeding, an arbitrator may permit a deposition of any witness to provide testimony at the arbitration hearing, including a witness who cannot be subpoenaed for or is unable to attend a hearing, to be taken under conditions determined by the arbitrator for use as evidence in order to make the proceeding fair, expeditious, and cost-effective.
- (c) An arbitrator may permit such discovery as the arbitrator decides is appropriate in the circumstances, taking into account the needs of the parties to the arbitration proceeding and other affected persons and the desirability of making the proceeding fair, expeditious, and cost-effective.
- (d) If an arbitrator permits discovery under subsection (c), the arbitrator may order a party to the arbitration proceeding to comply with the arbitrator's discovery-related orders, including the issuance of a subpoena for the attendance of a witness and for the production of records and other evidence at a discovery proceeding, and may take action against a party to the arbitration proceeding who does not comply to the extent permitted by law as if the controversy were the subject of a civil action in this state.
- (e) An arbitrator may issue a protective order to prevent the disclosure of privileged information, confidential information, trade secrets, <u>data classified as nonpublic or private pursuant to chapter 13</u>, and other information protected from disclosure as if the controversy were the subject of a civil action in this state.
- (f) All laws compelling a person under subpoena to testify and all fees for attending a judicial proceeding, a deposition, or a discovery proceeding as a witness apply to an arbitration proceeding as if the controversy were the subject of a civil action under the laws and rules of civil procedure of this state.
- (g) The court may enforce a subpoena or discovery-related order for the attendance of a witness within this state and for the production of records and other evidence issued by an arbitrator in connection with an arbitration proceeding in another state upon conditions determined by the court in order to make the arbitration proceeding fair, expeditious, and cost-effective. A subpoena or discovery-related order issued by an arbitrator must be served in the manner provided by law for service of subpoenas in a civil action in this state and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner provided by law for enforcement of subpoenas in a civil action in this state.

Sec. 21. REPEALER.

Minnesota Statutes 2022, section 179A.12, subdivision 2, is repealed."

Delete the title and insert:

"A bill for an act relating to labor relations; modifying public employee labor relations; modifying collective bargaining; amending Minnesota Statutes 2022, sections 13.43, subdivision 6; 120A.414, subdivision 2; 122A.181, subdivision 5; 122A.26, subdivision 2; 122A.40, subdivision 5; 122A.41, subdivision 2; 179A.03, subdivisions 14, 18, 19; 179A.06, subdivision 6, by adding a subdivision; 179A.07, subdivisions 1, 6, by adding subdivisions; 179A.12, subdivisions 6, 11, by adding a subdivision; 572B.17; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2022, section 179A.12, subdivision 2."

With the recommendation that when so amended the bill be re-referred to the Committee on State and Local Government Finance and Policy.

The report was adopted.

Klevorn from the Committee on State and Local Government Finance and Policy to which was referred:

H. F. No. 1723, A bill for an act relating to elections; appropriating money to the secretary of state; amending Minnesota Statutes 2022, section 5.30, subdivision 2.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 1741, A bill for an act relating to transit; requiring metro counties to report on use of transportation sales tax proceeds for guideways; amending Minnesota Statutes 2022, section 297A.993, by adding a subdivision.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes.

The report was adopted.

Stephenson from te Committee on Commerce Finance and Policy to which was referred:

H. F. No. 2084, A bill for an act relating to homeowners' associations; modifying provisions governing attorney fees and assessments; amending Minnesota Statutes 2022, sections 515B.3-102; 515B.3-115; 515B.3-115; 515B.3-116; 582.01, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2022, section 515B.3-102, is amended to read:

515B.3-102 POWERS OF UNIT OWNERS' ASSOCIATION.

(a) Except as provided in subsections (b), (c), (d), $\frac{\text{and}}{\text{and}}$ (e), $\frac{\text{and}}{\text{of}}$ and subject to the provisions of the declaration or bylaws, the association shall have the power to:

- (1) adopt, amend and revoke rules and regulations not inconsistent with the articles of incorporation, bylaws and declaration, as follows: (i) regulating the use of the common elements; (ii) regulating the use of the units, and conduct of unit occupants, which may jeopardize the health, safety or welfare of other occupants, which involves noise or other disturbing activity, or which may damage the common elements or other units; (iii) regulating or prohibiting animals; (iv) regulating changes in the appearance of the common elements and conduct which may damage the common interest community; (v) regulating the exterior appearance of the common interest community, including, for example, balconies and patios, window treatments, and signs and other displays, regardless of whether inside a unit; (vi) implementing the articles of incorporation, declaration and bylaws, and exercising the powers granted by this section; and (vii) otherwise facilitating the operation of the common interest community;
- (2) adopt and amend budgets for revenues, expenditures and reserves, and levy and collect assessments for common expenses from unit owners;
 - (3) hire and discharge managing agents and other employees, agents, and independent contractors;
- (4) institute, defend, or intervene in litigation or administrative proceedings (i) in its own name on behalf of itself or two or more unit owners on matters affecting the common elements or other matters affecting the common interest community or, (ii) with the consent of the owners of the affected units on matters affecting only those units;
 - (5) make contracts and incur liabilities;
 - (6) regulate the use, maintenance, repair, replacement, and modification of the common elements and the units;
 - (7) cause improvements to be made as a part of the common elements, and, in the case of a cooperative, the units;
- (8) acquire, hold, encumber, and convey in its own name any right, title, or interest to real estate or personal property, but (i) common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to section 515B.3-112, or (ii) part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to section 515B.3-112;
- (9) grant or amend easements for public utilities, public rights-of-way or other public purposes, and cable television or other communications, through, over or under the common elements; grant or amend easements, leases, or licenses to unit owners for purposes authorized by the declaration; and, subject to approval by a vote of unit owners other than declarant or its affiliates, grant or amend other easements, leases, and licenses through, over or under the common elements;
- (10) impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements, other than limited common elements, and for services provided to unit owners;
- (11) impose interest and late charges for late payment of assessments and, after notice and an opportunity to be heard before the board or a committee appointed by it, levy reasonable fines for violations of the declaration, bylaws, and rules and regulations of the association, provided that attorney fees and costs must not be charged or collected from a unit owner who disputes a fine or assessment and, if after being heard by the board or a committee of the board, the board does not adopt a resolution levying the fine or upholding the assessment against the unit owner or owner's unit;
- (12) impose reasonable charges for the review, preparation and recordation of amendments to the declaration, resale certificates required by section 515B.4-107, statements of unpaid assessments, or furnishing copies of association records;

- (13) provide for the indemnification of its officers and directors, and maintain directors' and officers' liability insurance;
 - (14) provide for reasonable procedures governing the conduct of meetings and election of directors;
 - (15) exercise any other powers conferred by law, or by the declaration, articles of incorporation or bylaws; and
 - (16) exercise any other powers necessary and proper for the governance and operation of the association.
- (b) Notwithstanding subsection (a) the declaration or bylaws may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.
- (c) An association that levies a fine pursuant to subsection (a)(11), or an assessment pursuant to section 515B.3-115(g), or 515B.3-115(g), must provide a dated, written notice to a unit owner that:
 - (1) states the amount and reason for the fine or assessment;
- (2) for fines levied under section 515B.3-102(a)(11), specifies: (i) the violation for which a fine is being levied; and (ii) the specific section of the declaration, bylaws, rules, or regulations allegedly violated;
- (3) for assessments levied under section 515B.3-115(g) or 515B.3-1151(g), identifies: (i) the damage caused; and (ii) the act or omission alleged to have caused the damage;
- (4) states that all unpaid fines and assessments are liens which, if not satisfied, could lead to foreclosure of the lien against the owner's unit;
 - (5) describes the unit owner's right to be heard by the board or a committee appointed by the board;
- (6) states that if the assessment, fine, late fees, and other allowable charges are not paid, the amount may increase as a result of the imposition of attorney fees and other collection costs; and
- (7) informs the unit owner that homeownership assistance is available from, and includes the contact information for, the Minnesota Homeownership Center.
 - (e) (d) Notwithstanding subsection (a), powers exercised under this section must comply with section 500.215.
- (d) (e) Notwithstanding subsection (a)(4) or any other provision of this chapter, the association, before instituting litigation or arbitration involving construction defect claims against a development party, shall:
- (1) mail or deliver written notice of the anticipated commencement of the action to each unit owner at the addresses, if any, established for notices to owners in the declaration and, if the declaration does not state how notices are to be given to owners, to the owner's last known address. The notice shall specify the nature of the construction defect claims to be alleged, the relief sought, and the manner in which the association proposes to fund the cost of pursuing the construction defect claims; and
- (2) obtain the approval of owners of units to which a majority of the total votes in the association are allocated. Votes allocated to units owned by the declarant, an affiliate of the declarant, or a mortgagee who obtained ownership of the unit through a foreclosure sale are excluded. The association may obtain the required approval by a vote at an annual or special meeting of the members or, if authorized by the statute under which the association is created and taken in compliance with that statute, by a vote of the members taken by electronic means or mailed

ballots. If the association holds a meeting and voting by electronic means or mailed ballots is authorized by that statute, the association shall also provide for voting by those methods. Section 515B.3-110(c) applies to votes taken by electronic means or mailed ballots, except that the votes must be used in combination with the vote taken at a meeting and are not in lieu of holding a meeting, if a meeting is held, and are considered for purposes of determining whether a quorum was present. Proxies may not be used for a vote taken under this paragraph unless the unit owner executes the proxy after receipt of the notice required under subsection (d)(1) (e)(1) and the proxy expressly references this notice.

(e) (f) The association may intervene in a litigation or arbitration involving a construction defect claim or assert a construction defect claim as a counterclaim, crossclaim, or third-party claim before complying with subsections (d)(1) (e)(1) and (d)(2) (e)(2) but the association's complaint in an intervention, counterclaim, crossclaim, or third-party claim shall be dismissed without prejudice unless the association has complied with the requirements of subsection (d) (e) within 90 days of the association's commencement of the complaint in an intervention or the assertion of the counterclaim, crossclaim, or third-party claim.

EFFECTIVE DATE. This section is effective January 1, 2024, for fines and assessments levied on or after that date.

Sec. 2. Minnesota Statutes 2022, section 515B.3-115, is amended to read:

515B.3-115 ASSESSMENTS FOR COMMON EXPENSES; CIC CREATED BEFORE AUGUST 1, 2010.

- (a) The obligation of a unit owner to pay common expense assessments shall be as follows:
- (1) If a common expense assessment has not been levied, the declarant shall pay all operating expenses of the common interest community, and shall fund the replacement reserve component of the common expenses as required by subsection (b).
- (2) If a common expense assessment has been levied, all unit owners, including the declarant, shall pay the assessments allocated to their units, subject to the following:
- (i) If the declaration so provides, a declarant's liability, and the assessment lien, for the common expense assessments, exclusive of replacement reserves, on any unit owned by the declarant may be limited to 25 percent or more of any assessment, exclusive of replacement reserves, until the unit or any building located in the unit is substantially completed. Substantial completion shall be evidenced by a certificate of occupancy in any jurisdiction that issues the certificate.
- (ii) If the declaration provides for a reduced assessment pursuant to paragraph (2)(i), the declarant shall be obligated, within 60 days following the termination of the period of declarant control, to make up any operating deficit incurred by the association during the period of declarant control. The existence and amount, if any, of the operating deficit shall be determined using the accrual basis of accounting applied as of the date of termination of the period of declarant control, regardless of the accounting methodology previously used by the association to maintain its accounts.
- (b) The replacement reserve component of the common expenses shall be funded for each unit in accordance with the projected annual budget required by section 515B.4-102(a)(23) provided that the funding of replacement reserves with respect to a unit shall commence no later than the date that the unit or any building located within the unit boundaries is substantially completed. Substantial completion shall be evidenced by a certificate of occupancy in any jurisdiction that issues the certificate.
- (c) After an assessment has been levied by the association, assessments shall be levied at least annually, based upon a budget approved at least annually by the association.

- (d) Except as modified by subsections (a)(1) and (2), (e), (f), and (g), all common expenses shall be assessed against all the units in accordance with the allocations established by the declaration pursuant to section 515B.2-108.
 - (e) Unless otherwise required by the declaration:
- (1) any common expense associated with the maintenance, repair, or replacement of a limited common element shall be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;
- (2) any common expense or portion thereof benefiting fewer than all of the units may be assessed exclusively against the units benefited, equally, or in any other proportion the declaration provides;
- (3) the costs of insurance may be assessed in proportion to risk or coverage, and the costs of utilities may be assessed in proportion to usage;
- (4) reasonable <u>attorneys</u> <u>attorneys</u> fees and costs incurred by the association in connection with (i) the collection of assessments <u>against a unit owner</u>, and, (ii) the enforcement of this chapter, the articles, bylaws, declaration, or rules and regulations, against a unit owner, may be assessed against the unit owner's unit <u>subject to section</u> <u>515B.3-116(h)</u>; and
 - (5) fees, charges, late charges, fines and interest may be assessed as provided in section 515B.3-116(a).
- (f) Assessments levied under section 515B.3-116 to pay a judgment against the association may be levied only against the units in the common interest community at the time the judgment was entered, in proportion to their common expense liabilities.
- (g) If any damage to the common elements or another unit is caused by the act or omission of any unit owner, or occupant of a unit, or their invitees, the association may assess the costs of repairing the damage exclusively against the unit owner's unit to the extent not covered by insurance.
- (h) Subject to any shorter period specified by the declaration or bylaws, if any installment of an assessment becomes more than 60 days past due, then the association may, upon ten days' written notice to the unit owner, declare the entire amount of the assessment immediately due and payable in full, except that any portion of the assessment that represents installments that are not due and payable without acceleration as of the date of reinstatement must not be included in the amount that a unit owner must pay to reinstate under section 580.30 or chapter 581.
- (i) If common expense liabilities are reallocated for any purpose authorized by this chapter, common expense assessments and any installment thereof not yet due shall be recalculated in accordance with the reallocated common expense liabilities.
- (j) An assessment against fewer than all of the units must be levied within three years after the event or circumstances forming the basis for the assessment, or shall be barred.
 - (k) This section applies only to common interest communities created before August 1, 2010.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 3. Minnesota Statutes 2022, section 515B.3-1151, is amended to read:

515B.3-1151 ASSESSMENTS FOR COMMON EXPENSES; CIC CREATED ON OR AFTER AUGUST 1, 2010.

(a) The association shall approve an annual budget of common expenses at or prior to the conveyance of the first unit in the common interest community to a purchaser and annually thereafter. The annual budget shall include all customary and necessary operating expenses and replacement reserves for the common interest community,

consistent with this section and section 515B.3-114. For purposes of replacement reserves under subsection (b), until an annual budget has been approved, the reserves shall be paid based upon the budget contained in the disclosure statement required by section 515B.4-102. The obligation of a unit owner to pay common expenses shall be as follows:

- (1) If a common expense assessment has not been levied by the association, the declarant shall pay all common expenses of the common interest community, including the payment of the replacement reserve component of the common expenses for all units in compliance with subsection (b).
- (2) If a common expense assessment has been levied by the association, all unit owners, including the declarant, shall pay the assessments levied against their units, except as follows:
- (i) The declaration may provide for an alternate common expense plan whereby the declarant's common expense liability, and the corresponding assessment lien against the units owned by the declarant, is limited to: (A) paying when due, in compliance with subsection (b), an amount equal to the full share of the replacement reserves allocated to units owned by the declarant, as set forth in the association's annual budget approved as provided in this subsection; and (B) paying when due all accrued expenses of the common interest community in excess of the aggregate assessments payable with respect to units owned by persons other than a declarant; provided, that the alternate common expense plan shall not affect a declarant's obligation to make up any operating deficit pursuant to item (iv), and shall terminate upon the termination of any period of declarant control unless terminated earlier pursuant to item (iii).
- (ii) The alternate common expense plan may be authorized only by including in the declaration and the disclosure statement required by section 515B.4-102 provisions authorizing and disclosing the alternate common expense plan as described in item (i), and including in the disclosure statement either (A) a statement that the alternate common expense plan will have no effect on the level of services or amenities anticipated by the association's budget contained in the disclosure statement, or (B) a statement describing how the services or amenities may be affected.
- (iii) A declarant shall give notice to the association of its intent to utilize the alternate common expense plan and a commencement date after the date the notice is given. The alternate common expense plan shall be valid only for periods after the notice is given. A declarant may terminate its right to utilize the alternate common expense plan prior to the termination of the period of declarant control only by giving notice to the association and the unit owners at least 30 days prior to a selected termination date set forth in the notice.
- (iv) If a declarant utilizes an alternate common expense plan, that declarant shall cause to be prepared and delivered to the association, at the declarant's expense, within 90 days after the termination of the period of declarant control, an audited balance sheet and profit and loss statement certified to the association and prepared by an accountant having the qualifications set forth in section 515B.3-121(b). The audit shall be binding on the declarant and the association.
- (v) If the audited profit and loss statement shows an accumulated operating deficit, the declarant shall be obligated to make up the deficit within 15 days after delivery of the audit to the association, and the association shall have a claim against the declarant for an amount equal to the deficit until paid. A declarant who does not utilize an alternate common expense plan is not liable to make up any operating deficit. If more than one declarant utilizes an alternate common expense plan, all declarants who utilize the plan are jointly and severally liable to the association for any operating deficit.
- (vi) The existence and amount, if any, of the operating deficit shall be determined using the accrual method of accounting applied as of the date of termination of the period of declarant control, regardless of the accounting methodology previously used by the association to maintain its accounts.

- (vii) Unless approved by a vote of the unit owners other than the declarant and its affiliates, the operating deficit shall not be made up, prior to the election by the unit owners of a board of directors pursuant to section 515B.3-103(d), through the use of a special assessment described in subsection (c) or by assessments described in subsections (e), (f), and (g).
- (viii) The use by a declarant of an alternate common expense plan shall not affect the obligations of the declarant or the association as provided in the declaration, the bylaws, or this chapter, or as represented in the disclosure statement required by section 515B.4-102, except as to matters authorized by this chapter.
- (b) The replacement reserves required by section 515B.3-114 shall be paid to the association by each unit owner for each unit owned by that unit owner in accordance with the association's annual budget approved pursuant to subsection (a), regardless of whether an annual assessment has been levied or whether the declarant has utilized an alternate common expense plan under subsection (a)(2). Replacement reserves shall be paid with respect to a unit commencing as of the later of (1) the date of creation of the common interest community or (2) the date that the structure and exterior of the building containing the unit, or the structure and exterior of any building located within the unit boundaries, but excluding the interior finishing of the structure itself, are substantially completed. If the association has not approved an annual budget as of the commencement date for the payment of replacement reserves, then the reserves shall be paid based upon the budget contained in the disclosure statement required by section 515B.4-102.
- (c) After an assessment has been levied by the association, assessments shall be levied at least annually, based upon an annual budget approved by the association. In addition to and not in lieu of annual assessments, an association may, if so provided in the declaration, levy special assessments against all units in the common interest community based upon the same formula required by the declaration for levying annual assessments. Special assessments may be levied only (1) to cover expenditures of an emergency nature, (2) to replenish underfunded replacement reserves, (3) to cover unbudgeted capital expenditures or operating expenses, or (4) to replace certain components of the common interest community described in section 515B.3-114(a), if such alternative method of funding is approved under section 515B.3-114(a)(5). The association may also levy assessments against fewer than all units as provided in subsections (e), (f), and (g). An assessment under subsection (e)(2) for replacement reserves is subject to the requirements of section 515B.3-1141(a)(5).
- (d) Except as modified by subsections (a), clauses (1) and (2), (e), (f), and (g), all common expenses shall be assessed against all the units in accordance with the allocations established by the declaration pursuant to section 515B.2-108.
 - (e) Unless otherwise required by the declaration:
- (1) any common expense associated with the maintenance, repair, or replacement of a limited common element shall be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;
- (2) any common expense or portion thereof benefiting fewer than all of the units may be assessed exclusively against the units benefited, equally, or in any other proportion the declaration provides;
- (3) the costs of insurance may be assessed in proportion to risk or coverage, and the costs of utilities may be assessed in proportion to usage;
- (4) reasonable attorney fees and costs incurred by the association in connection with (i) the collection of assessments, and (ii) the enforcement of this chapter, the articles, bylaws, declaration, or rules and regulations, against a unit owner, may be assessed against the unit owner's unit, subject to section 515B.3-116(h); and

- (5) fees, charges, late charges, fines, and interest may be assessed as provided in section 515B.3-116(a).
- (f) Assessments levied under section 515B.3-116 to pay a judgment against the association may be levied only against the units in the common interest community at the time the judgment was entered, in proportion to their common expense liabilities.
- (g) If any damage to the common elements or another unit is caused by the act or omission of any unit owner, or occupant of a unit, or their invitees, the association may assess the costs of repairing the damage exclusively against the unit owner's unit to the extent not covered by insurance.
- (h) Subject to any shorter period specified by the declaration or bylaws, if any installment of an assessment becomes more than 60 days past due, then the association may, upon ten days' written notice to the unit owner, declare the entire amount of the assessment immediately due and payable in full, except that any portion of the assessment that represents installments that are not due and payable without acceleration as of the date of reinstatement must not be included in the amount that a unit owner must pay to reinstate under section 580.30 or chapter 581.
- (i) If common expense liabilities are reallocated for any purpose authorized by this chapter, common expense assessments and any installment thereof not yet due shall be recalculated in accordance with the reallocated common expense liabilities.
- (j) An assessment against fewer than all of the units must be levied within three years after the event or circumstances forming the basis for the assessment, or shall be barred.
 - (k) This section applies only to common interest communities created on or after August 1, 2010.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 4. Minnesota Statutes 2022, section 515B.3-116, is amended to read:

515B.3-116 LIEN FOR ASSESSMENTS.

- (a) The association has a lien on a unit for any assessment levied against that unit from the time the assessment becomes due. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due. Unless the declaration otherwise provides, fees, charges, late charges, fines and interest charges pursuant to section 515B.3-102(a)(10), (11) and (12) are liens, and are enforceable as assessments, under this section. Recording of the declaration constitutes record notice and perfection of any assessment lien under this section, and no further recording of any notice of or claim for the lien is required.
- (b) Subject to subsection (c), a lien under this section is prior to all other liens and encumbrances on a unit except (i) liens and encumbrances recorded before the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes, or takes subject to, (ii) any first mortgage encumbering the fee simple interest in the unit, or, in a cooperative, any first security interest encumbering only the unit owner's interest in the unit, (iii) liens for real estate taxes and other governmental assessments or charges against the unit, and (iv) a master association lien under section 515B.2-121(h). This subsection shall not affect the priority of mechanic's liens.
- (c) If a first mortgage on a unit is foreclosed, the first mortgage was recorded after June 1, 1994, and no owner or person who acquires the owner's interest in the unit redeems pursuant to chapter 580, 581, or 582, the holder of the sheriff's certificate of sale from the foreclosure of the first mortgage or any person who acquires title to the unit by redemption as a junior creditor shall take title to the unit subject to a lien in favor of the association for unpaid assessments for common expenses levied pursuant to section 515B.3-115(a), (e)(1) to (3), (f), and (i) which became

due, without acceleration, during the six months immediately preceding the end of the owner's period of redemption. The common expenses shall be based upon the association's then current annual budget, notwithstanding the use of an alternate common expense plan under section 515B.3-115(a)(2). If a first security interest encumbering a unit owner's interest in a cooperative unit which is personal property is foreclosed, the secured party or the purchaser at the sale shall take title to the unit subject to unpaid assessments for common expenses levied pursuant to section 515B.3-115(a), (e)(1) to (3), (f), and (i) which became due, without acceleration, during the six months immediately preceding the first day following either the disposition date pursuant to section 336.9-610 or the date on which the obligation of the unit owner is discharged pursuant to section 336.9-622.

- (d) Proceedings to enforce an assessment lien shall be instituted within three years after the last installment of the assessment becomes payable, or shall be barred.
- (e) The unit owner of a unit at the time an assessment is due shall be personally liable to the association for payment of the assessment levied against the unit. If there are multiple owners of the unit, they shall be jointly and severally liable.
- (f) This section does not prohibit actions to recover sums for which subsection (a) creates a lien nor prohibit an association from taking a deed in lieu of foreclosure.
- (g) The association shall furnish to a unit owner or the owner's authorized agent upon written request of the unit owner or the authorized agent a statement setting forth the amount of unpaid assessments currently levied against the owner's unit. If the unit owner's interest is real estate, the statement shall be in recordable form. The statement shall be furnished within ten business days after receipt of the request and is binding on the association and every unit owner.
 - (h) The association's lien may be foreclosed as provided in this subsection.
- (1) In a condominium or planned community, the association's lien may be foreclosed in a like manner as a mortgage containing a power of sale pursuant to chapter 580, or by action pursuant to chapter 581. The association shall have a power of sale to foreclose the lien pursuant to chapter 580, except that any portion of the assessment that represents attorney fees or costs shall not be included in the amount a unit owner must pay to reinstate under section 580.30 or chapter 581.
- (2) In a cooperative whose unit owners' interests are real estate, the association's lien shall be foreclosed in a like manner as a mortgage on real estate as provided in paragraph (1).
- (3) In a cooperative whose unit owners' interests in the units are personal property, the association's lien shall be foreclosed in a like manner as a security interest under article 9 of chapter 336. In any disposition pursuant to section 336.9-610 or retention pursuant to sections 336.9-620 to 336.9-622, the rights of the parties shall be the same as those provided by law, except (i) notice of sale, disposition, or retention shall be served on the unit owner 90 days prior to sale, disposition, or retention, (ii) the association shall be entitled to its reasonable costs and attorney fees not exceeding the amount provided by section 582.01, subdivision 1a, (iii) the amount of the association's lien shall be deemed to be adequate consideration for the unit subject to disposition or retention, notwithstanding the value of the unit, and (iv) the notice of sale, disposition, or retention shall contain the following statement in capital letters with the name of the association or secured party filled in:

"THIS IS TO INFORM YOU THAT BY THIS NOTICE (fill in name of association or secured party) HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, CHAPTER 515B, TO FORECLOSE ON YOUR INTEREST IN YOUR UNIT FOR THE REASON SPECIFIED IN THIS NOTICE. YOUR INTEREST IN YOUR UNIT WILL TERMINATE 90 DAYS AFTER SERVICE OF THIS NOTICE ON YOU UNLESS BEFORE THEN:

(a) THE PERSON AUTHORIZED BY (fill in the name of association or secured party) AND DESCRIBED IN THIS NOTICE TO RECEIVE PAYMENTS RECEIVES FROM YOU:

- (1) THE AMOUNT THIS NOTICE SAYS YOU OWE; PLUS
- (2) THE COSTS INCURRED TO SERVE THIS NOTICE ON YOU; PLUS
- (3) \$500 TO APPLY TO ATTORNEYS ATTORNEY FEES ACTUALLY EXPENDED OR INCURRED; PLUS
- (4) ANY ADDITIONAL AMOUNTS FOR YOUR UNIT BECOMING DUE TO (fill in name of association or secured party) AFTER THE DATE OF THIS NOTICE; OR
- (b) YOU SECURE FROM A DISTRICT COURT AN ORDER THAT THE FORECLOSURE OF YOUR RIGHTS TO YOUR UNIT BE SUSPENDED UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING, OR SETTLEMENT. YOUR ACTION MUST SPECIFICALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES.

IF YOU DO NOT DO ONE OR THE OTHER OF THE ABOVE THINGS WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, YOUR OWNERSHIP RIGHTS IN YOUR UNIT WILL TERMINATE AT THE END OF THE PERIOD, YOU WILL LOSE ALL THE MONEY YOU HAVE PAID FOR YOUR UNIT, YOU WILL LOSE YOUR RIGHT TO POSSESSION OF YOUR UNIT, YOU MAY LOSE YOUR RIGHT TO ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE, AND YOU WILL BE EVICTED. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, CONTACT AN ATTORNEY IMMEDIATELY."

- (4) In any foreclosure pursuant to chapter 580, 581, or 582, the rights of the parties shall be the same as those provided by law, except (i) the period of redemption for unit owners shall be six months from the date of sale or a lesser period authorized by law, (ii) in a foreclosure by advertisement under chapter 580, the foreclosing party shall be entitled to costs and disbursements of foreclosure and attorneys attorney fees authorized by the declaration or bylaws, notwithstanding the provisions of section 582.01, subdivisions 1 and 1a, (iii) in a foreclosure by action under chapter 581, the foreclosing party shall be entitled to costs and disbursements of foreclosure and attorneys fees as the court shall determine, and (iv) the amount of the association's lien shall be deemed to be adequate consideration for the unit subject to foreclosure, notwithstanding the value of the unit.
- (i) If a holder of a sheriff's certificate of sale, prior to the expiration of the period of redemption, pays any past due or current assessments, or any other charges lienable as assessments, with respect to the unit described in the sheriff's certificate, then the amount paid shall be a part of the sum required to be paid to redeem under section 582.03.
- (j) In a cooperative, if the unit owner fails to redeem before the expiration of the redemption period in a foreclosure of the association's assessment lien, the association may bring an action for eviction against the unit owner and any persons in possession of the unit, and in that case section 504B.291 shall not apply.
 - (k) An association may assign its lien rights in the same manner as any other secured party.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to foreclosures initiated on or after that date."

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Nelson, M., from the Committee on Labor and Industry Finance and Policy to which was referred:

H. F. No. 2165, A bill for an act relating to building codes; prohibiting limitation of use of certain designated refrigerants; amending Minnesota Statutes 2022, section 326B.106, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 11, delete "7671(k)" and insert "7671k" and delete "consistent" and insert "in full compliance"

Page 1, line 12, delete "the" and insert "all applicable requirements," and after "standards" insert a comma and after "designation" insert "or as otherwise required by law"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Long from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2754, A bill for an act relating to commerce; establishing a biennial budget for Department of Commerce; modifying various provisions governing insurance; establishing a strengthen Minnesota homes program; regulating money transmitters; establishing and modifying provisions governing energy, renewable energy, and utility regulation; establishing a state competitiveness fund; making technical changes; establishing penalties; authorizing administrative rulemaking; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 46.131, subdivision 11; 62D.02, by adding a subdivision; 62D.095, subdivisions 2, 3, 4, 5; 62Q.46, subdivisions 1, 3; 62Q.81, subdivision 4, by adding a subdivision; 216B.62, subdivision 3b; 216C.264, subdivision 5, by adding subdivisions; 216C.375, subdivisions 1, 3, 10, 11; proposing coding for new law in Minnesota Statutes, chapters 53B; 65A; 216C; repealing Minnesota Statutes 2022, sections 53B.01; 53B.02; 53B.03; 53B.04; 53B.05; 53B.06; 53B.07; 53B.08; 53B.09; 53B.10; 53B.11; 53B.12; 53B.13; 53B.14; 53B.15; 53B.16; 53B.17; 53B.18; 53B.19; 53B.20; 53B.21; 53B.22; 53B.23; 53B.24; 53B.25; 53B.26; 53B.27, subdivisions 1, 2, 5, 6, 7.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Climate and Energy Finance and Policy.

The report was adopted.

Long from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2755, A bill for an act relating to state government; establishing the governor's biennial budget for the Department of Labor and Industry, Workers' Compensation Court of Appeals, and Bureau of Mediation Services; providing earned sick and safe time; protecting agricultural and food processing workers; establishing nursing home workforce standards; protecting petroleum refinery workers; modifying combative sports; modifying other miscellaneous policy provisions; requiring reports; appropriating money; amending Minnesota Statutes 2022, sections 13.43, subdivision 6; 175.16, subdivision 1; 177.26, subdivisions 1, 2; 177.27, subdivisions 2, 4, 7; 178.01; 178.011, subdivision 7; 178.03, subdivision 1; 178.11; 179.86, subdivisions 1, 3, by adding subdivisions; 179A.041, by adding a subdivision; 181.14, subdivision 1; 181.635, subdivisions 1, 2, 3, 4, 6; 181.85, subdivisions 2, 4; 181.86, subdivision 1; 181.87, subdivisions 2, 3, 7; 181.88; 181.89, subdivision 2, by adding a subdivision; 181.942, subdivision 1; 181.9435, subdivision 1; 181.9436; 181.944; 182.666, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 326B.092, subdivision 6; 326B.096; 326B.103, subdivision 13, by adding subdivisions; 326B.106,

subdivision 1, by adding a subdivision; 341.21, subdivisions 2a, 2b, 2c, 4f, 7, by adding a subdivision; 341.221; 341.25; 341.27; 341.28, subdivisions 2, 3, by adding subdivisions; 341.30, subdivision 4; 341.32, subdivision 2; 341.321; 341.33; 341.355; proposing coding for new law in Minnesota Statutes, chapters 13; 177; 181; 341; repealing Minnesota Statutes 2022, sections 177.26, subdivision 3; 181.9413.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Labor and Industry Finance and Policy.

The report was adopted.

Long from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2847, A bill for an act relating to human services; modifying provisions governing the care provider workforce, aging and disability services, and behavioral health; establishing the Department of Behavioral Health; making forecast adjustments; requiring reports; making technical and conforming changes; establishing certain grants; appropriating money; amending Minnesota Statutes 2022, sections 15.01; 15.06, subdivision 1; 43A.08, subdivision 1a; 177.24, by adding a subdivision; 245A.10, subdivision 3; 245D.03, subdivision 1; 245G.01, by adding subdivisions; 245G.05, subdivision 1, by adding a subdivision; 245G.06, subdivisions 1, 3, by adding subdivisions; 245G.07, subdivision 2; 245G.22, subdivision 15; 245I.04, subdivision 10, by adding subdivisions; 245I.10, subdivision 6; 252.44; 254B.01, subdivision 8, by adding subdivisions; 254B.05, subdivisions 1, 1a, 5; 256.042, subdivisions 2, 4; 256.045, subdivision 3; 256B.0625, subdivision 17, 17b, 18a, 18h; 256B.075, subdivision 9; 256B.0913, subdivisions 1, 5; 256B.0625, subdivisions 17, 17b, 18a, 18h; 256B.0759, subdivision 15; 256B.0911, subdivision 13; 256B.4905, subdivisions 4a, 5a; 256B.092, subdivision 1a; 256B.0949, subdivisions 15; 256B.4912, by adding subdivisions; 256B.4914, subdivisions 3, 5, 5a, 5b, 6, 8, 9, 9a, 14, by adding subdivisions; 256B.4912, by adding a subdivision; 256B.85, by adding a subdivision; 256B.851, subdivision 2; 256S.218, by adding a subdivision 1; 256M.42; 256R.17, subdivision 2; 256R.25; 256R.47; 256S.15, subdivision 2; 256S.211, by adding subdivision; 256S.212; 256S.213; 256S.214; 256S.215, subdivisions 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17; 268.19, subdivision 1; Laws 2021, chapter 30, article 12, section 5, as amended; Laws 2021, First Special Session chapter 7, article 17, sections 8; 16; proposing coding for new law in Minnesota Statutes, chapters 252; 256B; 256B; 256B; 256B; proposing coding for new law as Minnesota Statutes, chapter 246C; repealing Minnesota Statutes 2022, sections 245G.06, subdivisi

Reported the same back with the recommendation that the bill be re-referred to the Committee on Human Services Finance.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 817, 981, 1161, 1346, 1370, 2084 and 2165 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Schomacker introduced:

H. F. No. 2877, A bill for an act relating to capital investment; appropriating money for construction of an assisted living and memory care facility in the city of Slayton.

The bill was read for the first time and referred to the Committee on Capital Investment.

Hudella and Petersburg introduced:

H. F. No. 2878, A bill for an act relating to transportation; imposing a tax on electric fuel; proposing coding for new law in Minnesota Statutes, chapter 296A; repealing Minnesota Statutes 2022, section 168.013, subdivision 1m.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Koznick and West introduced:

H. F. No. 2879, A bill for an act relating to capital investment; requiring a closeout evaluation of a capital project grant at the termination of the grant agreement; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy.

Lee, F., introduced:

H. F. No. 2880, A bill for an act relating to capital investment; authorizing spending to acquire and better public land and buildings and for other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; modifying prior appropriations; authorizing the sale and issuance of state bonds; appropriating money; amending Minnesota Statutes 2022, sections 16A.632, subdivisions 2, 4; 16A.966, subdivision 2; 16B.307; 174.38, subdivisions 1, 3; 256E.36, subdivision 1; 256E.37, subdivision 1; 446A.081, subdivisions 8, 9; 462A.37, subdivisions 2, 5, by adding a subdivision; Laws 2018, chapter 214, article 1, section 19, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 16B; 116; 174; repealing Minnesota Statutes 2022, sections 16A.93; 16A.94; 16A.96.

The bill was read for the first time and referred to the Committee on Capital Investment.

Sencer-Mura and Her introduced:

H. F. No. 2881, A bill for an act relating to economic development; establishing a headwaters community food and water economic resiliency program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time and referred to the Committee on Economic Development Finance and Policy.

Hornstein introduced:

H. F. No. 2882, A bill for an act relating to transportation; governing transportation network companies, including to impose an assessment and establishing reporting requirements; establishing an account; appropriating money; amending Minnesota Statutes 2022, sections 221.012, subdivisions 25, 38; 221.031, subdivision 3b; proposing coding for new law in Minnesota Statutes, chapter 221.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Hornstein introduced:

H. F. No. 2883, A bill for an act relating to taxation; corporate franchise; requiring worldwide combined reporting; amending Minnesota Statutes 2022, section 290.17, subdivision 4, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Dotseth introduced:

H. F. No. 2884, A bill for an act relating to capital investment; appropriating money to line a sewer main in Moose Lake; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Newton introduced:

H. F. No. 2885, A bill for an act relating to insurance; allowing TRICARE enrollees to elect not to include medical expense benefits in the enrollee's automobile insurance policy; amending Minnesota Statutes 2022, section 65B.44, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce Finance and Policy.

Hanson, J., introduced:

H. F. No. 2886, A bill for an act relating to health occupations; modifying social worker title protection provisions; amending Minnesota Statutes 2022, sections 148E.065, subdivision 4a; 148E.195, subdivision 2a; 148E.280.

The bill was read for the first time and referred to the Committee on Health Finance and Policy.

Hornstein introduced:

H. F. No. 2887, A bill for an act relating to transportation; appropriating money for the active transportation program.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Koegel introduced:

H. F. No. 2888, A bill for an act relating to capital investment; appropriating money for a new emergency shelter and other municipal improvements in the city of Hilltop; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Lee, K.; Gomez; Hollins; Hassan and Xiong introduced:

H. F. No. 2889, A bill for an act relating to workforce development; appropriating money for career training in the culinary arts.

The bill was read for the first time and referred to the Committee on Workforce Development Finance and Policy.

Moller and Becker-Finn introduced:

H. F. No. 2890, A bill for an act relating to state government; amending certain judiciary, public safety, corrections, human rights, firearm, and 911 Emergency Communication System statutory policy provisions; providing for reports; authorizing rulemaking; appropriating money for judiciary, courts, civil legal services, Guardian ad Litem Board, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, human rights, sentencing guidelines, public safety, emergency management, criminal apprehension, fire marshal, firefighters, Office of Justice programs, Peace Officer Standards and Training Board, Private Detective Board, corrections, incarceration and release, probation, juveniles, and Ombudsperson for Corrections; amending Minnesota Statutes 2022, sections 13.072, subdivision 1; 244.03; 244.05, subdivisions 1b, 2, 5; 297I.06, subdivision 1; 299A.38; 299A.41, subdivision 3; 299A.52; 299N.02, subdivision 3; 326.32, subdivision 10; 326.3381, subdivision 3; 363A.09, subdivisions 1, 2, by adding a subdivision; 403.02, subdivisions 7, 9a, 11b, 16a, 17, 17c, 18, 19, 19a, 20, 20a, 21, by adding subdivisions; 403.025; 403.03, subdivision 2; 403.05; 403.06; 403.07; 403.08; 403.09, subdivision 2; 403.10, subdivisions 2, 3; 403.11; 403.113; 403.15, subdivisions 1, 2, 3, 4, 5, 6, by adding a subdivision; 611.23; 611A.211, subdivision 1; 611A.31, subdivisions 2, 3, by adding a subdivision; 611A.32; 624.712, by adding a subdivision; 624.713, subdivision 1; 624.7131, subdivisions 4, 5, 7, 9, 11; 624.7132, subdivisions 4, 5, 8, 12, 15; proposing coding for new law in Minnesota Statutes, chapters 244; 299A; 299C; 624; 626; repealing Minnesota Statutes 2022, sections 299C.80, subdivision 7; 403.02, subdivision 13; 403.09, subdivision 3; 624.7131, subdivision 10; 624.7132, subdivisions 6, 14.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Torkelson introduced:

H. F. No. 2891, A bill for an act relating to insurance; modifying provisions governing automobile self-insurance; amending Minnesota Statutes 2022, section 65B.48, subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce Finance and Policy.

Hemmingsen-Jaeger and Acomb introduced:

H. F. No. 2892, A bill for an act relating to energy; extending the solar energy production incentive program; establishing an energy storage incentive program; appropriating money; amending Minnesota Statutes 2022, section 116C.7792; proposing coding for new law in Minnesota Statutes, chapter 216C.

The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy.

Kiel introduced:

H. F. No. 2893, A bill for an act relating to capital investment; appropriating money for an expansion of existing solid waste and recyclable material facilities and processing equipment, and organic compost site in Polk County; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Freiberg introduced:

H. F. No. 2894, A bill for an act relating to taxation; sales and use; providing an exemption for firearm storage units; amending Minnesota Statutes 2022, section 297A.67, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Scott introduced:

H. F. No. 2895, A bill for an act relating to judiciary; modifying spousal maintenance; amending Minnesota Statutes 2022, section 518.552, subdivisions 1, 2, 3, 6, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law.

Demuth introduced:

H. F. No. 2896, A bill for an act relating to taxation; local sales and use; authorizing the city of St. Joseph to impose a local sales and use tax.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson introduced:

H. F. No. 2897, A bill for an act relating to transportation; appropriating money for the small cities assistance program and for town roads.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Schomacker introduced:

H. F. No. 2898, A bill for an act relating to capital investment; appropriating money for reconstruction of 34th Street in the city of Slayton; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Tabke and Finke introduced:

H. F. No. 2899, A bill for an act relating to commerce; appropriating money for a wood dehydrator to help reduce the amount of wood that is infested by emerald ash borer in this state; requiring a report.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Liebling and Long introduced:

H. F. No. 2900, A bill for an act relating to state government; modifying provisions governing child care, child safety and permanency, child support, economic assistance, deep poverty, housing and homelessness, behavioral health, the medical education and research cost account, MinnesotaCare, the Tribal Elder Office, background studies, and licensing; making forecast adjustments; requiring reports; transferring money; making technical and conforming changes; allocating funds for a specific purpose; establishing certain grants; appropriating money; amending Minnesota Statutes 2022, sections 62A.045; 62A.673, subdivision 2; 62J.692, subdivisions 1, 3, 4, 5, 8; 119B.011, subdivisions 2, 5, 13, 19a; 119B.025, subdivision 4; 119B.03, subdivision 4a; 119B.125, subdivisions 1, 1a, 1b, 2, 3, 4, 6, 7; 119B.13, subdivisions 1, 6; 119B.16, subdivisions 1c, 3; 119B.161, subdivisions 2, 3; 119B.19,

subdivision 7; 145.4716, subdivision 3; 245.095; 245.4889, subdivision 1; 245A.02, subdivision 2c; 245A.04, subdivisions 1, 7, 7a; 245A.05; 245A.055, subdivision 2; 245A.06, subdivisions 1, 2, 4; 245A.07, subdivision 3, by adding subdivisions; 245A.10, subdivision 6, by adding a subdivision; 245A.16, by adding a subdivision; 245A.50, subdivisions 3, 4, 5, 6, 9; 245C.04, subdivision 1; 245C.05, subdivision 4; 245C.10, subdivisions 1d, 2, 3, 4, 5, 6, 8, 9, 9a, 10, 11, 12, 13, 14, 16, 17, 20, 21, by adding a subdivision; 245C.17, subdivision 6; 245C.23, subdivision 2; 245C.32, subdivision 2; 245H.01, subdivision 3, by adding a subdivision; 245H.03, subdivisions 2, 3, 4; 245H.06, subdivisions 1, 2; 245H.07, subdivisions 1, 2; 245I.20, subdivisions 10, 13, 14, 16; 254B.02, subdivision 5; 254B.05, subdivision 1; 256.046, subdivision 3; 256.0471, subdivision 1; 256.969, subdivisions 2b, 9, 25; 256.983, subdivision 5; 256B.055, subdivision 17; 256B.056, subdivision 7; 256B.0625, subdivisions 5m, 9, 13c, 13e, 28b, 30. by adding a subdivision; 256B.0631, subdivision 1; 256B.0638, subdivisions 1, 2, 4, 5, by adding a subdivision; 256B.064, subdivision 1a; 256B.0924, subdivision 5; 256B.0941, by adding a subdivision; 256B.196, subdivision 2; 256B.69, subdivision 5a; 256B.75; 256B.76, subdivisions 1, 2, 4; 256D.01, subdivision 1a; 256D.024, subdivision 1; 256D.03, by adding a subdivision; 256D.06, subdivision 5; 256D.63, subdivision 2; 256E.34, subdivision 4; 256E.35, subdivisions 1, 2, 3, 4a, 6, 7; 256I.03, subdivisions 7, 13; 256I.04, subdivision 1; 256I.06, subdivisions 6, 8, by adding a subdivision; 256J.08, subdivisions 71, 79; 256J.21, subdivisions 3, 4; 256J.26, subdivision 1; 256J.33, subdivisions 1, 2; 256J.37, subdivisions 3, 3a; 256J.95, subdivision 19; 256K.45, subdivisions 3, 7; 256L.04, subdivisions 1c, 7a, 10, by adding a subdivision; 256L.07, subdivision 1; 256L.15, subdivision 2; 256P.01, by adding subdivisions; 256P.02, subdivision 2, by adding a subdivision; 256P.04, subdivisions 4, 8; 256P.06, subdivision 3, by adding a subdivision; 256P.07, subdivisions 1, 2, 3, 4, 6, 7, by adding subdivisions; 260.761, subdivision 2; 260C.007, subdivision 14; 260C.451, by adding subdivisions; 260C.452, by adding a subdivision; 260C.605, subdivision 1, by adding a subdivision; 260C.704; 260E.01; 260E.02, subdivision 1; 260E.03, subdivision 22, by adding subdivisions; 260E.09; 260E.14, subdivisions 2, 5; 260E.17, subdivision 1; 260E.18; 260E.20, subdivision 2; 260E.24, subdivisions 2, 7; 260E.33, subdivision 1; 260E.35, subdivision 6; 270B.14, subdivision 1; 297F.10, subdivision 1; 518A.31; 518A.32, subdivisions 3, 4; 518A.34; 518A.41; 518A.42, subdivisions 1, 3; 518A.65; 518A.77; 609B.425, subdivision 2; 609B.435, subdivision 2; Laws 2020, First Special Session chapter 7, section 1, subdivision 1, as amended; Laws 2021, First Special Session chapter 7, article 1, section 36; article 6, section 26; article 16, section 2, subdivision 32, as amended; article 17, section 5, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 119B; 245; 256; 256D; 256E; 256K; 256P; 260; proposing coding for new law as Minnesota Statutes, chapter 245J; repealing Minnesota Statutes 2022, sections 62J.692, subdivisions 4a, 7, 7a; 119B.03, subdivision 4; 137.38, subdivision 1; 245.735, subdivision 3; 245C.02, subdivision 14b; 245C.032; 245C.11, subdivision 3; 245C.30, subdivision 1a; 256.8799; 256.9864; 256B.69, subdivision 5c; 256J.08, subdivisions 10, 53, 61, 62, 81, 83; 256J.30, subdivisions 5, 7, 8; 256J.33, subdivisions 3, 4, 5; 256J.34, subdivisions 1, 2, 3, 4; 256J.37, subdivision 10.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Murphy introduced:

H. F. No. 2901, A bill for an act relating to arts and cultural heritage; appropriating money for the Clitherall Township Veterans Memorial.

The bill was read for the first time and referred to the Committee on Legacy Finance.

Klevorn and Huot introduced:

H. F. No. 2902, A bill for an act relating to the legislature; appropriating money to the revisor of statutes to replace the bill and administrative rules drafting system.

The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy.

Anderson, P. H., and Davids introduced:

H. F. No. 2903, A bill for an act relating to game and fish; modifying authority to set reduced possession limits for certain fish species; amending Minnesota Statutes 2022, section 97C.401, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Anderson, P. H.; Davids and Coulter introduced:

H. F. No. 2904, A bill for an act relating to taxation; converting the property tax refund program to a refundable income tax credit; amending Minnesota Statutes 2022, sections 290A.03, subdivision 3; 290A.04, subdivisions 1, 2, 2a, 2h, 3, 4, 5; 290A.05; 290A.08; 290A.09; 290A.11, subdivision 5; 290A.13; 290A.14; 290A.15; 290A.18; 290A.25; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 2022, sections 290A.07, subdivisions 1, 2a, 3, 5; 290A.23, subdivisions 1, 3.

The bill was read for the first time and referred to the Committee on Taxes.

Lislegard introduced:

H. F. No. 2905, A bill for an act relating to taxation; property; modifying provisions for the supplemental information required in the truth in taxation notice; amending Minnesota Statutes 2022, section 275.065, subdivisions 3, 3b, 4.

The bill was read for the first time and referred to the Committee on Taxes.

Backer and Murphy introduced:

H. F. No. 2906, A bill for an act relating to capital investment; appropriating money to reconstruct the aquatic center in Pelican Rapids; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Elkins and Kraft introduced:

H. F. No. 2907, A bill for an act relating to real property; requiring the disclosure of energy costs and ratings to prospective purchasers of real property; proposing coding for new law in Minnesota Statutes, chapter 513.

The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy.

Kozlowski, Gomez, Agbaje, Howard and Olson, L., introduced:

H. F. No. 2908, A bill for an act relating to taxation; imposing a gross receipts tax on short-term rental lodging; proposing coding for new law in Minnesota Statutes, chapter 295.

The bill was read for the first time and referred to the Committee on Taxes.

Kiel and Keeler introduced:

H. F. No. 2909, A bill for an act relating to environment; requiring development of adaptive phosphorus management feasibility assessment for Red River of the North; requiring report; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Pinto introduced:

H. F. No. 2910, A bill for an act relating to families; modifying provisions governing child care, child safety and permanency, child support, economic assistance, deep poverty, housing and homelessness, behavioral health, the medical education and research cost account, MinnesotaCare, the Tribal Elder Office, background studies, and licensing; making forecast adjustments; making technical and conforming changes; allocating funds for a specific purpose; establishing certain grants; requiring reports; transferring money; appropriating money; amending Minnesota Statutes 2022, sections 119B.011, subdivisions 2, 5, 13, 19a; 119B.025, subdivision 4; 119B.03, subdivision 4a; 119B.125, subdivisions 1, 1a, 1b, 2, 3, 4, 6, 7; 119B.13, subdivisions 1, 6; 119B.16, subdivisions 1c, 3; 119B.161, subdivisions 2, 3; 119B.19, subdivision 7; 245C.04, subdivision 1; 245C.05, subdivision 4; 245C.17, subdivision 6; 245C.23, subdivision 2; 256.046, subdivision 3; 256.983, subdivision 5; 256D.03, by adding a subdivision; 256D.63, subdivision 2; 256E.34, subdivision 4; 256E.35, subdivisions 1, 2, 3, 4a, 6, 7; 256I.03, subdivision 13; 256I.06, subdivisions 6, 8, by adding a subdivision; 256J.08, subdivisions 71, 79; 256J.21, subdivisions 3, 4; 256J.33, subdivisions 1, 2; 256J.37, subdivisions 3, 3a; 256J.95, subdivision 19; 256P.01, by adding a subdivision; 256P.02, subdivision 2, by adding a subdivision; 256P.04, subdivisions 4, 8; 256P.06, subdivision 3; 256P.07, subdivisions 1, 2, 3, 4, 6, 7, by adding subdivisions; 260.761, subdivision 2; 260C.007, subdivision 14; 260C.451, by adding subdivisions; 260C.452, by adding a subdivision; 260C.605, subdivision 1, by adding a subdivision; 260C.704; 260E.01; 260E.02, subdivision 1; 260E.03, subdivision 22, by adding subdivisions; 260E.14, subdivisions 2, 5; 260E.17, subdivision 1; 260E.18; 260E.20, subdivision 2; 260E.24, subdivisions 2, 7; 260E.33, subdivision 1; 260E.35, subdivision 6; 518A.31; 518A.32, subdivisions 3, 4; 518A.34; 518A.41; 518A.42, subdivisions 1, 3; 518A.65; 518A.77; Laws 2021, First Special Session chapter 7, article 16, section 2, subdivision 32, as amended; proposing coding for new law in Minnesota Statutes, chapters 119B; 256; 256D; 256E; 256K; 256P; 260; repealing Minnesota Statutes 2022, sections 119B.03, subdivision 4; 245C.11, subdivision 3; 256.8799; 256.9864; 256J.08, subdivisions 10, 53, 61, 62, 81, 83; 256J.30, subdivisions 5, 7, 8; 256J.33, subdivisions 3, 4, 5; 256J.34, subdivisions 1, 2, 3, 4; 256J.37, subdivision 10.

The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy.

Gomez introduced:

H. F. No. 2911, A bill for an act relating to taxation; repealing June accelerated payments for certain taxes; repealing penalty for underpayment of June accelerated payment; amending Minnesota Statutes 2022, sections 287.12; 287.29, subdivision 1; repealing Minnesota Statutes 2022, sections 287.31, subdivision 3; 297F.09, subdivision 10; 297G.09, subdivision 9.

The bill was read for the first time and referred to the Committee on Taxes.

Long introduced:

H. F. No. 2912, A bill for an act relating to arts and cultural heritage; appropriating money for the Bakken Museum.

The bill was read for the first time and referred to the Committee on Legacy Finance.

Kozlowski and Olson, L., introduced:

H. F. No. 2913, A bill for an act relating to capital investment; appropriating money for the Lot D redevelopment project in the city of Duluth; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Hanson, J., introduced:

H. F. No. 2914, A bill for an act relating to higher education; establishing a last-dollar scholarship program for students preparing to become licensed social workers; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

The bill was read for the first time and referred to the Committee on Higher Education Finance and Policy.

Hanson, J., introduced:

H. F. No. 2915, A bill for an act relating to higher education; requiring a report; appropriating money for grants to state colleges to increase the number of faculty counselors.

The bill was read for the first time and referred to the Committee on Higher Education Finance and Policy.

Hanson, J., introduced:

H. F. No. 2916, A bill for an act relating to higher education; establishing a grant program for social work students completing an internship or practicum; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

The bill was read for the first time and referred to the Committee on Higher Education Finance and Policy.

Howard, Frederick, Urdahl and Quam introduced:

H. F. No. 2917, A bill for an act relating to capital investment; appropriating money for school facility renovation projects; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Pérez-Vega; Lee, K.; Sencer-Mura; Huot; Hussein; Hill; Newton; Clardy; Hicks; Brand; Smith; Elkins; Frederick; Frazier; Vang; Feist; Hassan; Lee, F.; Pursell; Finke; Agbaje; Hollins; Xiong; Kozlowski; Hornstein and Carroll introduced:

H. F. No. 2918, A bill for an act relating to education finance; appropriating money for a grant to the Minnesota Alliance of Boys and Girls Clubs.

The bill was read for the first time and referred to the Committee on Education Finance.

Becker-Finn introduced:

H. F. No. 2919, A bill for an act relating to capital investment; appropriating money for capital improvements at the Guidant John Rose Minnesota OVAL in the city of Roseville; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Youakim introduced:

H. F. No. 2920, A bill for an act relating to education finance; making forecast adjustments; appropriating money; amending Laws 2021, First Special Session chapter 13, article 1, section 10, subdivisions 2, 3, 4, 5, 6, 7, 9; article 2, section 4, subdivisions 2, 3, 4, 12, 27; article 3, section 7, subdivision 7; article 5, section 3, subdivisions 2, 3, 4; article 7, section 2, subdivisions 2, 3; article 8, section 3, subdivisions 2, 3, 4; article 9, section 4, subdivisions 5, 6, 12; article 10, section 1, subdivisions 2, 8.

The bill was read for the first time and referred to the Committee on Education Finance.

Hussein, Pérez-Vega and Clardy introduced:

H. F. No. 2921, A bill for an act relating to capital investment; appropriating money for the Rondo Innovation Campus in the city of St. Paul.

The bill was read for the first time and referred to the Committee on Capital Investment.

Gomez introduced:

H. F. No. 2922, A bill for an act relating to corrections; providing communication services for incarcerated persons; proposing coding for new law in Minnesota Statutes, chapter 241.

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy.

Vang introduced:

H. F. No. 2923, A bill for an act relating to capital investment; appropriating money for a grant to CAPI.

The bill was read for the first time and referred to the Committee on Capital Investment.

Her introduced:

H. F. No. 2924, A bill for an act relating to health and human services; modifying hospital payment rates; amending Minnesota Statutes 2022, section 256.969, subdivision 2b.

The bill was read for the first time and referred to the Committee on Health Finance and Policy.

Kozlowski; Finke; Pryor; Youakim; Olson, L.; Sencer-Mura; Smith; Keeler and Becker-Finn introduced:

H. F. No. 2925, A bill for an act relating to education finance; providing for gender-neutral, single-user restroom and locker room facilities; appropriating money; amending Minnesota Statutes 2022, sections 123B.595, subdivisions 1, 2, 4, 7, 8, 8a, 9, 10, 11; 123B.71, subdivision 9; 126C.10, subdivision 14.

The bill was read for the first time and referred to the Committee on Education Finance.

Urdahl introduced:

H. F. No. 2926, A bill for an act relating to education; establishing a legislative study group on school safety; requiring a report.

The bill was read for the first time and referred to the Committee on Education Policy.

Altendorf introduced:

H. F. No. 2927, A bill for an act relating to human services; providing a payment rate exemption for a nursing facility in Red Wing; amending Minnesota Statutes 2022, section 256R.53, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Human Services Finance.

ANNOUNCEMENT BY THE SPEAKER Pursuant to Rule 1.15(c)

A message from the Senate has been received requesting concurrence by the House to amendments adopted by the Senate to the following House File:

H. F. No. 5.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Long 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, March 16, 2023 and established a prefiling requirement for amendments offered to the following bills:

H. F. Nos. 1440, 745 and 975.

MOTIONS AND RESOLUTIONS

Lislegard moved that the name of Myers be added as an author on H. F. No. 10. The motion prevailed.

Noor moved that the name of Kiel be added as an author on H. F. No. 32. The motion prevailed.

Skraba moved that the name of Zeleznikar be added as an author on H. F. No. 123. The motion prevailed.

Freiberg moved that the name of Feist be added as an author on H. F. No. 160. The motion prevailed.

Coulter moved that the name of Baker be added as an author on H. F. No. 165. The motion prevailed.

Vang moved that the name of Frazier be added as an author on H. F. No. 181. The motion prevailed.

Huot moved that the name of Baker be added as an author on H. F. No. 193. The motion prevailed.

Finke moved that the names of Smith, Reyer and Fischer be added as authors on H. F. No. 267. The motion prevailed.

Lislegard moved that the name of Myers be added as an author on H. F. No. 300. The motion prevailed.

Stephenson moved that the name of Schultz be added as an author on H. F. No. 394. The motion prevailed.

Huot moved that the name of Zeleznikar be added as an author on H. F. No. 435. The motion prevailed.

Davids moved that the name of Newton be added as an author on H. F. No. 446. The motion prevailed.

Lislegard moved that the name of Zeleznikar be added as an author on H. F. No. 592. The motion prevailed.

Freiberg moved that the name of Hornstein be added as an author on H. F. No. 642. The motion prevailed.

Huot moved that the name of Baker be added as an author on H. F. No. 643. The motion prevailed.

Xiong moved that the name of Zeleznikar be added as an author on H. F. No. 709. The motion prevailed.

Finke moved that the name of Hicks be added as an author on H. F. No. 716. The motion prevailed.

Reyer moved that the name of Myers be added as an author on H. F. No. 729. The motion prevailed.

Edelson moved that the names of Hudella, Hornstein, Knudsen, Kiel and Perryman be added as authors on H. F. No. 733. The motion prevailed.

Reyer moved that the name of Pérez-Vega be added as an author on H. F. No. 735. The motion prevailed.

Keeler moved that the names of Acomb and Pursell be added as authors on H. F. No. 750. The motion prevailed.

Pelowski moved that the name of Hussein be added as an author on H. F. No. 783. The motion prevailed.

Hicks moved that the name of Edelson be added as an author on H. F. No. 816. The motion prevailed.

Newton moved that the name of Harder be added as an author on H. F. No. 980. The motion prevailed.

Reyer moved that the name of Curran be added as an author on H. F. No. 988. The motion prevailed.

Anderson, P. H., moved that the name of Keeler be added as an author on H. F. No. 1143. The motion prevailed.

Kozlowski moved that the name of Zeleznikar be added as an author on H. F. No. 1174. The motion prevailed.

Her moved that the name of Wiens be added as an author on H. F. No. 1234. The motion prevailed.

Hemmingsen-Jaeger moved that the name of Curran be added as an author on H. F. No. 1262. The motion prevailed.

Brand moved that the name of Hicks be added as an author on H. F. No. 1272. The motion prevailed.

Smith moved that the name of Myers be added as an author on H. F. No. 1429. The motion prevailed.

Moller moved that the name of Huot be added as an author on H. F. No. 1510. The motion prevailed.

Koegel moved that the name of Moller be added as an author on H. F. No. 1540. The motion prevailed.

Dotseth moved that his name be stricken as an author on H. F. No. 1562. The motion prevailed.

Bierman moved that the name of Acomb be added as an author on H. F. No. 1574. The motion prevailed.

Reyer moved that the name of Hornstein be added as an author on H. F. No. 1596. The motion prevailed.

Hassan moved that the name of Keeler be added as an author on H. F. No. 1626. The motion prevailed.

Finke moved that the name of Smith be added as an author on H. F. No. 1655. The motion prevailed.

Liebling moved that the name of Anderson, P. H., be added as an author on H. F. No. 1752. The motion prevailed.

Fischer moved that the names of Hicks, Curran and Nadeau be added as authors on H. F. No. 1811. The motion prevailed.

Norris moved that the name of Kotyza-Witthuhn be added as an author on H. F. No. 1813. The motion prevailed.

Engen moved that the name of Zeleznikar be added as an author on H. F. No. 1842. The motion prevailed.

Feist moved that the name of Kozlowski be added as an author on H. F. No. 1859. The motion prevailed.

Keeler moved that the name of Tabke be added as an author on H. F. No. 1875. The motion prevailed.

Smith moved that the name of Hudson be added as an author on H. F. No. 1884. The motion prevailed.

Hanson, J., moved that the names of Bahner, Kraft, Curran and Hussein be added as authors on H. F. No. 1912. The motion prevailed.

Moller moved that the name of Myers be added as an author on H. F. No. 2034. The motion prevailed.

Gomez moved that the name of Kraft be added as an author on H. F. No. 2041. The motion prevailed.

Kozlowski moved that the names of Xiong and Reyer be added as authors on H. F. No. 2065. The motion prevailed.

Pursell moved that the name of Curran be added as an author on H. F. No. 2076. The motion prevailed.

Bierman moved that the name of Perryman be added as an author on H. F. No. 2077. The motion prevailed.

Noor moved that the name of Hornstein be added as an author on H. F. No. 2080. The motion prevailed.

Acomb moved that the name of Myers be added as an author on H. F. No. 2081. The motion prevailed.

Bierman moved that the name of Myers be added as an author on H. F. No. 2087. The motion prevailed.

Huot moved that the name of Baker be added as an author on H. F. No. 2146. The motion prevailed.

Becker-Finn moved that the name of Finke be added as an author on H. F. No. 2173. The motion prevailed.

Cha moved that the name of Acomb be added as an author on H. F. No. 2177. The motion prevailed.

Finke moved that the name of Smith be added as an author on H. F. No. 2280. The motion prevailed.

Curran moved that the name of Pursell be added as an author on H. F. No. 2290. The motion prevailed.

Wolgamott moved that the name of Kozlowski be added as an author on H. F. No. 2298. The motion prevailed.

Elkins moved that the name of Feist be added as an author on H. F. No. 2309. The motion prevailed.

Keeler moved that the names of Acomb and Pursell be added as authors on H. F. No. 2343. The motion prevailed.

Finke moved that the name of Reyer be added as an author on H. F. No. 2355. The motion prevailed. Hussein moved that the name of Kozlowski be added as an author on H. F. No. 2397. The motion prevailed. Her moved that the name of Acomb be added as an author on H. F. No. 2422. The motion prevailed. Stephenson moved that the name of Newton be added as an author on H. F. No. 2426. The motion prevailed. Lislegard moved that the name of Brand be added as an author on H. F. No. 2457. The motion prevailed. Curran moved that the name of Fischer be added as an author on H. F. No. 2462. The motion prevailed. Curran moved that the names of Feist and Fischer be added as authors on H. F. No. 2466. The motion prevailed. Pinto moved that the name of Feist be added as an author on H. F. No. 2471. The motion prevailed. Pinto moved that the name of Pérez-Vega be added as an author on H. F. No. 2476. The motion prevailed. Fischer moved that the name of Myers be added as an author on H. F. No. 2523. The motion prevailed. Engen moved that the name of Hussein be added as an author on H. F. No. 2538. The motion prevailed. Hollins moved that the name of Pursell be added as an author on H. F. No. 2571. The motion prevailed. Reyer moved that the name of Pursell be added as an author on H. F. No. 2599. The motion prevailed.

Finke moved that the names of Freiberg and Reyer be added as authors on H. F. No. 2607. The motion prevailed.

Norris moved that the name of Pursell be added as an author on H. F. No. 2614. The motion prevailed.

Stephenson moved that the name of Hollins be added as an author on H. F. No. 2619. The motion prevailed. Bahner moved that the name of Myers be added as an author on H. F. No. 2623. The motion prevailed. Bahner moved that the name of Pursell be added as an author on H. F. No. 2650. The motion prevailed. Bakeberg moved that the name of Pursell be added as an author on H. F. No. 2653. The motion prevailed. Huot moved that the name of Sencer-Mura be added as an author on H. F. No. 2669. The motion prevailed. Greenman moved that the name of Pursell be added as an author on H. F. No. 2696. The motion prevailed. Sencer-Mura moved that the name of Pursell be added as an author on H. F. No. 2706. The motion prevailed. Engen moved that the name of Witte be added as an author on H. F. No. 2719. The motion prevailed. Her moved that the name of Pursell be added as an author on H. F. No. 2732. The motion prevailed. Becker-Finn moved that the name of Rehm be added as an author on H. F. No. 2736. The motion prevailed. Wolgamott moved that the name of Smith be added as an author on H. F. No. 2749. The motion prevailed. Acomb moved that the name of Pursell be added as an author on H. F. No. 2771. The motion prevailed. Hussein moved that the name of Fischer be added as an author on H. F. No. 2781. The motion prevailed. Lee, K., moved that the name of Pursell be added as an author on H. F. No. 2787. The motion prevailed. Coulter moved that the name of Pursell be added as an author on H. F. No. 2793. The motion prevailed. Brand moved that the name of Pursell be added as an author on H. F. No. 2796. The motion prevailed. Sencer-Mura moved that the name of Pursell be added as an author on H. F. No. 2797. The motion prevailed. Clardy moved that the name of Witte be added as an author on H. F. No. 2822. The motion prevailed.

Lillie moved that the names of Lee, K., and Tabke be added as authors on H. F. No. 2829. The motion prevailed.

Finke moved that the names of Curran and Becker-Finn be added as authors on H. F. No. 2831. The motion prevailed.

Heintzeman moved that his name be stricken as an author on H. F. No. 2833. The motion prevailed.

Huot moved that the name of Witte be added as an author on H. F. No. 2854. The motion prevailed.

Robbins moved that the name of Witte be added as an author on H. F. No. 2867. The motion prevailed.

Pursell moved that H. F. No. 495 be recalled from the Committee on Higher Education Finance and Policy and be re-referred to the Committee on Elections Finance and Policy. The motion prevailed.

Clardy moved that H. F. No. 1184 be recalled from the Committee on Children and Families Finance and Policy and be re-referred to the Committee on Human Services Finance. The motion prevailed.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 3:30 p.m., Thursday, March 16, 2023. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:30 p.m., Thursday, March 16, 2023.

PATRICK D. MURPHY, Chief Clerk, House of Representatives