

1.1 ..... moves to amend H.F. No. 1151 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 STUDENT ACCOUNTABILITY

1.5 Section 1. [120B.018] DEFINITIONS.

1.6 Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

1.7 Subd. 2. **Academic standard.** "Academic standard" means a summary description  
1.8 of student learning in a required content area under section 120B.021 or elective content  
1.9 area under section 120B.022.

1.10 Subd. 3. **Career and college ready benchmark.** "Career and college ready  
1.11 benchmark" means specific knowledge or skill that a student must attain to complete part  
1.12 of an academic standard.

1.13 Subd. 4. **Credit.** "Credit" means the determination by the local school district that a  
1.14 student successfully completed an academic year of study or demonstrated attainment of  
1.15 applicable subject matter.

1.16 Subd. 5. **Elective standard.** "Elective standard" means a locally adopted  
1.17 expectation for student learning in career and technical education or world languages.

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

1.22 Subd. 7. **School site.** "School site" means a separate facility, or a separate program  
1.23 within a facility that a local school board recognizes as a school site for funding purposes.

1.24 Sec. 2. Minnesota Statutes 2012, section 120B.02, is amended to read:

2.1 **120B.02 EDUCATIONAL EXPECTATIONS AND GRADUATION**  
2.2 **REQUIREMENTS FOR MINNESOTA'S STUDENTS.**

2.3 Subdivision 1. Educational expectations. (a) The legislature is committed to  
2.4 establishing rigorous academic standards for Minnesota's public school students. To  
2.5 that end, the commissioner shall adopt in rule statewide academic standards. The  
2.6 commissioner shall not prescribe in rule or otherwise the delivery system, classroom  
2.7 assessments, or form of instruction that school sites must use. ~~For purposes of this chapter,~~  
2.8 ~~a school site is a separate facility, or a separate program within a facility that a local school~~  
2.9 ~~board recognizes as a school site for funding purposes.~~

2.10 (b) All commissioner actions regarding the rule must be premised on the following:

2.11 (1) the rule is intended to raise academic expectations for students, teachers, and  
2.12 schools;

2.13 (2) any state action regarding the rule must evidence consideration of school district  
2.14 autonomy; and

2.15 (3) the Department of Education, with the assistance of school districts, must make  
2.16 available information about all state initiatives related to the rule to students and parents,  
2.17 teachers, and the general public in a timely format that is appropriate, comprehensive, and  
2.18 readily understandable.

2.19 ~~(e) When fully implemented, the requirements for high school graduation in~~  
2.20 ~~Minnesota must require students to satisfactorily complete, as determined by the school~~  
2.21 ~~district, the course credit requirements under section 120B.024, all state academic~~  
2.22 ~~standards or local academic standards where state standards do not apply, and successfully~~  
2.23 ~~pass graduation examinations as required under section 120B.30.~~

2.24 ~~(d)~~ (c) The commissioner shall periodically review and report on the state's  
2.25 assessment process.

2.26 ~~(e)~~ (d) School districts are not required to adopt specific provisions of the federal  
2.27 School-to-Work programs.

2.28 Subd. 2. Graduation requirements. The state minimum requirements for high  
2.29 school graduation are satisfactorily completing the credit requirements under section  
2.30 120B.024, as determined by the school district, and demonstrating attainment of required  
2.31 academic standards and career and college readiness benchmarks on a nationally normed  
2.32 college entrance exam under section 120B.30. A school district must adopt graduation  
2.33 requirements that meet or exceed state graduation requirements established in law or rule.

2.34 EFFECTIVE DATE. This section is effective August 1, 2013, and applies to  
2.35 students entering 9th grade in the 2013-2014 school year and later.

3.1 Sec. 3. Minnesota Statutes 2012, section 120B.021, subdivision 1, is amended to read:

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

3.4 (1) language arts;

3.5 (2) mathematics;

3.6 (3) science;

3.7 (4) social studies, ~~including history, geography, economics, and government and~~  
3.8 ~~citizenship;~~

3.9 (5) physical education;

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

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

3.16 ~~The commissioner must submit proposed standards in science and social studies to~~  
3.17 ~~the legislature by February 1, 2004.~~

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

3.24 ~~A school district, no later than the 2007-2008 school year, must adopt graduation~~  
3.25 ~~requirements that meet or exceed state graduation requirements established in law or rule.~~  
3.26 ~~A school district that incorporates these state graduation requirements before the 2007-2008~~  
3.27 ~~school year must provide students who enter the 9th grade in or before the 2003-2004~~  
3.28 ~~school year the opportunity to earn a diploma based on existing locally established~~  
3.29 ~~graduation requirements in effect when the students entered the 9th grade.~~ (c) District  
3.30 efforts to develop, implement, or improve instruction or curriculum as a result of the  
3.31 provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

3.32 ~~The commissioner must include the contributions of Minnesota American Indian~~  
3.33 ~~tribes and communities as they relate to the academic standards during the review and~~  
3.34 ~~revision of the required academic standards.~~

3.35 Sec. 4. Minnesota Statutes 2012, section 120B.023, is amended to read:

4.1 **120B.023 BENCHMARKS.**

4.2 Subdivision 1. **Benchmarks implement, supplement statewide academic**  
4.3 **standards.** (a) The commissioner must supplement required state academic standards with  
4.4 grade-level benchmarks. High school benchmarks may cover more than one grade. The  
4.5 ~~benchmarks must implement statewide academic standards by specifying the academic~~  
4.6 ~~knowledge and skills that Schools must offer and students must achieve all benchmarks for~~  
4.7 ~~an academic standard to satisfactorily complete a that state standard. The commissioner~~  
4.8 ~~must publish benchmarks to inform and guide parents, teachers, school districts, and other~~  
4.9 ~~interested persons and to use in developing tests consistent with the benchmarks.~~

4.10 (b) The commissioner shall publish benchmarks in the State Register and transmit  
4.11 the benchmarks in any other manner that informs and guides parents, teachers, school  
4.12 districts, and other interested persons and makes them accessible to the general public. The  
4.13 commissioner must use benchmarks in developing career and college readiness assessments  
4.14 under section 120B.30. The commissioner may charge a reasonable fee for publications.

4.15 (c) Once established, the commissioner may change the benchmarks only with  
4.16 specific legislative authorization and after completing a review under subdivision 2.

4.17 ~~(d) The commissioner must develop and implement a system for reviewing each~~  
4.18 ~~of the required academic standards and related benchmarks and elective standards on a~~  
4.19 ~~periodic cycle, consistent with subdivision 2.~~

4.20 ~~(e)~~ (d) The benchmarks are not subject to chapter 14 and section 14.386 does not  
4.21 apply.

4.22 Subd. 2. **Revisions and reviews required.** (a) The commissioner of education must  
4.23 revise and appropriately embed technology and information literacy standards consistent  
4.24 with recommendations from school media specialists into the state's academic standards  
4.25 and graduation requirements and implement a review cycle for state academic standards  
4.26 and related benchmarks, consistent with this subdivision. During each review cycle, the  
4.27 commissioner also must examine the alignment of each required academic standard and  
4.28 related benchmark with the knowledge and skills students need for college readiness  
4.29 and advanced work in the particular subject area. The commissioner must include the  
4.30 contributions of Minnesota American Indian tribes and communities as related to the  
4.31 academic standards during the review and revision of the required academic standards.

4.32 ~~(b) The commissioner in the 2006-2007 school year must revise and align the state's~~  
4.33 ~~academic standards and high school graduation requirements in mathematics to require~~  
4.34 ~~that students satisfactorily complete the revised mathematics standards, beginning in the~~  
4.35 ~~2010-2011 school year. Under the revised standards:~~

5.1 ~~(1) students must satisfactorily complete an algebra I credit by the end of eighth~~  
5.2 ~~grade; and~~

5.3 ~~(2) students scheduled to graduate in the 2014-2015 school year or later must~~  
5.4 ~~satisfactorily complete an algebra II credit or its equivalent.~~

5.5 (b) The commissioner ~~also~~ must ensure that the statewide mathematics assessments  
5.6 administered to students in grades 3 through 8 and 11 are aligned with the state academic  
5.7 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph  
5.8 (b). The commissioner must implement a review of the academic standards and related  
5.9 benchmarks in mathematics beginning in the 2015-2016 school year.

5.10 ~~(c) The commissioner in the 2007-2008 school year must revise and align the state's~~  
5.11 ~~academic standards and high school graduation requirements in the arts to require that~~  
5.12 ~~students satisfactorily complete the revised arts standards beginning in the 2010-2011~~  
5.13 ~~school year. The commissioner must implement a review of the academic standards and~~  
5.14 ~~related benchmarks in arts beginning in the 2016-2017 school year.~~

5.15 ~~(d) The commissioner in the 2008-2009 school year must revise and align the state's~~  
5.16 ~~academic standards and high school graduation requirements in science to require that~~  
5.17 ~~students satisfactorily complete the revised science standards, beginning in the 2011-2012~~  
5.18 ~~school year. Under the revised standards, students scheduled to graduate in the 2014-2015~~  
5.19 ~~school year or later must satisfactorily complete a chemistry or physics credit or a career~~  
5.20 ~~and technical education credit that meets standards underlying the chemistry, physics,~~  
5.21 ~~or biology credit or a combination of those standards approved by the district. The~~  
5.22 ~~commissioner must implement a review of the academic standards and related benchmarks~~  
5.23 ~~in science beginning in the 2017-2018 school year.~~

5.24 ~~(e) The commissioner in the 2009-2010 school year must revise and align the state's~~  
5.25 ~~academic standards and high school graduation requirements in language arts to require~~  
5.26 ~~that students satisfactorily complete the revised language arts standards beginning in the~~  
5.27 ~~2012-2013 school year. The commissioner must implement a review of the academic~~  
5.28 ~~standards and related benchmarks in language arts beginning in the 2018-2019 school year.~~

5.29 ~~(f) The commissioner in the 2010-2011 school year must revise and align the state's~~  
5.30 ~~academic standards and high school graduation requirements in social studies to require~~  
5.31 ~~that students satisfactorily complete the revised social studies standards beginning in the~~  
5.32 ~~2013-2014 school year. The commissioner must implement a review of the academic~~  
5.33 ~~standards and related benchmarks in social studies beginning in the 2019-2020 school year.~~

5.34 (g) School districts and charter schools must revise and align local academic  
5.35 standards and high school graduation requirements in health, world languages, and career  
5.36 and technical education to require students to complete the revised standards beginning

6.1 in a school year determined by the school district or charter school. School districts and  
 6.2 charter schools must formally establish a periodic review cycle for the academic standards  
 6.3 and related benchmarks in health, world languages, and career and technical education.

6.4 Sec. 5. Minnesota Statutes 2012, section 120B.024, is amended to read:

6.5 **120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS.**

6.6 Subdivision 1. Graduation requirements. (a) Students beginning 9th grade in the  
 6.7 2011-2012 school year and later must successfully complete the following high school  
 6.8 level course credits for graduation:

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

6.11 (2) three credits of mathematics, ~~encompassing at least algebra, geometry, statistics,~~  
 6.12 ~~and probability~~ including an algebra II credit or its equivalent, sufficient to satisfy all of  
 6.13 the academic standard standards in mathematics;

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

6.16 ~~(3)~~ (4) three credits of science, including at least: (i) one credit in biology; and (ii)  
 6.17 one chemistry or physics credit or a career and technical education credit that meets  
 6.18 standards underlying the chemistry, physics, or biology credit or a combination of those  
 6.19 standards approved by the district, but meeting biology standards under this item does not  
 6.20 meet the biology requirement under item (i);

6.21 ~~(4)~~ (5) three and one-half credits of social studies, encompassing at least United  
 6.22 States history, geography, government and citizenship, world history, and economics or  
 6.23 three credits of social studies encompassing at least United States history, geography,  
 6.24 government and citizenship, and world history, and one-half credit of economics taught in  
 6.25 a school's social studies, agriculture education, or business department sufficient to satisfy  
 6.26 all of the academic standards in social studies;

6.27 ~~(5)~~ (6) one credit ~~in~~ of the arts sufficient to satisfy all of the state or local academic  
 6.28 standards in the arts; and

6.29 ~~(6)~~ (7) a minimum of seven elective course credits.

6.30 ~~A course credit is equivalent to a student successfully completing an academic~~  
 6.31 ~~year of study or a student mastering the applicable subject matter, as determined by the~~  
 6.32 ~~local school district.~~

6.33 Subd. 2. Credit equivalencies. (a) A one-half credit of economics taught in a  
 6.34 school's agriculture education or business department may fulfill a one-half credit in

7.1 social studies under subdivision 1, clause (5), if the credit is sufficient to satisfy all of the  
7.2 academic standards in economics.

7.3 (b) An agriculture science course may fulfill a science credit requirement other than  
7.4 the specified science credit in biology under paragraph (a), clause (3).

7.5 (c) A career and technical education course may fulfill a mathematics or arts credit  
7.6 requirement or a science credit requirement other than the specified science credit in  
7.7 biology under paragraph (a), clause (2), (3), or (5).

7.8 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to  
7.9 students entering 9th grade in the 2013-2014 school year and later.

7.10 Sec. 6. Minnesota Statutes 2012, section 120B.125, is amended to read:

7.11 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**  
7.12 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; INVOLUNTARY**  
7.13 **CAREER TRACKING PROHIBITED.**

7.14 (a) Consistent with sections 120B.128, 120B.13, 120B.131, 120B.132, 120B.14,  
7.15 120B.15, 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections,  
7.16 school districts are strongly encouraged to, beginning in the 2013-2014 school year, must  
7.17 assist all students by no later than grade 9 to explore their college and career interests and  
7.18 aspirations and develop a plan for a smooth and successful transition to postsecondary  
7.19 education or employment. All students' plans must be designed to:

7.20 (1) provide a comprehensive academic plan for completing a college and  
7.21 career-ready curriculum premised on meeting state and local academic standards and  
7.22 developing 21st century skills such as team work, collaboration, and good work habits;

7.23 (2) emphasize academic rigor and high expectations;

7.24 (3) help students identify personal learning styles that may affect their postsecondary  
7.25 education and employment choices;

7.26 (4) help students ~~succeed at~~ gaining gain access to postsecondary education and  
7.27 career options;

7.28 (5) integrate strong academic content into career-focused courses and integrate  
7.29 relevant career-focused courses into strong academic content;

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

8.1 (7) help students and families identify collaborative partnerships of kindergarten  
 8.2 through grade 12 schools, postsecondary institutions, economic development agencies, and  
 8.3 employers that support students' transition to postsecondary education and employment  
 8.4 and provide students with experiential learning opportunities; and

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

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

8.14 ~~(e) School districts are encouraged to seek and use revenue and in-kind contributions~~  
 8.15 ~~from nonstate sources and to seek administrative cost savings through innovative local~~  
 8.16 ~~funding arrangements, such as the Collaboration Among Rochester Educators (CARE)~~  
 8.17 ~~model for funding postsecondary enrollment options, among other sources, for purposes~~  
 8.18 ~~of implementing this section.~~

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

8.20 Sec. 7. Minnesota Statutes 2012, section 120B.128, is amended to read:

8.21 **120B.128 EDUCATIONAL PLANNING AND ASSESSMENT SYSTEM**  
 8.22 **(EPAS) PROGRAM.**

8.23 (a) School districts and charter schools may elect to participate in the Educational  
 8.24 Planning and Assessment System (EPAS) program offered by ACT, Inc. to provide a  
 8.25 longitudinal, systematic approach to student educational and career planning, assessment,  
 8.26 instructional support, and evaluation. The EPAS achievement tests include English,  
 8.27 reading, mathematics, science, and components on planning for high school and  
 8.28 postsecondary education, interest inventory, needs assessments, and student education  
 8.29 plans. These tests are linked to the ACT assessment for college admission and allow  
 8.30 students, parents, teachers, and schools to determine the student's college readiness before  
 8.31 grades 11 and 12.

8.32 (b) The commissioner of education shall provide ACT Explore tests for students  
 8.33 in grade 8 and the ACT Plan test for students in grade 10 to assess individual student



9.1 academic strengths and weaknesses, academic achievement and progress, higher order  
9.2 thinking skills, and college readiness.

9.3 (c) Students entering grade 9 before the 2013-2014 school year who have not  
9.4 yet demonstrated proficiency on the Minnesota comprehensive assessments, the  
9.5 graduation-required assessments for diploma, or the basic skills testing requirements may  
9.6 satisfy state high school graduation requirements for assessments in reading, math, and  
9.7 writing by taking the ACT assessment for college admission prior to high school graduation.

9.8 (d) The state shall pay the test costs for school districts and charter schools that  
9.9 choose to participate in the EPAS program to participate in the assessments under this  
9.10 section. The commissioner shall establish an application procedure and a process for  
9.11 state payment of costs.

9.12 **EFFECTIVE DATE.** This section is effective the day following final enactment  
9.13 and applies through the 2015-2016 school year.

9.14 Sec. 8. Minnesota Statutes 2012, section 120B.15, is amended to read:

9.15 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS.**

9.16 (a) School districts may identify students, locally develop programs addressing  
9.17 instructional and affective needs, provide staff development, and evaluate programs to  
9.18 provide gifted and talented students with challenging and appropriate educational programs.

9.19 (b) School districts ~~may~~ must adopt guidelines for assessing and identifying students  
9.20 for participation in gifted and talented programs. The guidelines should include the use of:

9.21 (1) multiple and objective criteria; and

9.22 (2) assessments and procedures that are valid and reliable, fair, and based on current  
9.23 theory and research. Assessments and procedures should be sensitive to underrepresented  
9.24 groups, including, but not limited to, low-income, minority, twice-exceptional, and  
9.25 English learners.

9.26 (c) School districts must adopt procedures for the academic acceleration of gifted  
9.27 and talented students. These procedures must include how the district will:

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

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

9.31 (d) School districts must adopt procedures for early admission to kindergarten  
9.32 or first grade of gifted and talented learners. The procedures must be sensitive to  
9.33 underrepresented groups and must address how the district or charter school will:

9.34 (1) assess a child's readiness and motivation for accelerations;

10.1 (2) assess a child's cognitive abilities, achievement, and performance; and

10.2 (3) monitor the child's adjustment postacceleration.

10.3 The school district shall admit a gifted and talented child to kindergarten or first  
 10.4 grade who fails to meet the age requirement under section 120A.20, subdivision 1,  
 10.5 paragraph (b), provided the child completes the procedures and meets the criteria for early  
 10.6 entrance adopted by the school board under this subdivision.

10.7 Sec. 9. Minnesota Statutes 2012, section 120B.30, subdivision 1, is amended to read:

10.8 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts  
 10.9 with appropriate technical qualifications and experience and stakeholders, consistent  
 10.10 with subdivision 1a, shall include in the comprehensive assessment system, for each  
 10.11 grade level to be tested, state-constructed tests developed ~~from and~~ as computer-adaptive  
 10.12 reading and mathematics assessments for students that are aligned with the state's required  
 10.13 academic standards under section 120B.021, include multiple choice questions, and be  
 10.14 are administered annually to all students in grades 3 through 8~~7~~. State-developed high  
 10.15 school tests aligned with the state's required academic standards under section 120B.021  
 10.16 and administered to all high school students in a subject other than writing must include  
 10.17 multiple choice questions. The commissioner shall establish one or more months during  
 10.18 which schools shall administer the tests to students each school year. ~~For students enrolled~~  
 10.19 ~~in grade 8 before the 2005-2006 school year, Minnesota basic skills tests in reading,~~  
 10.20 ~~mathematics, and writing shall fulfill students' basic skills testing requirements for a~~  
 10.21 ~~passing state notation. The passing scores of basic skills tests in reading and mathematics~~  
 10.22 ~~are the equivalent of 75 percent correct for students entering grade 9 based on the first~~  
 10.23 ~~uniform test administered in February 1998. Students who have not successfully passed a~~  
 10.24 ~~Minnesota basic skills test by the end of the 2011-2012 school year must pass and students~~  
 10.25 ~~in their senior year who have not yet demonstrated proficiency on the graduation-required~~  
 10.26 ~~assessments for diploma under paragraph (e), except that for the 2012-2013 and 2013-2014~~  
 10.27 ~~school years only, these students may satisfy the state's graduation test requirement for math~~  
 10.28 ~~by complying with paragraph (d), clauses (1) and (3) by the end of the 2012-2013 school~~  
 10.29 ~~year must take a college admission assessment under paragraph (c) and consistent with~~  
 10.30 section 120B.128, paragraph (c), that supports career and college readiness for all students.

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

10.33 (1) mathematics;

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

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

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

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

11.5 (c) For students enrolled in grade 8 in the ~~2005-2006~~ 2012-2013 school year and  
11.6 later, ~~only the following options shall fulfill~~ students' state graduation test requirements,  
11.7 based on a longitudinal, systematic approach to student education and career planning,  
11.8 assessment, instructional support, and evaluation, include the following:

11.9 (1) for reading and mathematics:

11.10 (i) ~~obtaining an achievement level equivalent to or greater than proficient as~~  
11.11 ~~determined through a standard setting process on the Minnesota comprehensive~~  
11.12 ~~assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing~~  
11.13 ~~score as determined through a standard setting process on the graduation-required~~  
11.14 ~~assessment for diploma in grade 10 for reading and grade 11 for mathematics or~~  
11.15 ~~subsequent retests;~~

11.16 (ii) ~~achieving a passing score as determined through a standard setting process~~  
11.17 ~~on the state-identified language proficiency test in reading and the mathematics test for~~  
11.18 ~~English learners or the graduation-required assessment for diploma equivalent of those~~  
11.19 ~~assessments for students designated as English learners;~~

11.20 (iii) ~~achieving an individual passing score on the graduation-required assessment for~~  
11.21 ~~diploma as determined by appropriate state guidelines for students with an individualized~~  
11.22 ~~education program or 504 plan;~~

11.23 (iv) ~~obtaining achievement level equivalent to or greater than proficient as~~  
11.24 ~~determined through a standard setting process on the state-identified alternate assessment~~  
11.25 ~~or assessments in grade 10 for reading and grade 11 for mathematics for students with~~  
11.26 ~~an individualized education program; or~~

11.27 (v) ~~achieving an individual passing score on the state-identified alternate assessment~~  
11.28 ~~or assessments as determined by appropriate state guidelines for students with an~~  
11.29 ~~individualized education program; and~~

11.30 (2) for writing:

11.31 (i) ~~achieving a passing score on the graduation-required assessment for diploma;~~

11.32 (ii) ~~achieving a passing score as determined through a standard setting process on~~  
11.33 ~~the state-identified language proficiency test in writing for students designated as English~~  
11.34 ~~learners;~~

12.1 ~~(iii) achieving an individual passing score on the graduation-required assessment for~~  
12.2 ~~diploma as determined by appropriate state guidelines for students with an individualized~~  
12.3 ~~education program or 504 plan; or~~

12.4 ~~(iv) achieving an individual passing score on the state-identified alternate assessment~~  
12.5 ~~or assessments as determined by appropriate state guidelines for students with an~~  
12.6 ~~individualized education program.~~

12.7 (1) attainment of required academic standards and career and college readiness  
12.8 benchmarks under section 120B.023 as demonstrated on a nationally normed college  
12.9 entrance exam;

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

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

12.23 Expectations of schools, districts, and the state for career or college readiness under  
12.24 this subdivision must be comparable in rigor, clarity of purpose, and rates of student  
12.25 completion. A student under clause (2) must receive targeted, relevant, academically  
12.26 rigorous, and resourced instruction, which may include a targeted instruction and  
12.27 intervention plan focused on improving the student's knowledge and skills in core subjects  
12.28 so that the student has a reasonable chance to succeed in a career or college without need  
12.29 for postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091,  
12.30 124D.49, and related sections, an enrolling school or district must actively encourage a  
12.31 student in grade 11 or 12 who is identified as academically ready for a career or college  
12.32 to participate in courses and programs awarding college credit to high school students.  
12.33 Students are not required to achieve a specified score or level of proficiency on an  
12.34 assessment under this subdivision to graduate from high school.

12.35 ~~(d) Students enrolled in grade 8 in any school year from the 2005-2006 school~~  
12.36 ~~year to the 2009-2010 school year who do not pass the mathematics graduation-required~~

13.1 ~~assessment for diploma under paragraph (e) are eligible to receive a high school diploma~~  
13.2 ~~if they:~~

13.3 ~~(1) complete with a passing score or grade all state and local coursework and credits~~  
13.4 ~~required for graduation by the school board granting the students their diploma;~~

13.5 ~~(2) participate in district-prescribed academic remediation in mathematics; and~~

13.6 ~~(3) fully participate in at least two retests of the mathematics GRAD test or until~~  
13.7 ~~they pass the mathematics GRAD test, whichever comes first. To improve the secondary~~

13.8 and postsecondary outcomes of all students, the alignment between secondary and

13.9 postsecondary education programs and Minnesota's workforce needs, and the efficiency

13.10 and cost-effectiveness of secondary and postsecondary programs, the commissioner, after

13.11 consulting with the Minnesota State Colleges and Universities chancellor and using a

13.12 request for proposal process, shall contract for a series of assessments that are consistent

13.13 with this subdivision, aligned with state academic standards, and include career and

13.14 college readiness benchmarks. Mathematics, reading, and writing assessments for students

13.15 in grades 8 and 10 must be predictive of and aligned with a nationally normed assessment

13.16 for career and college readiness. This nationally recognized assessment must be a college

13.17 entrance exam and given to students in grade 11 or 12. This series of assessments must

13.18 include a college placement diagnostic exam and contain career exploration elements.

13.19 The commissioner and the Minnesota State Colleges and Universities chancellor must

13.20 collaborate in aligning instruction and assessments for adult basic education students to

13.21 provide the students with diagnostic information about any targeted interventions they

13.22 need so that they may seek postsecondary education or employment without need for

13.23 postsecondary remediation.

13.24 (1) Districts and schools, on an annual basis, must use the career exploration

13.25 elements in these assessments to help students, beginning no later than grade 9, and their

13.26 families explore and plan for postsecondary education or careers based on the students'

13.27 interests, aptitudes, and aspirations. Districts and schools must use timely regional labor

13.28 market information and partnerships, among other resources, to help students and their

13.29 families successfully develop, pursue, review, and revise an individualized plan for

13.30 postsecondary education or a career. This process must help increase students' engagement

13.31 in and connection to school, improve students' knowledge and skills, and deepen students'

13.32 understanding of career pathways as a sequence of academic and career courses that lead

13.33 to an industry-recognized credential, an associate's degree, or a bachelor's degree and are

13.34 available to all students, whatever their interests and career goals.

13.35 (2) Students who, based on their growth in academic achievement between grades 8

13.36 and 10, show adequate progress toward meeting state career and college readiness must be

14.1 given the college entrance exam part of these assessments in grade 11. A student under  
14.2 this clause who demonstrates attainment of required state academic standards, which  
14.3 include career and college readiness benchmarks, on these assessments is academically  
14.4 ready for a career or college and is encouraged to participate in courses and programs  
14.5 awarding college credit to high school students. Such courses and programs may include  
14.6 sequential courses of study within broad career areas and technical skill assessments  
14.7 that extend beyond course grades.

14.8 (3) All students in grade 11 not subject to clause (2) must be given the college  
14.9 placement diagnostic exam so that the students, their families, the school, and the district  
14.10 can use the results to diagnose areas for targeted instruction, intervention, or remediation  
14.11 and improve students' knowledge and skills in core subjects sufficient for the student  
14.12 to graduate and have a reasonable chance to succeed in a career or college without  
14.13 remediation. These students must be given the college entrance exam part of these  
14.14 assessments in grade 12.

14.15 (4) A student in clause (3) who demonstrates (i) attainment of required state  
14.16 academic standards, which include career and college readiness benchmarks, on these  
14.17 assessments, (ii) attainment of career and college readiness benchmarks on the college  
14.18 placement diagnostic part of these assessments, and, where applicable, (iii) successfully  
14.19 completes targeted instruction, intervention, or remediation approved by the commissioner  
14.20 and the Minnesota State Colleges and Universities chancellor after consulting with local  
14.21 school officials and educators, is academically ready for a career or college and is  
14.22 encouraged to participate in courses and programs awarding college credit to high school  
14.23 students. Such courses and programs may include sequential courses of study within  
14.24 broad career areas and technical skill assessments that extend beyond course grades.

14.25 (5) A study to determine the alignment between these assessments and state  
14.26 academic standards under this chapter must be conducted. Where alignment exists, the  
14.27 commissioner must seek federal approval to, and immediately upon receiving approval  
14.28 replace the federally required assessments referenced under subdivision 1a and section  
14.29 120B.35, subdivision 2, with assessments under this paragraph.

14.30 (e) In developing, supporting, and improving students' academic readiness for a  
14.31 career or college, schools, districts, and the state must have a continuum of empirically  
14.32 derived, clearly defined benchmarks focused on students' attainment of knowledge and  
14.33 skills so that students, their parents, and teachers know how well students must perform to  
14.34 have a reasonable chance to succeed in a career or college without need for postsecondary  
14.35 remediation. The commissioner and Minnesota's public postsecondary institutions must  
14.36 ensure that the foundational knowledge and skills for students' successful performance

15.1 in postsecondary employment or education and an articulated series of possible targeted  
15.2 interventions are clearly identified and satisfy Minnesota's postsecondary admissions  
15.3 requirements.

15.4 (f) A school, district, or charter school must place record on the high school  
15.5 transcript a student's ~~current pass status for each subject that has a required graduation~~  
15.6 assessment progress toward career and college readiness.

15.7 ~~In addition,~~ (g) The school board granting the students their diplomas may formally  
15.8 decide to include a notation of high achievement on the high school diplomas of those  
15.9 graduating seniors who, according to established school board criteria, demonstrate  
15.10 exemplary academic achievement during high school.

15.11 (e) (h) The 3rd through 8th 7th grade computer-adaptive assessment results and  
15.12 high school test results shall be available to districts for diagnostic purposes affecting  
15.13 student learning and district instruction and curriculum, and for establishing educational  
15.14 accountability. The commissioner must establish empirically derived benchmarks on  
15.15 adaptive assessments in grades 3 through 7 that reveal a trajectory toward career and  
15.16 college readiness. The commissioner must disseminate to the public the computer-adaptive  
15.17 assessments and high school test results upon receiving those results.

15.18 (f) (i) The 3rd through 8th 7th grade computer-adaptive assessments and high school  
15.19 tests must be aligned with state academic standards. The commissioner shall determine the  
15.20 testing process and the order of administration. The statewide results shall be aggregated  
15.21 at the site and district level, consistent with subdivision 1a.

15.22 (g) ~~In addition to the testing and reporting requirements under this section,~~ (j) The  
15.23 commissioner shall include the following components in the statewide public reporting  
15.24 system:

15.25 (1) uniform statewide testing computer-adaptive assessments of all students in  
15.26 grades 3 through 8 7 and testing at the high school level that provides appropriate,  
15.27 technically sound accommodations ~~or alternate assessments~~;

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

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

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

16.1 **EFFECTIVE DATE.** This section is effective the day following final enactment  
16.2 and applies to the 2013-2014 school year and later except that paragraph (a) applies  
16.3 the day following final enactment and the requirements for using computer-adaptive  
16.4 mathematics and reading assessments for grades 3 through 7 apply in the 2015-2016  
16.5 school year and later.

16.6 Sec. 10. Minnesota Statutes 2012, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

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

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

16.26 (b) The commissioner must use fully adaptive mathematics and reading assessments  
16.27 for grades 3 through 7 beginning in the 2015-2016 school year and later.

16.28 (c) For purposes of conforming with existing federal educational accountability  
16.29 requirements, the commissioner must develop and implement computer-adaptive reading  
16.30 and mathematics assessments for grades 3 through 8 ~~7~~, state-developed high school  
16.31 reading and mathematics tests aligned with state academic standards, and science  
16.32 assessments under clause (2) that districts and sites must use to monitor student growth  
16.33 toward achieving those standards. The commissioner must not develop statewide  
16.34 assessments for academic standards in social studies, health and physical education, and  
16.35 the arts. The commissioner must require:



17.1 (1) annual computer-adaptive reading and mathematics assessments in grades 3  
17.2 through 8 7, and high school reading and mathematics tests; and

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

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

17.8 (1) individual student performance data and achievement reports are available within  
17.9 three school days of when students take an assessment;

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

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

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

17.20 ~~(b)~~ (e) The commissioner must ensure that all statewide tests administered to  
17.21 elementary and secondary students measure students' academic knowledge and skills and  
17.22 not students' values, attitudes, and beliefs.

17.23 ~~(e)~~ (f) Reporting of assessment results must:

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

17.26 (2) include a ~~value-added~~ growth indicator of student achievement under section  
17.27 120B.35, subdivision 3, paragraph (b); and

17.28 ~~(3)(i) for students enrolled in grade 8 before the 2005-2006 school year, determine~~  
17.29 ~~whether students have met the state's basic skills requirements; and~~

17.30 ~~(ii) for students enrolled in grade 8 in the 2005-2006 school year and later, determine~~  
17.31 ~~whether students have met the state's academic standards.~~

17.32 ~~(d)~~ (g) Consistent with applicable federal law and ~~subdivision 1, paragraph (d),~~  
17.33 ~~clause (1),~~ the commissioner must include appropriate, technically sound accommodations  
17.34 or alternative assessments for the very few students with disabilities for whom statewide  
17.35 assessments are inappropriate and for English learners.

18.1           (e) (h) A school, school district, and charter school must administer statewide  
18.2 assessments under this section, as the assessments become available, to evaluate student  
18.3 proficiency progress toward career and college readiness in the context of the state's grade  
18.4 level academic standards. ~~If a state assessment is not available, a school, school district,~~  
18.5 ~~and charter school must determine locally if a student has met the required academic~~  
18.6 ~~standards.~~ A school, school district, or charter school may use a student's performance  
18.7 on a statewide assessment as one of multiple criteria to determine grade promotion or  
18.8 retention. A school, school district, or charter school may use a high school student's  
18.9 performance on a statewide assessment as a percentage of the student's final grade in a  
18.10 course, or place a student's assessment score on the student's transcript.

18.11           **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and  
18.12 later except the requirements for using computer-adaptive mathematics and reading  
18.13 assessments for grades 3 through 7 apply in the 2015-2016 school year and later.

18.14           Sec. 11. Minnesota Statutes 2012, section 120B.31, subdivision 1, is amended to read:

18.15           Subdivision 1. **Educational accountability and public reporting.** Consistent  
18.16 with the direction to adopt statewide academic standards under section 120B.02, the  
18.17 department, in consultation with education and other system stakeholders, must establish a  
18.18 coordinated and comprehensive system of educational accountability and public reporting  
18.19 that promotes greater academic achievement, preparation for higher academic education,  
18.20 preparation for the world of work, citizenship ~~under sections 120B.021, subdivision 1,~~  
18.21 ~~clause (4), and 120B.024, paragraph (a), clause (4),~~ and the arts.

18.22           Sec. 12. Minnesota Statutes 2012, section 120B.35, subdivision 3, is amended to read:

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

18.28           (b) The commissioner, in consultation with a stakeholder group that includes  
18.29 assessment and evaluation directors and staff and researchers must implement a model  
18.30 that uses a value-added growth indicator and includes criteria for identifying schools  
18.31 and school districts that demonstrate medium and high growth under section 120B.299,  
18.32 subdivisions 8 and 9, and may recommend other value-added measures under section  
18.33 120B.299, subdivision 3. The model may be used to advance educators' professional  
18.34 development and replicate programs that succeed in meeting students' diverse learning

19.1 needs. Data on individual teachers generated under the model are personnel data under  
19.2 section 13.43. The model must allow users to:

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

19.4 (2) for all student categories, report and compare aggregated and disaggregated state  
19.5 growth data using the nine student categories identified under the federal 2001 No Child  
19.6 Left Behind Act and two student gender categories of male and female, respectively,  
19.7 following appropriate reporting practices to protect nonpublic student data.

19.8 The commissioner must report separate measures of student growth and proficiency,  
19.9 consistent with this paragraph.

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

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

19.19 (2) a rigorous coursework measure indicating the number and percentage of high  
19.20 school graduates in the most recent school year who successfully completed one or more  
19.21 college-level advanced placement, international baccalaureate, postsecondary enrollment  
19.22 options including concurrent enrollment, other rigorous courses of study under section  
19.23 120B.021, subdivision 1a, or industry certification courses or programs.

19.24 When reporting the core measures under clauses (1) and (2), the commissioner must also  
19.25 analyze and report separate categories of information using the nine student categories  
19.26 identified under the federal 2001 No Child Left Behind Act and two student gender  
19.27 categories of male and female, respectively, following appropriate reporting practices to  
19.28 protect nonpublic student data.

19.29 (d) When reporting student performance under section 120B.36, subdivision 1, the  
19.30 commissioner annually, beginning July 1, 2014, must report summary data on school  
19.31 safety and students' engagement and connection at school. The summary data under this  
19.32 paragraph are separate from and must not be used for any purpose related to measuring  
19.33 or evaluating the performance of classroom teachers. The commissioner, in consultation  
19.34 with qualified experts on student engagement and connection and classroom teachers,  
19.35 must identify highly reliable variables that generate summary data under this paragraph.  
19.36 The summary data may be used at school, district, and state levels only. Any data on

20.1 individuals received, collected, or created that are used to generate the summary data  
20.2 under this paragraph are nonpublic data under section 13.02, subdivision 9.

20.3 (e) For purposes of statewide educational accountability, the commissioner must  
20.4 identify and report measures that demonstrate the success of school districts, school sites,  
20.5 charter schools, and alternative program providers in improving the graduation outcomes  
20.6 of students under this paragraph. When reporting student performance under section  
20.7 120B.36, subdivision 1, the commissioner, beginning July 1, 2015, must annually report  
20.8 summary data on:

20.9 (1) the four- and six-year graduation rates of students throughout the state who  
20.10 are identified as at risk of not graduating or off track to graduate, including students  
20.11 who are eligible to participate in a program under section 123A.05 or 124D.68, among  
20.12 other students; and

20.13 (2) the success that school districts, school sites, charter schools, and alternative  
20.14 program providers experience in:

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

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

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

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

20.20 For purposes of this paragraph, a student who is at risk of not graduating is a student  
20.21 in eighth or ninth grade who meets one or more of the following criteria: first enrolled  
20.22 in an English language learners program in eighth or ninth grade and may be older than  
20.23 other students enrolled in the same grade; as an eighth grader, is absent from school for at  
20.24 least 20 percent of the days of instruction during the school year, is two or more years  
20.25 older than other students enrolled in the same grade, or fails multiple core academic  
20.26 courses; or as a ninth grader, fails multiple ninth grade core academic courses in English  
20.27 language arts, math, science, or social studies.

20.28 For purposes of this paragraph, a student who is off track to graduate is a student  
20.29 who meets one or more of the following criteria: first enrolled in an English language  
20.30 learners program in high school and is older than other students enrolled in the same grade;  
20.31 is a returning dropout; is 16 or 17 years old and two or more academic years off track to  
20.32 graduate; is 18 years or older and two or more academic years off track to graduate; or is  
20.33 18 years or older and may graduate within one school year.

20.34 **EFFECTIVE DATE.** Paragraph (e) applies to data that are collected in the  
20.35 2014-2015 school year and later and reported annually beginning July 1, 2015, consistent  
20.36 with the recommendations the commissioner receives from recognized and qualified

21.1 experts on improving differentiated graduation rates, and establishing alternative routes to  
21.2 a standard high school diploma for at-risk and off-track students.

21.3 Sec. 13. Minnesota Statutes 2012, section 120B.36, subdivision 1, is amended to read:

21.4 Subdivision 1. **School performance ~~report cards~~ reports.** (a) The commissioner  
21.5 shall report student academic performance under section 120B.35, subdivision 2; the  
21.6 percentages of students showing low, medium, and high growth under section 120B.35,  
21.7 subdivision 3, paragraph (b); school safety and student engagement and connection  
21.8 under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section  
21.9 120B.35, subdivision 3, paragraph (c), the percentage of students whose progress and  
21.10 performance levels are meeting career and college readiness benchmarks under section  
21.11 120B.30, subdivision 1; longitudinal data on district and school progress in reducing  
21.12 disparities in students' academic achievement under section 124D.861, subdivision 3; two  
21.13 separate student-to-teacher ratios that clearly indicate the definition of teacher consistent  
21.14 with sections 122A.06 and 122A.15 for purposes of determining these ratios; staff  
21.15 characteristics excluding salaries; student enrollment demographics; district mobility; and  
21.16 extracurricular activities. The report also must indicate a school's adequate yearly progress  
21.17 status under applicable federal law, and must not set any designations applicable to high-  
21.18 and low-performing schools due solely to adequate yearly progress status.

21.19 (b) The commissioner shall develop, annually update, and post on the department  
21.20 Web site school performance ~~report cards~~ reports.

21.21 (c) The commissioner must make available performance ~~report cards~~ reports by the  
21.22 beginning of each school year.

21.23 (d) A school or district may appeal its adequate yearly progress status in writing to  
21.24 the commissioner within 30 days of receiving the notice of its status. The commissioner's  
21.25 decision to uphold or deny an appeal is final.

21.26 (e) School performance ~~report card~~ reports data are nonpublic data under section  
21.27 13.02, subdivision 9, until the commissioner publicly releases the data. The commissioner  
21.28 shall annually post school performance ~~report cards~~ reports to the department's public Web  
21.29 site no later than September 1, except that in years when the ~~report card~~ reflects reports  
21.30 reflect new performance standards, the commissioner shall post the school performance  
21.31 ~~report cards~~ reports no later than October 1.

21.32 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and  
21.33 later.

22.1 Sec. 14. Minnesota Statutes 2012, section 124D.52, is amended by adding a  
22.2 subdivision to read:

22.3 Subd. 8. **Standard high school diploma for adults.** (a) The commissioner shall  
22.4 adopt rules for providing a standard high school diploma to adults who:

22.5 (1) are not eligible for kindergarten through grade 12 services;

22.6 (2) do not have a high school diploma; and

22.7 (3) successfully complete an adult basic education program of instruction approved  
22.8 by the commissioner necessary to earn an adult high school diploma.

22.9 (b) Persons participating in an approved adult basic education program of instruction  
22.10 must demonstrate proficiency in a standard set of competencies that reflect the knowledge  
22.11 and skills sufficient to ensure that postsecondary programs and institutions and potential  
22.12 employers regard persons with a standard high school diploma and persons with a  
22.13 standard high school diploma for adults as equally well prepared and qualified graduates.  
22.14 Approved adult basic education programs of instruction under this subdivision must issue  
22.15 a standard high school diploma for adults who successfully demonstrate the competencies,  
22.16 knowledge, and skills required by the program.

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

22.18 Sec. 15. **STATEWIDE ASSESSMENT AND ACCOUNTABILITY; TRANSITION.**

22.19 Notwithstanding other law to the contrary, students enrolled in grade 8 before the  
22.20 2012-2013 school year are eligible to be assessed under the amended provisions of  
22.21 Minnesota Statutes 2012, section 120B.30, subdivision 1, to the extent such assessments  
22.22 are available, or under section 120B.128. Other measures of statewide accountability,  
22.23 including student performance, preparation, rigorous course taking, engagement and  
22.24 connection, and transition into postsecondary education or the workforce remain in effect.

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

22.26 Sec. 16. **CAREER PATHWAYS AND TECHNICAL EDUCATION ADVISORY**  
22.27 **TASK FORCE.**

22.28 Subdivision 1. **Recommendations.** (a) A career pathways and technical education  
22.29 advisory task force is established to recommend to the Minnesota legislature, consistent  
22.30 with Minnesota Statutes, sections 120B.30, subdivision 1, and 120B.35, subdivision 3,  
22.31 how to structurally redesign secondary and postsecondary education to:

22.32 (1) improve secondary and postsecondary outcomes for students and adult learners;

23.1 (2) align secondary and postsecondary education programs serving students and  
23.2 adult learners;

23.3 (3) align secondary and postsecondary education programs and Minnesota's  
23.4 workforce needs; and

23.5 (4) measure and evaluate the combined efficacy of Minnesota's public kindergarten  
23.6 through grade 12 and postsecondary education programs.

23.7 (b) Advisory task force members, in preparing these recommendations, must  
23.8 seek the advice of education providers, employers, policy makers, and other interested  
23.9 stakeholders and must at least consider how to:

23.10 (1) better inform students about career options, occupational trends, and educational  
23.11 paths leading to viable and rewarding careers and reduce the gap between the demand for  
23.12 and preparation of a skilled Minnesota workforce;

23.13 (2) in consultation with a student's family, develop and periodically adapt as needed  
23.14 an education and work plan for each student aligned with the student's personal and  
23.15 professional interests, abilities, skills, and aspirations;

23.16 (3) improve monitoring of high school students' progress with targeted interventions  
23.17 and support and remove the need for remedial instruction;

23.18 (4) increase and accelerate opportunities for secondary school students to earn  
23.19 postsecondary credits leading to a certificate, industry license, or degree;

23.20 (5) better align high school courses and expectations and postsecondary  
23.21 credit-bearing courses;

23.22 (6) better align high school standards and assessments, postsecondary readiness  
23.23 measures and entrance requirements, and the expectations of Minnesota employers;

23.24 (7) increase the rates at which students complete a postsecondary certificate,  
23.25 industry license, or degree; and

23.26 (8) provide graduates of two-year and four-year postsecondary institutions with the  
23.27 foundational skills needed for civic engagement, ongoing employment, and continuous  
23.28 learning.

23.29 Subd. 2. **Task force membership and operation.** (a) Advisory task force members  
23.30 must include representatives of the following: the Minnesota Association of Career  
23.31 and Technical Administrators; the Minnesota Association for Career and Technical  
23.32 Education; University of Minnesota and Minnesota State Colleges and Universities faculty  
23.33 working to develop career and technical educators in Minnesota; the National Research  
23.34 Center for Career and Technical Education; the Minnesota Department of Education;  
23.35 the Minnesota Department of Employment and Economic Development; the Minnesota  
23.36 Chamber of Commerce; the Minnesota Business Partnership; the Minnesota Board of

24.1 Teaching; the Minnesota Association of Colleges for Teacher Education; Minnesota State  
 24.2 Colleges and Universities foundational skills and general education faculty; and any other  
 24.3 representatives selected by the task force members. The education commissioner or the  
 24.4 commissioner's designee must convene the task force. Task force members are not eligible  
 24.5 for compensation or reimbursement for expenses related to task force activities.

24.6 (b) The commissioner, upon request, must provide technical assistance to the task  
 24.7 force.

24.8 (c) The task force must submit its written recommendations under this section to the  
 24.9 legislative committees with jurisdiction over kindergarten through grade 12 education by  
 24.10 February 15, 2014.

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

24.12 Sec. 17. **APPROPRIATIONS.**

24.13 Subdivision 1. **Minnesota Department of Education.** The sums indicated in this  
 24.14 section are appropriated from the general fund to the Department of Education for the  
 24.15 fiscal years designated.

24.16 Subd. 2. **College and career ready assessments.** For the costs necessary for  
 24.17 school district and charter school students to participate in the required assessments under  
 24.18 section 2:

24.19 \$            .....        ..... 2014

24.20 \$            .....        ..... 2015

24.21 Any balance in the first year does not cancel but is available in the second year.

24.22 Subd. 3. **Computer-adapted tests.** For the development costs associated with  
 24.23 state-developed, computer-adapted tests under section 3:

24.24 \$            .....        ..... 2014

24.25 \$            .....        ..... 2015

24.26 Any balance in the first year does not cancel but is available in the second year.

24.27 Subd. 4. **Request for proposals.** For the costs associated with developing the  
 24.28 request for proposals for the assessments required under section 3, paragraph (d):

24.29 \$            .....        ..... 2014

24.30 \$            .....        ..... 2015

24.31 Any balance in the first year does not cancel but is available in the second year.



25.1 Subd. 5. Career Pathways Advisory Task Force. For the costs of the Career  
 25.2 Pathways Advisory Task Force under section 8:

25.3 \$ ..... 2014

25.4 Any balance in the first year does not cancel but is available in the second year.

25.5 Sec. 18. **REVISOR'S INSTRUCTION.**

25.6 The revisor of statutes shall renumber Minnesota Statutes, section 120B.023,  
 25.7 subdivision 2, as Minnesota Statutes, section 120B.021, subdivision 4. The revisor shall  
 25.8 make necessary cross-reference changes consistent with the renumbering.

25.9 Sec. 19. **REPEALER.**

25.10 (a) Minnesota Rules, parts 3501.0505; 3501.0510; 3501.0515; 3501.0520;  
 25.11 3501.0525; 3501.0530; 3501.0535; 3501.0540; 3501.0545; and 3501.0550, are repealed.

25.12 (b) Minnesota Rules, parts 3501.0010; 3501.0020; 3501.0030, subparts 1, 2, 3, 4,  
 25.13 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, and 16; 3501.0040; 3501.0050; 3501.0060; 3501.0090;  
 25.14 3501.0100; 3501.0110; 3501.0120; 3501.0130; 3501.0140; 3501.0150; 3501.0160;  
 25.15 3501.0170; 3501.0180; 3501.0200; 3501.0210; 3501.0220; 3501.0230; 3501.0240;  
 25.16 3501.0250; 3501.0270; 3501.0280, subparts 1 and 2; 3501.0290; 3501.1000; 3501.1020;  
 25.17 3501.1030; 3501.1040; 3501.1050; 3501.1110; 3501.1120; 3501.1130; 3501.1140;  
 25.18 3501.1150; 3501.1160; 3501.1170; 3501.1180; and 3501.1190, are repealed.

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

## 25.20 **ARTICLE 2**

### 25.21 **EDUCATORS**

25.22 Section 1. Minnesota Statutes 2012, section 122A.09, subdivision 4, is amended to read:

25.23 Subd. 4. **License and rules.** (a) The board must adopt rules to license public school  
 25.24 teachers and interns subject to chapter 14.

25.25 (b) The board must adopt rules requiring a person until September 1, 2014, to pass a  
 25.26 skills examination in reading, writing, and mathematics as a requirement for initial teacher  
 25.27 licensure, except that the board may issue a temporary, one-year teaching license to an  
 25.28 otherwise qualified candidate who has not passed the skills exam at the time the candidate  
 25.29 successfully completes an approved teacher preparation program. Such rules must require  
 25.30 college and universities offering a board-approved teacher preparation program to provide  
 25.31 remedial assistance to persons who did not achieve a qualifying score on the skills  
 25.32 examination, including those for whom English is a second language.

26.1 (c) The board must adopt rules to approve teacher preparation programs. The board,  
26.2 upon the request of a postsecondary student preparing for teacher licensure or a licensed  
26.3 graduate of a teacher preparation program, shall assist in resolving a dispute between the  
26.4 person and a postsecondary institution providing a teacher preparation program when the  
26.5 dispute involves an institution's recommendation for licensure affecting the person or the  
26.6 person's credentials. At the board's discretion, assistance may include the application  
26.7 of chapter 14.

26.8 (d) The board must provide the leadership and adopt rules for the redesign of teacher  
26.9 education programs to implement a research based, results-oriented curriculum that  
26.10 focuses on the skills teachers need in order to be effective. The board shall implement new  
26.11 systems of teacher preparation program evaluation to assure program effectiveness based  
26.12 on proficiency of graduates in demonstrating attainment of program outcomes. Teacher  
26.13 preparation programs including alternative teacher preparation programs under section  
26.14 122A.245, among other programs, must include a content-specific, board-approved,  
26.15 performance-based assessment that measures teacher candidates in three areas: planning  
26.16 for instruction and assessment; engaging students and supporting learning; and assessing  
26.17 student learning.

26.18 (e) The board must adopt rules requiring candidates for initial licenses to pass an  
26.19 examination of general pedagogical knowledge and examinations of licensure-specific  
26.20 teaching skills. The rules shall be effective by September 1, 2001. The rules under this  
26.21 paragraph also must require candidates for initial licenses to teach prekindergarten or  
26.22 elementary students to pass, as part of the examination of licensure-specific teaching  
26.23 skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive,  
26.24 scientifically based reading instruction under section 122A.06, subdivision 4, and their  
26.25 knowledge and understanding of the foundations of reading development, the development  
26.26 of reading comprehension, and reading assessment and instruction, and their ability to  
26.27 integrate that knowledge and understanding.

26.28 (f) The board must adopt rules requiring teacher educators to work directly with  
26.29 elementary or secondary school teachers in elementary or secondary schools to obtain  
26.30 periodic exposure to the elementary or secondary teaching environment.

26.31 (g) The board must grant licenses to interns and to candidates for initial licenses  
26.32 based on appropriate professional competencies that are aligned with the board's licensing  
26.33 system and students' diverse learning needs. The board must include these licenses in a  
26.34 statewide differentiated licensing system that creates new leadership roles for successful  
26.35 experienced teachers premised on a collaborative professional culture dedicated to meeting

27.1 students' diverse learning needs in the 21st century and formalizes mentoring and induction  
27.2 for newly licensed teachers that is provided through a teacher support framework.

27.3 (h) The board must design and implement an assessment system which requires a  
27.4 candidate for an initial license and first continuing license to demonstrate the abilities  
27.5 necessary to perform selected, representative teaching tasks at appropriate levels.

27.6 (i) The board must receive recommendations from local committees as established  
27.7 by the board for the renewal of teaching licenses.

27.8 (j) The board must grant life licenses to those who qualify according to requirements  
27.9 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and  
27.10 214.10. The board must not establish any expiration date for application for life licenses.

27.11 (k) The board must adopt rules that require all licensed teachers who are renewing  
27.12 their continuing license to include in their renewal requirements further preparation in  
27.13 the areas of using positive behavior interventions and in accommodating, modifying, and  
27.14 adapting curricula, materials, and strategies to appropriately meet the needs of individual  
27.15 students and ensure adequate progress toward the state's graduation rule.

27.16 (l) In adopting rules to license public school teachers who provide health-related  
27.17 services for disabled children, the board shall adopt rules consistent with license or  
27.18 registration requirements of the commissioner of health and the health-related boards who  
27.19 license personnel who perform similar services outside of the school.

27.20 (m) The board must adopt rules that require all licensed teachers who are renewing  
27.21 their continuing license to include in their renewal requirements further reading  
27.22 preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect  
27.23 until they are approved by law. Teachers who do not provide direct instruction including, at  
27.24 least, counselors, school psychologists, school nurses, school social workers, audiovisual  
27.25 directors and coordinators, and recreation personnel are exempt from this section.

27.26 (n) The board must adopt rules that require all licensed teachers who are renewing  
27.27 their continuing license to include in their renewal requirements further preparation,  
27.28 first, in understanding the key warning signs of early-onset mental illness in children  
27.29 and adolescents and then, during subsequent licensure renewal periods, preparation may  
27.30 include providing a more in-depth understanding of students' mental illness trauma,  
27.31 accommodations for students' mental illness, parents' role in addressing students' mental  
27.32 illness, Fetal Alcohol Spectrum Disorders, autism, the requirements of section 125A.0942  
27.33 governing restrictive procedures, and de-escalation methods, among other similar topics.

27.34 **EFFECTIVE DATE.** Paragraph (b) of this section is effective the day following  
27.35 final enactment. Paragraph (n) of this section is effective August 1, 2014.

28.1 Sec. 2. Minnesota Statutes 2012, section 122A.18, subdivision 2, is amended to read:

28.2 Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of  
28.3 Teaching must issue licenses under its jurisdiction to persons the board finds to be  
28.4 qualified and competent for their respective positions.

28.5 (b) The board, until September 1, 2014, must require a person to pass an examination  
28.6 of skills in reading, writing, and mathematics before being granted an initial teaching  
28.7 license to provide direct instruction to pupils in prekindergarten, elementary, secondary,  
28.8 or special education programs, except that the board may issue a temporary, one-year  
28.9 teaching license to an otherwise qualified candidate who has not passed the skills exam at  
28.10 the time the candidate successfully completes an approved teacher preparation program.  
28.11 The board must require colleges and universities offering a board approved teacher  
28.12 preparation program to ~~provide~~ make available upon request remedial assistance that  
28.13 includes a formal diagnostic component to persons enrolled in their institution who did  
28.14 not achieve a qualifying score on the skills examination, including those for whom  
28.15 English is a second language. The colleges and universities must ~~provide~~ make available  
28.16 assistance in the specific academic areas of deficiency in which the person did not achieve  
28.17 a qualifying score. School districts may make available upon request similar, appropriate,  
28.18 and timely remedial assistance that includes a formal diagnostic component to those  
28.19 persons employed by the district who completed their teacher education program, who  
28.20 did not achieve a qualifying score on the skills examination, including those persons for  
28.21 whom English is a second language and persons under section 122A.23, subdivision  
28.22 2, paragraph (h), who completed their teacher's education program outside the state of  
28.23 Minnesota, and who received a temporary, one-year license to teach in Minnesota. The  
28.24 Board of Teaching shall report annually to the education committees of the legislature  
28.25 on the total number of teacher candidates during the most recent school year taking the  
28.26 skills examination, the number who achieve a qualifying score on the examination, the  
28.27 number who do not achieve a qualifying score on the examination, the distribution of all  
28.28 candidates' scores, the number of candidates who have taken the examination at least once  
28.29 before, and the number of candidates who have taken the examination at least once before  
28.30 and achieve a qualifying score.

28.31 (c) A person who has completed an approved teacher preparation program and  
28.32 obtained a temporary, one-year teaching license, but has not passed the skills exam, may  
28.33 have the board renew the temporary one-year license if the licensee:

28.34 (1) provides evidence of participating in an approved remedial assistance program  
28.35 through a school district or postsecondary institution that includes a formal diagnostic  
28.36 component in the specific subject areas the licensee did not pass;

29.1 (2) attempts to pass the skills exam during the one-year licensure period; and  
29.2 (3) the school district employing the licensee requests that the licensee continue to  
29.3 teach for that district under a temporary license.

29.4 (d) The Board of Teaching must grant continuing licenses only to those persons who  
29.5 have met board criteria for granting a continuing license, which includes passing the skills  
29.6 examination in reading, writing, and mathematics.

29.7 ~~(d)~~ (e) All colleges and universities approved by the board of teaching to prepare  
29.8 persons for teacher licensure must include in their teacher preparation programs a common  
29.9 core of teaching knowledge and skills to be acquired by all persons recommended  
29.10 for teacher licensure. This common core shall meet the standards developed by the  
29.11 interstate new teacher assessment and support consortium in its 1992 "model standards for  
29.12 beginning teacher licensing and development." Amendments to standards adopted under  
29.13 this paragraph are covered by chapter 14. The board of teaching shall report annually to  
29.14 the education committees of the legislature on the performance of teacher candidates  
29.15 on common core assessments of knowledge and skills under this paragraph during the  
29.16 most recent school year.

29.17 (f) Notwithstanding this subdivision or other law to the contrary, beginning  
29.18 September 1, 2014, a teacher is not required to pass an examination of skills in reading,  
29.19 writing, and mathematics before the board grants the teacher an initial teaching license to  
29.20 provide direct instruction to pupils in prekindergarten, elementary, secondary, or special  
29.21 education programs.

29.22 **EFFECTIVE DATE.** This section, except paragraph (f), is effective the day  
29.23 following final enactment. Paragraph (f) is effective beginning September 1, 2014.

29.24 Sec. 3. Minnesota Statutes 2012, section 122A.23, subdivision 2, is amended to read:

29.25 Subd. 2. **Applicants licensed in other states.** (a) Subject to the requirements of  
29.26 sections 122A.18, subdivision 8, and 123B.03, the Board of Teaching must issue a teaching  
29.27 license or a temporary teaching license under paragraphs (b) to (e) to an applicant who holds  
29.28 at least a baccalaureate degree from a regionally accredited college or university and holds  
29.29 or held a similar out-of-state teaching license that requires the applicant to successfully  
29.30 complete a teacher preparation program approved by the issuing state, which includes  
29.31 field-specific teaching methods and student teaching or essentially equivalent experience.

29.32 (b) The Board of Teaching must issue a teaching license to an applicant who:

29.33 (1) successfully completed all exams and human relations preparation components  
29.34 required by the Board of Teaching; and

30.1 (2) holds or held an out-of-state teaching license to teach the same content field and  
30.2 grade levels if the scope of the out-of-state license is no more than one grade level less  
30.3 than a similar Minnesota license.

30.4 (c) The Board of Teaching, consistent with board rules and paragraph (h), must  
30.5 issue up to three one-year temporary teaching licenses to an applicant who holds or held  
30.6 an out-of-state teaching license to teach the same content field and grade levels, where  
30.7 the scope of the out-of-state license is no more than one grade level less than a similar  
30.8 Minnesota license, but has not successfully completed all exams and human relations  
30.9 preparation components required by the Board of Teaching.

30.10 (d) The Board of Teaching, consistent with board rules, must issue up to three  
30.11 one-year temporary teaching licenses to an applicant who:

30.12 (1) successfully completed all exams and human relations preparation components  
30.13 required by the Board of Teaching; and

30.14 (2) holds or held an out-of-state teaching license to teach the same content field  
30.15 and grade levels, where the scope of the out-of-state license is no more than one grade  
30.16 level less than a similar Minnesota license, but has not completed field-specific teaching  
30.17 methods or student teaching or equivalent experience.

30.18 The applicant may complete field-specific teaching methods and student teaching  
30.19 or equivalent experience by successfully participating in a one-year school district  
30.20 mentorship program consistent with board-adopted standards of effective practice and  
30.21 Minnesota graduation requirements.

30.22 (e) The Board of Teaching must issue a temporary teaching license for a term of  
30.23 up to three years only in the content field or grade levels specified in the out-of-state  
30.24 license to an applicant who:

30.25 (1) successfully completed all exams and human relations preparation components  
30.26 required by the Board of Teaching; and

30.27 (2) holds or held an out-of-state teaching license where the out-of-state license is  
30.28 more limited in the content field or grade levels than a similar Minnesota license.

30.29 (f) The Board of Teaching must not issue to an applicant more than three one-year  
30.30 temporary teaching licenses under this subdivision.

30.31 (g) The Board of Teaching must not issue a license under this subdivision if the  
30.32 applicant has not attained the additional degrees, credentials, or licenses required in a  
30.33 particular licensure field.

30.34 (h) ~~The Board of Teaching must require~~ Until September 1, 2014, an applicant for  
30.35 a teaching license or a temporary teaching license under this subdivision ~~to~~ must pass  
30.36 a skills examination in reading, writing, and mathematics before the board issues the

31.1 applicant a continuing teaching license. Consistent with section 122A.18, subdivision 2,  
 31.2 paragraph (c), and notwithstanding other provisions of this subdivision, the board may  
 31.3 issue a temporary, one-year teaching license to an otherwise qualified applicant who has  
 31.4 not passed the skills exam and the board may renew this temporary license if the school  
 31.5 district employing the applicant requests that the applicant continue to teach for that  
 31.6 district under a temporary license. Notwithstanding this subdivision or other law to the  
 31.7 contrary, beginning September 1, 2014, a teacher is not required to pass an examination of  
 31.8 skills in reading, writing, and mathematics before the board grants the teacher a continuing  
 31.9 license to provide direct instruction to pupils in prekindergarten, elementary, secondary,  
 31.10 or special education programs.

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

31.12 Sec. 4. Minnesota Statutes 2012, section 122A.28, subdivision 1, is amended to read:

31.13 Subdivision 1. **K-12 license to teach deaf and hard-of-hearing students;**  
 31.14 **relicensure.** (a) The Board of Teaching must review and determine appropriate licensure  
 31.15 requirements for a candidate for a license or an applicant for a continuing license to teach  
 31.16 deaf and hard-of-hearing students in prekindergarten through grade 12. In addition to  
 31.17 other requirements, a candidate must demonstrate the minimum level of proficiency in  
 31.18 American sign language as determined by the board.

31.19 (b) Among other relicensure requirements, each teacher under this section must  
 31.20 complete 30 continuing education clock hours on hearing loss topics, including American  
 31.21 Sign Language, American Sign Language linguistics, or deaf culture, in each licensure  
 31.22 renewal period.

31.23 **EFFECTIVE DATE.** This section is effective August 1, 2013.

31.24 Sec. 5. Minnesota Statutes 2012, section 122A.33, subdivision 3, is amended to read:

31.25 Subd. 3. **Notice of nonrenewal; opportunity to respond.** A school board that  
 31.26 declines to renew the coaching contract of a licensed or nonlicensed head varsity coach  
 31.27 must notify the coach within 14 days of that decision. If the coach requests reasons for not  
 31.28 renewing the coaching contract, the board must give the coach its reasons in writing within  
 31.29 ten days of receiving the request. The existence of parent complaints must not be the sole  
 31.30 reason for a board to not renew a coaching contract. Upon request, the board must provide  
 31.31 the coach with a reasonable opportunity to respond to the reasons at a board meeting. The  
 31.32 hearing may be opened or closed at the election of the coach unless the board closes the  
 31.33 meeting under section 13D.05, subdivision 2, to discuss private data.

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

32.2 Sec. 6. **TEACHER LICENSURE ADVISORY TASK FORCE.**

32.3 (a) A Teacher Licensure Advisory Task Force is established to make  
32.4 recommendations to the Board of Teaching, the education commissioner, and the education  
32.5 committees of the legislature on requirements for: teacher applicants to demonstrate  
32.6 mastery of basic reading, writing, and mathematics skills through nationally normed  
32.7 assessments, a basic skills portfolio, or accredited college coursework, among other  
32.8 methods of demonstrating basic skills mastery; and an alternative licensure pathway for  
32.9 nonnative English speakers seeking licensure to teach in a language immersion program.

32.10 (b) Task force recommendations on how teacher candidates demonstrate basic skills  
32.11 mastery must encompass the following criteria:

32.12 (1) assessment content must be relevant to the teacher's subject area licensure;

32.13 (2) the scope of assessment content must be documented in sufficient detail to  
32.14 correspond to a similarly detailed description of relevant public school curriculum;

32.15 (3) the scope of assessment content must be publicly available and readily accessible  
32.16 on the Web site of the Board of Teaching and all Minnesota public teacher preparation  
32.17 programs and institutions;

32.18 (4) the Board of Teaching and all Minnesota public teacher preparation programs  
32.19 and institutions, upon request, must make available to the public at cost a written review  
32.20 of the scope of assessment content;

32.21 (5) if applicable, the Board of Teaching and all Minnesota public teacher preparation  
32.22 programs and institutions annually must post on their Web site up-to-date longitudinal  
32.23 summary data showing teacher candidates' overall passing rate and the passing rate for  
32.24 each demographic group of teacher candidates taking a basic skills assessment in that  
32.25 school year and in previous school years;

32.26 (6) reliable evidence showing assessment content is not culturally biased;

32.27 (7) the Board of Teaching and all Minnesota public teacher preparation programs  
32.28 and institutions must appropriately accommodate teacher candidates with documented  
32.29 learning disabilities; and

32.30 (8) if applicable, give timely, detailed feedback to teacher candidates who do not  
32.31 pass the basic skills assessment sufficient for the candidate to target specific areas of  
32.32 deficiency for appropriate remediation.

32.33 (c) The Teacher Licensure Advisory Task Force shall be composed of the following  
32.34 members:



33.1 (1) two members of the Board of Teaching appointed by the board's executive  
 33.2 director;

33.3 (2) two representatives from the Department of Education appointed by the  
 33.4 commissioner of education;

33.5 (3) two house members appointed by the speaker of the house, one from the minority  
 33.6 party and one from the majority party;

33.7 (4) two state senators appointed by the senate rules committee, one from the  
 33.8 minority party and one from the majority party;

33.9 (5) one elementary school principal from rural Minnesota appointed by the  
 33.10 Minnesota Elementary School Principals Association and one secondary school principal  
 33.11 from the seven-county metropolitan area appointed by the Minnesota Secondary School  
 33.12 Principals Association;

33.13 (6) one licensed and practicing public elementary school teacher and one licensed  
 33.14 and practicing secondary school teacher appointed by Education Minnesota;

33.15 (7) one teacher preparation faculty member each from the University of Minnesota  
 33.16 system appointed by the system president, the Minnesota State Colleges and Universities  
 33.17 system appointed by the system chancellor, and the Minnesota Private Colleges and  
 33.18 Universities system appointed by the Minnesota Private Colleges Council;

33.19 (8) one member of the nonpublic education council appointed by the council; and

33.20 (9) one representative of Minnesota charter schools appointed by the Minnesota  
 33.21 Charter Schools Association.

33.22 (d) The executive director of the Board of Teaching and the commissioner of  
 33.23 education jointly must convene the task force by August 1, 2013. Task force members  
 33.24 are not eligible for compensation or reimbursement for expenses related to task force  
 33.25 activities. The executive director of the board and the commissioner of education must  
 33.26 provide technical assistance to task force members upon request.

33.27 (e) By February 1, 2014, task force members must submit to the Board of Teaching,  
 33.28 the education commissioner, and the education committees of the legislature their written  
 33.29 recommendations on requirements for teacher applicants to demonstrate mastery of basic  
 33.30 reading, writing, and mathematics skills and for an alternative licensure pathway for  
 33.31 nonnative English speakers seeking licensure to teach in a language immersion program.

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

33.33 Sec. 7. **STUDENT SERVICES PERSONNEL TEAM STAFFING GRANTS.**

34.1           Subdivision 1. **Grant program established.** A grant program is established to assist  
34.2 school districts with caseloads above the established and recognized recommendations  
34.3 or guidelines of the student service personnel professions in licensed school counseling,  
34.4 school psychology, school nursing, school social work, and chemical dependency  
34.5 counseling. Grants must be used to create or maintain student service personnel teams  
34.6 to address the academic, career, personal, social, and early-onset mental health needs of  
34.7 the students within that district.

34.8           Subd. 2. **Definitions.** "Student services personnel team" means a licensed school  
34.9 counselor, school psychologist, school nurse, school social worker, and chemical  
34.10 dependency counselor licensed by the Board of Teaching to provide such services.

34.11           Subd. 3. **Application.** The commissioner of education shall develop the form  
34.12 and method for applying for the grants. The commissioner shall develop criteria for  
34.13 determining the allocation of the grants. This criteria must include priority funding  
34.14 directed to school districts in which student service personnel teams either (1) do not exist,  
34.15 (2) need missing or additional positions of a specific student service personnel team to  
34.16 complete the team, (3) are not normally funded or reimbursed by other sources, or (4) have  
34.17 caseloads among specific team members in excess of 50 percent of the established and  
34.18 recognized recommendations or guidelines of the profession.

34.19           Subd. 4. **Grant awards.** To qualify for a grant, each student services personnel  
34.20 team member must serve within the scope and practice of the established and recognized  
34.21 capacity of their respective professions and as defined by the Board of Teaching. Grants  
34.22 for the student services personnel team shall be used to lower the caseloads for specific  
34.23 team member areas in order to more effectively provide direct services to kindergarten  
34.24 through grade 12 students. Grant funding under this section must be matched by new  
34.25 funding for the student services personnel team from the school district. The school  
34.26 district must provide the additional funding for a two-year period or repay the grant to the  
34.27 Department of Education.

34.28           Subd. 5. **Reports.** School districts that receive grant funds shall report to the  
34.29 commissioner of education no later than July 31 of each year regarding the impact of the  
34.30 student services personnel team on the academic, career, personal, social, and early-onset  
34.31 mental health needs of the students served by the team during the previous academic year.  
34.32 The Department of Education shall develop the criteria necessary for the reports.

34.33           Sec. 8. **APPROPRIATION.**

35.1 Subdivision 1. Department of Education. The sums indicated in this section are  
 35.2 appropriated from the general fund to the Department of Education for the fiscal years  
 35.3 designated.

35.4 Subd. 2. Student services grants. For student services personnel team staffing  
 35.5 grants under section 2:

35.6 \$ 20,000,000 ..... 2014

35.7 \$ 20,000,000 ..... 2015

35.8 Any balance in the first year does not cancel, but is available in the second year.

### 35.9 ARTICLE 3

#### 35.10 SCHOOL PROGRAMS AND OPERATIONS

35.11 Section 1. Minnesota Statutes 2012, section 120A.40, is amended to read:

#### 35.12 120A.40 SCHOOL CALENDAR.

35.13 ~~(a) Except for learning programs during summer, flexible learning year programs~~  
 35.14 ~~authorized under sections 124D.12 to 124D.127, and learning year programs under section~~  
 35.15 ~~124D.128; A district must not~~ may commence an elementary or secondary school year  
 35.16 before Labor Day, except as ~~provided under paragraph (b)~~ it shall not hold a school day on  
 35.17 the Thursday and Friday immediately preceding Labor Day. Days devoted to teachers'  
 35.18 workshops may be held before Labor Day. Districts that enter into cooperative agreements  
 35.19 are encouraged to adopt similar school calendars.

35.20 ~~(b) A district may begin the school year on any day before Labor Day:~~

35.21 ~~(1) to accommodate a construction or remodeling project of \$400,000 or more~~  
 35.22 ~~affecting a district school facility;~~

35.23 ~~(2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35~~  
 35.24 ~~with a district that qualifies under clause (1); or~~

35.25 ~~(3) if the district agrees to the same schedule with a school district in an adjoining~~  
 35.26 ~~state.~~

35.27 EFFECTIVE DATE. This section is effective for the 2013-2014 school year and  
 35.28 later.

35.29 Sec. 2. Minnesota Statutes 2012, section 120A.41, is amended to read:

#### 35.30 120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.

35.31 A school board's annual school calendar must include at least 425 hours of  
 35.32 instruction for a kindergarten student without a disability, 935 hours of instruction for a  
 35.33 student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7

36.1 though 12, not including summer school. ~~Nothing in this section permits a school district~~  
36.2 ~~to adopt~~ A school board's annual calendar must include at least 165 days of instruction  
36.3 for a student in grades 1 through 11 unless a four-day week schedule unless has been  
36.4 approved by the commissioner under section 124D.126.

36.5 Sec. 3. Minnesota Statutes 2012, section 123B.88, subdivision 22, is amended to read:

36.6 Subd. 22. **Postsecondary enrollment options pupils.** Districts may provide bus  
36.7 transportation along school bus routes when space is available, for pupils attending  
36.8 programs at a postsecondary institution under the postsecondary enrollment options  
36.9 program. ~~The transportation is permitted only if it does not increase the district's~~  
36.10 ~~expenditures for transportation.~~ Fees collected for this service under section 123B.36,  
36.11 subdivision 1, paragraph (13), shall be subtracted from the authorized cost for nonregular  
36.12 transportation for the purpose of section 123B.92. A school district may provide  
36.13 transportation for a pupil participating in an articulated program operated under an  
36.14 agreement between the school district and the postsecondary institution.

36.15 Sec. 4. Minnesota Statutes 2012, section 123B.92, subdivision 1, is amended to read:

36.16 Subdivision 1. **Definitions.** For purposes of this section and section 125A.76, the  
36.17 terms defined in this subdivision have the meanings given to them.

36.18 (a) "Actual expenditure per pupil transported in the regular and excess transportation  
36.19 categories" means the quotient obtained by dividing:

36.20 (1) the sum of:

36.21 (i) all expenditures for transportation in the regular category, as defined in paragraph  
36.22 (b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

36.23 (ii) an amount equal to one year's depreciation on the district's school bus fleet  
36.24 and mobile units computed on a straight line basis at the rate of 15 percent per year for  
36.25 districts operating a program under section 124D.128 for grades 1 to 12 for all students in  
36.26 the district and 12-1/2 percent per year for other districts of the cost of the fleet, plus

36.27 (iii) an amount equal to one year's depreciation on the district's type III vehicles, as  
36.28 defined in section 169.011, subdivision 71, which must be used a majority of the time for  
36.29 pupil transportation purposes, computed on a straight line basis at the rate of 20 percent  
36.30 per year of the cost of the type three school buses by:

36.31 (2) the number of pupils eligible for transportation in the regular category, as defined  
36.32 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2).

36.33 (b) "Transportation category" means a category of transportation service provided to  
36.34 pupils as follows:

37.1 (1) Regular transportation is:

37.2 (i) transportation to and from school during the regular school year for resident  
37.3 elementary pupils residing one mile or more from the public or nonpublic school they  
37.4 attend, and resident secondary pupils residing two miles or more from the public  
37.5 or nonpublic school they attend, excluding desegregation transportation and noon  
37.6 kindergarten transportation; but with respect to transportation of pupils to and from  
37.7 nonpublic schools, only to the extent permitted by sections 123B.84 to 123B.87;

37.8 (ii) transportation of resident pupils to and from language immersion programs;

37.9 (iii) transportation of a pupil who is a custodial parent and that pupil's child between  
37.10 the pupil's home and the child care provider and between the provider and the school, if  
37.11 the home and provider are within the attendance area of the school;

37.12 (iv) transportation to and from or board and lodging in another district, of resident  
37.13 pupils of a district without a secondary school; and

37.14 (v) transportation to and from school during the regular school year required under  
37.15 subdivision 3 for nonresident elementary pupils when the distance from the attendance  
37.16 area border to the public school is one mile or more, and for nonresident secondary pupils  
37.17 when the distance from the attendance area border to the public school is two miles or  
37.18 more, excluding desegregation transportation and noon kindergarten transportation.

37.19 For the purposes of this paragraph, a district may designate a licensed day care facility,  
37.20 school day care facility, respite care facility, the residence of a relative, or the residence  
37.21 of a person or other location chosen by the pupil's parent or guardian, or an after-school  
37.22 program for children operated by a political subdivision of the state, as the home of a pupil  
37.23 for part or all of the day, if requested by the pupil's parent or guardian, and if that facility,  
37.24 residence, or program is within the attendance area of the school the pupil attends.

37.25 (2) Excess transportation is:

37.26 (i) transportation to and from school during the regular school year for resident  
37.27 secondary pupils residing at least one mile but less than two miles from the public or  
37.28 nonpublic school they attend, and transportation to and from school for resident pupils  
37.29 residing less than one mile from school who are transported because of full-service school  
37.30 zones, extraordinary traffic, drug, or crime hazards; and

37.31 (ii) transportation to and from school during the regular school year required under  
37.32 subdivision 3 for nonresident secondary pupils when the distance from the attendance area  
37.33 border to the school is at least one mile but less than two miles from the public school  
37.34 they attend, and for nonresident pupils when the distance from the attendance area border  
37.35 to the school is less than one mile from the school and who are transported because of  
37.36 full-service school zones, extraordinary traffic, drug, or crime hazards.

38.1 (3) Desegregation transportation is transportation within and outside of the district  
38.2 during the regular school year of pupils to and from schools located outside their normal  
38.3 attendance areas under a plan for desegregation mandated by the commissioner or under  
38.4 court order.

38.5 (4) "Transportation services for pupils with disabilities" is:

38.6 (i) transportation of pupils with disabilities who cannot be transported on a regular  
38.7 school bus between home or a respite care facility and school;

38.8 (ii) necessary transportation of pupils with disabilities from home or from school to  
38.9 other buildings, including centers such as developmental achievement centers, hospitals,  
38.10 and treatment centers where special instruction or services required by sections 125A.03  
38.11 to 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district  
38.12 where services are provided;

38.13 (iii) necessary transportation for resident pupils with disabilities required by sections  
38.14 125A.12, and 125A.26 to 125A.48;

38.15 (iv) board and lodging for pupils with disabilities in a district maintaining special  
38.16 classes;

38.17 (v) transportation from one educational facility to another within the district for  
38.18 resident pupils enrolled on a shared-time basis in educational programs, and necessary  
38.19 transportation required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils  
38.20 with disabilities who are provided special instruction and services on a shared-time basis  
38.21 or if resident pupils are not transported, the costs of necessary travel between public  
38.22 and private schools or neutral instructional sites by essential personnel employed by the  
38.23 district's program for children with a disability;

38.24 (vi) transportation for resident pupils with disabilities to and from board and lodging  
38.25 facilities when the pupil is boarded and lodged for educational purposes;

38.26 (vii) transportation of pupils for a curricular field trip activity on a school bus  
38.27 equipped with a power lift when the power lift is required by a student's disability or  
38.28 section 504 plan; and

38.29 (viii) services described in clauses (i) to (vii), when provided for pupils with  
38.30 disabilities in conjunction with a summer instructional program that relates to the  
38.31 pupil's individualized education program or in conjunction with a learning year program  
38.32 established under section 124D.128.

38.33 For purposes of computing special education initial aid under section 125A.76,  
38.34 subdivision 2, the cost of providing transportation for children with disabilities includes  
38.35 (A) the additional cost of transporting a homeless student from a temporary nonshelter  
38.36 home in another district to the school of origin, or a formerly homeless student from a

39.1 permanent home in another district to the school of origin but only through the end of  
 39.2 the academic year; and (B) depreciation on district-owned school buses purchased after  
 39.3 July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated  
 39.4 according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the  
 39.5 disabled transportation category must be excluded in calculating the actual expenditure  
 39.6 per pupil transported in the regular and excess transportation categories according to  
 39.7 paragraph (a). For purposes of subitem (A), a school district may transport a child who  
 39.8 does not have a school of origin to the same school attended by that child's sibling, if  
 39.9 the siblings are homeless.

39.10 (5) "Nonpublic nonregular transportation" is:

39.11 (i) transportation from one educational facility to another within the district for  
 39.12 resident pupils enrolled on a shared-time basis in educational programs, excluding  
 39.13 transportation for nonpublic pupils with disabilities under clause (4);

39.14 (ii) transportation within district boundaries between a nonpublic school and a  
 39.15 public school or a neutral site for nonpublic school pupils who are provided pupil support  
 39.16 services pursuant to section 123B.44; and

39.17 (iii) late transportation home from school or between schools within a district for  
 39.18 nonpublic school pupils involved in after-school activities.

39.19 (c) "Mobile unit" means a vehicle or trailer designed to provide facilities for  
 39.20 educational programs and services, including diagnostic testing, guidance and counseling  
 39.21 services, and health services. A mobile unit located off nonpublic school premises is a  
 39.22 neutral site as defined in section 123B.41, subdivision 13.

39.23 **EFFECTIVE DATE.** This section is effective July 1, 2013.

39.24 Sec. 5. Minnesota Statutes 2012, section 124D.122, is amended to read:

39.25 **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.**

39.26 The board of any district or a consortium of districts, with the approval of the  
 39.27 commissioner, may establish and operate a flexible learning year program in one or  
 39.28 more of the day or residential facilities for children with a disability within the district.

39.29 Consortiums may use a single application and evaluation process, though results, public  
 39.30 hearings, and board approvals must be obtained for each district.

39.31 Sec. 6. Minnesota Statutes 2012, section 124D.59, subdivision 2, is amended to read:

39.32 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten  
 39.33 through grade 12 who meets the following requirements:

40.1 (1) the pupil, as declared by a parent or guardian first learned a language other than  
40.2 English, comes from a home where the language usually spoken is other than English, or  
40.3 usually speaks a language other than English; and

40.4 (2) the pupil is determined by developmentally appropriate measures, which might  
40.5 include observations, teacher judgment, parent recommendations, or developmentally  
40.6 appropriate assessment instruments, to lack the necessary English skills to participate  
40.7 fully in classes taught in English.

40.8 (b) Notwithstanding paragraph (a), a pupil in grades 4 through 12 who was enrolled  
40.9 in a Minnesota public school on the dates during the previous school year when a  
40.10 commissioner provided assessment that measures the pupil's emerging academic English  
40.11 was administered, shall not be counted as an English learner in calculating English learner  
40.12 pupil units under section 126C.05, subdivision 17, and shall not generate state English  
40.13 learner aid under section 124D.65, subdivision 5, unless the pupil scored below the state  
40.14 cutoff score or is otherwise counted as a nonproficient participant on an assessment  
40.15 measuring emerging academic English provided by the commissioner during the previous  
40.16 school year.

40.17 (c) Notwithstanding paragraphs (a) and (b), a pupil in kindergarten through grade  
40.18 12 shall not be counted as an English learner in calculating English learner pupil units  
40.19 under section 126C.05, subdivision 17, and shall not generate state English learner aid  
40.20 under section 124D.65, subdivision 5, if:

40.21 (1) the pupil is not enrolled during the current fiscal year in an educational program  
40.22 for English learners in accordance with sections 124D.58 to 124D.64; or

40.23 (2) the pupil has generated ~~five~~ seven or more years of average daily membership in  
40.24 Minnesota public schools since July 1, 1996.

40.25 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
40.26 and later.

40.27 Sec. 7. Minnesota Statutes 2012, section 124D.79, subdivision 1, is amended to read:

40.28 Subdivision 1. **Community involvement.** The commissioner must provide for the  
40.29 maximum involvement of the state committees on American Indian education, parents  
40.30 of American Indian children, secondary students eligible to be served, American Indian  
40.31 language and culture education teachers, American Indian teachers, teachers' aides,  
40.32 representatives of community groups, and persons knowledgeable in the field of American  
40.33 Indian education, in the formulation of policy and procedures relating to the administration  
40.34 of sections 124D.71 to 124D.82. The commissioner must annually hold a field hearing on  
40.35 Indian education to gather input from American Indian educators, parents, and students on



41.1 the state of American Indian education in Minnesota. Results of the hearing must be made  
41.2 available to all 11 tribal nations for review and comment.

41.3 Sec. 8. Minnesota Statutes 2012, section 124D.79, is amended by adding a subdivision  
41.4 to read:

41.5 Subd. 4. **Consultation with the tribal nations education committee.** (a) The  
41.6 commissioner shall seek consultation with the Tribal Nations Education Committee on all  
41.7 issues relating to American Indian education including:

41.8 (1) administration of the commissioner's duties under sections 124D.71 to 124D.82  
41.9 and other programs;

41.10 (2) administration of other programs for the education of American Indian people, as  
41.11 determined by the commissioner;

41.12 (3) awarding of scholarships to eligible American Indian students;

41.13 (4) administration of the commissioner's duties regarding awarding of American  
41.14 Indian postsecondary preparation grants to school districts; and

41.15 (5) recommendations of education policy changes for American Indians.

41.16 (b) Membership in the Tribal Nations Education Committee is the sole discretion  
41.17 of the committee and nothing in this subdivision gives the commissioner authority to  
41.18 dictate committee membership.

41.19 Sec. 9. **[124D.791] INDIAN EDUCATION DIRECTOR.**

41.20 Subdivision 1. **Appointment.** An Indian education director shall be appointed by  
41.21 the commissioner.

41.22 Subd. 2. **Qualifications.** The commissioner shall select the Indian education  
41.23 director on the basis of outstanding professional qualifications and knowledge of  
41.24 American Indian education, culture, practices, and beliefs. The Indian education director  
41.25 serves in the unclassified service. The commissioner may remove the Indian education  
41.26 director for cause. The commissioner is encouraged to seek qualified applicants who  
41.27 are enrolled members of a tribe.

41.28 Subd. 3. **Compensation.** Compensation of the Indian education director shall be  
41.29 established under chapter 15A.

41.30 Subd. 4. **Duties; powers.** (a) The Indian education director shall:

41.31 (1) serve as the liaison for the department with the Tribal Nations Education  
41.32 Committee, the 11 reservations, the Minnesota Chippewa tribe, the Minnesota Indian  
41.33 Affairs Council, and the urban advisory council;

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

42.1 (3) engage the tribal bodies, community groups, parents of children eligible to  
42.2 be served by Indian education programs, American Indian administrators and teachers,  
42.3 persons experienced in the training of teachers for American Indian education programs,  
42.4 the tribally controlled schools, and other persons knowledgeable in the field of American  
42.5 Indian education and seek their advice on policies that can improve the quality of  
42.6 American Indian education;

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

42.8 (i) issues facing American Indian students;

42.9 (ii) policies for American Indian education;

42.10 (iii) awarding scholarships to eligible American Indian students and in administering  
42.11 the commissioner's duties regarding awarding of American Indian postsecondary  
42.12 preparation grants to school districts; and

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

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

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

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

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

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

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

42.26 (v) increase American Indian student placement in postsecondary programs and  
42.27 the workforce;

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

42.30 **Sec. 10. [124D.861] ACHIEVEMENT AND INTEGRATION FOR MINNESOTA.**

42.31 **Subdivision 1. Program to close the academic achievement and opportunity**

42.32 **gap.** The "Achievement and Integration for Minnesota" program is established to

42.33 promote diversity, pursue racial and economic integration, and increase student academic

42.34 achievement and equitable educational opportunities in Minnesota public schools. The

42.35 program must serve students of varying racial, ethnic, and economic backgrounds, taking

43.1 into account unique geographic and demographic particularities affecting students,  
43.2 schools, and districts including race, neighborhood locations and characteristics, grades,  
43.3 socioeconomic status, academic performance, and language barriers. Eligible districts  
43.4 must use the revenue under section 124D.862 to pursue racial and economic integration in  
43.5 schools through: (1) in-school educational practices and integrated learning environments  
43.6 created to prepare all students to be effective citizens, enhance social cohesion, and  
43.7 reinforce democratic values; and (2) corresponding and meaningful policies and curricula  
43.8 and trained instructors, administrators, school counselors, and other advocates who  
43.9 support and enhance in-school practices and integrated learning environments under this  
43.10 section. In-school practices and integrated learning environments must promote increased  
43.11 student academic achievement, cultural fluency, graduation and educational attainment  
43.12 rates, and parent involvement.

43.13 Subd. 2. **Plan components.** (a) The school board of each eligible district must  
43.14 formally develop and implement a long-term comprehensive plan that identifies the  
43.15 collaborative structures and systems, in-school strategies, inclusive best educational  
43.16 practices, and partnerships with higher education institutions and industries required  
43.17 to effect this section and increase the academic achievement of all students. Plan  
43.18 components may include: innovative and integrated prekindergarten through grade 12  
43.19 learning environments that offer students school enrollment choices; family engagement  
43.20 initiatives that involve families in their students' academic life and success; professional  
43.21 development opportunities for teachers and administrators focused on improving the  
43.22 academic achievement of all students; increased programmatic opportunities focused  
43.23 on rigor and college and career readiness for underserved students, including students  
43.24 enrolled in alternative learning centers under section 123A.05, public alternative programs  
43.25 under section 126C.05, subdivision 15, or contract alternative programs under section  
43.26 124D.69, among other underserved students; or recruitment and retention of teachers and  
43.27 administrators with diverse backgrounds. The plan must specify district and school goals  
43.28 for reducing the disparity in academic achievement among all racial and ethnic categories of  
43.29 students and promoting racial and economic integration in schools and districts over time.

43.30 (b) Among other requirements, an eligible district must implement a cost-effective,  
43.31 research-based intervention that includes formative assessment practices to reduce the  
43.32 disparity in student academic achievement between the highest and lowest performing  
43.33 racial and ethnic categories of students as measured by student demonstration of  
43.34 proficiency on state reading and math assessments.

44.1 (c) Eligible districts must collaborate in creating efficiencies and eliminating the  
44.2 duplication of programs and services under this section, which may include forming a  
44.3 single, seven-county metropolitan areawide partnership of eligible districts for this purpose.

44.4 Subd. 3. **Biennial progress; budget process.** (a) To receive revenue under section  
44.5 124D.862, the school board of an eligible district must hold at least one formal hearing by  
44.6 March 1 in the year preceding the current biennium to report to the public its progress in  
44.7 realizing the goals identified in its plan. At the hearing, the board must provide the public  
44.8 with longitudinal data demonstrating district and school progress in reducing the disparity  
44.9 in student academic achievement among all racial and ethnic categories of students and  
44.10 realizing racial and economic integration, consistent with its plan and the measures in  
44.11 paragraph (b). At least 30 days before the formal hearing under this paragraph, the  
44.12 board must post on the district Web site in an understandable, readily accessible format  
44.13 up-to-date longitudinal data on district and school progress in reducing disparities in  
44.14 students' academic achievement, consistent with this subdivision. The district also must  
44.15 submit to the commissioner by March 1 in the year preceding the current biennium a  
44.16 detailed biennial budget for continuing to implement its plan and the commissioner must  
44.17 review and approve or disapprove the budget by June 1 of that year.

44.18 (b) The longitudinal data required under paragraph (a) must be based on one or  
44.19 more of the following measures:

44.20 (1) the number of world language proficiency or high achievement certificates  
44.21 awarded under section 120B.022, subdivision 1, paragraphs (b) and (c);

44.22 (2) student growth and progress toward proficiency in reading or mathematics as  
44.23 defined under section 120B.299;

44.24 (3) adequate yearly progress under section 120B.35, subdivision 2;

44.25 (4) preparation for postsecondary academic and career opportunities under section  
44.26 120B.35, subdivision 3, paragraph (c), clause (1);

44.27 (5) rigorous coursework completed under section 120B.35, subdivision 3, paragraph  
44.28 (c), clause (2); or

44.29 (6) school safety and students' engagement and connection at school under section  
44.30 120B.35, subdivision 3, paragraph (d).

44.31 Subd. 4. **Evaluation.** The commissioner must evaluate the efficacy of district  
44.32 plans in reducing the disparity in student academic achievement among all racial and  
44.33 ethnic categories of students and realizing racial and economic integration and report the  
44.34 commissioner's findings to the K-12 education committees of the legislature by February 1  
44.35 every fourth year beginning February 1, 2017.

44.36 **EFFECTIVE DATE.** This section is effective for fiscal year 2014 and later.

45.1 Sec. 11. [124D.862] ACHIEVEMENT AND INTEGRATION REVENUE.

45.2 Subdivision 1. Eligibility. A school district is eligible for achievement and  
45.3 integration revenue under this section if the district has a biennial achievement and  
45.4 integration plan approved by the department under section 124D.861.

45.5 Subd. 2. Achievement and integration revenue. (a) An eligible district's initial  
45.6 achievement and integration revenue equals the sum of (1) \$..... per pupil unit plus (2)  
45.7 \$..... times district's pupil units for that year times the ratio of the district's enrollment of  
45.8 protected students to total enrollment for the previous school year.

45.9 (b) In each year, .02 percent of each district's initial achievement and integration  
45.10 revenue is transferred to the Department of Education for the oversight and accountability  
45.11 activities required under this section and section 124D.861.

45.12 (c) A district that did not meet its achievement goals established in section 124D.861  
45.13 for the previous biennium must have its initial achievement and integration revenue  
45.14 reduced by ..... percent for the current year.

45.15 (d) Any revenue saved by the reductions in paragraph (c) must be proportionately  
45.16 reallocated on a per pupil basis to all districts that met their achievement goals in the  
45.17 previous biennium.

45.18 Subd. 3. Achievement and integration aid. A district's achievement and  
45.19 integration aid equals 70 percent of its achievement and integration revenue.

45.20 Subd. 4. Achievement and integration levy. A district's achievement and  
45.21 integration levy equals the difference between its achievement and integration revenue  
45.22 and its achievement and integration aid.

45.23 Subd. 5. Incentive revenue. An eligible school district's maximum incentive  
45.24 revenue equals \$..... per pupil unit. In order to receive this revenue, a district must be  
45.25 implementing a voluntary plan to reduce racial enrollment disparities through intradistrict  
45.26 and interdistrict activities that have been approved as a part of the district's achievement  
45.27 and integration plan.

45.28 Subd. 6. Revenue reserved. Integration revenue received under this section must  
45.29 be reserved and used only for the programs authorized in subdivision 7.

45.30 Subd. 7. Revenue uses. At least 80 percent of a district's achievement and  
45.31 integration revenue received under this section must be used for innovative and integrated  
45.32 learning environments, family engagement activities, and other approved programs  
45.33 providing direct services to students. Up to 20 percent of the revenue may be used for  
45.34 professional development and staff development activities, and not more than ten percent  
45.35 of this share of the revenue may be used for administrative expenditures.

46.1 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
46.2 and later.

46.3 Sec. 12. Minnesota Statutes 2012, section 126C.10, subdivision 14, is amended to read:

46.4 Subd. 14. **Uses of total operating capital revenue.** Total operating capital revenue  
46.5 may be used only for the following purposes:

46.6 (1) to acquire land for school purposes;

46.7 (2) to acquire or construct buildings for school purposes;

46.8 (3) to rent or lease buildings, including the costs of building repair or improvement  
46.9 that are part of a lease agreement;

46.10 (4) to improve and repair school sites and buildings, and equip or reequip school  
46.11 buildings with permanent attached fixtures, including library media centers;

46.12 (5) for a surplus school building that is used substantially for a public nonschool  
46.13 purpose;

46.14 (6) to eliminate barriers or increase access to school buildings by individuals with a  
46.15 disability;

46.16 (7) to bring school buildings into compliance with the State Fire Code adopted  
46.17 according to chapter 299F;

46.18 (8) to remove asbestos from school buildings, encapsulate asbestos, or make  
46.19 asbestos-related repairs;

46.20 (9) to clean up and dispose of polychlorinated biphenyls found in school buildings;

46.21 (10) to clean up, remove, dispose of, and make repairs related to storing heating fuel  
46.22 or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined  
46.23 in section 296A.01;

46.24 (11) for energy audits for school buildings and to modify buildings if the audit  
46.25 indicates the cost of the modification can be recovered within ten years;

46.26 (12) to improve buildings that are leased according to section 123B.51, subdivision 4;

46.27 (13) to pay special assessments levied against school property but not to pay  
46.28 assessments for service charges;

46.29 (14) to pay principal and interest on state loans for energy conservation according to  
46.30 section 216C.37 or loans made under the Douglas J. Johnson Economic Protection Trust  
46.31 Fund Act according to sections 298.292 to 298.298;

46.32 (15) to purchase or lease interactive telecommunications equipment;

46.33 (16) by board resolution, to transfer money into the debt redemption fund to: (i)  
46.34 pay the amounts needed to meet, when due, principal and interest payments on certain

47.1 obligations issued according to chapter 475; or (ii) pay principal and interest on debt  
47.2 service loans or capital loans according to section 126C.70;

47.3 (17) to pay operating capital-related assessments of any entity formed under a  
47.4 cooperative agreement between two or more districts;

47.5 (18) to purchase or lease computers and related ~~materials~~ hardware, initial purchase  
47.6 of related software, but not annual licensing fees, copying machines, telecommunications  
47.7 equipment, and other noninstructional equipment;

47.8 (19) to purchase or lease assistive technology or equipment for instructional  
47.9 programs;

47.10 (20) to purchase textbooks as defined in section 123B.41, subdivision 2;

47.11 (21) to purchase new and replacement library media resources or technology;

47.12 (22) to lease or purchase vehicles;

47.13 (23) to purchase or lease telecommunications equipment, computers, and related  
47.14 equipment for integrated information management systems for:

47.15 (i) managing and reporting learner outcome information for all students under a  
47.16 results-oriented graduation rule;

47.17 (ii) managing student assessment, services, and achievement information required  
47.18 for students with individualized education programs; and

47.19 (iii) other classroom information management needs;

47.20 (24) to pay personnel costs directly related to the acquisition, operation, and  
47.21 maintenance of telecommunications systems, computers, related equipment, and network  
47.22 and applications software; and

47.23 (25) to pay the costs directly associated with closing a school facility, including  
47.24 moving and storage costs.

47.25 Sec. 13. **TRANSFER OF LANDS; RED LAKE SCHOOL DISTRICT.**

47.26 Subdivision 1. **Conveyance.** A conveyance of right, title, and interest in Parcels A,  
47.27 B, and C, described in subdivision 2, and all improvements thereon, from Independent  
47.28 School District No. 38, Red Lake, to the Red Lake Band of Chippewa Indians is not a sale  
47.29 within the meaning of Minnesota Statutes, section 16A.695, provided:

47.30 (1) the tax-exempt status of any bonds previously issued is not compromised by  
47.31 the conveyance;

47.32 (2) the Red Lake Band of Chippewa Indians leases Parcels A, B, and C, and all  
47.33 buildings thereon to Independent School District No. 38, Red Lake, for a term that is at  
47.34 least 125 percent of the useful life of the bond-financed improvements; and

47.35 (3) the conveyance is approved by Independent School District No. 38, Red Lake.

48.1 Subd. 2. Land descriptions. (a) Parcel A is described as follows:

48.2 Located in Lots 1 and 2, Section 21, Township 151 North, Range 34 West,  
48.3 Minnesota, and described as follows: commencing at a point which is the intersection of a  
48.4 projection of the center line of B Street and the north edge of Minnesota State Highway  
48.5 No. 1; thence North 78 degrees East along the north edge of Highway No. 1 750 feet to  
48.6 point of beginning; thence North 78 degrees East a distance of 675 feet; thence North 12  
48.7 degrees West 1,160 feet; thence South 78 degrees West a distance of 675 feet; thence South  
48.8 12 degrees East 1,160 feet to point of beginning, containing 17.98 acres, more or less.

48.9 Reserving, however, to the United States, all mineral deposits in the above-described  
48.10 land, together with the right to prospect for and remove such deposits under rules and  
48.11 regulations prescribed by the Secretary of the Interior.

48.12 (b) Parcel B is described as follows:

48.13 That part of Government Lot 3, Section 5, Township 152 North, Range 33 West,  
48.14 described as follows:

48.15 Beginning at the closing section corner common to Sections 5 and 6, located on the  
48.16 13th Standard Parallel and a distance of 1,108.8 feet West of the south quarter corner of  
48.17 Section 32, which is a 3/4" pipe 24" long; thence on a bearing of South 0 degrees 33  
48.18 minutes East along existing fence line a distance of 116.0 feet to top of bank on shore line  
48.19 of Red Lake and approximately 50 feet from shore of said lake where a 3/4" pipe 24"  
48.20 long was placed by a fence post at top of bank; thence meander along top of said bank  
48.21 on a bearing of North 73 degrees 45 minutes East, a distance of 1,040 feet, more or less,  
48.22 approximately 50 feet from shore line of said Red Lake, with all riparian rights reserved  
48.23 between these two corners; thence on a bearing of North 1 degree 15 minutes East a  
48.24 distance of 160 feet; thence North 89 degrees 8 minutes West, a distance of 210 feet;  
48.25 thence North 1 degree 15 minutes East a distance of 320 feet; thence due West a distance  
48.26 of 369.0 feet to a 3/4" pipe 24" long; thence on a bearing of North 0 degrees 33 minutes  
48.27 West a distance of 330.0 feet to a 3/4" pipe 24" long and set at west corner post of entrance  
48.28 and on fence line running westerly; thence due West a distance of 435.8 feet to point of  
48.29 beginning, containing 17.62 acres, more or less.

48.30 Subject to road right-of-way from a point on west line of above-described property  
48.31 and 450.0 feet South of section corner common to Sections 5 and 6, which is the point of  
48.32 beginning. A tract of land 30.0 feet wide, 20.0 feet on the North and 10.0 feet on the South  
48.33 of a center line described as: on a bearing South 88 degrees 49 minutes East, a distance of  
48.34 455.0 feet East, a tract of land 20 feet wide, 10 feet on the West and 10.0 feet on the East  
48.35 of a center line on a bearing of North 0 degrees 33 minutes West, a distance of 130.0 feet  
48.36 North at which point said right-of-way leaves the property.



49.1 Excepting the following:

49.2 (1) one lot described as follows: commencing at the closing section corner common  
49.3 to Sections 5 and 6 on the 13th Standard Parallel, which is a 3/4" pipe 24" long; thence on  
49.4 a bearing of South 0 degrees 33 minutes East, a distance of 430.0 feet to a 3/4" pipe 24"  
49.5 long, which is the point of beginning; thence on a bearing of South 88 degrees 49 minutes  
49.6 East, a distance of 200 feet; thence on a bearing of North 0 degrees 33 minutes West, 115  
49.7 feet; thence on a bearing of North 88 degrees 49 minutes West, a distance of 200 feet;  
49.8 thence on a bearing of South 0 degrees 33 minutes East a distance of 115 feet to the point  
49.9 of beginning, containing 0.528 acres, more or less; and

49.10 (2) one lot described as follows: commencing at the closing section corner common  
49.11 to Sections 5 and 6 on the 13th Standard parallel, which is a 3/4" pipe 24" long; thence on  
49.12 a bearing of South 0 degrees 33 minutes East, a distance of 430.0 feet to a 3/4" pipe 24"  
49.13 long; thence on a bearing of South 88 degrees 49 minutes East, a distance of 270.0 feet to  
49.14 a point of beginning, and which is a 3/4" pipe 24" long set on property line 1 foot back of  
49.15 sidewalk line with an (X) chiselled at edge of sidewalk opposite the corner; thence on a  
49.16 bearing of North 1 degree 11 minutes East, a distance of 115.0 feet to a 3/4" pipe 24" long;  
49.17 thence on a bearing of South 88 degrees 49 minutes East, a distance 90.0 feet to a 3/4"  
49.18 pipe 24" long; thence on a bearing of South 1 degree 11 minutes West, a distance of 115.0  
49.19 feet to a 3/4" pipe 24" long set 1 foot back of sidewalk line with an (X) chiselled at edge of  
49.20 sidewalk opposite the corner; thence on a bearing of North 88 degrees 49 minutes West, a  
49.21 distance of 90.0 feet to point of beginning, containing 0.24 acres, more or less.

49.22 There are reserved to the United States in trust for the Red Lake Band of Chippewa  
49.23 Indians all minerals, including oil and gas, in the above-described land together with the  
49.24 right to prospect for and remove such deposits under rules and regulations prescribed  
49.25 by the Secretary of the Interior.

49.26 (c) Parcel C is located in Lots 3 and 4 of Section 21, Township 151 North, Range 34  
49.27 West, Minnesota, and described as follows:

49.28 Beginning at a point which is the intersection of a projection of the center line of  
49.29 B Street and the north edge of Minnesota State Highway No. 1, North 78 degrees East  
49.30 along the north edge of Highway No. 1 750 feet; thence North 12 degrees West 1,160  
49.31 feet; thence South 78 degrees West 750 feet to the center line of B Street; thence South 12  
49.32 degrees East along the center line of B Street and its projection, to the point of beginning.  
49.33 The area described above not to exceed twenty acres.

49.34 Reserving however, to the United States, all mineral deposits in the above-described  
49.35 land together with the right to prospect for and remove such deposits under rules and  
49.36 regulations prescribed by the Secretary of the Interior.

50.1 Sec. 14. APPROPRIATIONS.

50.2 Subdivision 1. Department. The sums indicated in this section are appropriated  
50.3 from the general fund to the Department of Education for the fiscal years designated.

50.4 Subd. 2. Achievement and integration aid. For achievement and integration aid  
50.5 under Minnesota Statutes, section 124D.861:

50.6 \$ ..... 2014

50.7 \$ ..... 2015

50.8 The 2014 appropriation includes \$..... for 2013 and \$..... for 2014.

50.9 The 2015 appropriation includes \$..... for 2014 and \$..... for 2015.

50.10 Sec. 15. REVISOR'S INSTRUCTION.

50.11 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall substitute  
50.12 the term "Division of State Library Services" for "Library Development and Services,"  
50.13 "Office of Library Development and Services," or "LDS" where "LDS" stands for "Library  
50.14 Development and Services." The revisor shall also make grammatical changes related  
50.15 to the changes in terms.

50.16 **ARTICLE 4**

50.17 **CHARTER SCHOOLS**

50.18 Section 1. Minnesota Statutes 2012, section 124D.10, is amended to read:

50.19 **124D.10 CHARTER SCHOOLS.**

50.20 Subdivision 1. **Purposes.** (a) The primary purpose of this section is to:

50.21 ~~(1)~~ improve pupil learning and student achievement; Additional purposes include to:

50.22 ~~(2)~~ (1) increase learning opportunities for pupils;

50.23 ~~(3)~~ (2) encourage the use of different and innovative teaching methods;

50.24 ~~(4)~~ (3) measure learning outcomes and create different and innovative forms of  
50.25 measuring outcomes;

50.26 ~~(5)~~ (4) establish new forms of accountability for schools; ~~and~~ or

50.27 ~~(6)~~ (5) create new professional opportunities for teachers, including the opportunity  
50.28 to be responsible for the learning program at the school site.

50.29 (b) This section does not provide a means to keep open a school that a school board  
50.30 decides to close. However, a school board may endorse or authorize the establishing of  
50.31 a charter school to replace the school the board decided to close. Applicants seeking a  
50.32 charter under this circumstance must demonstrate to the authorizer that the charter sought  
50.33 is substantially different in purpose and program from the school the board closed and

51.1 that the proposed charter satisfies the requirements of this subdivision. If the school  
51.2 board that closed the school authorizes the charter, it must document in its affidavit to the  
51.3 commissioner that the charter is substantially different in program and purpose from  
51.4 the school it closed.

51.5 An authorizer shall not approve an application submitted by a charter school  
51.6 developer under subdivision 4, paragraph (a), if the application does not comply with this  
51.7 subdivision. The commissioner shall not approve an affidavit submitted by an authorizer  
51.8 under subdivision 4, paragraph (b), if the affidavit does not comply with this subdivision.

51.9 Subd. 2. **Applicability.** This section applies only to charter schools formed and  
51.10 operated under this section.

51.11 Subd. 3. **Authorizer.** (a) For purposes of this section, the terms defined in this  
51.12 subdivision have the meanings given them.

51.13 "Application" to receive approval as an authorizer means the proposal an eligible  
51.14 authorizer submits to the commissioner under paragraph (c) before that authorizer is able  
51.15 to submit any affidavit to charter to a school.

51.16 "Application" under subdivision 4 means the charter school business plan a  
51.17 school developer submits to an authorizer for approval to establish a charter school that  
51.18 documents the school developer's mission statement, school purposes, program design,  
51.19 financial plan, governance and management structure, and background and experience,  
51.20 plus any other information the authorizer requests. The application also shall include a  
51.21 "statement of assurances" of legal compliance prescribed by the commissioner.

51.22 "Affidavit" means a written statement the authorizer submits to the commissioner  
51.23 for approval to establish a charter school under subdivision 4 attesting to its review and  
51.24 approval process before chartering a school.

51.25 (b) The following organizations may authorize one or more charter schools:

51.26 (1) a school board, intermediate school district school board, or education district  
51.27 organized under sections 123A.15 to 123A.19;

51.28 (2) a charitable organization under section 501(c)(3) of the Internal Revenue Code  
51.29 of 1986, excluding a nonpublic sectarian or religious institution; any person other than a  
51.30 natural person that directly or indirectly, through one or more intermediaries, controls,  
51.31 is controlled by, or is under common control with the nonpublic sectarian or religious  
51.32 institution; and any other charitable organization under this clause that in the federal IRS  
51.33 Form 1023, Part IV, describes activities indicating a religious purpose, that:

51.34 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on  
51.35 Foundations;

51.36 (ii) is registered with the attorney general's office; and

52.1 (iii) is incorporated in the state of Minnesota and has been operating continuously  
52.2 for at least five years but does not operate a charter school;

52.3 (3) a Minnesota private college, notwithstanding clause (2), that grants two- or  
52.4 four-year degrees and is registered with the Minnesota Office of Higher Education under  
52.5 chapter 136A; community college, state university, or technical college governed by the  
52.6 Board of Trustees of the Minnesota State Colleges and Universities; or the University  
52.7 of Minnesota;

52.8 (4) a nonprofit corporation subject to chapter 317A, described in section 317A.905,  
52.9 and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code  
52.10 of 1986, may authorize one or more charter schools if the charter school has operated  
52.11 for at least three years under a different authorizer and if the nonprofit corporation has  
52.12 existed for at least 25 years; or

52.13 (5) single-purpose authorizers that are charitable, nonsectarian organizations formed  
52.14 under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state  
52.15 of Minnesota whose sole purpose is to charter schools. Eligible organizations interested  
52.16 in being approved as an authorizer under this paragraph must submit a proposal to the  
52.17 commissioner that includes the provisions of paragraph (c) and a five-year financial plan.  
52.18 Such authorizers shall consider and approve charter school applications using the criteria  
52.19 provided in subdivision 4 and shall not limit the applications it solicits, considers, or  
52.20 approves to any single curriculum, learning program, or method.

52.21 (c) An eligible authorizer under this subdivision must apply to the commissioner for  
52.22 approval as an authorizer before submitting any affidavit to the commissioner to charter  
52.23 a school. The application for approval as a charter school authorizer must demonstrate  
52.24 the applicant's ability to implement the procedures and satisfy the criteria for chartering a  
52.25 school under this section. The commissioner must approve or disapprove an application  
52.26 within 45 business days of the application deadline. If the commissioner disapproves  
52.27 the application, the commissioner must notify the applicant of the specific deficiencies  
52.28 in writing and the applicant then has 20 business days to address the deficiencies to the  
52.29 commissioner's satisfaction. After the 20 business days expire, the commissioner has 15  
52.30 business days to make a final decision to approve or disapprove the application. Failing to  
52.31 address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to  
52.32 be an authorizer. The commissioner, in establishing criteria for approval, must consider  
52.33 the applicant's:

52.34 (1) capacity and infrastructure;

52.35 (2) application criteria and process;

52.36 (3) contracting process;

- 53.1 (4) ongoing oversight and evaluation processes; and
- 53.2 (5) renewal criteria and processes.
- 53.3 (d) An applicant must include in its application to the commissioner to be an
- 53.4 approved authorizer at least the following:
- 53.5 (1) how chartering schools is a way for the organization to carry out its mission;
- 53.6 (2) a description of the capacity of the organization to serve as an authorizer,
- 53.7 including the personnel who will perform the authorizing duties, their qualifications, the
- 53.8 amount of time they will be assigned to this responsibility, and the financial resources
- 53.9 allocated by the organization to this responsibility;
- 53.10 (3) a description of the application and review process the authorizer will use to
- 53.11 make decisions regarding the granting of charters;
- 53.12 (4) a description of the type of contract it will arrange with the schools it charters
- 53.13 that meets the provisions of subdivision 6;
- 53.14 (5) the process to be used for providing ongoing oversight of the school consistent
- 53.15 with the contract expectations specified in clause (4) that assures that the schools chartered
- 53.16 are complying with both the provisions of applicable law and rules, and with the contract;
- 53.17 (6) a description of the criteria and process the authorizer will use to grant expanded
- 53.18 applications under subdivision 4, paragraph (j);
- 53.19 (7) the process for making decisions regarding the renewal or termination of
- 53.20 the school's charter based on evidence that demonstrates the academic, organizational,
- 53.21 and financial competency of the school, including its success in increasing student
- 53.22 achievement and meeting the goals of the charter school agreement; and
- 53.23 (8) an assurance specifying that the organization is committed to serving as an
- 53.24 authorizer for the full five-year term.
- 53.25 (e) A disapproved applicant under this section may resubmit an application during a
- 53.26 future application period.
- 53.27 (f) If the governing board of an approved authorizer votes to withdraw as an
- 53.28 approved authorizer for a reason unrelated to any cause under subdivision 23, the
- 53.29 authorizer must notify all its chartered schools and the commissioner in writing by July
- 53.30 15 of its intent to withdraw as an authorizer on June 30 in the next calendar year. The
- 53.31 commissioner may approve the transfer of a charter school to a new authorizer under this
- 53.32 paragraph after the new authorizer submits an affidavit to the commissioner.
- 53.33 (g) The authorizer must participate in department-approved training.
- 53.34 ~~(h) An authorizer that chartered a school before August 1, 2009, must apply by~~
- 53.35 ~~June 30, 2012, to the commissioner for approval, under paragraph (e), to continue as an~~

54.1 ~~authorizer under this section. For purposes of this paragraph, an authorizer that fails to~~  
54.2 ~~submit a timely application is ineligible to charter a school.~~

54.3       (†) (h) The commissioner shall review an authorizer's performance every five years  
54.4 in a manner and form determined by the commissioner and may review an authorizer's  
54.5 performance more frequently at the commissioner's own initiative or at the request of a  
54.6 charter school operator, charter school board member, or other interested party. The  
54.7 commissioner, after completing the review, shall transmit a report with findings to the  
54.8 authorizer. If, consistent with this section, the commissioner finds that an authorizer has  
54.9 not fulfilled the requirements of this section, the commissioner may subject the authorizer  
54.10 to corrective action, which may include terminating the contract with the charter school  
54.11 board of directors of a school it chartered. The commissioner must notify the authorizer  
54.12 in writing of any findings that may subject the authorizer to corrective action and  
54.13 the authorizer then has 15 business days to request an informal hearing before the  
54.14 commissioner takes corrective action. If the commissioner terminates a contract between  
54.15 an authorizer and a charter school under this paragraph, the commissioner may assist the  
54.16 charter school in acquiring a new authorizer.

54.17       (†) (i) The commissioner may at any time take corrective action against an authorizer,  
54.18 including terminating an authorizer's ability to charter a school for:

54.19       (1) failing to demonstrate the criteria under paragraph (c) under which the  
54.20 commissioner approved the authorizer;

54.21       (2) violating a term of the chartering contract between the authorizer and the charter  
54.22 school board of directors;

54.23       (3) unsatisfactory performance as an approved authorizer; or

54.24       (4) any good cause shown that provides the commissioner a legally sufficient reason  
54.25 to take corrective action against an authorizer.

54.26       Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from  
54.27 a school developer, may charter a licensed teacher under section 122A.18, subdivision  
54.28 1, or a group of individuals that includes one or more licensed teachers under section  
54.29 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the  
54.30 authorizer's affidavit under paragraph (b). The school must be organized and operated as a  
54.31 nonprofit corporation under chapter 317A and the provisions under the applicable chapter  
54.32 shall apply to the school except as provided in this section.

54.33       Notwithstanding sections 465.717 and 465.719, a school district, subject to this  
54.34 section and section 124D.11, may create a corporation for the purpose of establishing a  
54.35 charter school.

55.1 (b) Before the operators may establish and operate a school, the authorizer must file  
55.2 an affidavit with the commissioner stating its intent to charter a school. An authorizer  
55.3 must file a separate affidavit for each school it intends to charter. The affidavit must state  
55.4 the terms and conditions under which the authorizer would charter a school and how the  
55.5 authorizer intends to oversee the fiscal and student performance of the charter school and to  
55.6 comply with the terms of the written contract between the authorizer and the charter school  
55.7 board of directors under subdivision 6. The commissioner must approve or disapprove the  
55.8 authorizer's affidavit within 60 business days of receipt of the affidavit. If the commissioner  
55.9 disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies  
55.10 in the affidavit and the authorizer then has 20 business days to address the deficiencies.  
55.11 If the authorizer does not address deficiencies to the commissioner's satisfaction, the  
55.12 commissioner's disapproval is final. Failure to obtain commissioner approval precludes an  
55.13 authorizer from chartering the school that is the subject of this affidavit.

55.14 (c) The authorizer may prevent an approved charter school from opening for  
55.15 operation if, among other grounds, the charter school violates this section or does not meet  
55.16 the ready-to-open standards that are part of the authorizer's oversight and evaluation  
55.17 process or are stipulated in the charter school contract.

55.18 (d) The operators authorized to organize and operate a school, before entering into a  
55.19 contract or other agreement for professional or other services, goods, or facilities, must  
55.20 incorporate as a nonprofit corporation under chapter 317A and must establish a board of  
55.21 directors composed of at least five members who are not related parties until a timely  
55.22 election for members of the ongoing charter school board of directors is held according to  
55.23 the school's articles and bylaws under paragraph (f). A charter school board of directors  
55.24 must be composed of at least five members who are not related parties. Staff members  
55.25 employed at the school, including teachers providing instruction under a contract with a  
55.26 cooperative, members of the board of directors, and all parents or legal guardians of  
55.27 children enrolled in the school are the voters eligible to elect the members of the school's  
55.28 board of directors. A charter school must notify eligible voters of the school board election  
55.29 dates at least 30 days before the election. Board of director meetings and board committee  
55.30 meetings must comply with chapter 13D.

55.31 (e) A charter school shall publish and maintain on the school's official Web site: (1)  
55.32 the minutes of meetings of the board of directors, and of members and committees having  
55.33 any board-delegated authority, for at least one calendar year from the date of publication;  
55.34 (2) directory information for members of the board of directors and committees having  
55.35 board-delegated authority; and (3) identifying and contact information for the school's  
55.36 authorizer. Identifying and contact information for the school's authorizer must be

56.1 included in other school materials made available to the public. Upon request of an  
 56.2 individual, the charter school must also make available in a timely fashion financial  
 56.3 statements showing all operations and transactions affecting income, surplus, and deficit  
 56.4 during the school's last annual accounting period; and a balance sheet summarizing assets  
 56.5 and liabilities on the closing date of the accounting period. A charter school also must ~~post~~  
 56.6 ~~on its official Web site information identifying its authorizer and indicate how to contact~~  
 56.7 ~~that authorizer and~~ include that same information about its authorizer in other school  
 56.8 materials that it makes available to the public.

56.9 (f) Every charter school board member shall attend ~~ongoing~~ annual training  
 56.10 throughout the member's term on the board governance, including. All new board  
 56.11 members shall attend initial training on the board's role and responsibilities, employment  
 56.12 policies and practices, and financial management. A new board member who does not  
 56.13 begin the required initial training within six months after being seated and complete that  
 56.14 training within 12 months of being seated on the board is automatically ineligible to  
 56.15 continue to serve as a board member. The school shall include in its annual report the  
 56.16 training attended by each board member during the previous year.

56.17 (g) The ongoing board must be elected before the school completes its third year of  
 56.18 operation. Board elections must be held during the school year but may not be conducted  
 56.19 on days when the school is closed for holidays, breaks, or vacations. The charter school  
 56.20 board of directors shall be composed of at least five nonrelated members and include: (i)  
 56.21 at least one licensed teacher employed as a teacher at the school or ~~a licensed teacher~~  
 56.22 providing instruction under contract between the charter school and a cooperative; (ii) ~~the~~  
 56.23 at least one parent or legal guardian of a student enrolled in the charter school who is not an  
 56.24 employee of the charter school; and (iii) ~~an~~ at least one interested community member who  
 56.25 resides in Minnesota and is not employed by the charter school and does not have a child  
 56.26 enrolled in the school. The board ~~may be a teacher majority board composed~~ may include  
 56.27 a majority of teachers, parents, or community members as described in this paragraph or it  
 56.28 may have no clear majority. The chief financial officer and the chief administrator may only  
 56.29 serve as ex-officio nonvoting board members ~~and may not serve as a voting member of the~~  
 56.30 ~~board~~. No charter school employees shall ~~not~~ serve on the board unless other than teachers  
 56.31 under item (i) ~~applies~~. Contractors providing facilities, goods, or services to a charter  
 56.32 school shall not serve on the board of directors of the charter school. Board bylaws shall  
 56.33 outline the process and procedures for changing the board's governance ~~model~~ structure,  
 56.34 consistent with chapter 317A. A board may change its governance ~~model~~ structure only:



57.1 (1) by a majority vote of the board of directors and a majority vote of the licensed  
57.2 teachers employed by the school as teachers, including licensed teachers providing  
57.3 instruction under a contract between the school and a cooperative; and

57.4 (2) with the authorizer's approval.

57.5 Any change in board governance structure must conform with the composition of  
57.6 the board structure established under this paragraph.

57.7 (h) The granting or renewal of a charter by an authorizer must not be conditioned  
57.8 upon the bargaining unit status of the employees of the school.

57.9 (i) The granting or renewal of a charter school by an authorizer must not be  
57.10 contingent on the charter school being required to contract, lease, or purchase services  
57.11 or facilities from the authorizer or to enter into a contract with a corporation, contractor,  
57.12 or individual with which the authorizer has a financial relationship or arrangement. Any  
57.13 potential contract, ~~lease,~~ or purchase of service from an authorizer must be disclosed to  
57.14 the commissioner, accepted through an open bidding process, and be a separate contract  
57.15 from the charter contract. The school must document the open bidding process it used in  
57.16 awarding the contract. The authorizer must document that the bid terms were competitive  
57.17 in relation to the market and that the authorizer makes the same terms available to  
57.18 schools that it does not authorize. An authorizer must not enter into a contract to provide  
57.19 management and financial services for a school that it authorizes, unless the school  
57.20 documents that it received at least two competitive bids.

57.21 (j) An authorizer may permit the board of directors of a charter school to expand  
57.22 the operation of the charter school to additional sites or ~~to add additional grades~~ at the  
57.23 school beyond those described in the authorizer's original affidavit as approved by  
57.24 the commissioner only after submitting a supplemental affidavit for approval to the  
57.25 commissioner in a form and manner prescribed by the commissioner. The supplemental  
57.26 affidavit must document that:

57.27 (1) the proposed expansion plan demonstrates need and projected enrollment;

57.28 (2) the expansion is warranted, at a minimum, by longitudinal data demonstrating  
57.29 students' improved academic performance and growth on statewide assessments under  
57.30 chapter 120B;

57.31 (3) the charter school is financially sound and the financing it needs to implement  
57.32 the proposed expansion exists; and

57.33 (4) the charter school has the governance structure and management capacity to  
57.34 carry out its expansion.

57.35 (k) The commissioner shall have 30 business days to review and comment on the  
57.36 supplemental affidavit. The commissioner shall notify the authorizer of any deficiencies in

58.1 the supplemental affidavit and the authorizer then has 20 business days to address, to the  
58.2 commissioner's satisfaction, any deficiencies in the supplemental affidavit. The school  
58.3 may not expand grades or add sites until the commissioner has approved the supplemental  
58.4 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

58.5 Subd. 4a. **Conflict of interest.** (a) An individual is prohibited from serving as a  
58.6 member of the charter school board of directors if the individual, an immediate family  
58.7 member, or the individual's partner is ~~an~~ a full or part owner, employee or agent of, or  
58.8 ~~a contractor~~ principal with a for-profit or nonprofit entity or ~~individual~~ independent  
58.9 contractor with whom the charter school contracts, directly or indirectly, for professional  
58.10 services, goods, or facilities. An individual is prohibited from serving as a board member  
58.11 if an immediate family member is an employee of the school or is an individual with  
58.12 whom the school contracts, directly or indirectly, through full or part ownership, for  
58.13 professional services, goods, or facilities. A violation of this prohibition renders a contract  
58.14 voidable at the option of the commissioner or the charter school board of directors. A  
58.15 member of a charter school board of directors who violates this prohibition is individually  
58.16 liable to the charter school for any damage caused by the violation.

58.17 (b) No member of the board of directors, employee, officer, or agent of a charter  
58.18 school shall participate in selecting, awarding, or administering a contract if a conflict  
58.19 of interest exists. A conflict exists when:

- 58.20 (1) the board member, employee, officer, or agent;
- 58.21 (2) the immediate family of the board member, employee, officer, or agent;
- 58.22 (3) the partner of the board member, employee, officer, or agent; or
- 58.23 (4) an organization that employs, or is about to employ any individual in clauses  
58.24 (1) to (3),  
58.25 has a financial or other interest in the entity with which the charter school is contracting.  
58.26 A violation of this prohibition renders the contract void.

58.27 (c) Any employee, agent, or board member of the authorizer who participates  
58.28 in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or  
58.29 nonrenewal process or decision is ineligible to serve on the board of directors of a school  
58.30 chartered by that authorizer.

58.31 (d) An individual may serve as a member of the board of directors if no conflict of  
58.32 interest under paragraph (a) exists.

58.33 (e) The conflict of interest provisions under this subdivision do not apply to  
58.34 compensation paid to a teacher employed as a teacher by the charter school ~~who~~ or a  
58.35 teacher who provides instructional services to the charter school through a cooperative

59.1 formed under chapter 308A when the teacher also serves as a member of on the charter  
 59.2 school board of directors.

59.3 ~~(f) The conflict of interest provisions under this subdivision do not apply to a teacher~~  
 59.4 ~~who provides services to a charter school through a cooperative formed under chapter~~  
 59.5 ~~308A when the teacher also serves on the charter school board of directors.~~

59.6 Subd. 5. **Conversion of existing schools.** A board of an independent or special  
 59.7 school district may convert one or more of its existing schools to charter schools under  
 59.8 this section if 60 percent of the full-time teachers at the school sign a petition seeking  
 59.9 conversion. The conversion must occur at the beginning of an academic year.

59.10 Subd. 6. **Charter contract.** The authorization for a charter school must be in the  
 59.11 form of a written contract signed by the authorizer and the board of directors of the charter  
 59.12 school. The contract must be completed within 45 business days of the commissioner's  
 59.13 approval of the authorizer's affidavit. The authorizer shall submit to the commissioner a  
 59.14 copy of the signed charter contract within ten business days of its execution. The contract  
 59.15 for a charter school must be in writing and contain at least the following:

59.16 (1) a declaration that the charter school will carry out the primary purpose in  
 59.17 subdivision 1 and how the school will report its implementation of the primary purpose;

59.18 ~~(1)~~ (2) a declaration of the any additional purposes in subdivision 1 that the school  
 59.19 intends to carry out and how the school will report its implementation of those purposes;

59.20 ~~(2)~~ (3) a description of the school program and the specific academic and  
 59.21 nonacademic outcomes that pupils must achieve;

59.22 ~~(3)~~ (4) a statement of admission policies and procedures;

59.23 ~~(4)~~ (5) a governance, management, and administration plan for the school;

59.24 ~~(5)~~ (6) signed agreements from charter school board members to comply with all  
 59.25 federal and state laws governing organizational, programmatic, and financial requirements  
 59.26 applicable to charter schools;

59.27 ~~(6)~~ (7) the criteria, processes, and procedures that the authorizer will use for  
 59.28 ongoing oversight of operational, financial, and academic performance to monitor and  
 59.29 evaluate the fiscal, operational, and academic performance consistent with subdivision  
 59.30 15, paragraphs (a) and (b);

59.31 ~~(7)~~ (8) for contract renewal, the formal written performance evaluation of the school  
 59.32 that is a prerequisite for reviewing a charter contract under subdivision 15;

59.33 ~~(8)~~ (9) types and amounts of insurance liability coverage to be obtained by the  
 59.34 charter school, consistent with subdivision 8, paragraph (k);

59.35 ~~(9)~~ (10) consistent with subdivision 25, paragraph (d), a provision to indemnify and  
 59.36 hold harmless the authorizer and its officers, agents, and employees from any suit, claim,

60.1 or liability arising from any operation of the charter school, and the commissioner and  
60.2 department officers, agents, and employees notwithstanding section 3.736;

60.3 ~~(10)~~ (11) the term of the initial contract, which may be up to five years plus an  
60.4 additional preoperational planning year, and up to five years for a renewed contract or a  
60.5 contract with a new authorizer after a transfer of authorizers, if warranted by the school's  
60.6 academic, financial, and operational performance;

60.7 ~~(11)~~ (12) how the board of directors or the operators of the charter school will  
60.8 provide special instruction and services for children with a disability under sections  
60.9 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within  
60.10 which the charter school will operate to provide the special instruction and services to  
60.11 children with a disability;

60.12 ~~(12) the process and criteria the authorizer intends to use to monitor and evaluate the~~  
60.13 ~~fiscal and student performance of the charter school, consistent with subdivision 15; and~~

60.14 (13) the specific conditions for contract renewal, which identify performance under  
60.15 the primary purpose of subdivision 1 as the most important factor in determining contract  
60.16 renewal; and

60.17 ~~(13)~~ (14) the plan for an orderly closing of the school under chapter 317A, ~~if~~  
60.18 whether the closure is a termination for cause, a voluntary termination, or a nonrenewal  
60.19 of the contract, ~~and~~ that includes establishing the responsibilities of the school board of  
60.20 directors and the authorizer and notifying the commissioner, authorizer, school district in  
60.21 which the charter school is located, and parents of enrolled students about the closure,  
60.22 the transfer of student records to students' resident districts, and procedures for closing  
60.23 financial operations.

60.24 Subd. 6a. **Audit report.** (a) The charter school must submit an audit report to the  
60.25 commissioner and its authorizer by December 31 each year.

60.26 (b) The charter school, with the assistance of the auditor conducting the audit,  
60.27 must include with the report, as supplemental information, a copy of all charter school  
60.28 agreements for corporate management services, including parent company or other  
60.29 administrative, financial, and staffing services. If the entity that provides the professional  
60.30 services to the charter school is exempt from taxation under section 501 of the Internal  
60.31 Revenue Code of 1986, that entity must file with the commissioner by February 15 a copy  
60.32 of the annual return required under section 6033 of the Internal Revenue Code of 1986.

60.33 (c) A charter school independent audit report shall include audited financial data of  
60.34 an affiliated building corporation or other component unit.

60.35 ~~(e)~~ (d) If the audit report finds that a material weakness exists in the financial  
60.36 reporting systems of a charter school, the charter school must submit a written report to

61.1 the commissioner explaining how the material weakness will be resolved. An auditor,  
61.2 as a condition of providing financial services to a charter school, must agree to make  
61.3 available information about a charter school's financial audit to the commissioner and  
61.4 authorizer upon request.

61.5 Subd. 7. **Public status; exemption from statutes and rules.** A charter school is  
61.6 a public school and is part of the state's system of public education. A charter school is  
61.7 exempt from all statutes and rules applicable to a school, school board, or school district  
61.8 unless a statute or rule is made specifically applicable to a charter school or is included  
61.9 in this section.

61.10 Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all  
61.11 federal, state, and local health and safety requirements applicable to school districts.

61.12 (b) A school must comply with statewide accountability requirements governing  
61.13 standards and assessments in chapter 120B.

61.14 (c) A school authorized by a school board may be located in any district, unless the  
61.15 school board of the district of the proposed location disapproves by written resolution.

61.16 (d) A charter school must be nonsectarian in its programs, admission policies,  
61.17 employment practices, and all other operations. An authorizer may not authorize a charter  
61.18 school or program that is affiliated with a nonpublic sectarian school or a religious  
61.19 institution. A charter school student must be released for religious instruction, consistent  
61.20 with section 120A.22, subdivision 12, clause (3).

61.21 (e) Charter schools must not be used as a method of providing education or  
61.22 generating revenue for students who are being home-schooled. This paragraph does not  
61.23 apply to shared time aid under section 126C.19.

61.24 (f) The primary focus of a charter school must be to provide a comprehensive  
61.25 program of instruction for at least one grade or age group from five through 18 years  
61.26 of age. Instruction may be provided to people younger than five years and older than  
61.27 18 years of age.

61.28 (g) A charter school may not charge tuition.

61.29 (h) A charter school is subject to and must comply with chapter 363A and section  
61.30 121A.04.

61.31 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal  
61.32 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections  
61.33 123B.34 to 123B.39.

61.34 (j) A charter school is subject to the same financial audits, audit procedures, and  
61.35 audit requirements as a district, except as required under subdivision 6a. Audits must be  
61.36 conducted in compliance with generally accepted governmental auditing standards, the

62.1 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject  
62.2 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;  
62.3 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with  
62.4 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are  
62.5 necessary because of the program at the school. Deviations must be approved by the  
62.6 commissioner and authorizer. The Department of Education, state auditor, legislative  
62.7 auditor, or authorizer may conduct financial, program, or compliance audits. A charter  
62.8 school determined to be in statutory operating debt under sections 123B.81 to 123B.83  
62.9 must submit a plan under section 123B.81, subdivision 4.

62.10 (k) A charter school is a district for the purposes of tort liability under chapter 466.

62.11 (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22,  
62.12 subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

62.13 (m) A charter school is subject to the Pledge of Allegiance requirement under  
62.14 section 121A.11, subdivision 3.

62.15 (n) A charter school offering online courses or programs must comply with section  
62.16 124D.095.

62.17 (o) A charter school and charter school board of directors are subject to chapter 181.

62.18 (p) A charter school must comply with section 120A.22, subdivision 7, governing  
62.19 the transfer of students' educational records and sections 138.163 and 138.17 governing  
62.20 the management of local records.

62.21 (q) A charter school that provides early childhood health and developmental  
62.22 screening must comply with sections 121A.16 to 121A.19.

62.23 (r) A charter school that provides school-sponsored youth athletic activities must  
62.24 comply with section 121A.38.

62.25 (s) A charter school is subject to and must comply with continuing truant notification  
62.26 under section 260A.03.

62.27 Subd. 8a. **Aid reduction.** The commissioner may reduce a charter school's state aid  
62.28 under section 127A.42 or 127A.43 if the charter school board fails to correct a violation  
62.29 under this section.

62.30 Subd. 8b. **Aid reduction for violations.** The commissioner may reduce a charter  
62.31 school's state aid by an amount not to exceed 60 percent of the charter school's basic  
62.32 revenue for the period of time that a violation of law occurs.

62.33 Subd. 9. **Admission requirements.** (a) A charter school may limit admission to:

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

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

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

63.3 (b) A charter school shall enroll an eligible pupil who submits a timely application,  
63.4 unless the number of applications exceeds the capacity of a program, class, grade level, or  
63.5 building. In this case, pupils must be accepted by lot. The charter school must develop  
63.6 and publish, including on its Web site, a lottery policy and process that it must use when  
63.7 accepting pupils by lot.

63.8 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil  
63.9 and to a foster child of that pupil's parents and may give preference for enrolling children  
63.10 of the school's staff before accepting other pupils by lot.

63.11 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil,  
63.12 unless the pupil is at least five years of age on September 1 of the calendar year in which  
63.13 the school year for which the pupil seeks admission commences; or (2) as a first grade  
63.14 student, unless the pupil is at least six years of age on September 1 of the calendar year in  
63.15 which the school year for which the pupil seeks admission commences or has completed  
63.16 kindergarten; except that a charter school may establish and publish on its Web site a  
63.17 policy for admission of selected pupils at an earlier age, consistent with the enrollment  
63.18 process in paragraphs (b) and (c).

63.19 (e) Except as permitted in paragraph (d), a charter school may not limit admission  
63.20 to pupils on the basis of intellectual ability, measures of achievement or aptitude, or  
63.21 athletic ability and may not establish any criteria or requirements for admission that are  
63.22 inconsistent with this subdivision.

63.23 (f) The charter school shall not distribute any services or goods of value to students,  
63.24 parents, or guardians as an inducement, term, or condition of enrolling a student in a  
63.25 charter school.

63.26 Subd. 10. **Pupil performance.** A charter school must design its programs to at  
63.27 least meet the outcomes adopted by the commissioner for public school students. In  
63.28 the absence of the commissioner's requirements, the school must meet the outcomes  
63.29 contained in the contract with the authorizer. The achievement levels of the outcomes  
63.30 contained in the contract may exceed the achievement levels of any outcomes adopted by  
63.31 the commissioner for public school students.

63.32 Subd. 11. **Employment and other operating matters.** (a) A charter school must  
63.33 employ or contract with necessary teachers, as defined by section 122A.15, subdivision 1,  
63.34 who hold valid licenses to perform the particular service for which they are employed in  
63.35 the school. The charter school's state aid may be reduced under section 127A.43 if the  
63.36 school employs a teacher who is not appropriately licensed or approved by the board of

64.1 teaching. The school may employ necessary employees who are not required to hold  
64.2 teaching licenses to perform duties other than teaching and may contract for other services.  
64.3 The school may discharge teachers and nonlicensed employees. The charter school board  
64.4 is subject to section 181.932. When offering employment to a prospective employee, a  
64.5 charter school must give that employee a written description of the terms and conditions  
64.6 of employment and the school's personnel policies.

64.7 (b) A person, without holding a valid administrator's license, may perform  
64.8 administrative, supervisory, or instructional leadership duties. The board of directors shall  
64.9 establish qualifications for persons that hold administrative, supervisory, or instructional  
64.10 leadership roles. The qualifications shall include at least the following areas: instruction  
64.11 and assessment; human resource and personnel management; financial management;  
64.12 legal and compliance management; effective communication; and board, authorizer, and  
64.13 community relationships. The board of directors shall use those qualifications as the basis  
64.14 for job descriptions, hiring, and performance evaluations of those who hold administrative,  
64.15 supervisory, or instructional leadership roles. The board of directors and an individual  
64.16 who does not hold a valid administrative license and who serves in an administrative,  
64.17 supervisory, or instructional leadership position shall develop a professional development  
64.18 plan. Documentation of the implementation of the professional development plan of these  
64.19 persons shall be included in the school's annual report.

64.20 (c) The board of directors also shall decide and be responsible for policy matters  
64.21 related to the operation of the school, including budgeting, curriculum programming,  
64.22 personnel and operating procedures. The board shall adopt a policy on nepotism in  
64.23 employment. The board shall adopt personnel evaluation policies and practices that,  
64.24 at a minimum:

64.25 (1) carry out the school's mission and goals;

64.26 (2) evaluate the execution of charter contract goals and commitments;

64.27 (3) evaluate student achievement, postsecondary and workforce readiness, and  
64.28 engagement goals; and

64.29 (4) provide professional development related to the individual's job responsibilities.

64.30 Subd. 12. **Pupils with a disability.** A charter school must comply with sections  
64.31 125A.02, 125A.03 to 125A.24, and 125A.65 and rules relating to the education of pupils  
64.32 with a disability as though it were a district.

64.33 Subd. 13. **Length of school year.** A charter school must provide instruction each  
64.34 year for at least the number of hours required by section 120A.41. It may provide  
64.35 instruction throughout the year according to sections 124D.12 to 124D.127 or 124D.128.



65.1 Subd. 14. **Annual public reports.** A charter school must publish an annual report  
65.2 approved by the board of directors. The annual report must at least include information  
65.3 on school enrollment, student attrition, governance and management, staffing, finances,  
65.4 academic performance, ~~operational performance~~, innovative practices and implementation,  
65.5 and future plans. A charter school must post the annual report on the school's official Web  
65.6 site. The charter school must also distribute the annual report by publication, mail, or  
65.7 electronic means to ~~the commissioner~~, its authorizer, school employees, and parents and  
65.8 legal guardians of students enrolled in the charter school ~~and must also post the report on~~  
65.9 ~~the charter school's official Web site.~~ The reports are public data under chapter 13.

65.10 Subd. 15. **Review and comment.** (a) The authorizer shall provide a formal written  
65.11 evaluation of the school's performance before the authorizer renews the charter contract.  
65.12 The department must review and comment on the authorizer's evaluation process at the  
65.13 time the authorizer submits its application for approval and each time the authorizer  
65.14 undergoes its five-year review under subdivision 3, paragraph (i).

65.15 (b) An authorizer shall monitor and evaluate the ~~fee~~, academic, financial, and  
65.16 operational, ~~and student~~ performance of the school, and may for this purpose annually  
65.17 assess a charter school a fee according to paragraph (c). The agreed-upon fee structure  
65.18 must be stated in the charter school contract.

65.19 (c) The fee that ~~each charter school pays to an authorizer each year~~ an authorizer  
65.20 may annually assess is the greater of:

65.21 (1) the basic formula allowance for that year; or

65.22 (2) the lesser of:

65.23 (i) the maximum fee factor times the basic formula allowance for that year; or

65.24 (ii) the fee factor times the basic formula allowance for that year times the charter  
65.25 school's adjusted marginal cost pupil units for that year. The fee factor equals ~~.005 in fiscal~~  
65.26 ~~year 2010, .01 in fiscal year 2011, .013 in fiscal year 2012, and .015 in fiscal years 2013~~  
65.27 ~~and later.~~ The maximum fee factor equals ~~1.5 in fiscal year 2010, 2.0 in fiscal year 2011,~~  
65.28 ~~3.0 in fiscal year 2012, and 4.0 in fiscal years 2013 and later.~~

65.29 (d) An authorizer may not assess a fee for any required services other than as  
65.30 provided in this subdivision.

65.31 (e) For the preoperational planning period, after a school is chartered, the authorizer  
65.32 may assess a charter school a fee equal to the basic formula allowance.

65.33 (f) By September 30 of each year, an authorizer shall submit to the commissioner a  
65.34 statement of income and expenditures related to chartering activities during the previous  
65.35 school year ending June 30. A copy of the statement shall be given to all schools chartered  
65.36 by the authorizer.

66.1           Subd. 16. **Transportation.** (a) A charter school after its first fiscal year of operation  
66.2 by March 1 of each fiscal year and a charter school by July 1 of its first fiscal year of  
66.3 operation must notify the district in which the school is located and the Department of  
66.4 Education if it will provide its own transportation or use the transportation services of the  
66.5 district in which it is located for the fiscal year.

66.6           (b) If a charter school elects to provide transportation for pupils, the transportation  
66.7 must be provided by the charter school within the district in which the charter school is  
66.8 located. The state must pay transportation aid to the charter school according to section  
66.9 124D.11, subdivision 2.

66.10          For pupils who reside outside the district in which the charter school is located, the  
66.11 charter school is not required to provide or pay for transportation between the pupil's  
66.12 residence and the border of the district in which the charter school is located. A parent  
66.13 may be reimbursed by the charter school for costs of transportation from the pupil's  
66.14 residence to the border of the district in which the charter school is located if the pupil is  
66.15 from a family whose income is at or below the poverty level, as determined by the federal  
66.16 government. The reimbursement may not exceed the pupil's actual cost of transportation  
66.17 or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for  
66.18 more than 250 miles per week.

66.19          At the time a pupil enrolls in a charter school, the charter school must provide the  
66.20 parent or guardian with information regarding the transportation.

66.21          (c) If a charter school does not elect to provide transportation, transportation for  
66.22 pupils enrolled at the school must be provided by the district in which the school is  
66.23 located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a  
66.24 pupil residing in the same district in which the charter school is located. Transportation  
66.25 may be provided by the district in which the school is located, according to sections  
66.26 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in a different  
66.27 district. If the district provides the transportation, the scheduling of routes, manner and  
66.28 method of transportation, control and discipline of the pupils, and any other matter relating  
66.29 to the transportation of pupils under this paragraph shall be within the sole discretion,  
66.30 control, and management of the district.

66.31          Subd. 17. **Leased space.** A charter school may lease space from an independent  
66.32 or special school board ~~eligible to be an authorizer~~, other public organization, private,  
66.33 nonprofit nonsectarian organization, private property owner, or a sectarian organization  
66.34 if the leased space is constructed as a school facility. The department must review and  
66.35 approve or disapprove leases in a timely manner.

67.1 Subd. 17a. **Affiliated nonprofit building corporation.** (a) Before a charter school  
67.2 may organize an affiliated nonprofit building corporation (i) to renovate or purchase an  
67.3 existing facility to serve as a school or (ii) to expand an existing building or construct  
67.4 a new school facility, an authorizer must submit an affidavit to the commissioner for  
67.5 approval in the form and manner the commissioner prescribes, and consistent with  
67.6 paragraphs (b) and (c) or (d).

67.7 (b) An affiliated nonprofit building corporation under this subdivision must:

67.8 (1) be incorporated under section 317A;

67.9 (2) comply with applicable Internal Revenue Service regulations, including  
67.10 regulations for "supporting organizations" as defined by the Internal Revenue Service;

67.11 (3) submit to the commissioner each fiscal year a list of current board members  
67.12 and a copy of its annual audit; and

67.13 (4) comply with government data practices law under chapter 13.

67.14 An affiliated nonprofit building corporation must not serve as the leasing agent for  
67.15 property or facilities it does not own. A charter school that leases a facility from an  
67.16 affiliated nonprofit building corporation that does not own the leased facility is ineligible  
67.17 to receive charter school lease aid. The state is immune from liability resulting from a  
67.18 contract between a charter school and an affiliated nonprofit building corporation.

67.19 (c) A charter school may organize an affiliated nonprofit building corporation to  
67.20 renovate or purchase an existing facility to serve as a school if the charter school:

67.21 (1) has been operating for at least five consecutive school years;

67.22 (2) has had a net positive unreserved general fund balance as of June 30 in the  
67.23 preceding five fiscal years;

67.24 (3) has a long-range strategic and financial plan;

67.25 (4) completes a feasibility study of available buildings;

67.26 (5) documents enrollment projections and the need to use an affiliated building  
67.27 corporation to renovate or purchase an existing facility to serve as a school; and

67.28 (6) has a plan for the renovation or purchase, which describes the parameters and  
67.29 budget for the project.

67.30 (d) A charter school may organize an affiliated nonprofit building corporation to  
67.31 expand an existing school facility or construct a new school facility if the charter school:

67.32 (1) demonstrates the lack of facilities available to serve as a school;

67.33 (2) has been operating for at least eight consecutive school years;

67.34 (3) has had a net positive unreserved general fund balance as of June 30 in the  
67.35 preceding five fiscal years;

67.36 (4) completes a feasibility study of facility options;

68.1 (5) has a long-range strategic and financial plan that includes enrollment projections  
68.2 and demonstrates the need for constructing a new school facility; and

68.3 (6) has a plan for the expansion or new school facility, which describes the  
68.4 parameters and budget for the project.

68.5 Subd. 17b. Positive review and comment. (e) A charter school or an affiliated  
68.6 nonprofit building corporation organized by a charter school must not initiate an  
68.7 installment contract for purchase, or a lease agreement, or solicit bids for new construction,  
68.8 expansion, or remodeling of an educational facility that requires an expenditure in  
68.9 excess of \$1,400,000, unless it meets the criteria in subdivision 17a, paragraph (b) and  
68.10 paragraph (c) or (d), as applicable, and receives a positive review and comment from  
68.11 the commissioner under section 123B.71.

68.12 Subd. 19. Disseminate information. (a) ~~The authorizer, the operators,~~ Authorizers  
68.13 and the department must disseminate information to the public on how to form and  
68.14 operate a charter school. Charter schools must disseminate information about how to  
68.15 use the offerings of a charter school. Targeted groups include low-income families and  
68.16 communities, students of color, and students who are at risk of academic failure.

68.17 (b) Authorizers, operators, and the department also may disseminate information  
68.18 about the successful best practices in teaching and learning demonstrated by charter  
68.19 schools.

68.20 Subd. 20. Leave to teach in a charter school. If a teacher employed by a district  
68.21 makes a written request for an extended leave of absence to teach at a charter school,  
68.22 the district must grant the leave. The district must grant a leave not to exceed a total of  
68.23 five years. Any request to extend the leave shall be granted only at the discretion of the  
68.24 school board. The district may require that the request for a leave or extension of leave  
68.25 be made before February 1 in the school year preceding the school year in which the  
68.26 teacher intends to leave, or February 1 of the calendar year in which the teacher's leave is  
68.27 scheduled to terminate. Except as otherwise provided in this subdivision and except for  
68.28 section 122A.46, subdivision 7, the leave is governed by section 122A.46, including, but  
68.29 not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

68.30 During a leave, the teacher may continue to aggregate benefits and credits in the  
68.31 Teachers' Retirement Association account under chapters 354 and 354A, consistent with  
68.32 subdivision 22.

68.33 Subd. 21. Collective bargaining. Employees of the board of directors of a charter  
68.34 school may, if otherwise eligible, organize under chapter 179A and comply with its  
68.35 provisions. The board of directors of a charter school is a public employer, for the  
68.36 purposes of chapter 179A, upon formation of one or more bargaining units at the school.

69.1 Bargaining units at the school must be separate from any other units within an authorizing  
69.2 district, except that bargaining units may remain part of the appropriate unit within an  
69.3 authorizing district, if the employees of the school, the board of directors of the school,  
69.4 the exclusive representative of the appropriate unit in the authorizing district, and the  
69.5 board of the authorizing district agree to include the employees in the appropriate unit of  
69.6 the authorizing district.

69.7 Subd. 22. **Teacher and other employee retirement.** (a) Teachers in a charter  
69.8 school must be public school teachers for the purposes of chapters 354 and 354A.

69.9 (b) Except for teachers under paragraph (a), employees in a charter school must be  
69.10 public employees for the purposes of chapter 353.

69.11 Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a)  
69.12 The duration of the contract with an authorizer must be for the term contained in the  
69.13 contract according to subdivision 6. The authorizer may or may not renew a contract at  
69.14 the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally  
69.15 terminate a contract during the term of the contract for any ground listed in paragraph (b).  
69.16 At least 60 business days before not renewing or terminating a contract, the authorizer  
69.17 shall notify the board of directors of the charter school of the proposed action in writing.  
69.18 The notice shall state the grounds for the proposed action in reasonable detail and that the  
69.19 charter school's board of directors may request in writing an informal hearing before the  
69.20 authorizer within 15 business days of receiving notice of nonrenewal or termination of  
69.21 the contract. Failure by the board of directors to make a written request for an informal  
69.22 hearing within the 15-business-day period shall be treated as acquiescence to the proposed  
69.23 action. Upon receiving a timely written request for a hearing, the authorizer shall give ten  
69.24 business days' notice to the charter school's board of directors of the hearing date. The  
69.25 authorizer shall conduct an informal hearing before taking final action. The authorizer  
69.26 shall take final action to renew or not renew a contract no later than 20 business days  
69.27 before the proposed date for terminating the contract or the end date of the contract.

69.28 (b) A contract may be terminated or not renewed upon any of the following grounds:

69.29 (1) failure to ~~meet~~ demonstrate satisfactory academic achievement for all groups of  
69.30 students, including the requirements for pupil performance contained in the contract;

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

69.32 (3) violations of law; or

69.33 (4) other good cause shown.

69.34 If a contract is terminated or not renewed under this paragraph, the school must be  
69.35 dissolved according to the applicable provisions of chapter 317A.

70.1 ~~(e) If the authorizer and the charter school board of directors mutually agree to~~  
70.2 ~~terminate or not renew the contract, a change in authorizers is allowed if the commissioner~~  
70.3 ~~approves the change to a different eligible authorizer to authorize the charter school.~~  
70.4 ~~Both parties must jointly submit their intent in writing to the commissioner to mutually~~  
70.5 ~~terminate the contract. The authorizer that is a party to the existing contract must inform~~  
70.6 ~~the proposed authorizer about the fiscal and operational status and student performance~~  
70.7 ~~of the school. Before the commissioner determines whether to approve a change in~~  
70.8 ~~authorizer, the proposed authorizer must identify any outstanding issues in the proposed~~  
70.9 ~~charter contract that were unresolved in the previous charter contract and have the charter~~  
70.10 ~~school agree to resolve those issues. If no change in authorizer is approved, the school~~  
70.11 ~~must be dissolved according to applicable law and the terms of the contract.~~

70.12 (c) If the authorizer and the charter school board of directors mutually agree not to  
70.13 renew the contract, a change in authorizers is allowed. The authorizer and the school  
70.14 board must jointly submit a written and signed letter of their intent to the commissioner  
70.15 to mutually not renew the contract. The authorizer that is a party to the existing contract  
70.16 must inform the proposed authorizer about the fiscal, operational, and student performance  
70.17 status of the school, as well as any outstanding contractual obligations that exist. The  
70.18 charter contract between the proposed authorizer and the school must identify and provide  
70.19 a plan to address any outstanding obligations from the previous contract. The proposed  
70.20 contract must be submitted at least 90 business days before the end of the existing  
70.21 charter contract. The commissioner shall have 15 business days to review and make a  
70.22 determination. The proposed authorizer and the school shall have 15 business days to  
70.23 respond to the determination and address any issues identified by the commissioner. A  
70.24 final determination by the commissioner shall be made no later than 45 business days  
70.25 before the end of the current charter contract. If no change in authorizer is approved, the  
70.26 school and the current authorizer may withdraw their letter of nonrenewal and enter into a  
70.27 new contract. If the transfer of authorizers is not approved and the current authorizer and  
70.28 the school do not withdraw their letter and enter into a new contract, the school must be  
70.29 dissolved according to applicable law and the terms of the contract.

70.30 (d) The commissioner, after providing reasonable notice to the board of directors of  
70.31 a charter school and the existing authorizer, and after providing an opportunity for a public  
70.32 hearing, may terminate the existing contract between the authorizer and the charter school  
70.33 board if the charter school has a history of:

- 70.34 (1) failure to meet pupil performance requirements consistent with state law;  
70.35 (2) financial mismanagement or failure to meet generally accepted standards of  
70.36 fiscal management; or

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

71.2 Subd. 23a. **Related party lease costs.** (a) A charter school is prohibited from  
71.3 entering a lease of real property with a related party unless the lessor is a nonprofit  
71.4 corporation under chapter 317A or a cooperative under chapter 308A, and the lease cost is  
71.5 reasonable under section 124D.11, subdivision 4, clause (1).

71.6 (b) For purposes of this section and section 124D.11:

71.7 (1) "related party" means an affiliate or immediate relative of the other party in  
71.8 question, an affiliate of an immediate relative, or an immediate relative of an affiliate;

71.9 (2) "affiliate" means a person that directly or indirectly, through one or more  
71.10 intermediaries, controls, is controlled by, or is under common control with another person;

71.11 (3) "immediate family" means an individual whose relationship by blood, marriage,  
71.12 adoption, or partnering is no more remote than first cousin;

71.13 (4) "person" means an individual or entity of any kind; and

71.14 (5) "control" means the ability to affect the management, operations, or policy  
71.15 actions or decisions of a person, whether through ownership of voting securities, by  
71.16 contract, or otherwise.

71.17 (c) A lease of real property to be used for a charter school, not excluded in paragraph  
71.18 (a), must contain the following statement: "This lease is subject to Minnesota Statutes,  
71.19 section 124D.10, subdivision 23a."

71.20 (d) If a charter school enters into as lessee a lease with a related party and the  
71.21 charter school subsequently closes, the commissioner has the right to recover from the  
71.22 lessor any lease payments in excess of those that are reasonable under section 124D.11,  
71.23 subdivision 4, clause (1).

71.24 Subd. 24. **Pupil enrollment upon nonrenewal or termination of charter school**  
71.25 **contract.** If a contract is not renewed or is terminated according to subdivision 23, a  
71.26 pupil who attended the school, siblings of the pupil, or another pupil who resides in the  
71.27 same place as the pupil may enroll in the resident district or may submit an application  
71.28 to a nonresident district according to section 124D.03 at any time. Applications and  
71.29 notices required by section 124D.03 must be processed and provided in a prompt manner.  
71.30 The application and notice deadlines in section 124D.03 do not apply under these  
71.31 circumstances. The closed charter school must transfer the student's educational records  
71.32 within ten business days of closure to the student's school district of residence where the  
71.33 records must be retained or transferred under section 120A.22, subdivision 7.

71.34 Subd. 25. **Extent of specific legal authority.** (a) The board of directors of a charter  
71.35 school may sue and be sued.

71.36 (b) The board may not levy taxes or issue bonds.

72.1 (c) The commissioner, an authorizer, members of the board of an authorizer in  
72.2 their official capacity, and employees of an authorizer are immune from civil or criminal  
72.3 liability with respect to all activities related to a charter school they approve or authorize.  
72.4 The board of directors shall obtain at least the amount of and types of insurance up to the  
72.5 applicable tort liability limits under chapter 466. The charter school board must submit  
72.6 a copy of the insurance policy to its authorizer ~~and the commissioner~~ before starting  
72.7 operations. The charter school board must submit changes in its insurance carrier or policy  
72.8 to its authorizer ~~and the commissioner~~ within 20 business days of the change.

72.9 (d) Notwithstanding section 3.736, the charter school shall assume full liability for  
72.10 its activities and indemnify and hold harmless the authorizer and its officers, agents, and  
72.11 employees from any suit, claim, or liability arising from any operation of the charter school  
72.12 and the commissioner and department officers, agents, and employees. A charter school  
72.13 is not required to indemnify or hold harmless a state employee if the state would not be  
72.14 required to indemnify and hold the employee harmless under section 3.736, subdivision 9.

72.15 **Subd. 27. Collaboration between charter school and school district.** (a) A charter  
72.16 school board may voluntarily enter into a two-year, renewable agreement for collaboration  
72.17 to enhance student achievement with a school district within whose geographic boundary  
72.18 it operates.

72.19 (b) A school district need not be an approved authorizer to enter into a collaboration  
72.20 agreement with a charter school. A charter school need not be authorized by the school  
72.21 district with which it seeks to collaborate.

72.22 (c) A charter school authorizer is prohibited from requiring a collaboration agreement  
72.23 as a condition of entering into or renewing a charter contract as defined in subdivision 6.

72.24 (d) Nothing in this subdivision or in the collaboration agreement may impact in any  
72.25 way the authority or autonomy of the charter school.

72.26 (e) Nothing in this subdivision or in the collaboration agreement shall cause the state  
72.27 to pay twice for the same student, service, or facility or otherwise impact state funding, or  
72.28 the flow thereof, to the school district or the charter school.

72.29 (f) The collaboration agreement may include, but need not be limited to,  
72.30 collaboration regarding facilities, transportation, training, student achievement,  
72.31 assessments, mutual performance standards, and other areas of mutual agreement.

72.32 (g) The school district may include the academic performance of the students of a  
72.33 collaborative charter school site operating within the geographic boundaries of the school  
72.34 district, for purposes of student assessment and reporting to the state.

72.35 (h) Districts, authorizers, or charter schools entering into a collaborative agreement  
72.36 are equally and collectively subject to the same state and federal accountability measures



73.1 for student achievement, school performance outcomes, and school improvement  
 73.2 strategies. The collaborative agreement and all accountability measures must be posted  
 73.3 on the district, charter school, and authorizer Web sites.

73.4 **EFFECTIVE DATE.** This section is effective the day following final enactment,  
 73.5 except subdivision 23 is effective July 1, 2013, and applies to multiple measurements  
 73.6 ratings and focus ratings from the 2010-2011 school year and later.

73.7 Sec. 2. Minnesota Statutes 2012, section 260A.02, subdivision 3, is amended to read:

73.8 Subd. 3. **Continuing truant.** "Continuing truant" means a child who is subject to the  
 73.9 compulsory instruction requirements of section 120A.22 and is absent from instruction in a  
 73.10 school, as defined in section 120A.05, without valid excuse within a single school year for:

73.11 (1) three days if the child is in elementary school; or

73.12 (2) three or more class periods on three days if the child is in middle school, junior  
 73.13 high school, or high school.

73.14 Nothing in this section shall prevent a school district or charter school from notifying  
 73.15 a truant child's parent or legal guardian of the child's truancy or otherwise addressing a  
 73.16 child's attendance problems prior to the child becoming a continuing truant.

73.17 Sec. 3. Minnesota Statutes 2012, section 260A.03, is amended to read:

73.18 **260A.03 NOTICE TO PARENT OR GUARDIAN WHEN CHILD IS A**  
 73.19 **CONTINUING TRUANT.**

73.20 Upon a child's initial classification as a continuing truant, the school attendance  
 73.21 officer or other designated school official shall notify the child's parent or legal guardian,  
 73.22 by first-class mail or other reasonable means, of the following:

73.23 (1) that the child is truant;

73.24 (2) that the parent or guardian should notify the school if there is a valid excuse  
 73.25 for the child's absences;

73.26 (3) that the parent or guardian is obligated to compel the attendance of the child  
 73.27 at school pursuant to section 120A.22 and parents or guardians who fail to meet this  
 73.28 obligation may be subject to prosecution under section 120A.34;

73.29 (4) that this notification serves as the notification required by section 120A.34;

73.30 (5) that alternative educational programs and services may be available in the child's  
 73.31 enrolling or resident district;

73.32 (6) that the parent or guardian has the right to meet with appropriate school personnel  
 73.33 to discuss solutions to the child's truancy;

74.1 (7) that if the child continues to be truant, the parent and child may be subject to  
74.2 juvenile court proceedings under chapter 260C;

74.3 (8) that if the child is subject to juvenile court proceedings, the child may be subject  
74.4 to suspension, restriction, or delay of the child's driving privilege pursuant to section  
74.5 260C.201; and

74.6 (9) that it is recommended that the parent or guardian accompany the child to school  
74.7 and attend classes with the child for one day.

74.8 Sec. 4. Minnesota Statutes 2012, section 260A.05, subdivision 1, is amended to read:

74.9 Subdivision 1. **Establishment.** A school district or charter school may establish  
74.10 one or more school attendance review boards to exercise the powers and duties in this  
74.11 section. The school district or charter school board shall appoint the members of the  
74.12 school attendance review board and designate the schools within the board's jurisdiction.  
74.13 Members of a school attendance review board may include:

74.14 (1) the superintendent of the school district or the superintendent's designee or  
74.15 charter director or the director's designee;

74.16 (2) a principal and one or more other school officials from within the district or  
74.17 charter school;

74.18 (3) parent representatives;

74.19 (4) representatives from community agencies that provide services for truant  
74.20 students and their families;

74.21 (5) a juvenile probation officer;

74.22 (6) school counselors and attendance officers; and

74.23 (7) law enforcement officers.

74.24 Sec. 5. Minnesota Statutes 2012, section 260A.07, subdivision 1, is amended to read:

74.25 Subdivision 1. **Establishment; referrals.** A county attorney may establish a truancy  
74.26 mediation program for the purpose of resolving truancy problems without court action. If  
74.27 a student is in a school district or charter school that has established a school attendance  
74.28 review board, the student may be referred to the county attorney under section 260A.06,  
74.29 subdivision 3. If the student's school district or charter school has not established a board,  
74.30 the student may be referred to the county attorney by the school district or charter school  
74.31 if the student continues to be truant after the parent or guardian has been sent or conveyed  
74.32 the notice under section 260A.03.

75.1 **ARTICLE 5**

75.2 **SPECIAL EDUCATION**

75.3 Section 1. Minnesota Statutes 2012, section 15.059, subdivision 5b, is amended to read:

75.4 Subd. 5b. **Continuation dependent on federal law.** Notwithstanding this section,  
75.5 the following councils and committees do not expire unless federal law no longer requires  
75.6 the existence of the council or committee:

75.7 (1) Rehabilitation Council for the Blind, created in section 248.10;

75.8 (2) Juvenile Justice Advisory Committee, created in section 299A.72;

75.9 (3) Governor's Workforce Development Council, created in section 116L.665;

75.10 (4) local workforce councils, created in section 116L.666, subdivision 2;

75.11 (5) Rehabilitation Council, created in section 268A.02, subdivision 2; ~~and~~

75.12 (6) Statewide Independent Living Council, created in section 268A.02, subdivision  
75.13 2; and

75.14 (7) Interagency Coordinating Council, created in section 125A.28.

75.15 Sec. 2. Minnesota Statutes 2012, section 125A.0941, is amended to read:

75.16 **125A.0941 DEFINITIONS.**

75.17 (a) The following terms have the meanings given them.

75.18 (b) "Emergency" means a situation where immediate intervention is needed to  
75.19 protect a child or other individual from physical injury ~~or to prevent serious property~~  
75.20 ~~damage.~~ Emergency does not mean circumstances such as: a child who does not respond  
75.21 to a task or request and instead places his or her head on a desk or hides under a desk or  
75.22 table; a child who does not respond to a staff person's request unless failing to respond  
75.23 would result in physical injury to the child or other individual; or an emergency incident  
75.24 has already occurred and no threat of physical injury currently exists.

75.25 (c) "Physical holding" means physical intervention intended to hold a child immobile  
75.26 or limit a child's movement, where body contact is the only source of physical restraint,  
75.27 and where immobilization is used to effectively gain control of a child in order to protect  
75.28 ~~the~~ a child or other person individual from physical injury. The term physical holding does  
75.29 not mean physical contact that:

75.30 (1) helps a child respond or complete a task;

75.31 (2) assists a child without restricting the child's movement;

75.32 (3) is needed to administer an authorized health-related service or procedure; or

75.33 (4) is needed to physically escort a child when the child does not resist or the child's  
75.34 resistance is minimal.

76.1 (d) "Positive behavioral interventions and supports" means interventions and  
76.2 strategies to improve the school environment and teach children the skills to behave  
76.3 appropriately.

76.4 (e) "Prone restraint" means placing a child in a face down position.

76.5 (f) "Restrictive procedures" means the use of physical holding or seclusion in an  
76.6 emergency. Restrictive procedures must not be used to punish or otherwise discipline a  
76.7 child.

76.8 (g) "Seclusion" means confining a child alone in a room from which egress is barred.  
76.9 Egress may be barred by an adult locking or closing the door in the room or preventing the  
76.10 child from leaving the room. Removing a child from an activity to a location where the  
76.11 child cannot participate in or observe the activity is not seclusion.

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

76.13 Sec. 3. Minnesota Statutes 2012, section 125A.0942, is amended to read:

76.14 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

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

76.19 (1) lists the list of restrictive procedures the school intends to use;

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

76.22 (3) describes how the school will monitor and review the use of restrictive  
76.23 procedures, including:

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

76.26 (ii) convening an oversight committee to undertake a quarterly review of the use  
76.27 of restrictive procedures based on patterns or problems indicated by similarities in the  
76.28 time of day, day of the week, duration of the use of a procedure, the individuals involved,  
76.29 or other factors associated with the use of restrictive procedures; the number of times a  
76.30 restrictive procedure is used schoolwide and for individual children; the number and types  
76.31 of injuries, if any, resulting from the use of restrictive procedures; whether restrictive  
76.32 procedures are used in nonemergency situations; the need for additional staff training; and  
76.33 proposed actions to minimize the use of restrictive procedures; and

77.1 ~~(3)~~ (4) includes a written description and documentation of the training staff  
77.2 completed under subdivision 5.

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

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

77.6 (2) an expert in positive behavior strategies;

77.7 (3) a special education administrator; and

77.8 (4) a general education administrator.

77.9 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a  
77.10 licensed special education teacher, school social worker, school psychologist, behavior  
77.11 analyst certified by the National Behavior Analyst Certification Board, a person with a  
77.12 master's degree in behavior analysis, other licensed education professional, highly qualified  
77.13 paraprofessional under section 120B.363, or mental health professional under section  
77.14 245.4871, subdivision 27, who has completed the training program under subdivision 5.

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

77.19 ~~(c) When restrictive procedures are used twice in 30 days or when a pattern emerges~~  
77.20 ~~and restrictive procedures are not included in a child's individualized education program~~  
77.21 ~~or behavior intervention plan; The district must hold a meeting of the individualized~~  
77.22 ~~education program team, conduct or review a functional behavioral analysis, review data,~~  
77.23 ~~consider developing additional or revised positive behavioral interventions and supports,~~  
77.24 ~~consider actions to reduce the use of restrictive procedures, and modify the individualized~~  
77.25 ~~education program or behavior intervention plan as appropriate. The district must hold~~  
77.26 ~~the meeting: within ten calendar days after district staff use restrictive procedures on two~~  
77.27 ~~separate school days within 30 calendar days or a pattern of use emerges and the child's~~  
77.28 ~~individualized education program or behavior intervention plan does not provide for using~~  
77.29 ~~restrictive procedures in an emergency; or at the request of a parent or the district after~~  
77.30 ~~restrictive procedures are used. The district must review use of restrictive procedures at a~~  
77.31 ~~child's annual individualized education program meeting when the child's individualized~~  
77.32 ~~education program provides for using restrictive procedures in an emergency.~~

77.33 (d) If the individualized education program team under paragraph (c) determines  
77.34 that existing interventions and supports are ineffective in reducing the use of restrictive  
77.35 procedures or the district uses restrictive procedures on a child on ten or more school days  
77.36 during the same school year, the team, as appropriate, either must consult with other

78.1 professionals working with the child; consult with experts in behavior analysis, mental  
 78.2 health, communication, or autism; consult with culturally competent professionals;  
 78.3 review existing evaluations, resources, and successful strategies; or consider whether to  
 78.4 reevaluate the child.

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

78.10 ~~(d)~~ (f) An individualized education program team may plan for using restrictive  
 78.11 procedures and may include these procedures in a child's individualized education  
 78.12 program or behavior intervention plan; however, the restrictive procedures may be used  
 78.13 only in response to behavior that constitutes an emergency, consistent with this section.  
 78.14 The individualized education program or behavior intervention plan shall indicate how the  
 78.15 parent wants to be notified when a restrictive procedure is used.

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

78.19 (1) ~~the physical holding or seclusion must be~~ is the least intrusive intervention  
 78.20 that effectively responds to the emergency;

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

78.22 (3) physical holding or seclusion must end ends when the threat of harm ends and  
 78.23 the staff determines ~~that~~ the child can safely return to the classroom or activity;

78.24 ~~(3)~~ (4) staff ~~must~~ directly ~~observe~~ observes the child while physical holding or  
 78.25 seclusion is being used;

78.26 ~~(4)~~ (5) each time physical holding or seclusion is used, the staff person who  
 78.27 implements or oversees the physical holding or seclusion ~~shall document~~ documents, as  
 78.28 soon as possible after the incident concludes, the following information:

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

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

78.32 (iii) the time the physical holding or seclusion began and the time the child was  
 78.33 released; and

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

78.35 ~~(5)~~ (6) the room used for seclusion must:

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

- 79.1 (ii) be well lit, well ventilated, adequately heated, and clean;
- 79.2 (iii) have a window that allows staff to directly observe a child in seclusion;
- 79.3 (iv) have tamperproof fixtures, electrical switches located immediately outside the
- 79.4 door, and secure ceilings;
- 79.5 (v) have doors that open out and are unlocked, locked with keyless locks that
- 79.6 have immediate release mechanisms, or locked with locks that have immediate release
- 79.7 mechanisms connected with a fire and emergency system; and
- 79.8 (vi) not contain objects that a child may use to injure the child or others;
- 79.9 ~~(6)~~ (7) before using a room for seclusion, a school must:
- 79.10 (i) receive written notice from local authorities that the room and the locking
- 79.11 mechanisms comply with applicable building, fire, and safety codes; and
- 79.12 (ii) register the room with the commissioner, who may view that room; and
- 79.13 ~~(7)~~ (8) until August 1, ~~2013~~ 2015, a school district may use prone restraints with
- 79.14 children age five or older ~~under the following conditions~~ if:
- 79.15 (i) ~~a~~ the district has provided to the department a list of staff who have had specific
- 79.16 training on the use of prone restraints;
- 79.17 (ii) ~~a~~ the district provides information on the type of training that was provided
- 79.18 and by whom;
- 79.19 (iii) ~~prone restraints may only be used by~~ staff who have received specific training
- 79.20 use prone restraints;
- 79.21 (iv) each incident of the use of prone restraints is reported to the department within
- 79.22 five working days on a form provided by the department; and
- 79.23 (v) ~~a~~ the district, ~~prior to~~ before using prone restraints, must review any known
- 79.24 medical or psychological limitations that contraindicate the use of prone restraints.
- 79.25 ~~The department will report back to the chairs and ranking minority members of the~~
- 79.26 ~~legislative committees with primary jurisdiction over education policy by February~~
- 79.27 ~~1, 2013, on the use of prone restraints in the schools. Consistent with item (iv), The~~
- 79.28 department must collect data on districts' use of prone restraints and publish the data in a
- 79.29 readily accessible format on the department's Web site on a quarterly basis.
- 79.30 (b) ~~The department must develop a statewide plan by February 1, 2013, to reduce~~
- 79.31 ~~districts' use of restrictive procedures that includes~~ By March 1, 2014, stakeholders must
- 79.32 recommend to the commissioner specific and measurable implementation and outcome
- 79.33 goals for reducing the use of restrictive procedures and the commissioner must submit to
- 79.34 the legislature a report on districts' progress in reducing the use of restrictive procedures
- 79.35 that recommends how to further reduce these procedures and eliminate the use of prone
- 79.36 restraints. The statewide plan includes the following components: measurable goals; the

80.1 resources, training, technical assistance, mental health services, and collaborative efforts  
80.2 needed to significantly reduce districts' use of prone restraints; and recommendations  
80.3 to clarify and improve the law governing districts' use of restrictive procedures. The  
80.4 ~~department must convene~~ commissioner must consult with interested stakeholders to  
80.5 ~~develop the statewide plan and identify the need for technical assistance~~ when preparing  
80.6 the report, including representatives of advocacy organizations, special education  
80.7 directors, intermediate school districts, school boards, day treatment providers, county  
80.8 social services, state human services department staff, mental health professionals, and  
80.9 autism experts. ~~To assist the department and stakeholders under this paragraph, school~~  
80.10 ~~districts must report summary data to the department by July 1, 2012, on districts' use of~~  
80.11 ~~restrictive procedures during the 2011-2012 school year, including data on the number~~  
80.12 ~~of incidents involving restrictive procedures, the total number of students on which~~  
80.13 ~~restrictive procedures were used, the number of resulting injuries, relevant demographic~~  
80.14 ~~data on the students and school, and other relevant data collected by the district.~~ By June  
80.15 30 each year, districts must report summary data on their use of restrictive procedures to  
80.16 the department, in a form and manner determined by the commissioner.

80.17 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

80.18 (1) engaging in conduct prohibited under section 121A.58;

80.19 (2) requiring a child to assume and maintain a specified physical position, activity,  
80.20 or posture that induces physical pain;

80.21 (3) totally or partially restricting a child's senses as punishment;

80.22 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,  
80.23 substance, or spray as punishment;

80.24 (5) denying or restricting a child's access to equipment and devices such as walkers,  
80.25 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,  
80.26 except when temporarily removing the equipment or device is needed to prevent injury  
80.27 to the child or others or serious damage to the equipment or device, in which case the  
80.28 equipment or device shall be returned to the child as soon as possible;

80.29 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or  
80.30 physical abuse under section 626.556;

80.31 (7) withholding regularly scheduled meals or water;

80.32 (8) denying access to bathroom facilities; and

80.33 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or  
80.34 impairs a child's ability to communicate distress, places pressure or weight on a child's  
80.35 head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in  
80.36 straddling a child's torso.



81.1 Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1,  
 81.2 staff who use restrictive procedures, including highly qualified paraprofessionals, shall  
 81.3 complete training in the following skills and knowledge areas:

- 81.4 (1) positive behavioral interventions;
- 81.5 (2) communicative intent of behaviors;
- 81.6 (3) relationship building;
- 81.7 (4) alternatives to restrictive procedures, including techniques to identify events and  
 81.8 environmental factors that may escalate behavior;
- 81.9 (5) de-escalation methods;
- 81.10 (6) standards for using restrictive procedures only in an emergency;
- 81.11 (7) obtaining emergency medical assistance;
- 81.12 (8) the physiological and psychological impact of physical holding and seclusion;
- 81.13 (9) monitoring and responding to a child's physical signs of distress when physical  
 81.14 holding is being used; ~~and~~
- 81.15 (10) recognizing the symptoms of and interventions that may cause positional  
 81.16 asphyxia when physical holding is used;
- 81.17 (11) district policies and procedures for timely reporting and documentation of each  
 81.18 incident involving use of a restricted procedure; and
- 81.19 (12) schoolwide programs on positive behavior strategies.

81.20 (b) The commissioner, after consulting with the commissioner of human services,  
 81.21 must develop and maintain a list of training programs that satisfy the requirements of  
 81.22 paragraph (a). The commissioner also must develop and maintain a list of experts to  
 81.23 help individualized education program teams reduce the use of restrictive procedures.  
 81.24 The district shall maintain records of staff who have been trained and the organization  
 81.25 or professional that conducted the training. The district may collaborate with children's  
 81.26 community mental health providers to coordinate trainings.

81.27 Subd. 6. **Behavior supports.** School districts are encouraged to establish effective  
 81.28 schoolwide systems of positive behavior interventions and supports. Nothing in this  
 81.29 section or section 125A.0941 precludes the use of reasonable force under sections  
 81.30 121A.582; 609.06, subdivision 1; and 609.379.

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

81.32 Sec. 4. Minnesota Statutes 2012, section 125A.27, subdivision 8, is amended to read:

81.33 Subd. 8. **Eligibility for Part C.** "Eligibility for Part C" means eligibility for  
 81.34 ~~early childhood special education~~ infant and toddler intervention services under section  
 81.35 125A.02 and Minnesota Rules.

82.1 Sec. 5. Minnesota Statutes 2012, section 125A.27, subdivision 11, is amended to read:

82.2 Subd. 11. **Interagency child find systems.** "Interagency child find systems" means  
82.3 activities developed on an interagency basis with the involvement of interagency early  
82.4 intervention committees and other relevant community groups, including primary referral  
82.5 sources included in Code of Federal Regulations, title 34, section 303.303(c), using  
82.6 rigorous standards to actively seek out, identify, and refer infants and young children,  
82.7 with, or at risk of, disabilities, and their families, ~~including a child~~ to reduce the need for  
82.8 future services. The child find system must mandate referrals for a child under the age of  
82.9 three who: (1) is involved in the subject of a substantiated case of abuse or neglect, or  
82.10 (2) is identified as directly affected by illegal substance abuse, or withdrawal symptoms  
82.11 resulting from prenatal drug exposure, to reduce the need for future services. The referral  
82.12 procedures must specify that a referral must occur within seven calendar days from the  
82.13 date of identification.

82.14 Sec. 6. Minnesota Statutes 2012, section 125A.27, subdivision 14, is amended to read:

82.15 Subd. 14. **Parent.** "Parent" means ~~the biological parent with parental rights,~~  
82.16 ~~adoptive parent, legal guardian, or surrogate parent~~ "parent" as defined by Code of Federal  
82.17 Regulations, title 34, section 303.27, or a surrogate parent appointed in accordance with  
82.18 Code of Federal Regulations, title 34, section 303.422, or United States Code, title 20,  
82.19 section 1439(a)(5).

82.20 Sec. 7. Minnesota Statutes 2012, section 125A.28, is amended to read:

82.21 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

82.22 An Interagency Coordinating Council of at least 17, but not more than 25 members  
82.23 is established, in compliance with Public Law 108-446, section 641. The members must  
82.24 be appointed by the governor and reasonably represent the population of Minnesota.  
82.25 Council members must elect the council chair, who may not be a representative of the  
82.26 Department of Education. ~~The representative of the commissioner may not serve as the~~  
82.27 ~~chair.~~ The council must be composed of at least five parents, including persons of color,  
82.28 of children with disabilities under age 12, including at least three parents of a child  
82.29 with a disability under age seven, five representatives of public or private providers  
82.30 of services for children with disabilities under age five, including a special education  
82.31 director, county social service director, local Head Start director, and a community health  
82.32 services or public health nursing administrator, one member of the senate, one member of  
82.33 the house of representatives, one representative of teacher preparation programs in early  
82.34 childhood-special education or other preparation programs in early childhood intervention,

83.1 at least one representative of advocacy organizations for children with disabilities under  
83.2 age five, one physician who cares for young children with special health care needs, one  
83.3 representative each from the commissioners of commerce, education, health, human  
83.4 services, a representative from the state agency responsible for child care, foster care,  
83.5 mental health, homeless coordinator of education of homeless children and youth, and a  
83.6 representative from Indian health services or a tribal council. Section 15.059, subdivisions  
83.7 2 to 5, apply to the council. The council must meet at least quarterly.

83.8 The council must address methods of implementing the state policy of developing  
83.9 and implementing comprehensive, coordinated, multidisciplinary interagency programs of  
83.10 early intervention services for children with disabilities and their families.

83.11 The duties of the council include recommending policies to ensure a comprehensive  
83.12 and coordinated system of all state and local agency services for children under age five  
83.13 with disabilities and their families. The policies must address how to incorporate each  
83.14 agency's services into a unified state and local system of multidisciplinary assessment  
83.15 practices, individual intervention plans, comprehensive systems to find children in need of  
83.16 services, methods to improve public awareness, and assistance in determining the role of  
83.17 interagency early intervention committees.

83.18 On the date that Minnesota Part C Annual Performance Report is submitted to the  
83.19 federal Office of Special Education, the council must recommend to the governor and the  
83.20 commissioners of education, health, human services, commerce, and employment and  
83.21 economic development policies for a comprehensive and coordinated system.

83.22 On an annual basis, the council must prepare and submit an annual report to the  
83.23 governor and the secretary of the federal Department of Education on the status of early  
83.24 intervention services and programs for infants and toddlers with disabilities and their  
83.25 families under the Individuals with Disabilities Education Act, United States Code, title  
83.26 20, sections 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The  
83.27 Minnesota Part C annual performance report may serve as the report.

83.28 Notwithstanding any other law to the contrary, the State Interagency Coordinating  
83.29 Council ~~expires on June 30, 2014~~ does not expire unless federal law no longer requires  
83.30 the existence of the council or committee.

83.31 Sec. 8. Minnesota Statutes 2012, section 125A.29, is amended to read:

83.32 **125A.29 RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL**  
83.33 **BOARDS.**

83.34 (a) It is the joint responsibility of county boards and school boards to coordinate,  
83.35 provide, and pay for appropriate services, and to facilitate payment for services from public

84.1 and private sources. Appropriate services for children eligible under section 125A.02 must  
84.2 be determined in consultation with parents, physicians, and other educational, medical,  
84.3 health, and human services providers. The services provided must be in conformity with:

84.4 (1) an IFSP for each eligible infant and toddler from birth through age two and  
84.5 the infant's or toddler's family including:

84.6 (i) American Indian infants and toddlers with disabilities and their families residing  
84.7 on a reservation geographically located in the state;

84.8 (ii) infants and toddlers with disabilities who are homeless children and their  
84.9 families; and

84.10 (iii) infants and toddlers with disabilities who are wards of the state; or

84.11 (2) an individualized education program (IEP) or individual service plan (ISP) for  
84.12 each eligible child ages three through four.

84.13 (b) Appropriate early intervention services include ~~family education and~~  
84.14 ~~counseling, home visits, occupational and physical therapy, speech pathology, audiology,~~  
84.15 ~~psychological services, special instruction, nursing, respite, nutrition, assistive technology,~~  
84.16 ~~transportation and related costs, social work, vision services, case management~~ services  
84.17 provided in conformity with an IFSP that are designed to meet the special developmental  
84.18 needs of an eligible child and the needs of the child's family related to enhancing the  
84.19 child's development and that are selected in collaboration with the parent. These services  
84.20 include core early intervention services and additional early intervention services listed in  
84.21 this section and infant and toddler intervention services defined under United States Code,  
84.22 title 20, sections 1431 to 1444 and Code of Federal Regulations, title 34, section 303,  
84.23 including service coordination under section 125A.33, medical services for diagnostic and  
84.24 evaluation purposes, early identification, and screening, assessment, and health services  
84.25 necessary to enable children with disabilities to benefit from early intervention services.

84.26 (c) School and county boards shall coordinate early intervention services. In the  
84.27 absence of agreements established according to section 125A.39, service responsibilities  
84.28 for children birth through age two are as follows:

84.29 (1) school boards must provide, pay for, and facilitate payment for special education  
84.30 and related services required under sections 125A.03 and 125A.06;

84.31 (2) county boards must provide, pay for, and facilitate payment for noneducational  
84.32 services of social work, psychology, transportation and related costs, nursing, respite, and  
84.33 nutrition services not required under clause (1).

84.34 (d) School and county boards may develop an interagency agreement according  
84.35 to section 125A.39 to establish agency responsibility that assures early intervention

85.1 services are coordinated, provided, paid for, and that payment is facilitated from public  
85.2 and private sources.

85.3 (e) County and school boards must jointly determine the primary agency in this  
85.4 cooperative effort and must notify the commissioner of the state lead agency of their  
85.5 decision.

85.6 Sec. 9. Minnesota Statutes 2012, section 125A.30, is amended to read:

85.7 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

85.8 (a) A school district, group of districts, or special education cooperative, in  
85.9 cooperation with the health and human service agencies located in the county or counties  
85.10 in which the district or cooperative is located, must establish an Interagency Early  
85.11 Intervention Committee for children with disabilities under age five and their families  
85.12 under this section, and for children with disabilities ages three to 22 consistent with  
85.13 the requirements under sections 125A.023 and 125A.027. Committees must include  
85.14 representatives of local health, education, and county human service agencies, county  
85.15 boards, school boards, early childhood family education programs, Head Start, parents of  
85.16 young children with disabilities under age 12, child care resource and referral agencies,  
85.17 school readiness programs, current service providers, and may also include representatives  
85.18 from other private or public agencies and school nurses. The committee must elect a chair  
85.19 from among its members and must meet at least quarterly.

85.20 (b) The committee must develop and implement interagency policies and procedures  
85.21 concerning the following ongoing duties:

85.22 (1) develop public awareness systems designed to inform potential recipient families,  
85.23 especially parents with premature infants, or infants with other physical risk factors  
85.24 associated with learning or development complications, of available programs and services;

85.25 (2) to reduce families' need for future services, and especially parents with premature  
85.26 infants, or infants with other physical risk factors associated with learning or development  
85.27 complications, implement interagency child find systems designed to actively seek out,  
85.28 identify, and refer infants and young children with, or at risk of, disabilities, including  
85.29 a child under the age of three who: (i) is ~~involved in~~ the subject of a substantiated case  
85.30 of abuse or neglect or (ii) is identified as directly affected by illegal substance abuse, or  
85.31 withdrawal symptoms resulting from prenatal drug exposure;

85.32 (3) establish and evaluate the identification, referral, child screening, evaluation,  
85.33 child- and family-directed assessment systems, procedural safeguard process,  
85.34 and community learning systems to recommend, where necessary, alterations and  
85.35 improvements;

86.1 (4) assure the development of individualized family service plans for all eligible  
 86.2 infants and toddlers with disabilities from birth through age two, and their families,  
 86.3 and individualized education programs and individual service plans when necessary to  
 86.4 appropriately serve children with disabilities, age three and older, and their families and  
 86.5 recommend assignment of financial responsibilities to the appropriate agencies;

86.6 (5) implement a process for assuring that services involve cooperating agencies at all  
 86.7 steps leading to individualized programs;

86.8 (6) facilitate the development of a ~~transitional~~ transition plan if a service provider is  
 86.9 not recommended to continue to provide services in the individual family service plan by  
 86.10 the time a child is two years and nine months old;

86.11 (7) identify the current services and funding being provided within the community  
 86.12 for children with disabilities under age five and their families;

86.13 (8) develop a plan for the allocation and expenditure of ~~additional state and~~ federal  
 86.14 early intervention funds under United States Code, title 20, section 1471 et seq. (Part C,  
 86.15 Public Law 108-446) and United States Code, title 20, section 631, et seq. (Chapter I,  
 86.16 Public Law 89-313); and

86.17 (9) develop a policy that is consistent with section 13.05, subdivision 9, and federal  
 86.18 law to enable a member of an interagency early intervention committee to allow another  
 86.19 member access to data classified as not public.

86.20 (c) The local committee shall also:

86.21 ~~(1) participate in needs assessments and program planning activities conducted by~~  
 86.22 ~~local social service, health and education agencies for young children with disabilities~~  
 86.23 ~~and their families; and~~

86.24 ~~(2) review and comment on the early intervention section of the total special~~  
 86.25 ~~education system for the district, the county social service plan, the section or sections of~~  
 86.26 ~~the community health services plan that address needs of and service activities targeted~~  
 86.27 ~~to children with special health care needs, the section on children with special needs in~~  
 86.28 ~~the county child care fund plan, sections in Head Start plans on coordinated planning and~~  
 86.29 ~~services for children with special needs, any relevant portions of early childhood education~~  
 86.30 ~~plans, such as early childhood family education or school readiness, or other applicable~~  
 86.31 ~~coordinated school and community plans for early childhood programs and services, and~~  
 86.32 ~~the section of the maternal and child health special project grants that address needs of and~~  
 86.33 ~~service activities targeted to children with chronic illness and disabilities.~~

86.34 Sec. 10. Minnesota Statutes 2012, section 125A.32, is amended to read:

86.35 **125A.32 INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP).**

87.1 (a) A team must participate in IFSP meetings to develop the IFSP. The team shall  
87.2 include:

87.3 (1) a parent or parents of the child, as defined in Code of Federal Regulations,  
87.4 title 34, section 303.27;

87.5 (2) other family members, as requested by the parent, if feasible to do so;

87.6 (3) an advocate or person outside of the family, if the parent requests that the  
87.7 person participate;

87.8 (4) the service coordinator who has been working with the family since the  
87.9 initial referral, or who has been designated by the public agency to be responsible for  
87.10 implementation of the IFSP and coordination with other agencies including transition  
87.11 services; ~~and~~

87.12 (5) a person or persons involved in conducting evaluations and assessments; and

87.13 (6) as appropriate, persons who will be providing early intervention services under  
87.14 the plan to the child or family.

87.15 (b) The IFSP must include:

87.16 (1) information about the child's developmental status;

87.17 (2) family information, with the consent of the family;

87.18 (3) measurable results or major outcomes expected to be achieved by the child with  
87.19 the family's assistance, that include developmentally appropriate preliteracy and language  
87.20 skills for the child, and the criteria, procedures, and timelines;

87.21 (4) specific early intervention services based on peer-reviewed research, to the  
87.22 extent practicable, necessary to meet the unique needs of the child and the family to  
87.23 achieve the outcomes;

87.24 (5) payment arrangements, if any;

87.25 (6) medical and other services that the child needs, but that are not required under  
87.26 the Individual with Disabilities Education Act, United States Code, title 20, section 1471  
87.27 et seq. (Part C, Public Law 108-446) including funding sources to be used in paying for  
87.28 those services and the steps that will be taken to secure those services through public  
87.29 or private sources;

87.30 (7) dates and duration of early intervention services;

87.31 (8) name of the service coordinator;

87.32 (9) steps to be taken to support a child's transition from early infant and toddler  
87.33 intervention services to other appropriate services, including convening a transition  
87.34 conference at least 90 days or, at the discretion of all parties, not more than nine months  
87.35 before the child is eligible for preschool services; and

88.1 (10) ~~signature of the parent and~~ authorized signatures of the agencies responsible  
88.2 for providing, paying for, or facilitating payment, or any combination of these, for early  
88.3 infant and toddler intervention services.

88.4 Sec. 11. Minnesota Statutes 2012, section 125A.33, is amended to read:

88.5 **125A.33 SERVICE COORDINATION.**

88.6 (a) The team responsible for the initial evaluation and the child- and family-directed  
88.7 assessment and for developing the IFSP under section 125A.32, if appropriate, must  
88.8 select a service coordinator to carry out service coordination activities on an interagency  
88.9 basis. Service coordination must actively promote a family's capacity and competency  
88.10 to identify, obtain, coordinate, monitor, and evaluate resources and services to meet the  
88.11 family's needs. Service coordination activities include:

88.12 (1) coordinating the performance of evaluations and assessments;

88.13 (2) facilitating and participating in the development, review, and evaluation of  
88.14 individualized family service plans;

88.15 (3) assisting families in identifying available service providers;

88.16 (4) coordinating and monitoring the delivery of available services;

88.17 (5) informing families of the availability of advocacy services;

88.18 (6) coordinating with medical, health, and other service providers;

88.19 (7) facilitating the development of a transition plan to preschool, school, or if  
88.20 appropriate, to other services, at least 90 days before the time the child is no longer  
88.21 eligible for early infant and toddler intervention services or, at the discretion of all parties,  
88.22 not more than nine months prior to the child's ~~eligibility for preschool services~~ third  
88.23 birthday, if appropriate;

88.24 (8) managing the early intervention record and submitting additional information to  
88.25 the local primary agency at the time of periodic review and annual evaluations; and

88.26 (9) notifying a local primary agency when disputes between agencies impact service  
88.27 delivery required by an IFSP.

88.28 (b) A service coordinator must be knowledgeable about children and families  
88.29 receiving services under this section, requirements of state and federal law, and services  
88.30 available in the interagency early childhood intervention system. The IFSP must include  
88.31 the name of the services coordinator from the profession most relevant to the child's or  
88.32 family's needs or who is otherwise qualified to carry out all applicable responsibilities  
88.33 under the Individuals with Disabilities Education Act, United States Code, title 20,  
88.34 sections 1471 to 1485 (Part C, Public Law 102-119), who will be responsible for



89.1 implementing the early intervention services identified in the child's IFSP, including  
89.2 transition services, and coordination with other agencies and persons.

89.3 Sec. 12. Minnesota Statutes 2012, section 125A.35, subdivision 1, is amended to read:

89.4 Subdivision 1. **Lead agency; allocation of resources.** The state lead agency must  
89.5 administer the early intervention account that consists of federal allocations. The Part C  
89.6 state plan must state the amount of federal resources in the early intervention account  
89.7 available for use by local agencies. The state lead agency must distribute the funds to the  
89.8 local primary agency designated by an Interagency Early Intervention Committee based  
89.9 on a formula that includes a December 1 count of the prior year of Part C eligible children  
89.10 for the following purposes:

89.11 (1) as provided in Code of Federal Regulations, title 34, part ~~303.425~~ 303.430, to  
89.12 arrange for payment for early intervention services not elsewhere available, or to pay for  
89.13 services during the pendency of a conflict procedure, including mediation, complaints, due  
89.14 process hearings, and interagency disputes; and

89.15 (2) to support interagency child find system activities.

89.16 Sec. 13. Minnesota Statutes 2012, section 125A.36, is amended to read:

89.17 **125A.36 PAYMENT FOR SERVICES.**

89.18 Core early intervention services must be provided at public expense with no cost to  
89.19 parents. Parents must be requested to assist in the cost of additional early intervention  
89.20 services by using third-party payment sources ~~and applying for available resources.~~  
89.21 Payment structures permitted under state law must be used to pay for additional early  
89.22 intervention services. Parental financial responsibility must be clearly defined in the  
89.23 IFSP. A parent's inability to pay must not prohibit a child from receiving needed early  
89.24 intervention services.

89.25 Sec. 14. Minnesota Statutes 2012, section 125A.43, is amended to read:

89.26 **125A.43 MEDIATION PROCEDURE.**

89.27 (a) The commissioner, or the commissioner's designee, of the state lead agency must  
89.28 use federal funds to provide mediation for the activities in paragraphs (b) and (c).

89.29 (b) A parent may resolve a dispute regarding issues in section 125A.42, paragraph  
89.30 (b), clause (5), through mediation. If the parent chooses mediation, mediation must be  
89.31 voluntary on the part of the parties. The parent and the public agencies must complete the  
89.32 mediation process within 30 calendar days of the date the ~~Office of Dispute Resolution~~  
89.33 Department of Education receives a parent's written request for mediation signed by

90.1 the parent and the district. The mediation process may not be used to delay a parent's  
90.2 right to a due process hearing. The resolution of the mediation is ~~not~~ binding on ~~any~~  
90.3 ~~party~~ both parties.

90.4 (c) Resolution of a dispute through mediation, or other form of alternative dispute  
90.5 resolution, is not limited to formal disputes arising from the objection of a parent or  
90.6 guardian and is not limited to the period following a request for a due process hearing.

90.7 (d) The commissioner shall provide training and resources to school districts to  
90.8 facilitate early identification of disputes and access to mediation.

90.9 (e) The local primary agency may request mediation on behalf of involved agencies  
90.10 when there are disputes between agencies regarding responsibilities to coordinate, provide,  
90.11 pay for, or facilitate payment for early intervention services.

90.12 Sec. 15. **RULEMAKING AUTHORITY.**

90.13 The commissioner of education shall amend Minnesota Rules related to the provision  
90.14 of special education under Part C of the Individuals with Disabilities Education Act using  
90.15 the expedited rulemaking process in section 14.389. The commissioner shall amend rules  
90.16 in response to new federal regulations in Code of Federal Regulations, title 34, part 303,  
90.17 including definitions of and procedures related to evaluation and assessment, including  
90.18 assessment of the child and family, initial evaluation and assessment, native language,  
90.19 the use of informed clinical opinion as an independent basis to establish eligibility, and  
90.20 transition of a toddler from Part C consistent with Code of Federal Regulations, title  
90.21 34, sections 303.24, 303.25 and 303.321.

90.22 Sec. 16. **APPROPRIATION.**

90.23 \$..... is appropriated from the general fund in fiscal year 2014 to the commissioner  
90.24 of education to: help school districts address the needs of children subject to a high use  
90.25 of prone restraints under Minnesota Statutes, sections 125A.0941 and 125A.0942; and  
90.26 work with the commissioner of human services to coordinate appropriations, resources,  
90.27 and staff expertise to help these children.

90.28 **EFFECTIVE DATE.** This section is effective July 1, 2013.

90.29 Sec. 17. **REPEALER.**

90.30 Minnesota Statutes 2012, section 125A.35, subdivisions 4 and 5, are repealed.

91.1 **ARTICLE 6**

91.2 **EARLY CHILDHOOD**

91.3 Section 1. Laws 2011, First Special Session chapter 11, article 7, section 2, subdivision  
91.4 8, as amended by Laws 2012, chapter 239, article 3, section 4, is amended to read:

91.5 Subd. 8. **Early childhood education scholarships.** For grants to early childhood  
91.6 education scholarships for public or private early childhood preschool programs for  
91.7 children ages 3 to 5:

91.8 \$ 2,000,000 ..... 2013

91.9 (a) All children whose parents or legal guardians meet the eligibility requirements  
91.10 of paragraph (b) established by the commissioner are eligible to receive early childhood  
91.11 education scholarships under this section.

91.12 (b) A parent or legal guardian is eligible for an early childhood education scholarship  
91.13 if the parent or legal guardian:

91.14 (1) has a child three or four years of age on September 1, beginning in calendar  
91.15 year 2012; and

91.16 (2)(i) has income equal to or less than 47 percent of the state median income in the  
91.17 current calendar year; or

91.18 (ii) can document their child's identification through another public funding  
91.19 eligibility process, including the Free and Reduced Price Lunch Program, National School  
91.20 Lunch Act, United States Code, title 42, section 1751, part 210; Head Start under federal  
91.21 Improving Head Start for School Readiness Act of 2007; Minnesota family investment  
91.22 program under chapter 256J; and child care assistance programs under chapter 119B.

91.23 Early childhood scholarships may not be counted as earned income for the purposes of  
91.24 medical assistance, MinnesotaCare, MFIP, child care assistance, or Head Start programs.

91.25 Each year, if this appropriation is insufficient to provide early childhood education  
91.26 scholarships to all eligible children, the Department of Education shall make scholarships  
91.27 available on a first-come, first-served basis.

91.28 The commissioner of education shall submit a written report to the education  
91.29 committees of the legislature by January 15, 2012, describing its plan for implementation  
91.30 of scholarships under this subdivision for the 2012-2013 school year.

91.31 Any balance in the first year does not cancel but is available in the second year.

91.32 The base for this program is \$3,000,000 each year."

91.33 Amend the title accordingly