

1.1 ..... moves to amend H.F. No. 1376 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **GENERAL EDUCATION**

1.5 Section 1. Minnesota Statutes 2016, section 121A.22, subdivision 2, is amended to read:

1.6 Subd. 2. **Exclusions.** In addition, this section does not apply to drugs or medicine that  
1.7 are:

1.8 (1) purchased without a prescription;

1.9 (2) used by a pupil who is 18 years old or older;

1.10 (3) used in connection with services for which a minor may give effective consent,  
1.11 including section 144.343, subdivision 1, and any other law;

1.12 (4) used in situations in which, in the judgment of the school personnel who are present  
1.13 or available, the risk to the pupil's life or health is of such a nature that drugs or medicine  
1.14 should be given without delay;

1.15 (5) used off the school grounds;

1.16 (6) used in connection with athletics or extra curricular activities;

1.17 (7) used in connection with activities that occur before or after the regular school day;

1.18 (8) provided or administered by a public health agency to prevent or control an illness  
1.19 or a disease outbreak as provided for in sections 144.05 and 144.12;

1.20 (9) prescription asthma or reactive airway disease medications self-administered by a  
1.21 pupil with an asthma inhaler, consistent with section 121A.221, if the district has received  
1.22 a written authorization from the pupil's parent permitting the pupil to self-administer the

2.1 medication, the inhaler is properly labeled for that student, and the parent has not requested  
2.2 school personnel to administer the medication to the pupil. The parent must submit written  
2.3 authorization for the pupil to self-administer the medication each school year; or

2.4 (10) epinephrine auto-injectors, consistent with section 121A.2205, if the parent and  
2.5 prescribing medical professional annually inform the pupil's school in writing that (i) the  
2.6 pupil may possess the epinephrine or (ii) the pupil is unable to possess the epinephrine and  
2.7 requires immediate access to epinephrine auto-injectors that the parent provides properly  
2.8 labeled to the school for the pupil as needed.

2.9 Sec. 2. Minnesota Statutes 2016, section 121A.221, is amended to read:

2.10 **121A.221 POSSESSION AND USE OF ASTHMA INHALERS BY ASTHMATIC**  
2.11 **STUDENTS.**

2.12 (a) Consistent with section 121A.22, subdivision 2, clause (9), in a school district that  
2.13 employs a school nurse or provides school nursing services under another arrangement, the  
2.14 school nurse or other appropriate party must assess the student's knowledge and skills to  
2.15 safely possess and use an asthma inhaler in a school setting and enter into the student's  
2.16 school health record a plan to implement safe possession and use of asthma inhalers.

2.17 (b) Consistent with section 121A.22, subdivision 2, clause (9), in a school that does not  
2.18 have a school nurse or school nursing services, the student's parent or guardian must submit  
2.19 written verification from the prescribing professional that documents an assessment of the  
2.20 student's knowledge and skills to safely possess and use an asthma inhaler in a school setting  
2.21 has been completed.

2.22 Sec. 3. Minnesota Statutes 2016, section 123B.92, subdivision 1, is amended to read:

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

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

2.27 (1) the sum of:

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

2.30 (ii) an amount equal to one year's depreciation on the district's school bus fleet and  
2.31 mobile units computed on a straight line basis at the rate of 15 percent per year for districts

3.1 operating a program under section 124D.128 for grades 1 to 12 for all students in the district  
3.2 and 12-1/2 percent per year for other districts of the cost of the fleet, plus

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

3.7 (2) the number of pupils eligible for transportation in the regular category, as defined  
3.8 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause  
3.9 (2).

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

3.12 (1) Regular transportation is:

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

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

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

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

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

3.30 For the purposes of this paragraph, a district may designate a licensed day care facility,  
3.31 school day care facility, respite care facility, the residence of a relative, or the residence of  
3.32 a person or other location chosen by the pupil's parent or guardian, or an after-school program  
3.33 for children operated by a political subdivision of the state, as the home of a pupil for part

4.1 or all of the day, if requested by the pupil's parent or guardian, and if that facility, residence,  
4.2 or program is within the attendance area of the school the pupil attends.

4.3 (2) Excess transportation is:

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

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

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

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

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

4.21 (ii) necessary transportation of pupils with disabilities from home or from school to  
4.22 other buildings, including centers such as developmental achievement centers, hospitals,  
4.23 and treatment centers where special instruction or services required by sections 125A.03 to  
4.24 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district  
4.25 where services are provided;

4.26 (iii) necessary transportation for resident pupils with disabilities required by sections  
4.27 125A.12, and 125A.26 to 125A.48;

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

4.29 (v) transportation from one educational facility to another within the district for resident  
4.30 pupils enrolled on a shared-time basis in educational programs, and necessary transportation  
4.31 required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils with disabilities  
4.32 who are provided special instruction and services on a shared-time basis or if resident pupils  
4.33 are not transported, the costs of necessary travel between public and private schools or

5.1 neutral instructional sites by essential personnel employed by the district's program for  
5.2 children with a disability;

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

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

5.8 (viii) services described in clauses (i) to (vii), when provided for pupils with disabilities  
5.9 in conjunction with a summer instructional program that relates to the pupil's individualized  
5.10 education program or in conjunction with a learning year program established under section  
5.11 124D.128.

5.12 For purposes of computing special education initial aid under section 125A.76, the cost  
5.13 of providing transportation for children with disabilities includes (A) the additional cost of  
5.14 transporting a student in a shelter care facility as defined in section 260C.007, subdivision  
5.15 30, a homeless student ~~from a temporary nonshelter home~~ in another district to the school  
5.16 of origin, or a formerly homeless student from a permanent home in another district to the  
5.17 school of origin but only through the end of the academic year; and (B) depreciation on  
5.18 district-owned school buses purchased after July 1, 2005, and used primarily for  
5.19 transportation of pupils with disabilities, calculated according to paragraph (a), clauses (ii)  
5.20 and (iii). Depreciation costs included in the disabled transportation category must be excluded  
5.21 in calculating the actual expenditure per pupil transported in the regular and excess  
5.22 transportation categories according to paragraph (a). For purposes of subitem (A), a school  
5.23 district may transport a child who does not have a school of origin to the same school  
5.24 attended by that child's sibling, if the siblings are homeless or in a shelter care facility.

5.25 (5) "Nonpublic nonregular transportation" is:

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

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

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

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

6.5 **EFFECTIVE DATE.** This section is effective retroactively from December 10, 2016.

6.6 Sec. 4. Minnesota Statutes 2016, section 127A.45, subdivision 10, is amended to read:

6.7 Subd. 10. **Payments to school nonoperating funds.** Each fiscal year state general fund  
 6.8 payments for a district nonoperating fund must be made at the current year aid payment  
 6.9 percentage of the estimated entitlement during the fiscal year of the entitlement. This amount  
 6.10 shall be paid in ~~12~~ six equal monthly installments from July through December. The amount  
 6.11 of the actual entitlement, after adjustment for actual data, minus the payments made during  
 6.12 the fiscal year of the entitlement must be paid prior to October 31 of the following school  
 6.13 year. The commissioner may make advance payments of debt service equalization aid and  
 6.14 state-paid tax credits for a district's debt service fund earlier than would occur under the  
 6.15 preceding schedule if the district submits evidence showing a serious cash flow problem in  
 6.16 the fund. The commissioner may make earlier payments during the year and, if necessary,  
 6.17 increase the percent of the entitlement paid to reduce the cash flow problem.

6.18 Sec. 5. **REPEALER.**

6.19 Minnesota Statutes 2016, section 124D.73, subdivision 2, is repealed.

## 6.20 **ARTICLE 2**

### 6.21 **EDUCATION EXCELLENCE**

6.22 Section 1. Minnesota Statutes 2016, section 120A.22, subdivision 9, is amended to read:

6.23 Subd. 9. **Curriculum Knowledge and skills.** Instruction must be provided in at least  
 6.24 the following subject areas:

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

6.26 (2) mathematics and science;

6.27 (3) social studies including history, geography, ~~and~~ economics, government, and  
 6.28 citizenship; and

6.29 (4) health and physical education.

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

7.3 Sec. 2. Minnesota Statutes 2016, section 120A.41, is amended to read:

7.4 **120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

7.5 (a) A school board's annual school calendar must include at least 425 hours of instruction  
7.6 for a kindergarten student without a disability, 935 hours of instruction for a student in  
7.7 grades 1 through 6, and 1,020 hours of instruction for a student in grades 7 through 12, not  
7.8 including summer school. The school calendar for all-day kindergarten must include at least  
7.9 850 hours of instruction for the school year. The school calendar for a prekindergarten  
7.10 student under section 124D.151, if offered by the district, must include at least 350 hours  
7.11 of instruction for the school year. A school board's annual calendar must include at least  
7.12 165 days of instruction for a student in grades 1 through 11 unless a four-day week schedule  
7.13 has been approved by the commissioner under section 124D.126.

7.14 (b) A school board's annual school calendar may include plans for up to five days of  
7.15 instruction provided through online instruction due to inclement weather. The inclement  
7.16 weather plans must be developed according to section 120A.414.

7.17 **Sec. 3. [120A.414] E-LEARNING DAYS.**

7.18 Subdivision 1. **Days.** "E-learning day" means a school day where a school offers full  
7.19 access to online instruction provided by students' individual teachers due to inclement  
7.20 weather. A school district or charter school that chooses to have e-learning days may have  
7.21 up to five e-learning days in one school year. An e-learning day is counted as a day of  
7.22 instruction and included in the hours of instruction under section 120A.41.

7.23 Subd. 2. **Plan.** A school board may adopt an e-learning plan after consulting with the  
7.24 exclusive representative of the teachers. A charter school may adopt an e-learning day plan  
7.25 after consulting with its teachers. The plan must include accommodations for students  
7.26 without Internet access at home and for digital device access for families without the  
7.27 technology or an insufficient amount of technology for the number of children in the  
7.28 household. A school's e-learning plan must provide accessible options for students with  
7.29 disabilities.

7.30 Subd. 3. **Annual notice.** A school district or charter school must notify parents and  
7.31 students of the e-learning day plan at the beginning of the school year.

8.1 Subd. 4. **Daily notice.** On an e-learning day declared by the school, a school district or  
8.2 charter school must notify parents and students at least two hours prior to the normal school  
8.3 start time that students need to follow the e-learning day plan for that day.

8.4 Subd. 5. **Teacher access.** Each student's teacher must be accessible both online and by  
8.5 telephone during normal school hours on an e-learning day to assist students and parents.

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

8.7 Sec. 4. Minnesota Statutes 2016, section 120B.021, subdivision 3, is amended to read:

8.8 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section  
8.9 and section 120B.022, must adopt statewide rules under section 14.389 for implementing  
8.10 statewide rigorous core academic standards in language arts, mathematics, science, social  
8.11 studies, physical education, and the arts. After the rules authorized under this subdivision  
8.12 are initially adopted, the commissioner may not amend or repeal these rules nor adopt new  
8.13 rules on the same topic without specific legislative authorization. ~~The academic standards~~  
8.14 ~~for language arts, mathematics, and the arts must be implemented for all students beginning~~  
8.15 ~~in the 2003-2004 school year. The academic standards for science and social studies must~~  
8.16 ~~be implemented for all students beginning in the 2005-2006 school year.~~

8.17 Sec. 5. Minnesota Statutes 2016, section 120B.022, subdivision 1b, is amended to read:

8.18 Subd. 1b. **State bilingual and multilingual seals.** (a) Consistent with efforts to strive  
8.19 for the world's best workforce under sections 120B.11 and 124E.03, subdivision 2, paragraph  
8.20 (i), and close the academic achievement and opportunity gap under sections 124D.861 and  
8.21 124D.862, voluntary state bilingual and multilingual seals are established to recognize high  
8.22 school students in any school district or charter school who demonstrate an advanced-low  
8.23 level or an intermediate high level of functional proficiency in listening, speaking, reading,  
8.24 and writing on either assessments aligned with American Council on the Teaching of Foreign  
8.25 Languages' (ACTFL) proficiency guidelines or on equivalent valid and reliable assessments  
8.26 in one or more languages in addition to English. American Sign Language is a language  
8.27 other than English for purposes of this subdivision and a world language for purposes of  
8.28 subdivision 1a.

8.29 (b) In addition to paragraph (a), to be eligible to receive a seal:

8.30 (1) students must satisfactorily complete all required English language arts credits; and

8.31 (2) students must demonstrate mastery of Minnesota's English language proficiency  
8.32 standards.



9.1 (c) Consistent with this subdivision, a high school student who demonstrates an  
9.2 intermediate high ACTFL level of functional proficiency in one language in addition to  
9.3 English is eligible to receive the state bilingual gold seal. A high school student who  
9.4 demonstrates an intermediate high ACTFL level of functional native proficiency in more  
9.5 than one language in addition to English is eligible to receive the state multilingual gold  
9.6 seal. A high school student who demonstrates an advanced-low ACTFL level of functional  
9.7 proficiency in one language in addition to English is eligible to receive the state bilingual  
9.8 platinum seal. A high school student who demonstrates an advanced-low ACTFL level of  
9.9 functional proficiency in more than one language in addition to English is eligible to receive  
9.10 the state multilingual platinum seal.

9.11 (d) School districts and charter schools may give students periodic opportunities to  
9.12 demonstrate their level of proficiency in listening, speaking, reading, and writing in a  
9.13 language in addition to English. Where valid and reliable assessments are unavailable, a  
9.14 school district or charter school may rely on evaluators trained in assessing under ACTFL  
9.15 proficiency guidelines to assess a student's level of foreign, heritage, or indigenous language  
9.16 proficiency under this section. School districts and charter schools must maintain appropriate  
9.17 records to identify high school students eligible to receive the state bilingual or multilingual  
9.18 gold and platinum seals. The school district or charter school must affix the appropriate seal  
9.19 to the transcript of each high school student who meets the requirements of this subdivision  
9.20 and may affix the seal to the student's diploma. A school district or charter school must not  
9.21 charge the high school student a fee for this seal.

9.22 (e) A school district or charter school may award elective course credits in world  
9.23 languages to a student who demonstrates the requisite proficiency in a language other than  
9.24 English under this section.

9.25 (f) A school district or charter school may award community service credit to a student  
9.26 who demonstrates an intermediate high or advanced-low ACTFL level of functional  
9.27 proficiency in listening, speaking, reading, and writing in a language other than English  
9.28 and who participates in community service activities that are integrated into the curriculum,  
9.29 involve the participation of teachers, and support biliteracy in the school or local community.

9.30 (g) The commissioner must list on the Web page those assessments that are aligned to  
9.31 ACTFL proficiency guidelines.

9.32 (h) By August 1, 2015, the colleges and universities of the Minnesota State Colleges  
9.33 and Universities system must establish criteria to translate the seals into college credits  
9.34 based on the world language course equivalencies identified by the Minnesota State Colleges

10.1 and Universities faculty and staff and, upon request from an enrolled student, the Minnesota  
10.2 State Colleges and Universities may award foreign language credits to a student who receives  
10.3 a Minnesota World Language Proficiency Certificate under subdivision 1a. A student who  
10.4 demonstrated the requisite level of language proficiency in grade 10, 11, or 12 to receive a  
10.5 seal or certificate and is enrolled in a Minnesota State Colleges and Universities institution  
10.6 must request college credits for the student's seal or proficiency certificate within three  
10.7 academic years after graduating from high school. The University of Minnesota is encouraged  
10.8 to award students foreign language academic credits consistent with this paragraph.

10.9 Sec. 6. Minnesota Statutes 2016, section 120B.232, subdivision 1, is amended to read:

10.10 Subdivision 1. **Character development education.** (a) Character education is the shared  
10.11 responsibility of parents, teachers, and members of the community. The legislature  
10.12 encourages districts to integrate or offer instruction on character education including, but  
10.13 not limited to, character qualities such as attentiveness, truthfulness, respect for authority,  
10.14 diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking,  
10.15 and resourcefulness. Instruction should be integrated into a district's existing programs,  
10.16 curriculum, or the general school environment. To the extent practicable, instruction should  
10.17 be integrated into positive behavioral intervention strategies, in accordance with section  
10.18 122A.627. The commissioner shall provide assistance at the request of a district to develop  
10.19 character education curriculum and programs.

10.20 (b) Character development education under paragraph (a) may include a voluntary  
10.21 elementary, middle, and high school program that incorporates the history and values of  
10.22 Congressional Medal of Honor recipients and may be offered as part of the social studies,  
10.23 English language arts, or other curriculum, as a schoolwide character building and veteran  
10.24 awareness initiative, or as an after-school program, among other possibilities.

10.25 Sec. 7. Minnesota Statutes 2016, section 120B.30, subdivision 1, is amended to read:

10.26 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with  
10.27 appropriate technical qualifications and experience and stakeholders, consistent with  
10.28 subdivision 1a, shall include in the comprehensive assessment system, for each grade level  
10.29 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics  
10.30 assessments for students that are aligned with the state's required academic standards under  
10.31 section 120B.021, include multiple choice questions, and are administered annually to all  
10.32 students in grades 3 through 8. State-developed high school tests aligned with the state's  
10.33 required academic standards under section 120B.021 and administered to all high school

11.1 students in a subject other than writing must include multiple choice questions. The  
11.2 commissioner shall establish one or more months during which schools shall administer  
11.3 the tests to students each school year.

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

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

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

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

11.20 (1) mathematics;

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

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

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

11.25 (3) language arts and reading; grades 3 through 8 and high school level beginning in the  
11.26 2012-2013 school year.

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

11.31 (1) an opportunity to participate on a nationally normed college entrance exam, in grade  
11.32 11 or grade 12;

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

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

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

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

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

12.30 (e) Though not a high school graduation requirement, students are encouraged to  
12.31 participate in a nationally recognized college entrance exam. To the extent state funding  
12.32 for college entrance exam fees is available, a district must pay the cost, one time, for an  
12.33 interested student in grade 11 or 12 to take a nationally recognized college entrance exam  
12.34 before graduating. A student must be able to take the exam under this paragraph at the

13.1 student's high school during the school day and at any one of the multiple exam  
13.2 administrations available to students in the district. A district may administer the ACT or  
13.3 SAT or both the ACT and SAT to comply with this paragraph. If the district administers  
13.4 only one of these two tests and a student opts not to take that test and chooses instead to  
13.5 take the other of the two tests, the student may take the other test at a different time or  
13.6 location and remains eligible for the examination fee reimbursement.

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

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

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

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

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

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

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

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

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

15.1 (o) The commissioner shall include the following components in the statewide public  
15.2 reporting system:

15.3 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through  
15.4 8 and testing at the high school levels that provides appropriate, technically sound  
15.5 accommodations or alternate assessments;

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

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

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

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

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

15.24 Sec. 8. Minnesota Statutes 2016, section 120B.36, subdivision 1, is amended to read:

15.25 Subdivision 1. **School performance reports and public reporting.** (a) The commissioner  
15.26 shall report student academic performance data under section 120B.35, subdivisions 2 and  
15.27 3; the percentages of students showing low, medium, and high growth under section 120B.35,  
15.28 subdivision 3, paragraph (b); school safety and student engagement and connection under  
15.29 section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35,  
15.30 subdivision 3, paragraph (c); the percentage of students under section 120B.35, subdivision  
15.31 3, paragraph (b), clause (2), whose progress and performance levels are meeting career and  
15.32 college readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35,  
15.33 subdivision 3, paragraph (e); longitudinal data on the progress of eligible districts in reducing

16.1 disparities in students' academic achievement and realizing racial and economic integration  
16.2 under section 124D.861; the acquisition of English, and where practicable, native language  
16.3 academic literacy, including oral academic language, and the academic progress of all  
16.4 English learners enrolled in a Minnesota public school course or program who are currently  
16.5 or were previously counted as English learners under section 124D.59; two separate  
16.6 student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections  
16.7 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding  
16.8 salaries; student enrollment demographics; foster care status, including all students enrolled  
16.9 in a Minnesota public school course or program who are currently or were previously in  
16.10 foster care, student homelessness, and district mobility; and extracurricular activities. ~~The~~  
16.11 ~~report also must indicate a school's status under applicable federal law.~~

16.12 (b) The school performance report for a school site and a school district must include  
16.13 school performance reporting information and calculate proficiency rates as required by the  
16.14 most recently reauthorized Elementary and Secondary Education Act.

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

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

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

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

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

16.28 Sec. 9. Minnesota Statutes 2016, section 124D.03, subdivision 5a, is amended to read:

16.29 Subd. 5a. **Lotteries.** If a school district has more applications than available seats at a  
16.30 specific grade level, it must hold an impartial lottery following the January 15 deadline to  
16.31 determine which students will receive seats. The district must give priority to enrolling:

16.32 (1) siblings of currently enrolled students;



17.1 (2) students whose applications are related to an approved integration and achievement  
 17.2 plan, and;

17.3 (3) children of the school district's staff must receive priority in the lottery; and

17.4 (4) students residing in that part of a municipality, defined under section 469.1812,  
 17.5 subdivision 3, where:

17.6 (i) the student's resident district does not operate a school building;

17.7 (ii) the nonresident district in which the student seeks to enroll operates one or more  
 17.8 school buildings within the municipality; and

17.9 (iii) no other nonresident district operates a school building within the municipality.

17.10 The process for the school district lottery must be established in school district policy,  
 17.11 approved by the school board, and posted on the school district's Web site.

17.12 **EFFECTIVE DATE.** This section is effective for lotteries conducted beginning July  
 17.13 1, 2017.

17.14 Sec. 10. Minnesota Statutes 2016, section 124D.09, subdivision 3, is amended to read:

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

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

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

17.23 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under  
 17.24 subdivision 5 enrolls to earn both secondary and postsecondary credits, are taught by a  
 17.25 secondary teacher or a postsecondary faculty member, and are offered at a high school for  
 17.26 which the district is eligible to receive concurrent enrollment program aid under section  
 17.27 124D.091.

17.28 Sec. 11. Minnesota Statutes 2016, section 124D.09, subdivision 5, is amended to read:

17.29 Subd. 5. **Authorization; notification.** Notwithstanding any other law to the contrary,  
 17.30 an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal

18.1 contract or grant school eligible for aid under section 124D.83, except a foreign exchange  
 18.2 pupil enrolled in a district under a cultural exchange program, may apply to an eligible  
 18.3 institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that  
 18.4 postsecondary institution. ~~Notwithstanding any other law to the contrary, a 9th or 10th grade~~  
 18.5 ~~pupil enrolled in a district or an American Indian-controlled tribal contract or grant school~~  
 18.6 ~~eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district~~  
 18.7 ~~under a cultural exchange program, may apply to enroll in nonsectarian courses offered~~  
 18.8 ~~under subdivision 10, if (1) the school district and the eligible postsecondary institution~~  
 18.9 ~~providing the course agree to the student's enrollment or (2) the course is a world language~~  
 18.10 ~~course currently available to 11th and 12th grade students, and consistent with section~~  
 18.11 ~~120B.022 governing world language standards, certificates, and seals. If an institution~~  
 18.12 accepts a secondary pupil for enrollment under this section, the institution shall send written  
 18.13 notice to the pupil, the pupil's school or school district, and the commissioner ~~within ten~~  
 18.14 ~~days of acceptance.~~ The notice must indicate the course and hours of enrollment of that  
 18.15 pupil. If the pupil enrolls in a course for postsecondary credit, the institution must notify  
 18.16 the pupil about payment in the customary manner used by the institution.

18.17 Sec. 12. Minnesota Statutes 2016, section 124D.09, is amended by adding a subdivision  
 18.18 to read:

18.19 Subd. 5b. **Authorization; 9th or 10th grade pupil.** Notwithstanding any other law to  
 18.20 the contrary, a 9th or 10th grade pupil enrolled in a district or an American Indian-controlled  
 18.21 tribal contract or grant school eligible for aid under section 124D.83, except a foreign  
 18.22 exchange pupil enrolled in a district under a cultural exchange program, may apply to enroll  
 18.23 in nonsectarian courses offered under subdivision 10, if:

18.24 (1) the school district and the eligible postsecondary institution providing the course  
 18.25 agree to the student's enrollment; or

18.26 (2) the course is a world language course currently available to 11th and 12th grade  
 18.27 students, and consistent with section 120B.022 governing world language standards,  
 18.28 certificates, and seals.

18.29 Sec. 13. Minnesota Statutes 2016, section 124D.09, subdivision 13, is amended to read:

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

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

19.7 A postsecondary institution shall receive the following:

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

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

19.14 The department must pay to each postsecondary institution 100 percent of the amount  
19.15 in clause (1) or (2) within ~~30~~45 days of receiving initial enrollment information each quarter  
19.16 or semester. If changes in enrollment occur during a quarter or semester, the change shall  
19.17 be reported by the postsecondary institution at the time the enrollment information for the  
19.18 succeeding quarter or semester is submitted. At any time the department notifies a  
19.19 postsecondary institution that an overpayment has been made, the institution shall promptly  
19.20 remit the amount due.

19.21 **Sec. 14. [124D.4535] INNOVATIVE DELIVERY OF CAREER AND TECHNICAL**  
19.22 **EDUCATION PROGRAMS; SHARING OF DISTRICT RESOURCES.**

19.23 Subdivision 1. Establishment; requirements for participation. (a) A program is  
19.24 established to improve student, career and college readiness, and school outcomes by  
19.25 allowing groups of school districts to work together in partnership with local and regional  
19.26 postsecondary institutions and programs, community institutions, and other private, public,  
19.27 for-profit, and nonprofit workplace partners, to:

19.28 (1) provide innovative education programs and activities that integrate core academic  
19.29 and career and technical subjects in students' programs of study through coordinated  
19.30 secondary and postsecondary career and technical programs leading to an industry  
19.31 certification or other credential;

19.32 (2) provide embedded professional development for program participants;

20.1 (3) use performance assessments in authentic settings to measure students' technical  
20.2 skills and progress toward attaining an industry certification or other credential; and  
20.3 (4) efficiently share district, institution, and workplace resources.

20.4 (b) To participate in this program to improve student, career and college readiness, and  
20.5 school outcomes, a group of two or more school districts must collaborate with school staff  
20.6 and project partners and receive formal school board approval to form a partnership. The  
20.7 partnership must develop a plan to provide challenging programmatic options for students  
20.8 under paragraph (a), create professional development opportunities for educators and other  
20.9 program participants, increase student engagement and connection and challenging learning  
20.10 opportunities for diverse populations of students that are focused on employability skills  
20.11 and technical, job-specific skills related to a specific career pathway, or demonstrate  
20.12 efficiencies in delivering financial and other services needed to realize plan goals and  
20.13 objectives. The plan must include:

20.14 (1) collaborative education goals and objectives;

20.15 (2) strategies and processes to implement those goals and objectives, including a budget  
20.16 process with periodic expenditure reviews;

20.17 (3) valid and reliable measures including performance assessments in authentic settings  
20.18 and progress toward attaining an industry certification or other credential, among other  
20.19 measures, to evaluate progress in realizing the goals and objectives;

20.20 (4) an implementation timeline; and

20.21 (5) other applicable conditions, regulations, responsibilities, duties, provisions, fee  
20.22 schedules, and legal considerations needed to fully implement the plan.

20.23 A partnership may invite additional districts or other participants under paragraph (a) to  
20.24 join the partnership after notifying the commissioner.

20.25 (c) A partnership of interested districts must submit an application to the commissioner  
20.26 of education in the form and manner the commissioner determines, consistent with the  
20.27 requirements of this section. The application must contain the formal approval adopted by  
20.28 the school board in each district to participate in the plan.

20.29 (d) Notwithstanding other law to the contrary, a participating school district under this  
20.30 section continues to: receive revenue and maintain its taxation authority; be organized and  
20.31 governed by an elected school board with general powers under section 123B.02; and be  
20.32 subject to employment agreements under chapter 122A, and section 179A.20; and district  
20.33 employees continue to remain employees of the employing school district.

21.1 (e) Participating districts must submit a biennial report by February 1 in each  
 21.2 odd-numbered year to the education committees of the legislature and the commissioner of  
 21.3 education that includes performance assessment, high school graduation, and career and  
 21.4 technical certification data to show the success of the partnership in preparing diverse  
 21.5 populations of students for careers and jobs.

21.6 Subd. 2. Commissioner's role. The commissioner of education must convene an advisory  
 21.7 panel to advise the commissioner on applicants' qualifications to participate in this program.  
 21.8 The commissioner must ensure an equitable geographical distribution of program participants  
 21.9 to the extent practicable. The commissioner must select only those applicants that fully  
 21.10 comply with the requirements in subdivision 1. The commissioner may terminate a program  
 21.11 participant that fails to effectively implement the goals and objectives contained in its  
 21.12 application and according to its stated timeline.

21.13 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment  
 21.14 and applies to those applications submitted after that date.

21.15 (b) Districts already approved for an innovation zone pilot project under Laws 2012,  
 21.16 chapter 263, section 1, as amended by Laws 2014, chapter 312, article 15, section 24, may  
 21.17 continue to operate.

21.18 Sec. 15. Minnesota Statutes 2016, section 124D.549, is amended to read:

21.19 **124D.549 GENERAL EDUCATION DEVELOPMENT (GED) TESTS RULES;**  
 21.20 **COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY**  
 21.21 **TEST.**

21.22 The commissioner may amend rules to reflect changes in the national minimum standard  
 21.23 score for passing the general education development (GED) tests, in consultation with adult  
 21.24 basic education stakeholders, must select a high school equivalency test. The commissioner  
 21.25 may issue a high school equivalency diploma to a Minnesota resident 19 years of age or  
 21.26 older who has not earned a high school diploma and who has not previously been issued a  
 21.27 general education development (GED) test and who has exceeded or achieved a minimum  
 21.28 passing score on the equivalency test established by the publisher. The commissioner of  
 21.29 education may waive the minimum age requirement if supportive evidence is provided by  
 21.30 an employer or a recognized education or rehabilitation provider.

22.1 Sec. 16. Minnesota Statutes 2016, section 124D.55, is amended to read:

22.2 **~~124D.55 GENERAL EDUCATION DEVELOPMENT (GED)~~**

22.3 **COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY TEST FEES.**

22.4 The commissioner shall pay 60 percent of the fee that is charged to an eligible individual  
22.5 for the full battery of ~~general education development (GED)~~ the commissioner-selected  
22.6 high school equivalency tests, but not more than \$40 for an eligible individual.

22.7 For fiscal year 2017 only, the commissioner shall pay 100 percent of the fee charged to  
22.8 an eligible individual for the full battery of ~~general education development (GED)~~ the  
22.9 commissioner-selected high school equivalency tests, but not more than the cost of one full  
22.10 battery of tests per year for any individual.

22.11 Sec. 17. Minnesota Statutes 2016, section 124E.03, subdivision 2, is amended to read:

22.12 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall  
22.13 meet all federal, state, and local health and safety requirements applicable to school districts.

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

22.16 (c) A charter school must comply with the Minnesota Public School Fee Law, sections  
22.17 123B.34 to 123B.39.

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

22.19 (e) A charter school must comply with the Pledge of Allegiance requirement under  
22.20 section 121A.11, subdivision 3.

22.21 (f) A charter school and charter school board of directors must comply with chapter 181  
22.22 governing requirements for employment.

22.23 (g) A charter school must comply with continuing truant notification under section  
22.24 260A.03.

22.25 (h) A charter school must develop and implement a teacher evaluation and peer review  
22.26 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place  
22.27 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).

22.28 The teacher evaluation process in this paragraph does not create any additional employment  
22.29 rights for teachers.

23.1 (i) A charter school must adopt a policy, plan, budget, and process, consistent with  
23.2 section 120B.11, to review curriculum, instruction, and student achievement and strive for  
23.3 the world's best workforce.

23.4 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,  
23.5 sections 121A.40 to 121A.56.

23.6 Sec. 18. Minnesota Statutes 2016, section 124E.11, is amended to read:

23.7 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

23.8 (a) A charter school, including its free preschool or prekindergarten program established  
23.9 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

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

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

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

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

23.21 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil  
23.22 and to a foster child of that pupil's parents and may give preference for enrolling children  
23.23 of the school's staff before accepting other pupils by lot. A charter school that is located in  
23.24 Duluth township in St. Louis County and admits students in kindergarten through grade 6  
23.25 must give enrollment preference to students residing within a five-mile radius of the school  
23.26 and to the siblings of enrolled children. A charter school may give enrollment preference  
23.27 to children currently enrolled in the school's free preschool or prekindergarten program  
23.28 under section 124E.06, subdivision 3, paragraph (a), who are eligible to enroll in kindergarten  
23.29 in the next school year.

23.30 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless  
23.31 the pupil is at least five years of age on September 1 of the calendar year in which the school  
23.32 year for which the pupil seeks admission commences; or (2) as a first grade student, unless

24.1 the pupil is at least six years of age on September 1 of the calendar year in which the school  
24.2 year for which the pupil seeks admission commences or has completed kindergarten; except  
24.3 that a charter school may establish and publish on its Web site a policy for admission of  
24.4 selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b)  
24.5 and (c).

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

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

24.14 (g) Once a student is enrolled in the school, the student is considered enrolled in the  
24.15 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal  
24.16 Act in sections 121A.40 to 121A.56. ~~A charter school is subject to and must comply with~~  
24.17 ~~the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56.~~

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

24.24 Sec. 19. Minnesota Statutes 2016, section 125A.08, is amended to read:

24.25 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

24.26 (a) At the beginning of each school year, each school district shall have in effect, for  
24.27 each child with a disability, an individualized education program.

24.28 (b) As defined in this section, every district must ensure the following:

24.29 (1) all students with disabilities are provided the special instruction and services which  
24.30 are appropriate to their needs. Where the culturally competent individualized education  
24.31 program team, consistent with section 120B.30, subdivision 1, paragraph (q), has determined  
24.32 appropriate goals and objectives based on the student's needs, including the extent to which  
24.33 the student can be included in the least restrictive environment, and where there are



25.1 essentially equivalent and effective instruction, related services, or assistive technology  
25.2 devices available to meet the student's needs, cost to the district may be among the factors  
25.3 considered by the team in choosing how to provide the appropriate services, instruction, or  
25.4 devices that are to be made part of the student's individualized education program. The  
25.5 individualized education program team shall consider and may authorize services covered  
25.6 by medical assistance according to section 256B.0625, subdivision 26. Before a school  
25.7 district evaluation team makes a determination of other health disability under Minnesota  
25.8 Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation team must seek  
25.9 written documentation of the student's medically diagnosed chronic or acute health condition  
25.10 signed by a licensed physician or a licensed health care provider acting within the scope of  
25.11 the provider's practice. The student's needs and the special education instruction and services  
25.12 to be provided must be agreed upon through the development of an individualized education  
25.13 program. The program must address the student's need to develop skills to live and work  
25.14 as independently as possible within the community. The individualized education program  
25.15 team must consider positive behavioral interventions, strategies, and supports that address  
25.16 behavior needs for children. During grade 9, the program must address the student's needs  
25.17 for transition from secondary services to postsecondary education and training, employment,  
25.18 community participation, recreation, and leisure and home living. In developing the program,  
25.19 districts must inform parents of the full range of transitional goals and related services that  
25.20 should be considered. The program must include a statement of the needed transition services,  
25.21 including a statement of the interagency responsibilities or linkages or both before secondary  
25.22 services are concluded. If the individualized education program meets the plan components  
25.23 in section 120B.125, the individualized education program satisfies the requirement and no  
25.24 additional transition plan is needed;

25.25 (2) children with a disability under age five and their families are provided special  
25.26 instruction and services appropriate to the child's level of functioning and needs;

25.27 (3) children with a disability and their parents or guardians are guaranteed procedural  
25.28 safeguards and the right to participate in decisions involving identification, assessment  
25.29 including assistive technology assessment, and educational placement of children with a  
25.30 disability;

25.31 (4) eligibility and needs of children with a disability are determined by an initial  
25.32 evaluation or reevaluation, which may be completed using existing data under United States  
25.33 Code, title 20, section 33, et seq.;

25.34 (5) to the maximum extent appropriate, children with a disability, including those in  
25.35 public or private institutions or other care facilities, are educated with children who are not

26.1 disabled, and that special classes, separate schooling, or other removal of children with a  
26.2 disability from the regular educational environment occurs only when and to the extent that  
26.3 the nature or severity of the disability is such that education in regular classes with the use  
26.4 of supplementary services cannot be achieved satisfactorily;

26.5 (6) in accordance with recognized professional standards, testing and evaluation materials,  
26.6 and procedures used for the purposes of classification and placement of children with a  
26.7 disability are selected and administered so as not to be racially or culturally discriminatory;  
26.8 and

26.9 (7) the rights of the child are protected when the parents or guardians are not known or  
26.10 not available, or the child is a ward of the state.

26.11 (c) For all paraprofessionals employed to work in programs whose role in part is to  
26.12 provide direct support to students with disabilities, the school board in each district shall  
26.13 ensure that:

26.14 (1) before or beginning at the time of employment, each paraprofessional must develop  
26.15 sufficient knowledge and skills in emergency procedures, building orientation, roles and  
26.16 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin  
26.17 meeting the needs, especially disability-specific and behavioral needs, of the students with  
26.18 whom the paraprofessional works;

26.19 (2) annual training opportunities are required to enable the paraprofessional to continue  
26.20 to further develop the knowledge ~~and~~, skills, and cultural competency, consistent with  
26.21 section 120B.30, subdivision 1, paragraph (q), that are specific to the students with whom  
26.22 the paraprofessional works, including understanding disabilities, the unique and individual  
26.23 needs of each student according to the student's disability and how the disability affects the  
26.24 student's education and behavior, following lesson plans, and implementing follow-up  
26.25 instructional procedures and activities; and

26.26 (3) a districtwide process obligates each paraprofessional to work under the ongoing  
26.27 direction of a licensed teacher and, where appropriate and possible, the supervision of a  
26.28 school nurse.

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

26.30 Sec. 20. Minnesota Statutes 2016, section 125A.56, is amended to read:

26.31 **125A.56 ALTERNATE INSTRUCTION REQUIRED BEFORE ASSESSMENT**  
26.32 **REFERRAL.**

27.1 Subdivision 1. **Requirement.** (a) Before a pupil is referred for a special education  
27.2 evaluation, ~~the~~ culturally competent district employees, consistent with section 120B.30,  
27.3 subdivision 1, paragraph (q), must conduct and document at least two instructional strategies,  
27.4 alternatives, or interventions using a system of scientific, research-based instruction and  
27.5 intervention in academics or behavior, based on the pupil's needs, while the pupil is in the  
27.6 regular classroom. The pupil's teacher must document the results. A special education  
27.7 evaluation team may waive this requirement when it determines the pupil's need for the  
27.8 evaluation is urgent. This section may not be used to deny a pupil's right to a special  
27.9 education evaluation.

27.10 (b) A school district shall use alternative intervention services, including the assurance  
27.11 of mastery program under section 124D.66, or an early intervening services program under  
27.12 subdivision 2 to serve at-risk pupils who demonstrate a need for alternative instructional  
27.13 strategies or interventions.

27.14 (c) A student identified as being unable to read at grade level under section 120B.12,  
27.15 subdivision 2, paragraph (a), must be provided with alternate instruction under this  
27.16 subdivision.

27.17 Subd. 2. **Early intervening services program.** (a) A district may meet the requirement  
27.18 under subdivision 1 by establishing an early intervening services program that includes:

27.19 (1) a system of valid and reliable general outcome measures aligned to state academic  
27.20 standards that is administered at least three times per year to pupils in kindergarten through  
27.21 grade 8 who need additional academic or behavioral support to succeed in the general  
27.22 education environment. The school must provide interim assessments that measure pupils'  
27.23 performance three times per year and implement progress monitoring appropriate to the  
27.24 pupil. For purposes of this section, "progress monitoring" means the frequent and continuous  
27.25 measurement of a pupil's performance that includes these three interim assessments and  
27.26 other pupil assessments during the school year. A school, at its discretion, may allow pupils  
27.27 in grades 9 through 12 to participate in interim assessments;

27.28 (2) a system of scientific, research-based instruction and intervention; and

27.29 (3) an organizational plan that allows teachers, paraprofessionals, and volunteers funded  
27.30 through various sources to work as a grade-level team or use another configuration across  
27.31 grades and settings to deliver instruction. The team must be trained in scientific,  
27.32 research-based instruction and intervention. Teachers and paraprofessionals at a site operating  
27.33 under this paragraph must work collaboratively with those pupils who need additional  
27.34 academic or behavioral support to succeed in a general education environment.

28.1 (b) As an intervention under paragraph (a), clause (2), staff generating special education  
28.2 aid under section 125A.76 may provide small group instruction to pupils who need additional  
28.3 academic or behavioral support to succeed in the general education environment. Small  
28.4 group instruction that includes pupils with a disability may be provided in the general  
28.5 education environment if the needs of the pupils with a disability are met, consistent with  
28.6 their individualized education programs, and all pupils in the group receive the same level  
28.7 of instruction and make the same progress in the instruction or intervention. Culturally  
28.8 competent teachers and paraprofessionals, consistent with section 120B.30, subdivision 1,  
28.9 paragraph (q), must ensure that the needs of pupils with a disability participating in small  
28.10 group instruction under this paragraph remain the focus of the instruction. Expenditures  
28.11 attributable to the time special education staff spends providing instruction to nondisabled  
28.12 pupils in this circumstance is eligible for special education aid under section 125A.76 as  
28.13 an incidental benefit if:

28.14 (1) the group consists primarily of disabled pupils;

28.15 (2) no special education staff are added to meet nondisabled pupils' needs; and

28.16 (3) the primary purpose of the instruction is to implement the individualized education  
28.17 programs of pupils with a disability in this group.

28.18 Expenditures attributable to the time special education staff spends providing small  
28.19 group instruction to nondisabled pupils that affords more than an incidental benefit to such  
28.20 pupils is not eligible for special education aid under section 125A.76, except that such  
28.21 expenditures may be included in the alternative delivery initial aid adjustment under section  
28.22 125A.78 if the district has an approved program under section 125A.50. During each 60-day  
28.23 period that a nondisabled pupil participates in small group instruction under this paragraph,  
28.24 the pupil's progress monitoring data must be examined to determine whether the pupil is  
28.25 making progress and, if the pupil is not making progress, the pupil's intervention strategies  
28.26 must be changed or the pupil must be referred for a special education evaluation.

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

28.28 Sec. 21. Minnesota Statutes 2016, section 126C.05, subdivision 8, is amended to read:

28.29 Subd. 8. **Average daily membership.** (a) Membership for pupils in grades kindergarten  
28.30 through 12 and for prekindergarten pupils with disabilities shall mean the number of pupils  
28.31 on the current roll of the school, counted from the date of entry until withdrawal. The date  
28.32 of withdrawal shall mean the day the pupil permanently leaves the school or the date it is  
28.33 officially known that the pupil has left or has been legally excused. However, a pupil,

29.1 regardless of age, who has been absent from school for 15 consecutive school days during  
 29.2 the regular school year or for five consecutive school days during summer school or  
 29.3 intersession classes of flexible school year programs without receiving instruction in the  
 29.4 home or hospital shall be dropped from the roll and classified as withdrawn. Nothing in this  
 29.5 section shall be construed as waiving the compulsory attendance provisions cited in section  
 29.6 120A.22. Average daily membership equals the sum for all pupils of the number of days  
 29.7 of the school year each pupil is enrolled in the district's schools divided by the number of  
 29.8 days the schools are in session or are providing e-learning days due to inclement weather.  
 29.9 Days of summer school or intersession classes of flexible school year programs are only  
 29.10 included in the computation of membership for pupils with a disability not appropriately  
 29.11 served primarily in the regular classroom. A student must not be counted as more than 1.2  
 29.12 pupils in average daily membership under this section. When the initial total average daily  
 29.13 membership exceeds 1.2 for a pupil enrolled in more than one school district during the  
 29.14 fiscal year, each district's average daily membership must be reduced proportionately.

29.15 (b) A student must not be counted as more than one pupil in average daily membership  
 29.16 except for purposes of section 126C.10, subdivision 2a.

29.17 Sec. 22. Minnesota Statutes 2016, section 256J.08, subdivision 38, is amended to read:

29.18 Subd. 38. **Full-time student.** "Full-time student" means a person who is enrolled in a  
 29.19 graded or ungraded primary, intermediate, secondary, ~~GED~~ commissioner of  
 29.20 education-selected high school equivalency preparatory, trade, technical, vocational, or  
 29.21 postsecondary school, and who meets the school's standard for full-time attendance.

29.22 Sec. 23. Minnesota Statutes 2016, section 256J.08, subdivision 39, is amended to read:

29.23 Subd. 39. ~~General educational development or GED~~ Commissioner of  
 29.24 education-selected high school equivalency. "~~General educational development~~" or "~~GED~~"  
 29.25 "Commissioner of education-selected high school equivalency" means the ~~general educational~~  
 29.26 ~~development~~ high school equivalency certification issued by the commissioner of education  
 29.27 as an equivalent to a secondary school diploma under ~~Minnesota Rules, part 3500.3100,~~  
 29.28 ~~subpart 4~~ section 124D.549.

29.29 Sec. 24. COMMISSIONER REPORT ON DYSLEXIA.

29.30 (a) The commissioner of education must submit a report to the legislature on resources  
 29.31 and administrative changes that would assist schools in addressing the needs of students  
 29.32 with dyslexia and convergence insufficiency disorder. The report must identify the following:

30.1 (1) resources for school districts including screening tools and best practices for  
 30.2 identifying students with dyslexia and convergence insufficiency disorder;

30.3 (2) intervention strategies and teaching approaches to help students with dyslexia to  
 30.4 develop language skills, including reading and writing; and

30.5 (3) changes to Minnesota Rules, part 3525.1341, and other rules adopted by the  
 30.6 Department of Education that would assist schools in identifying students with dyslexia  
 30.7 and implement intervention strategies to meet the needs of students with dyslexia and  
 30.8 convergence insufficiency disorder.

30.9 (b) The commissioner must submit the report to the education policy and finance  
 30.10 committees of the legislature by February 15, 2018.

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

30.12 Sec. 25. **REVISOR'S INSTRUCTION.**

30.13 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall substitute the  
 30.14 term "commissioner-selected high school equivalency" or similar term for "general education  
 30.15 development," "GED," or similar terms for wherever the term refers to the tests or programs  
 30.16 leading to a certification issued by the commissioner of education as an equivalency to a  
 30.17 secondary diploma.

30.18 Sec. 26. **REPEALER.**

30.19 Minnesota Rules, part 3500.3100, subpart 4, is repealed.

## 30.20 **ARTICLE 3**

### 30.21 **TEACHERS**

30.22 Section 1. Minnesota Statutes 2016, section 122A.09, subdivision 4a, is amended to read:

30.23 Subd. 4a. **Teacher and administrator preparation and performance data; report.**

30.24 (a) The Board of Teaching and the Board of School Administrators, in cooperation with the  
 30.25 Minnesota Association of Colleges of Teacher Education and Minnesota colleges and  
 30.26 universities offering board-adopted teacher or administrator preparation programs, annually  
 30.27 must collect and report summary data on teacher and administrator preparation and  
 30.28 performance outcomes, consistent with this subdivision. The Board of Teaching and the  
 30.29 Board of School Administrators annually by June 1 must update and post the reported  
 30.30 summary preparation and performance data on teachers and administrators from the preceding  
 30.31 school years on a Web site hosted jointly by the boards.

31.1 (b) Publicly reported summary data on teacher preparation programs must include:  
31.2 student entrance requirements for each Board of Teaching-approved program, including  
31.3 grade point average for enrolling students in the preceding year; the average board-adopted  
31.4 skills examination or ACT or SAT scores of students entering the program in the preceding  
31.5 year; summary data on faculty qualifications, including at least the content areas of faculty  
31.6 undergraduate and graduate degrees and their years of experience either as kindergarten  
31.7 through grade 12 classroom teachers or school administrators; the average time resident  
31.8 and nonresident program graduates in the preceding year needed to complete the program;  
31.9 the current number and percent of students by program who graduated, received a standard  
31.10 Minnesota teaching license, and were hired to teach full time in their licensure field in a  
31.11 Minnesota district or school in the preceding year, disaggregated by race, except when such  
31.12 disaggregation would not yield statistically reliable results or would reveal personally  
31.13 identifiable information about an individual; the number of content area credits and other  
31.14 credits by undergraduate program that students in the preceding school year needed to  
31.15 complete to graduate; students' pass rates on skills and subject matter exams required for  
31.16 graduation in each program and licensure area in the preceding school year; survey results  
31.17 measuring student and graduate satisfaction with the program in the preceding school year,  
31.18 disaggregated by race, except when such disaggregation would not yield statistically reliable  
31.19 results or would reveal personally identifiable information about an individual; a standard  
31.20 measure of the satisfaction of school principals or supervising teachers with the student  
31.21 teachers assigned to a school or supervising teacher; and information under paragraphs (d)  
31.22 and (e). Program reporting must be consistent with subdivision 11.

31.23 (c) Publicly reported summary data on administrator preparation programs approved by  
31.24 the Board of School Administrators must include: summary data on faculty qualifications,  
31.25 including at least the content areas of faculty undergraduate and graduate degrees and their  
31.26 years of experience either as kindergarten through grade 12 classroom teachers or school  
31.27 administrators; the average time program graduates in the preceding year needed to complete  
31.28 the program; the current number and percent of students who graduated, received a standard  
31.29 Minnesota administrator license, and were employed as an administrator in a Minnesota  
31.30 school district or school in the preceding year, disaggregated by race, except when such  
31.31 disaggregation would not yield statistically reliable results or would reveal personally  
31.32 identifiable information about an individual; the number of credits by graduate program  
31.33 that students in the preceding school year needed to complete to graduate; survey results  
31.34 measuring student, graduate, and employer satisfaction with the program in the preceding  
31.35 school year, disaggregated by race, except when such disaggregation would not yield  
31.36 statistically reliable results or would reveal personally identifiable information about an

32.1 individual; and information under paragraphs (f) and (g). Program reporting must be  
32.2 consistent with section 122A.14, subdivision 10.

32.3 (d) School districts annually by October 1 must report to the Board of Teaching the  
32.4 following information for all teachers who finished the probationary period and accepted  
32.5 a continuing contract position with the district from September 1 of the previous year through  
32.6 August 31 of the current year: the effectiveness category or rating of the teacher on the  
32.7 summative evaluation under section 122A.40, subdivision 8, or 122A.41, subdivision 5;  
32.8 the licensure area in which the teacher primarily taught during the three-year evaluation  
32.9 cycle; and the teacher preparation program preparing the teacher in the teacher's primary  
32.10 areas of instruction and licensure.

32.11 (e) School districts annually by October 1 must report to the Board of Teaching the  
32.12 following information for all probationary teachers in the district who were released or  
32.13 whose contracts were not renewed from September 1 of the previous year through August  
32.14 31 of the current year: the licensure areas in which the probationary teacher taught; and the  
32.15 teacher preparation program preparing the teacher in the teacher's primary areas of instruction  
32.16 and licensure.

32.17 (f) School districts annually by October 1 must report to the Board of School  
32.18 Administrators the following information for all school principals and assistant principals  
32.19 who finished the probationary period and accepted a continuing contract position with the  
32.20 district from September 1 of the previous year through August 31 of the current year: the  
32.21 effectiveness category or rating of the principal or assistant principal on the summative  
32.22 evaluation under section 123B.147, subdivision 3; and the principal preparation program  
32.23 providing instruction to the principal or assistant principal.

32.24 (g) School districts annually by October 1 must report to the Board of School  
32.25 Administrators all probationary school principals and assistant principals in the district who  
32.26 were released or whose contracts were not renewed from September 1 of the previous year  
32.27 through August 31 of the current year.

32.28 (h) Data that must be disaggregated by race under this section must be reported in the  
32.29 following categories:

32.30 (1) American Indian or Alaskan Native;

32.31 (2) Asian;

32.32 (3) Black or African American;

32.33 (4) Hispanic or Latino;



33.1 (5) Native Hawaiian or Other Pacific Islander;

33.2 (6) White; and

33.3 (7) two or more races.

33.4 **Sec. 2. [122A.417] ALTERNATIVE TEACHER COMPENSATION REVENUE**  
33.5 **FOR ST. CROIX RIVER EDUCATION DISTRICT.**

33.6 Notwithstanding sections 122A.414, 122A.415, and 126C.10, the St. Croix River  
33.7 Education District, No. 6009-61, is eligible to receive alternative teacher compensation  
33.8 revenue. To qualify for alternative teacher compensation revenue, the St. Croix River  
33.9 Education District must meet all of the requirements of sections 122A.414 and 122A.415  
33.10 that apply to cooperative units, must report its staffing as of October 1 of each year to the  
33.11 department in a manner determined by the commissioner, and must annually report by  
33.12 November 30 its expenditures for the alternative teacher professional pay system consistent  
33.13 with the uniform financial accounting and reporting standards to the department.

33.14 **Sec. 3. [122A.627] POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.**

33.15 "Positive behavioral interventions and supports" or "PBIS" means an evidence-based  
33.16 framework for preventing problem behavior, providing instruction and support for positive  
33.17 and prosocial behaviors, and supporting social, emotional, and behavioral needs for all  
33.18 students. Schoolwide implementation of PBIS requires training, coaching, and evaluation  
33.19 for school staff to consistently implement the key components that make PBIS effective for  
33.20 all students, including:

33.21 (1) establishing, defining, teaching, and practicing three to five positively stated  
33.22 schoolwide behavioral expectations that are representative of the local community and  
33.23 cultures;

33.24 (2) developing and implementing a consistent system used by all staff to provide positive  
33.25 feedback and acknowledgment for students who display schoolwide behavioral expectations;

33.26 (3) developing and implementing a consistent and specialized support system for students  
33.27 who do not display behaviors representative of schoolwide positive expectations;

33.28 (4) developing a system to support decisions based on data related to student progress,  
33.29 effective implementation of behavioral practices, and screening for students requiring  
33.30 additional behavior supports;

34.1 (5) using a continuum of evidence-based interventions that is integrated and aligned to  
 34.2 support academic and behavioral success for all students; and

34.3 (6) using a team-based approach to support effective implementation, monitor progress,  
 34.4 and evaluate outcomes.

34.5 Consistent with section 120B.232, subdivision 1, character education curriculum and  
 34.6 programs may be used to support implementation of the key components of PBIS.

#### 34.7 **ARTICLE 4**

#### 34.8 **SPECIAL EDUCATION**

34.9 Section 1. Minnesota Statutes 2016, section 125A.0941, is amended to read:

#### 34.10 **125A.0941 DEFINITIONS.**

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

34.12 (b) "Emergency" means a situation where immediate intervention is needed to protect  
 34.13 a child or other individual from physical injury. Emergency does not mean circumstances  
 34.14 such as: a child who does not respond to a task or request and instead places his or her head  
 34.15 on a desk or hides under a desk or table; a child who does not respond to a staff person's  
 34.16 request unless failing to respond would result in physical injury to the child or other  
 34.17 individual; or an emergency incident has already occurred and no threat of physical injury  
 34.18 currently exists.

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

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

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

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

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

34.29 (d) "Positive behavioral interventions and supports" means interventions and strategies  
 34.30 to improve the school environment and teach children the skills to behave appropriately,  
 34.31 including the key components under section 122A.627.

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

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

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

35.9 Sec. 2. Minnesota Statutes 2016, section 125A.515, is amended to read:

35.10 **125A.515 PLACEMENT OF STUDENTS; APPROVAL OF EDUCATION**  
35.11 **PROGRAM.**

35.12 Subdivision 1. **Approval of on-site education programs.** The commissioner shall  
35.13 approve on-site education programs for placement of children and youth in residential  
35.14 facilities including detention centers, before being licensed by the Department of Human  
35.15 Services or the Department of Corrections. Education programs in these facilities shall  
35.16 conform to state and federal education laws including the Individuals with Disabilities  
35.17 Education Act (IDEA). This section applies only to placements in children's residential  
35.18 facilities licensed by the Department of Human Services or the Department of Corrections.  
35.19 For purposes of this section, "on-site education program" means the educational services  
35.20 provided directly on the grounds of the ~~care and treatment~~ children's residential facility to  
35.21 children and youth placed for care and treatment.

35.22 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's  
35.23 residential facility is located must provide education services, including special education  
35.24 if eligible, to all students placed in a facility.

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

35.28 Subd. 3a. **Students without a disability from other states.** A school district is not  
35.29 required to provide education services under this section to a student who:

35.30 (1) is not a resident of Minnesota;

35.31 (2) does not have an individualized education program; and

36.1 (3) does not have a tuition arrangement or agreement to pay the cost of education from  
36.2 the placing authority.

36.3 Subd. 4. **Education services required.** (a) Education services must be provided to a  
36.4 student beginning within three business days after the student enters the ~~care and treatment~~  
36.5 children's residential facility. The first four days of the student's placement may be used to  
36.6 screen the student for educational and safety issues.

36.7 (b) If the student does not meet the eligibility criteria for special education, regular  
36.8 education services must be provided to that student.

36.9 Subd. 5. **Education programs for students placed in children's residential facilities.**

36.10 (a) When a student is placed in a children's residential facility ~~approved~~ under this section  
36.11 that has an on-site education program, the providing district, upon notice from the ~~care and~~  
36.12 ~~treatment~~ children's residential facility, must contact the resident district within one business  
36.13 day to determine if a student has been identified as having a disability, and to request at  
36.14 least the student's transcript, and for students with disabilities, the most recent individualized  
36.15 education program (IEP) and evaluation report, ~~and to determine if the student has been~~  
36.16 ~~identified as a student with a disability~~. The resident district must send a facsimile copy to  
36.17 the providing district within two business days of receiving the request.

36.18 (b) If a student placed under this section has been identified as having a disability and  
36.19 has an individualized education program in the resident district:

36.20 (1) the providing agency must conduct an individualized education program meeting to  
36.21 reach an agreement about continuing or modifying special education services in accordance  
36.22 with the current individualized education program goals and objectives and to determine if  
36.23 additional evaluations are necessary; and

36.24 (2) at least the following people shall receive written notice or documented phone call  
36.25 to be followed with written notice to attend the individualized education program meeting:

36.26 (i) the person or agency placing the student;

36.27 (ii) the resident district;

36.28 (iii) the appropriate teachers and related services staff from the providing district;

36.29 (iv) appropriate staff from the children's residential facility;

36.30 (v) the parents or legal guardians of the student; and

36.31 (vi) when appropriate, the student.

37.1 (c) For a student who has not been identified as a student with a disability, a screening  
37.2 must be conducted by the providing districts as soon as possible to determine the student's  
37.3 educational and behavioral needs and must include a review of the student's educational  
37.4 records.

37.5 Subd. 6. **Exit report summarizing educational progress.** If a student has been placed  
37.6 in a facility under this section for 15 or more business days, the providing district must  
37.7 prepare an exit report summarizing the regular education, special education, evaluation,  
37.8 educational progress, and service information and must send the report to the resident district  
37.9 and the next providing district if different, the parent or legal guardian, and any appropriate  
37.10 social service agency. For students with disabilities, this report must include the student's  
37.11 IEP.

37.12 Subd. 7. **Minimum educational services required.** When a student is placed in a  
37.13 children's residential facility ~~approved~~ under this section, at a minimum, the providing  
37.14 district is responsible for:

37.15 (1) the education necessary, including summer school services, for a student who is not  
37.16 performing at grade level as indicated in the education record or IEP; and

37.17 (2) a school day, of the same length as the school day of the providing district, unless  
37.18 the unique needs of the student, as documented through the IEP or education record in  
37.19 consultation with treatment providers, requires an alteration in the length of the school day.

37.20 Subd. 8. **Placement, services, and due process.** When a student's treatment and  
37.21 educational needs allow, education shall be provided in a regular educational setting. The  
37.22 determination of the amount and site of integrated services must be a joint decision between  
37.23 the student's parents or legal guardians and the treatment and education staff. When  
37.24 applicable, educational placement decisions must be made by the IEP team of the providing  
37.25 district. Educational services shall be provided in conformance with the least restrictive  
37.26 environment principle of the Individuals with Disabilities Education Act. The providing  
37.27 district and ~~care and treatment~~ children's residential facility shall cooperatively develop  
37.28 discipline and behavior management procedures to be used in emergency situations that  
37.29 comply with the Minnesota Pupil Fair Dismissal Act and other relevant state and federal  
37.30 laws and regulations.

37.31 Subd. 9. **Reimbursement for education services.** (a) Education services provided to  
37.32 students who have been placed under this section are reimbursable in accordance with  
37.33 special education and general education statutes.

38.1 (b) Indirect or consultative services provided in conjunction with regular education  
38.2 prereferral interventions and assessment provided to regular education students suspected  
38.3 of being disabled and who have demonstrated learning or behavioral problems in a screening  
38.4 are reimbursable with special education categorical aids.

38.5 (c) Regular education, including screening, provided to students with or without  
38.6 disabilities is not reimbursable with special education categorical aids.

38.7 **Subd. 10. Students unable to attend school but not covered under this section.**  
38.8 Students who are absent from, or predicted to be absent from, school for 15 consecutive or  
38.9 intermittent days, and placed at home or in facilities not licensed by the Departments of  
38.10 Corrections or Human Services are entitled to regular and special education services  
38.11 consistent with this section or Minnesota Rules, part 3525.2325. These students include  
38.12 students with and without disabilities who are home due to accident or illness, in a hospital  
38.13 or other medical facility, or in a day treatment center.

38.14 **Sec. 3. SPECIAL EDUCATION ASSISTIVE TECHNOLOGY STUDY.**

38.15 Subdivision 1. **Study.** The commissioner of education must examine the use of assistive  
38.16 technology in Minnesota school districts. The commissioner may examine financial data,  
38.17 survey school officials, and use other methods to collect data on the use of assistive  
38.18 technology by Minnesota's students. The commissioner must consult with the Minnesota  
38.19 Assistive Technology Advisory Council and other interested organizations to determine the  
38.20 scope and focus of the study.

38.21 Subd. 2. **Data reporting.** The commissioner must examine the federally required  
38.22 Uniform Financial Accounting and Reporting Standards object codes, and if necessary,  
38.23 recommend changes to better capture school district spending on assistive technology. The  
38.24 commissioner must examine approaches to collecting additional student level assistive  
38.25 technology data through the Education Data and Reporting System.

38.26 Subd. 3. **Assistive technology manual.** The commissioner must examine the department's  
38.27 assistive technology manual, and determine whether to prepare a revised manual.

38.28 Subd. 4. **Report.** The commissioner of education must report to the education committees  
38.29 of the legislature by February 15, 2018, on the use of assistive technology by Minnesota's  
38.30 students and recommend statutory changes to encourage individualized education programs  
38.31 and individualized family services plans to incorporate a child-centered assistive technology  
38.32 plan.

39.1 **ARTICLE 5**

39.2 **NUTRITION**

39.3 Section 1. Minnesota Statutes 2016, section 123B.52, subdivision 1, is amended to read:

39.4 Subdivision 1. **Contracts.** A contract for work or labor, or for the purchase of furniture,  
39.5 fixtures, or other property, except books registered under the copyright laws and information  
39.6 systems software, or for the construction or repair of school houses, the estimated cost or  
39.7 value of which shall exceed that specified in section 471.345, subdivision 3, must not be  
39.8 made by the school board without first advertising for bids or proposals by two weeks'  
39.9 published notice in the official newspaper. This notice must state the time and place of  
39.10 receiving bids and contain a brief description of the subject matter.

39.11 Additional publication in the official newspaper or elsewhere may be made as the board  
39.12 shall deem necessary.

39.13 After taking into consideration conformity with the specifications, terms of delivery,  
39.14 and other conditions imposed in the call for bids, every such contract for which a call for  
39.15 bids has been issued must be awarded to the lowest responsible bidder, be duly executed  
39.16 in writing, and be otherwise conditioned as required by law. The person to whom the contract  
39.17 is awarded shall give a sufficient bond to the board for its faithful performance.

39.18 Notwithstanding section 574.26 or any other law to the contrary, on a contract limited to  
39.19 the purchase of a finished tangible product, a board may require, at its discretion, a  
39.20 performance bond of a contractor in the amount the board considers necessary. A record  
39.21 must be kept of all bids, with names of bidders and amount of bids, and with the successful  
39.22 bid indicated thereon. A bid containing an alteration or erasure of any price contained in  
39.23 the bid which is used in determining the lowest responsible bid must be rejected unless the  
39.24 alteration or erasure is corrected as provided in this section. An alteration or erasure may  
39.25 be crossed out and the correction thereof printed in ink or typewritten adjacent thereto and  
39.26 initialed in ink by the person signing the bid. In the case of identical low bids from two or  
39.27 more bidders, the board may, at its discretion, utilize negotiated procurement methods with  
39.28 the tied low bidders for that particular transaction, so long as the price paid does not exceed  
39.29 the low tied bid price. In the case where only a single bid is received, the board may, at its  
39.30 discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid  
39.31 does not exceed the original bid. If no satisfactory bid is received, the board may readvertise.  
39.32 Standard requirement price contracts established for supplies or services to be purchased  
39.33 by the district must be established by competitive bids. Such standard requirement price  
39.34 contracts may contain escalation clauses and may provide for a negotiated price increase

40.1 or decrease based upon a demonstrable industrywide or regional increase or decrease in the  
40.2 vendor's costs. Either party to the contract may request that the other party demonstrate  
40.3 such increase or decrease. The term of such contracts must not exceed two years with an  
40.4 option on the part of the district to renew for an additional two years, except as provided in  
40.5 subdivision 7. Contracts for the purchase of perishable food items, except milk for school  
40.6 lunches and vocational training programs, in any amount may be made by direct negotiation  
40.7 by obtaining two or more written quotations for the purchase or sale, when possible, without  
40.8 advertising for bids or otherwise complying with the requirements of this section or section  
40.9 471.345, subdivision 3. All quotations obtained shall be kept on file for a period of at least  
40.10 one year after receipt.

40.11 Every contract made without compliance with the provisions of this section shall be  
40.12 void. Except in the case of the destruction of buildings or injury thereto, where the public  
40.13 interest would suffer by delay, contracts for repairs may be made without advertising for  
40.14 bids.

40.15 **EFFECTIVE DATE.** This section is effective for contracts entered into on or after July  
40.16 1, 2017.

40.17 Sec. 2. Minnesota Statutes 2016, section 123B.52, is amended by adding a subdivision to  
40.18 read:

40.19 Subd. 7. **Food service contracts.** A contract between a school board and a food service  
40.20 management company that complies with Code of Federal Regulations, title 7, section  
40.21 210.16, may be renewed annually after its initial term for not more than four additional  
40.22 years.

40.23 **EFFECTIVE DATE.** This section is effective for contracts entered into on or after July  
40.24 1, 2017.

## 40.25 **ARTICLE 6**

### 40.26 **LIBRARIES**

40.27 Section 1. Minnesota Statutes 2016, section 134.31, subdivision 2, is amended to read:

40.28 Subd. 2. **Advice and instruction.** The Department of Education shall give advice and  
40.29 instruction to the managers of any public library or to any governing body maintaining a  
40.30 library or empowered to do so by law upon any matter pertaining to the organization,  
40.31 maintenance, or administration of libraries. The department may also give advice and  
40.32 instruction, as requested, to postsecondary educational institutions, school districts or charter



41.1 schools, state agencies, governmental units, nonprofit organizations, or private entities. It  
41.2 shall assist, to the extent possible, in the establishment and organization of library service  
41.3 in those areas where adequate services do not exist, and may aid in improving previously  
41.4 established library services. The department shall also provide assistance to school districts,  
41.5 regional library systems, and member libraries interested in offering joint library services  
41.6 at a single location."

41.7 Amend the title accordingly