

# House Research Act Summary

**CHAPTER:** 114 - VETOED

**SESSION:** 2011 Regular Session

**TOPIC:** Omnibus K-12 education reform bill

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## Overview

This bill contains proposed K-12 education reform initiatives and amendments.

Section

## Article 1: General Education

- 1 Calculation of income.** Clarifies the investment income earned for the purposes of the permanent school trust fund.
- 2 Textbook.** Amends the definition under the nonpublic pupil aid statute to include electronic books in the definition of textbooks.
- 3 Individualized instructional or cooperative learning materials.** Amends the definition under the nonpublic pupil aid statute to include electronic books in the definition of individualized instructional or cooperative materials.
- 4 Capital project levy referendum.** Conforms the reporting requirement to the review and comment project threshold requirements under section 123B.71.
- 5 Levy recognition.** Corrects the cross-reference for the career and technical levy.
- 6 Definitions.** Clarifies the definition of general revenue for charter schools and strikes an obsolete reference to referendum revenue for the purposes of calculating special education excess cost aid.

- 7      **Sparsity revenue for school districts that close facilities.** Removes the requirement that school districts file a resolution with the department for closing a school and receiving an adjustment to their sparsity revenue 60 days prior to the start of the fiscal year.  
          Makes this section effective for board resolutions approved by the board in fiscal year 2011 and later for sparsity revenue calculations in fiscal year 2012 and later.
- 8      **Building allocation.** Requires cooperatives to allocate compensatory revenue to the school site generating the revenue in the same way that school districts allocate compensatory revenue to a school site.
- 9      **Retired employee health benefits.** Limits the postemployment benefits expenses to those actually paid during the previous fiscal year and authorizes the commissioner to adjust each district's levy authority so long as the total levy authority does not exceed the maximum levy authority for that year.
- 10     **Membership and terms.** (b) Changes the composition of the Permanent School Fund Advisory Committee to include one house member of the minority party appointed by the minority leader, one senator of the minority party appointed according to senate rules, and one person with expertise on school finance matters.  
          (e) Provides staggered four-year terms for members appointed by the education and natural resources commissioners. Allows members to be reappointed and makes them subject to removal under certain circumstances.  
          (f) Declares that other Permanent School Fund Advisory Committee members serve at the pleasure of their appointing authorities and causes their terms to expire when their successors are appointed.  
          Makes this section effective immediately.
- 11     **Repealer.** Repeals the obsolete career and technical levy authority (section 126C.457).

## Article 2: Education Excellence

- 1      **Admission forms; remedial instruction.** Requires public postsecondary systems, as part of their annual report to the department on remedial instruction, to include summary data on the number and percentage of recent high school graduates who completed rigorous courses and the number of recent high school graduates who graduated as students with disabilities.
- 2      **Assessment of performance.** (a) Allows home school students to be tested using a nationally recognized college entrance exam.  
          (b) Strikes language requiring a parent to assess the performance of a home school student in subject areas (communications skills, math, science, social studies, health, and physical education) not covered in the national test administered to the student.  
          (c) Strikes language requiring a home school parent to obtain additional evaluation of a student whose performance on the national assessment is below the 30th percentile or one grade level below the performance level for children of the same age.

### 3      Reporting.

**Subd. 1. Reports to the superintendent.** Requires the person in charge of providing

instruction to a child to provide information to the resident superintendent on the student in the first school year in which the child receives instruction after the age of seven, within 15 days of when a parent withdraws a child from public school, within 15 days of moving out of a district, and after a new resident district is established. Requires the person in charge of providing instruction to a child to annually submit a letter of intent to continue to provide instruction. Allows the superintendent to collect the required information in an electronic format.

**Subd. 2. Availability of documentation.** Directs the person in charge of providing instruction to maintain documents, instead of making documents available, indicating that a home school student is receiving required instruction and has been assessed. Directs the parent of a home school student who enrolls in public school to provide the enrolling school or district with standardized test scores and other documents the school requires to determine placement and course requirements. Requires the person in charge of providing instruction to a child to make documentation available to a county attorney in certain circumstances.

**Subd. 3. Exemptions.** Aligns the exemptions of accredited nonpublic schools from the requirement to maintain documents with the changes made in subdivisions 1 and 2.

**Subd. 4. Reports to the state.** Requires the superintendent to report to the commissioner on the total number of nonpublic children in the district. Strikes the requirement of the superintendent to include compliance data in the report.

**Subd. 5. Obligations.** Maintains the obligations of the compulsory attendance statute.

- 4 **School calendar.** Allows a district that cancels at least two instructional school days in the previous school year because of a flood, tornado, or fire to begin the next school year before Labor Day.
- 5 **Revisions and reviews required.** (a) Prohibits the commissioner from adopting a revised academic standard or graduation requirement in rule without first receiving specific legislative authority to do so.
  - (d) Allows public high school students who graduate in the 2014-2015 school year or later to satisfactorily complete a career and technical credit as an alternative to completing a chemistry or physics credit required for graduation.
  - (f) Extends by one year the revision cycle for social studies.
  - (h) Allows the commissioner to adopt common core state standards with specific legislative authority.

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**School district process for reviewing curriculum, instruction, and student achievement.**

**Subd. 1. Definitions.** Amends the definition of "curriculum" to include learning experiences that lead to college and career readiness.

**Subd. 2. Adopting policies.** Adds clarifications and statutory references to ensure that district policies for reviewing curriculum, instruction, and student achievement conform to other educational accountability measures in statute.

**Subd. 3. District advisory committee.** Makes technical changes.

**Subd. 4. Site team.** Makes technical changes.

**Subd. 5. Local report.** Strikes language establishing specific content and publishing requirements for district reports. Makes local reports about student achievement goals, local assessment outcomes, plans for improving curriculum and instruction, and success in realizing previously adopted improvement plans conform to requirements for school performance report cards.

**Subd. 6. Student evaluation.** Directs local school boards to allow recent high school graduates to report electronically to the board on the quality of district instruction, curriculum, and services and on the delivery of the instruction, curriculum, and services and strikes references to district facilities and administration. To improve instruction and curriculum and better understand graduates' need for postsecondary remedial instruction, requires a board to forward a summary of its evaluation findings to the commissioner upon request.

**Subd. 8. Biennial evaluation; assessment program.** Requires a district to include in its local report under subdivision 5 a biennial evaluation of the effectiveness of district testing programs. Strikes language establishing specific content for the evaluation.

Makes this section effective immediately and applicable to reports covering the 2011-2012 school year and later.

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**Reading proficiently no later than the end of grade 3.**

**Subd. 1. Literacy goal.** Restates the goal so that the legislature seeks to have every child reading at or above grade level no later than the end of grade 3. Links the definition of comprehensive scientifically based reading instruction to the goal.

**Subd. 2. Identification; report.** Adds identification requirements for students who are not reading at grade level. Requires reading assessments identify and evaluate students' areas of academic need related to literacy.

**Subd. 2a. Parent notification and involvement.** Requires schools at least annually to give the parent of each student who is not reading at or above grade level timely information about the student's reading proficiency, services being provided to the student, and strategies for parents to help their student succeed in reading.

**Subd. 3. Intervention.** Requires the district to provide reading intervention to

accelerate student growth.

**Subd. 4. Staff development.** Clarifies that elementary teachers be able to implement the five reading areas of comprehensive, scientifically based reading instruction and requires that licensed teachers recognize students' diverse needs in cross-cultural settings and are able to serve the oral language and linguistic needs of students who are English language learners.

**Subd. 4a. Local literacy plan.** Requires a school district to adopt a local literacy plan to have every child reading at or above grade level no later than the end of grade 3. States what the plan must include and requires that the plan be posted on the district website.

**Subd. 5. Commissioner.** Clarifies that the commissioner make available examples of methods or programs that provide comprehensive, scientifically based reading instruction and intervention methods.

- 8 **Statewide testing.** Revises the score notation on transcripts to "Pass"/"Not Pass" in order to not identify a student with a disability.
  - 9 **Reporting.** Provides cross-references to the Family Educational Rights and Privacy Act (FERPA, Title 34, Section 99.3) and the Government Data Practices Act (Minn. Stat. § 13.34) to clarify that secure test items and personally identifiable test reports are nonpublic data.
  - 10 **Access to tests.** Makes the commissioner's duty to allow the public and parents to review statewide assessments subject to data practices law governing access to examination data. Directs the commissioner to provide the public and parents access to the assessments to the extent such access does not compromise the assessment or the assessment process.
  - 11 **Student performance data.** Removes a requirement for the commissioner to include certain demographic factors in the analysis of student performance data. This data is not collected by the department.
  - 12 **School performance report cards.** Allows the commissioner an additional 30 days to release school performance report card data and AYP data in years during which new performance standards are being developed. Simplifies the timeline for the release of the data by stipulating that the data is nonpublic data until it is released by the commissioner.
  - 13 **Adequate yearly progress and other data.** Allows the commissioner 30 additional days to release student growth and adequate yearly progress data in years when new performance standards are developed when specifically authorized by the legislature. Classifies the data as non-public until it is released by the commissioner.
  - 14 **Report.** Requires home school parents to report to the superintendent in their resident school district in their first year of their homeschooling in Minnesota and in the grade 7 school year only.
  - 15 **Rules for continuing education requirements.** Exempts retired school principals who serve as a "short call" substitute principal or assistant principal from continuing education requirements.
  - 16 **Highly qualified teacher defined.** Removes outdated language on the Housse process and updates with current language.
- Makes this section effective for the 2011-2012 school year and later.

- 17** **Probationary period.** (a) For teachers generally, changes from one year to three years the probationary period for continuing contract teachers who transfer to another school district; imposes a subsequent two-year probationary period on school principals. Allows a school board to shorten the subsequent probationary period. Requires a school board to adopt a plan for at least three written periodic evaluations of probationary teachers during a school year.  
 (d) Requires a probationary teacher to complete 120 days of teaching service each year during the probationary period.  
 Makes this section effective June 30, 2011, and applicable to all probationary teacher employment contracts ratified or modified after that date.
- 18** **Probationary period for principals hired internally.** For teachers generally, directs a school board to require a two-year probationary period for a licensed teacher employed in the district who is subsequently employed in that district as a school principal or assistant principal and a two-year probationary period for a licensed assistant principal employed in the district who is subsequently employed in that district as a school principal. Declares that a licensed teacher who is subsequently employed as a school principal or assistant principal retains the teacher's continuing contract status as a licensed teacher while completing the probationary period under this subdivision.  
 Makes this section effective June 30, 2011, and applicable to all contracts for internally hired school principals and assistant principals ratified or modified after that date.
- 19** **Unrequested leave of absence.** (a) For teachers generally, allows a school superintendent to exempt from the effects of the unrequested leave of absence statute those teachers who teach in a Montessori or language immersion program, provide instruction in an advanced placement course, or hold a K-12 instrumental vocal classroom music license and currently serve as a choir, band, or orchestra director and who, in the superintendent's judgment, meet a unique need in delivering curriculum. Requires that within the Montessori or language immersion program teachers be placed on unrequested leave of absence in the inverse order in which they were employed.  
 Makes this section effective June 30, 2011, and applicable to all collective bargaining agreements ratified or modified after that date.
- 20** **Words, terms, and phrases.** Amends the definition of "demote" to mean to reduce the compensation a person actually receives in the new position. Strikes language that defines "demote" to mean to reduce in rank or to transfer to a lower branch of the service or a position carrying a lower salary.  
 Makes this section immediately effective.
- 21** **Probationary period; discharge or demotion.** For teachers in first class city school districts, requires a school board to adopt a plan for at least three written periodic evaluations of probationary teachers during a school year.  
 (d) Requires a probationary teacher to complete 120 days of teaching service each year during the probationary period.  
 Makes this section immediately effective.
- 22** **Probationary period for principals hired internally.** For teachers in first class city school districts, declares that a licensed teacher who is subsequently employed as a school principal or assistant principal retains the teacher's continuing contract status as a licensed

teacher while completing the probationary period under this subdivision and has the right to return to the teacher's previous position or an equivalent position.

Makes this section immediately effective.

- 23** **Decision, when rendered.** Strikes language prohibiting a school board in a first class city school district from discharging a teacher for inefficiency in teaching or managing a school except during the school year, and then only if charges are filed at least four months before the end of the school year.

Makes this section immediately effective.

- 24** **Services terminated by discontinuance or lack of pupils; preference given.** (a) Requires a first class city school district, when discontinuing teaching positions, to first consider teachers for other teaching positions in the district for which the teachers are qualified before discontinuing the teachers in the inverse order of their employment unless there is a different negotiated plan.

(b) Gives the superintendent in a first class city school district the ability to exempt from the order for terminating teachers those teachers who teach in a Montessori or language immersion program or provide instruction in an advanced placement course and who in the superintendent's judgment meet a unique need in delivering curriculum. Requires that within the Montessori or language immersion program teachers be discontinued based on the inverse order in which they were employed.

Makes this section immediately effective.

- 25** **Contract; duties.** Includes an annual evaluation of school principals in the list of duties a school superintendent is required to perform.

Makes this section effective for the 2013-2014 school year and later.

- 26** **Duties; evaluation.** (b) Directs school districts to develop and implement a performance-based system for annually evaluating school principals. Requires the evaluation to be designed to improve teaching and learning and to: support and improve a principal's instructional leadership, organizational management, and professional development; include formative and summative assessments; be consistent with a principal's job description, district plans and goals, and the principal's own growth plans and goals, and support principals' leadership behaviors and practices, rigorous curriculum, school performance and high quality instruction; include on-the-job observations and previous evaluations; allow surveys to help identify a principal's effectiveness; use longitudinal data as an evaluation component and incorporate district achievement goals and targets; and be linked to professional development. Indicates that these provisions are intended to provide districts with sufficient flexibility to accommodate district needs and goals in developing, supporting, and evaluating principals.

Makes this section effective for the 2013-2014 school year and later.

- 27** **Eligibility.** Expands eligibility for concurrent enrollment program aid to include rigorous career and technical education programs.

- 28** **Charter schools.**

**Subd. 1. Purposes.** (b) States that the section is not intended to keep open a school that a school board closes. Allows a school board to endorse or authorize the establishing of a charter school to replace the closed school. Requires charter

applicants under this circumstance to demonstrate to the authorizer that the proposed charter is substantially different from the closed school and satisfies the requirements of this subdivision regarding its purpose. Requires a school board that both closes a school and authorizes a charter to document to the education commissioner that the proposed charter is substantially different from the closed school.

**Subd. 3. Authorizer.** (a) Strikes a definition of "affidavit" that describes the substance of a form an authorizer must submit to the commissioner before a charter school may organize an affiliated nonprofit building corporation.

(b) Makes technical changes. Strikes the requirement that a charitable organization must report a year-end fund balance of at least \$2,000,000 to be eligible to serve as a charter school authorizer. Adds a requirement that a charitable organization must have been operating continuously for at least five years before it authorizes a charter school. Strikes the limit on the number of permitted single purpose authorizers.

(c) Requires the commissioner to approve or disapprove an eligible authorizer's application for approval as an authorizer within 45 instead of 60 business days. If the commissioner disapproves an authorizer's application, requires the commissioner to provide the applicant with written notice of the specific deficiencies. Gives the applicant 20 business days to mitigate the deficiencies and the commissioner a further 15 business days to make a final decision.

(d) Strikes several requirements addressed elsewhere for what an authorizer must include in its application to the commissioner for approval as an authorizer. Adds a requirement that the authorizer applicant include a description of the authorizer's criteria and process for granting expanded applications.

(e) Makes a technical change.

(f) In a circumstance where an authorizer's governing board votes to withdraw as an approved authorizer for a reason unrelated to the grounds for terminating a charter school contract under subdivision 23 of this charter school section, requires the authorizer to notify the commissioner and all its chartered schools by July 15 of its intent to withdraw as an authorizer on June 30 in the next calendar year. Allows the commissioner to approve the transfer of a charter school to a new authorizer after a new authorizer submits an affidavit to the commissioner.

(i) Requires the commissioner to assist a charter school in acquiring a new authorizer in a case where the commissioner terminates a contract between an authorizer and a charter school after finding that the authorizer failed to comply with statutory requirements governing charter school authorizers.

(j) Allows the commissioner to take corrective action against an authorizer for any good cause shown that provides the commissioner with a legally sufficient reason to act.

**Subd. 4. Formation of school.** (a) Strikes language allowing a charter school to be organized and operated as a cooperative under chapter 308A.

(d) Strikes language allowing a charter school to be organized and operated as a cooperative under chapter 308A.

- (f) Strikes a requirement that the department approve school board member training. Requires ongoing training for school board members.
- (g) Requires school board elections to be held at a convenient time during the school year, which excludes days when the school is closed for holidays or vacations. Clarifies that the parent member of the school board of directors must not be a school employee. Allows the chief financial officer and chief administrator of a charter school to serve as ex officio nonvoting board members only and precludes charter school employees from serving on a charter school board unless they serve in their capacity as a licensed teacher employed at the school or as a licensed teacher providing instruction at the school under a contract between a cooperative and the charter school. Prohibits contractors providing facilities, goods, or services to a charter school from serving on a charter school board.
- (j) Requires an authorizer to submit a supplemental affidavit to the commissioner before the authorizer may permit a charter school board of directors to expand to additional sites or add additional grades. Requires the supplemental affidavit to document the need for the expansion and projected enrollment, the longitudinal data on students' improved academic performance and growth that warrants the expansion, the financing available and sought for this purpose, and the governance and management structures to implement the expansion.
- (k) Gives the authorizer 20 business days to mitigate any deficiencies identified by the commissioner.

**Subd. 4a. Conflict of interest.** Prohibits an individual with whom a charter school contracts from serving on the charter school board of directors.

**Subd. 6. Charter school contract.** Adds to the terms of a charter school contract a requirement that the charter school operator agree to indemnify and hold harmless the commissioner and the authorizer and their officers, agents, and employees from any suit, claim, or liability arising from operating the charter school.

**Subd. 6a. Audit report.** Requires an auditor to provide financial services to a charter school to agree to make information about a charter school's financial audit available to the commissioner upon request.

**Subd. 9. Admissions requirements.** Allows a charter school to give enrollment preference to the children of the school's staff instead of the school's teachers.

**Subd. 17a. Affiliated nonprofit building corporation.** Strikes the requirement that the charter of a school operating for at least five school years must have been renewed for a five-year term before the charter school organizes an affiliated nonprofit building corporation to renovate or purchase an existing facility to serve as a school. Makes technical changes.

**Subd. 23. Causes for nonrenewal or termination of charter school contract.** (a) Requires a charter school authorizer to notify a charter school board of directors within 60 business days of its intent to not renew or terminate the charter contract. Clarifies that an informal hearing is available before the authorizer acts to renew or not renew a charter contract.

(c) Allows a transfer of authorizers when an authorizer and a charter school board of directors mutually agree to terminate or not renew a charter contract. Requires the proposed authorizer to identify any outstanding issues and have the charter school agree to resolve those issues before the commissioner determines whether to approve a transfer of authorizers.

(d) After providing reasonable notice and an opportunity for a public hearing, allows the commissioner to terminate a charter school contract if the commissioner establishes that the charter school failed to meet state pupil performance requirements, among other grounds.

(e) Strikes the commissioner's obligation to provide information about other eligible authorizers to a charter school when the commissioner terminates the charter contract of an authorizer that fails to fulfill statutory requirements.

**Subd. 25. Extent of specific legal authority.** Requires a charter school to assume full liability for its activities and to indemnify and hold harmless the commissioner and authorizer and their officers, agents, and employees from any suit, claim, or liability arising from operating the charter school.

**29 Payment of aids to charter schools.** Paragraph (h) requires a charter school to have a valid, signed contract on file with the department at least 15 days before the department makes the first state aid payment to the charter school in the fiscal year.

Paragraph (i) requires state aid entitlements to be computed only for the portion of the school year for which a charter contract exists.

**30 Community Education Director.** Allows a school board of a district with fewer than 6,000 residents, instead of 2,000 residents, to identify a superintendent to serve as a community education director.

Allows a person with a valid principal's license to continue to serve as a community education director if they served on June 1, 2011.

**31 - 34 ServeMinnesota Innovation Act.** Rename the Youthworks Act to ServeMinnesota Innovations Act and update a federal law reference.

**35 ServeMinnesota Innovation Program.** Renames Youthworks to ServeMinnesota. The program is established to provide funding for the commission to leverage additional federal and private funding.

**36 ServeMinnesota Innovation Grants.** The commission is required to publish grant application guidelines consistent with state and federal law and require grantees to use research-based measures of program outcomes to generate data available to the commission for evaluation and public reporting purposes.

**37 Program training.** Directs the Minnesota Commission on National and Community Service to provide guidance to grantee organizations on integrating performance based measures into program models.

**38 My Reading Corps program.** Expands the reading corps program training provided by the commission to include guidance on integrating programmatic-based measurement into program models.

- 39      **Match Requirements.** Increases the limit on administrative expenses from 5 to 7 percent of the total program costs. Permits grant funds to be used for training and evaluation of program participants.
- 40      **Interim Report.** Requires the commission to report to the legislature annually instead of semiannually with recommendations for changes to the program.
- 41      **Performance tracking system.** Paragraph (a) To comply with federal reporting requirements, directs the adult basic education performance tracking system to use longitudinal data to track program outcomes, including data on the extent to which participation in a diversionary work program, Minnesota family investment program, and food support and training program is reduced as a result of learners participating in an adult basic education program.  
Paragraph (c) requires an adult basic education program provider to notify a program participant asked to provide his or her social security number that the participant's social security number will be shared with the Office of Higher Education and the Department of Human Services, among other entities, in order to meet the reporting requirements in paragraph (a) of this section.
- Effective Date. Makes this section effective immediately and applicable through the 2020-2021 school year and later.
- 42      **Persons less than 18 years of age.** Paragraph (a) allows the public safety commissioner to issue a driver's instruction permit to a home school student whose parent certifies the student's status on a form provided by the commissioner.  
Paragraph (b) allows the commissioner to request verification of the student's home school status from the school superintendent.
- 43      **Offenses.** Allows the public safety department to revoke the instruction permit of a home school student who submits a false application.
- 44      **Violations.** Allows the public safety department to revoke the instruction permit of a home school student who submits a false application.
- 45      **Effective date.** Amends 2011 law to make teacher performance assessments that are part of a teacher preparation program applicable to teacher candidates beginning no later than the 2013-2014 school year. Also requires the Board of Teaching to submit a report by April 1, 2012, to the education committees in the legislature on the board's progress in implementing teacher performance assessments.

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**Implementing a performance-based evaluation system for principals.** Paragraph (a) directs the education commissioner and the associations of elementary and secondary school principals to convene a group of experts and stakeholders to develop an annual performance-based principal evaluation system model. Directs the group to consider how principals develop and maintain high standards for student performance, rigorous curriculum, quality instruction, a culture of learning and professional behavior, connections to external communities, systemic performance accountability, and leadership behaviors that create effective schools and improve school performance. Encourages the group to also consider whether to establish a multi-tiered evaluation system for newly licensed principals and more experienced school leaders.

Paragraph (b) directs the education commissioner and the associations of elementary and secondary school principals to submit a written report and all the group's papers to the legislature by February 1, 2012, discussing the group's responses to paragraph (a) and its recommendations for an annual performance-based principal evaluation system model. Causes the group to expire on June 1, 2012.

**Effective Date.** Makes this section effective immediately and applicable to principal evaluations beginning in the 2013-2014 school year and later.

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### **School districts' joint operation and innovative delivery of education; pilot project.**

**Subd. 1. Establishment; requirements for participation.** Establishes a four-year pilot project to allow groups of school districts to deliver innovative education programs and activities and share resources.

Paragraph (b) allows groups of three or more school districts operating as a joint partnership to participate.

Paragraph (c) requires interested partnerships, after consulting with affected employees, to submit to the education commissioner an application, an agreement identifying the joint use opportunities member districts intend to pursue and a comprehensive plan of between two and four years for the innovative delivery of programs and activities and the sharing of resources.

Paragraph (d) requires participating districts to comply with the federal, state, and local requirements applicable to charter schools and otherwise exempts participants from laws and rules governing public schools generally.

Paragraph (e) allows a participating district to continue to receive revenue and maintain its taxation authority as though it were a school district.

Paragraph (f) directs that a participating district continue to be organized and governed by an elected school board with general powers.

**Subd. 2. Role of the commissioner.** Allows the commissioner to select up to three qualified applicants from throughout the state to participate in this pilot project.

**Subd. 3. Pilot project evaluation.** Directs the commissioner to evaluate the measurable success of joint partnerships in delivering innovative programs and activities and sharing resources. Directs the commissioner to report to the legislature by February 1, 2016, and include recommendations.

Makes this section apply for the 2011-2012 through 2014-2015 school years.

**48** **90-day good faith effort exception.** Notwithstanding other law, directs the Minnesota State High School League to help Albany Senior High, Melrose Secondary School, and New London-Spicer Senior High arrange interscholastic conference membership after a 90-day good faith attempt by the school to join a conference.

**49 English Language Proficiency Standards.**

**Subd. 1. Standards.** Requires the department to adopt English language proficiency standards as statewide standards.

**Subd. 2. Adoption.** Requires the commissioner to adopt the most recent English language proficiency standards for English learners developed by World-Class Instructional Design and Assessment. Sets a timeline for adopting the permanent rule

**50 Repeater.** Repeals statutory provisions (Minn. Stat. § 120A.26, subds. 1 and 2) allowing a school superintendent to make an onsite visit to a home school and allowing a home school parent to document the instruction the parent is providing to the home school student as an alternative to the superintendent's visit. Repeals the definitions of mentor (Minn. Stat. § 124D.38, subd. 4), participant (Minn. Stat. § 124D.38, subd. 5), and placement (Minn. Stat. § 124D.38, subd. 6) as part of the technical changes to the ServeMinnesota Innovation Act.

## **Article 3: Special Programs**

**1 Child with a disability.** Updates statutory terms to conform with federal terminology and Minnesota rule.

Makes this section effective July 1, 2011

**2 Physical holding or seclusion.** Allows a school district to continue to use prone restraints with certain requirements until August 1, 2012. Requires the department to report back to the legislature on the use of prone restraints.

**3 Placement in another district; responsibility.** Authorizes the commissioner to designate the district of residence if there is a dispute between school districts regarding residency.

**4 Placement of children without disabilities; education and transportation.** Authorizes the commissioner to designate the district of residence if there is a dispute between school districts regarding residency.

**5 Repeater.** Repeals the interagency office on transition services (section 125A.54).

## **Article 4: Facilities and Technology**

**1 Capital expenditure; health and safety.**

**Subd. 1. Health and safety revenue application.** Clarifies what is included in the health and safety revenue application.

**Subd. 2. Health and safety policy.** Clarifies the requirement of school boards to

adopt a health and safety policy. Removes language that is clarified in later subdivisions.

**Subd. 6. Uses of health and safety revenue.** Clarifies the allowable uses of health and safety revenue.

**Subd. 6a. Restrictions on health and safety revenue.** Clarifies the prohibited uses of health and safety revenue.

**Subd. 6b. Health and Safety projects.** Clarifies requirements of certain projects eligible for health and safety revenue.

**Subd. 6c. Appeals process.** Allows an appeals process for districts if funding approval for a project is denied.

**Subd. 8. Health, safety, and environmental management cost.** Includes a cross-reference for "health, safety, and environmental management."

**2 Final plans.** Allows the department to accept conceptual drawings instead of finalized drawings for the review and comment process.

**3 Certification.** Corrects a cross-reference.

**4 Health and safety policy.** Allows a school board to submit an application for health and safety revenue for taxes payable in 2012 if the board has not yet adopted a health and safety policy by September 30, 2011.

Makes this section effective immediately.

## **Article 5: Accounting**

**1 Violations of law.** Clarifies the mechanism for withholding or reducing funds as a result of violations of law.

Makes this section effective July 1, 2011.

**2 District employment of unlicensed teachers; aid reduction.** Clarifies that state aid is withheld and not reduced for employing unlicensed teachers.

Makes this section effective July 1, 2011.

**3 Payment to creditors.** Directs the education commissioner to make state aid payments only to school districts, charter schools, and other educational organizations that provide education services.

## **Article 6: Student Transportation**

**1 Early childhood literacy programs.** Paragraph (c) strikes language requiring the commissioner to annually collect, evaluate literacy, and report data on children from age 3 to grade 3.

Makes this section effective immediately.

- 2** **Early childhood developmental screening.** As part of early childhood developmental screening, directs school districts to notify parents and guardians that a vision screening is not a substitute for having children undergo a comprehensive eye exam.

## **Article 7: Early Childhood Education**

- 1** **Full-service school zones.** Allows school boards to formally adopt a full-service school zone in an area with socioeconomic challenges in order to provide education, health, human services, and other parental support in collaboration with city, county, state, or nonprofit agencies. Allows the school board to provide students with transportation to attend the school located in a full-service school zone if the transportation stabilizes enrollment and reduces mobility rates at the school.  
 Makes this section effective July 1, 2011.
- 2** **Area learning center pupils between buildings.** Broadens a school district's pupil transportation authority for students attending area learning centers by allowing the district to transport area learning center pupils between buildings if space exists on an existing bus.
- 3** **Model training program.** Changes the Department of Education's responsibility from developing an age-appropriate comprehensive model of school bus safety training program to developing and maintaining a list of school bus safety training instructional materials.  
 Makes this section effective July 1, 2011.
- 4** **Definitions.** Includes transportation to and from full-service school zones within the definition of excess transportation. Includes transportation of pupils for a curricular field trip on school bus with a power lift when one is required in the definition of "transportation services for pupils with disabilities."  
 Makes this section effective July 1, 2011.
- 5** **District reports.** Amends statutes to provide a more consistent method to measure transportation provided by the schools and provides an exemption from the standard cost allocation method for districts that contract for transportation services when the listed criteria are met.