

# HOUSE RESEARCH

## Bill Summary

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### Overview

Proposes to make policy and technical changes in K-12 education in areas related to general education finance, education excellence, special programs, libraries, self-sufficiency and lifelong learning, and Minnesota Department of Education administration.

#### Article 1: General Education

##### Section

- 1 Permanent school fund reporting.** Directs the commissioner to report to the Permanent School Fund Advisory Committee and the legislature on the amount of the permanent school fund transfer and information about fund investments. Directs the State Board of Investment to report on how it maximized fund investments.
- 2 School calendar.** Allows a school district that is cooperating with a district that has a \$400,000 construction or remodeling project to also begin the school year before Labor Day.
- 3 Statement for comparison and correction.** Changes from January 15 to February 15 the date by which the commissioner must convert audited financial data into a consolidated financial statement format that is published on the Minnesota Department of Education Web site.
- 4 Failure to limit expenditures.** Changes from January 15 to February 15 the deadline for reporting school districts in statutory operating debt to the legislature.
- 5 Nonresident tuition rate; other costs.** To avoid billing confusion, excludes compensatory revenue from tuition billing calculations for cooperatives.
- 6 Foreign exchange pupils.** Allows school districts to count as resident pupils those foreign exchange students enrolled in a district under a cultural exchange program

registered with the Secretary of State's office.

- 7        **Basic revenue.** Increases school districts' basic revenue by an unspecified amount to reflect innovation revenue allocations.
- 8        **Building allocation.** Allows Minnesota Department of Education to pay compensatory revenue directly to cooperatives.
- 9        **Separate accounts.** Directs cooperative units to maintain separate accounts for basic skills revenue.
- 10       **Lease purchase; installment buys.** Makes changes that allow certain school districts to use levy proceeds to acquire property.
- 11       **Alternative attendance programs.** To avoid billing confusion, excludes compensatory revenue from tuition billing calculations for cooperatives.

## Article 2: Education Excellence

- 1        **Elective standards.** Establishes world language proficiency certificates.
- 2        **Graduation requirements; course credits.** Ties course credits to state and local academic standards.
- 3        **Education innovation.** (a) Requires school districts annually to use 5 percent of basic revenue to implement research-based curriculum and instruction, and other education programs and practices to improve academic performance for diverse groups of students. Directs districts to submit a plan to the commissioner that describes how the district proposes to use its innovation revenue to supplement state reading, math, and science requirements and improve student outcomes. Requires the plan to identify specific education goals and the indicators to demonstrate progress toward achieving those goals, supplement current district initiatives, and demonstrate how innovation revenue helps narrow and eliminate differences in student academic achievement, among other outcomes.
- (b) Requires school districts to spend innovation revenue consistent with its plan. Requires districts to annually report to the commissioner or post on district's official Web site reliable and accessible information and supporting longitudinal data showing progress in realizing its goals. Directs the commissioner to analyze and post the district data.
- Makes this section effective for the 2014-2015 school year and later.
- 4        **Program structure; training program for teachers.** Allows the commissioner to award state-funded competitive two-year grants for advanced placement summer training institutes for high school teachers, beginning and ending on October 1.
- 5        **Definitions.**
- Subd. 1. Definitions.** Makes the definitions in this section applicable to the statutory chapter on educational accountability.
- Subd. 2. Growth.** Defines growth as the difference in a student's achievement score at two or more points in time.

**Subd. 3. Value-added.** Defines value-added as the amount of achievement a student demonstrates above an established baseline.

**Subd. 4. Value-added growth.** Defines value-added growth in the context of a student's growth score. Declares that value-added growth models use student-level data to measure what portion of a student's growth can be attributed to the education environment.

**Subd. 5. Adequate yearly progress.** Defines adequate yearly progress based on the number of student subgroups under the federal No Child Left Behind Act in a public school or district that, based on state assessments and performance adjustments, meet or exceed federal expectations. Lists student attendance, graduation, and test participation rates as additional federal requirements.

**Subd. 6. State growth target.** (a) Defines state growth target as the average two-year assessment scores for students with similar one-year assessment scores.

(b) Lists which school years serve as benchmarks for particular grades in establishing state growth targets, which remain in effect until the assessment scale changes.

(c) Directs a stakeholders' group that includes assessments experts to recommend a new state growth target for the commissioner to consider when revising the state's academic standards.

**Subd. 7. Low growth.** Defines low growth as an assessment score that is one-half standard deviation below the state growth target.

**Subd. 8. Medium growth.** Defines medium growth as an assessment score that is within one-half standard deviation above or below the state growth target.

**Subd. 9. High growth.** Defines high growth as an assessment score that is one-half standard deviation above the state growth target.

**Subd. 10. Proficiency.** Defines proficiency for purposes of reporting student growth on the school performance report cards as those students who in the preceding school year scored at or above "meets standards" on the statewide assessments. Describes how student growth and proficiency information is displayed on the school report card.

**Subd. 11. Growth and progress toward proficiency.** Uses the categories of low, medium, and high growth to indicate both student growth and progress toward proficiency.

Makes this section effective immediately.

## 6 Statewide testing and reporting system.

**Subd. 1. Statewide testing.** (a) Provides for computer-adaptive reading and math tests for general education students in grades 3 through 8 that include both multiple choice and constructed response questions. Directs school districts identified by the commissioner to participate in field testing. Allows school administrators to appeal to the commissioner for an exemption from this requirement. Makes GRAD tests applicable in 2012-2013 to those few students who are subject to the Minnesota basic

skills tests.

(c) Allows students enrolled in grade 8 in any school year between the 2005-2006 and 2009-2010 school year who do not pass the math graduation-required assessment for diploma to receive a diploma with a passing state notation if they satisfactorily complete all coursework and credits required for graduation and participate in academic remediation and two re-test attempts. Directs districts issuing high school diplomas in the 2009-2010 through the 2013-2014 school years to record the student's math GRAD test score on the student's high school transcript. Also allows a school board to include a notation of high achievement on students' high school diplomas indicating exemplary academic achievement during high school based on board-established criteria.

(d) and (e) Anticipate 3rd through 8th grade computer-adaptive assessments.

(f) Strikes language no longer applicable in the context of testing students with disabilities or limited English proficiency.

**Subd. 1a. Statewide and local assessments; results.** (a) For purposes of administering computer-adaptive assessments in reading and math to students in grades 3 through 8 beginning in the 2010-2011 school year, defines computer-adaptive assessments, fully-adaptive assessments, partially-adaptive assessments, on-grade level, above-grade level, and below-grade level.

(b) Directs the commissioner to use fully-adaptive tests to the extent no net loss of federal and state funds occurs and to otherwise use partially-adaptive assessments to meet federal accountability requirements.

(c) For purposes of federal accountability requirements, directs the commissioner to implement computer-adaptive reading and math assessments for grades 3 through 8, state-developed high school reading and math tests aligned with state standards, and science assessments. Prohibits the commissioner from requiring students to achieve a passing score on high school science assessments in order to graduate. Lists requirements for annual computer-adaptive assessments: make individual student performance data and achievement and summary reports available within three school days; make individual student data available from school year to school year; allow educators to use elementary and middle school student performance data to project student achievement in high school; and use diagnostic information about areas of students' academic strengths and weaknesses to improve student instruction. When contracting for computer-adaptive assessments, directs the commissioner to give priority to contracting with providers able to offer local school districts an option of providing supplementary locally-financed formative assessments.

(e) Requires assessment results to include a value-added growth indicator of student achievement.

(h) Requires the commissioners of education and finance to annually certify by February 1 that the state assessments meet the statutory testing requirements at the lowest combined total cost to the state and local schools and school districts in terms of test development and local technology infrastructure and eliminate duplicative testing.

Makes the temporary alternative to the state's math GRAD test applicable in the 2009-2010 through 2013-2014 school years. Prohibits the commissioner from implementing any alternative to the state's math GRAD test without specific legislative authority. Makes computer-adaptive tests apply in the 2010-2011 school year and later.

## 7 **System accountability and statistical adjustments.**

**Subd. 1. Educational accountability and public reporting.** Requires Minnesota's educational accountability and reporting system to promote greater academic achievement and preparation for higher academic education, the world of work, citizenship, and the arts.

**Subd. 3. Educational accountability.** Directs the Independent Office of Educational Accountability (OEA) to report to the legislature on: the completeness, integrity, and use of statewide educational accountability information; the impact of statewide educational accountability information on K-12 education policy, effectiveness, resource distribution, and structure; and whether and how a value-added growth indicator of student achievement estimates the effects of the school and the school district on student achievement and measures school performance. Strikes oversight language regarding the commissioner making statistical adjustments when reporting data and other related actions.

**Subd. 4. Statistical adjustments; student performance data.** Distinguishes student performance and growth data.

Makes this section immediately effective.

## 8 **Student academic achievement and growth.**

**Subd. 1. School and student indicators of growth and achievement.** Requires the statewide educational accountability and reporting system to measure and separately report the adequate yearly progress of schools and the academic growth of individual students. Requires the system to include statewide measures of high and low student academic growth. Strikes obsolete language.

**Subd. 2. Federal expectations for student academic achievement.** (a) Requires school districts to annually determine whether schools meet federal expectations for student achievement.

**Subd. 3. State growth target; other state measures.** (a) Requires the state's educational assessment system to measure individual students' educational growth.

(b) Directs the commissioner, in consultation with experts and other stakeholders, to implement an assessment model that uses a value-added growth indicator and includes criteria for identifying schools with medium and high growth, and to recommend other value-added measures. Contemplates that this model may be used to advance educators' professional development and replicate programs that meet students' diverse learning needs. Declares that data on individual teachers generated under this model are protected personnel data. Requires the model to allow users to report student growth and report and compare aggregated and disaggregated state

growth data using nine student categories under the federal No Child Left Behind Act and gender, consistent with nonpublic data laws.

Directs the commissioner to report separate measures of student growth and proficiency.

(c) Directs the commissioner to annually report, beginning July 1, 2011, two core measures indicating the extent to which students are completing course work important to preparing them for postsecondary academic and career opportunities and rigorous courses of study such as advanced placement, international baccalaureate or post secondary enrollment options or industry certification courses or programs. Requires the commissioner to report these measures also in the context of the nine student categories under the federal No Child Left Behind Act and gender, consistent with nonpublic data laws.

(d) Directs the commissioner to annually report, beginning July 1, 2013, summary data on school safety and students' engagement and connection at school. Declares that the summary data under this paragraph are separate from and must not be used to measure or evaluate the performance of classroom teachers. Directs the commissioner, in consultation with experts and other stakeholders, to identify highly reliable variables that generate the summary data, which may be used at the school, school district, and state levels only. Declares that data on individuals used to generate the summary data are nonpublic data.

**Subd. 4. Improving schools.** Directs the commissioner to annually report to the public and the legislature, beginning June 30, 2012, the organizational and curricular practices implemented by schools that demonstrate medium and high student growth.

Directs the commissioner to implement an assessment model that uses a value-added growth indicator beginning in the 2008-2009 school year. Directs the commissioner to report on two separate student course-taking measures beginning in the 2010-2011 school year. Directs the commissioner to collect summary data on school safety and students' engagement and connection at school beginning in the 2010-2011 school year and to annually report the data beginning July 1, 2013, consistent with advice from qualified experts and classroom teachers. Directs the commissioner to annually report the organizational and curricular practices implemented by schools that demonstrate medium and high student growth beginning in the 2011-2012 school year.

## 9 **School accountability; appeals process.**

**Subd. 1. School performance report cards.** (a) Directs the commissioner to report student academic achievement in the context of federal expectations, the percentages of students showing low, medium, and high growth, school safety and student engagement and connection, rigorous coursework, staff characteristics excluding salaries, student enrollment demographics, district mobility, and extracurricular activities, among other indicators.

**Subd. 2. Adequate yearly progress data.** Declares that all data the department uses to determine adequate yearly progress status, set state growth targets, and determine student growth are nonpublic data. Directs the department to annually post federal adequate yearly progress data and state student growth data to its public Web

site.

Makes this section effective immediately.

- 10 **Report.** Allows home-school families to report children’s immunizations records to the school superintendent upon enrollment and in seventh grade.
- 11 **Eligibility; board composition.** Permits recently retired teachers to serve out their term on the board of teaching.
- 12 **Vacant position.** Permits recently retired teachers to serve out their term on the board of teaching.
- 13 **Expiration and renewal.** (b) Allows educators applying to renew their licenses to present to their local licensing committees evidence of work that demonstrates professional reflection and growth in best teaching practices. Requires applicants to include a reflective statement of professional accomplishment and the applicants’ own assessment of professional growth that shows evidence of (1) support for student learning, (2) use of best practices, (3) collaborative work with colleagues, and (4) continual professional development. Directs the board of teaching to ensure that its teacher relicensing requirements include the substance of this paragraph.  
Makes this section applicable to licensees seeking relicensure beginning July 1, 2012.
- 14 **Mentoring for probationary teachers.** Allows school districts to have trained observers serve as mentors or coaches and to have probationary teachers participate in professional learning communities as part of the district’s peer review process for probationary teachers.  
Makes this section effective for the 2009-2010 school year and later.
- 15 **Peer coaching for continuing contract teachers.** Allows school districts to have trained observers serve as mentors or coaches and to have continuing contract teachers participate in professional learning communities as part of the district’s peer review process for continuing contract teachers.  
Makes this section effective for the 2009-2010 school year and later.
- 16 **Mentoring for probationary teachers.** Allows first class city school districts to have trained observers serve as mentors or coaches and to have probationary teachers participate in professional learning communities as part of the district’s peer review process for probationary teachers.  
Makes this section effective for the 2009-2010 school year and later.
- 17 **Peer coaching for continuing contract teachers.** Allows first class city school districts to have trained observers serve as mentors or coaches and to have continuing contract teachers participate in professional learning communities as part of the district’s peer review process for continuing contract teachers.  
Makes this section effective for the 2009-2010 school year and later.
- 18 **Plan components.** Includes a rigorous and research-based professional development system based on national and state standards of effective teaching practice and designed to achieve ongoing and school-wide progress and growth in teaching as an element of the educational improvement plan that school boards participating in Q-Comp must approve.  
Makes this section applicable to plans developed in the 2009-2010 school year and later.
- 19 **Alternative teacher professional pay system.** Requires a Q-Comp agreement to include, as part of the reform of “steps and lanes,” evidence of effective practice that encompasses reflection and growth in best teaching practices shown through support for student learning,

collaborative work with colleagues, or continual professional learning.

Makes this section applicable to all Q-Comp agreements entered into or modified after the effective date of this section.

- 20 Approval process.** Per a recommendation of the Legislative Auditor, directs the commissioner to annually establish three dates as deadlines by which interested Q-Comp applicants must submit an application and requires the department to review a completed application within 30 days of the application deadline.  
Makes this section applicable to all applications submitted after the effective date of this section.
- 21 Contents of plan.** Requires staff development plans to be consistent with teacher relicensure requirements and to support stable and productive professional communities, emphasize ongoing professional development opportunities, maintain a strong subject matter focus premised on students' learning goals, ensure specialized preparation and learning about teaching students with special needs and limited English proficiency, and reinforce national and state standards of effective practice.  
Makes this section applicable to the 2009-2010 school year and later.
- 22 State-approved alternative learning organization.** Per the recommendations of the Minnesota Department of Education work group, establishes parameters for alternative learning centers, alternative learning programs, and contract alternative programs.
- 23 State-approved alternative programs and services.** Changes terminology to refer to "state-approved alternative programs" instead of centers in order distinguish particular types of programs.
- 24 State-approved alternative program funding.** Changes terminology related to "state-approved alternative programs" in order distinguish particular types of programs.
- 25 Background check required.** (c) Allows a school hiring authority to pay the costs of conducting a discretionary criminal history background check on school volunteers, independent contractors, and student employees.  
Makes this section effective immediately.
- 26 Temporary closing.** Exempts school district from having to hold a formal public hearing when proposing to temporarily close or lease a school building for up to three years.
- 27 Definitions.** Defines "online course syllabus" for purposes of the online learning law.
- 28 Authorization; notice; limitations on enrollment.** (b) Clarifies procedures for students to enroll in and receive course credit for supplemental online learning courses and programs.  
  
(f) Requires the online learning provider to provide or make accessible information about students' academic progress. Requires the enrolling school district to designate a contact person to facilitate and monitor students' academic progress.
- 29 Online learning parameters.** (a) Strikes language addressed elsewhere in the online learning law.  
  
(d) and (e) Make enrolling districts that are full-time online learning providers, and also full-time and supplemental online learning providers subject to reporting requirements and review criteria.

- 30 Department of Education.** Strikes language addressed elsewhere in the online learning law. Requires the online learning provider to provide the department with a written statement about its courses and also demonstrate that the substance of the online course syllabus meets nationally recognized professional standards, consistent with the commissioner's requirements.
- 31 Online learning advisory council.** Causes the council to expire in 2013 instead of 2008.
- 32 Commissioner designation.** Makes changes in terminology related to state-approved alternative programs.
- 33 Student planning.** Makes a change in terminology related to state-approved alternative programs.
- 34 Eligible programs.** Clarifies pupil eligibility for purposes of the graduation incentives program.
- 35 Eligible programs.** Consistent with changes elsewhere in this bill, refers to a state-approved alternative program instead of alternative learning centers. Under the graduation incentives program, makes a high school junior or senior instead of a pupil between the ages of 16 and 21 eligible to enroll in a post secondary enrollment options course or program.
- 36 Additional eligible program.** Makes a technical change.
- 37 Pupil enrollment.** Consistent with changes elsewhere in this bill, refers to a state-approved alternative program instead of an alternative learning center.
- 38 Early childhood family education revenue.** Allows eligible schools to apply to the commissioner for grants to provide early childhood family education programs for American Indian families.
- 39 Learning year pupil units.** Makes a technical change.
- 40 Project-based average daily membership.** Defines a project-based instructional program as primarily student-led course work for credit that may be completed onsite, in the community or online and is available to all or only some students and grades in a school. Establishes requirements that schools must meet to receive revenue for students enrolled in a public school in a project-based program.
- 41 Minnesota P-20 education partnership.**

**Subd. 1. Establishment; membership.** Establishes a P-20 partnership to create a seamless education system that maximizes the achievement of all students from early childhood through postsecondary education and promotes the efficient use of resources. Lists partnership members. Establishes meeting processes. Directs the partnership to seek outside expertise. Requires partnership members to be the leader or designee of their respective organizations and requires partnership members to meet at least three times during each calendar year.

**Subd. 2. Powers and duties.** Directs the partnership to recommend to the governor and the legislature how to maximize the achievement of all P-20 students and promote efficient use of resources. Lists examples of recommendations for

strategies, policies, and other actions. Directs the partnership to submit an annual report to the legislature and the governor by January 15 that summarizes the partnership's progress and includes any recommendations the partnership has for maximizing student achievement and promoting efficient resource use.

**Subd. 3. Expiration.** Causes the partnership to be permanent and not expire.

- 42** **Persons less than 18 years of age.** Allows the public safety commissioner to issue a driver's instruction permit to a home school student whose parent certifies that the parent has satisfied the applicable home school reporting requirements.
- 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** **When issued.** Allows a home school parent to issue an employment certificate for a 14 or 15 year old home school student who wishes to work on school days.
- 46** **Implementing rigorous course work measures related to student performance.** Establishes a process for the commissioner and experts and other stakeholders including parents and teachers to develop a model that projects anticipated high school performance on preparation and rigorous coursework measures and compares schools with similar schools. Causes the group to expire June 30, 2011.
- Makes this section effective immediately and applicable to school report cards beginning July 1, 2011.
- 47** **Implementing measures for assessing school safety and students' engagement and connection at school.** (a) Establishes a process for the commissioner and experts and other stakeholders including parents and teachers to identify highly reliable variables of student engagement and connection and determine how to report student safety to comply with federal law.
- (b) Directs the commissioner to submit one report to the legislature in 2010 on the two topics in paragraph (a) and a second, related report in 2013 on the content and analysis of and format for reporting collected data. Causes the group to expire December 31, 2013.
- Makes this section effective immediately and applicable to school report cards beginning July 1, 2013.
- 48** **Examining the characteristics and impact of "high stakes" math and science tests in the context of awarding high school diplomas.** (a) To determine state policy for administering "high stakes" math and science tests in the context of awarding high school diplomas, directs the Office of Educational Accountability (OEA) to convene and facilitate an advisory group that includes measurement experts, regionally diverse school district research and evaluation directors, school administrators, higher education faculty at two-year and four-year institutions, licensed math and science teachers, the Minnesota Department of Education director of evaluation and testing, parents, representatives of the business community, the public, mathematicians, scientists, and workforce development experts to consider and recommend how best to motivate students

and improve students' academic achievement in the context of "high stakes" math and science exams required for high school graduation. Directs the advisory group to at least evaluate and make recommendations on: (1) particular kinds of math and science exams that Minnesota might use as "high stakes" exams to award or deny students a high school diploma; (2) appropriate levels of high school math and science proficiency and the educational support to help students achieve those proficiency levels; (3) the relationship between math and science proficiency levels and state definitions of college and career readiness; (4) the interrelationship between requiring students to demonstrate math and science proficiency and college or career readiness, and awarding or denying students a high school diploma; (5) the interrelationship between "high stakes" testing and other coursework and credits required for graduation or college and career readiness; and (6) appropriate accommodations for students with individualized education plans and students with limited English proficiency in some circumstances.

(b) Exempts the advisory group from the effect of the statutory provision (M.S., section 15.059) governing the terms, compensation, and removal of members of advisory councils and committees. Directs the OEA to present the advisory group's evaluation and recommendations to the legislature by February 15, 2010. Causes the group to expire on June 1, 2010.

Makes this section immediately effective.

**49**     **Advisory task force.** (a) Establishes an advisory task force on improving teacher quality and identifying institutional structures and strategies for integrating secondary and postsecondary academic and career education to recommend to the legislature how to: (1) enable classroom teachers to acquire a master's degree in their substantive licensure field; and (2) meet K-12 students' needs for planning and preparing for postsecondary academic and career education.

(b) Directs the education commissioner to appoint an advisory task force composed of representatives from named entities and other representatives named by task force members. Makes the task force subject to the statutory provision governing advisory committees and councils. Allows the education commissioner to reimburse task force members from its current operating budget but prohibits the payment of any compensation for task force activities. Requires task force members to submit recommendations to the legislature by February 15, 2009.

(c) Directs the education commissioner to provide technical and other assistance upon request.

(d) Causes the task force to expire on February 16, 2009

**50**     **Appropriations; office of educational accountability.** Appropriates unspecified general fund sums in fiscal years 2010 and 2011 to the Board of Regents of the University of Minnesota for the Office of Educational Accountability.

**51**     **Repealer.** Repeals a section (MS, section 120B.362) directing the commissioner to implement a value-added assessment program.

## Article 3: Special Programs

**1 Pupil.** Amends the definition of pupil with a disability under the Pupil Fair Dismissal Act to conform with changes in Minnesota's special education chapter.

**2 Child with a disability defined.**

**Subd. 1. Child with a disability.** Defines a child with a disability to mean a child identified under federal and state special education law as having a specified disability or impairment who needs special education and related services according to rules of the education commissioner.

**Subds. 2 and 3.** Requires decisions affecting children's services to be determined based on rules instead of standards.

**3 General school district obligations to children with disabilities.** (a) Establishes requirements for school districts providing special education and related services to children with disabilities.

(b) Requires resident school districts to identify, locate, and evaluate children with disabilities, beginning at birth, who need special education and related services.

(c) Requires resident school districts to make a free appropriate public education (FAPE) available to eligible children with disabilities under 21 without a diploma and to eligible children with disabilities without a diploma who become 22 during the school year.

(d) Requires resident school districts to ensure that eligible children with disabilities who are enrolled by the school district in a nonpublic education facility receive special education and related services at no cost to the parent.

(e) Requires school districts to provide eligible children with disabilities who are enrolled by their parents in a nonpublic education facility located in the district with an opportunity to participate in special education and related services. Requires the districts to spend an amount at least equal to the proportionate amount of available special education federal funds.

Makes this section immediately effective.

**4 Rulemaking.** Directs the commissioner to adopt new rules and amend existing rules related to children with disabilities only under specific authority and consistent with statutory requirements for rule-making. Allows the commissioner to make rules required by federal law.

**5 Individualized education programs.** (a) Requires school districts to have an individualized education plan for children with disabilities at the start of the school year

**6 Alternative dispute resolution and due process hearings.**

**Subds. 1, 2, 3.** Strike language on school district obligations, prior written notice, and content of the prior written notice that appears elsewhere in this section.

**Subd. 3a. Additional requirements for prior written notice.** In addition to

federal law requirements, also requires that a prior written notice inform parents that (i) unless the parent notifies the district of an objection to a district proposal or refusal for the child's placement or services, the district will pursue its proposal or refusal, and (ii) the parent who objects may request a conciliation conference or other alternative dispute resolution procedure.

**Subd. 4.** Strikes language on understandable notice that appears elsewhere in this section.

**Subd. 7. Conciliation conference.** Strikes language that the requirement to hold a conciliation conference is satisfied if a parent refuses a school district's effort to conciliate the dispute. Requires a school district to hold a conciliation conference within 10 calendar days after a school district receives an parent's objection to a district proposal or refusal for a child's placement or services. Makes all conciliation conference discussions confidential unless an exception applies and inadmissible in a due process hearing. Requires the school district to provide a parent with a conciliation conference memo within five school days after the final conciliation conference.

**Subd. 10. Mediated agreements.** Strikes existing language and inserts a requirement that the mediator ensure that any resolution of a dispute or an agreement to use another dispute resolution procedure is in writing and signed by the parties, and each party receives a copy of the document that states that mediation discussions are confidential and may not be used as evidence in a subsequent hearing or proceeding. Makes the resolution or agreement legally binding and enforceable in state and federal court. Allows parties to request another mediation to resolve a dispute over implementing the agreement.

**Subd. 12. Impartial due process hearing.** Allows the parent and the school district to receive, at state expense, a copy of the hearing transcript or recording and the hearing officer's findings of fact, conclusion of law, and decisions.

**Subd. 13. Hearing officer qualifications.** Directs the education commissioner to maintain a list of hearing officers with their qualifications. Requires hearing officers to know about special education laws, rules, and decisions and how to conduct hearings and render and write decisions. Directs the commissioner to appoint a hearing officer upon request.

**Subd. 14. Request for a hearing.** Strikes existing language. (a) Allows a parent or school district to file a written request for a due process hearing.

(b) Prescribes the content of the hearing request.

(c) Allows a parent or school district to file a written request for a hearing under federal law.

(d) Requires the parent or school district that files a hearing request to provide a copy of the request to the other party and the department. Requires the department to give the parent a copy of federal procedural safeguards.

(e)(1) Requires a school district that has not sent a parent written notice to notify the parent within 10 days about its decision concerning the action that is the subject of

the hearing request. Allows the school district to also assert that the parent's hearing request is insufficient under clause (2).

(2) Precludes holding a hearing until the requesting party meets the requirements of paragraph (b) governing the content of the hearing request. Establishes a process and time line for challenging the sufficiency of the hearing request.

(f) Unless paragraph (e), clause (1) applies, requires the party receiving the hearing request to provide a written response within 10 days to the party requesting the hearing.

**Subd. 16. Burden of proof.** Declares that the burden of proof at a due process hearing is on the party seeking relief.

**Subd. 18. Hearing officer authority.** (b) Allows a hearing officer to extend the hearing decision time line for good cause.

(c) Defines as examples of good clause the time required for a settlement discussion, independent education evaluation, complexity and volume of issues, and finding or changing counsel.

**Subd. 19. Expedited due process hearings.** Consistent with federal law, allows a parent or school district to file a written request for a due process hearing, which must be held within 20 school days after the request and for which a decision must be issued within 10 school days after the hearing. Requires a resolution meeting to occur within seven days of receiving an expedited due process hearing request unless the parent and school district agree otherwise. Allows the expedited due process hearing to proceed within 15 days of the request unless the matter is resolved.

**Subd. 20. Hearing officer's decision; time period.** (a) Requires the hearing officer to reach and transmit a final decision in the due process hearing not later than 45 days after the 30-day period or the adjusted time periods under federal law expire. Allows the hearing officer to grant time extensions upon request. Requires the hearing officer to conduct oral arguments at a reasonable time and place. Strikes existing language that is addressed in the new language.

(b) Prohibits the hearing officer from amending a final decision except to make technical corrections.

(c) Clarifies that a hearing officer may order a school district to comply with federal procedural safeguards under IDEA.

**Subds. 22, 23.** Strike language addressed elsewhere.

**Subd. 24. Review of hearing officer decisions.** Requires a party appealing a hearing officer's decision to federal court to appeal within 90 days of the decision.

**Subd. 25. Enforcement of orders.** Requires the commissioner to ensure the enforcement of hearing officer decisions.

**Subd. 27. Hearing officer training.** Requires a hearing officer to participate in training offered by the commissioner.

**Subd. 28. District liability.** Declares that a school district is not liable for technical violations under federal or state special education laws or rules. Makes this subdivision applicable to due process hearings and special education complaints filed with the department.

7 **Restrictive procedures for children with disabilities.** Causes the use of restrictive procedures for children with disabilities to be governed by the statutory definitions in the Pupil Fair Dismissal Act and Minnesota Statutes, chapter 125A, governing children with disabilities generally.  
Makes this section effective July 1, 2010.

8 **Definitions.** Defines the following terms in the context of using restrictive procedures for children with disabilities: emergency, positive behavioral interventions and supports, physical holding, restrictive procedures, seclusion, and time-out.  
Makes this section effective July 1, 2010.

9 **Standards for restrictive procedures.**

**Subd. 1. Restrictive procedures plan.** (a) Requires schools to have a publicly accessible plan for using restrictive procedures with children with disabilities.

(b) Allows a school or school district, when reviewing its restrictive procedures plan, to address patterns or problems, injuries, the need to correct deficiencies, and an assessment for avoiding or limiting restrictive procedures for children with disabilities.

**Subd. 2. Restrictive procedures.** (a) Allows only qualified and trained professionals to use restrictive procedures.

(b) Allows school districts to use restrictive procedures after less intrusive alternatives fail or less intrusive alternatives are impractical.

(c) Requires school districts to make reasonable efforts to notify parents on the day restrictive procedures are used.

(d) Requires school districts to hold an individualized education plan team meeting when restrictive procedures are used twice in a 30-day period or a pattern or use emerges. Requires the team to review limitations on using restrictive procedures.

(e) Allows an individualized education plan team to plan for using restrictive procedures.

(f) Allows emergency restrictive procedures to be included in a child's individualized education plan but precludes making the procedures as part of the plan. Requires the individualized education plan to indicate how a child's parent receives notice when a restrictive procedure is used.

**Subd. 3. Physical holding or seclusion.** Allows physical holding or seclusion to be used only in an emergency and if certain requirements are met: it is the least intrusive effective intervention; it ends when the threat of harm ends and, if it exceeds 60 minutes, a qualified professional, the principal or the parent is notified; the child is observed throughout; the participating staff person documents the procedure; room specifications are met and the room meets applicable codes and is registered with and is available to be viewed by the commissioner.

**Subd. 4. Prohibitions.** Lists prohibited actions and procedures, including: corporal punishment; requiring a painful physical position, activity or posture; restricting a child's senses; presenting intense stimuli; restricting access to equipment

or devices except in cases of injury or serious damage; sexual abuse, neglect and physical abuse; withholding meals and water; denying bathroom access; and restricting a child's breathing.

**Subd. 5. Staff training.** (a) Requires staff using restrictive procedures to complete specified training in the use of those procedures.

(b) Directs the education commissioner, after consulting with the human services commissioner, to develop and maintain a list of recommended training programs. Requires school districts to maintain records on staff training. Allows school districts to coordinate training opportunities.

(c) Requires training to be updated every two years.

Makes this section effective July 1, 2010.

- 10 Placement in another district; responsibility.** (b) Requires a nonresident district that places a pupil in a care and treatment facility to notify the resident district of the placement and to give the resident district an opportunity to participate in the placement decision. Requires the nonresident district to notify the resident district within 15 days of an emergency placement. Gives the resident district five business days to request an opportunity to participate in the emergency placement decision.  
(c) Allows a resident district to establish reasonable restrictions for transporting a child placed at a day care and treatment facility, subject to a court or agency order.  
Makes this section effective immediately.
- 11 State interagency coordinating council.** Continues the council to 2014.
- 12 Placement of a child without disabilities; education and transportation.** (c) Requires a nonresident district to notify the resident district within 15 days of an emergency placement. Gives the resident district five business days to request an opportunity to participate in the emergency placement decision.  
(d) Allows a resident district to establish reasonable restrictions for transporting a child placed at a day care and treatment facility, subject to a court or agency order.  
Makes this section effective immediately.
- 13 Assistive technology device.** Amends the definition of "assistive technology device" to exclude a surgically implanted medical device or a replacement of that device.  
Makes this section effective immediately.
- 14 Programs.** Requires the resource centers for the deaf and hard of hearing to offer training programs.
- 15 Advisory committees.** Directs the advisory committee for the Resource Center for the Deaf and Hard of Hearing to meet at least quarterly and submit an annual report to the commissioner, the legislature, and the Commission on Deaf, DeafBlind and Hard of Hearing Minnesotans that includes recommendations on aggregate data-based outcomes over time for deaf and hard-of-hearing children, consistent with state academic standards and assessments and a data-based plan that includes evidence-based best practices known to improve the educational outcomes of deaf and hard-of-hearing children.
- 16 Implementation.** Removes one of two caps on administrative costs retained by the Human Services Department.

- 17 Repealer.** Repeals 121A.43 (exclusion and expulsion of students with disabilities), 125A.03 (special instruction for children with disabilities), 125A.05 (method of special instruction), and 125A.18 (special instruction in nonpublic schools).
- (b) Repeals sections 121A.66 and 121A.67, subdivision 1 (aversive and deprivation definitions and procedures), effective July 1, 2010.
- (c) Repeals parts of rules governing aversive and deprivation definitions and procedures (Minnesota Rules, parts 3525.0210, subparts 5, 6, 9, 13, 17, 29, 30, 46, and 47; 3525.2445; 3525.1100, subpart 2, item F; and 3525.2900, subpart 5), effective July 1, 2010.

#### Article 4: Libraries

- 1 Service to people with visual and physical disabilities.** Directs the department to provide services to people with visual and physical disabilities through the Minnesota Braille and Talking Book Library.
- 2 Telephone or electronic meetings.** Allows the advisory committee for Minnesota Braille and Talking Book Library to conduct committee meetings by telephone or other electronic means if certain conditions are met.

#### Article 5: Self-Sufficiency and Lifelong Learning

- 1 Other duties.** Strikes language requiring the public safety commissioner to provide information upon request to school and community advisory teams.
- 2 Repealer.** Repeals section 121A.27 (school and community advisory team).

#### Article 6: State Agencies

- 1 Grants and gifts.** Allows the commissioner to apply for and receive grants and gifts from public and nonpublic sources. Appropriates and dedicates the money the commissioner receives, consistent with the purpose of the grant or gift. Directs the commissioner to report annually to the legislature on the amount of money received under this subdivision and the purpose for which it was used.

#### Article 7: Technical Corrections

- 1 Required academic standards.** Provides for appropriate alternative achievement standards based on Minnesota's academic standards for students with individualized education plans.
- 2 Reimbursement.** Strikes an incorrect cross reference.
- 3 Clerk records.** Changes from August 15 to September 15 the date by which the clerk files school district financial reports with the school board and transmits a certified financial report to the commissioner. Requires the clerk to provide the county auditor by September

30 instead of October 10 an attested copy of the clerk's record showing the amount of proposed property tax for school purposes.

- 4     **Debt verification.** Strikes obsolete language.
- 5     **Debt elimination.** Clarifies a cross-reference.
- 6     **Certification of debt.** Strikes obsolete language.
- 7     **Grants and gifts.** Appropriates funds from grants and gifts for the purpose for which they were given.
- 8     **Definitions.** Excludes administrators and supervisors from the definition of essential personnel.
- 9     **Basic alternative teacher compensation aid.** Clarifies the formula for calculating basic alternative teacher compensation aid.  
  
      Makes this section immediately effective.
- 10    **Notification of resident district.** Strikes language removing the resident district's liability for any tuition billing received after August 1 if the resident district did not receive timely notice from the providing district.