

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 1151  
**Version:** First engrossment

**DATE:** March 18, 2013

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**Subject:** K-12 Education Policy Proposals

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### Overview

Contains E-12 education policy proposals.

#### Section

#### Article 1: Student Accountability

- 1 **Definitions.** Defines academic standard, career and college ready benchmark, credit, elective standard, required standard, and school site to clarify educational expectations for Minnesota students.
- 2 **Educational expectations and graduation requirements for Minnesota's students.**
  - Subd. 1. Educational expectations.** Strikes language to conform with the proposed definitions.
  - Subd. 2. Graduation requirements.** Requires students to complete state and locally-required credits and demonstrate attainment of required academic standards and college readiness benchmarks on a nationally normed college entrance exam in order to graduate from high school.

Makes this section effective August 1, 2013, and applicable to students entering 9<sup>th</sup> grade in the 2013-2014 school year and later.
- 3 **Required academic standards.** Strikes specific social studies subject areas. Makes technical and conforming changes.

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### 4 **Benchmarks.**

**Subd. 1. Benchmarks implement, supplement statewide academic standards.**

Makes technical and conforming changes regarding career and college readiness assessments.

**Subd. 2. Revisions and reviews required.** Directs the commissioner to include the contributions of Minnesota's American Indian tribes in the required academic standards. Strikes obsolete provisions.

### 5 **Credits.**

**Subd. 1. Graduation requirements.** Makes technical and conforming changes regarding high school graduation requirements.

**Subd. 2. Credit equivalencies.** Allows a one-half credit of economics taught in an agriculture education or business department to fulfill a one-half credit in social studies.

Makes this section effective August 1, 2013, and applicable to students entering 9<sup>th</sup> grade in the 2013-2014 school year and later.

### 6 **Planning for students' successful transition to postsecondary education and employment; involuntary career tracking prohibited.** (a) Requires school districts, beginning in the 2013-2014 school year, to assist all students by no later than grade 9 to explore college and career interests and aspirations and develop a transition plan to postsecondary education or employment. Makes technical changes.

(c) Strikes paragraph encouraging school districts to use nonstate revenue and in-kind contributions to implement this section.

Makes this section effective immediately.

### 7 **Educational planning and assessment system (EPAS) program.** (c) Allows students entering grade 9 before the 2013-2014 school year who have not demonstrated proficiency on the MCAs, the GRAD tests, or the basic skills tests to satisfy state high school graduation requirements in reading, math, and writing by taking the ACT assessment for college admission before high school graduation.

(d) Directs the state to pay the test costs for school districts and charter schools to participate in these assessments.

Makes this section effective immediately and applicable through the 2015-2016 school year.

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- 8**      **Gifted and talented students program.** (a) Allows school districts to address the instructional and affective needs of gifted and talented students and provide appropriate educational programs.
- (b) Directs school districts to adopt guidelines for assessing and identifying eligible students that include assessments and procedures sensitive to underrepresented student groups.
- (d) Directs school districts to adopt procedures for early admission to kindergarten or first grade for gifted and talented learners, including children younger than 5 for kindergarten or younger than 6 for first grade.
- 9**      **Mental health education.** Encourages school districts and charter schools to provide mental health instruction in grades 6 to 12 aligned with local health standards and integrated into the school's educational environment. Encourages the education commissioner, in consultation with the human services commissioner and mental health organizations, to provide school districts and charter schools with age-appropriate model learning activities and a resource directory for curriculum and instruction.
- 10**     **Statewide testing.** (a) Directs the education commissioner to make computer adaptive reading and math assessments for students in grades 3 through 7 part of Minnesota's comprehensive assessment system. Requires students who failed to pass a basic skills test by the end of the 2011-2012 school year and students in their senior year who have not yet demonstrated proficiency on the GRAD tests by the end of the 2012-2013 school year to take a college admissions assessment that supports career and college readiness standards for all students or a nationally recognized armed services vocational aptitude test.
- (c) Makes students in grade 8 in the 2012-2013 school year and later subject to state graduation requirements based on a longitudinal, systematic approach to student education and career planning, assessment, instructional support, and evaluation.
- Strikes language requiring students to demonstrate proficiency on state reading, math, and writing tests in order to graduate from high school.
- Instead, in order to graduate from high school, requires students to:
- (1) attain required academic standards and career and college readiness benchmarks, as demonstrated on a nationally normed college entrance exam or take a nationally recognized armed services vocational aptitude test;
- (2) take achievement and career and college readiness tests in math, reading, and writing to monitor students' continuous development and growth in required knowledge and skills; to analyze students' progress and performance levels, identifying students' academic strengths and diagnosing areas where students require curriculum or instruction adjustments, targeted interventions, or remediation; and based on students' progress and performance data, to determine students' learning and instructional needs and the instructional tools and best practices to support academic rigor for the student; and

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(3) engage in age-appropriate exploration and planning activities and career assessments to identify personally relevant career interests and aptitudes and help students and their families develop a transition plan for postsecondary education or employment without need for postsecondary remediation.

Requires the expectations of schools, districts, and the state for career or college readiness to be comparable in rigor, clarity of purpose, and rates of student completion.

Requires a student under clause (2) to receive targeted, relevant, academically rigorous, and resourced instruction, which may include a targeted instruction and intervention plan focused on improving a student's knowledge and skills in core subjects so the student has a reasonable chance to succeed without need for postsecondary remediation.

Directs schools and school districts to actively encourage a student in grade 11 or 12 who is identified as academically ready for a career or college to participate in courses and programs awarding college credit to high school students.

Declares that students are not required to achieve a specific score or level of proficiency on a high school assessment in order to graduate from high school.

(d) Strikes language allowing students enrolled in grade 8 in any school year from the 2005-2006 to the 2009-2010 school year to receive a high school diploma without passing the math GRAD test if they satisfy certain conditions.

Directs the education commissioner, after consulting with the Minnesota State Colleges and Universities chancellor and using a request for proposal process, to contract for a series of assessments that are consistent with this subdivision, are aligned with state academic standards, and include career and college benchmarks. Requires math, reading, and writing assessments for students in grades 8 and 10 and 11 or 12 to be predictive of and nationally normed for career and college readiness, nationally recognized as a college entrance exam, include a college placement diagnostic exam, and contain career exploration elements.

Directs the education commissioner and the Minnesota State Colleges and Universities chancellor to collaborate in aligning instruction and assessments for adult basic education students to provide the students with diagnostic information about the targeted interventions the students need so they may seek postsecondary education or employment without need for postsecondary remediation.

(1) Directs districts and schools to annually use the career exploration elements in the assessments to help students, beginning no later than grade 9, and their families explore and plan for postsecondary education or careers based on the students' interests, aptitudes, and aspirations. Requires districts and schools to use timely regional labor market information and partnerships and other resources to help students and their families develop and pursue an individualized plan for postsecondary education or a career. Requires this process to help all students pursue their interests and career goals by increasing students' engagement in and connection to school, improving students' knowledge and skills, and deepening students' understanding of career pathways leading to an industry-recognized credential, an associate's

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degree, or a bachelor's degree.

(2) Requires students whose growth in academic achievement between grades 8 and 10 shows adequate progress toward meeting state career and college readiness to be given the college entrance exam part of these assessments in grade 11 or a nationally recognized armed services vocational aptitude test. Declares that a student who demonstrates attainment of required state academic standards, including career and college readiness benchmarks, on these assessments is academically ready for a college or career. Encourages such students to participate in courses and programs awarding college credit to high school students. Declares that such courses and programs may include sequential courses of study within broad career areas and technical skill assessments that extend beyond course grades.

(3) Requires all students in grade 11 not subject to clause (2) to be given the college placement diagnostic exam so that the students, their families, the school, and the district can use the results to diagnose areas for targeted instruction, intervention, or remediation and improve students' knowledge and skills in core subjects sufficient for the student to graduate and have a reasonable chance to succeed in a career or college without remediation. Requires these students to be given the college entrance exam part of these assessments in grade 12 or a nationally recognized armed services vocational aptitude test.

(4) Declares students subject to clause (3) who demonstrate (i) attainment of required state academic standards, including career and college readiness benchmarks on these assessments, (ii) attainment of career and college readiness benchmarks on the college placement diagnostic part of these assessments, and where applicable (iii) successfully complete targeted instruction, intervention, or remediation approved by the education commissioner and the Minnesota State Colleges and Universities chancellor after consulting with local school officials and educators to be academically ready for a career or college. Encourages such students to participate in courses and programs awarding college credit to high school students. Declares that such courses and programs may include sequential courses of study within broad career areas and technical skill assessments that extend beyond course grades.

(5) Requires a study to determine the alignment between these assessments and state academic standards. Where alignment exists, requires the commissioner to seek federal approval to, and immediately upon receiving that approval replace Minnesota's federally required MCAs with the assessments under this paragraph.

(e) Requires schools, districts, and the state to have a continuum of empirically derived, clearly defined benchmarks focused on students' attainment of knowledge and skills so students, their parents, and teachers know how well students must perform to have a reasonable chance to succeed in a career or college without need for post secondary remediation. Requires the commissioner and Minnesota's public postsecondary institutions to ensure that the foundational knowledge and skills for students' successful performance in postsecondary employment or education and an articulated series of possible targeted interventions are clearly identified and satisfy Minnesota's postsecondary admissions requirements.

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(f) Requires a school, district, or charter school to record a student's progress toward career and college readiness on the student's high school transcript.

(h) Requires third through seventh grade computer-adaptive assessment results to be available to districts for diagnostic purposes and to be disseminated to the public. Directs the commissioner to establish empirically derived benchmarks on adaptive assessments in grades 3 through 7 that reveal a trajectory toward career and college readiness.

(i) Requires third through seventh grade computer-adaptive assessments to be aligned with state academic standards.

(j) Makes computer-adaptive assessment results for students in grades 3 through 7 part of the statewide public reporting system.

Makes this section effective immediately and applicable to the 2013-2014 school year and later except that paragraph (a) applies immediately and the requirements for computer-adaptive reading and math assessments in grades 3 through 7 apply in the 2015-2016 school year and later.

**11 Statewide and local assessments; results.** (a) For purposes of administering computer-adaptive assessments in reading and math to students in grades 3 through 7 beginning in the 2015-2016 school year, defines computer-adaptive assessments, fully-adaptive assessments, on-grade level, above-grade level, and below-grade level.

(b) Directs the commissioner to use fully adaptive tests math and reading assessments for grades 3 through 7 beginning in the 2015-2016 school year.

(c) Directs the commissioner to implement computer-adaptive reading and math assessments for grades 3 through 7.

(d) Directs the commissioner to ensure that: (1) individual student performance data and achievement and summary reports are available within three school days; (2) individual student growth data are available from school year to school year; (3) parents and educators are able to use elementary and middle school student performance data to project student secondary and postsecondary achievement; and (4) useful diagnostic information about areas of students' academic strengths and weaknesses is available to improve student instruction.

(f), (g), (h) Make conforming and technical changes.

Makes this section effective for the 2013-2014 school year and later except the requirements governing computer-adaptive reading and math assessments for grades 3 through 7 apply in the 2015-2016 school year and later.

**12 Educational accountability and public reporting.** Makes a conforming change.

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**13 State growth target; other state measures.** (e) Directs the education commissioner, beginning July 1, 2015, to identify and report measures that demonstrate the success of school districts, charter schools, and alternative program providers in improving the graduation outcomes of students who are at-risk of not graduating and students who are off-track to graduate. Requires the commissioner to annually report summary data on:

- (1) the four and six-year graduation rates of these students, including students who participate in an alternative program or the graduation incentives program; and
- (2) the success that school districts, charter schools, and alternative program providers experience in identifying at-risk and off-track students, providing successful prevention and intervention strategies for at-risk students, and providing successful recuperative and recovery or re-enrollment strategies for off-track students.

For purposes of paragraph (e), defines a student who is at-risk of not graduating as an 8th or 9th grade student who meets one or more criteria:

- first enrolled in an ELL program in 8<sup>th</sup> or 9<sup>th</sup> grade and may be older than other students in the same grade;
- as an 8<sup>th</sup> grader, is absent for at least 20 percent of school days, is 2 or more years older than other students in the same grade, or fails multiple core academic courses; or
- as a 9<sup>th</sup> grader, fails multiple 9<sup>th</sup> grade core academic courses.

For purposes of paragraph (e), defines a student who is off-track to graduate as a student who meets one or more criteria:

- first enrolled in an ELL program in high school and is older than other students in the same grade;
- is a returning dropout;
- is 16 or 17 and two or more academic years off-track to graduate;
- is 18 or older and two or more academic years off-track to graduate; or
- is 18 or older and may graduate within one school year.

Makes paragraph (e) applicable to data collected in the 2014-2015 school year and later and reported annually beginning July 1, 2015, consistent with the recommendations the commissioner receives from recognized and qualified experts.

**14 School performance reports.** Adds the percentage of students whose progress and performance levels are meeting college and career readiness benchmarks to the academic performance data the education commissioner must report publicly. Makes longitudinal data on district and school progress in reducing disparities in students' academic achievement

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under the program to close the academic achievement and opportunity gap a component of Minnesota's school performance report card. Refers to reports, not report cards.

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

- 15**     **Standard high school diploma for adults.** (a) Directs the education commissioner to adopt rules for providing a standard adult high school diploma to adults who are not eligible for K-12 services, do not have a high school diploma, and successfully complete a commissioner-approved adult basic education program of instruction needed to earn an adult high school diploma.

(b) Requires adult basic education program participants to demonstrate proficiency in a standard set of competencies sufficient to ensure that postsecondary programs and institutions and potential employers regard persons holding a standard high school diploma and persons holding a standard adult high school diploma to be equally well prepared and qualified graduates. Requires approved adult basic education programs to issue a standard adult high school diploma to qualified persons.

Makes this section effective immediately.

- 16**     **Statewide assessment and accountability; transition.** Makes students enrolled in grade 8 before the 2012-2013 school year eligible to be assessed under the proposed assessments for career and college readiness, including a nationally normed college entrance exam and the college placement diagnostic exam, to the extent these exams are available or a nationally recognized armed services vocational aptitude test. Declares that other measures of statewide accountability, including student performance, preparation, rigorous course taking, engagement and connection, and transition into postsecondary education or the workforce remain in effect.

Makes this section effective immediately.

- 17**     **Career pathways advisory and technical education task force.**

**Subd. 1. Recommendations.** Establishes an advisory task force to recommend to the legislature how to structurally redesign secondary and postsecondary education to improve the secondary and postsecondary outcomes for students and adult learners, align secondary and postsecondary programs and Minnesota's workforce needs, and measure and evaluate the combined efficacy of public K-12 and postsecondary education programs.

(b) Directs task force members to seek advice from educators, employers, policy makers, and other stakeholders and consider how to: better inform students about career options and ensure a skilled Minnesota workforce; develop and revise an education and work plan for each student; improve monitoring of students' progress with targeted interventions and support and remove the need for remedial instruction; increase and accelerate high school students' opportunities to earn postsecondary credits leading to a certificate, license, or degree; better align secondary and postsecondary courses and expectations; better align high school standards and

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assessments, postsecondary readiness measures and entrance requirements, and the expectations of Minnesota employers; increase postsecondary completion rates; and provide postsecondary graduates with the skills needed for civic engagement, ongoing employment, and continuous learning.

**Subd. 2. Task force membership and operation.** (a) Lists task force members. Directs the education commissioner, or the commissioner's designee, to convene the task force. Makes task force members ineligible for compensation or reimbursement for task force activities.

(b) Directs the education commissioner to provide technical assistance upon request.

(c) Directs the task force to submit its recommendations to the legislature by February 15, 2014.

Makes this section effective immediately.

**18 Standard adult high school diploma advisory task force.** (a) Directs the education commissioner to appoint a nine-member advisory task force to recommend programmatic requirements for adult basic education programs leading to a standard adult high school diploma.

(b) Directs the commissioner to appoint representatives from identified organizations with expertise in adult basic education and employment to the task force by July 1, 2013.

(c) Directs the commissioner to convene the task force. Prohibits task force members from receiving compensation or reimbursement for task force activities. Directs the commissioner to provide technical assistance to the task force upon request.

(d) Directs the task force by February 1, 2014 to submit to the commissioner its recommendations on providing a standard adult high school diploma to qualified persons. Directs the commissioner to consider these recommendations when adopting rules under section 1.

Makes this section immediately effective.

**19 Implementing differentiated graduation rates and exploring alternative routes to a standard diploma for at-risk and off-track students.** (a) Directs the education commissioner to consult with recognized and qualified experts and stakeholders on improving differentiated graduation rates and establishing alternative routes to a standard high school diploma for at-risk and off-track students. Directs the commissioner to consider and recommend to the legislature (1) research-based measures that demonstrate the academic success of and the costs to school districts, charter schools, and alternative program providers in improving the graduation outcomes of at-risk and off-track students and (2) state and local options for establishing alternative routes to a standard diploma, consistent with Minnesota's statewide educational accountability system and the statutes governing the graduation incentives program and other alternative programs. Directs the commissioner to also identify highly reliable variables that generate the summary data, including: who initiates and

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approves a request for an alternative route; parameters for the alternative route process, including whether a student must first fail a state exam; the comparability of the academic and achievement criteria in the alternative and standard routes for a standard diploma.

(b) Directs the commissioner to consult with stakeholders from state-approved alternative programs, online programs, charter schools, school boards, teachers, metropolitan school districts, rural educators, university and college faculty, superintendents, principals, and the public.

(c) Directs the commissioner to submit recommendations by February 15, 2014, to the education committees of the legislature for:

- measuring and reporting differentiated graduation rates for at-risk and off-track students and the success and costs that school districts, charter schools, and alternative program providers experience in identifying and serving at-risk and off-track students; and
- establishing alternative routes to a standard diploma.

Makes this section effective immediately and applicable to school performance reports beginning July 1, 2015.

**20 Appropriations.** Appropriates unspecified sums in fiscal years 2014 and 2015 to the education department for career and college ready assessments, computer adaptive tests, the request for proposal for assessments, and the career pathways and technical education advisory task force.

**21 Revisor's instruction.** Directs the revisor to make certain technical changes.

**22 Repealer.** (a) Repeals rules governing K-12 English language arts standards made obsolete by the revised English language arts standards adopted in 2012.

(b) Repeals rule requirements related to the state reading, math, and writing GRAD tests.

Makes this section effective immediately.

## **Article 2: Educators**

**1 License and rules.** (b) Directs the Board of Teaching to adopt rules requiring a teacher candidate until September 1, 2014, to pass a basic skills reading, writing, and math test as a condition of licensure. Allows the board to issue up to three temporary one-year teaching licenses to an otherwise qualified candidate who has not passed the skills exam.

(n) Directs the Board of Teaching to adopt rules requiring teachers who are renewing their teaching license to acquire a more in-depth understanding of topics related to the warning signs of and accommodations for mental illness in children and adolescents.

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Makes paragraph (b) effective immediately. Makes paragraph (n) effective August 1, 2014.

- 2 **Licensing.** (b) Directs the Board of School Administrators to issue a special education director's license to a qualified candidate licensed as a school psychologist, school speech and language pathologist, or school social worker who has experience in public schools working with children with disabilities, their families, and licensed special education teachers, regardless of whether the candidate has teaching experience or a teaching license.

Makes this section effective immediately.

- 3 **Teacher and support personnel qualifications.** (b) Until September 1, 2014, requires teacher candidates to pass a basic skills reading, writing, and math test as a condition of receiving a teaching license. Allows the Board of Teaching to issue up to three temporary, one-year teaching licenses to a qualified teacher candidate who has not passed the basic skills exam at the time the person successfully completes a teacher preparation program. Allows school districts to provide remedial assistance to those person who did not pass the basic skills exam, including persons for whom English is a second language and persons who completed their teacher preparation program outside Minnesota, and are teaching under a temporary license.

(c) Allows the Board of Teaching to renew a temporary license if the school district employing the licensee requests that the licensee continue to teach in the district under a temporary license.

(f) Declares that beginning September 1, 2014, teacher candidates are not required to pass a basic skills exam in reading, writing, and math as a condition of receiving a teaching license.

Makes the section, except paragraph (f), effective immediately; makes paragraph (f) effective beginning September 1, 2014.

- 4 **Applicants licensed in other states.** (f) Until September 1, 2014, requires an applicant for a Minnesota teaching license who completed a teacher preparation program outside Minnesota to pass a basic skills exam in reading, writing, and math before the Board of Teaching issues the applicant a Minnesota teaching license. Allows the board to issue up to three temporary, one-year teaching licenses to an otherwise qualified out-of-state applicant who has not passed the basic skills exam and allows the board to renew the license if the school district employing the applicant requests that the applicant continue to teach for the district under a temporary license. Declares that beginning September 1, 2014, otherwise qualified out-of-state applicants are not required to pass a basic skills exam in reading, writing, and math as a condition of receiving a Minnesota teaching license.

Makes this section effective immediately.

- 5 **K-12 license to teach deaf and hard-of-hearing students.** (b) Requires K-12 teachers licensed to teach deaf and hard-of-hearing students to complete 30 continuing education clock hours on hearing loss topics as a condition of renewing their teaching license.

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Makes this section effective August 1, 2013.

- 6 Notice of nonrenewal; opportunity to respond.** Prohibits a school board from declining to renew a coach's contract based solely on the existence of parent complaints.

Makes this section effective immediately.

- 7 Teacher licensure advisory task force.** (a) Establishes an advisory task force to make recommendations to the Board of Teaching, the education commissioner, and the legislature on requirements for: teacher candidates to demonstrate mastery of basic skills in reading, writing, and math; and an alternative licensure pathway for nonnative English speakers seeking licensure to teach in a language immersion program.

(b) Requires task force recommendations to encompass certain criteria: assessment content must be relevant to a teacher's licensure area; the scope of assessment content must correspond to school curriculum; the scope of assessment content must be publicly available and readily accessible on the website of the Board of Teaching and teacher preparation programs and institutions; the Board of Teaching and teacher preparation programs and institutions must make available a written review of the scope of content, upon request and without charge; if applicable, the board of teaching and teacher preparation programs and institutions must make available longitudinal summary data on the passing rates of teacher candidates taking a basic skills exam; evidence showing assessment content is not culturally biased; the board of teaching and teacher preparation programs and institutions must appropriately accommodate teacher candidates with documented disabilities; and, if applicable give timely feedback to teacher candidates who do not pass a basic skills exam so they may target areas of deficiency for remediation.

(c) Includes on the task force two members of the board of teaching; two representatives of the Minnesota Department of Education; two house members and two state senators; one rural elementary school principal and one urban secondary school principal; one elementary school teacher and one secondary school teacher appointed by Education Minnesota; one teacher preparation faculty member each from the University of Minnesota, the Minnesota State Colleges and Universities, and the Minnesota Private Colleges and Universities; one member of the nonpublic education council; and one charter schools representative.

(d) Directs the executive director of the Board of Teaching and the commissioner of education jointly to convene the task force by August 1, 2013. Makes task force members ineligible for compensation or reimbursement for expenses related to task force activities. Directs the executive director of the Board of Teaching and the education commissioner to provide technical assistance upon request.

(e) Directs the task force to submit written recommendations to the Board of Teaching, the education commissioner, and the legislature by February 1, 2014, on requirements for teacher applicants to demonstrate mastery of basic skills in reading, writing, and math and for an alternative licensure pathway for nonnative English speakers seeking licensure to teach in a language immersion program.

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Makes this section effective immediately.

**8 Student services personnel team staffing grants.**

**Subd. 1. Grant program established.** Establishes a grant program to help school districts with large caseloads implicating student services personnel professions, including counseling, psychology, nursing, social work, and chemical dependency counseling.

**Subd. 2. Definitions.** Defines “student services personnel team” to include a school counselor, psychologist, nurse, social worker, and chemical dependency counselor licensed by the board of teaching.

**Subd. 3. Application.** Directs the education commissioner to develop the form and method for applying for the grants and the criteria for allocating the grants, giving priority to school districts where student services personnel teams do not exist, need to add specific positions to complete a team, are not funded through other sources, or have excessively large caseloads.

**Subd. 4. Grant awards.** Requires each student services personnel team member to serve within the scope and practice of the profession. Requires grant recipients to use the grant award to lower professional caseloads to better serve K-12 students. Requires school districts receiving a grant to match the grant award with new money for the student services personnel team for a two-year period or repay the grant amount to the education department.

**Subd. 5. Reports.** Requires grant recipients to annually report to the education commissioner by July 1 about the impact of the student services personnel team on students served by the team during the previous academic year. Directs the department to develop the report criteria.

**9 Appropriations.** Appropriates \$20,000,000 in fiscal year 2014 and \$20,000,000 in fiscal year 2015 from the general fund to the education department for student services personnel team staffing grants.

Makes any unexpended balance in the first fiscal year available in the second fiscal year.

**Article 3: School Programs and Operations**

**1 School calendar.** Strikes language prohibiting school districts from beginning the school year before Labor Day. Allows school districts to begin the school year before Labor Day but prohibits holding school on the Thursday and Friday immediately before Labor Day.

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

**2 Length of school year; hours of instruction.** Requires at least 165 days of instruction in school.

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**3 Exclusions.** Excludes epinephrine auto-injectors from the general requirements for administering drugs and medicines in school, which are: consistent with instructions on the label; and according to school board procedures developed in consultation with health care providers.

**4 Possession and use of epinephrine auto-injectors; model policy.**

**Subd. 1. Definitions.** Defines “administer,” “epinephrine auto-injector,” and “school,” which includes public schools and nonpublic schools subject to the federal Americans with Disabilities Act and excludes home schools, for purposes of this section.

**Subd. 2. Plan for use of epinephrine auto-injectors.** (a) Requires an annual plan for a student-prescribed epinephrine auto-injectors to allow the student to possess or have immediate access to epinephrine auto-injectors in school.

(b) Encourages nonpublic schools not subject to the federal Americans with Disabilities Act to develop a similar plan for students requiring epinephrine auto-injectors.

(d) Allows the model policy to require an assessment of a student’s ability to safely possess epinephrine auto-injectors, accommodate students’ need to possess or have immediate access to epinephrine auto-injectors, and ensure that epinephrine auto-injectors are properly labeled.

(e) Makes a technical change.

**5 Life-threatening allergies in schools; guidelines; stock supply of epinephrine auto-injectors; emergency administration.**

**Subd. 1. Districts and schools permitted to maintain supply.** (a) Allows districts and schools to maintain and administer epinephrine auto-injectors, consistent with this section.

(b) Clarifies that “district” includes a school district and a school site or facility within the district and “school” means charter school.

**Subd. 2. Use of supply.** (a) Allows qualified and designated personnel to administer an epinephrine auto-injector to students and other individuals, with or without a prescription, on school grounds or at a school-sponsored event if the person administering the epinephrine auto-injector believes in good faith that the student or other individual is experiencing anaphylaxis.

(b) Declares that administering an epinephrine auto-injector is not practicing medicine.

**Subd. 3. Arrangements with manufacturers.** Allows contracts with makers and suppliers of epinephrine auto-injectors and allows third parties, other than a

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manufacturer or supplier, to pay for the costs of epinephrine auto-injectors intended for schools.

**Subd. 4. District and school policies required for epinephrine auto-injectors.**

Directs districts and schools administering epinephrine auto-injectors under this section to develop and post on the school Web site or otherwise publicize guidelines and implementation plans that include education and training and procedures for identifying and responding to anaphylaxis. Requires districts and schools to consider model rules and consult with interested community members when developing the guidelines, which must require a call to emergency medical services and informing the parent or emergency contact when a school epinephrine auto-injector is used. Requires districts and schools to maintain a record of the use of epinephrine auto-injectors.

- 6 PSEO pupils.** Allows school districts to use general education funds to transport PSEO students.
- 7 Definitions.** (b) For purposes of calculating the cost to a school district of providing transportation to children with disabilities and computing special education initial aid, allows a school district to transport a child who does not have a school of origin to the same school attended by that child's sibling if the siblings are homeless.
- Makes this section effective July 1, 2013.
- 8 Establishment of flexible learning year program.** Allows a consortium of school districts to jointly apply to the commissioner to operate a flexible learning year program.
- 9 English learner.** Allows use of appropriate assessment instruments aligned to state standards for English language development to measure a pupil's emerging academic English. Allows students defined as "English learners" who are not yet proficient in English to generate English language learning aid for seven years instead of five years.
- Makes this section effective for revenue for fiscal year 2014 and later.
- 10 General requirements for programs.** Requires a district's educational program for English learners to include program entrance criteria. Requires the program exit criteria to be equivalent to the emerging academic English measures on state assessments for English language development.
- 11 Community involvement.** Directs the commissioner annually to gather information on the status of American Indian education in Minnesota. Requires the commissioner to submit the information to Minnesota's American Indian tribes for review and comment.
- 12 Consultation with the tribal nations education committee.** (a) Directs the commissioner to consult with the tribal nations education committee on all issues relating to American Indian education.

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(b) Declares that membership in the tribal nations education committee is solely at the committee's discretion.

**13 Indian education director.** Requires the commissioner to appoint an Indian education director to serve as a liaison, evaluate American Indian education in Minnesota, engage the American Indian community, advise the commissioner on American Indian education issues, and keep the American Indian community informed by reporting to the committee.

**14 Achievement and integration for Minnesota.**

**Subd. 1. Program to close the academic achievement and opportunity gap.**

Establishes a program to promote diversity, pursue racial and economic integration, and increase student academic achievement and equitable educational opportunities in Minnesota public schools. Requires the program to serve students from diverse backgrounds and locations. Allows eligible school districts to use achievement and integration revenue to pursue racial and economic integration in schools through (1) in-school educational practices and integrated learning environments and (2) policies, curricula, and advocates to support these practices and environments, which must promote increased student academic achievement, cultural fluency, graduation and educational attainment rates, and parent involvement.

**Subd. 2. Plan components.** (a) Directs the school board of each eligible school district to develop and implement a long-term plan using collaborative structures and systems, in-school strategies, inclusive best educational practices, and partnerships with higher education institutions and industries. Provides examples of plan components including innovative and integrated preK-12 learning environments that offer enrollment choices, family engagement initiatives, professional development opportunities, increased programmatic opportunities focused on rigor and college and career readiness for underserved students, and recruitment and retention of teachers and administrators with diverse backgrounds. Requires the plan to specify district and school goals for reducing the disparity in academic achievement among all racial and ethnic categories of students and promoting racial and economic integration over time.

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

(c) Requires eligible districts to collaborate in creating efficiencies and eliminating duplication of programs and services under this section, which may include forming a single, seven-county metropolitan areawide partnership of school districts.

**Subd. 3. Biennial progress; budget process.** (a) As a condition of receiving achievement and integration revenue, requires the school board of an eligible district to hold at least one formal hearing by March 1 in the year preceding the current biennium to report to the public its progress in realizing the goals identified in its plan. Requires

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the school board to provide the public with longitudinal data showing district and school progress in reducing the disparity in academic achievement among all racial and ethnic categories of students and in promoting racial and economic integration. At least 30 days before the formal hearing, requires the board to post on the district Web site longitudinal data on district and school progress in reducing disparities in students' academic achievement. Also requires the district to submit to the education commissioner by March 1 in the year preceding the current biennium a detailed biennial budget for continuing to implement its plan; requires the commissioner to review and approve or disapprove the plan by June 1 in that same year.

(b) Lists six measures districts may use to comply with the requirement for longitudinal data, including the number of world language proficiency or high achievement certificates, student growth and progress toward proficiency in reading or math, adequate yearly progress, preparation for postsecondary academic and career opportunities, completion of rigorous course work, or school safety and student engagement and connection at school.

**Subd. 4. Evaluation.** Directs the education commissioner to evaluate the efficacy of district plans in reducing the disparity in academic achievement among all racial and ethnic categories of students and report the commissioner's findings to the legislature by February 1 every fourth year beginning February 1, 2017.

Makes this section effective for fiscal year 2014 and later.

## 15 **Achievement and integration revenue.**

**Subd. 1. Eligibility.** Makes school district eligibility for achievement and integration revenue contingent upon the district having a commissioner-approved biennial achievement and integration plan.

**Subd. 2. Achievement and integration revenue.** (a) Establishes an achievement and integration revenue formula equal to the sum of (1) an unspecified amount per pupil unit plus (2) an unspecified amount times the district's pupil units for that year times the ratio of the district's enrollment of protected students to the district's total student enrollment for the previous school year.

(b) Transfers .02 percent of a district's achievement and integration revenue to the education department for oversight and accountability activities.

(c) Reduces by an unspecified percent the revenue of a district that does not meet its achievement goals.

(d) Proportionally reallocates any revenue saved under paragraph (c) to those districts meeting their achievement goals.

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**Subd. 3. Achievement and integration aid.** Declares that a district's achievement and integration aid equals 70 percent of its achievement and integration revenue.

**Subd. 4. Achievement and integration levy.** Declares that a district's achievement and integration levy equals the difference between its achievement and integration revenue and its achievement and integration aid.

**Subd. 5. Incentive revenue.** Establishes an unspecified amount per pupil unit as a district's maximum incentive revenue. In order to receive this revenue, requires a district to have implemented a voluntary plan to reduce racial enrollment disparities through intradistrict and interdistrict activities that are part of a commissioner-approved district plan.

**Subd. 6. Revenue reserved.** Reserves and allows achievement and integration revenue to be used only for programs under subdivision 7.

**Subd. 7. Revenue uses.** Requires at least 80 percent of achievement and integration revenue to be used for innovative and integrated learning environments, family engagement activities, and other approved programs directing serving students. Allows up to 20 percent of this revenue to be used for professional and staff development activities; does not allow more than 10 percent of the revenue to be used for administrative expenditures.

Makes this section effective for fiscal year 2014 and later.

**16 Uses of total operating capital revenue.** Allows school districts to use total operating capital revenue for computer hardware and software but not for annual licensing fees.

**17 Transfer of lands; Red Lake school district.**

**Subd. 1. Conveyance.** Authorizes a land transfer from the Red Lake school district to the Red Lake Band of Chippewa Indians.

**Subd. 2. Land description.** Describes the land parcels being conveyed. Reserves the mineral rights to the parcels in trust for the Red Lake Band of Chippewa Indians.

**18 Appropriations.** Appropriates unspecified general fund sums in fiscal year 2014 and in fiscal year 2015 for achievement and integration aid.

**19 Revisor's instruction.** Directs the revisor to change statutory references to state library services and to make corresponding technical changes.

## **Article 4: Charter Schools**

**1 Charter schools.**

**Subd. 1. Purposes.** Makes improving learning and student achievement the

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primary purpose of a charter school.

**Subd. 3. Authorizer.** Makes technical changes.

**Subd. 4. Formation of school.** Clarifies and makes technical changes.

(d) Makes members of a charter school board of directors eligible to vote in an election of members of the charter school board of directors. Makes board of directors committee meetings open to the public.

(f) Requires charter school board members to attend annual training. Makes a new board member who does not receive initial board training within six months of being seated on the board and does not complete the initial training within 12 months of being seated automatically ineligible to continue board service.

(g) Includes on the charter school board of directors at least one licensed teacher employed as a teacher at the charter school, one parent of an enrolled student who is not a charter school employee, and at least one community member who is a Minnesota resident. Allows the board to have a majority of teachers, parents, or community members or to have no clear majority. Allows only teachers employed at the school to serve on the board as the teacher representative. Allows a board to change its governance structure only by a majority vote of the board of directors and a majority vote of the licensed teachers teaching at the school. Makes technical changes.

(i) Precludes an authorizer from making the granting or renewing of a charter school contract contingent on a charter school leasing school facilities from the authorizer or entering into a contract in which the authorizer has a financial interest. Requires a charter school to document the open bidding process it used when contracting with an authorizer. Requires the authorizer to demonstrate that the terms of its bid were competitive and that the same terms are available to schools the authorizer does not authorize.

**Subd. 4a. Conflict of interest.** Exempts teachers employed at a charter school who serve on the charter school board of directors from conflict of interest provisions related to teachers' compensation. Prohibits an individual from serving as a member of a charter school board of directors if the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts. Prohibits an individual from serving as a board member if an immediate family member is a school employee or is an individual with whom the school contracts.

**Subd. 6. Charter contract.** Clarifies and makes technical and conforming changes.

**Subd. 6a. Audit report.** (b) Requires charter schools to include supplemental information in the charter school audit report.

(c) Requires a charter school independent audit to include audited financial data of an affiliated building corporation.

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**Subd. 8. Federal, state, and local requirements.** (j) Makes a technical change.

(s) Makes charter schools subject to state truancy laws.

**Subd. 9. Admission requirements.** (b) Requires a charter school to publish its lottery admissions process on its Web site.

(d) Limits kindergarten enrollment to students who are at least 5 years old on September 1 in that calendar year and limits first grade enrollment to students who are at least 6 years old on September 1 in that calendar year or have completed kindergarten. Allows a charter school to enroll students earlier according to prescribed enrollment procedures if notice is published on the charter school Web site.

(e) Makes a conforming change.

**Subd. 11. Employment and other operating matters.** (c) Directs the board of directors to decide policy matters, including programming and personnel issues. Directs the board to adopt a policy on nepotism in employment. Directs the board to adopt personnel evaluation policies and practices that meet specified criteria.

**Subd. 14. Annual public reports.** (a) Requires a charter school to post its annual report on the charter school Web site. Strikes a requirement that a charter school submit its annual report to the education commissioner.

**Subd. 15. Review and comment.** (b) Clarifies what annual fees an authorizer may assess. Makes technical and conforming changes.

(f) Requires a charter school to annually submit to the commissioner a statement of income as well as expenditures.

**Subd. 17. Leased space.** Allows a charter school to lease space from a school board without regard to whether the school board is eligible to be a charter school authorizer.

**Subd. 17a. Affiliated nonprofit building corporation.** (a) Requires an authorizer to submit an affidavit to the commissioner before a charter school may organize an affiliated nonprofit building corporation to expand an existing building.

**Subd. 17b. Positive review and comment.** Makes a technical change; adds a subdivision.

**Subd. 19. Disseminate information.** Strikes a requirement for charter school operators to disseminate information about forming and operating a charter school.

**Subd. 23. Causes for nonrenewal or termination of charter school contracts.** (b) Allows a charter school contract to be terminated or not renewed for failing to demonstrate satisfactory academic achievement for all groups of students.

(c) Strikes language providing for a change in authorizers when the authorizer and the

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board of directors of a charter school mutually agree to terminate or not renew a charter school contract. Establishes a process for changing authorizers when an authorizer and the charter school board of directors mutually agree to not renew a contract. Requires both parties to jointly submit a letter of intent to the commissioner. Requires the authorizer that is a party to the charter school contract to inform the proposed authorizer about the status of the charter school, including existing contractual obligations. Requires a proposed contract to identify and address outstanding obligations in the existing contract. Establishes a review and approval process. Requires a charter school to dissolve if no change in authorizer is approved.

**Subd. 25. Extent of specific legal authority.** Strikes a requirement that a charter school submit a copy of its insurance policy or changes to that policy to the commissioner.

Makes this section effective immediately except subdivision 23 is effective July 1, 2013.

- 2 **Continuing truant.** Clarifies state truancy laws as applied to charter schools.
- 3 **Notice to parent or guardian when child is a continuing truant.** Clarifies state truancy laws as applied to charter schools.
- 4 **Establishment.** Clarifies state truancy laws as applied to charter schools.
- 5 **Establishment; referrals.** Clarifies state truancy laws as applied to charter schools.

## **Article 5: Special Education**

- 1 **Continuation dependent on federal law.** Makes technical changes to conform Minnesota Statutes with federal law governing IDEA, Part C.
- 2 **Definitions.** (b) Provides examples of circumstances not within the definition of “emergency” for purposes of using restrictive procedures.
  - (c) Makes technical changes.
  - (f) Prohibits use of restrictive procedures to punish or otherwise discipline a child.
  - (g) Qualifies the definition of “seclusion” by identifying when an adult may bar a child from leaving a room.Makes this section effective immediately.
- 3 **Standards for restrictive procedures.**

**Subd. 1. Restrictive procedures plan.** (a) Requires schools intending to use restrictive procedures to make public a plan that: lists the procedures the school will use; describes the positive behavior strategies the school will use and provides links to mental health services; describes how the school will monitor and review use of these

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procedures, including post-use debriefings and oversight by a committee undertaking a quarterly review of the use of the procedures; and describes and documents staff training.

(b) Requires schools to annually identify the membership of the oversight committee, which must include a mental health professional, a positive behavior strategies expert, and a general education and a special education administrator.

**Subd. 2. Restrictive procedures.** (a) Allows a highly qualified paraprofessional to use restrictive procedure.

(c) Requires a district to hold an individualized education program team meeting: within 10 days after staff uses restrictive procedures on two separate school days within 30 calendar days or a pattern of use emerges and the child's individualized education program or behavior intervention plan does not provide for using restrictive procedures in an emergency; or at the request of a parent or the district after restrictive procedures are used. Requires the district to review use of restrictive procedures at a child's annual individualized education program meeting when the child's individualized education program provides for use of restrictive procedures in an emergency.

(d) Requires a child's individualized education program team to consult with professionals or other experts when existing interventions or supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a child on 10 or more school days during the same school year.

(e) Directs the team during an individualized education program meeting under paragraph (c) to review any medical information a parent voluntarily provides.

**Subd. 3. Physical holding or seclusion.** (a) Imposes requirements on a school using physical holding or seclusion including prohibiting the school from using physical holding or seclusion to discipline a child. Allows a district to use prone restraints until August 2015. Strikes obsolete language.

(b) Requires stakeholders by March 1, 2014, to recommend to the education commissioner goals for reducing the use of restrictive procedures and directs the commissioner to report to the legislature on districts' progress in reducing use of restrictive procedures and recommendations for further reducing and eliminating use of these procedures. Strikes language requiring the department to develop a statewide plan. Directs the commissioner to consult with stakeholders when preparing the report. Strikes obsolete language. Requires districts to annually report to the department summary data on district use of restrictive procedures.

**Subd. 5. Training for staff.** (a) Requires staff who use restrictive procedures, including highly qualified paraprofessionals, to receive training in standards for using these procedures only in an emergency, district policies and procedures for reporting and documenting use of restrictive procedures, and schoolwide programs on positive

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behavior strategies, among other training.

(b) Directs the commissioner to develop and maintain a list of experts to help individualized education program teams reduce the use of restrictive procedures.

Makes this section effective immediately.

- 4 **Eligibility for Part C.** Makes technical changes to conform Minnesota Statutes with federal law governing IDEA, Part C.
- 5 **Interagency child find systems.** Makes technical changes to conform Minnesota Statutes with federal law governing IDEA, Part C.
- 6 **Parent.** Makes technical changes to conform Minnesota Statutes with federal law governing IDEA, Part C.
- 7 **State interagency coordinating council.** Makes technical changes to conform Minnesota Statutes with federal law governing IDEA, Part C.
- 8 **Responsibilities of county boards and school boards.** Makes technical changes to conform Minnesota Statutes with federal law governing IDEA, Part C.
- 9 **Interagency early intervention committees.** Makes technical changes to conform Minnesota Statutes with federal law governing IDEA, Part C. Strikes a requirement that local early intervention committees review and comment upon the early intervention section of a district's total special education system.
- 10 **Individualized family services plan (IFSP).** Makes technical changes to conform Minnesota Statutes with federal law governing IDEA, Part C.
- 11 **Service coordination.** Makes technical changes to conform Minnesota Statutes with federal law governing IDEA, Part C.
- 12 **Lead agency; allocation of resources.** Makes technical changes to conform Minnesota Statutes with federal law governing IDEA, Part C.
- 13 **Payment for services.** Makes technical changes to conform Minnesota Statutes with federal law governing IDEA, Part C.
- 14 **Mediation procedure.** Requires a parent and the district to sign a parent's written request for mediation. Requires the mediation to be completed within 30 days of when the education department, instead of the Office of Dispute Resolution, receives the mediation request. Makes the resolution of the mediation binding on both parties.
- 15 **Rulemaking authority.** Directs the education commissioner to amend special education rules using the expedited rule making process to conform the rules with federal law governing IDEA, Part C.

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- 16**      **Appropriation.** Appropriates an unspecified sum from the general fund in fiscal year 2014 to the education commissioner to help school districts address the needs of children subject to the use of prone restraints and work with the human services commissioner to coordinate appropriations, resources, and staff to help these children.
- Makes this section effective July 1, 2013.
- 17**      **Repealer.** Repeals obsolete language on 1993 base year expenditures and costs.

**Article 6: Early Childhood**

- 1**      **Early childhood education scholarships.** Precludes counting early childhood scholarships as earned income for purposes of medical assistance, MinnesotaCare, child care assistance, or Head Start programs.