

## STATE OF MINNESOTA

## NINETY-SECOND SESSION — 2021

---

 TWENTY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 15, 2021

The House of Representatives convened at 3:30 p.m. and was called to order by Melissa Hortman, Speaker of the House.

Prayer was offered by Father John Mitchell, Pastor at Church of St. Pascal Baylon, St. Paul, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Acomb	Davnie	Hanson, J.	Liebling	Neu Brindley	Schultz
Agbaje	Demuth	Hassan	Lillie	Noor	Scott
Akland	Dettmer	Hausman	Lippert	Novotny	Stephenson
Albright	Drazkowski	Heinrich	Lislegard	O'Driscoll	Sundin
Anderson	Ecklund	Heintzeman	Long	Olson, B.	Swedzinski
Backer	Edelson	Her	Lucero	Olson, L.	Theis
Bahner	Elkins	Hertaus	Lueck	O'Neill	Thompson
Bahr	Erickson	Hollins	Mariani	Pelowski	Torkelson
Baker	Feist	Hornstein	Marquart	Petersburg	Urdahl
Becker-Finn	Fischer	Howard	Masin	Pfarr	Vang
Bennett	Franke	Huot	McDonald	Pierson	Wazlawik
Berg	Franson	Igo	Mekeland	Pinto	West
Bernardy	Frazier	Johnson	Miller	Poston	Winkler
Bierman	Frederick	Jordan	Moller	Pryor	Wolgamott
Bliss	Freiberg	Jurgens	Moran	Quam	Xiong, J.
Boe	Garofalo	Keeler	Morrison	Raleigh	Xiong, T.
Boldon	Gomez	Kiel	Mortensen	Rasmusson	Youakim
Burkel	Green	Klevorn	Mueller	Reyer	Spk. Hortman
Carlson	Greenman	Koegel	Munson	Richardson	
Christensen	Gruenhagen	Kotyza-Witthuhn	Murphy	Robbins	
Daniels	Haley	Koznick	Nash	Sandell	
Daudt	Hamilton	Kresha	Nelson, M.	Sandstede	
Davids	Hansen, R.	Lee	Nelson, N.	Schomacker	

A quorum was present.

Grossell was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

## REPORTS OF CHIEF CLERK

S. F. No. 659 and H. F. No. 682, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Ecklund moved that S. F. No. 659 be substituted for H. F. No. 682 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 672 and H. F. No. 696, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

Becker-Finn moved that S. F. No. 672 be substituted for H. F. No. 696 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Hausman from the Committee on Housing Finance and Policy to which was referred:

H. F. No. 12, A bill for an act relating to housing; amending certain eviction procedures during and after a public health emergency; allowing for expungement of certain eviction actions filed during and after a public health emergency; preventing home foreclosure during and after a public health emergency; appropriating money for emergency housing assistance grants during the peacetime emergency related to COVID-19.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **PEACETIME EMERGENCY; EVICTION AND NONRENEWAL OF LEASE.**

Subdivision 1. **Prohibitions; evictions and nonrenewal of lease.** (a) The following actions are prohibited related to residential property during the peacetime emergency declared in Executive Order 20-01 and all subsequent extensions of that public health emergency. For purposes of this section, the term "landlord" refers to entities defined in Minnesota Statutes, section 504B.001, subdivision 7.

(b) A landlord is prohibited from filing of eviction actions or any other action to recover possession of residential property from a tenant. The prohibition does not include actions where the tenant:

(1) causes unlawful destruction of the residential property, as defined in Minnesota Statutes, section 504B.165;

(2) violates Minnesota Statutes, section 504B.171, subdivision 1;

(3) remains in the property past the vacate date after receiving a proper notice to vacate or notice of nonrenewal under paragraph (c); or

(4) materially violates a residential lease.

For the purposes of this section, a "material violation" is a substantial breach of the lease so fundamental that the violation defeats an essential purpose of the lease. A material violation does not include nonpayment of rent or fees related to the tenancy or holding over past the expiration of a lease. A landlord filing a complaint alleging grounds

for eviction under this paragraph shall file an affidavit with the court stating specific facts in support of the filing, identifying the legal basis for the eviction, and providing information on how the eviction falls under an exception in this paragraph.

(c) A landlord is prohibited from issuing a notice of termination or nonrenewal of a residential lease, except:

(1) as provided in subdivision 2, to allow a family member to occupy the unit;

(2) at the request of the tenant; or

(3) where the termination is based upon one of the grounds permitted by paragraph (b).

(d) Execution of writs of recovery for residential property under Minnesota Statutes, section 504B.365, subdivision 1, is prohibited, with the exception of:

(1) a writ of recovery designated as priority execution under Minnesota Statutes, section 504B.365, subdivision 2;

(2) a writ issued as a result of an eviction action judgment entered prior to March 24, 2020, at 5:00 p.m.; or

(3) a writ issued as a result of a lawfully filed eviction action permitted under this section.

(e) A landlord is prohibited from assessing late fees or related fees when nonpayment of rent is due to the residential tenant's COVID-related loss of income.

(f) A landlord is prohibited from increasing the rent for a residential tenancy more than six percent. In no case during the application of the peacetime emergency may there be a rent increase, if there has been a rent increase in the previous 12 months.

(g) Termination of a residential rental agreement or filing an eviction action under Minnesota Statutes, section 327C.09, are prohibited, except that terminations or eviction actions under Minnesota Statutes, section 327C.09, subdivision 3, or for cases brought under Minnesota Statutes, section 327C.09, subdivision 5, are allowed if the case is based on the resident endangering the safety of other residents or park personnel.

(h) Delivery of default notices by owners of security interests in manufactured homes located in Minnesota, pursuant to Minnesota Statutes, section 327.64, is prohibited. A secured party is also prohibited from commencing an action for a court order to remove occupants from manufactured homes.

Subd. 2. **Exceptions.** Consistent with subdivision 1, paragraph (c), clause (1), residential landlords may issue a lawful termination of tenancy or nonrenewal of lease due to the need to move the property owner or property owner's family member into the property, if the property owner or property owner's family member moves into the property within seven days of the property being vacated by the residential tenant. For purposes of this section, "family member" includes a spouse, domestic partner, parent, sibling, child, in-law, or other relative, as defined in Minnesota Statutes, section 273.124, subdivision 1, paragraph (c), of the property owner or the property owner's spouse or domestic partner.

Subd. 3. **Notice required.** For evictions allowed under this section, a landlord must provide a written notice of intent to file an eviction action to the tenant at least seven days prior to filing the action, or any specified notice to cure or eviction action notice period included in the lease, whichever is longer. If an eviction action is filed, the written notice must be attached to the filing.

Subd. 4. **Relief; Minnesota Statutes, chapters 518B and 629.** Nothing in this section is intended to modify the relief available, including exclusion from the dwelling, in an order for protection issued under Minnesota Statutes, section 518B.01, or in a domestic abuse no contact order issued under Minnesota Statutes, section 629.75.

Subd. 5. **Rent and late fees.** Nothing in this section reduces the rent owed by the residential tenant to the landlord, prevents the landlord from collecting rent owed, or reduces arrears owed by a residential tenant for rent.

Subd. 6. **Application; Minnesota Statutes, chapter 504B.** Nothing in this section creates grounds for eviction or lease termination beyond what is provided for by Minnesota Statutes, chapter 504B.

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

Sec. 2. **EVICCTIONS AND NONRENEWAL AT THE CONCLUSION OF PEACETIME EMERGENCY.**

Subdivision 1. **Eviction notice required; 12 months after peacetime emergency ends.** (a) For a period of 12 months after the end of the peacetime emergency declared in Executive Order 20-01 and extensions of that peacetime emergency order, a landlord who files an eviction action must first provide a written notice to the residential tenant at least 60 days prior to filing the eviction action. No late fees or related fees may be assessed by the landlord during that 60-day period, and rents may not be increased during the 60-day notice period required in this section. Eviction actions listed in section 1, subdivision 1, paragraph (b), are exempt from the 60-day notice requirement. For purposes of this section, the term "landlord" refers to entities defined in Minnesota Statutes, section 504B.001, subdivision 7.

(b) For a period of 12 months running from the date of the conclusion of the peacetime emergency declared in Executive Order 20-01, and extensions of that peacetime emergency order, no landlord may file an eviction action for nonpayment of rent if the landlord was eligible to collect the alleged rent owed through a rental assistance or emergency assistance program, and either refused the payment or refused to comply with requirements needed to process the payment.

Subd. 2. **Notice requirements.** (a) Before bringing an eviction action alleging nonpayment of rent, a landlord must provide written notice to the residential tenant specifying the basis for a future eviction action.

(b) For an allegation of nonpayment of rent or other unpaid financial obligations in violation of the lease, the landlord must include the following in a written notice:

(1) the total amount due;

(2) a specific accounting of the amount of the total due that is comprised of unpaid rents, late fees, or other charges under the lease; and

(3) the name and address of the person authorized to receive rent and fees on behalf of the landlord.

(c) A notice provided under this section must:

(1) provide a disclaimer that a low-income tenant may be eligible for financial assistance from the county;

(2) provide a description on how to access legal and financial assistance through the "Law Help" website at [www.lawhelpmn.org](http://www.lawhelpmn.org) and "Minnesota 211" through its website [www.211unitedway.org](http://www.211unitedway.org) or by calling 211; and

(3) state that the landlord may bring an eviction action following expiration of the 60-day notice period if the tenant fails to pay the total amount due or fails to vacate.

(d) The landlord or an agent of the landlord must deliver the notice personally or by first class mail to the residential tenant at the address of the leased premises.

(e) If the tenant fails to correct the rent delinquency within 60 days of the delivery or mailing of the notice or fails to vacate, the landlord may bring an eviction action based on the nonpayment of rent.

(f) Receipt of a notice under this section is an emergency situation under Minnesota Statutes, section 256D.06, subdivision 2, and Minnesota Rules, chapter 9500. For purposes of Minnesota Statutes, chapter 256J, and Minnesota Rules, chapter 9500, a county agency verifies an emergency situation by receiving and reviewing a notice under this section. If a residential tenant applies for financial assistance from the county, the landlord must cooperate with the application process by:

(1) supplying all information and documentation requested by the tenant or the county; and

(2) accepting or placing into escrow partial rent payments where necessary to establish a tenant's eligibility for assistance.

(g) If applicable, the person filing an eviction action or other legal action to recover possession of residential rental property from a tenant must attach a copy of the written notice required by this section.

(h) If the court finds that a plaintiff has violated a provision of this section, the court must dismiss the action without prejudice and expunge the action.

Subd. 3. **Rent owed.** Nothing in this section reduces the rent owed by a residential tenant to the landlord. This section does not prevent the landlord from collecting rent owed and does not reduce the arrears owed by a residential tenant for rent.

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

**Sec. 3. DISTRICT COURT PETITION REVIEW; DISMISSAL AND EXPUNGEMENT OF ACTIONS.**

(a) The court must conduct an initial review of all eviction filings for compliance with sections 1 and 2. If the court finds that an eviction action has been filed in violation of section 1 or Executive Order 20-14, 20-73, or 20-79, the action must be dismissed and expunged if the eviction filing has not yet been adjudicated. This paragraph applies to all eviction actions filed on or after March 23, 2020.

(b) If a landlord is required under section 2 to provide a 60-day written notice, the notice must be attached to any eviction filing. If the notice is not attached, the court must reject the filing.

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

**Sec. 4. FORECLOSURE; CONTRACT FOR DEED; DURING AND 60 DAYS AFTER PEACETIME EMERGENCY.**

(a) During the peacetime emergency declared in Executive Order 20-01 and extensions of that peacetime emergency order, and for 60 days after the conclusion of that peacetime emergency:

(1) no notice of a pendency for a foreclosure by advertisement may be recorded and no action may commence under Minnesota Statutes, chapter 580 or 581, except for an action necessary to protect holders of bonds issued under Minnesota Statutes, chapter 462A; and

(2) no vendor may terminate a contract for deed.

(b) Nothing in this section alters the payments owed or any other obligations under the mortgage, common interest community bylaws, contract for deed, or the pledge made by the state to holders of bonds issued under Minnesota Statutes, chapter 462A.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to actions taken on or after that date."

Delete the title and insert:

"A bill for an act relating to housing; providing for eviction and nonrenewal of lease procedures during and after a peacetime emergency; allowing for expungement of certain eviction actions filed during and after a peacetime emergency; preventing certain home foreclosure or contract for deed termination during and after a peacetime emergency."

With the recommendation that when so amended the bill be re-referred to the Committee on Judiciary Finance and Civil Law.

The report was adopted.

Ecklund from the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy to which was referred:

H. F. No. 41, A bill for an act relating to employment; providing emergency paid sick leave to health care employees excluded from the federal Families First Coronavirus Response Act.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **ESSENTIAL WORKERS EMERGENCY LEAVE ACT.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Airport service provider" means a business other than an air carrier certificated by the Federal Aviation Administration, that performs, under contract with a passenger air carrier, airport facility management, or airport authority, functions on the property of the airport that are directly related to the air transportation of persons, property, or mail, including but not limited to:

(1) the loading and unloading of property on aircraft;

(2) assistance to passengers under Code of Federal Regulations, title 14, part 382;

(3) security;

(4) airport ticketing and check-in functions;

(5) ground-handling of aircraft;

(6) aircraft cleaning and sanitization functions; or

(7) airport authority.

(c) "Child" means a biological, adopted, or foster child, stepchild, legal ward, or child for whom the essential worker is a legal guardian.

(d) "Emergency paid sick leave" means paid leave time provided under this section for a reason provided in subdivision 2 that is not fully compensated through workers' compensation benefits, unemployment insurance benefits, or other benefits under state law or federal law or an executive order related to COVID-19.

(e) "Essential worker" means a person who performs services for hire for an employer for one day or more, and who:

(1) is an emergency responder or health care provider as defined in Code of Federal Regulations, title 29, section 826.30(c), including but not limited to nurses, peace officers, firefighters, correctional institution personnel, emergency medical services personnel, and social workers;

(2) is a licensed or unlicensed personnel employed by or under contract with:

(i) a hospital, boarding care home, or outpatient surgical center licensed under Minnesota Statutes, sections 144.50 to 144.56;

(ii) a nursing home licensed under Minnesota Statutes, sections 144A.01 to 144A.162;

(iii) a housing with services establishment registered under Minnesota Statutes, section 144D.02, and operating under Minnesota Statutes, sections 144G.01 to 144G.07;

(iv) the arranged home care provider of an establishment specified in item (iii);

(v) an unlicensed health care clinic; or

(vi) an unlicensed office of a physician or advanced practice registered nurse;

(3) is a public school employee;

(4) works for an airport service provider; or

(5) works for a private employer performing work in the following sectors:

(i) building service, including janitorial, building maintenance, and security services;

(ii) child care;

(iii) food service, including food manufacture, production, processing, preparation, sale, and delivery;

(iv) hotel accommodations;

(v) manufacturing; or

(vi) retail, including but not limited to sales, fulfillment, distribution, and delivery.

(f) "Employer" means a person who employs one or more essential workers, including but not limited to a corporation, partnership, limited liability company, association, group of persons, hospital, state, county, town, city, school district, or governmental subdivision, excluding the federal government.

(g) "Retaliatory personnel action" means any form of intimidation, threat, reprisal, harassment, discrimination, or adverse employment action, including discipline, discharge, suspension, transfer, or reassignment to a lesser position in terms of job classification, job security, or other condition of employment; reduction in pay or hours or denial of additional hours; the accumulation of points under an attendance point system; informing another employer that the person has engaged in activities protected by this section; or reporting or threatening to report the actual or suspected citizenship or immigration status of an employee, former employee, or family member of an employee to a federal, state, or local agency.

**Subd. 2. Emergency paid sick leave.** An employer shall provide emergency paid sick leave to an essential worker who is unable to work or telework due to any of the following reasons:

(1) the essential worker is subject to a federal, state, or local quarantine or isolation order related to COVID-19;

(2) the essential worker has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(3) the essential worker is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

(4) the essential worker is caring for an individual who is subject to an order as described in clause (1) or has been advised as described in clause (2); or

(5) the essential worker is caring for a child of the essential worker if the school or place of care of the child has been closed, or the child care provider of the child is unavailable due to COVID-19 precautions.

**Subd. 3. Duration and use of leave.** (a) An essential worker shall be entitled to emergency paid sick leave as provided under this section for the following number of hours:

(1) up to 80 hours for an essential worker who:

(i) the employer considers to work full time;

(ii) works or was scheduled to work on average what are considered full-time hours by the employer, including pursuant to any applicable collective bargaining agreement; or

(iii) works or was scheduled to work at least 40 hours per week for the employer on average over a two-week period;

(2) a number of hours equal to the number of hours that an essential worker works for the employer on average over a two-week period for any essential worker who:

(i) the employer considers to work part time;

(ii) works or was scheduled to work on average what are considered part-time hours by the employer, including pursuant to any applicable collective bargaining agreement; or

(iii) works or was scheduled to work fewer than 40 hours per week for the employer on average over a two-week period; or

(3) 14 times the average number of hours an essential worker worked per day for the employer for the previous six months, or for the entire period the essential worker has worked for the employer, whichever is shorter, for an essential worker who works variable hours and who is not covered by clause (1) or (2).



(b) Leave under this section shall be available for use by an essential worker for a reason listed in subdivision 2 beginning the day following final enactment and may be used intermittently, provided that any amount of leave taken under this section shall end with the essential worker's next scheduled work shift immediately following the termination of the essential worker's need for leave under a reason provided in subdivision 2.

(c) After the first workday or portion thereof that an essential worker receives leave under this section, an employer may require the essential worker to follow reasonable notice procedures to continue receiving leave.

(d) Leave under this section expires 30 days after a peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19 is terminated or rescinded.

**Subd. 4. Amount of compensation.** (a) An essential worker shall receive compensation for each hour of emergency paid sick leave received under this section in an amount that shall be the greater of:

(1) the essential worker's regular rate of pay for the essential worker's last pay period, including pursuant to any collective bargaining agreement that applies;

(2) the state minimum wage in effect under Minnesota Statutes, section 177.24; or

(3) the local minimum wage to which the essential worker is entitled, except that in no event shall emergency paid sick time provided under this section exceed \$5,110 in the aggregate.

(b) Unused or remaining leave under this section shall not carry over past the expiration of this section.

(c) Nothing in this section shall be construed to require financial or other reimbursement to an essential worker from an employer upon the essential worker's termination, resignation, retirement, or other separation from employment for emergency paid sick time under this section that has not been used by the essential worker.

**Subd. 5. Relationship to other leave.** (a) Except as provided in paragraph (c), emergency paid sick leave under this section shall be in addition to any paid or unpaid leave provided to an essential worker by an employer under a collective bargaining agreement, negotiated agreement, contract, or any other employment policy.

(b) An essential worker may use leave provided under this section first, and except as provided in paragraph (c), an employer shall not require an essential worker to use other paid or unpaid leave provided by the employer before the essential worker uses the leave provided under this section or in lieu of the leave provided under this section.

(c) Notwithstanding paragraphs (a) and (b), if an employer has already provided an essential worker with additional paid leave for any reason provided in subdivision 2, and the leave is in addition to the regular amount of paid leave provided by the employer and would compensate the essential worker in an amount equal to or greater than the amount of compensation provided under this section, the employer may count the hours of other additional paid leave toward the total number of hours of emergency paid sick leave required under this section.

(d) An employer shall provide notice to essential workers of the requirements for emergency paid sick leave provided under this section.

(e) Nothing in this section shall be deemed:

(1) to limit the rights of a public essential worker or employer under any law, rule, regulation, or collectively negotiated agreement, or the rights and benefits that accrue to essential workers through collective bargaining agreements, or the rights of essential workers with respect to any other employment benefits; or

(2) to prohibit any personnel action that otherwise would have been taken regardless of a request to use, or use of, any leave provided by this section.

(f) Nothing in this section shall prevent an employer from providing, or the parties to a collective bargaining agreement from agreeing to, leave benefits that meet or exceed and do not otherwise conflict with the requirements for emergency paid sick leave under this section.

**Subd. 6. Requirements and enforcement.** (a) An employer shall not take any retaliatory personnel action against an essential worker for requesting or obtaining emergency paid sick leave under this section or for bringing a complaint related to this section, including a proceeding that seeks enforcement of this section.

(b) The Department of Labor and Industry shall enforce this section. The commissioner has the authority provided under Minnesota Statutes, section 177.27, subdivision 4, including the authority to issue an order requiring an employer to comply with this section. The commissioner may investigate complaints of violations of this section as necessary to determine whether a violation has occurred. If the commissioner finds that an employer has violated this section, the commissioner shall fine the employer up to \$1,000 for each willful violation for each essential worker.

**EFFECTIVE DATE.** This section is effective the day following final enactment for essential workers hired by an employer on or after the day following final enactment. This section applies retroactively from March 13, 2020, for essential workers who were employed on or after March 13, 2020, and are currently employed as of the day following final enactment or May 17, 2021, whichever is earlier. Subdivisions 1 to 5 sunset 30 days after a peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19 is terminated or rescinded. Subdivision 6 sunsets two years after a peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19 is terminated or rescinded."

Amend the title as follows:

Page 1, line 2, delete "health care" and insert "certain"

With the recommendation that when so amended the bill be re-referred to the Committee on State Government Finance and Elections.

The report was adopted.

Nelson, M., from the Committee on State Government Finance and Elections to which was referred:

H. F. No. 58, A bill for an act relating to health; requiring manufacturers to report and maintain prescription drug prices; requiring the filing of health plan prescription drug formularies; health care coverage; establishing requirements for a prescription benefit tool; requiring prescription drug benefit transparency and disclosure; amending Minnesota Statutes 2020, sections 62A.02, subdivision 1; 62J.497, subdivisions 1, 3; 62J.84, subdivisions 2, 6, 7, 8, 9; 151.071, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 62J; 62Q.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Health Finance and Policy.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 257, A bill for an act relating to energy; modifying certain utility requirements; prohibiting certain restrictions on the use of residential solar energy systems; amending Minnesota Statutes 2020, sections 216B.164, subdivision 3, by adding a subdivision; 515.07; 515B.2-103; 515B.3-102; proposing coding for new law in Minnesota Statutes, chapter 500.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 3, line 20, delete everything after "single-family" and insert "detached dwellings whose owner is the sole owner of the entire building in which the dwelling is located, and who is solely responsible for the maintenance, repair, replacement, and insurance of the entire building."

Page 3, delete lines 21 and 22

Page 5, line 1, after the period, insert "(f) An application for approval must be made in writing and must contain certification that the applicant will meet any conditions required by a private entity under subdivision 4. An application must include a copy of the interconnection application submitted to the applicable electric utility."

Page 5, line 1, before "A" insert "(g)"

Page 5, line 4, after the period, insert "If a private entity receives an incomplete application that it determines prevents it from reaching a decision to approve or disapprove the application, a new 60-day limit begins only if the private entity sends written notice to the applicant, within 15 business days of receiving the incomplete application, informing the applicant what additional information is required."

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Climate and Energy Finance and Policy.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 553, A bill for an act relating to corrections; requiring that certain information, assistance, services, and medications be provided to inmates upon release from prison; providing identification cards for released inmates; requiring a homelessness mitigation plan and annual reporting on information relating to homelessness; amending Minnesota Statutes 2020, section 171.06, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 241.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Stephenson from the Committee on Commerce Finance and Policy to which was referred:

H. F. No. 586, A bill for an act relating to automobile insurance; clarifying that volunteer drivers receiving funding from the public transit participation program are not for hire; amending Minnesota Statutes 2020, sections 65B.15, subdivision 1; 65B.43, subdivision 12, by adding a subdivision; 65B.47, subdivision 1a; 65B.472, subdivision 1; 256B.0625, subdivision 17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2020, section 65B.15, subdivision 1, is amended to read:

Subdivision 1. **Grounds and notice.** No cancellation or reduction in the limits of liability of coverage during the policy period of any policy shall be effective unless notice thereof is given and unless based on one or more reasons stated in the policy which shall be limited to the following:

1. nonpayment of premium; or
2. the policy was obtained through a material misrepresentation; or
3. any insured made a false or fraudulent claim or knowingly aided or abetted another in the presentation of such a claim; or
4. the named insured failed to disclose fully motor vehicle accidents and moving traffic violations of the named insured for the preceding 36 months if called for in the written application; or
5. the named insured failed to disclose in the written application any requested information necessary for the acceptance or proper rating of the risk; or
6. the named insured knowingly failed to give any required written notice of loss or notice of lawsuit commenced against the named insured, or, when requested, refused to cooperate in the investigation of a claim or defense of a lawsuit; or
7. the named insured or any other operator who either resides in the same household, or customarily operates an automobile insured under such policy, unless the other operator is identified as a named insured in another policy as an insured:
  - (a) has, within the 36 months prior to the notice of cancellation, had that person's driver's license under suspension or revocation because the person committed a moving traffic violation or because the person refused to be tested under section 169A.20, subdivision 1; or
  - (b) is or becomes subject to epilepsy or heart attacks, and such individual does not produce a written opinion from a physician testifying to that person's medical ability to operate a motor vehicle safely, such opinion to be based upon a reasonable medical probability; or
  - (c) has an accident record, conviction record (criminal or traffic), physical condition or mental condition, any one or all of which are such that the person's operation of an automobile might endanger the public safety; or

(d) has been convicted, or forfeited bail, during the 24 months immediately preceding the notice of cancellation for criminal negligence in the use or operation of an automobile, or assault arising out of the operation of a motor vehicle, or operating a motor vehicle while in an intoxicated condition or while under the influence of drugs; or leaving the scene of an accident without stopping to report; or making false statements in an application for a driver's license, or theft or unlawful taking of a motor vehicle; or

(e) has been convicted of, or forfeited bail for, one or more violations within the 18 months immediately preceding the notice of cancellation, of any law, ordinance, or rule which justify a revocation of a driver's license; or

8. the insured automobile is:

(a) so mechanically defective that its operation might endanger public safety; or

(b) used in carrying passengers for hire or compensation, provided however that the use of an automobile for a car pool or a private passenger vehicle used by a volunteer driver as defined under section 65B.472, subdivision 1, paragraph (h), shall not be considered use of an automobile for hire or compensation; or

(c) used in the business of transportation of flammables or explosives; or

(d) an authorized emergency vehicle; or

(e) subject to an inspection law and has not been inspected or, if inspected, has failed to qualify within the period specified under such inspection law; or

(f) substantially changed in type or condition during the policy period, increasing the risk substantially, such as conversion to a commercial type vehicle, a dragster, sports car or so as to give clear evidence of a use other than the original use.

Sec. 2. Minnesota Statutes 2020, section 65B.43, subdivision 12, is amended to read:

Subd. 12. **Commercial vehicle.** "Commercial vehicle" means:

(a) any motor vehicle used as a common carrier,

(b) any motor vehicle, other than a passenger vehicle defined in section 168.002, subdivision 24, which has a curb weight in excess of 5,500 pounds apart from cargo capacity, or

(c) any motor vehicle while used in the for-hire transportation of property.

Commercial vehicle does not include a "commuter van," which for purposes of this chapter shall mean a motor vehicle having a capacity of seven to 16 persons which is used principally to provide prearranged transportation of persons to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle as a principal occupation but is driving it only to or from the principal place of employment, to or from a transit stop authorized by a local transit authority, or for personal use as permitted by the owner of the vehicle, or a private passenger vehicle driven by a volunteer driver.

Sec. 3. Minnesota Statutes 2020, section 65B.472, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) Unless a different meaning is expressly made applicable, the terms defined in paragraphs (b) through (g) have the meanings given them for the purposes of this chapter.

(b) A "digital network" means any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

(c) A "personal vehicle" means a vehicle that is used by a transportation network company driver in connection with providing a prearranged ride and is:

- (1) owned, leased, or otherwise authorized for use by the transportation network company driver; and
- (2) not a taxicab, limousine, ~~or~~ for-hire vehicle, or a private passenger vehicle driven by a volunteer driver.

(d) A "prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or other for-hire vehicle.

(e) A "transportation network company" means a corporation, partnership, sole proprietorship, or other entity that is operating in Minnesota that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides.

(f) A "transportation network company driver" or "driver" means an individual who:

- (1) receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and
- (2) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

(g) A "transportation network company rider" or "rider" means an individual or persons who use a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

(h) A "volunteer driver" means an individual who transports persons or goods on behalf of a nonprofit entity or governmental unit in a private passenger vehicle and receives no compensation for services provided other than the reimbursement of actual expenses.

Sec. 4. Minnesota Statutes 2020, section 174.29, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For the purpose of sections 174.29 and 174.30 "special transportation service" means motor vehicle transportation provided on a regular basis by a public or private entity or person that is designed exclusively or primarily to serve individuals who are elderly or disabled and who are unable to use regular means of transportation but do not require ambulance service, as defined in section 144E.001, subdivision 3. Special transportation service includes but is not limited to service provided by specially equipped buses, vans, taxis, and volunteers driving private automobiles, as defined in section 65B.472. Special transportation service also means those nonemergency medical transportation services under section 256B.0625, subdivision 17, that are subject to the operating standards for special transportation service under sections 174.29 to 174.30 and Minnesota Rules, chapter 8840.

Sec. 5. Minnesota Statutes 2020, section 174.30, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** (a) The operating standards for special transportation service adopted under this section do not apply to special transportation provided by:

- (1) a public transit provider receiving financial assistance under sections 174.24 or 473.371 to 473.449;
- (2) a volunteer driver, as defined in section 65B.472, using a private automobile;
- (3) a school bus as defined in section 169.011, subdivision 71; or
- (4) an emergency ambulance regulated under chapter 144.

(b) The operating standards adopted under this section only apply to providers of special transportation service who receive grants or other financial assistance from either the state or the federal government, or both, to provide or assist in providing that service; except that the operating standards adopted under this section do not apply to any nursing home licensed under section 144A.02, to any board and care facility licensed under section 144.50, or to any day training and habilitation services, day care, or group home facility licensed under sections 245A.01 to 245A.19 unless the facility or program provides transportation to nonresidents on a regular basis and the facility receives reimbursement, other than per diem payments, for that service under rules promulgated by the commissioner of human services.

(c) Notwithstanding paragraph (b), the operating standards adopted under this section do not apply to any vendor of services licensed under chapter 245D that provides transportation services to consumers or residents of other vendors licensed under chapter 245D and transports 15 or fewer persons, including consumers or residents and the driver.

Sec. 6. Minnesota Statutes 2020, section 174.30, subdivision 10, is amended to read:

Subd. 10. **Background studies.** (a) Providers of special transportation service regulated under this section must initiate background studies in accordance with chapter 245C on the following individuals:

- (1) each person with a direct or indirect ownership interest of five percent or higher in the transportation service provider;
- (2) each controlling individual as defined under section 245A.02;
- (3) managerial officials as defined in section 245A.02;
- (4) each driver employed by the transportation service provider;
- (5) each individual employed by the transportation service provider to assist a passenger during transport; and
- (6) all employees of the transportation service agency who provide administrative support, including those who:
  - (i) may have face-to-face contact with or access to passengers, their personal property, or their private data;
  - (ii) perform any scheduling or dispatching tasks; or
  - (iii) perform any billing activities.

(b) The transportation service provider must initiate the background studies required under paragraph (a) using the online NETStudy system operated by the commissioner of human services.

(c) The transportation service provider shall not permit any individual to provide any service or function listed in paragraph (a) until the transportation service provider has received notification from the commissioner of human services indicating that the individual:

(1) is not disqualified under chapter 245C; or

(2) is disqualified, but has received a set-aside of that disqualification according to sections 245C.22 and 245C.23 related to that transportation service provider.

(d) When a local or contracted agency is authorizing a ride under section 256B.0625, subdivision 17, by a volunteer driver, as defined in section 65B.472, and the agency authorizing the ride has reason to believe the volunteer driver has a history that would disqualify the individual or that may pose a risk to the health or safety of passengers, the agency may initiate a background study to be completed according to chapter 245C using the commissioner of human services' online NETStudy system, or through contacting the Department of Human Services background study division for assistance. The agency that initiates the background study under this paragraph shall be responsible for providing the volunteer driver with the privacy notice required under section 245C.05, subdivision 2c, and payment for the background study required under section 245C.10, subdivision 11, before the background study is completed.

Sec. 7. Minnesota Statutes 2020, section 221.031, subdivision 3b, is amended to read:

Subd. 3b. **Passenger transportation; exemptions.** (a) A person who transports passengers for hire in intrastate commerce, who is not made subject to the rules adopted in section 221.0314 by any other provision of this section, must comply with the rules for hours of service of drivers while transporting employees of an employer who is directly or indirectly paying the cost of the transportation.

(b) This subdivision does not apply to:

(1) a local transit commission;

(2) a transit authority created by law; or

(3) persons providing transportation:

(i) in a school bus as defined in section 169.011, subdivision 71;

(ii) in a Head Start bus as defined in section 169.011, subdivision 34;

(iii) in a commuter van;

(iv) in an authorized emergency vehicle as defined in section 169.011, subdivision 3;

(v) in special transportation service certified by the commissioner under section 174.30;

(vi) that is special transportation service as defined in section 174.29, subdivision 1, when provided by a volunteer driver, as defined in section 65B.472, operating a private passenger vehicle as defined in section 169.011, subdivision 52;

(vii) in a limousine the service of which is licensed by the commissioner under section 221.84; or

(viii) in a taxicab, if the fare for the transportation is determined by a meter inside the taxicab that measures the distance traveled and displays the fare accumulated.



Sec. 8. Minnesota Statutes 2020, section 256B.0625, subdivision 17, is amended to read:

Subd. 17. **Transportation costs.** (a) "Nonemergency medical transportation service" means motor vehicle transportation provided by a public or private person that serves Minnesota health care program beneficiaries who do not require emergency ambulance service, as defined in section 144E.001, subdivision 3, to obtain covered medical services.

(b) Medical assistance covers medical transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by eligible persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, nonemergency medical transportation company, or other recognized providers of transportation services. Medical transportation must be provided by:

- (1) nonemergency medical transportation providers who meet the requirements of this subdivision;
- (2) ambulances, as defined in section 144E.001, subdivision 2;
- (3) taxicabs that meet the requirements of this subdivision;
- (4) public transit, as defined in section 174.22, subdivision 7; or
- (5) not-for-hire vehicles, including volunteer drivers, as defined in section 65B.472.

(c) Medical assistance covers nonemergency medical transportation provided by nonemergency medical transportation providers enrolled in the Minnesota health care programs. All nonemergency medical transportation providers must comply with the operating standards for special transportation service as defined in sections 174.29 to 174.30 and Minnesota Rules, chapter 8840, and all drivers must be individually enrolled with the commissioner and reported on the claim as the individual who provided the service. All nonemergency medical transportation providers shall bill for nonemergency medical transportation services in accordance with Minnesota health care programs criteria. Publicly operated transit systems, volunteers, and not-for-hire vehicles are exempt from the requirements outlined in this paragraph.

(d) An organization may be terminated, denied, or suspended from enrollment if:

(1) the provider has not initiated background studies on the individuals specified in section 174.30, subdivision 10, paragraph (a), clauses (1) to (3); or

(2) the provider has initiated background studies on the individuals specified in section 174.30, subdivision 10, paragraph (a), clauses (1) to (3), and:

(i) the commissioner has sent the provider a notice that the individual has been disqualified under section 245C.14; and

(ii) the individual has not received a disqualification set-aside specific to the special transportation services provider under sections 245C.22 and 245C.23.

(e) The administrative agency of nonemergency medical transportation must:

(1) adhere to the policies defined by the commissioner in consultation with the Nonemergency Medical Transportation Advisory Committee;

(2) pay nonemergency medical transportation providers for services provided to Minnesota health care programs beneficiaries to obtain covered medical services;

(3) provide data monthly to the commissioner on appeals, complaints, no-shows, canceled trips, and number of trips by mode; and

(4) by July 1, 2016, in accordance with subdivision 18e, utilize a web-based single administrative structure assessment tool that meets the technical requirements established by the commissioner, reconciles trip information with claims being submitted by providers, and ensures prompt payment for nonemergency medical transportation services.

(f) Until the commissioner implements the single administrative structure and delivery system under subdivision 18e, clients shall obtain their level-of-service certificate from the commissioner or an entity approved by the commissioner that does not dispatch rides for clients using modes of transportation under paragraph (i), clauses (4), (5), (6), and (7).

(g) The commissioner may use an order by the recipient's attending physician, advanced practice registered nurse, or a medical or mental health professional to certify that the recipient requires nonemergency medical transportation services. Nonemergency medical transportation providers shall perform driver-assisted services for eligible individuals, when appropriate. Driver-assisted service includes passenger pickup at and return to the individual's residence or place of business, assistance with admittance of the individual to the medical facility, and assistance in passenger securement or in securing of wheelchairs, child seats, or stretchers in the vehicle.

Nonemergency medical transportation providers must take clients to the health care provider using the most direct route, and must not exceed 30 miles for a trip to a primary care provider or 60 miles for a trip to a specialty care provider, unless the client receives authorization from the local agency.

Nonemergency medical transportation providers may not bill for separate base rates for the continuation of a trip beyond the original destination. Nonemergency medical transportation providers must maintain trip logs, which include pickup and drop-off times, signed by the medical provider or client, whichever is deemed most appropriate, attesting to mileage traveled to obtain covered medical services. Clients requesting client mileage reimbursement must sign the trip log attesting mileage traveled to obtain covered medical services.

(h) The administrative agency shall use the level of service process established by the commissioner in consultation with the Nonemergency Medical Transportation Advisory Committee to determine the client's most appropriate mode of transportation. If public transit or a certified transportation provider is not available to provide the appropriate service mode for the client, the client may receive a onetime service upgrade.

(i) The covered modes of transportation are:

(1) client reimbursement, which includes client mileage reimbursement provided to clients who have their own transportation, or to family or an acquaintance who provides transportation to the client;

(2) volunteer transport, which includes transportation by volunteers using their own vehicle;

(3) unassisted transport, which includes transportation provided to a client by a taxicab or public transit. If a taxicab or public transit is not available, the client can receive transportation from another nonemergency medical transportation provider;

(4) assisted transport, which includes transport provided to clients who require assistance by a nonemergency medical transportation provider;

(5) lift-equipped/ramp transport, which includes transport provided to a client who is dependent on a device and requires a nonemergency medical transportation provider with a vehicle containing a lift or ramp;

(6) protected transport, which includes transport provided to a client who has received a prescreening that has deemed other forms of transportation inappropriate and who requires a provider: (i) with a protected vehicle that is not an ambulance or police car and has safety locks, a video recorder, and a transparent thermoplastic partition between the passenger and the vehicle driver; and (ii) who is certified as a protected transport provider; and

(7) stretcher transport, which includes transport for a client in a prone or supine position and requires a nonemergency medical transportation provider with a vehicle that can transport a client in a prone or supine position.

(j) The local agency shall be the single administrative agency and shall administer and reimburse for modes defined in paragraph (i) according to paragraphs (m) and (n) when the commissioner has developed, made available, and funded the web-based single administrative structure, assessment tool, and level of need assessment under subdivision 18e. The local agency's financial obligation is limited to funds provided by the state or federal government.

(k) The commissioner shall:

(1) in consultation with the Nonemergency Medical Transportation Advisory Committee, verify that the mode and use of nonemergency medical transportation is appropriate;

(2) verify that the client is going to an approved medical appointment; and

(3) investigate all complaints and appeals.

(l) The administrative agency shall pay for the services provided in this subdivision and seek reimbursement from the commissioner, if appropriate. As vendors of medical care, local agencies are subject to the provisions in section 256B.041, the sanctions and monetary recovery actions in section 256B.064, and Minnesota Rules, parts 9505.2160 to 9505.2245.

(m) Payments for nonemergency medical transportation must be paid based on the client's assessed mode under paragraph (h), not the type of vehicle used to provide the service. The medical assistance reimbursement rates for nonemergency medical transportation services that are payable by or on behalf of the commissioner for nonemergency medical transportation services are:

(1) \$0.22 per mile for client reimbursement;

(2) up to 100 percent of the Internal Revenue Service business deduction rate for volunteer transport;

(3) equivalent to the standard fare for unassisted transport when provided by public transit, and \$11 for the base rate and \$1.30 per mile when provided by a nonemergency medical transportation provider;

(4) \$13 for the base rate and \$1.30 per mile for assisted transport;

(5) \$18 for the base rate and \$1.55 per mile for lift-equipped/ramp transport;

(6) \$75 for the base rate and \$2.40 per mile for protected transport; and

(7) \$60 for the base rate and \$2.40 per mile for stretcher transport, and \$9 per trip for an additional attendant if deemed medically necessary.

(n) The base rate for nonemergency medical transportation services in areas defined under RUCA to be super rural is equal to 111.3 percent of the respective base rate in paragraph (m), clauses (1) to (7). The mileage rate for nonemergency medical transportation services in areas defined under RUCA to be rural or super rural areas is:

(1) for a trip equal to 17 miles or less, equal to 125 percent of the respective mileage rate in paragraph (m), clauses (1) to (7); and

(2) for a trip between 18 and 50 miles, equal to 112.5 percent of the respective mileage rate in paragraph (m), clauses (1) to (7).

(o) For purposes of reimbursement rates for nonemergency medical transportation services under paragraphs (m) and (n), the zip code of the recipient's place of residence shall determine whether the urban, rural, or super rural reimbursement rate applies.

(p) For purposes of this subdivision, "rural urban commuting area" or "RUCA" means a census-tract based classification system under which a geographical area is determined to be urban, rural, or super rural.

(q) The commissioner, when determining reimbursement rates for nonemergency medical transportation under paragraphs (m) and (n), shall exempt all modes of transportation listed under paragraph (i) from Minnesota Rules, part 9505.0445, item R, subitem (2)."

Delete the title and insert:

"A bill for an act relating to transportation; defining volunteer driver; making technical and conforming corrections; amending Minnesota Statutes 2020, sections 65B.15, subdivision 1; 65B.43, subdivision 12; 65B.472, subdivision 1; 174.29, subdivision 1; 174.30, subdivisions 1, 10; 221.031, subdivision 3b; 256B.0625, subdivision 17."

With the recommendation that when so amended the bill be re-referred to the Committee on Transportation Finance and Policy.

The report was adopted.

Nelson, M., from the Committee on State Government Finance and Elections to which was referred:

H. F. No. 702, A bill for an act relating to local government; allowing cities and towns to require additional licensing for hotels; proposing coding for new law in Minnesota Statutes, chapter 471.

Reported the same back with the following amendments:

Page 1, line 9, after the period, insert "A fee for a license under this section may not exceed \$100."

Page 1, delete lines 16 to 18

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 707, A bill for an act relating to public safety; modifying and clarifying criminal sexual conduct provisions; creating a new crime of sexual extortion; amending Minnesota Statutes 2020, sections 609.2325; 609.341, subdivisions 3, 7, 14, 15, by adding subdivisions; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3455; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2020, sections 609.293, subdivisions 1, 5; 609.34; 609.36.

Reported the same back with the following amendments:

Page 3, after line 17, insert:

"Sec. 4. Minnesota Statutes 2020, section 609.341, subdivision 11, is amended to read:

Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to ~~(f)~~ ~~(e)~~, and subdivision 1a, clauses (a) to (f) and (i), and 609.345, subdivision 1, clauses (a) to ~~(e)~~, ~~(d)~~ and ~~(h)~~ ~~(g)~~ ~~(i)~~, and subdivision 1a, clauses (a) to (e), (h), and (i), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by a person in a current or recent position of authority, or by coercion, or by inducement if the complainant is under ~~13~~ 14 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or by a person in a current or recent position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts, or

(v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

(b) "Sexual contact," for the purposes of sections 609.343, subdivision ~~1~~ 1a, clauses (g) and (h), and 609.345, subdivision ~~1~~ 1a, clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts;

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(iii) the touching by another of the complainant's intimate parts;

(iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts; or

(v) the intentional touching with seminal fluid or sperm by the actor of the complainant's body or the clothing covering the complainant's body.

(c) "Sexual contact with a person under ~~13~~ 14" means the intentional touching of the complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

Sec. 5. Minnesota Statutes 2020, section 609.341, subdivision 12, is amended to read:

Subd. 12. **Sexual penetration.** "Sexual penetration" means any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not emission of semen occurs:

(1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

(2) any intrusion however slight into the genital or anal openings:

(i) of the complainant's body by any part of the actor's body or any object used by the actor for this purpose;

(ii) of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under ~~13~~ 14 years of age or mentally impaired; or

(iii) of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by a person in a current or recent position of authority, or by coercion, or by inducement if the child is under ~~13~~ 14 years of age or mentally impaired."

Page 5, lines 20 and 23, delete "four years" and insert "48 months"

Page 7, line 26, delete "Child" and after "victim" insert "under the age of 18"

Page 11, line 13, delete "Child" and after "victim" insert "under the age of 18"

Page 12, line 30, delete "or" and reinstate the stricken "(e)" and before "(e)" insert "or"

Page 12, line 31, delete "(g)," and strike "or" and after "(h)" insert ", or (i)"

Page 14, line 6, delete "Child" and after "victim" insert "under the age of 18"

Page 15, line 2, delete "or"

Page 15, line 5, delete the period and insert "; or"

Page 15, after line 5, insert:

"(i) at the time of the act, the actor is in a prohibited occupational relationship with the complainant."

Page 17, line 26, delete "Child" and after "victim" insert "under the age of 18"

Page 18, line 25, delete "or"

Page 18, line 28, delete the period and insert "; or"

Page 18, after line 28, insert:

"(i) at the time of the act, the actor is in a prohibited occupational relationship with the complainant."

Page 21, line 18, strike "(b)" and insert "(c)"

Page 23, line 6, before "(c)" insert "(a), (b)," and before "(e)" insert "or" and strike ", (f), or (h)" and strike "or" and insert "609.342, subdivision 1a, clause (a), (b), (c), (d), (h), or (i);" and before the second "(c)" insert "(a), (b)," and before the second "(e)" insert "or" and strike ", (f)," and insert a semicolon

Page 23, line 7, strike "(h)" and insert "609.343, subdivision 1a, clause (a), (b), (c), (d), (h), or (i)"

Page 23, line 19, before "(c)" insert "(a), (b)," and before "(e)" insert "or" and strike ", (f), or (h), or" and insert ";  
609.342, subdivision 1a, clause (a), (b), (c), (d), (h), or (i);"

Page 23, line 20, before "(c)" insert "(a), (b)," and before "(e)" insert "or" and strike ", (f), or (h)" and insert ";  
609.343, subdivision 1a, clause (a), (b), (c), (d), (h), or (i)"

Page 28, line 25, after "from" insert "the Department of Corrections with specific expertise on juvenile justice reform,"

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 779, A bill for an act relating to transportation; modifying requirements for commissioners in eminent domain actions; amending Minnesota Statutes 2020, section 117.075, subdivisions 2, 3.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Nelson, M., from the Committee on State Government Finance and Elections to which was referred:

H. F. No. 801, A bill for an act relating to health; establishing a prescription drug affordability board and prescription drug affordability advisory council; providing for prescription drug cost reviews and remedies; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62J.

Reported the same back with the following amendments:

Page 2, line 19, delete "The Prescription Drug Affordability Board is created" and insert "The Legislative Coordinating Commission shall establish the Prescription Drug Affordability Board, which shall be governed"

Page 5, after line 2, insert:

"Subd. 5. **Meetings.** Meetings of the advisory council are subject to chapter 13D. The advisory council shall meet publicly at least every three months to advise the board on drug cost issues related to the prescription drug product information submitted to the board under section 62J.90."

Page 5, line 3, delete "5" and insert "6"

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Nelson, M., from the Committee on State Government Finance and Elections to which was referred:

H. F. No. 961, A bill for an act relating to labor; adding a supervisory law enforcement unit; providing a salary increase for employees in law enforcement; amending Minnesota Statutes 2020, section 179A.10, subdivisions 2, 3; Laws 2020, Fifth Special Session chapter 3, article 9, section 6.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Environment and Natural Resources Finance and Policy.

The report was adopted.

Ecklund from the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy to which was referred:

H. F. No. 984, A bill for an act relating to labor and industry; requiring outside contractors to have apprenticeship-level training to perform work at high-hazard facilities; proposing coding for new law in Minnesota Statutes, chapter 182.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2020, section 177.27, subdivision 4, is amended to read:

Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275, subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, and 181.987, or with any rule promulgated under section 177.28. The commissioner shall issue an order requiring an employer to comply with sections 177.41 to 177.435 or 181.987 if the violation is repeated. For purposes of this subdivision only, a violation is repeated if at any time during the two years that preceded the date of violation, the commissioner issued an order to the employer for violation of sections 177.41 to 177.435 or 181.987 and the order is final or the commissioner and the employer have entered into a settlement agreement that required the employer to pay back wages that were required by sections 177.41 to 177.435. The department shall serve the order upon the employer or the employer's authorized representative in person or by certified mail at the employer's place of business. An employer who wishes to contest the order must file written notice of objection to the order with the commissioner



within 15 calendar days after being served with the order. A contested case proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being served with the order, the employer fails to file a written notice of objection with the commissioner, the order becomes a final order of the commissioner.

**EFFECTIVE DATE.** This section is effective October 15, 2021.

Sec. 2. **[181.987] USE OF SKILLED AND TRAINED CONTRACTOR WORKFORCES AT OIL REFINERIES.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Contractor" means a vendor that enters into or seeks to enter into a contract with an owner or operator of an oil refinery to perform construction, alteration, demolition, installation, repair, maintenance, or hazardous material handling work at the site of the oil refinery. Contractor includes all contractors or subcontractors of any tier performing work as described in this paragraph at the site of the oil refinery. Contractor does not include employees of the owner or operator of an oil refinery.

(c) "Registered apprenticeship program" means an apprenticeship program registered with the Department of Labor and Industry under chapter 178 or with the United States Department of Labor Office of Apprenticeship or a recognized state apprenticeship agency under Code of Federal Regulations, title 29, parts 29 and 30.

(d) "Skilled and trained workforce" means a workforce in which a minimum of 85 percent of the employees of the contractor or subcontractor of any tier working at the site of the oil refinery meet one of the following criteria:

(1) are currently registered as apprentices in a registered apprenticeship program in the applicable trade;

(2) have graduated from a registered apprenticeship program in the applicable trade; or

(3) have completed all of the classroom training and work hour requirements needed to graduate from the registered apprenticeship program their employer participates in.

Subd. 2. **Use of contractors by owner, operator; requirement.** (a) An owner or operator of an oil refinery shall, when contracting with contractors for the performance of construction, alteration, demolition, installation, repair, maintenance, or hazardous material handling work at the site of the oil refinery, require that the contractors performing that work, and any subcontractors of any tier, use a skilled and trained workforce when performing all work at the site of the oil refinery.

(b) The requirement under this subdivision applies only when each contractor and subcontractor of any tier is performing work at the site of the oil refinery.

Subd. 3. **Penalties.** The Division of Labor Standards shall receive complaints of violations of this section. The commissioner of labor and industry shall fine an owner, operator, contractor, or subcontractor of any tier not less than \$5,000 nor more than \$10,000 for each violation of the requirements in this section. Each shift on which a violation of this section occurs shall be considered a separate violation. This penalty is in addition to any penalties provided under section 177.27, subdivision 7. In determining the amount of a civil penalty under this subdivision, the appropriateness of the penalty to the size of the violator's business and the gravity of the violation shall be considered.

Subd. 4. **Civil actions.** Any company, organization, or person injured by a violation of this section may bring an action for damages against the violator directly to district court. There is a rebuttable presumption that a losing bidder for work for which a violation of this section has occurred has suffered damages in an amount equal to the profit it projected to make on its bid. The court may award to a party recovering under this subdivision damages, attorney fees, costs, disbursements, civil penalties in the amounts provided under subdivision 3, and any other appropriate relief as otherwise provided by law.

**EFFECTIVE DATE.** This section is effective October 15, 2021."

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Judiciary Finance and Civil Law.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 1058, A bill for an act relating to transportation; eliminating state residency requirement for county highway engineers; amending Minnesota Statutes 2020, section 163.07, subdivision 2.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Stephenson from the Committee on Commerce Finance and Policy to which was referred:

H. F. No. 1067, A bill for an act relating to financial institutions; modifying checking account requirements; amending Minnesota Statutes 2020, section 48.512, subdivisions 2, 3, 7.

Reported the same back with the following amendments:

Page 3, lines 17 and 18, reinstate the stricken language

Page 3, line 17, strike "\$4" and insert "\$10"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Richardson from the Committee on Education Policy to which was referred:

H. F. No. 1081, A bill for an act relating to education; clarifying reporting requirement; removing obsolete language; amending Minnesota Statutes 2020, section 120B.35, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
GENERAL EDUCATION

Section 1. Minnesota Statutes 2020, section 120A.35, is amended to read:

**120A.35 ABSENCE FROM SCHOOL FOR RELIGIOUS OBSERVANCE.**

Reasonable efforts must be made by a school district to accommodate any pupil who wishes to be excused from a curricular activity for a religious observance. A school board must provide to parents annual notice of the school district's policy relating to a pupil's absence from school for religious observance.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 2. Minnesota Statutes 2020, section 120A.40, is amended to read:

**120A.40 SCHOOL CALENDAR.**

(a) Except for learning programs during summer, flexible learning year programs authorized under sections 124D.12 to 124D.127, and learning year programs under section 124D.128, a district must not commence an elementary or secondary school year before Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops may be held before Labor Day. Districts that enter into cooperative agreements are encouraged to adopt similar school calendars.

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

- (1) to accommodate a construction or remodeling project of \$400,000 or more affecting a district school facility;
- (2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a district that qualifies under clause (1); or
- (3) if the district agrees to the same schedule with a school district in an adjoining state.

(c) A school board may consider the community's religious or cultural observances when adopting an annual school calendar.

Sec. 3. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance, which includes an annual report of American Indian student data using the state count, to districts, schools and postsecondary institutions for preservice and in-service training for teachers, American Indian education teachers and paraprofessionals specifically designed to implement culturally responsive teaching methods, culturally based curriculum development, testing and testing mechanisms, and the development of materials for American Indian education programs.

Sec. 4. Minnesota Statutes 2020, section 124D.81, subdivision 1, is amended to read:

Subdivision 1. **Procedures.** A school district, charter school, or American Indian-controlled Tribal contract or grant school enrolling at least 20 American Indian students identified by the state count on October 1 of the previous school year and operating an American Indian education program according to section 124D.74 is eligible for Indian education aid if it meets the requirements of this section. Programs may provide for contracts for the provision of program components by nonsectarian nonpublic, community, Tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner of application for aids, and no aid shall be made for a program not complying with the requirements of sections 124D.71 to 124D.82.

Sec. 5. Minnesota Statutes 2020, section 290.0679, subdivision 2, is amended to read:

Subd. 2. **Conditions for assignment.** A qualifying taxpayer may assign all or part of an anticipated refund for the current and future taxable years to a financial institution or a qualifying organization. A financial institution or qualifying organization accepting assignment must pay the amount secured by the assignment to a third-party vendor. The commissioner of education shall, upon request from a third-party vendor, certify that the vendor's products and services qualify for the education credit. A denial of a certification ~~is subject to the contested case procedure under~~ may be appealed to the commissioner of education notwithstanding chapter 14. A financial institution or qualifying organization that accepts assignments under this section must verify as part of the assignment documentation that the product or service to be provided by the third-party vendor has been certified by the commissioner of education as qualifying for the education credit. The amount assigned for the current and future taxable years may not exceed the maximum allowable education credit for the current taxable year. Both the taxpayer and spouse must consent to the assignment of a refund from a joint return.

Sec. 6. Minnesota Statutes 2020, section 469.176, subdivision 2, is amended to read:

Subd. 2. **Excess increments.** (a) The authority shall annually determine the amount of excess increments for a district, if any. This determination must be based on the tax increment financing plan in effect on December 31 of the year and the increments and other revenues received as of December 31 of the year. The authority must spend or return the excess increments under paragraph (c) within nine months after the end of the year.

(b) For purposes of this subdivision, "excess increments" equals the excess of:

(1) total increments collected from the district since its certification, reduced by any excess increments paid under paragraph (c), clause (4), for a prior year, over

(2) the total costs authorized by the tax increment financing plan to be paid with increments from the district, reduced, but not below zero, by the sum of:

(i) the amounts of those authorized costs that have been paid from sources other than tax increments from the district;

(ii) revenues, other than tax increments from the district, that are dedicated for or otherwise required to be used to pay those authorized costs and that the authority has received and that are not included in item (i);

(iii) the amount of principal and interest obligations due on outstanding bonds after December 31 of the year and not prepaid under paragraph (c) in a prior year; and

(iv) increased by the sum of the transfers of increments made under section 469.1763, subdivision 6, to reduce deficits in other districts made by December 31 of the year.

(c) The authority shall use excess increment only to do one or more of the following:

(1) prepay any outstanding bonds;

(2) discharge the pledge of tax increment for any outstanding bonds;

(3) pay into an escrow account dedicated to the payment of any outstanding bonds; or

(4) return the excess amount to the county auditor who shall distribute the excess amount to the city or town, county, and school district in which the tax increment financing district is located in direct proportion to their respective local tax rates.

(d) For purposes of a district for which the request for certification was made prior to August 1, 1979, excess increments equal the amount of increments on hand on December 31, less the principal and interest obligations due on outstanding bonds or advances, qualifying under subdivision 1c, clauses (1), (2), (4), and (5), after December 31 of the year and not prepaid under paragraph (c).

(e) The county auditor must, prior to February 1 of each year, report to the commissioner of education the amount of any excess tax increment distributed to a school district ~~within 30 days of the distribution for the preceding taxable year.~~

(f) For purposes of this subdivision, "outstanding bonds" means bonds which are secured by increments from the district.

(g) The state auditor may exempt an authority from reporting the amounts calculated under this subdivision for a calendar year, if the authority certifies to the auditor in its report that the total amount authorized by the tax increment plan to be paid with increments from the district exceeds the sum of the total increments collected for the district for all years by 20 percent.

## ARTICLE 2 EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

(c) pursuant to a statute specifically authorizing access to the private data;

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

(f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

(g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;

(h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;

(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;

(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;

(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

(1) information regarding the student alleged to have been maltreated;

(2) information regarding student and employee witnesses;

(3) information regarding the alleged perpetrator; and

(4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;

(o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title 34, sections 99.31 (a)(13) and (14);

(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); ~~or~~

(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings; or

(r) with Tribal Nations about Tribally enrolled or descendant students to the extent necessary for the Tribal Nation and school district or charter school to support the educational attainment of the student.

Sec. 2. Minnesota Statutes 2020, section 120A.22, subdivision 7, is amended to read:

Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 from which a student is transferring must transmit the student's educational records, within ten business days of a request, to the district, the charter school, or the nonpublic school in which the student is enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the charter school, or the nonpublic school in which a transferring student is next enrolling in order to comply with this subdivision.

(b) A closed charter school must transfer the student's educational records, within ten business days of the school's closure, to the student's school district of residence where the records must be retained unless the records are otherwise transferred under this subdivision.

(c) A school district, a charter school, or a nonpublic school that receives services or aid under sections 123B.40 to 123B.48 that transmits a student's educational records to another school district or other educational entity, charter school, or nonpublic school to which the student is transferring must include in the transmitted records information about any formal suspension, expulsion, and exclusion disciplinary action, as well as pupil withdrawals, under sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs to prevent the inappropriate behavior from recurring. The district, the charter school, or the nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must provide notice to a student and the student's parent or guardian that formal disciplinary records will be transferred as part of the student's educational record, in accordance with data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).

(d) Notwithstanding section 138.17, a principal or chief administrative officer must remove from a student's educational record and destroy a probable cause notice received under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the date of the notice and the principal or chief administrative officer has not received a disposition or court order related to the offense described in the notice. This paragraph does not apply if the student no longer attends the school when this one-year period expires.

(e) A principal or chief administrative officer who receives a probable cause notice under section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that data in the student's educational records if they are transmitted to another school, unless the data are required to be destroyed under paragraph (d) or section 121A.75.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 3. Minnesota Statutes 2020, section 120A.22, subdivision 10, is amended to read:

Subd. 10. **Requirements for instructors.** A person who is providing instruction to a child must meet at least one of the following requirements:

(1) hold a valid Minnesota teaching license in the field and for the grade level taught;

(2) be directly supervised by a person holding a valid Minnesota teaching license;

~~(3) successfully complete a teacher competency examination;~~

~~(4)~~ (3) provide instruction in a school that is accredited by an accrediting agency, recognized according to section 123B.445, or recognized by the commissioner;

~~(5)~~ (4) hold a baccalaureate degree; or

~~(6)~~ (5) be the parent of a child who is assessed according to the procedures in subdivision 11.

Any person providing instruction in a public school must meet the requirements of clause (1).

Sec. 4. Minnesota Statutes 2020, section 120B.021, subdivision 1, is amended to read:

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

(1) language arts;

(2) mathematics;

(3) science;

(4) social studies, including history, geography, economics, and government and citizenship that includes civics consistent with section 120B.02, subdivision 3;

(5) physical education;

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

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

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

(c) The department must adopt the most recent SHAPE America (Society of Health and Physical Educators) kindergarten through grade 12 standards and benchmarks for physical education as the required physical education academic standards. The department may modify and adapt the national standards to accommodate state interest. The modification and adaptations must maintain the purpose and integrity of the national standards. The department must make available sample assessments, which school districts may use as an alternative to local assessments, to assess students' mastery of the physical education standards beginning in the 2018-2019 school year.

(d) A school district may include child sexual abuse prevention instruction in a health curriculum, consistent with paragraph (a), clause (6). Child sexual abuse prevention instruction may include age-appropriate instruction on recognizing sexual abuse and assault, boundary violations, and ways offenders groom or desensitize victims, as well as strategies to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may provide instruction under this paragraph in a variety of ways, including at an annual assembly or classroom presentation. A school district may also provide parents information on the warning signs of child sexual abuse and available resources.

(e) District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.



Sec. 5. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section and section 120B.022, must adopt statewide rules under section 14.389 for implementing statewide rigorous core academic standards in language arts, mathematics, science, social studies, physical education, and the arts. After the rules authorized under this subdivision are initially adopted, the commissioner may not amend or repeal these rules nor adopt new rules on the same topic without specific legislative authorization unless done pursuant to subdivision 4.

Sec. 6. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

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

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

(2) three credits of mathematics, including an algebra II credit or its equivalent, sufficient to satisfy all of the academic standards in mathematics;

(3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade standards in mathematics. The credit does not bear high school credit;

(4) three credits of science, including at least one credit of biology, one credit of chemistry or physics, and one elective credit of science. The combination of credits under this clause must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics and (ii) all other academic standards in science;

(5) three and one-half credits of social studies, including credit for a course in government and citizenship in either 11th or 12th grade for students beginning 9th grade in the 2022-2023 school year and later or an advanced placement, international baccalaureate, or other rigorous course on government and citizenship under section 120B.021, subdivision 1a, and a combination of other credits encompassing at least United States history, geography, government and citizenship, world history, and economics sufficient to satisfy all of the academic standards in social studies;

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

(7) a minimum of seven elective credits.

(b) A school district is encouraged to offer a course for credit in government and citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year and later, that satisfies the government and citizenship requirement in paragraph (a), clause (5). A school district must offer the course starting in the 2022-2023 school year.

(c) Students beginning 9th grade in the 2022-2023 school year and later must successfully complete a personal finance course for credit during their senior year of high school. The course must include but is not limited to the following topics: creating a household budget; taking out loans and accruing debt, including how interest works; home mortgages; how to file taxes; the impact of student loan debt; and how to read a paycheck and payroll deductions. Notwithstanding section 124D.095, a district may provide a personal finance course through online instruction, in-person instruction, or a combination of in-person and online instruction.

Sec. 7. Minnesota Statutes 2020, section 120B.11, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of this section and section 120B.10, the following terms have the meanings given them.

(a) "Instruction" means methods of providing learning experiences that enable a student to meet state and district academic standards and graduation requirements including applied and experiential learning.

(b) "Curriculum" means district or school adopted programs and written plans for providing students with learning experiences that lead to expected knowledge and skills and career and college readiness.

(c) "World's best workforce" means striving to: meet school readiness goals; have all third grade students achieve grade-level literacy; close the academic achievement gap among all racial and ethnic groups of students and between students living in poverty and students not living in poverty; have all students attain career and college readiness before graduating from high school; and have all students graduate from high school.

(d) "Experiential learning" means learning for students that includes career exploration through a specific class or course or through work-based experiences such as job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative work experience, youth apprenticeship, or employment.

(e) "Ethnic studies curriculum" means the critical and interdisciplinary study of race, ethnicity, and indigeneity with a focus on the experiences and perspectives of people of color within and beyond the United States. The ethnic studies curriculum may be integrated in existing curricular opportunities or provided through additional curricular offerings.

(f) "Rigorous" means meeting state K-12 academic standards.

(g) "Anti-racist" means the active process of identifying and eliminating racism by changing systems, organizational structures, policies, practices, attitudes, and dispositions so that power and resources are redistributed and shared equitably.

(h) "Culturally sustaining" means integrating content and practices that infuse the culture and language of Black, Indigenous, and People of Color communities who have been and continue to be harmed and erased through schooling.

(i) "Institutional racism" means policies and practices within and across institutions that produce outcomes that chronically favor white people and predictably disadvantage those who are Black, Indigenous, and People of Color.

(j) "On track for graduation" means that at the end of grade 9, a student has earned at least five credits and has received no more than one failing grade in a semester in a course in language arts, mathematics, science, or social studies. A student is off track for graduation if the student fails to meet either of these criteria.

Sec. 8. Minnesota Statutes 2020, section 120B.11, subdivision 1a, is amended to read:

Subd. 1a. **Performance measures.** (a) Measures to determine school district and school site progress in striving to create the world's best workforce must include at least:

(1) the size of the academic achievement gap, rigorous course taking under section 120B.35, subdivision 3, paragraph (c), clause (2), participation in honors or gifted and talented programming, and enrichment experiences by student subgroup;

(2) student performance on the Minnesota Comprehensive Assessments;

(3) high school graduation rates; ~~and~~

(4) career and college readiness under section 120B.30, subdivision 1; and

(5) the number and percentage of students, by student subgroup, who are on track for graduation.

(b) A school district that offers advanced placement, international baccalaureate, or dual enrollment programs must report on the following performance measures starting in the 2023-2024 school year:

(1) participation in postsecondary enrollment options and concurrent enrollment programs;

(2) the number of students who took an advanced placement exam and the number of students who passed the exam; and

(3) the number of students who took the international baccalaureate exam and the number of students who passed the exam.

(c) Performance measures under this subdivision must be reported for all student subgroups identified in section 120B.35, subdivision 3, paragraph (b), clause (2).

**EFFECTIVE DATE.** This section is effective July 1, 2021.

Sec. 9. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

Subd. 2. **Adopting plans and budgets.** A school board, at a public meeting, ~~shall~~ must adopt a comprehensive, long-term strategic plan to support and improve teaching and learning that is aligned with creating the world's best workforce and includes:

(1) clearly defined district and school site goals and benchmarks for instruction and student achievement for all student subgroups identified in section 120B.35, subdivision 3, paragraph (b), clause (2);

(2) a process to assess and evaluate each student's progress toward meeting state and local academic standards, assess and identify students to participate in gifted and talented programs and accelerate their instruction, and adopt early-admission procedures consistent with section 120B.15, and identifying the strengths and weaknesses of instruction in pursuit of student and school success and curriculum affecting students' progress and growth toward career and college readiness and leading to the world's best workforce;

(3) a system to periodically review and evaluate the effectiveness of all instruction and curriculum, taking into account strategies and best practices, student outcomes, school principal evaluations under section 123B.147, subdivision 3, students' access to effective teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of enrolled students under section 120B.35, subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

(4) strategies for improving instruction, curriculum, and student achievement, including: (i) the English and, where practicable, the native language development and the academic achievement of English learners; and (ii) access to ethnic studies curriculum using culturally responsive methodologies for all learners;

(5) a process to examine the equitable distribution of teachers and strategies to ensure children from low-income and minority children families, families of color, and American Indian families are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers;

(6) education effectiveness practices that:

(i) integrate high-quality instruction, rigorous curriculum, technology, and curriculum that is rigorous, accurate, anti-racist, and culturally sustaining;

(ii) ensure learning and work environments validate, affirm, embrace, and integrate cultural and community strengths for all students, families, and employees; and

(iii) provide a collaborative professional culture that develops and supports seeks to retain qualified, racially and ethnically diverse staff effective at working with diverse students while developing and supporting teacher quality, performance, and effectiveness; and

(7) an annual budget for continuing to implement the district plan.

**EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and updated after the day following final enactment.

Sec. 10. Minnesota Statutes 2020, section 120B.11, subdivision 3, is amended to read:

Subd. 3. **District advisory committee.** Each school board ~~shall~~ **must** establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards, consistent with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ **must** reflect the diversity of the district and its school sites, include teachers, parents, support staff, students, and other community residents, and provide translation to the extent appropriate and practicable. The district advisory committee ~~shall~~ **must** pursue community support to accelerate the academic and native literacy and achievement of English learners with varied needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and 2a. The district may establish site teams as subcommittees of the district advisory committee under subdivision 4. The district advisory committee ~~shall~~ **must** recommend to the school board: rigorous academic standards; student achievement goals and measures consistent with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district assessments; means to improve students' equitable access to effective and more diverse teachers; strategies to ensure the curriculum is rigorous, accurate, anti-racist, and culturally sustaining; strategies to ensure that curriculum and learning and work environments validate, affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic groups; and program evaluations. School sites may expand upon district evaluations of instruction, curriculum, assessments, or programs. Whenever possible, parents and other community residents ~~shall~~ **must** comprise at least two-thirds of advisory committee members.

Sec. 11. **[120B.113] EQUITABLE SCHOOL ENHANCEMENT GRANTS.**

Subdivision 1. **Grant program established.** The commissioner of education must establish a grant program to support implementation of world's best workforce strategies under section 120B.11, subdivision 2, clauses (4) and (6), to support collaborative efforts that address issues of curricular, environmental, and structural inequities in schools that create opportunity and achievement gaps for students, families, and staff who are of color or who are American Indian.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Anti-racist" means the active process of identifying and eliminating racism by changing systems, organizational structures, policies, practices, attitudes, and dispositions so that power and resources are redistributed and shared equitably.

(c) "Curricular" means curriculum resources used and content taught as well as access to levels of coursework or types of learning opportunities.

(d) "Environmental" means relating to the climate and culture of a school.

(e) "Equitable" means fairness by providing curriculum, instruction, support, and other resources for learning based on the needs of individual students and groups of students to succeed at school rather than treating all students the same. Equitable schools close opportunity and achievement gaps.

(f) "Institutional racism" means policies and practices within and across institutions that produce outcomes that chronically favor white people and predictably disadvantage those who are Black, Indigenous, and People of Color.

(g) "Structural" means relating to the organization and systems of a school that have been created to manage a school.

Subd. 3. **Applications and grant awards.** The commissioner must determine application procedures and deadlines, select schools to participate in the grant program, and determine the award amount and payment process of the grants. To the extent that there are sufficient applications, the commissioner must award an approximately equal number of grants between districts in greater Minnesota and those in the Twin Cities metropolitan area. If there are an insufficient number of applications received for either geographic area, the commissioner may award grants to meet the requests for funds wherever a district is located.

Subd. 4. **Description.** The grant program must provide funding that supports collaborative efforts that ensure school climate and curriculum incorporate equitable, anti-racist educational practices that:

(1) validate, affirm, embrace, and integrate cultural and community strengths of students, families, and employees from all racial and ethnic backgrounds; and

(2) address institutional racism with equitable school policies, structures, and practices, consistent with the requirements for long-term plans under section 124D.861, subdivision 2, paragraph (c).

Subd. 5. **Report.** Grant recipients must annually report to the commissioner by a date and in a form and manner determined by the commissioner on efforts planned and implemented that engaged students, families, educators, and community members of diverse racial and ethnic backgrounds in making improvements to school climate and curriculum. The report must assess the impact of those efforts as perceived by racially and ethnically diverse stakeholders, and must identify any areas needed for further continuous improvement. The commissioner must publish a report for the public summarizing the activities of grant recipients and what was done to promote sharing of effective practices among grant recipients and potential grant applicants.

**EFFECTIVE DATE.** This section is effective July 1, 2021.

Sec. 12. Minnesota Statutes 2020, section 120B.15, is amended to read:

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

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

(b) School districts must adopt guidelines for assessing and identifying students for participation in gifted and talented programs and services consistent with section 120B.11, subdivision 2, clause (2). The guidelines should include the use of:

(1) multiple and objective criteria; and

(2) assessments and procedures that are valid and reliable, fair, and based on current theory and research. Assessments and procedures ~~should~~ must be sensitive and equitable to underrepresented groups, including, but not limited to, low-income students, minority students of color and American Indian students, twice-exceptional students, students with section 504 plans, and English learners. Assessments and procedures must be coordinated to allow for optimal identification of programs and services for underrepresented groups.

(c) School districts must adopt procedures for the academic acceleration of gifted and talented students consistent with section 120B.11, subdivision 2, clause (2). These procedures must include how the district will:

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

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

(d) School districts must adopt procedures consistent with section 124D.02, subdivision 1, for early admission to kindergarten or first grade of gifted and talented learners consistent with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to underrepresented groups.

Sec. 13. Minnesota Statutes 2020, section 120B.30, subdivision 1a, is amended to read:

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

~~(1) "Computer adaptive assessments" means fully adaptive assessments.~~

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

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

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

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

~~(b) The commissioner must use fully adaptive mathematics and reading assessments for grades 3 through 8.~~

~~(e)~~ (a) For purposes of conforming with existing federal educational accountability requirements, the commissioner must develop and implement computer-adaptive reading and mathematics assessments for grades 3 through 8, state-developed high school reading and mathematics tests aligned with state academic standards, a high school writing test aligned with state standards when it becomes available, and science assessments under clause (2)

that districts and sites must use to monitor student growth toward achieving those standards. The commissioner must not develop statewide assessments for academic standards in social studies, health and physical education, and the arts. The commissioner must require:

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

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

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

(1) individual student performance data and achievement reports are available within three school days of when students take an assessment except in a year when an assessment reflects new performance standards;

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

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

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

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

~~(f)~~ (d) Reporting of state assessment results must:

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

(2) include a growth indicator of student achievement; and

(3) determine whether students have met the state's academic standards.

~~(g)~~ (e) Consistent with applicable federal law, the commissioner must include appropriate, technically sound accommodations or alternative assessments for the very few students with disabilities for whom statewide assessments are inappropriate and for English learners.

~~(h)~~ (f) A school, school district, and charter school must administer statewide assessments under this section, as the assessments become available, to evaluate student progress toward career and college readiness in the context of the state's academic standards. A school, school district, or charter school may use a student's performance on a statewide assessment as one of multiple criteria to determine grade promotion or retention. A school, school district, or charter school may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.

Sec. 14. Minnesota Statutes 2020, section 120B.30, is amended by adding a subdivision to read:

Subd. 7. **Remote testing.** The commissioner must develop and publish security and privacy policies and procedures for students and educators to support remote testing.

Sec. 15. Minnesota Statutes 2020, section 120B.30, is amended by adding a subdivision to read:

Subd. 8. **National and international education comparisons.** Each public district and school selected to participate in the national assessment of educational progress must do so pursuant to United States Code, title 20, section 6312(c)(2), as in effect on December 10, 2015, or similar national or international assessments, both for the national sample and for any state-by-state comparison programs that may be initiated, as directed by the commissioner. The assessments must be conducted using the data collection procedures, student surveys, educator surveys, and other instruments included in the National Assessment of Educational Progress or similar national or international assessments being administered in Minnesota. The administration of the assessments must be in addition to and separate from the administration of the statewide, standardized assessments.

Sec. 16. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

Subd. 3. **State growth target; other state measures.** (a)(1) The state's educational assessment system measuring individual students' educational growth is based on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments.

(2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and report, as soon as practicable, separate categories of information using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen community, seven of the most populous Asian ~~and Pacific Islander~~ groups, three of the most populous Native groups, seven of the most populous Hispanic/Latino groups, and five of the most populous Black and African Heritage groups ~~as determined by the total Minnesota population based on the most recent American Community Survey~~. These groups must be determined by a ten-year cycle using the American Community Survey of the total Minnesota population. The determination must be based on the most recent five-year dataset starting with the 2021-2025 dataset. Additional categories must include English learners under section 124D.59; home language; free or reduced-price lunch; and all students enrolled in a Minnesota public school who are currently or were previously in foster care, except that such disaggregation and cross tabulation is not required if the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(b) The commissioner, in consultation with a stakeholder group that includes assessment and evaluation directors, district staff, experts in culturally responsive teaching, and researchers, must implement a growth model that compares the difference in students' achievement scores over time, and includes criteria for identifying schools and school districts that demonstrate academic progress. The model may be used to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs. Data on individual teachers generated under the model are personnel data under section 13.43. The model must allow users to:

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

(2) for all student categories, report and compare aggregated and disaggregated state student growth and, under section 120B.11, subdivision 2, clause (2), student learning and outcome data using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and other student categories under paragraph (a), clause (2).



The commissioner must report measures of student growth and, under section 120B.11, subdivision 2, clause (2), student learning and outcome data, consistent with this paragraph, including the English language development, academic progress, and oral academic development of English learners and their native language development if the native language is used as a language of instruction, and include data on all pupils enrolled in a Minnesota public school course or program who are currently or were previously counted as an English learner under section 124D.59.

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

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

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

When reporting the core measures under clauses (1) and (2), the commissioner must also analyze and report separate categories of information using the student categories identified under the federal Elementary and Secondary Education Act, as most recently reauthorized, and other student categories under paragraph (a), clause (2).

(d) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2014, must report summary data on school safety and students' engagement and connection at school, consistent with the student categories identified under paragraph (a), clause (2). The summary data under this paragraph are separate from and must not be used for any purpose related to measuring or evaluating the performance of classroom teachers. The commissioner, in consultation with qualified experts on student engagement and connection and classroom teachers, must identify highly reliable variables that generate summary data under this paragraph. The summary data may be used at school, district, and state levels only. Any data on individuals received, collected, or created that are used to generate the summary data under this paragraph are nonpublic data under section 13.02, subdivision 9.

(e) For purposes of statewide educational accountability, the commissioner must identify and report measures that demonstrate the success of learning year program providers under sections 123A.05 and 124D.68, among other such providers, in improving students' graduation outcomes. The commissioner, beginning July 1, 2015, must annually report summary data on:

(1) the four- and six-year graduation rates of students under this paragraph;

(2) the percent of students under this paragraph whose progress and performance levels are meeting career and college readiness benchmarks under section 120B.30, subdivision 1; and

(3) the success that learning year program providers experience in:

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

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

- (iii) providing successful recuperative and recovery or reenrollment strategies for off-track students; and
- (iv) improving the graduation outcomes of at-risk and off-track students.

The commissioner may include in the annual report summary data on other education providers serving a majority of students eligible to participate in a learning year program.

(f) The commissioner, in consultation with recognized experts with knowledge and experience in assessing the language proficiency and academic performance of all English learners enrolled in a Minnesota public school course or program who are currently or were previously counted as an English learner under section 124D.59, must identify and report appropriate and effective measures to improve current categories of language difficulty and assessments, and monitor and report data on students' English proficiency levels, program placement, and academic language development, including oral academic language.

(g) When reporting four- and six-year graduation rates, the commissioner or school district must disaggregate the data by student categories according to paragraph (a), clause (2).

(h) A school district must inform parents and guardians that volunteering information on student categories not required by the most recent reauthorization of the Elementary and Secondary Education Act is optional and will not violate the privacy of students or their families, parents, or guardians. The notice must state the purpose for collecting the student data.

**EFFECTIVE DATE.** This section is effective the day following final enactment. The next update to the data used to determine the most populous groups must be implemented in 2026 using the 2021-2025 dataset.

Sec. 17. Minnesota Statutes 2020, section 120B.35, subdivision 4, is amended to read:

Subd. 4. **Improving schools.** Consistent with the requirements of this section, ~~beginning June 20, 2012,~~ the commissioner of education must annually report to the public and the legislature best practices implemented in those schools that are identified as high performing ~~under federal expectations.~~

Sec. 18. **[121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

Subdivision 1. **Prohibition.** (a) A school district may not have or adopt a name, symbol, or image that depicts or refers to an American Indian Tribe, individual, custom, or tradition to be used as a mascot, nickname, logo, letterhead, or team name of the district or school within the district.

(b) A school district may seek an exemption to paragraph (a) by submitting a request in writing to the Tribal Nations Education Committee and the Indian Affairs Council, which jointly shall have discretion to grant such an exemption.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "American Indian" means an individual who is:

(1) a member of an Indian Tribe or band, as membership is defined by the Tribe or band, including:

(i) any Tribe or band terminated since 1940; and

(ii) any Tribe or band recognized by the state in which the Tribe or band resides;

(2) a descendant, in the first or second degree, of an individual described in clause (1);

(3) considered by the Secretary of the Interior to be an Indian for any purpose;

(4) an Eskimo, Aleut, or other Alaska Native; or

(5) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding October 20, 1994.

(c) "District" means a district under section 120A.05, subdivision 8.

(d) "Mascot" means any human, nonhuman animal, or object used to represent a school and its population.

(e) "Public school" or "school" means a public school under section 120A.05, subdivisions 9, 11, 13, and 17, and a charter school under chapter 124E.

Sec. 19. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

Subd. 10. **Suspension.** (a) "In-school suspension" means an instance in which a pupil is temporarily removed from the pupil's regular classroom for at least half a day for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically present in the same location as the pupil under supervision.

(b) "Out-of-school suspension" means an action by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for ~~one school day or less~~ than one school day, except as provided in federal law for a student with a disability. Each suspension action ~~may~~ must include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission and may not be used to extend the current suspension. Consistent with section 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication for the parent's child as a condition of readmission. The school administration may not impose consecutive suspensions against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to self or to surrounding persons or property, or where the district is in the process of initiating an expulsion, in which case the school administration may extend the suspension to a total of 15 school days.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 20. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision to read:

Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means policies and practices that are alternatives to removing a pupil from class or dismissing a pupil from school, including evidence-based positive behavior interventions and supports, social and emotional services, school-linked mental health services, counseling services, social work services, referrals for special education or section 504 evaluations, academic screening for title one services or reading interventions, and alternative education services. Nonexclusionary disciplinary policies and practices require school officials to intervene in, redirect, and support a pupil's behavior before removing a pupil from class or beginning dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are not limited to the policies and practices under sections 120B.12; 121A.031, subdivision 4, paragraph (a), clause (1); 121A.575, clauses (1) and (2); 121A.61, subdivision 3, paragraph (q); 122A.627, clause (3); and 123A.56.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 21. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision to read:

Subd. 13. **Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal or written agreement between a school or district administrator and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. A pupil withdrawal agreement expires at the end of a 12-month period.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 22. Minnesota Statutes 2020, section 121A.425, is amended to read:

**121A.425 FULL AND EQUITABLE PARTICIPATION IN ~~PRESCHOOL AND PREKINDERGARTEN~~ EARLY LEARNING.**

Subdivision 1. **Disciplinary dismissals prohibited.** (a) A pupil enrolled in the following is not subject to dismissals under this chapter:

(1) a preschool or prekindergarten program, including ~~a child participating in~~ early childhood family education, school readiness, school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool or prekindergarten program, ~~may not be subject to dismissals under this chapter; or~~

(2) kindergarten through grade 3.

(b) Notwithstanding this subdivision, expulsions and exclusions may be used only after resources outlined in subdivision 2 have been exhausted, and only in circumstances where there is an ongoing serious safety threat to the child or others.

Subd. 2. **Nonexclusionary discipline.** For purposes of this section, nonexclusionary discipline must include at least one of the following:

(1) collaborating with the pupil's family or guardian, child mental health consultant or provider, education specialist, or other community-based support;

(2) creating a plan, written with the parent or guardian, that details the action and support needed for the pupil to fully participate in the current educational program, including a preschool or prekindergarten program; or

(3) providing a referral for needed support services, including parenting education, home visits, other supportive education interventions, or, where appropriate, an evaluation to determine if the pupil is eligible for special education services or section 504 services.

**EFFECTIVE DATE.** This section is effective July 1, 2021.

Sec. 23. Minnesota Statutes 2020, section 121A.45, subdivision 1, is amended to read:

Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil without attempting to ~~provide alternative educational services~~ use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements, except where it appears that the pupil will create an immediate and substantial danger to self or to surrounding persons or property.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 24. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

Subd. 4. **Suspension pending expulsion or exclusion hearing.** Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's decision in the expulsion or exclusion hearing; provided that alternative educational services are implemented to the extent that suspension exceeds five consecutive school days.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 25. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision to read:

Subd. 5. **Student suspensions exceeding five consecutive school days.** A school administrator must ensure that alternative educational services are provided when a pupil is suspended for more than five consecutive school days.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 26. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision to read:

Subd. 6. **Minimum education services.** School officials must give a suspended pupil the opportunity to complete all school work assigned during the period of the pupil's suspension and to receive full credit for satisfactorily completing the assignments. The school principal or other person having administrative control of the school building or program is encouraged to designate a district or school employee as a liaison to work with the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and other information, and (2) complete all school work assignments and receive teachers' feedback.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 27. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

Subd. 2. **Written notice.** Written notice of intent to take action shall:

- (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
- (b) contain a complete statement of the facts, a list of the witnesses and a description of their testimony;
- (c) state the date, time, and place of the hearing;
- (d) be accompanied by a copy of sections 121A.40 to 121A.56;
- (e) describe ~~alternative educational services~~ the nonexclusionary disciplinary policies and practices accorded the pupil in an attempt to avoid the expulsion proceedings; and
- (f) inform the pupil and parent or guardian of the right to:
  - (1) have a representative of the pupil's own choosing, including legal counsel, at the hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost legal assistance may be available and that a legal assistance resource list is available from the Department of Education and is posted on the department's website;
  - (2) examine the pupil's records before the hearing;
  - (3) present evidence; and
  - (4) confront and cross-examine witnesses.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 28. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare and enforce an admission or readmission plan for any pupil who is excluded or expelled from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including which may include~~ completing a character education program, consistent with section 120B.232, subdivision 1, ~~and social and emotional learning, counseling, social work services, mental health services, referrals for special education or section 504 evaluation, and evidence-based academic interventions.~~ The plan must require parental involvement in the admission or readmission process, and may indicate the consequences to the pupil of not improving the pupil's behavior.

(b) The definition of suspension under section 121A.41, subdivision 10, does not apply to a student's dismissal from school for ~~one school day or less than one school day~~, except as provided under federal law for a student with a disability. Each suspension action may include a readmission plan. A readmission plan must provide, where appropriate, alternative education services, which must not be used to extend the student's current suspension period. Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian to provide psychotropic drugs to their student as a condition of readmission. School officials must not use the refusal of a parent or guardian to consent to the administration of psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or examination of the student as a ground, by itself, to prohibit the student from attending class or participating in a school-related activity, or as a basis of a charge of child abuse, child neglect or medical or educational neglect.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 29. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

Subdivision 1. **Exclusions and expulsions; student withdrawals; and physical assaults.** Consistent with subdivision 2, the school board must report through the department electronic reporting system each exclusion or expulsion ~~and~~, each physical assault of a district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days of the effective date of the dismissal action, pupil withdrawal, or assault to the commissioner of education. This report must include a statement of ~~alternative educational services~~ nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in response to the assault given the pupil and the reason for, the effective date, and the duration of the exclusion or expulsion or other sanction, intervention, or resolution. The report must also include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 30. Minnesota Statutes 2020, section 121A.55, is amended to read:

#### **121A.55 POLICIES TO BE ESTABLISHED.**

(a) The commissioner of education shall promulgate guidelines including guidance on how to appropriately and equitably engage stakeholders to review and revise discipline policies that are restorative and responsive to assist each school board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section 121A.41, subdivision 12, and emphasize preventing dismissals through early and individual detection of ~~problems and~~ needs and providing the necessary multitiered supports to meet students' needs. The policies must be designed to ~~address~~ prevent students' inappropriate behavior from recurring.

(b) The policies ~~shall~~ must recognize the school's continuing responsibility ~~of the school~~ for the education of the pupil during the dismissal period.

(1) A school is responsible for ensuring that the alternative educational services, if the pupil wishes to take advantage of them, provided to a pupil must be adequate to allow the pupil to make progress towards toward meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission, and are in accordance with section 121A.46, subdivision 5.

(2) For expulsions and exclusionary dismissals, as well as for pupil withdrawal agreements as defined in section 121A.41, subdivision 13:

(i) A school district's continuing responsibility includes reviewing the pupil's school work and grades on a quarterly basis to ensure the pupil is on track for readmission with the pupil's peers. A school district must communicate on a regular basis with the pupil's parent to ensure the pupil is completing the work assigned through the alternative educational services.

(ii) Nothing in this section prohibits a school-linked mental health provider from continuing to provide services after the student enrolls in a new school district.

(iii) A school district must provide to the pupil's parent or guardian information on how to access mental health services, including a list of any free or sliding fee providers in the community. The information must also be posted on the district or charter school website.

~~(b)~~ (c) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

~~(e)~~ (d) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education program from school grounds.

**EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

Sec. 31. Minnesota Statutes 2020, section 121A.58, is amended to read:

**121A.58 CORPORAL PUNISHMENT.**

Subdivision 1. **Definition.** (a) For the purpose of this section, "corporal punishment" means conduct involving:

- (1) hitting or spanking a person with or without an object; or
- (2) unreasonable physical force that causes bodily harm or substantial emotional harm.

(b) For the purposes of this section, "prone restraint" means placing a pupil in a face-down position.

Subd. 2. **Corporal punishment not allowed.** An employee or agent of a district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.

Subd. 2a. **Prone restraint not allowed.** An employee or agent of a district, including a school resource officer or police officer contracted with the district, must not inflict prone restraint or cause prone restraint to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct. Further, an employee or agent of a district, including a school resource officer or police officer contracted with the district, must not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.

Subd. 3. **Violation.** Conduct that violates subdivision 2 ~~or 2a~~ is not a crime under section 645.241, but may be a crime under chapter 609 if the conduct violates a provision of chapter 609.

Sec. 32. Minnesota Statutes 2020, section 121A.61, is amended to read:

**121A.61 DISCIPLINE AND REMOVAL OF STUDENTS FROM CLASS.**

Subdivision 1. **Required policy.** Each school board must adopt, ~~and annually review and revise,~~ a written districtwide school discipline policy which includes ~~written rules a student code of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class and parameters for when input into discipline decisions by all those involved in an incident is allowed.~~ The policy must be developed in consultation with administrators, teachers, employees, pupils, parents, community members, law enforcement agencies, county attorney offices, social service agencies, and such other individuals or organizations as the board determines appropriate. A school site council may adopt additional provisions to the policy subject to the approval of the school board.

Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds for which a student may be removed from a class in the district for a period of time under the procedures specified in the policy. The policy must include a procedure for notifying and meeting with a student's parent or guardian to discuss the problem that is causing the student to be removed from class after the student has been removed from class more than ten times in one school year. The grounds in the policy must ~~include at least the following provisions as well as other grounds determined appropriate by the board:~~ at least include provisions pertaining to addressing

~~(a) willful conduct that significantly disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;~~

~~(b) willful conduct that endangers surrounding persons, including school district employees, the student or other students, or the property of the school; and~~

~~(c) willful violation of any rule of conduct specified in the discipline policy adopted by the board.~~

Subd. 3. **Policy components.** The policy must include at least the following components:

(a) rules governing student conduct and procedures for informing students of the rules;

(b) the grounds for removal of a student from a class;

(c) the authority of the classroom teacher to remove students from the classroom pursuant to procedures and rules established in the district's policy;

(d) the procedures for removal of a student from a class by a teacher, school administrator, or other school district employee;

(e) the period of time for which a student may be removed from a class, which may not exceed five class periods for a violation of a rule of conduct;

(f) provisions relating to the responsibility for and custody of a student removed from a class;

(g) the procedures for return of a student to the specified class from which the student has been removed;



(h) the procedures for notifying a student and the student's parents or guardian of violations of the rules of conduct and of resulting disciplinary actions;

(i) any procedures determined appropriate for encouraging early involvement of parents or guardians in attempts to improve a student's behavior;

(j) any procedures determined appropriate for encouraging early detection of behavioral problems;

(k) any procedures determined appropriate for referring a student in need of special education services to those services;

(l) the procedures for consideration of whether there is a need for a further assessment or of whether there is a need for a review of the adequacy of a current individualized education program of a student with a disability who is removed from class;

(m) procedures for detecting and addressing chemical abuse problems of a student while on the school premises;

~~(n) the minimum consequences for violations of the code of conduct;~~

~~(n)~~ (n) procedures for ~~immediate~~ timely and appropriate interventions tied to violations of the code;

~~(p)~~ (o) a provision that states that a teacher, school employee, school bus driver, or other agent of a district may use reasonable force in compliance with section 121A.582 and other laws;

~~(p)~~ (p) an agreement regarding procedures to coordinate crisis services to the extent funds are available with the county board responsible for implementing sections 245.487 to 245.4889 for students with a serious emotional disturbance or other students who have an individualized education program whose behavior may be addressed by crisis intervention; ~~and~~

~~(q)~~ (q) a provision that states a student must be removed from class immediately if the student engages in assault or violent behavior. For purposes of this paragraph, "assault" has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period of time deemed appropriate by the principal, in consultation with the teacher; ~~and~~

(r) a prohibition on the use of exclusionary practices to address attendance and truancy issues.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 33. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

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

(a) "Eligible institution" means a Minnesota public postsecondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, an opportunities industrialization center accredited by an accreditor recognized by the United States Department of Education, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota. An eligible institution cannot require or base any part of the admission decision on a student's race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, disability, or gender.

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

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

Sec. 34. Minnesota Statutes 2020, section 124D.09, subdivision 7, is amended to read:

Subd. 7. **Dissemination of information; Notification of intent to enroll.** By the earlier of (1) three weeks prior to the date by which a student must register for district courses for the following school year, or (2) March 1 of each year, a district must provide up-to-date information on the district's website and in materials that are distributed to parents and students about the program, including information about enrollment requirements and the ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11. To assist the district in planning, a pupil must inform the district ~~by May 30 of each year~~ of the pupil's intent to enroll in postsecondary courses during the following school year. A pupil is bound by notifying or not notifying the district by May 30 term. A pupil who does not notify the district of their intent to enroll by May 30 for the fall term or October 30 for the spring term may not enroll in postsecondary courses under this section.

Sec. 35. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

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

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

A postsecondary institution shall receive the following:

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

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

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

Sec. 36. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(a) "Digital learning" is learning facilitated by technology that offers students an element of control over the time, place, path, or pace of their learning and includes blended and online learning.

(b) "Blended learning" is a form of digital learning that occurs when a student learns part time in a supervised physical setting and part time through digital delivery of instruction, or a student learns in a supervised physical setting where technology is used as a primary method to deliver instruction.

(c) "Online learning" is a form of digital learning delivered by an approved online learning provider under paragraph ~~(d)~~ (e).

(d) "Hybrid learning" uses blended learning in a way that combines scheduled in-person instruction and distance learning.

(e) "Online learning provider" is a school district, an intermediate school district, an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that provides online learning to students and is approved by the department to provide online learning courses.

~~(f)~~ (f) "Student" is a Minnesota resident enrolled in a school under section 120A.22, subdivision 4, in kindergarten through grade 12.

~~(g)~~ (g) "Online learning student" is a student enrolled in an online learning course or program delivered by an online learning provider under paragraph ~~(d)~~ (e).

~~(h)~~ (h) "Enrolling district" means the school district or charter school in which a student is enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

~~(i)~~ (i) "Supplemental online learning" means an online learning course taken in place of a course period at a local district school.

~~(j)~~ (j) "Full-time online learning provider" means an enrolling school authorized by the department to deliver comprehensive public education at any or all of the elementary, middle, or high school levels.

~~(k)~~ (k) "Online learning course syllabus" is a written document that an online learning provider transmits to the enrolling district using a format prescribed by the commissioner to identify the state academic standards embedded in an online course, the course content outline, required course assessments, expectations for actual teacher contact time and other student-to-teacher communications, and the academic support available to the online learning student.

Sec. 37. Minnesota Statutes 2020, section 124D.128, subdivision 1, is amended to read:

Subdivision 1. **Program established.** A learning year program provides instruction throughout the year on an extended year calendar, ~~extended school day calendar, or both.~~ ~~A pupil may participate in the program and accelerate attainment of grade level requirements or graduation requirements.~~ A learning year program may begin after the close of the regular school year in June. The program may be for students in one or more grade levels from kindergarten through grade 12.

Sec. 38. Minnesota Statutes 2020, section 124D.128, subdivision 3, is amended to read:

Subd. 3. **Student planning.** A district, ~~charter school,~~ or state-approved alternative program must inform all pupils and their parents about the learning year program and that participation in the program is optional. A continual learning plan must be developed at least annually for each pupil with the participation of the pupil, parent or guardian, teachers, and other staff; each participant must sign and date the plan. The plan must specify the learning experiences that must occur during the entire fiscal year and are necessary for grade progression or, for secondary students, graduation. The plan must include:

(1) the pupil's learning objectives and experiences, including courses or credits the pupil plans to complete each year and, for a secondary pupil, the graduation requirements the student must complete;

- (2) the assessment measurements used to evaluate a pupil's objectives;
- (3) requirements for grade level or other appropriate progression; and
- (4) for pupils generating more than one average daily membership in a given grade, an indication of which objectives were unmet.

The plan may be modified to conform to district schedule changes. The district may not modify the plan if the modification would result in delaying the student's time of graduation.

Sec. 39. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

Subdivision 1. **Program described.** American Indian education programs are programs in public elementary and secondary schools, nonsectarian nonpublic, community, Tribal, charter, or alternative schools enrolling American Indian children designed to:

- (1) support postsecondary preparation for pupils;
- (2) support the academic achievement of American Indian students;
- (3) make the curriculum relevant to the needs, interests, and cultural heritage of American Indian pupils;
- (4) provide positive reinforcement of the self-image of American Indian pupils;
- (5) develop intercultural awareness among pupils, parents, and staff; and
- (6) supplement, not supplant, state and federal educational and cocurricular programs.

Program services designed to increase completion and graduation rates of American Indian students must emphasize academic achievement, retention, and attendance; development of support services for staff, including in-service training and technical assistance in methods of teaching American Indian pupils; research projects, including innovative teaching approaches and evaluation of methods of relating to American Indian pupils; provision of career counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and ~~supplemental~~ instruction in American Indian language, literature, history, and culture. Districts offering programs may make contracts for the provision of program services by establishing cooperative liaisons with Tribal programs and American Indian social service agencies. These programs may also be provided as components of early childhood and family education programs.

Sec. 40. Minnesota Statutes 2020, section 124D.78, subdivision 1, is amended to read:

Subdivision 1. **Parent committee.** School boards and American Indian schools must provide for the maximum involvement of parents of children enrolled in education programs, programs for elementary and secondary grades, special education programs, and support services. Accordingly, the board of a school district in which there are ten or more American Indian students enrolled and each American Indian school must establish an American Indian education parent advisory committee. For purposes of this section, American Indian students are defined as persons having origins in any of the original peoples of North America who maintain cultural identification through Tribal affiliation or community recognition. If a committee whose membership consists of a majority of parents of American Indian children has been or is established according to federal, Tribal, or other state law, that committee may serve as the committee required by this section and is subject to, at least, the requirements of this subdivision and subdivision 2.

The American Indian education parent advisory committee must develop its recommendations in consultation with the curriculum advisory committee required by section 120B.11, subdivision 3. This committee must afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of American Indian education and the educational needs of the American Indian children enrolled in the school or program. The school board or American Indian school must ensure that programs are planned, operated, and evaluated with the involvement of and in consultation with parents of students served by the programs.

Sec. 41. Minnesota Statutes 2020, section 124D.78, subdivision 3, is amended to read:

Subd. 3. **Membership.** The American Indian education parent advisory committee must be composed of parents of children eligible to be enrolled in American Indian education programs; secondary students eligible to be served; American Indian language and culture education teachers and paraprofessionals; American Indian teachers; counselors; adult American Indian people enrolled in educational programs; and representatives from community groups. A majority of each committee must be parents of American Indian children enrolled or eligible to be enrolled in the programs. ~~The number of parents of American Indian and non-American Indian children shall reflect approximately the proportion of children of those groups enrolled in the programs.~~

Sec. 42. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

Subd. 4. **Duties; powers.** The Indian education director shall oversee:

(1) ~~serve as the liaison for the~~ department relations with the Tribal Nations Education Committee, the 11 Tribal communities in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs Council;

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

(3) ~~engage~~ the engagement of Tribal bodies, community groups, parents of children eligible to be served by American Indian education programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian education programs, the Tribally controlled schools, and other persons knowledgeable in the field of American Indian education and seek their advice on policies that can improve the quality of American Indian education;

(4) ~~advise~~ advice to the commissioner on American Indian education issues, including:

(i) issues facing American Indian students;

(ii) policies for American Indian education;

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

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

(5) ~~propose~~ proposals to the commissioner on legislative changes that will improve the quality of American Indian education;

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

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

- (ii) increase the number of American Indian teachers in public schools;
- (iii) close the achievement gap between American Indian students and their more advantaged peers;
- (iv) increase the statewide graduation rate for American Indian students; and
- (v) increase American Indian student placement in postsecondary programs and the workforce; and

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

**Sec. 43. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND OBJECTS OF CULTURAL SIGNIFICANCE.**

A school district or charter school must not prohibit an American Indian student from wearing American Indian regalia, Tribal regalia, or objects of cultural significance at graduation ceremonies.

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

Sec. 44. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

Subd. 2. **Plan implementation; components.** (a) The school board of each eligible district must formally develop and implement a long-term plan under this section. The plan must be incorporated into the district's comprehensive strategic plan under section 120B.11. ~~Plan components may include: innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices; family engagement initiatives that involve families in their students' academic life and success; professional development opportunities for teachers and administrators focused on improving the academic achievement of all students, including teachers and administrators who are members of populations underrepresented among the licensed teachers or administrators in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for underserved students, including students enrolled in alternative learning centers under section 123A.05, public alternative programs under section 126C.05, subdivision 15, and contract alternative programs under section 124D.69, among other underserved students; or recruitment and retention of teachers and administrators with diverse racial and ethnic backgrounds.~~

(b) The plan must contain goals for:

(1) reducing the disparities in academic achievement and in equitable access to effective and more diverse teachers among all students and specific categories of students under section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender, disability, and English learners; and

(2) increasing racial and economic diversity and integration in schools and districts.

(c) The plan must include strategies to validate, affirm, embrace, and integrate cultural and community strengths of all students, families, and employees in the district's curriculum as well as learning and work environments, and to address issues of institutional racism as defined in section 120B.11, subdivision 1, in schools that create opportunity and achievement gaps for students, families, and staff who are of color or American Indian. Examples of institutional racism experienced by students who are of color or American Indian include policies and practices that intentionally or unintentionally result in disparate discipline referrals and suspension, inequitable access to advanced coursework, overrepresentation in lower-level coursework, inequitable participation in cocurricular activities, inequitable parent involvement, and lack of equitable access to racially and ethnically diverse teachers who reflect the racial or ethnic diversity of students because it has not been a priority to hire or retain such teachers.

(d) School districts must use local data, to the extent practicable, to develop plan components and strategies. Plans may include:

(1) innovative and integrated prekindergarten through grade 12 learning environments that offer students school enrollment choices;

(2) family engagement initiatives that involve families in their students' academic life and success and improve relations between home and school;

(3) opportunities for students, families, staff, and community members who are of color or American Indian to share their experiences in the school setting with school staff and administration and to inform development of specific proposals for making school environments more validating, affirming, embracing, and integrating of their cultural and community strengths;

(4) professional development opportunities for teachers and administrators focused on improving the academic achievement of all students, including knowledge, skills, and dispositions needed to be anti-racist and culturally sustaining as defined in section 120B.11, subdivision 1, for serving students who are from racially and ethnically diverse backgrounds;

(5) recruitment and retention of teachers, administrators, cultural and family liaisons, paraprofessionals, and other staff from racial, ethnic, and linguistic backgrounds represented in the student population to strengthen relationships with all students, families, and other members of the community;

(6) collection, examination, and evaluation of academic and discipline data for institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and practices that result in the education disparities, in order to propose anti-racist changes as defined in section 120B.11, subdivision 1, that increase access, meaningful participation, representation, and positive outcomes for students of color and American Indian students;

(7) increased programmatic opportunities and effective and more diverse instructors focused on rigor and college and career readiness for students who are impacted by racial, gender, linguistic, and economic disparities, including students enrolled in area learning centers or alternative learning programs under section 123A.05, state-approved alternative programs under section 126C.05, subdivision 15, and contract alternative programs under section 124D.69, among other underserved students;

(8) ethnic studies curriculum as defined in section 120B.11, subdivision 1, to provide all students with opportunities to learn about their own and others' cultures and historical experiences; or

(9) examination and revision of district curricula in all subjects to be inclusive of diverse racial and ethnic groups while meeting state academic standards and being culturally sustaining as defined in section 120B.11, subdivision 1, ensuring content being studied about any group is accurate and based in knowledge from that group.

~~(e)~~ (e) Among other requirements, an eligible district must implement effective, research-based interventions that include formative multiple measures of assessment practices and engagement in order to reduce the eliminate academic disparities in student academic performance among the specific categories of students as measured by student progress and growth on state reading and math assessments and for students impacted by racial, gender, linguistic, and economic inequities as aligned with section 120B.11.

~~(f)~~ (f) Eligible districts must create efficiencies and eliminate duplicative programs and services under this section, which may include forming collaborations or a single, seven-county metropolitan areawide partnership of eligible districts for this purpose.

**EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after the day following final enactment.

Sec. 45. Minnesota Statutes 2020, section 125A.094, is amended to read:

**125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH DISABILITIES.**

The use of restrictive procedures ~~for children with disabilities~~ for all pupils attending public school is governed by sections 125A.0941 and 125A.0942.

Sec. 46. Minnesota Statutes 2020, section 125A.0942, is amended to read:

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

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

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

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

(3) describes how the school will provide training on de-escalation techniques, consistent with section 122A.187, subdivision 4;

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

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

(ii) convening an oversight committee to undertake a quarterly review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures; the number of times a restrictive procedure is used schoolwide and for individual children; the number and types of injuries, if any, resulting from the use of restrictive procedures; whether restrictive procedures are used in nonemergency situations; the need for additional staff training; disproportionality or racial disparities in the usage of restrictive procedures; the usage of school resource officer's handling of the behaviors; student documentation to determine if the staff followed the standards for using restrictive procedures and if there is updated information about whether the restrictive procedures are contraindicated for the particular student; and proposed actions to minimize the use of restrictive procedures; and

(5) includes a written description and documentation of the training staff completed under subdivision 5.

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

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

(2) an expert in positive behavior strategies;

(3) a special education administrator; and

(4) a general education administrator.



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

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

(c) The district must hold a meeting of the individualized education program team, if the student is a student with a disability, or a meeting of relevant members of the student's team including a parent, if the student is not a student with a disability, conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the individualized education program or behavior intervention plan as appropriate. The district must hold the meeting: within ten calendar days after district staff use 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. The district must review use of restrictive procedures at a child's annual individualized education program meeting when the child's individualized education program provides for using restrictive procedures in an emergency.

(d) If the ~~individualized education program~~ meeting team under paragraph (c) determines that existing interventions and supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a child on ten or more school days during the same school year, the team, as appropriate, either must consult with other professionals working with the child; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the child.

(e) At the ~~individualized education program~~ meeting under paragraph (c), the team must review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the individualized education program or behavior intervention plan.

(f) An individualized education program team may plan for using restrictive procedures and may include these procedures in a child's individualized education program or behavior intervention plan; however, the restrictive procedures may be used only in response to behavior that constitutes an emergency, consistent with this section. The individualized education program or behavior intervention plan shall indicate how the parent wants to be notified when a restrictive procedure is used.

Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be used only in an emergency. A school that uses physical holding or seclusion shall meet the following requirements:

- (1) physical holding or seclusion is the least intrusive intervention that effectively responds to the emergency;
- (2) physical holding or seclusion is not used to discipline a noncompliant child;
- (3) physical holding or seclusion ends when the threat of harm ends and the staff determines the child can safely return to the classroom or activity;
- (4) staff directly observes the child while physical holding or seclusion is being used;

(5) each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion documents, as soon as possible after the incident concludes, the following information:

- (i) a description of the incident that led to the physical holding or seclusion;
- (ii) why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
- (iii) the time the physical holding or seclusion began and the time the child was released; ~~and~~
- (iv) a brief record of the child's behavioral and physical status; and

(v) a brief description of the post-use debriefing process that occurred following the use of the restrictive procedure;

(6) the room used for seclusion must:

- (i) be at least six feet by five feet;
- (ii) be well lit, well ventilated, adequately heated, and clean;
- (iii) have a window that allows staff to directly observe a child in seclusion;
- (iv) have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings;

(v) have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system; and

(vi) not contain objects that a child may use to injure the child or others; and

(7) before using a room for seclusion, a school must:

(i) receive written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes; and

(ii) register the room with the commissioner, who may view that room.

(b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary, recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and the commissioner must submit to the legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion; and recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. Beginning with the 2016-2017 school year, in a form and manner determined by the commissioner, districts must report data quarterly to the department by January 15, April 15, July 15, and October 15 about individual students who have been secluded. By July 15 each year, districts must report summary data on their use of restrictive procedures to the department for the prior school year, July 1 through June 30, in a form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.

Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

- (1) engaging in conduct prohibited under section 121A.58;
- (2) requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
- (3) totally or partially restricting a child's senses as punishment;
- (4) presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
- (5) denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
- (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under chapter 260E;
- (7) withholding regularly scheduled meals or water;
- (8) denying access to bathroom facilities;
- (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso; ~~and~~
- (10) prone restraint; and
- (11) utilizing a restrictive procedure on any child under the age of five.

Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1, staff who use restrictive procedures, including paraprofessionals, shall complete training in the following skills and knowledge areas:

- (1) positive behavioral interventions;
- (2) communicative intent of behaviors;
- (3) relationship building;
- (4) alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
- (5) de-escalation methods;
- (6) standards for using restrictive procedures only in an emergency;
- (7) obtaining emergency medical assistance;
- (8) the physiological and psychological impact of physical holding and seclusion;
- (9) monitoring and responding to a child's physical signs of distress when physical holding is being used;

(10) recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used;

(11) district policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure; and

(12) schoolwide programs on positive behavior strategies.

(b) The commissioner, after consulting with the commissioner of human services, must develop and maintain a list of training programs that satisfy the requirements of paragraph (a). The commissioner also must develop and maintain a list of experts to help individualized education program teams reduce the use of restrictive procedures. The district shall maintain records of staff who have been trained and the organization or professional that conducted the training. The district may collaborate with children's community mental health providers to coordinate trainings.

Subd. 6. **Behavior supports; reasonable force.** (a) School districts are encouraged to establish effective schoolwide systems of positive behavior interventions and supports.

(b) Nothing in this section or section 125A.0941 precludes the use of reasonable force under sections 121A.582; 609.06, subdivision 1; and 609.379. For the 2014-2015 school year and later, districts must collect and submit to the commissioner summary data, consistent with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with the definition of physical holding or seclusion for a child with a disability under this section.

Sec. 47. Minnesota Statutes 2020, section 144.4165, is amended to read:

**144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

(a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or use an activated electronic delivery device as defined in section 609.685, subdivision 1, in a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter school governed by chapter 124E. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls.

(b) Nothing in this section shall prohibit the lighting of tobacco ~~by an adult~~ as a part of a traditional Indian spiritual or cultural ceremony. An American Indian may carry a medicine pouch containing loose tobacco intended in observance of traditional spiritual or cultural practices. For purposes of this section, an Indian is a person who is a member of an Indian Tribe as defined in section 260.755, subdivision 12, or a person who maintains cultural identification through Tribal affiliation or community recognition.

Sec. 48. **EXTENSION FOR POSTING STUDENT PROGRESS AND OTHER DATA.**

Notwithstanding Minnesota Statutes, section 120B.36, subdivision 2, for the 2020-2021 school year only, the commissioner must post federal expectations and state student, learning, and outcome data to the department's public website no later than October 1, 2021.

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

Sec. 49. **ACADEMIC STANDARDS REVIEW AND REVISION SUSPENSION.**

Notwithstanding Minnesota Statutes, section 120B.021, the commissioner of education must suspend the review and revision of academic standards and related benchmarks in mathematics and the implementation of revised physical education and arts academic standards under Minnesota Statutes, section 120B.021, until June 1, 2022.

This suspension does not prevent the commissioner from supporting schools and districts with future implementation, continuing with current rulemaking activities, or developing future statewide assessments in science or reading. The commissioner must implement a review and revision of the academic standards and related benchmarks in mathematics beginning in the 2022-2023 school year.

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

Sec. 50. **REVISOR INSTRUCTION.**

The revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering. The revisor shall also make any technical language and other changes necessitated by the renumbering and cross-reference changes in this act.

Column A

Column B

General Requirements Statewide Assessments

<u>120B.30, subdivision 1a, paragraph (h)</u>	<u>120B.30, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
<u>120B.30, subdivision 2, paragraph (b), clauses (1) and (2)</u>	<u>120B.30, subdivision 6, paragraph (c)</u>
<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>

General Requirements Test Design

<u>120B.30, subdivision 1a, paragraph (a), clauses (1) to (5)</u>	<u>120B.301, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
<u>120B.30, subdivision 1a, paragraph (c), clauses (1) and (2)</u>	<u>120B.301, subdivision 3, paragraph (d)</u>

Assessment Graduation Requirements

<u>120B.30, subdivision 1, paragraph (c), clauses (1) and (2)</u>	<u>120B.304, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>
<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>

Assessment Reporting Requirements

<u>120B.30, subdivision 1a, paragraph (f), clauses (1) to (3)</u>	<u>120B.305, subdivision 1</u>
<u>120B.30, subdivision 1a, paragraph (d), clauses (1) to (4)</u>	<u>120B.305, subdivision 2, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
<u>120B.30, subdivision 1, paragraph (o), clauses (1) to (4)</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>

District Assessment Requirements

<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>
<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>

College and Career Readiness

<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>
<u>120B.30, subdivision 1, paragraph (j)</u>	<u>120B.307, subdivision 4, paragraph (c)</u>
<u>120B.30, subdivision 1, paragraph (k)</u>	<u>120B.307, subdivision 4, paragraph (d)</u>
<u>120B.30, subdivision 1, paragraph (l)</u>	<u>120B.307, subdivision 4, paragraph (e)</u>

Sec. 51. **REPEALER.**

Minnesota Statutes 2020, section 120B.35, subdivision 5, is repealed.

ARTICLE 3  
TEACHERS

Section 1. **[120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

Subdivision 1. **Purpose.** This section sets short-term and long-term state goals for increasing the percentage of teachers of color and American Indian teachers in Minnesota and for ensuring all students have equitable access to effective and racially and ethnically diverse teachers who reflect the diversity of students. The goals and report required under this section are also important for meeting state goals for the world's best workforce under section 120B.11, achievement and integration under section 124D.861, and higher education attainment under section 135A.012, all of which have been established to close persistent opportunity and achievement gaps that limit students' success in school and life and impede the state's economic growth.

Subd. 2. **Equitable access to racially and ethnically diverse teachers.** The percentage of teachers who are of color or American Indian in Minnesota should increase at least two percentage points per year to have a teaching workforce that more closely reflects the state's increasingly diverse student population and to ensure all students have equitable access to effective and diverse teachers by 2040.

Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion of any other goals and does not confer a right or create a claim for any person.

Subd. 4. **Reporting.** Beginning in 2022 and every even-numbered year thereafter, the Professional Educator Licensing and Standards Board must collaborate with the Department of Education and the Office of Higher Education to publish a summary report of each of the programs they administer and any other programs receiving state appropriations that have or include an explicit purpose of increasing the racial and ethnic diversity of the state's teacher workforce to more closely reflect the diversity of students. The report must include programs under sections 122A.2451, 122A.63, 122A.635, 122A.70, 124D.09, 124D.861, 136A.1275, and 136A.1791, along with any other programs or initiatives that receive state appropriations to address the shortage of teachers of color and American Indian teachers. The board must, in coordination with the Office of Higher Education and Department of Education, provide policy and funding recommendations related to state-funded programs to increase the recruitment, preparation, licensing, hiring, and retention of racially and ethnically diverse teachers and the state's progress toward meeting or exceeding the goals of this section. The report must also include recommendations for state policy and funding needed to achieve the goals of this section, as well as plans for sharing the report and activities of grant recipients, and opportunities among grant recipients of various programs to share effective practices with each other. The 2022 report must include a recommendation of whether a state advisory council should be established to address the shortage of racially and ethnically diverse teachers and what the composition and charge of such an advisory council would be if established. The board must consult with the Indian Affairs Council and other ethnic councils along with other community partners, including students of color and American Indian students, in developing the report. By November 1 of each even-numbered year, the board must submit the report to the chairs and ranking minority members of the legislative committees with jurisdiction over education and higher education policy and finance. The report must be available to the public on the board's website.

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

Sec. 2. **[120B.25] CURRICULUM POLICY.**

A school board must adopt a written policy that prohibits discrimination or discipline for a teacher or principal on the basis of incorporating into curriculum contributions by persons in a federally protected class or protected class under sections 121A.031 and 363A.13, consistent with local collective bargaining agreements and sections 121A.41 to 121A.56.

Sec. 3. **[122A.04] LICENSE REQUIRED.**

Pursuant to section 120A.22, subdivision 10, a teacher must hold a license or a permission aligned to the content area and scope of the teacher's assignment to provide instruction in a public school or a charter school.

Sec. 4. Minnesota Statutes 2020, section 122A.06, subdivision 2, is amended to read:

Subd. 2. **Teacher.** "Teacher" means a classroom teacher or other similar professional employee required by law to hold a license or permission from the Professional Educator Licensing and Standards Board.

Sec. 5. Minnesota Statutes 2020, section 122A.06, subdivision 5, is amended to read:

Subd. 5. **Field.** A "field," "licensure area." or "subject area" means the content area in which a teacher may become licensed to teach.

Sec. 6. Minnesota Statutes 2020, section 122A.06, subdivision 6, is amended to read:

Subd. 6. **Shortage area.** "Shortage area" means:

(1) licensure fields and economic development regions reported by the ~~commissioner of education~~ Office of Higher Education or the Professional Educator Licensing and Standards Board as experiencing a teacher shortage; and

(2) economic development regions where ~~there is a shortage of licensed teachers who reflect the racial or ethnic diversity of students in the region.~~ the aggregate percentage of Indigenous teachers and teachers of color in the region is lower than the aggregate percentage of kindergarten through grade 12 Indigenous students and students of color in that region. Only individuals who close the gap between these percentages qualify as filling a shortage by this definition.

Sec. 7. Minnesota Statutes 2020, section 122A.06, subdivision 7, is amended to read:

Subd. 7. **Teacher preparation program.** "Teacher preparation program" means a program approved by the Professional Educator Licensing and Standards Board for the purpose of preparing individuals for a specific teacher licensure field in Minnesota. ~~Teacher preparation programs include traditional programs delivered by postsecondary institutions, alternative teacher preparation programs, and nonconventional teacher preparation programs.~~

Sec. 8. Minnesota Statutes 2020, section 122A.06, subdivision 8, is amended to read:

Subd. 8. **Teacher preparation program provider.** "Teacher preparation program provider" or "unit" means an entity that has primary responsibility for overseeing and delivering a teacher preparation program. Teacher preparation program providers include postsecondary institutions and alternative teacher preparation providers aligned to section 122A.094.

Sec. 9. Minnesota Statutes 2020, section 122A.06, is amended by adding a subdivision to read:

Subd. 9. **District.** "District" means a public school district or charter school.

Sec. 10. **[122A.094] TEACHER PREPARATION PROVIDERS.**

Subdivision 1. **Purpose.** Teacher preparation providers must be approved by the Professional Educator Licensing and Standards Board to prepare candidates for teacher licensure in Minnesota. To provide alternative pathways toward Minnesota teacher licensure outside of the traditional means, improve ethnic and cultural diversity in the classroom, and to close the achievement gap, the Professional Educator Licensing and Standards Board must approve qualified teacher preparation providers and programs under this section that are a means to acquire a Tier 2 license under section 122A.182 and prepare for acquiring a Tier 3 license under section 122A.183.

Subd. 2. **Eligibility.** The following organizations are eligible to seek approval to be a teacher preparation provider:

- (1) Minnesota institutions of higher education;
- (2) school districts;
- (3) charter schools; and
- (4) nonprofit corporations organized under chapter 317A for an education-related purpose.

Subd. 3. **Requirements for provider approval.** An eligible entity must be approved as a provider before being approved to provide programs toward licensure. The Professional Educator Licensing and Standards Board must approve an eligible entity under subdivision 3 that meets the following requirements:

- (1) has evidence and history of fiscal solvency, capacity, and operation;
- (2) possesses necessary infrastructure to provide accurate, timely, and secure data for the purposes of admission, candidate monitoring, testing, and program completion requirements;



(3) has policies and procedures in place ensuring the security of candidate records under the federal Family Educational Rights and Privacy Act;

(4) has developed a research-based, results-oriented curriculum that focuses on the skills teachers need to be effective;

(5) provides a clinical experience that meets criteria set in rule for initial and additional licensure programs;

(6) includes a common core of teaching knowledge and skills. The Professional Educator Licensing and Standards Board must adopt and revise rules to maintain a common core of teaching knowledge and skills;

(7) includes instruction on the knowledge and skills needed to provide appropriate instruction to English learners to support and accelerate their academic literacy, including oral academic language and achievement in content areas in a regular classroom setting; and

(8) includes culturally competent training on instructional strategies consistent with section 120B.30, subdivision 1, paragraph (q), and Minnesota Rules, part 8710.0310, subpart 1, item D.

**Subd. 4. Program approval.** The board must adopt and revise rules outlining the criteria by which programs offered by approved providers may be approved. If the board determines that a teacher preparation provider or licensure program fails to meet or is deficient in any of the requirements in rule, it may suspend or revoke the approval of the provider or program after it notifies the provider of the deficiencies and gives the provider an opportunity to remedy the deficiencies.

**Subd. 5. Specialized credentials.** The board may adopt and revise rules creating flexible, specialized teaching licenses, credentials, and other endorsement forms.

**Subd. 6. Teacher educators.** (a) The board must adopt and revise rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary and secondary teaching environments.

(b) The board must adopt and revise rules for the qualifications for teacher educators. The board may use nontraditional criteria to determine qualifications of teacher educators, including permitting instructors to hold a baccalaureate degree only. Nontraditional criteria may include previous work experiences, teaching experiences, educator evaluations, industry-recognized certifications, and other equivalent demonstrations of qualifications.

**Subd. 7. Reading strategies.** (a) A teacher preparation provider approved by the Professional Educator Licensing and Standards Board to prepare persons for classroom teacher licensure must include in its teacher preparation programs research-based best practices in reading, consistent with section 122A.06, subdivision 4, that enable the licensure candidate to teach reading in the candidate's content areas. Teacher candidates must be instructed in using students' native languages as a resource in creating effective differentiated instructional strategies for English learners developing literacy skills. A teacher preparation provider must also prepare early childhood and elementary teacher candidates for Tier 3 and Tier 4 teaching licenses under sections 122A.183 and 122A.184, respectively, for the portion of the examination under section 122A.185, subdivision 1, paragraph (c), covering assessment of reading instruction.

(b) Board-approved teacher preparation programs for teachers of elementary education must require instruction in applying comprehensive, scientifically based or evidence-based, and structured reading instruction programs that:

(1) teach students to read using foundational knowledge, practices, and strategies consistent with section 122A.06, subdivision 4, so that all students achieve continuous progress in reading; and

(2) teach specialized instruction in reading strategies, interventions, and remediations that enable students of all ages and proficiency levels to become proficient readers.

(c) Board-approved teacher preparation programs for teachers of elementary education, early childhood education, special education, and reading intervention must include instruction on dyslexia, as defined in section 125A.01, subdivision 2. Teacher preparation programs may consult with the Department of Education, including the dyslexia specialist under section 120B.122, to develop instruction under this paragraph. Instruction on dyslexia must be modeled on practice standards of the International Dyslexia Association and must address:

(1) the nature and symptoms of dyslexia;

(2) resources available for students who show characteristics of dyslexia;

(3) evidence-based instructional strategies for students who show characteristics of dyslexia, including the structured literacy approach; and

(4) outcomes of intervention and lack of intervention for students who show characteristics of dyslexia.

(d) Nothing in this section limits the authority of a school district to select a school's reading program or curriculum.

Subd. 8. **Technology strategies.** All preparation providers approved by the Professional Educator Licensing and Standards Board to prepare persons for classroom teacher licensure must include in their teacher preparation programs the knowledge and skills teacher candidates need to engage students with technology and deliver digital and blended learning and curriculum.

Subd. 9. **Reports.** (a) The Professional Educator Licensing and Standards Board must report annually to the education committees of the legislature on the performance of teacher candidates aligned to section 122A.091, subdivision 1.

(b) The board must also submit a biennial report on the alternative teacher preparation providers to legislative committees having jurisdiction over kindergarten through grade 12 education policy and finance by January 15 of each odd-numbered year.

Sec. 11. Minnesota Statutes 2020, section 122A.15, subdivision 1, is amended to read:

Subdivision 1. **Teachers.** The term "teachers" for the purpose of licensure, means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, school counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and ~~speech-therapists~~ school speech-language pathologists. This definition does not apply to sections 122A.05 to 122A.093.

Sec. 12. Minnesota Statutes 2020, section 122A.16, is amended to read:

#### **122A.16 QUALIFIED TEACHER DEFINED.**

A qualified teacher is one holding a valid license; or permission under this chapter; to perform the particular service for which the teacher is employed in a public school.

Sec. 13. Minnesota Statutes 2020, section 122A.18, subdivision 7a, is amended to read:

Subd. 7a. **Permission License to substitute teach.** (a) The Professional Educator Licensing and Standards Board must issue licenses to substitute teach to applicants who meet the qualifications prescribed in this subdivision and in Minnesota Rules.

~~(a)~~ (b) The Professional Educator Licensing and Standards Board may allow a person issue a short-call substitute teaching license to an applicant who otherwise qualifies for a Tier 1 license in accordance with section 122A.181, subdivision 2, or is enrolled in and making satisfactory progress in a board-approved state-approved teacher program and who has successfully completed student teaching to be employed as a short call substitute teacher.

~~(b)~~ (c) The Professional Educator Licensing and Standards Board may issue a lifetime qualified short-call or long-call substitute teaching license to a person an applicant who:

(1) was a qualified teacher under section 122A.16 while holding a Tier 3 or Tier 4 teaching license issued by the board, under sections 122A.183 and 122A.184, respectively, and receives a retirement annuity from the Teachers Retirement Association or the St. Paul Teachers Retirement Fund Association;

(2) holds an out-of-state teaching license and receives a retirement annuity as a result of the person's teaching experience; or

(3) held a Tier 3 or Tier 4 teaching license issued by the board, under sections 122A.183 and 122A.184, respectively, taught at least three school years in an accredited nonpublic school in Minnesota, and receives a retirement annuity as a result of the person's teaching experience.

A person holding a lifetime qualified short-call or long-call substitute teaching license is not required to complete continuing education clock hours. A person holding this license may reapply to the board for either:

(i) a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, and must again complete ~~continuing education clock hours~~ renewal requirements pursuant to section 122A.187 one school year after receiving the Tier 3 or Tier 4 teaching license; or

(ii) a Tier 1 license under section 122A.181, provided that the ~~candidate~~ applicant has a bachelor's degree, an associate's degree, or an appropriate professional credential in the content area the ~~candidate~~ applicant will teach, in accordance with section 122A.181, subdivision 2.

Sec. 14. Minnesota Statutes 2020, section 122A.18, subdivision 8, is amended to read:

Subd. 8. **Background checks studies.** (a) The Professional Educator Licensing and Standards Board and the Board of School Administrators must ~~obtain~~ initiate a criminal history background ~~check~~ study on all first-time ~~teaching~~ applicants for educator licenses under their jurisdiction. Applicants must include with their licensure applications:

(1) an executed criminal history consent form, including fingerprints; and

(2) payment to conduct the background check. The Professional Educator Licensing and Standards Board must deposit payments received under this subdivision in an account in the special revenue fund. Amounts in the account are annually appropriated to the Professional Educator Licensing and Standards Board to pay for the costs of background checks on applicants for licensure.

(b) The background check for all first-time teaching applicants for licenses must include a review of information from the Bureau of Criminal Apprehension, including criminal history data as defined in section 13.87, and must also include a review of the national criminal records repository. The superintendent of the Bureau of Criminal Apprehension is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall recover the cost to the bureau of a background check through the fee charged to the applicant under paragraph (a).

(c) The Professional Educator Licensing and Standards Board ~~must contract with~~ and the Board of School Administrators may initiate criminal background studies through the commissioner of human services to ~~conduct background checks and~~ obtain background check data required under this chapter.

Sec. 15. Minnesota Statutes 2020, section 122A.18, subdivision 10, is amended to read:

Subd. 10. **Licensure via portfolio.** (a) The Professional Educator Licensing and Standards Board must adopt and revise rules establishing a process for an eligible ~~candidate~~ applicant to obtain ~~any teacher~~ an initial Tier 3 license under subdivision 4, or to add a licensure field; to a Tier 3 or Tier 4 license via portfolio. The portfolio licensure application process must be consistent with the requirements in this subdivision.

(b) ~~A candidate~~ An applicant for a an initial Tier 3 license via portfolio must submit to the board one portfolio demonstrating pedagogical competence and one portfolio demonstrating content competence.

(c) ~~A candidate~~ An applicant seeking to add a licensure field via portfolio must submit to the board one portfolio demonstrating content competence for each licensure field the candidate seeks to add.

(d) The board must notify ~~a candidate~~ an applicant who submits a portfolio under paragraph (b) or (c) within ~~90~~ 120 calendar days after the portfolio is received whether or not the portfolio is approved. If the portfolio is not approved, the board must ~~immediately~~ inform the ~~candidate~~ applicant how to revise the portfolio to successfully demonstrate the requisite competence. The ~~candidate~~ applicant may resubmit a revised portfolio ~~at any time~~ within two years and the board must approve or disapprove the revised portfolio within ~~60~~ 90 calendar days of receiving it.

(e) ~~A candidate~~ An applicant must pay a fee for a portfolio in accordance with section 122A.21, subdivision 4.

Sec. 16. Minnesota Statutes 2020, section 122A.181, subdivision 1, is amended to read:

Subdivision 1. **Application requirements.** The Professional Educator Licensing and Standards Board must approve ~~a request from a district or charter school to issue a Tier 1 license in a specified content area to a candidate~~ an application for a Tier 1 license in a specified content area if:

(1) the application has been submitted jointly by the applicant and the district;

(2) the application has been paid for by the district or the applicant;

(3) ~~the candidate~~ applicant meets the professional requirement in subdivision 2;

~~(2)~~ (4) the district or charter school affirms that the ~~candidate~~ applicant has the necessary skills and knowledge to teach in the specified content area; ~~and~~

~~(3)~~ (5) the district or charter school demonstrates that: ~~(i)~~ a criminal background check under section 122A.18, subdivision 8, has been completed on the ~~candidate~~ applicant; and

~~(ii) (6)~~ the district or charter school has posted the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position.

Sec. 17. Minnesota Statutes 2020, section 122A.181, subdivision 2, is amended to read:

Subd. 2. **Professional requirements.** ~~(a) A candidate~~ An applicant for a Tier 1 license must have a bachelor's degree to teach a class or course ~~outside a career and technical education or career pathways course of study, unless specifically exempt by state statute or rule.~~

~~(b) A candidate for a Tier 1 license must have one of the following credentials in a relevant content area to teach a class in a career and technical education or career pathways course of study:~~

- ~~(1) an associate's degree;~~
- ~~(2) a professional certification; or~~
- ~~(3) five years of relevant work experience.~~

Sec. 18. Minnesota Statutes 2020, section 122A.181, is amended by adding a subdivision to read:

Subd. 2a. **Exemptions from a bachelor's degree.** (a) The following applicants for a Tier 1 license are exempt from the requirement to hold a bachelor's degree in subdivision 2:

(1) an applicant for a Tier 1 license to teach career and technical education or career pathways courses of study if the applicant has:

- (i) an associate's degree;
- (ii) a professional certification; or
- (iii) five years of relevant work experience;

(2) an applicant for a Tier 1 license to teach world languages and culture pursuant to Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language;

(3) an applicant for a Tier 1 license in the performing or visual arts pursuant to Minnesota Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater), 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), if the applicant has at least five years of relevant work experience; and

(4) an applicant for a Tier 1 license who is enrolled in a state-approved teacher preparation program classified as a residency model aligned to the scope and field of the assignment. The residency program must lead to a bachelor's degree unless the program is aligned to one of the licensure areas outlined in this subdivision.

(b) The Professional Educator Licensing and Standards Board must adopt and revise rules regarding the qualifications and determinations for applicants exempt from paragraph (a).

Sec. 19. Minnesota Statutes 2020, section 122A.181, subdivision 3, is amended to read:

Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and Standards Board must issue an initial Tier 1 license for a term of one year. A Tier 1 license may be renewed subject to paragraphs (b) and (c). ~~The board may submit written comments to the district or charter school that requested the renewal regarding the candidate.~~

(b) The Professional Educator Licensing and Standards Board must renew a Tier 1 license if:

(1) the district or charter school requesting the renewal demonstrates that it has posted the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position;

~~(2) the teacher holding the Tier 1 license took a content examination in accordance with section 122A.185 and submitted the examination results to the teacher's employing district or charter school within one year of the board approving the request for the initial Tier 1 license;~~

~~(3) (2) the teacher holding the Tier 1 license participated in cultural competency training consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the board approving the request for the initial Tier 1 license; and~~

~~(4) (3) the teacher holding the Tier 1 license met the mental illness training renewal requirement under section 122A.187, subdivision 6; and~~

~~The requirement in clause (2) does not apply to a teacher that teaches a class in a career and technical education or career pathways course of study.~~

(4) the district demonstrates professional development opportunities and other supports provided to move the teacher from a Tier 1 license to a higher tier.

(c) A Tier 1 license must not be renewed more than three times, unless the requesting district or charter school can show good cause for additional renewals. ~~A Tier 1 license issued to teach (1) a class or course in a career and technical education or career pathway course of study or (2) in a shortage area, as defined in section 122A.06, subdivision 6, may be renewed without limitation.~~

Sec. 20. Minnesota Statutes 2020, section 122A.181, subdivision 4, is amended to read:

Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must accept and review applications for a Tier 1 teaching license beginning July 1 of the school year for which the license is requested ~~and must issue or deny the Tier 1 teaching license within 30 days of receiving the completed application, unless permitted by the board to accept and review applications earlier.~~

Sec. 21. Minnesota Statutes 2020, section 122A.181, subdivision 5, is amended to read:

Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and limited to the district or charter school that requested the initial Tier 1 license.

(b) A Tier 1 license does not bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under section 179A.03, subdivision 18.~~

Sec. 22. Minnesota Statutes 2020, section 122A.181, subdivision 6, is amended to read:

Subd. 6. **Mentorship and evaluation.** (a) ~~A teacher holding a Tier 1 license must participate in the employing district or charter school's mentorship program and professional development. A district that hires a Tier 1 teacher must provide mentorship aligned to board-adopted criteria and professional development opportunities to that teacher.~~

(b) A teacher holding a Tier 1 license must participate in an evaluation aligned, to the extent practicable, with the evaluation under section 122A.40, subdivision 8, or 122A.41, subdivision 5.

Sec. 23. Minnesota Statutes 2020, section 122A.182, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** ~~(a)~~ The Professional Educator Licensing and Standards Board must approve a ~~request from a district or charter school to issue~~ an application for a Tier 2 license in a specified content area ~~to a candidate~~ if:

~~(1) the candidate meets the educational or professional requirements in paragraph (b) or (c)~~ the application has been submitted jointly by the applicant and the district;

~~(2) the candidate:~~

~~(i) has completed the coursework required under subdivision 2;~~

~~(ii) is enrolled in a Minnesota-approved teacher preparation program; or~~

~~(iii) has a master's degree in the specified content area; and~~

~~(3) the district or charter school demonstrates that a criminal background check under section 122A.18, subdivision 8, has been completed on the candidate.~~

~~(b) A candidate for a Tier 2 license must have a bachelor's degree to teach a class outside a career and technical education or career pathways course of study.~~

~~(c) A candidate for a Tier 2 license must have one of the following credentials in a relevant content area to teach a class or course in a career and technical education or career pathways course of study:~~

~~(1) an associate's degree;~~

~~(2) a professional certification; or~~

~~(3) five years of relevant work experience.~~

(2) the application has been paid for by the district or the applicant;

(3) the applicant holds a bachelor's degree, unless specifically exempt by statute or rule;

(4) the district demonstrates that a criminal background check under section 122A.18, subdivision 8, has been completed for the applicant; and

(5) the applicant:

(i) has a master's degree in the specified content area;

(ii) is enrolled in a state-approved teacher preparation program; or

(iii) for a license to teach career and technical education and career pathways, has completed two years of field-specific teaching experience on a Tier 1 license and completed training in classroom management, cultural competency, and teacher ethics.

Sec. 24. Minnesota Statutes 2020, section 122A.182, subdivision 2, is amended to read:

Subd. 2. **Coursework Exemptions from a bachelor's degree.** ~~(a) A candidate for a Tier 2 license must meet the coursework requirement by demonstrating completion of two of the following:~~

- ~~(1) at least eight upper division or graduate level credits in the relevant content area;~~
- ~~(2) field specific methods of training, including coursework;~~
- ~~(3) at least two years of teaching experience in a similar content area in any state, as determined by the board;~~
- ~~(4) a passing score on the pedagogy and content exams under section 122A.185; or~~
- ~~(5) completion of a state approved teacher preparation program.~~

~~(b) For purposes of paragraph (a), "upper division" means classes normally taken at the junior or senior level of college which require substantial knowledge and skill in the field. Candidates must identify the upper division credits that fulfill the requirement in paragraph (a), clause (1).~~

(a) The following applicants for a Tier 2 license are exempt from the requirement to hold a bachelor's degree in subdivision 1:

(1) an applicant for a Tier 2 license to teach career and technical education or career pathways courses of study when the applicant has:

- (i) an associate's degree;
- (ii) a professional certification; or
- (iii) five years of relevant work experience;

(2) an applicant for a Tier 2 license to teach world languages and culture pursuant to Minnesota Rules, part 8710.4950, when the applicant is a native speaker of the language.

(3) an applicant for a Tier 2 license in the performing or visual arts pursuant to Minnesota Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater), 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), when the applicant has at least five years of relevant work experience.

(b) The Professional Educator Licensing and Standards Board must adopt and revise rules regarding the qualifications and determinations for applicants exempt from the requirement to hold a bachelor's degree in subdivision 1.

Sec. 25. Minnesota Statutes 2020, section 122A.182, subdivision 3, is amended to read:

Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and Standards Board must issue an initial Tier 2 license for a term of two years. A Tier 2 license may be renewed ~~three~~ two times. The board must adopt rules establishing good cause justifications for additional renewals after the initial license has been renewed two times.

(b) A teacher holding a Tier 2 license in career and technical education or career pathways course of study may receive unlimited renewals.



(c) Before a Tier 2 license is renewed for the first time, a teacher holding a Tier 2 license must participate in cultural competency training consistent with section 120B.30, subdivision 1, paragraph (q), and; mental illness training under section 122A.187, subdivision 6. The board must issue rules setting forth the conditions for additional renewals after the initial license has been renewed three times; and the district demonstrates professional development opportunities and other supports provided to move the teacher to a higher tier.

Sec. 26. Minnesota Statutes 2020, section 122A.182, subdivision 4, is amended to read:

Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must accept and review applications for a Tier 2 teaching license beginning July 1 of the school year for which the license is requested ~~and must issue or deny the Tier 2 teaching license within 30 days of receiving the completed application, unless permitted by the board to accept and review applications earlier.~~

Sec. 27. Minnesota Statutes 2020, section 122A.182, subdivision 7, is amended to read:

Subd. 7. **Mentorship and evaluation.** ~~(a) A teacher holding a Tier 2 license must participate in the employing district or charter school's mentorship and evaluation program, including an individual growth and development plan that includes cultural competency under section 120B.30, subdivision 1, paragraph (q). A district that hires a teacher holding a Tier 2 license must provide mentorship aligned to board-adopted criteria to that teacher and professional development opportunities.~~

~~(b) A teacher holding a Tier 2 license must participate in an evaluation aligned, to the extent practicable, with the evaluation under section 122A.40, subdivision 8, or section 122A.41, subdivision 5.~~

Sec. 28. Minnesota Statutes 2020, section 122A.183, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards Board must issue a Tier 3 license to ~~a candidate~~ an applicant who provides information sufficient to demonstrate all of the following:

~~(1) the candidate meets the educational or professional requirements in paragraphs (b) and (c);~~

~~(2) the candidate has obtained a passing score on the required licensure exams under section 122A.185; and~~

(1) the applicant for a Tier 3 license must have a bachelor's degree to teach a class or course, unless specifically exempt by state statute or rule; and

~~(3) (2) the candidate applicant has completed the coursework required under subdivision 2.~~

~~(b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or course outside a career and technical education or career pathways course of study.~~

~~(c) A candidate for a Tier 3 license must have one of the following credentials in a relevant content area to teach a class or course in a career and technical education or career pathways course of study:~~

~~(1) an associate's degree;~~

~~(2) a professional certification; or~~

~~(3) five years of relevant work experience.~~

~~In consultation with the governor's Workforce Development Board established under section 116L.665, the board must establish a list of qualifying certifications, and may add additional professional certifications in consultation with school administrators, teachers, and other stakeholders.~~

(b) The board must issue a Tier 3 license to an applicant who provides information sufficient to demonstrate the following, regardless of whether the candidate meets other requirements in this section:

(1) the applicant has completed student teaching comparable to the student teaching expectations in Minnesota; and

(2) the applicant has completed either:

(i) a teacher preparation program from a culturally specific Minority Serving Institution in the United States, such as Historically Black Colleges and Universities, Tribal Colleges, or Hispanic-Serving Institutions including those in Puerto Rico, and is eligible for a teacher license in another state; or

(ii) a university teacher preparation program in another country and has taught at least two years.

Sec. 29. Minnesota Statutes 2020, section 122A.183, subdivision 2, is amended to read:

Subd. 2. **Coursework.** ~~A candidate~~ An applicant for a Tier 3 license must meet the coursework requirement by demonstrating one of the following:

(1) completion of a Minnesota-approved teacher preparation program;

(2) completion of a state-approved teacher preparation program that includes field-specific student teaching equivalent to field-specific student teaching in Minnesota-approved teacher preparation programs. The field-specific student teaching requirement does not apply to ~~a candidate~~ an applicant that has two years of field-specific teaching experience;

(3) submission of a content-specific licensure portfolio;

(4) a professional teaching license from another state, evidence that the ~~candidate's~~ applicant's license is in good standing, and two years of field-specific teaching experience; or

(5) the applicant fills a shortage area under section 122A.06, subdivision 6, and has three years of teaching experience under a Tier 2 license and evidence of summative teacher evaluations that did not result in placing or otherwise keeping the teacher on an improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41, subdivision 5.

Sec. 30. Minnesota Statutes 2020, section 122A.183, is amended by adding a subdivision to read:

Subd. 2a. **Exemptions from a bachelor's degree.** (a) The following applicants for a Tier 3 license are exempt from the requirement to hold a bachelor's degree in subdivision 1:

(1) an applicant for a Tier 3 license to teach career and technical education or career pathways courses of study when the applicant has:

(i) an associate's degree;

(ii) a professional certification; or

(iii) five years of relevant work experience;

(2) an applicant for a Tier 3 license to teach world languages and culture pursuant to Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language; and

(3) an applicant for a Tier 3 license in the performing or visual arts pursuant to Minnesota Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater), 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), if the applicant has at least five years of relevant work experience.

(b) The Professional Educator Licensing and Standards Board must adopt and revise rules regarding the qualifications and determinations for applicants exempt from subdivision 1.

Sec. 31. Minnesota Statutes 2020, section 122A.183, subdivision 3, is amended to read:

Subd. 3. **Term of license and renewal.** The Professional Educator Licensing and Standards Board must issue an initial Tier 3 license for a term of three years. Before a Tier 3 license is renewed for the first time, the applicant must meet initial teacher renewal requirements in section 122A.187. A Tier 3 license may be renewed every three years without limitation.

Sec. 32. Minnesota Statutes 2020, section 122A.184, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards Board must issue a Tier 4 license to a candidate an applicant who provides information sufficient to demonstrate all of the following:

(1) the ~~candidate~~ applicant meets all requirements for a Tier 3 license under section 122A.183, and has completed a teacher preparation program under section 122A.183, subdivision 2, clause (1) or (2);

(2) the ~~candidate~~ applicant has at least three years of field-specific teaching experience ~~in Minnesota as a teacher of record;~~

(3) the ~~candidate~~ applicant has obtained a passing score on all required licensure exams under section 122A.185; and

(4) ~~the candidate's most recent summative teacher evaluation did not result in placing or otherwise keeping the teacher in an improvement process pursuant to section 122A.40, subdivision 8, or 122A.41, subdivision 5 if the applicant previously held a Tier 3 license under section 122A.183, the applicant has completed the initial teacher renewal requirements in section 122A.187.~~

(b) Notwithstanding paragraph (a), the board must issue a Tier 4 license to an applicant who provides information sufficient to demonstrate that the applicant has teaching experience in another state and achieved tenure, has continuing contract status, or has completed three consecutive years of employment for at least 120 days per year with a single employer.

Sec. 33. Minnesota Statutes 2020, section 122A.184, subdivision 2, is amended to read:

Subd. 2. **Term of license and renewal.** The Professional Educator Licensing and Standards Board must issue an initial Tier 4 license for a term of five years. A Tier 4 license may be renewed every five years without limitation if the applicant meets the continuing teacher renewal requirements in section 122A.187.

Sec. 34. Minnesota Statutes 2020, section 122A.185, subdivision 1, is amended to read:

Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board must adopt rules requiring a candidate to demonstrate a passing score on a board adopted examination of skills in reading, writing, and mathematics before being granted a Tier 4 teaching license under section 122A.184 to provide direct instruction to pupils in elementary, secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier 3 license to provide direct instruction to pupils in elementary, secondary, or special education programs if candidates meet the other requirements in section 122A.181, 122A.182, or 122A.183, respectively.~~

~~(b)~~ (a) The board must adopt and revise rules requiring ~~candidates~~ applicants for ~~Tier 3 and~~ Tier 4 licenses to pass an examination or performance assessment of general pedagogical knowledge and examinations of licensure field specific content, including an examination taken in another state, if the applicant has not completed a board-approved preparation program assuring candidates from the program recommended for licensure meet content and pedagogy licensure standards in Minnesota. The content examination requirement does not apply if no relevant content exam exists. Applicants who have satisfactorily completed a preparation program in another state and passed licensure examinations in that state are not additionally required to pass similar examinations required in Minnesota.

~~(c) Candidates~~ (b) Applicants for initial ~~Tier 3 and~~ Tier 4 licenses to teach elementary students must pass test items assessing the ~~candidates'~~ applicants' knowledge, skill, and ability in comprehensive, scientifically based reading instruction under section 122A.06, subdivision 4, knowledge and understanding of the foundations of reading development, development of reading comprehension and reading assessment and instruction, and the ability to integrate that knowledge and understanding into instruction strategies under section 122A.06, subdivision 4.

~~(d) The requirement to pass a board-adopted reading, writing, and mathematics skills examination does not apply to nonnative English speakers, as verified by qualified Minnesota school district personnel or Minnesota higher education faculty, who, after meeting the content and pedagogy requirements under this subdivision, apply for a teaching license to provide direct instruction in their native language or world language instruction under section 120B.022, subdivision 1.~~

(c) All testing centers in the state must provide monthly opportunities for untimed content and pedagogy examinations. These opportunities must be advertised on the test registration website. The board must require the exam vendor to provide other equitable opportunities to pass exams, including waiving testing fees for test takers who qualify for federal grants; providing free, multiple, full-length practice tests for each exam and free, comprehensive study guides on the test registration website; making content and pedagogy exams available in languages other than English for teachers seeking licensure to teach in language immersion programs; and providing a free, detailed exam results analysis by test objective to assist candidates who do not pass an exam in identifying areas for improvement. Any candidate who has not passed a required exam after two attempts must be allowed to retake the exam, including new versions of the exam, without being charged an additional fee.

Sec. 35. Minnesota Statutes 2020, section 122A.185, subdivision 4, is amended to read:

Subd. 4. **Remedial assistance.** (a) A board-approved teacher preparation program must make available upon request remedial assistance that includes a formal diagnostic component to persons enrolled in their ~~institution~~ teacher preparation program who did not achieve a qualifying score on a board-adopted ~~skills~~ examination, including those for whom English is a second language. The teacher preparation programs must make available assistance in the specific academic areas of candidates' deficiency. Teacher preparation providers must report annually on supports provided, number of candidates supported, and demographic data of those candidates.

(b) School districts may make available upon request similar, appropriate, and timely remedial assistance that includes a formal diagnostic component to those persons employed by the district who completed their teacher education program, who did not achieve a qualifying score on a board-adopted skills examination, and who received a Tier 1, Tier 2, or Tier 3 license under section 122A.181, 122A.182, or 122A.183, respectively, to teach in Minnesota.

Sec. 36. Minnesota Statutes 2020, section 122A.187, is amended to read:

#### **122A.187 EXPIRATION AND RENEWAL.**

Subdivision 1. **License form requirements.** Each license issued under this chapter must bear the date of issue and the name of the state-approved teacher training provider or alternative teaching program, as applicable. Licenses must expire and be renewed according to rules adopted by the Professional Educator Licensing and

Standards Board or the Board of School Administrators. ~~The rules adopted by the Professional Educator Licensing and Standards Board for renewing a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, must include showing satisfactory evidence of successful teaching or administrative experience for at least one school year during the period covered by the license in grades or subjects for which the license is valid or completing such additional preparation as required under this section, or as the Professional Educator Licensing and Standards Board prescribes.~~ The Board of School Administrators shall establish requirements for renewing the licenses of supervisory personnel except athletic coaches. The Professional Educator Licensing and Standards Board shall establish requirements for renewing the licenses of athletic coaches.

Subd. 2. **Local committees.** The Professional Educator Licensing and Standards Board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, who have been employed as a teacher during the renewal period of the expiring license, as a condition of license renewal, must present to their local continuing education and relicensure committee or other local relicensure committee evidence of work that demonstrates professional reflection and growth in best teaching practices, ~~including among other things, cultural competence in accordance with section 120B.30, subdivision 1, paragraph (q), and practices in meeting the varied needs of English learners, from young children to adults under section 124D.59, subdivisions 2 and 2a. A teacher may satisfy the requirements of this paragraph by submitting the teacher's most recent summative evaluation or improvement plan under section 122A.40, subdivision 8, or 122A.41, subdivision 5.~~

(b) The Professional Educator Licensing and Standards Board must ensure that its teacher relicensing requirements include paragraph (a).

(c) The board may adopt and revise rule setting criteria for initial Tier 3 license renewal requirements that must be completed before a teacher may move to a Tier 4 license.

Subd. 4. **Behavior interventions.** The Professional Educator Licensing and Standards Board must adopt and revise rules that require all licensed teachers who are renewing a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

Subd. 5. **Reading preparation.** The Professional Educator Licensing and Standards Board must adopt and revise rules that require all licensed teachers who are renewing a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. ~~The rules do not take effect until they are approved by law.~~ Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

Subd. 6. **Mental ~~illness~~ health.** The Professional Educator Licensing and Standards Board must adopt and revise rules that require all licensed teachers renewing a teaching license under sections 122A.181 to 122A.184 to include in the renewal requirements at least one hour of suicide prevention best practices training in each licensure renewal period based on nationally recognized evidence-based programs and practices, among the continuing education credits required to renew a license under this subdivision. Initial training must include understanding the key warning signs of early-onset mental illness in children and adolescents, and during subsequent licensure renewal periods, training must include a more in-depth understanding of students' mental illness trauma, accommodations for students' mental illness, parents' roles in addressing students' mental illness, Fetal Alcohol Spectrum Disorders, autism, the requirements of section 125A.0942 governing restrictive procedures, and de-escalation methods, among other similar topics.

Subd. 7. **Cultural competency.** The Professional Educator Licensing and Standards Board must adopt and revise rules that require all licensed teachers renewing a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, to include cultural competency training.

Subd. 8. **Meeting needs of multilingual learners.** The Professional Educator Licensing and Standards Board must adopt and revise rules requiring all licensed teachers renewing a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, to include a training on meeting the varied needs of multilingual learners from young children to adults under section 124D.59, subdivisions 2 and 2a.

Subd. 9. **Mandatory renewal requirements.** The board must adopt and revise rules setting forth standards that meet all mandatory renewal requirements. All trainings meeting the renewal requirements for subdivisions 4 to 8 must align to board-adopted criteria. Any training provided outside of a district, charter school, cooperative unit, or state agency must be approved by the board to be accepted to meet this renewal requirement.

Sec. 37. Minnesota Statutes 2020, section 122A.19, subdivision 4, is amended to read:

Subd. 4. **Teacher preparation programs.** (a) For the purpose of licensing bilingual and English as a second language teachers, the board may approve teacher preparation programs at colleges or universities designed for their training.

(b) Programs that prepare English as a second language teachers must provide instruction in implementing research-based practices designed specifically for English learners. The programs must focus on developing English learners' academic language proficiency in English, including oral academic language, giving English learners meaningful access to the full school curriculum, developing culturally relevant teaching practices appropriate for immigrant students, and providing more intensive instruction and resources to English learners with lower levels of academic English proficiency and varied needs, consistent with section 124D.59, subdivisions 2 and 2a.

Sec. 38. Minnesota Statutes 2020, section 122A.26, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** (a) A person who teaches in a community education program ~~which that~~ qualifies for aid pursuant to section 124D.52 shall continue to meet licensure requirements as a teacher. A person who teaches in an early childhood and family education program ~~which that~~ is offered through a community education program and ~~which that~~ qualifies for community education aid pursuant to section 124D.20 or early childhood and family education aid pursuant to section 124D.135 shall continue to meet licensure requirements as a teacher. A person who teaches in a community education course ~~which that~~ is offered for credit for graduation to persons under 18 years of age shall continue to meet licensure requirements as a teacher.

(b) A person who teaches a driver training course ~~which that~~ is offered through a community education program to persons under 18 years of age shall be licensed by the Professional Educator Licensing and Standards Board or be subject to section 171.35. A license which is required for an instructor in a community education program pursuant to this ~~subdivision paragraph~~ shall not be construed to bring an individual within the definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, ~~clause paragraph~~ (a).

Sec. 39. Minnesota Statutes 2020, section 122A.40, subdivision 5, is amended to read:

Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period that is consistent with subdivision 8. Evaluation must occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to

parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. However, the board must give any such teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

(b) A board must discharge a probationary teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

(c) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).

(d) A probationary teacher whose first three years of consecutive employment are interrupted for maternity, paternity, or medical leave and who resumes teaching within 12 months of when the leave began is considered to have a consecutive teaching experience for purposes of paragraph (a) if the probationary teacher completes a combined total of three years of teaching service immediately before and after the leave.

(e) A probationary teacher must complete at least 120 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

(f) Notwithstanding any law to the contrary, a teacher who has taught for three consecutive years in another state must serve a one-year probationary period in a Minnesota school district.

**EFFECTIVE DATE.** This section is effective for collective bargaining agreements effective July 1, 2021, and thereafter.

Sec. 40. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

Subd. 8. **Development, evaluation, and peer coaching for continuing contract teachers.** (a) To improve student learning and success, a school board and an exclusive representative of the teachers in the district, consistent with paragraph (b), may develop a teacher evaluation and peer review process for probationary and continuing contract teachers through joint agreement. If a school board and the exclusive representative of the teachers do not agree to an annual teacher evaluation and peer review process, then the school board and the exclusive representative of the teachers must implement the state teacher evaluation plan under paragraph (c). The process must include having trained observers serve as peer coaches or having teachers participate in professional learning communities, consistent with paragraph (b).

(b) To develop, improve, and support qualified teachers and effective teaching practices, improve student learning and success, and provide all enrolled students in a district or school with improved and equitable access to more effective and diverse teachers, the annual evaluation process for teachers:

(1) must, for probationary teachers, provide for all evaluations required under subdivision 5;

(2) must establish a three-year professional review cycle for each teacher that includes an individual growth and development plan, a peer review process, and at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator. For the years when a tenured teacher is not evaluated by a qualified and trained evaluator, the teacher must be evaluated by a peer review;

(3) ~~must be based on professional teaching standards established in rule~~ create, adopt, or revise a rubric of performance standards for teacher practice that (i) is based on professional teaching standards established in rule, (ii) includes culturally responsive methodologies, and (iii) provides common descriptions of effectiveness using at least three levels of performance;

(4) must coordinate staff development activities under sections 122A.60 and 122A.61 with this evaluation process and teachers' evaluation outcomes;

(5) may provide time during the school day and school year for peer coaching and teacher collaboration;

(6) may include job-embedded learning opportunities such as professional learning communities;

(7) may include mentoring and induction programs for teachers, including teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

(8) must include an option for teachers to develop and present a portfolio demonstrating evidence of reflection and professional growth, consistent with section 122A.187, subdivision 3, and include teachers' own performance assessment based on student work samples and examples of teachers' work, which may include video among other activities for the summative evaluation;

(9) must use data from valid and reliable assessments aligned to state and local academic standards and must use state and local measures of student growth and literacy that may include value-added models or student learning goals to determine 35 percent of teacher evaluation results;

(10) must use longitudinal data on student engagement and connection, and other student outcome measures explicitly aligned with the elements of curriculum for which teachers are responsible, including academic literacy, oral academic language, and achievement of content areas of English learners;

(11) must require qualified and trained evaluators such as school administrators to perform summative evaluations and ensure school districts and charter schools provide for effective evaluator training specific to teacher development and evaluation;

(12) must give teachers not meeting professional teaching standards under clauses (3) through (11) support to improve through a teacher improvement process that includes established goals and timelines; and

(13) must discipline a teacher for not making adequate progress in the teacher improvement process under clause (12) that may include a last chance warning, termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline a school administrator determines is appropriate.

Data on individual teachers generated under this subdivision are personnel data under section 13.43. The observation and interview notes of peer coaches may only be disclosed to other school officials with the consent of the teacher being coached.

(c) The department, in consultation with parents who may represent parent organizations and teacher and administrator representatives appointed by their respective organizations, representing the Professional Educator Licensing and Standards Board, the Minnesota Association of School Administrators, the Minnesota School Boards



Association, the Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and representatives of the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with research expertise in teacher evaluation, must create and publish a teacher evaluation process that complies with the requirements in paragraph (b) and applies to all teachers under this section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher evaluation and peer review process. The teacher evaluation process created under this subdivision does not create additional due process rights for probationary teachers under subdivision 5.

(d) Consistent with the measures of teacher effectiveness under this subdivision:

(1) for students in kindergarten through grade 4, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that grade; and

(2) for students in grades 5 through 12, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area and grade.

All data created and used under this paragraph retains its classification under chapter 13.

**EFFECTIVE DATE.** This section is effective July 1, 2023.

Sec. 41. Minnesota Statutes 2020, section 122A.41, subdivision 2, is amended to read:

Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not, be renewed as the school board, after consulting with the peer review committee charged with evaluating the probationary teachers under subdivision 3, shall see fit. The school site management team or the school board if there is no school site management team, shall adopt a plan for a written evaluation of teachers during the probationary period according to subdivisions 3 and 5. Evaluation by the peer review committee charged with evaluating probationary teachers under subdivision 3 shall occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school shall not be included in determining the number of school days on which a teacher performs services. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.

(b) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).

(c) A probationary teacher whose first three years of consecutive employment are interrupted for maternity, paternity, or medical leave and who resumes teaching within 12 months of when the leave began is considered to have a consecutive teaching experience for purposes of paragraph (a) if the probationary teacher completes a combined total of three years of teaching service immediately before and after the leave.

(d) A probationary teacher must complete at least 120 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

(e) Notwithstanding any law to the contrary, a school district may negotiate a contract with a one-year probationary period with a teacher who has obtained tenure, has continuing contract status, or has completed three consecutive years of employment for at least 120 days per year with a single employer.

**EFFECTIVE DATE.** This section is effective for collective bargaining agreements effective July 1, 2021, and thereafter.

Sec. 42. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

Subd. 5. **Development, evaluation, and peer coaching for continuing contract teachers.** (a) To improve student learning and success, a school board and an exclusive representative of the teachers in the district, consistent with paragraph (b), may develop an annual teacher evaluation and peer review process for probationary and nonprobationary teachers through joint agreement. If a school board and the exclusive representative of the teachers in the district do not agree to an annual teacher evaluation and peer review process, then the school board and the exclusive representative of the teachers must implement the state teacher evaluation plan developed under paragraph (c). The process must include having trained observers serve as peer coaches or having teachers participate in professional learning communities, consistent with paragraph (b).

(b) To develop, improve, and support qualified teachers and effective teaching practices and improve student learning and success, and provide all enrolled students in a district or school with improved and equitable access to more effective and diverse teachers, the annual evaluation process for teachers:

(1) must, for probationary teachers, provide for all evaluations required under subdivision 2;

(2) must establish a three-year professional review cycle for each teacher that includes an individual growth and development plan, a peer review process, and at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator;

(3) must be based on professional teaching standards established in rule create, adopt, or revise a rubric of performance standards for teacher practice that (i) is based on professional teaching standards established in rule, (ii) includes culturally responsive methodologies, and (iii) provides common descriptions of effectiveness using at least three levels of performance;

(4) must coordinate staff development activities under sections 122A.60 and 122A.61 with this evaluation process and teachers' evaluation outcomes;

(5) may provide time during the school day and school year for peer coaching and teacher collaboration;

(6) may include job-embedded learning opportunities such as professional learning communities;

(7) may include mentoring and induction programs for teachers, including teachers who are members of populations underrepresented among the licensed teachers in the district or school and who reflect the diversity of students under section 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

(8) must include an option for teachers to develop and present a portfolio demonstrating evidence of reflection and professional growth, consistent with section 122A.187, subdivision 3, and include teachers' own performance assessment based on student work samples and examples of teachers' work, which may include video among other activities for the summative evaluation;

(9) must use data from valid and reliable assessments aligned to state and local academic standards and must use state and local measures of student growth and literacy that may include value-added models or student learning goals to determine 35 percent of teacher evaluation results;

(10) must use longitudinal data on student engagement and connection and other student outcome measures explicitly aligned with the elements of curriculum for which teachers are responsible, including academic literacy, oral academic language, and achievement of English learners;

(11) must require qualified and trained evaluators such as school administrators to perform summative evaluations and ensure school districts and charter schools provide for effective evaluator training specific to teacher development and evaluation;

(12) must give teachers not meeting professional teaching standards under clauses (3) through (11) support to improve through a teacher improvement process that includes established goals and timelines; and

(13) must discipline a teacher for not making adequate progress in the teacher improvement process under clause (12) that may include a last chance warning, termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline a school administrator determines is appropriate.

Data on individual teachers generated under this subdivision are personnel data under section 13.43. The observation and interview notes of peer coaches may only be disclosed to other school officials with the consent of the teacher being coached.

(c) The department, in consultation with parents who may represent parent organizations and teacher and administrator representatives appointed by their respective organizations, representing the Professional Educator Licensing and Standards Board, the Minnesota Association of School Administrators, the Minnesota School Boards Association, the Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and representatives of the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with research expertise in teacher evaluation, must create and publish a teacher evaluation process that complies with the requirements in paragraph (b) and applies to all teachers under this section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher evaluation and peer review process. The teacher evaluation process created under this subdivision does not create additional due process rights for probationary teachers under subdivision 2.

(d) Consistent with the measures of teacher effectiveness under this subdivision:

(1) for students in kindergarten through grade 4, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that grade; and

(2) for students in grades 5 through 12, a school administrator must not place or approve the placement of a student in the classroom of a teacher who is in the improvement process referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the prior year, that student was in the classroom of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area and grade.

All data created and used under this paragraph retains its classification under chapter 13.

**EFFECTIVE DATE.** This section is effective July 1, 2023.

Sec. 43. **[122A.411] UNREQUESTED LEAVE OF ABSENCE PROCESS.**

Subdivision 1. **Exemption.** Notwithstanding any law to the contrary, a school district and the exclusive representative for teachers may agree to a process for exempting up to five percent of its employees from unrequested leaves of absence and nonrenewal regardless of probationary status or position on a seniority list, provided the teachers meet the requirements of this section and the exclusive representative for licensed educators provides written approval of the process no later than October 1 of each school year. The process must satisfy the requirements of subdivision 2.

Subd. 2. **Process requirements.** (a) The school district and exclusive representative must establish a committee to select educators to receive the exemption. The committee must have at least three district representatives, selected by the superintendent or the superintendent's designee, and at least three licensed educators selected by the exclusive representative, provided that the committee has an equal number of representatives selected by the superintendent and exclusive representative. School districts and exclusive representatives are strongly encouraged to include members of underrepresented communities as their committee representatives. Before the selection committee begins work, all members must jointly complete comprehensive anti-racism training by a training provider approved by the Professional Educator Licensing and Standards Board.

(b) The committee may select up to five percent of the district's total licensed staff for an exemption as long as the educator has a cultural background that is underrepresented among licensed staff within the school building or district in comparison to the student population. "Cultural background" as used in this section includes race, ethnicity, disability status, and any other group that is underrepresented on staff and has experienced systemic barriers in education or employment opportunities. Selections must be made on the basis of an educator's teaching or professional performance as determined by colleagues, mentors, and administrators.

(c) If the committee cannot achieve consensus regarding its selections, the committee must vote on candidates for the exemption, with the top vote-receiving candidates receiving the exemption if the number of selected staff exceeds five percent of the district's staff or a percentage agreed upon by the majority vote of the selection committee.

(d) The committee must finalize decisions and notify affected staff no later than February 1 of each school year. The exemption is only valid for the school year in which the exemption is granted unless renewed by the committee in a subsequent year. The committee may, in its discretion, grant an educator a two-year exemption from nonrenewal based on a majority vote of committee members.

Subd. 3. **Process options.** Additional clarifications or variations on this procedure, including specific tiers of licenses eligible for the exemption, may be negotiated between the exclusive representative and the district. The percentage of staff eligible for an exemption from nonrenewal or unrequested leave of absence may be decided annually by the committee by majority vote but must not exceed five percent of the district's licensed educators.

Subd. 4. **Data.** All data from committee deliberations is private personnel data pursuant to section 13.43.

Subd. 5. **Disputes.** A dispute over violations of procedures under this section are subject to the grievance procedure in the applicable collective bargaining agreement.

Sec. 44. **[122A.59] COME TEACH IN MINNESOTA HIRING BONUSES.**

Subdivision 1. **Purpose.** This section establishes a program to support districts and schools recruiting and offering hiring bonuses for licensed teachers who are American Indian or a person of color from another state or country in order to meet staffing needs in shortage areas in economic development regions in Minnesota.

Subd. 2. **Eligibility.** A district or school must verify that the hiring bonus is given to teachers licensed in another state who:

(1) qualify for a Tier 3 or Tier 4 Minnesota license;

(2) have moved to the economic development region in Minnesota where they were hired; and

(3) belong to a racial or ethnic group that is underrepresented among teachers compared to students in the district or school under section 120B.35, subdivision 3, paragraph (b), clause (2).

Subd. 3. **Bonus amount.** A district or school may offer a signing and retention bonus of a minimum of \$2,500 and a maximum of \$5,000 to a teacher who meets the eligibility requirements. A teacher who meets the eligibility requirements and meets a licensure shortage area in the economic development region of the state where the school is located may be offered a signing bonus of a minimum of \$4,000 and a maximum of \$8,000. A teacher must be paid half of the bonus when starting employment and half after completing four years of service in the hiring district or school if the teacher has demonstrated teaching effectiveness and is not on a professional improvement plan under section 122A.40, subdivision 8, paragraph (b), clause (12) or (13), or is not being considered for termination under section 122A.40, subdivision 9. A teacher who does not complete their first school year upon receiving a hiring bonus must repay the hiring bonus.

Subd. 4. **Administration.** The commissioner must establish a process for districts or schools to seek reimbursement for hiring bonuses given to teachers in shortage areas moving to and working in Minnesota schools experiencing specific shortages. The commissioner must provide guidance for districts to seek repayment of a hiring bonus from a teacher who does not complete the first year of employment. The department may conduct a pilot program with a small number of teachers during the 2022-2023 biennium to establish feasibility. The department must submit a report by December 1, 2022, to the chairs and ranking minority members of the legislative committees having jurisdiction over kindergarten through grade 12 education detailing the effectiveness of the program and recommendations for improvement in future years.

Subd. 5. **Account established.** A Come Teach in Minnesota Hiring Bonus program account is created in the special revenue fund for depositing money appropriated to or received by the department for this program. Money deposited in the account is appropriated to the commissioner, does not cancel, and is continuously available for reimbursements to districts under this section.

**EFFECTIVE DATE.** This section applies to teacher contracts entered into on or after July 1, 2021.

Sec. 45. Minnesota Statutes 2020, section 122A.635, subdivision 3, is amended to read:

Subd. 3. **Grant program administration.** The Professional Educator Licensing and Standards Board may enter into an interagency agreement with the Office of Higher Education. The agreement may include a transfer of funds to the Office of Higher Education to help establish and administer the competitive grant process. The board must award grants to institutions located in various economic development regions throughout the state, but must not predetermine the number of institutions to be awarded grants under this section or set a limit for the amount that any one institution may receive as part of the competitive grant application process. All grants must be awarded by August 15 of the fiscal year in which the grants are to be used ~~except that, for initial competitive grants awarded for fiscal year 2020, grants must be awarded by September 15.~~ Grants awarded after fiscal year 2021 must be awarded for a two-year grant period. An institution that receives a grant under this section may use the grant funds over a two- to four-year period to support teacher candidates.

Sec. 46. Minnesota Statutes 2020, section 122A.635, subdivision 4, is amended to read:

Subd. 4. **Report.** (a) By ~~January 15~~ June 30 of each year, an institution awarded a grant under this section must prepare for the legislature and the board a detailed report regarding the expenditure of grant funds, including the amounts used to recruit, retain, and induct teacher candidates of color or who are American Indian. The report must include the total number of teacher candidates of color, disaggregated by race or ethnic group, who are recruited to the institution, are newly admitted to the licensure program, are enrolled in the licensure program, have completed student teaching, have graduated, are licensed, and are newly employed as Minnesota teachers in their licensure field. A grant recipient must report the total number of teacher candidates of color or who are American Indian at each stage from recruitment to licensed teaching as a percentage of total candidates seeking the same licensure at the institution.

(b) By September 1 of each year, the board must post a report on its website summarizing the activities and outcomes of grant recipients and results that promote sharing of effective practices among grant recipients.

Sec. 47. **[122A.685] GRANTS FOR GROW YOUR OWN PROGRAMS.**

Subdivision 1. **Establishment.** The commissioner of education must award grants for the three types of Grow Your Own programs established under this section in order to develop a teaching workforce that more closely reflects the state's increasingly diverse student population and ensure all students have equitable access to effective and diverse teachers.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Eligible district" means a school district, charter school, or cooperative unit under section 123A.24, subdivision 2.

(c) "Grow Your Own program" means a program established by an eligible district in partnership with a Professional Educator Licensing and Standards Board-approved teacher preparation program provider or by a Head Start program under section 119A.50 to provide a pathway for candidates to enter the teaching profession and teach at any level from early childhood to secondary school.

(d) "Residency program" means a Professional Educator Licensing and Standards Board-approved teacher preparation program established by an eligible district and a board-approved teacher preparation program provider that uses a cohort-based model and includes a yearlong clinical experience integrating coursework and student teaching.

(e) "Resident" means a teacher candidate participating in a residency program.

Subd. 3. **Grants for residency programs.** (a) An eligible district may apply for grants to develop, maintain, or expand effective residency programs. A residency program must pair a resident with a teacher of record who must hold a Tier 3 or Tier 4 license. The residency program must provide the teacher of record with ongoing professional development in co-teaching, mentoring, and coaching skills and must ensure that the resident and teacher of record co-teach and participate in required teacher professional development activities for at least 80 percent of the contracted week for a full academic year.

(b) A grant recipient must use at least 80 percent of grant funds to provide tuition scholarships or stipends to enable employees or community members seeking a teaching license, who are of color or American Indian, to participate in a residency program. A grant recipient may request permission from the commissioner to use the remaining grant funds to provide tuition scholarships to employees who are not persons of color or American Indian and who seek to teach in a licensure area in which the eligible district has a shortage of Tier 3 or Tier 4 licensed teachers.

(c) An eligible district using grant funds under this subdivision to provide financial support to teacher candidates may require a commitment from a candidate to teach in the eligible district for a reasonable amount of time not to exceed five years.

**Subd. 4. Grants for programs serving adults.** (a) An eligible district or Head Start program under section 119A.50 may apply for grants to provide financial assistance, mentoring, and other experiences to support persons of color or American Indian persons to become licensed teachers or preschool teachers.

(b) An eligible district or Head Start program must use grant funds awarded under this subdivision for:

(1) tuition scholarships or stipends to eligible Tier 2 licensed teachers, education assistants, cultural liaisons, or other nonlicensed employees who are of color or American Indian and are enrolled in undergraduate or graduate-level coursework that is part of a board-approved teacher preparation program leading to a Tier 3 teacher license;

(2) developing and implementing pathway programs with local community-based organizations led by and for communities of color or American Indian communities that provide stipends or tuition scholarships to parents and community members who are of color or American Indian to change careers and obtain a Tier 3 license or other credential needed to teach in a Head Start program; or

(3) collaborating with a board-approved teacher preparation program provided by a postsecondary institution to develop and implement innovative teacher preparation programs that lead to Tier 2 or Tier 3 licensure, involve more intensive and extensive clinical experiences with more professional coaching or mentorship than are typically required in traditional college or university campus-based teacher preparation programs, provide candidates with support that is responsive to the unique needs of candidates who are of color or American Indian, and have more than half of their candidates identify as persons of color or American Indian.

(c) An eligible district or Head Start program providing financial assistance to individuals under this subdivision may require a commitment from candidates to teach in the eligible school or Head Start program for a reasonable amount of time not to exceed five years.

**Subd. 5. Grants for programs serving secondary school students.** (a) In addition to grants for developing and offering dual-credit postsecondary course options in schools for "Introduction to Teaching" or "Introduction to Education" courses under section 124D.09, subdivision 10, a school district or charter school may apply for grants under this section to offer other innovative programs that encourage secondary school students, especially students of color and American Indian students, to pursue teaching. To be eligible for a grant under this subdivision, a school district or charter school must ensure that the aggregate percentage of secondary school students of color and American Indian students participating in the program is equal to or greater than the aggregate percentage of students of color and American Indian students in the school district or charter school.

(b) A grant recipient must use grant funds awarded under this subdivision for:

(1) supporting future teacher clubs or service-learning opportunities that provide middle and high school students who are of color or American Indian with experiential learning that supports the success of younger students or peers and increases students' interest in pursuing a teaching career;

(2) providing direct support, including wrap-around services, for students who are of color or American Indian to enroll and be successful in postsecondary enrollment options courses under section 124D.09 that would meet degree requirements for teacher licensure; or

(3) offering scholarships to graduating high school students who are of color or American Indian to enroll in board-approved undergraduate teacher preparation programs at a college or university in Minnesota.

Subd. 6. **Grant procedure.** (a) An eligible district or Head Start program must apply for a grant under this section in the form and manner specified by the commissioner. The commissioner must give priority to eligible districts or Head Start programs with the highest total number or percentage of students who are of color or American Indian.

(b) For the 2021-2022 school year and later, grant applications for new and existing programs must be received by the commissioner no later than January 15 of the year prior to the school year in which the grant will be used. The commissioner must review all applications and notify grant recipients by March 15 or as soon as practicable of the anticipated amount awarded. If the commissioner determines that sufficient funding is unavailable for the grants, the commissioner must notify grant applicants by June 30 or as soon as practicable that there are insufficient funds.

Subd. 7. **Account established.** A Grow Your Own program account is created in the special revenue fund for depositing money appropriated to or received by the department for Grow Your Own programs. Money deposited in the account is appropriated to the commissioner, does not cancel, and is continuously available for grants under this section. Grant recipients may apply to use grant money over a period of up to 24 months.

Subd. 8. **Report.** Grant recipients must annually report to the commissioner in the form and manner determined by the commissioner on their activities under this section, including the number of participants, the percentage of participants who are of color or American Indian, and an assessment of program effectiveness, including participant feedback, areas for improvement, the percentage of participants continuing to pursue teacher licensure, and where applicable, the number of participants hired in the school or district as teachers after completing preparation programs. The commissioner must publish a report for the public that summarizes the activities and outcomes of grant recipients and what was done to promote sharing of effective practices among grant recipients and potential grant applicants.

**EFFECTIVE DATE.** This section is effective July 1, 2021.

Sec. 48. Minnesota Statutes 2020, section 122A.70, is amended to read:

#### **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE TEACHERS.**

Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School districts are encouraged to develop teacher mentoring programs for teachers new to the profession or district, including teaching residents, teachers of color, teachers who are American Indian, teachers in license shortage areas, teachers with special needs, or experienced teachers in need of peer coaching.

(b) Teacher mentoring programs must be included in or aligned with districts' teacher evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41, subdivision 5. A district may use staff development revenue under section 122A.61, special grant programs established by the legislature, or another funding source to pay a stipend to a mentor who may be a current or former teacher who has taught at least three years and is not on an improvement plan. Other initiatives using such funds or funds available under sections 124D.861 and 124D.862 may include:

(1) additional stipends as incentives to mentors of color or who are American Indian;

(2) financial supports for professional learning community affinity groups across schools within and between districts for teachers from underrepresented racial and ethnic groups to come together throughout the school year. For purposes of this section, "affinity groups" are groups of educators who share a common racial or ethnic identity in society as persons of color or who are American Indian;



(3) programs for induction aligned with the district or school mentorship program during the first three years of teaching, especially for teachers from underrepresented racial and ethnic groups; or

(4) grants supporting licensed and nonlicensed educator participation in professional development, such as workshops and graduate courses, related to increasing student achievement for students of color and American Indian students in order to close opportunity and achievement gaps.

(c) A school or district that receives a grant must negotiate additional retention strategies or protection from unrequested leave of absences in the beginning years of employment for teachers of color and teachers who are American Indian. Retention strategies may include providing financial incentives for teachers of color and teachers who are American Indian to work in the school or district for at least five years and placing American Indian educators at sites with other American Indian educators and educators of color at sites with other educators of color to reduce isolation and increase opportunity for collegial support.

Subd. 2. **Applications.** The Professional Educator Licensing and Standards Board must make application forms available to sites interested in developing or expanding a mentorship program. A school district; ~~a or~~ a group of school districts; ~~a coalition of districts, teachers, and teacher education institutions; or,~~ a school or coalition of schools, or a coalition of teachers, or nonlicensed educators may apply for a program grant. A higher education institution or nonprofit organization may partner with a grant applicant but is not eligible as a sole applicant for grant funds. The Professional Educator Licensing and Standards Board, in consultation with the teacher mentoring task force, must approve or disapprove the applications. To the extent possible, the approved applications must reflect effective mentoring, professional development, and retention components, and be geographically distributed throughout the state. The Professional Educator Licensing and Standards Board must encourage the selected sites to consider the use of its assessment procedures.

Subd. 3. **Criteria for selection.** (a) At a minimum, applicants must express commitment to:

- (1) allow staff participation;
- (2) assess skills of both beginning and mentor teachers;
- (3) provide appropriate in-service to needs identified in the assessment;
- (4) provide leadership to the effort;
- (5) cooperate with higher education institutions or teacher educators;
- (6) provide facilities and other resources;
- (7) share findings, materials, and techniques with other school districts; and
- (8) retain teachers of color and teachers who are American Indian.

(b) Priority for awarding grants must be for efforts to induct, mentor, and retain Tier 2 or Tier 3 teachers who are of color or American Indian and Tier 2 or Tier 3 teachers in licensure shortage areas.

Subd. 4. **Additional funding.** Applicants are required to seek additional funding and assistance from sources such as school districts, postsecondary institutions, foundations, and the private sector.

Subd. 5. **Program implementation.** Grants may be awarded for implementing activities over a period of time up to 24 months. New and expanding mentorship sites that are funded to design, develop, implement, and evaluate their program must participate in activities that support program development and implementation. The Professional

Educator Licensing and Standards Board must provide resources and assistance to support new sites in their program efforts. These activities and services may include, but are not limited to: planning, planning guides, media, training, conferences, institutes, and regional and statewide networking meetings. Nonfunded schools or districts interested in getting started may participate. Fees may be charged for meals, materials, and the like.

**Subd. 5a. Grant program administration.** The Professional Educator Licensing and Standards Board may enter into an interagency agreement with the Office of Higher Education or the Department of Education. The agreement may include a transfer of funds to the Office of Higher Education or the Department of Education to help administer the competitive grant process.

**Subd. 6. Report.** By ~~June~~ September 30 of each year after receiving a grant, recipients must submit a report to the Professional Educator Licensing and Standards Board on program efforts that describes mentoring and induction activities and assesses the impact of these programs on teacher effectiveness and retention.

**EFFECTIVE DATE.** This section is effective July 1, 2021.

Sec. 49. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

**Subd. 3. Duties; evaluation.** (a) The principal shall provide administrative, supervisory, and instructional leadership services, under the supervision of the superintendent of schools of the district and according to the policies, rules, and regulations of the school board, for the planning, management, operation, and evaluation of the education program of the building or buildings to which the principal is assigned.

(b) To enhance a principal's culturally responsive leadership skills and support and improve teaching practices, school performance, and student achievement for diverse student populations, including at-risk students, children with disabilities, English learners, and gifted students, among others, a district must develop and implement a performance-based system for annually evaluating school principals assigned to supervise a school building within the district. The evaluation must be designed to improve teaching and learning by supporting the principal in shaping the school's professional environment and developing teacher quality, performance, and effectiveness. The annual evaluation must:

(1) support and improve a principal's instructional leadership, organizational management, and professional development, and strengthen the principal's capacity in the areas of instruction, supervision, evaluation, and teacher development;

(2) support and improve a principal's culturally responsive leadership practices that create inclusive and respectful teaching and learning environments for all students, families, and employees;

~~(2)~~ (3) include formative and summative evaluations based on multiple measures of student progress toward career and college readiness;

~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and goals, and the principal's own professional multiyear growth plans and goals, all of which must support the principal's leadership behaviors and practices, rigorous curriculum, school performance, and high-quality instruction;

~~(4)~~ (5) include on-the-job observations and previous evaluations;

~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation and incorporate district achievement goals and targets;

~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and learning, curriculum and instruction, student learning, culturally responsive leadership practices, and a collaborative professional culture; and

~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria under this subdivision, implement a plan to improve the principal's performance and specify the procedure and consequence if the principal's performance is not improved.

The provisions of this paragraph are intended to provide districts with sufficient flexibility to accommodate district needs and goals related to developing, supporting, and evaluating principals.

**EFFECTIVE DATE.** This section is effective July 1, 2023.

Sec. 50. Minnesota Statutes 2020, section 125A.08, is amended to read:

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

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

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

(1) all students with disabilities are provided the special instruction and services which are appropriate to their needs. Where the individualized education program team has determined appropriate goals and objectives based on the student's needs, including the extent to which the student can be included in the least restrictive environment, and where there are essentially equivalent and effective instruction, related services, or assistive technology devices available to meet the student's needs, cost to the district may be among the factors considered by the team in choosing how to provide the appropriate services, instruction, or devices that are to be made part of the student's individualized education program. The individualized education program team shall consider and may authorize services covered by medical assistance according to section 256B.0625, subdivision 26. Before a school district evaluation team makes a determination of other health disability under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation team must seek written documentation of the student's medically diagnosed chronic or acute health condition signed by a licensed physician or a licensed health care provider acting within the scope of the provider's practice. The student's needs and the special education instruction and services to be provided must be agreed upon through the development of an individualized education program. The program must address the student's need to develop skills to live and work as independently as possible within the community. The individualized education program team must consider positive behavioral interventions, strategies, and supports that address behavior needs for children. During grade 9, the program must address the student's needs for transition from secondary services to postsecondary education and training, employment, community participation, recreation, and leisure and home living. In developing the program, districts must inform parents of the full range of transitional goals and related services that should be considered. The program must include a statement of the needed transition services, including a statement of the interagency responsibilities or linkages or both before secondary services are concluded. If the individualized education program meets the plan components in section 120B.125, the individualized education program satisfies the requirement and no additional transition plan is needed;

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

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

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

(5) to the maximum extent appropriate, children with a disability, including those in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with a disability from the regular educational environment occurs only when and to the extent that the nature or severity of the disability is such that education in regular classes with the use of supplementary services cannot be achieved satisfactorily;

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

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

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

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

(2) before beginning work alone with an individual student with a disability, the assigned paraprofessional must be either given paid time, or time during the school day, to review a student's individualized education program or be briefed on the student's specific needs by appropriate staff;

~~(2)~~ (3) annual training opportunities are required to enable the paraprofessional to continue to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding disabilities, the unique and individual needs of each student according to the student's disability and how the disability affects the student's education and behavior, following lesson plans, and implementing follow-up instructional procedures and activities; ~~and~~

(4) a minimum of 16 hours of paid orientation or professional development must be provided annually to all paraprofessionals, Title I aides, and other instructional support staff. Eight of the 16 hours must be completed before the first instructional day of the school year or within 30 days of hire. The orientation or professional development must be relevant to the employee's occupation and may include collaboration time with classroom teachers and planning for the school year. For paraprofessionals who provide direct support to students, at least 50 percent of the professional development or orientation must be dedicated to meeting the requirements of this section. Professional development for paraprofessionals may also address the requirements of section 120B.363, subdivision 3. A school administrator must provide an annual certification of compliance with this requirement to the commissioner; and

~~(3)~~ (5) a districtwide process obligates each paraprofessional to work under the ongoing direction of a licensed teacher and, where appropriate and possible, the supervision of a school nurse.

(d) A school district may conduct a functional behavior assessment as defined in Minnesota Rules, part 3525.0210, subpart 22, as a stand-alone evaluation without conducting a comprehensive evaluation of the student in accordance with prior written notice provisions in section 125A.091, subdivision 3a. A parent or guardian may request that a school district conduct a comprehensive evaluation of the parent's or guardian's student.

Sec. 51. Minnesota Statutes 2020, section 179A.03, subdivision 19, is amended to read:

Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment" means the hours of employment, the compensation therefor including fringe benefits except retirement contributions or benefits other than employer payment of, or contributions to, premiums for group insurance coverage of retired employees or severance pay, class sizes in Minnesota school districts and charter schools, student testing, student to personnel ratios in Minnesota school districts, and the employer's personnel policies affecting the working conditions of the employees. In the case of professional employees the term does not mean educational policies of a school district. "Terms and conditions of employment" is subject to section 179A.07.

Sec. 52. **REPEALER.**

Minnesota Statutes 2020, sections 122A.091, subdivisions 3 and 6; 122A.092; 122A.18, subdivision 7c; 122A.184, subdivision 3; 122A.23, subdivision 3; and 122A.2451, are repealed.

#### ARTICLE 4 CHARTER SCHOOLS

Section 1. Minnesota Statutes 2020, section 124E.02, is amended to read:

##### **124E.02 DEFINITIONS.**

(a) For purposes of this chapter, the terms defined in this section have the meanings given them.

(b) "Affidavit" means a written statement the authorizer submits to the commissioner for approval to establish a charter school under section 124E.06, subdivision 4, attesting to its review and approval process before chartering a school.

(c) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.

(d) "Charter management organization" means any nonprofit entity that contracts with a charter school board of directors to provide, manage, or oversee all or substantially all of a charter school's educational design or implementation or a charter school's administrative, financial, business, or operational functions.

~~(e)~~ (e) "Control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether by owning voting securities, by contract, or otherwise.

(f) "Education management organization" means any for-profit entity that provides, manages, or oversees all or substantially all of the educational design or implementation for a charter school or a charter school's administrative, financial, business, or operational functions.

~~(g)~~ (g) "Immediate family" means an individual whose relationship by blood, marriage, adoption, or partnership is no more remote than first cousin.

(h) "Online education service provider" means an organization that provides an online learning management system, virtual learning environment, or online student management system for a charter school and services for the implementation and operation of an online education program for the charter school.

~~(i)~~ (i) "Person" means an individual or entity of any kind.

~~(g)~~ (j) "Related party" means an affiliate or immediate relative of the other interested party, an affiliate of an immediate relative who is the other interested party, or an immediate relative of an affiliate who is the other interested party.

~~(h)~~ (k) For purposes of this chapter, the terms defined in section 120A.05 have the same meanings.

Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:

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

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

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

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

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

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

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

(h) A charter school must develop and implement a teacher evaluation and peer review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d). The teacher evaluation process in this paragraph does not create any additional employment rights for teachers.

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

(j) A charter school is subject to and must comply with section 121A.575 and the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56.

(k) A charter school is subject to and must comply with the uniform municipal contracting law according to section 471.345 in the same manner as school districts.

Sec. 3. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to read:

Subd. 8. **English learners.** A charter school is subject to and must comply with the Education for English Learners Act, sections 124D.58 to 124D.64, as though it were a district.

Sec. 4. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to read:

Subd. 9. **Corporal punishment.** A charter school is subject to and must comply with section 121A.58 as though it were a district.

Sec. 5. Minnesota Statutes 2020, section 124E.05, subdivision 4, is amended to read:

Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must include in its application to the commissioner at least the following:

- (1) how the organization carries out its mission by chartering schools;
- (2) a description of the capacity of the organization to serve as an authorizer, including the positions allocated to authorizing duties, the qualifications for those positions, the full-time equivalencies of those positions, and the financial resources available to fund the positions;
- (3) the application and review process the authorizer uses to decide whether to grant charters;
- (4) the type of contract it arranges with the schools it charters to meet the provisions of section 124E.10;
- (5) the process for overseeing the school, consistent with clause (4), to ensure that the schools chartered comply with applicable law and rules and the contract;
- (6) the criteria and process the authorizer uses to approve applications adding grades or sites under section 124E.06, subdivision 5;
- (7) the process for renewing or terminating the school's charter based on evidence showing the academic, organizational, and financial competency of the school, including its success in increasing student achievement and meeting the goals of the charter school agreement; and
- (8) an assurance specifying that the organization is committed to serving as an authorizer ~~for the full five-year term~~ until the commissioner terminates the organization's ability to authorize charter schools under subdivision 6 or the organization formally withdraws as an approved authorizer under subdivision 7.

(b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict of interest between an authorizer and its charter schools or ongoing evaluation or continuing education of an administrator or other professional support staff by submitting to the commissioner a written promise to comply with the requirements.

Sec. 6. Minnesota Statutes 2020, section 124E.05, subdivision 6, is amended to read:

Subd. 6. **Corrective action.** (a) If, consistent with this chapter, the commissioner finds that an authorizer has not met the requirements of this chapter, the commissioner may subject the authorizer to a corrective action plan, which may ~~include terminating the contract with the charter school board of directors of a school it chartered. last no longer than 130 business days.~~ The commissioner may prohibit an authorizer on a corrective plan from accepting a transfer application from a charter school and an application to establish a charter school.

(b) The commissioner must notify the authorizer in writing ~~of~~ that the authorizer has been placed on a corrective plan. The notice must include any findings that may subject the authorizer to corrective action at the conclusion of the corrective plan and the authorizer then has 15 business days to request an informal hearing before the commissioner takes corrective action. The commissioner must hold an informal hearing within 15 business days of the request. If the issues identified as the basis for the corrective action are not resolved at the informal hearing, the authorizer must make the requested improvements and notify the commissioner of the improvements within 45 business days. Within 20 business days, the commissioner must review the changes and notify the authorizer of any remaining issues to be resolved. An authorizer must address the remaining issues as directed by the commissioner within 20 business days. Within 15 business days, the commissioner must review the changes and notify the authorizer whether all issues in the corrective plan have been resolved.

~~(c)~~ If the commissioner terminates a contract between an authorizer and a charter school under this paragraph the authorizer's ability to charter a school, the commissioner ~~may~~ must assist the affected charter school in acquiring a new authorizer. A charter school board of directors may submit to the commissioner a request to transfer to a new authorizer without the approval or consent of the current authorizer if that authorizer has been under a corrective action plan for more than 130 business days.

~~(b)~~ (d) The commissioner may at any time take corrective action against an authorizer, including terminating an authorizer's ability to charter a school, terminating a contract with a charter school, and other appropriate sanctions for:

(1) failing to demonstrate the criteria under subdivision 3 under which the commissioner approved the authorizer;

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

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

(4) any good cause shown that gives the commissioner a legally sufficient reason to take corrective action against an authorizer; or

(5) failing to meet the terms of a corrective action plan by the specified deadline.

**EFFECTIVE DATE.** This section is effective July 1, 2021.

Sec. 7. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw as an approved authorizer for a reason unrelated to any cause under section ~~124E.10, subdivision 4~~ 124E.07, subdivision 6, the authorizer must notify all its chartered schools and the commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30 in the next calendar year, ~~regardless of when the authorizer's five-year term of approval ends.~~ Upon notification of the schools and commissioner, the authorizer must provide a letter to the school for distribution to families of students enrolled in the school that explains the decision to withdraw as an authorizer. The commissioner may approve the transfer of a charter school to a new authorizer under section 124E.10, subdivision 5.

Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an application from a charter school developer, may charter either a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the authorizer's affidavit under subdivision 4.

(b) "Application" under this section means the charter school business plan a charter school developer submits to an authorizer for approval to establish a charter school. This application must include:

(1) the school developer's:

(i) mission statement;

(ii) school purposes;

(iii) program design;



(iv) financial plan;

(v) market need and demand study;

~~(vi)~~ (vi) governance and management structure; and

~~(vii)~~ (vii) background and experience;

(2) any other information the authorizer requests; and

(3) a "statement of assurances" of legal compliance prescribed by the commissioner.

(c) "Market need and demand study" means a study that includes the following for any proposed location of a new school, grade or site expansion, or preschool program:

(1) current and projected demographic information;

(2) student enrollment patterns;

(3) information on existing schools and types of educational programs currently available;

(4) characteristics of proposed students and families;

(5) availability of properly zoned and classified facilities; and

(6) quantification of existing demand for the new school, grade or site expansion, or preschool program.

~~(d)~~ (d) An authorizer shall not approve an application submitted by a charter school developer under paragraph (a) if the application does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit submitted by an authorizer under subdivision 4 if the affidavit does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

Sec. 9. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:

Subd. 4. **Authorizer's affidavit; approval process.** (a) Before an operator may establish and operate a school, the authorizer must file an affidavit with the commissioner stating its intent to charter a school. An authorizer must file a separate affidavit for each school it intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of the year the new charter school plans to serve students. The affidavit must state:

(1) the terms and conditions under which the authorizer would charter a school, including market research that addresses the need, demand, and potential market for the proposed charter school in the community where the school intends to locate; and

(2) how the authorizer intends to oversee:

(i) the fiscal and student performance of the charter school; and

(ii) compliance with the terms of the written contract between the authorizer and the charter school board of directors under section 124E.10, subdivision 1.

(b) The commissioner must approve or disapprove the authorizer's affidavit within 60 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business days to address the deficiencies. The commissioner must notify the authorizer of the commissioner's final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction, the commissioner's disapproval is final. An authorizer who fails to obtain the commissioner's approval is precluded from chartering the school that is the subject of this affidavit.

Sec. 10. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to amend the school charter to add grades or primary enrollment sites beyond those defined in the original affidavit approved by the commissioner. After approving the school's application, the authorizer shall submit a supplemental affidavit in the form and manner prescribed by the commissioner. The authorizer must file a supplemental affidavit to the commissioner by October 1 to be eligible to add grades or sites in the next school year. The supplemental affidavit must document to the authorizer's satisfaction:

(1) the need for the additional grades or sites with supporting long-range enrollment projections;

(2) a longitudinal record of student academic performance and growth on statewide assessments under chapter 120B or on other academic assessments that measure longitudinal student performance and growth approved by the charter school's board of directors and agreed upon with the authorizer;

(3) a history of sound school finances and a plan to add grades or sites that sustains the school's finances; ~~and~~

(4) board capacity to administer and manage the additional grades or sites; and

(5) market need and demand study.

(b) The commissioner shall have 30 business days to review and comment on the supplemental affidavit. The commissioner shall notify the authorizer in writing of any deficiencies in the supplemental affidavit and the authorizer then has 20 business days to address any deficiencies in the supplemental affidavit to the commissioner's satisfaction. The commissioner must notify the authorizer of final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. The school may not add grades or sites until the commissioner has approved the supplemental affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

Sec. 11. Minnesota Statutes 2020, section 124E.11, is amended to read:

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

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

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

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

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

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

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

(d) Admission to a charter school must be free to any person who resides within the state of Minnesota, and Minnesota students have preference over out-of-state residents. A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil is at least six years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed kindergarten; except that a charter school may establish and publish on its website a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).

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

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

(g) Once a student is enrolled in the school, the student is considered enrolled in the school until the student formally withdraws or is expelled under the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56.

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

Sec. 12. Minnesota Statutes 2020, section 124E.12, subdivision 1, is amended to read:

Subdivision 1. **Teachers.** A charter school must employ necessary teachers or contract with a cooperative formed under chapter 308A to provide necessary teachers, as defined by section ~~122A.15, subdivision 1~~ 122A.06, subdivision 2, who hold valid licenses to perform the particular service for which they are employed in the school. The commissioner may reduce the charter school's state aid under section 127A.43 if the school employs a teacher who is not appropriately licensed or approved by the Professional Educator Licensing and Standards Board. The school may employ necessary employees who are not required to hold teaching licenses to perform duties other than teaching and may contract for other services. The school may discharge teachers and nonlicensed employees. The charter school board is subject to section 181.932 governing whistle-blowers. When offering employment to a prospective employee, a charter school must give that employee a written description of the terms and conditions of employment and the school's personnel policies.

Sec. 13. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

Subdivision 1. **Leased space.** A charter school may lease space from: an independent or special school board; other public organization; private, nonprofit, nonsectarian organization; private property owner; or a sectarian organization; and if the leased space is owned by the lessor and is constructed as a school facility. The commissioner must review and approve or disapprove leases in a timely manner to determine eligibility for lease aid under section 124E.22.

Sec. 14. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district, except as required under this subdivision. Audits must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing auditing procedures. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing municipal contracting. The audit must comply with the requirements of sections 123B.75 to 123B.83 governing school district finance, except when the commissioner and authorizer approve a deviation made necessary because of school program finances. The commissioner, state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(b) The charter school must submit an audit report to the commissioner and its authorizer annually by December 31. The charter school's charter management organization or educational management organization must submit an audit report to the commissioner annually by December 31.

(c) The charter school, with the assistance of the auditor conducting the audit, must include with the report, as supplemental information: (1) a copy of management agreements with a charter management organization or an educational management organization and (2) service agreements or contracts over the lesser of \$100,000 or ten percent of the school's most recent annual audited expenditures. The agreements must detail the terms of the agreement, including the services provided and the annual costs for those services. If the entity that provides the professional services to the charter school is exempt from taxation under section 501 of the Internal Revenue Code of 1986, that entity must file with the commissioner by February 15 a copy of the annual return required under section 6033 of the Internal Revenue Code of 1986.

(d) A charter school independent audit report shall include audited financial data of an affiliated building corporation under section 124E.13, subdivision 3, or other component unit.

(e) If the audit report finds that a material weakness exists in the financial reporting systems of a charter school, the charter school must submit a written report to the commissioner explaining how the charter school will resolve that material weakness. An auditor, as a condition of providing financial services to a charter school, must agree to make available information about a charter school's financial audit to the commissioner and authorizer upon request.

Sec. 15. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods occurring after the school ceases serving students, the commissioner shall withhold the estimated state aid owed the school. The charter school board of directors and authorizer must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial information about the school's liabilities and assets. After receiving the closure plan, financial information, an audit of pupil counts, and documented lease expenditures from the charter school and monitoring special education expenditures, the commissioner may release cash withheld and may continue regular payments up to the current year

payment percentages if further amounts are owed. If, based on audits and monitoring, the school received state aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to eliminate the aid overpayment.

(b) For a charter school ceasing operations before or at the end of a school year, notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary final payments after the school submits the closure plan, an audit of pupil counts, documented lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS) financial data and the commissioner monitors special education expenditures for the final year of operation. The commissioner may make the final payment after receiving audited financial statements under section 123B.77, subdivision 3.

(c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and satisfying creditors, remaining cash and investment balances shall be returned by the commissioner to the state general fund.

#### ARTICLE 5 SPECIAL EDUCATION

Section 1. Minnesota Statutes 2020, section 122A.31, subdivision 1, is amended to read:

Subdivision 1. **Requirements for American sign language/English interpreters.** (a) In addition to any other requirements that a school district establishes, any person employed to provide American sign language/English interpreting or sign transliterating services on a full-time or part-time basis for a school district after July 1, 2000, must:

(1) hold current interpreter ~~and~~ or transliterator certificates awarded by the Registry of Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded by the National Association of the Deaf (NAD), or a comparable state certification from the commissioner of education; ~~and~~

~~(2) satisfactorily complete an interpreter/transliterator training program affiliated with an accredited educational institution; or~~

(2) hold a certified deaf interpreter certification issued by RID.

(b) New graduates of an interpreter/transliterator program affiliated with an accredited education institution or certified deaf interpreters who hold a certification issued by RID shall be granted a two-year provisional certificate by the commissioner. During the two-year provisional period, the interpreter/transliterator must develop and implement an education plan in collaboration with a mentor under paragraph (c).

(c) A mentor of a provisionally certified interpreter/transliterator must be an interpreter/transliterator who has either NAD level IV or V certification or RID certified interpreter and certified transliterator certification and have at least three years of of interpreting/transliterating experience in any educational setting. The mentor, in collaboration with the provisionally certified interpreter/transliterator, shall develop and implement an education plan designed to meet the requirements of paragraph (a), clause (1), and include a weekly on-site mentoring process.

(d) Consistent with the requirements of this paragraph, a person holding a provisional certificate may apply to the commissioner for one time-limited extension. The commissioner, in consultation with the Commission of the Deaf, DeafBlind and Hard of Hearing, must grant the person a time-limited extension of the provisional certificate based on the following documentation:

(1) letters of support from the person's mentor, a parent of a pupil the person serves, the special education director of the district in which the person is employed, and a representative from the regional service center of the deaf and hard-of-hearing;

- (2) records of the person's formal education, training, experience, and progress on the person's education plan; and
- (3) an explanation of why the extension is needed.

As a condition of receiving the extension, the person must comply with a plan and the accompanying time line for meeting the requirements of this subdivision. A committee composed of the deaf and hard-of-hearing state specialist, a representative of the Minnesota Association of Deaf Citizens, a representative of the Minnesota Registry of Interpreters ~~of~~ for the Deaf, and other appropriate ~~persons~~ committee members selected by the commissioner must develop the plan and time line for the person receiving the extension.

(e) A school district may employ only an interpreter/transliterater who has been certified under paragraph (a) or (b), or for whom a time-limited extension has been granted under paragraph (d).

(f) An interpreter who meets the requirements of paragraph (a) is "essential personnel" as defined in section 125A.76, subdivision 1.

## Sec. 2. STUDENTS WITH DISABILITIES.

Subdivision 1. **On-site instruction.** A school board developing or updating a plan to provide on-site instruction to students must prioritize on-site instruction for a student whose individualized education program requires instruction in a federal level three or four setting or who is not demonstrating progress on an individualized education program while not receiving on-site instruction and a student with a disability who is also identified as an English learner in accordance with Minnesota Statutes, section 124D.59.

Subd. 2. **Home visits.** A school district may provide services required by an individualized education program to a student at the student's home. If a district chooses to provide services at a student's home under this subdivision, the services provided by district staff under this subdivision are determined necessary and essential to meet the district's obligation to provide special instruction and services to a student with a disability and qualify for funding in accordance with Minnesota Statutes, chapter 125A. A district choosing to provide the home visit services must meet and negotiate the terms and conditions of employment with the exclusive representative, if any, of the staff providing the services in accordance with Minnesota Statutes, chapter 179A.

Subd. 3. **Truancy.** A school district must consider how a student's disability may affect the student's ability to engage in distance instruction when determining whether to refer a student for truancy programs and services under Minnesota Statutes, section 260A.02, subdivision 3, or reporting students for educational neglect under Laws 2020, First Special Session chapter 2, article 7. School districts are encouraged to connect families with available county-based services, not including services under chapter 260A, to meet families' needs if a student is struggling with attendance.

Subd. 4. **Transition program.** A school district must allow a student participating in a special education secondary transition program for a student with a disability and age 18 through 21 who was expected to participate in employment, in-person job training, or independent life skills training during the 2020-2021 school year in accordance with the student's individualized education program, to participate during the 2021-2022 school year notwithstanding the student's age if the student's individualized education program team determines participation in the transition program would be appropriate.

**EFFECTIVE DATE.** This section is effective the day following final enactment and sunsets at the end of the 2021-2022 school year.

ARTICLE 6  
HEALTH AND SAFETY

Section 1. Minnesota Statutes 2020, section 120B.21, is amended to read:

**120B.21 MENTAL HEALTH EDUCATION.**

School districts and charter schools ~~are encouraged to~~ must provide mental health instruction for students in grades 4 through 12 aligned with local health education standards and integrated into existing programs, curriculum, or the general school environment activities of a district or charter school. The commissioner, in consultation with the commissioner of human services, commissioner of health, and mental health organizations, ~~must, by July 1, 2020, and July 1 of each even numbered year thereafter,~~ provide districts and charter schools with resources gathered by Minnesota mental health advocates, including:

(1) age-appropriate model learning activities for grades 4 through 12 that encompass the mental health components of the National Health Education Standards and the benchmarks developed by the department's quality teaching network in health and best practices in mental health education; and

(2) a directory of resources for planning and implementing age-appropriate mental health curriculum and instruction in grades 4 through 12 that includes resources on suicide and self-harm prevention. A district or charter school providing instruction or presentations on preventing suicide or self-harm must use either the resources provided by the commissioner or other evidence-based instruction.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools ~~are encouraged to~~ must provide developmentally appropriate programmatic instruction to help students identify, prevent, and reduce prohibited conduct; ~~value diversity in school and society; develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct; and make effective prevention and intervention programs available to students. Upon request, the school safety technical assistance center under section 127A.052 must assist a district or school in helping students understand social media and cyberbullying. Districts and schools must establish~~ by establishing strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

(b) Districts and schools ~~are encouraged to~~ must:

(1) engage all students in creating a safe and supportive school environment;

(2) partner with parents and other community members to develop and implement prevention and intervention programs;

(3) engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;

(4) train student bystanders to intervene in and report incidents of prohibited conduct to the school's primary contact person;

(5) teach students to advocate for themselves and others;

- (6) prevent inappropriate referrals to special education of students who may engage in prohibited conduct; and
- (7) foster student collaborations that foster a safe and supportive school climate.

Sec. 3. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

Subd. 6. **State model policy.** (a) The commissioner, in consultation with the commissioner of human rights, shall develop and maintain a state model policy. A district or school that does not adopt and implement a local policy under subdivisions 3 to 5 must implement and may supplement the provisions of the state model policy. The commissioner must assist districts and schools under this subdivision to implement the state policy. The state model policy must:

- (1) define prohibited conduct, consistent with this section;
- (2) apply the prohibited conduct policy components in this section;

(3) for a child with a disability, whenever an evaluation by an individualized education program team or a section 504 team indicates that the child's disability affects the child's social skills development or the child is vulnerable to prohibited conduct because of the child's disability, the child's individualized education program or section 504 plan may address the skills and proficiencies the child needs to not engage in and respond to such conduct; and

(4) encourage violence prevention and character development education programs under section 120B.232, subdivision 1.

(b) The commissioner shall develop and post departmental procedures for:

- (1) periodically reviewing district and school programs and policies for compliance with this section;
- (2) investigating, reporting, and responding to noncompliance with this section, which may include an annual review of plans to improve and provide a safe and supportive school climate; and
- (3) allowing students, parents, and educators to file a complaint about noncompliance with the commissioner.

(c) The commissioner must post on the department's website information indicating that when districts and schools allow non-curriculum-related student groups access to school facilities, the district or school must give all student groups equal access to the school facilities regardless of the content of the group members' speech.

(d) The commissioner must develop and maintain resources to assist a district or school in implementing strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

(e) The commissioner must develop and adopt state-level social-emotional learning standards.

Sec. 4. **[121A.20] SCHOOL MENTAL HEALTH SYSTEMS.**

Mental health is defined as the social, emotional, and behavioral well-being of students. Comprehensive school mental health systems provide an array of supports and services that promote positive school climate, social-emotional learning, and mental health and well-being, while reducing the prevalence and severity of mental illness. School mental health systems are built on a strong foundation of district and school professionals, including administrators, educators, and specialized instructional support personnel including school psychologists, school



social workers, school counselors, school nurses, and other school health professionals, all in strategic partnership with students and families, as well as community health and mental health partners. School mental health systems also assess and address the social and environmental factors that impact mental health, including public policies and social norms that shape mental health outcomes.

Sec. 5. **[121A.201] MULTI-TIERED SYSTEM OF SUPPORTS.**

The Minnesota Multi-Tiered System of Supports is a systemic, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. The Multi-Tiered System of Supports provides access to layered tiers of culturally and linguistically responsive, evidence-based practices. The Multi-Tiered System of Supports framework relies on the understanding and belief that every student can learn and thrive, and it engages an anti-racist approach to examining policies and practices and ensuring equitable distribution of resources and opportunity. This systemic framework requires:

(1) design and delivery of culturally and linguistically responsive, effective, standards-based core instruction in safe, supportive environments inclusive of every student as a necessary foundation for tiered supports;

(2) layered tiers of culturally and linguistically responsive supplemental and intensive supports to meet each student's needs;

(3) developing collective knowledge and experience through engagement in representative partnerships with students, education professionals, families, and communities;

(4) multidisciplinary teams of education professionals that review and use data to prevent and solve problems, inform instruction and supports, and ensure effective implementation in partnership with students and families;

(5) effective and timely use of meaningful, culturally relevant data disaggregated by student groups identified in section 121A.031 that includes but is not limited to universal screening, frequent progress monitoring, implementation fidelity, and multiple qualitative and quantitative sources; and

(6) ongoing professional learning on the Multi-Tiered System of Supports systemic framework using anti-racist approaches to training and coaching.

Sec. 6. **[121A.24] SEIZURE TRAINING AND ACTION PLAN.**

Subdivision 1. **Seizure action plan.** (a) For purposes of this section, "seizure action plan" means a written individualized health plan designed to acknowledge and prepare for the health care needs of a student with a seizure disorder diagnosed by the student's treating licensed health care provider.

(b) The requirements of this subdivision apply to a school district or charter school where an enrolled student's parent or guardian has notified the school district or charter school that the student has a diagnosed seizure disorder and has seizure rescue medication or medication prescribed by the student's licensed health care provider to treat seizure disorder symptoms approved by the United States Food and Drug Administration. The parent or guardian of a student with a diagnosed seizure disorder must collaborate with school personnel to implement the seizure action plan.

(c) A seizure action plan must:

(1) identify a school nurse or a designated individual at each school site who is on duty during the regular school day and can administer or assist with the administration of seizure rescue medication or medication prescribed to treat seizure disorder symptoms approved by the United States Food and Drug Administration;

(2) require training on seizure medications for an employee identified under clause (1), recognition of signs and symptoms of seizures, and appropriate steps to respond to seizures;

(3) be provided to the person identified under clause (1); and

(4) be filed in the office of the school principal or licensed school nurse or, in the absence of a licensed school nurse, a professional nurse or designated individual.

(d) A school district or charter school employee or volunteer responsible for the supervision or care of a student with a diagnosed seizure disorder must be given notice and a copy of the seizure action plan, the name or position of the employee identified under paragraph (c), clause (1), and the method by which the trained school employee may be contacted in an emergency.

Subd. 2. **Training requirements.** A school district or charter school must provide all licensed school nurses or, in the absence of a licensed school nurse, a professional nurse or designated individual, and other school staff working with students with self-study materials on seizure disorder signs, symptoms, medications, and appropriate responses.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 7. **[127A.20] COMPREHENSIVE SCHOOL MENTAL HEALTH SERVICES LEAD.**

Subdivision 1. **Lead position established.** The department must employ a lead to serve as a source of information and support for schools in addressing students' mental health needs and developing comprehensive school mental health systems.

Subd. 2. **Assistance to districts.** (a) The lead must assist schools in assessing the quality of their comprehensive school mental health systems and developing improvement plans to implement evidence-based mental health resources, tools, and practices in school districts throughout Minnesota.

(b) The comprehensive school mental health services lead must work with school districts to improve mental health infrastructure support by:

(1) developing guidance and sharing resources on improving the quality of comprehensive school mental health systems;

(2) developing and sharing resources on evidence-based strategies, behavioral interventions, and practices or techniques for addressing students' mental health needs, including implementing a comprehensive approach to suicide prevention;

(3) maintaining a list of local, state, and national mental health resources for school districts, including public and private funding opportunities, community-based prevention and intervention services, model policies, training for teachers and other district staff, and other resources for mental health education under section 120B.21;

(4) providing advice, upon request, to school districts on implementing trauma-informed and culturally responsive school-based programs that provide prevention or intervention services to students;

(5) posting resources on the department's website that school districts may use to address students' mental health needs; and

(6) maintaining a comprehensive list of school district best practices to address students' mental health needs.

(c) The lead may report to the legislature as necessary regarding students' mental health needs, challenges in developing comprehensive school mental health services, successful strategies and outcomes, and recommendations for integrating mental health services and supports in schools.

Subd. 3. **Coordination with other agencies.** The comprehensive school mental health services lead must consult with the Regional Centers of Excellence; the Department of Health; the Department of Human Services; the Minnesota School Safety Center; and other federal, state, and local agencies as necessary to identify or develop information, training, and resources to help school districts support students' mental health needs.

**EFFECTIVE DATE.** This section is effective July 1, 2021.

ARTICLE 7  
NUTRITION AND LIBRARIES

Section 1. Minnesota Statutes 2020, section 124D.111, is amended to read:

**124D.111 SCHOOL MEAL POLICY; LUNCH AID; FOOD SERVICE ACCOUNTING.**

Subdivision 1. **School lunch-aid-computation meal policy.** (a) Each Minnesota sponsor of the national school lunch program or school breakfast program must adopt and post to its website, or the website of the organization where the meal is served, a school meal policy. The policy must:

(1) be in writing, accessible in multiple languages, and clearly communicate student meal charges when payment cannot be collected at the point of service;

(2) be reasonable and well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing any student;

(3) address whether the sponsor uses a collection agency to collect unpaid school meal debt;

(4) require any communication to collect unpaid school meal debt be done by school staff trained on the school district's policy on collecting student meal debt;

(5) require that all communication relating to school meal debt be delivered only to a student's parent or guardian and not directly to the student;

(6) ensure that once a sponsor has placed a meal on a tray or otherwise served a reimbursable meal to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official because the student has outstanding meal debt;

(7) ensure that a student who has been determined eligible for free and reduced-price lunch must always be served a reimbursable meal even if the student has outstanding debt;

(8) provide the third-party provider with its school meal policy if the school contracts with a third-party provider for its meal services; and

(9) require school nutrition staff be trained on the policy.

(b) Any contract between a school and a third-party provider of meal services entered into or modified on or after July 1, 2021, must ensure that the third-party provider adheres to the sponsor's school meal policy.

**Subd. 1a. School lunch aid amounts.** Each school year, the state must pay ~~participants~~ sponsors in the national school lunch program the amount of 12.5 cents for each full paid and free student lunch and 52.5 cents for each reduced-price lunch served to students.

**Subd. 2. Application.** A school district, charter school, nonpublic school, or other ~~participant~~ sponsor in the national school lunch program shall apply to the department for this payment on forms provided by the department.

**Subd. 2a. Federal Child and Adult Care Food Program; criteria and notice.** The commissioner must post on the department's website eligibility criteria and application information for nonprofit organizations interested in applying to the commissioner for approval as a multisite sponsoring organization under the federal Child and Adult Care Food Program. The posted criteria and information must inform interested nonprofit organizations about:

(1) the criteria the commissioner uses to approve or disapprove an application, including how an applicant demonstrates financial viability for the Minnesota program, among other criteria;

(2) the commissioner's process and time line for notifying an applicant when its application is approved or disapproved and, if the application is disapproved, the explanation the commissioner provides to the applicant; and

(3) any appeal or other recourse available to a disapproved applicant.

**Subd. 3. School food service fund.** (a) The expenses described in this subdivision must be recorded as provided in this subdivision.

(b) In each district, the expenses for a school food service program for pupils must be attributed to a school food service fund. Under a food service program, the school food service may prepare or serve milk, meals, or snacks in connection with school or community service activities.

(c) Revenues and expenditures for food service activities must be recorded in the food service fund. The costs of processing applications, accounting for meals, preparing and serving food, providing kitchen custodial services, and other expenses involving the preparing of meals or the kitchen section of the lunchroom may be charged to the food service fund or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial services, lunchroom utilities, and other administrative costs of the food service program must be charged to the general fund.

That portion of superintendent and fiscal manager costs that can be documented as attributable to the food service program may be charged to the food service fund provided that the school district does not employ or contract with a food service director or other individual who manages the food service program, or food service management company. If the cost of the superintendent or fiscal manager is charged to the food service fund, the charge must be at a wage rate not to exceed the statewide average for food service directors as determined by the department.

(d) Capital expenditures for the purchase of food service equipment must be made from the general fund and not the food service fund, unless the restricted balance in the food service fund at the end of the last fiscal year is greater than the cost of the equipment to be purchased.

(e) If the condition set out in paragraph (d) applies, the equipment may be purchased from the food service fund.

(f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit is not eliminated by revenues from food service operations in the next fiscal year, then the deficit must be eliminated by a permanent fund transfer from the general fund at the end of that second fiscal year. However, if a district contracts with a food service management company during the period in which the deficit has accrued, the deficit must be eliminated by a payment from the food service management company.

(g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund for up to three years without making the permanent transfer if the district submits to the commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at the end of the third fiscal year.

(h) If a surplus in the food service fund exists at the end of a fiscal year for three successive years, a district may recode for that fiscal year the costs of lunchroom supervision, lunchroom custodial services, lunchroom utilities, and other administrative costs of the food service program charged to the general fund according to paragraph (c) and charge those costs to the food service fund in a total amount not to exceed the amount of surplus in the food service fund.

Subd. 4. **No fees.** A participant sponsor that receives school lunch aid under this section must make lunch meals available without charge and must not deny a school lunch or breakfast to all participating students who qualify for free or reduced-price meals, whether or not the student has an outstanding balance in the student's meal account attributable to a la carte purchases or for any other reason. The participant sponsor must also ensure that any reminders for payment of outstanding student meal balances do not demean or stigmatize any child participating in the school lunch program or school breakfast program.

Subd. 5. **Respectful treatment.** (a) The sponsor must also provide meals to students in a respectful manner according to the policy adopted under subdivision 1. The sponsor must not impose any other restriction prohibited under section 123B.37 due to unpaid student meal debt. The sponsor must not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal debt.

(b) If the commissioner or the commissioner's designee determines a sponsor has violated the requirement to provide meals to participating students in a respectful manner, the commissioner or the commissioner's designee must send a letter of noncompliance to the sponsor. The sponsor is required to respond and, if applicable, remedy the practice within 60 days.

Subd. 6. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "A la carte" means a food item ordered separately from the school meal.

(c) "School meal" means a meal provided to students during the school day.

**EFFECTIVE DATE.** This section is effective July 1, 2021.

## Sec. 2. **[124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

Subdivision 1. **Definition.** A school district or charter school library or school library media center provides equitable and free access to students, teachers, and administrators and must:

(1) ensure every student has equitable access to resources and is able to locate, access, and use on-site resources that are organized and cataloged;

(2) have a collection development policy that includes but is not limited to materials selection and de-selection, a challenged materials procedure, and an intellectual and academic freedom statement;

(3) be housed in a central location that provides an environment for expanded learning to meet the unique needs and interests of individual students; and

(4) have technology tools and broadband access.

Subd. 2. **Services.** The school district or charter school library or school library media center must employ a licensed school library media specialist or licensed school librarian who:

(1) provides instruction for students;

(2) provides staff training on the use of new resources and equipment;

(3) provides instructional support for and collaboration with teachers of all disciplines;

(4) participates in school-wide technology and communications planning and promotes its integration into all instructional programs; and

(5) models and supports the ethical use of information, adherence to copyright laws, and respect for intellectual property.

Sec. 3. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall be provided to any regional public library system where there are at least three participating counties and where each participating city and county is providing for public library service support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted net tax capacity of the taxable property of that city or county, as determined by the commissioner of revenue for the second, third, and fourth year preceding that calendar year or (b) a per capita amount calculated under the provisions of this subdivision. The per capita amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the per capita amount shall be increased by a percentage equal to one-half of the percentage by which the total state adjusted net tax capacity of property as determined by the commissioner of revenue for the second year preceding that calendar year increases over that total adjusted net tax capacity for the third year preceding that calendar year.

(b) The minimum level of support specified under this subdivision or subdivision 4 shall be certified annually to the participating cities and counties by the Department of Education. If a city or county chooses to reduce its local support in accordance with subdivision 4, paragraph (b) or (c), it shall notify its regional public library system. The regional public library system shall notify the Department of Education that a revised certification is required. The revised minimum level of support shall be certified to the city or county by the Department of Education.

(c) A city which is a part of a regional public library system shall not be required to provide this level of support if the property of that city is already taxable by the county for the support of that regional public library system. In no event shall the Department of Education require any city or county to provide a higher level of support than the level of support specified in this section in order for a system to qualify for regional library basic system support aid. This section shall not be construed to prohibit a city or county from providing a higher level of support for public libraries than the level of support specified in this section.

(d) The amounts required to be expended under this section are subject to the reduced maintenance of effort requirements in section 275.761.

## ARTICLE 8 FACILITIES

### Section 1. [121A.336] NOTIFICATION OF ENVIRONMENTAL HAZARDS.

Upon notification by the Department of Health or Pollution Control Agency to a school district, charter school, or nonpublic school of environmental hazards that may affect the health of students or school staff, the school must notify school staff, students, and parents of the hazards as soon as practicable. The notice must include direction on how to obtain additional information about the hazard, including any actions that may reduce potential harm to those affected by the hazard.

ARTICLE 9  
STATE AGENCIES

Section 1. Minnesota Statutes 2020, section 122A.07, subdivision 1, is amended to read:

Subdivision 1. **Appointment of members.** The Professional Educator Licensing and Standards Board consists of ~~14~~ 13 members appointed by the governor, with the advice and consent of the senate. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements are as provided in sections 214.07 to 214.09. ~~No member may be reappointed for more than one additional term~~ A member must not serve more than two consecutive terms.

Sec. 2. Minnesota Statutes 2020, section 122A.07, subdivision 2, is amended to read:

Subd. 2. **Eligibility; board composition.** Each ~~nominee~~ appointee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure. The board must be composed of:

(1) ~~six~~ seven teachers who are currently teaching in a Minnesota school ~~or who were teaching at the time of the appointment~~, have at least five years of teaching experience, and ~~were~~ are not serving in ~~an administrative function at a school district or school when appointed~~ a position requiring an administrative license, pursuant to section 122A.14. The ~~six~~ seven teachers must include the following:

(i) one teacher in a charter school;

(ii) one teacher from a school located in the seven-county metropolitan area, as defined in section 473.121, subdivision 2;

(iii) one teacher from a school located outside the seven-county metropolitan area;

(iv) one teacher from a related service category licensed by the board;

(v) one special education teacher; and

(vi) ~~one teacher from a teacher preparation program~~ two teachers licensed in licensure areas that represent current or emerging trends in education;

(2) one educator currently teaching in a Minnesota-approved teacher preparation program;

~~(2)~~ (3) one superintendent ~~that alternates,~~ alternating each term between a superintendent from a school district in the seven-county metropolitan area, as defined in section 473.121, subdivision 2, and a superintendent from a school district outside the metropolitan area;

~~(3)~~ (4) one school district human resources director;

(4) (5) one ~~administrator of a cooperative unit under section 123A.24, subdivision 2,~~ educator who oversees a special education program and who works closely with a cooperative unit under section 123A.24, subdivision 2;

~~(5)~~ (6) one principal ~~that alternates,~~ alternating each term between an elementary and a secondary school principal; and

~~(6)~~ (7) one member of the public that may be a current or former school board member.

Sec. 3. Minnesota Statutes 2020, section 122A.07, subdivision 4a, is amended to read:

Subd. 4a. **Administration.** (a) The executive director of the board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director shall maintain the records of the board, account for all fees received by the board, supervise and direct employees servicing the board, and perform other services as directed by the board.

(b) The Department of Administration must provide administrative support in accordance with section 16B.371. The commissioner of administration must assess the board for services it provides under this section.

~~(c) The Department of Education must provide suitable offices and other space to the board at reasonable cost until January 1, 2020. Thereafter, the board may contract with either the Department of Education or the Department of Administration for the provision of suitable offices and other space, joint conference and hearing facilities, and examination rooms.~~

Sec. 4. Minnesota Statutes 2020, section 122A.09, subdivision 4, is amended to read:

Subd. 4. **Licensing.** (a) The Professional Educator Licensing and Standards Board must license teachers, as defined in section 122A.15, subdivision 1, except for supervisory personnel, as defined in section 122A.15, subdivision 2. The board must not delegate its authority to make all licensing decisions with respect to candidates for teacher licensure. The board must evaluate candidates for compliance with statutory or rule requirements for licensure and develop licensure verification requirements.

(b) The Professional Educator Licensing and Standards Board must approve teacher preparation providers seeking to prepare candidates for teacher licensure in Minnesota.

Sec. 5. Minnesota Statutes 2020, section 122A.09, subdivision 6, is amended to read:

Subd. 6. **Register of persons licensed.** ~~The executive director of the Professional Educator Licensing and Standards Board must keep a record of the proceedings of and a register of all persons licensed pursuant to the provisions of this chapter. The register must show the name, address, licenses and permissions held including renewals, and license number and the renewal of the license. The board must on July 1, of each year or as soon thereafter as is practicable, compile a list of such duly licensed teachers. A copy of the register This list must be available during business hours at the office of the board to any interested person on the board's website.~~

Sec. 6. Minnesota Statutes 2020, section 122A.09, subdivision 9, is amended to read:

Subd. 9. **Professional Educator Licensing and Standards Board must adopt and revise rules.** (a) The Professional Educator Licensing and Standards Board must adopt and revise rules subject to the provisions of chapter 14 to implement sections 120B.363, 122A.05 to 122A.09, ~~122A.092~~ 122A.094, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.183, 122A.184, 122A.185, 122A.187, 122A.188, 122A.19, 122A.20, 122A.21, 122A.23, 122A.26, 122A.28, and 122A.29.

(b) The board must adopt and revise rules relating to fields of licensure and grade levels that a licensed teacher may teach, including a process for granting permission to a licensed teacher to teach in a field that is different from the teacher's field of licensure without change to the teacher's license tier level.

~~(c) The board must adopt rules relating to the grade levels that a licensed teacher may teach.~~

~~(d)~~ (c) If a rule adopted by the board is in conflict with a session law or statute, the law or statute prevails. Terms adopted in rule must be clearly defined and must not be construed to conflict with terms adopted in statute or session law.



~~(e)~~ (d) The board must include a description of a proposed rule's probable effect on teacher supply and demand in the board's statement of need and reasonableness under section 14.131.

~~(f)~~ (e) The board must adopt rules only under the specific statutory authority.

Sec. 7. Minnesota Statutes 2020, section 122A.09, subdivision 10, is amended to read:

Subd. 10. **Permissions.** (a) Notwithstanding subdivision 9 and sections 14.055 and 14.056, the Professional Educator Licensing and Standards Board may grant waivers to its rules upon application by a school district or a charter school for purposes of implementing experimental programs in learning or management.

(b) To enable a school district or a charter school to meet the needs of students enrolled in an alternative education program and to enable licensed teachers instructing those students to satisfy content area licensure requirements, the Professional Educator Licensing and Standards Board ~~annually~~ may permit a licensed teacher teaching in an alternative education program to instruct students in a content area for which the teacher is not licensed, consistent with paragraph (a).

(c) A special education license permission issued by the Professional Educator Licensing and Standards Board for a primary employer's low-incidence region is valid in all low-incidence regions.

(d) A candidate that has obtained career and technical education certification may apply for a Tier 1 license under section 122A.181. Consistent with section 136F.361, the Professional Educator Licensing and Standards Board must strongly encourage approved college or university-based teacher preparation programs throughout Minnesota to develop alternative pathways for certifying and licensing high school career and technical education instructors and teachers, allowing such candidates to meet certification and licensure standards that demonstrate their content knowledge, classroom experience, and pedagogical practices and their qualifications based on a combination of occupational testing, professional certification or licensure, and long-standing work experience.

Sec. 8. Minnesota Statutes 2020, section 122A.091, subdivision 1, is amended to read:

Subdivision 1. **Teacher and administrator preparation and performance data; report.** (a) The Professional Educator Licensing and Standards Board and the Board of School Administrators, in cooperation with ~~board-adopted~~ board-approved teacher or administrator preparation programs, annually must collect and report summary data on teacher and administrator preparation and performance outcomes, consistent with this subdivision. The Professional Educator Licensing and Standards Board and the Board of School Administrators annually by ~~June~~ July 1 must update and post the reported summary preparation and performance data on teachers and administrators from the preceding school years on ~~a website hosted jointly by the boards~~ their respective websites.

(b) Publicly reported summary data on teacher preparation ~~programs~~ providers must include:

~~(1) student entrance requirements for each Professional Educator Licensing and Standards Board approved program, including grade point average for enrolling students in the preceding year;~~

~~(2) the average board-adopted skills examination or ACT or SAT scores of students entering the program in the preceding year;~~

~~(3)~~ (1) summary data on ~~faculty~~ all full-time, part-time, and adjunct teacher educator qualifications, including at least the content areas of ~~faculty~~ teacher educator undergraduate and graduate degrees and their years of experience either as ~~kindergarten~~ birth through grade 12 classroom teachers or school administrators;

~~(4) the average time resident and nonresident program graduates in the preceding year needed to complete the program;~~

(2) the current number and percentage of enrolled candidates who entered the program through a transfer pathway disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

~~(5) (3) the current number and percentage of students~~ program completers by program who ~~graduated~~, received a ~~standard Minnesota teaching license, and Tier 3 or Tier 4 license~~ disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(4) the current number and percentage of program completers who entered the program through a transfer pathway and received a Tier 3 or Tier 4 license disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(5) the current number and percentage of program completers who were hired to teach full time in their licensure field in a Minnesota district or school in the preceding year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

~~(6) the number of content area credits and other credits by undergraduate program that students in the preceding school year needed to complete to graduate;~~ the current number and percentage of program completers who entered the program through a transfer pathway and who were hired to teach full time in their licensure field in a Minnesota district or school in the preceding year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

~~(7) students' pass rates on skills pedagogy and subject matter exams required for graduation in each program and licensure area~~ for program completers in the preceding school year;

~~(8) survey results measuring student and graduate satisfaction with the program~~ how prepared program completers felt during their first year of teaching in the preceding school year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

~~(9) a standard measure of the satisfaction of survey results from school principals or supervising teachers with the student teachers assigned to a school or supervising teacher~~ supervisors on how prepared they felt their first-year teachers were in the preceding school year; and

~~(10) information under subdivision 3, paragraphs (a) and (b)~~ the number and percentage of program completers who met or exceed the state threshold score on the board-adopted teacher performance assessment.

Program reporting must be consistent with subdivision 2.

(c) Publicly reported summary data on administrator preparation programs approved by the Board of School Administrators must include:

(1) summary data on faculty qualifications, including at least the content areas of faculty undergraduate and graduate degrees and the years of experience either as kindergarten through grade 12 classroom teachers or school administrators;

(2) the average time program graduates in the preceding year needed to complete the program;

(3) the current number and percentage of students who graduated, received a standard Minnesota administrator license, and were employed as an administrator in a Minnesota school district or school in the preceding year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual;

(4) the number of credits by graduate program that students in the preceding school year needed to complete to graduate;

(5) survey results measuring student, graduate, and employer satisfaction with the program in the preceding school year disaggregated by race, except when disaggregation would not yield statistically reliable results or would reveal personally identifiable information about an individual; and

(6) information under subdivision 3, paragraphs (c) and (d).

Program reporting must be consistent with section 122A.14, subdivision 10.

Sec. 9. Minnesota Statutes 2020, section 122A.091, subdivision 2, is amended to read:

Subd. 2. **Teacher preparation program reporting.** (a) By December 31, 2018, and annually thereafter, the Professional Educator Licensing and Standards Board shall report and publish on its website the cumulative summary results of at least three consecutive years of data reported to the board under subdivision 1, paragraph (b). Where the data are sufficient to yield statistically reliable information and the results would not reveal personally identifiable information about an individual teacher, the board shall report the data by teacher preparation program.

(b) The Professional Educator Licensing and Standards Board must report annually to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education, the following information:

(1) the total number of teacher candidates during the most recent school year taking a board-adopted skills examination;

(2) the number who achieve a qualifying score on the examination;

(3) the number who do not achieve a qualifying score on the examination; and

(4) the number of candidates who have not passed a content or pedagogy exam.

The information reported under this paragraph must be disaggregated by categories of race, ethnicity, and, if applicable, eligibility for financial aid. The report must be submitted in accordance with section 3.195.

Sec. 10. Minnesota Statutes 2020, section 609A.03, subdivision 7a, is amended to read:

Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the Bureau of Criminal Apprehension and collected under authority other than section 299C.105 shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) except as provided in clause (2), an expunged record may be opened, used, or exchanged between criminal justice agencies without a court order for the purposes of initiating, furthering, or completing a criminal investigation or prosecution or for sentencing purposes or providing probation or other correctional services;

(2) when a criminal justice agency seeks access to a record that was sealed under section 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing for lack of probable cause, for purposes of a criminal investigation, prosecution, or sentencing, the requesting agency must obtain an ex parte court order after stating a good-faith basis to believe that opening the record may lead to relevant information;

(3) an expunged record of a conviction may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order;

(4) an expunged record of a conviction may be opened for purposes of a background study under section 245C.08 unless the commissioner had been properly served with notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner of human services;

(5) an expunged record of a conviction may be opened for purposes of a background check required under section 122A.18, subdivision 8, unless the court order for expungement is directed specifically to the Professional Educator Licensing and Standards Board ~~or the licensing division of the Department of Education~~; and

(6) the court may order an expunged record opened upon request by the victim of the underlying offense if the court determines that the record is substantially related to a matter for which the victim is before the court.

(c) An agency or jurisdiction subject to an expungement order shall maintain the record in a manner that provides access to the record by a criminal justice agency under paragraph (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau of Criminal Apprehension shall notify the commissioner of human services, ~~or the Professional Educator Licensing and Standards Board, or the licensing division of the Department of Education~~ of the existence of a sealed record and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to the expungement order shall provide access to the record to the commissioner of human services, ~~or the Professional Educator Licensing and Standards Board, or the licensing division of the Department of Education~~ under paragraph (b), clause (4) or (5).

(d) An expunged record that is opened or exchanged under this subdivision remains subject to the expungement order in the hands of the person receiving the record.

(e) A criminal justice agency that receives an expunged record under paragraph (b), clause (1) or (2), must maintain and store the record in a manner that restricts the use of the record to the investigation, prosecution, or sentencing for which it was obtained.

(f) For purposes of this section, a "criminal justice agency" means a court or government agency that performs the administration of criminal justice under statutory authority.

(g) This subdivision applies to expungement orders subject to its limitations and effective on or after January 1, 2015."

Delete the title and insert:

"A bill for an act relating to education; modifying provisions for prekindergarten through grade 12 including general education, education excellence, teachers, charter schools, special education, health, safety, nutrition, libraries, facilities, and state agencies; requiring reports; amending Minnesota Statutes 2020, sections 13.32, subdivision 3; 120A.22, subdivisions 7, 10; 120A.35; 120A.40; 120B.021, subdivisions 1, 3; 120B.024, subdivision 1; 120B.11, subdivisions 1, 1a, 2, 3; 120B.15; 120B.21; 120B.30, subdivision 1a, by adding subdivisions; 120B.35, subdivisions 3, 4; 121A.031, subdivisions 5, 6; 121A.41, subdivision 10, by adding subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by adding subdivisions; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.58; 121A.61; 122A.06, subdivisions 2, 5, 6, 7, 8, by adding a subdivision; 122A.07, subdivisions 1, 2, 4a; 122A.09, subdivisions 4, 6, 9, 10; 122A.091, subdivisions 1, 2; 122A.15, subdivision 1; 122A.16; 122A.18, subdivisions 7a, 8, 10; 122A.181, subdivisions 1, 2, 3, 4, 5, 6, by adding a subdivision; 122A.182, subdivisions 1, 2, 3, 4, 7; 122A.183, subdivisions 1, 2, 3, by adding a subdivision; 122A.184, subdivisions 1, 2; 122A.185, subdivisions 1, 4; 122A.187; 122A.19, subdivision 4; 122A.26, subdivision 2; 122A.31, subdivision 1; 122A.40, subdivisions 5, 8; 122A.41, subdivisions 2, 5; 122A.635, subdivisions 3, 4; 122A.70; 123B.147, subdivision 3; 124D.09, subdivisions 3, 7, 13; 124D.095, subdivision 2; 124D.111; 124D.128,

subdivisions 1, 3; 124D.74, subdivision 1; 124D.78, subdivisions 1, 3; 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81, subdivision 1; 124D.861, subdivision 2; 124E.02; 124E.03, subdivision 2, by adding subdivisions; 124E.05, subdivisions 4, 6, 7; 124E.06, subdivisions 1, 4, 5; 124E.11; 124E.12, subdivision 1; 124E.13, subdivision 1; 124E.16, subdivision 1; 124E.25, subdivision 1a; 125A.08; 125A.094; 125A.0942; 134.34, subdivision 1; 144.4165; 179A.03, subdivision 19; 290.0679, subdivision 2; 469.176, subdivision 2; 609A.03, subdivision 7a; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 122A; 124D; 127A; repealing Minnesota Statutes 2020, sections 120B.35, subdivision 5; 122A.091, subdivisions 3, 6; 122A.092; 122A.18, subdivision 7c; 122A.184, subdivision 3; 122A.23, subdivision 3; 122A.2451."

With the recommendation that when so amended the bill be re-referred to the Committee on Education Finance.

The report was adopted.

Schultz from the Committee on Human Services Finance and Policy to which was referred:

H. F. No. 1102, A bill for an act relating to human services; modifying home and community-based waiver assessment requirements for people who temporarily enter certain health care facilities; amending Minnesota Statutes 2020, section 256B.0911, subdivision 3a.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Schultz from the Committee on Human Services Finance and Policy to which was referred:

H. F. No. 1200, A bill for an act relating to employment; providing for paid family, pregnancy, bonding, and applicant's serious medical condition benefits; regulating and requiring certain employment leaves; classifying certain data; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2020, sections 13.719, by adding a subdivision; 177.27, subdivision 4; 181.032; 256J.561, by adding a subdivision; 256J.95, subdivisions 3, 11; 256P.01, subdivision 3; 268.19, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 268B.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy.

The report was adopted.

Lillie from the Committee on Legacy Finance to which was referred:

H. F. No. 1248, A bill for an act relating to legacy; appropriating money to maintain dedicated funding website.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 1318, A bill for an act relating to data practices; authorizing dissemination of certain data on driver's license and Minnesota identification card holders for replacement Social Security card applications; amending Minnesota Statutes 2020, section 171.12, subdivision 7b.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Nelson, M., from the Committee on State Government Finance and Elections to which was referred:

H. F. No. 1359, A bill for an act relating to local government; authorizing towns and certain political subdivisions to establish inflow and infiltration prevention programs and make loans or grants to property owners; amending Minnesota Statutes 2020, section 471.342, subdivisions 1, 4.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Mariani from the Committee on Public Safety and Criminal Justice Reform Finance and Policy to which was referred:

H. F. No. 1368, A bill for an act relating to corrections; authorizing the Department of Corrections Fugitive Apprehension Unit to exercise general law enforcement duties during the course of official duties; amending Minnesota Statutes 2020, section 241.025, subdivisions 1, 2, 3.

Reported the same back with the following amendments:

Page 1, line 17, delete "but not limited to"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Mariani from the Committee on Public Safety and Criminal Justice Reform Finance and Policy to which was referred:

H. F. No. 1374, A bill for an act relating to public safety; requiring chief law enforcement officers to report certain peace officer misconduct data to the Peace Officer Standards and Training Board; amending Minnesota Statutes 2020, sections 13.411, by adding a subdivision; 626.845, subdivision 3; 626.8457, subdivision 3.

Reported the same back with the following amendments:

Page 1, after line 12, insert:

"Sec. 2. Minnesota Statutes 2020, section 244.09, subdivision 6, is amended to read:

Subd. 6. **Clearinghouse and information center.** The commission, in addition to establishing Sentencing Guidelines, shall serve as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing and probation practices, and shall conduct ongoing

research regarding Sentencing Guidelines, use of imprisonment and alternatives to imprisonment, probation terms, conditions of probation, probation revocations, plea bargaining, recidivism, and other matters relating to the improvement of the criminal justice system. The commission shall from time to time make recommendations to the legislature regarding changes in the Criminal Code, criminal procedures, and other aspects of sentencing and probation.

This information shall include information regarding the impact of statutory changes to the state's criminal laws related to controlled substances, including those changes enacted by the legislature in Laws 2016, chapter 160."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "modifying certain Sentencing Guideline Commission provisions;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Judiciary Finance and Civil Law.

The report was adopted.

Mariani from the Committee on Public Safety and Criminal Justice Reform Finance and Policy to which was referred:

H. F. No. 1378, A bill for an act relating to public safety; modifying requirements for the Leech Lake Band of Ojibwe to exercise concurrent state law enforcement jurisdictional authority; amending Minnesota Statutes 2020, section 626.93, by adding a subdivision.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Schultz from the Committee on Human Services Finance and Policy to which was referred:

H. F. No. 1390, A bill for an act relating to human services; modifying certified community behavioral health clinic provisions; establishing an advisory working group; authorizing rulemaking; requiring a report; amending Minnesota Statutes 2020, sections 245.735, subdivisions 3, 5, by adding subdivisions; 256B.0625, subdivision 5m; repealing Minnesota Statutes 2020, section 245.735, subdivisions 1, 2, 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2020, section 245.735, subdivision 3, is amended to read:

Subd. 3. **Certified community behavioral health clinics.** (a) The commissioner shall establish a state certification process for certified community behavioral health clinics (CCBHCs) that satisfy all federal requirements necessary for CCBHCs certified under this section to be eligible for reimbursement under medical

assistance, without service area limits based on geographic area or region. The commissioner shall consult with CCBHC stakeholders before establishing and implementing changes in the certification process and requirements. Entities that choose to be CCBHCs must:

~~(1) comply with the CCBHC criteria published by the United States Department of Health and Human Services;~~

(1) comply with state licensing requirements and other requirements issued by the commissioner;

(2) employ or contract for clinic staff who have backgrounds in diverse disciplines, including licensed mental health professionals and licensed alcohol and drug counselors, and staff who are culturally and linguistically trained to meet the needs of the population the clinic serves;

(3) ensure that clinic services are available and accessible to individuals and families of all ages and genders and that crisis management services are available 24 hours per day;

(4) establish fees for clinic services for individuals who are not enrolled in medical assistance using a sliding fee scale that ensures that services to patients are not denied or limited due to an individual's inability to pay for services;

(5) comply with quality assurance reporting requirements and other reporting requirements, including any required reporting of encounter data, clinical outcomes data, and quality data;

(6) provide crisis mental health and substance use services, withdrawal management services, emergency crisis intervention services, and stabilization services through existing mobile crisis services; screening, assessment, and diagnosis services, including risk assessments and level of care determinations; person- and family-centered treatment planning; outpatient mental health and substance use services; targeted case management; psychiatric rehabilitation services; peer support and counselor services and family support services; and intensive community-based mental health services, including mental health services for members of the armed forces and veterans; CCBHCs must directly provide the majority of these services to enrollees, but may coordinate some services with another entity through a collaboration or agreement, pursuant to paragraph (b);

(7) provide coordination of care across settings and providers to ensure seamless transitions for individuals being served across the full spectrum of health services, including acute, chronic, and behavioral needs. Care coordination may be accomplished through partnerships or formal contracts with:

(i) counties, health plans, pharmacists, pharmacies, rural health clinics, federally qualified health centers, inpatient psychiatric facilities, substance use and detoxification facilities, or community-based mental health providers; and

(ii) other community services, supports, and providers, including schools, child welfare agencies, juvenile and criminal justice agencies, Indian health services clinics, tribally licensed health care and mental health facilities, urban Indian health clinics, Department of Veterans Affairs medical centers, outpatient clinics, drop-in centers, acute care hospitals, and hospital outpatient clinics;

(8) be certified as mental health clinics under section 245.69, subdivision 2;

(9) comply with standards established by the commissioner relating to mental health services in Minnesota Rules, parts 9505.0370 to 9505.0372 CCBHC screenings, assessments, and evaluations;

(10) be licensed to provide substance use disorder treatment under chapter 245G;



(11) be certified to provide children's therapeutic services and supports under section 256B.0943;

(12) be certified to provide adult rehabilitative mental health services under section 256B.0623;

(13) be enrolled to provide mental health crisis response services under sections 256B.0624 and 256B.0944;

(14) be enrolled to provide mental health targeted case management under section 256B.0625, subdivision 20;

(15) comply with standards relating to mental health case management in Minnesota Rules, parts 9520.0900 to 9520.0926;

(16) provide services that comply with the evidence-based practices described in paragraph (e); and

(17) comply with standards relating to peer services under sections 256B.0615, 256B.0616, and 245G.07, subdivision 1, paragraph (a), clause (5), as applicable when peer services are provided.

(b) ~~If an entity a certified CCBHC is unable to provide one or more of the services listed in paragraph (a), clauses (6) to (17), the commissioner may certify the entity as a CCBHC, if the entity has a current may contract with another entity that has the required authority to provide that service and that meets federal CCBHC the following criteria as a designated collaborating organization, or, to the extent allowed by the federal CCBHC criteria, the commissioner may approve a referral arrangement. The CCBHC must meet federal requirements regarding the type and scope of services to be provided directly by the CCBHC.;~~

(1) the entity has a formal agreement with the CCBHC to furnish one or more of the services under paragraph (a), clause (6);

(2) the entity provides assurances that it will provide services according to CCBHC service standards and provider requirements;

(3) the entity agrees that the CCBHC is responsible for coordinating care and has clinical and financial responsibility for the services that the entity provides under the agreement; and

(4) the entity meets any additional requirements issued by the commissioner.

(c) Notwithstanding any other law that requires a county contract or other form of county approval for certain services listed in paragraph (a), clause (6), a clinic that otherwise meets CCBHC requirements may receive the prospective payment under section 256B.0625, subdivision 5m, for those services without a county contract or county approval. As part of the certification process in paragraph (a), the commissioner shall require a letter of support from the CCBHC's host county confirming that the CCBHC and the county or counties it serves have an ongoing relationship to facilitate access and continuity of care, especially for individuals who are uninsured or who may go on and off medical assistance.

(d) When the standards listed in paragraph (a) or other applicable standards conflict or address similar issues in duplicative or incompatible ways, the commissioner may grant variances to state requirements if the variances do not conflict with federal requirements for services reimbursed under medical assistance. If standards overlap, the commissioner may substitute all or a part of a licensure or certification that is substantially the same as another licensure or certification. The commissioner shall consult with stakeholders, as described in subdivision 4, before granting variances under this provision. For the CCBHC that is certified but not approved for prospective payment under section 256B.0625, subdivision 5m, the commissioner may grant a variance under this paragraph if the variance does not increase the state share of costs.

(e) The commissioner shall issue a list of required evidence-based practices to be delivered by CCBHCs, and may also provide a list of recommended evidence-based practices. The commissioner may update the list to reflect advances in outcomes research and medical services for persons living with mental illnesses or substance use disorders. The commissioner shall take into consideration the adequacy of evidence to support the efficacy of the practice, the quality of workforce available, and the current availability of the practice in the state. At least 30 days before issuing the initial list and any revisions, the commissioner shall provide stakeholders with an opportunity to comment.

(f) The commissioner may grant a variance to allow an applicant for CCBHC certification to demonstrate compliance with standards in paragraph (a) if the CCBHC will contract with a designated collaborating organization to provide all services for which a particular licensure or certification listed in paragraph (a) is required.

(g) The commissioner shall provide a CCBHC with adequate notice of the commissioner's decision regarding a variance request. The notice of the commissioner's decision must include information providing for an appeals process through which the CCBHC may appeal the commissioner's decision.

~~(h)~~ (h) The commissioner shall recertify CCBHCs at least every three years. The commissioner shall establish a process for decertification and shall require corrective action, medical assistance repayment, or decertification of a CCBHC that no longer meets the requirements in this section or that fails to meet the standards provided by the commissioner in the application and certification process.

Sec. 2. Minnesota Statutes 2020, section 245.735, subdivision 5, is amended to read:

Subd. 5. **Information systems support.** The commissioner and the state chief information officer shall provide information systems support to the projects as necessary to comply with state and federal requirements.

Sec. 3. Minnesota Statutes 2020, section 245.735, is amended by adding a subdivision to read:

Subd. 6. **Demonstration entities.** The commissioner may operate the demonstration program established by section 223 of the Protecting Access to Medicare Act if federal funding for the demonstration program remains available from the United States Department of Health and Human Services. To the extent practicable, the commissioner shall align the requirements of the demonstration program with the requirements under this section for CCBHCs receiving medical assistance reimbursement. A CCBHC may not apply to participate as a billing provider in both the CCBHC federal demonstration and the benefit for CCBHCs under the medical assistance program.

Sec. 4. Minnesota Statutes 2020, section 256B.0625, subdivision 5m, is amended to read:

Subd. 5m. **Certified community behavioral health clinic services.** (a) Medical assistance covers certified community behavioral health clinic (CCBHC) services that meet the requirements of section 245.735, subdivision 3.

(b) The commissioner shall ~~establish standards and methodologies for a reimburse CCBHCs on a per-visit basis under the prospective payment system for medical assistance payments for services delivered by a CCBHC, in accordance with guidance issued by the Centers for Medicare and Medicaid Services as described in paragraph (c).~~ The commissioner shall include a quality ~~bonus~~ incentive payment in the prospective payment system ~~based on federal criteria, as described in paragraph (e).~~ There is no county share for medical assistance services when reimbursed through the CCBHC prospective payment system.

(c) ~~Unless otherwise indicated in applicable federal requirements, the prospective payment system must continue to be based on the federal instructions issued for the federal section 223 CCBHC demonstration, except: The commissioner shall ensure that the prospective payment system for CCBHC payments under medical assistance meets the following requirements:~~

(1) the prospective payment rate shall be a provider-specific rate calculated for each CCBHC, based on the daily cost of providing CCBHC services and the total annual allowable costs for CCBHCs divided by the total annual number of CCBHC visits. For calculating the payment rate, total annual visits include visits covered by medical assistance and visits not covered by medical assistance. Allowable costs include but are not limited to the salaries and benefits of medical assistance providers; the cost of CCBHC services provided under section 245.735, subdivision 3, paragraph (a), clauses (6) and (7); and other costs such as insurance or supplies needed to provide CCBHC services;

(2) payment shall be limited to one payment per day per medical assistance enrollee for each CCBHC visit eligible for reimbursement. A CCBHC visit is eligible for reimbursement if at least one of the CCBHC services listed under section 245.735, subdivision 3, paragraph (a), clause (6), is furnished to a medical assistance enrollee by a health care practitioner or licensed agency employed by or under contract with a CCBHC;

(3) new payment rates set by the commissioner for newly certified CCBHCs under section 245.735, subdivision 3, shall be based on rates for established CCBHCs with a similar scope of services. If no comparable CCBHC exists, the commissioner shall establish a clinic-specific rate using audited historical cost report data adjusted for the estimated cost of delivering CCBHC services, including the estimated cost of providing the full scope of services and the projected change in visits resulting from the change in scope;

~~(4)~~ (4) the commissioner shall rebase CCBHC rates at least once every three years;

~~(2)~~ (5) the commissioner shall provide for a 60-day appeals process after notice of the results of the rebasing;

~~(3) the prohibition against inclusion of new facilities in the demonstration does not apply after the demonstration ends;~~

~~(4)~~ (6) the prospective payment rate under this section does not apply to services rendered by CCBHCs to individuals who are dually eligible for Medicare and medical assistance when Medicare is the primary payer for the service. An entity that receives a prospective payment system rate that overlaps with the CCBHC rate is not eligible for the CCBHC rate;

~~(5)~~ (7) payments for CCBHC services to individuals enrolled in managed care shall be coordinated with the state's phase-out of CCBHC wrap payments. The commissioner shall complete the phase-out of CCBHC wrap payments no later than July 1, 2021, for CCBHCs reimbursed under this chapter, with a final settlement of payments due made payable to CCBHCs no later than 18 months thereafter;

~~(6) initial prospective payment rates for CCBHCs certified after July 1, 2019, shall be based on rates for comparable CCBHCs. If no comparable provider exists, the commissioner shall compute a CCBHC specific rate based upon the CCBHC's audited costs adjusted for changes in the scope of services;~~

~~(7)~~ (8) the prospective payment rate for each CCBHC shall be adjusted annually updated by trending each provider-specific rate by the Medicare Economic Index as defined for the federal section 223 CCBHC demonstration for primary care services. This update shall occur each year in between rebasing periods determined by the commissioner in accordance with clause (4). CCBHCs must provide data on costs and visits to the state annually using the CCBHC cost report established by the commissioner; and

(9) a CCBHC may request a rate adjustment for changes in the CCBHC's scope of services when such changes are expected to result in an adjustment to the CCBHC payment rate by 2.5 percent or more. The CCBHC must provide the commissioner with information regarding the changes in the scope of services, including the estimated cost of providing the new or modified services and any projected increase or decrease in the number of visits resulting from the change. Rate adjustments for changes in scope shall occur no more than once per year in between rebasing periods per CCBHC and are effective on the date of the annual CCBHC rate update.

~~(8) the commissioner shall seek federal approval for a CCBHC rate methodology that allows for rate modifications based on changes in scope for an individual CCBHC, including for changes to the type, intensity, or duration of services. Upon federal approval, a CCBHC may submit a change of scope request to the commissioner if the change in scope would result in a change of 2.5 percent or more in the prospective payment system rate currently received by the CCBHC. CCBHC change of scope requests must be according to a format and timeline to be determined by the commissioner in consultation with CCBHCs.~~

(d) Managed care plans and county-based purchasing plans shall reimburse CCBHC providers at the prospective payment rate. The commissioner shall monitor the effect of this requirement on the rate of access to the services delivered by CCBHC providers. If, for any contract year, federal approval is not received for this paragraph, the commissioner must adjust the capitation rates paid to managed care plans and county-based purchasing plans for that contract year to reflect the removal of this provision. Contracts between managed care plans and county-based purchasing plans and providers to whom this paragraph applies must allow recovery of payments from those providers if capitation rates are adjusted in accordance with this paragraph. Payment recoveries must not exceed the amount equal to any increase in rates that results from this provision. This paragraph expires if federal approval is not received for this paragraph at any time.

(e) The commissioner shall implement a quality incentive payment program for CCBHCs that meets the following requirements:

(1) a CCBHC shall receive a quality incentive payment upon meeting specific numeric thresholds for performance metrics established by the commissioner, in addition to payments for which the CCBHC is eligible under the prospective payment system described in paragraph (c);

(2) a CCBHC must be certified and enrolled as a CCBHC for the entire measurement year to be eligible for incentive payments;

(3) each CCBHC shall receive written notice of the criteria that must be met in order to receive quality incentive payments at least 90 days prior to the measurement year; and

(4) a CCBHC must provide the commissioner with data needed to determine incentive payment eligibility within six months following the measurement year. The commissioner shall notify CCBHC providers of their performance on the required measures and the incentive payment amount within 12 months following the measurement year.

(f) All claims to managed care plans for CCBHC services as provided under this section shall be submitted directly to, and paid by, the commissioner on the dates specified no later than January 1 of the following calendar year, if:

(1) one or more managed care plans does not comply with the federal requirement for payment of clean claims to CCBHCs, as defined in Code of Federal Regulations, title 42, section 447.45(b), and the managed care plan does not resolve the payment issue within 30 days of noncompliance; and

(2) the total amount of clean claims not paid in accordance with federal requirements by one or more managed care plans is 50 percent of, or greater than, the total CCBHC claims eligible for payment by managed care plans.

If the conditions in this paragraph are met between January 1 and June 30 of a calendar year, claims shall be submitted to and paid by the commissioner beginning on January 1 of the following year. If the conditions in this paragraph are met between July 1 and December 31 of a calendar year, claims shall be submitted to and paid by the commissioner beginning on July 1 of the following year.

Sec. 5. **REVISOR INSTRUCTION.**

The revisor of statutes shall replace "EXCELLENCE IN MENTAL HEALTH DEMONSTRATION PROJECT" with "CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC SERVICES" in the section headnote for Minnesota Statutes, section 245.735.

Sec. 6. **REPEALER.**

Minnesota Statutes 2020, section 245.735, subdivisions 1, 2, and 4, are repealed."

Delete the title and insert:

"A bill for an act relating to human services; modifying certified community behavioral health clinic provisions; amending Minnesota Statutes 2020, sections 245.735, subdivisions 3, 5, by adding a subdivision; 256B.0625, subdivision 5m; repealing Minnesota Statutes 2020, section 245.735, subdivisions 1, 2, 4."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 1404, A bill for an act relating to government data practices; making changes to reflect the prior expiration of the Legislative Commission on Data Practices and Personal Data Privacy; amending Minnesota Statutes 2020, sections 13.824, subdivision 6; 13.825, subdivision 9.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[3.8844] LEGISLATIVE COMMISSION ON DATA PRACTICES.**

Subdivision 1. **Established.** The Legislative Commission on Data Practices and Personal Data Privacy is created to study issues relating to government data practices and individuals' personal data privacy rights and to review legislation impacting data practices, data security, and personal data privacy. The commission is a continuation of the commission that was established by Laws 2014, chapter 193, as amended, and which expired June 30, 2019.

Subd. 2. **Membership.** The commission consists of four senators appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration, and four members of the house of representatives appointed by the speaker. Two members from each chamber must be from the majority party in that chamber and two members from each chamber must be from the minority party in that chamber. Each appointing authority must make appointments as soon as possible after the beginning of the regular legislative session in the odd-numbered year. The ranking senator from the majority party appointed to the commission must convene the first meeting of a biennium by February 15 in the odd-numbered year. The commission may elect up to four former legislators who have demonstrated an interest in, or have a history of working in, the areas of government data practices and personal data privacy to serve as nonvoting members of the commission. The former legislators must not be registered lobbyists and shall be compensated as provided under section 15.0575, subdivision 3.

Subd. 3. **Terms; vacancies.** Members of the commission serve for terms beginning upon appointment and ending at the beginning of the regular legislative session in the next odd-numbered year. The appropriate appointing authority must fill a vacancy for a seat of a current legislator for the remainder of the unexpired term.

Subd. 4. **Officers.** The commission must elect a chair and may elect other officers as it determines are necessary. The chair alternates between a member of the senate and a member of the house of representatives in January of each odd-numbered year.

Subd. 5. **Staff.** Legislative staff must provide administrative and research assistance to the commission. The Legislative Coordinating Commission may, if funding is available, appoint staff to provide research assistance.

Subd. 6. **Duties.** The commission shall:

(1) review and provide the legislature with research and analysis of emerging issues relating to government data practices and security and privacy of personal data;

(2) review and make recommendations on legislative proposals relating to the Minnesota Government Data Practices Act; and

(3) review and make recommendations on legislative proposals impacting personal data privacy rights, data security, and other related issues.

**EFFECTIVE DATE.** This section is effective the day following final enactment. Initial members of the commission serve for a term ending in January 2023. A member of the house of representatives shall serve as the first chair of the commission. A member of the senate shall serve as chair of the commission beginning in January 2023.

Sec. 2. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

(a) pursuant to section 13.05;

(b) pursuant to a valid court order;

(c) pursuant to a statute specifically authorizing access to the private data;

(d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36;

(e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

(f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;

(g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;

(h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;

(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;

(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;

(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

(1) information regarding the student alleged to have been maltreated;

(2) information regarding student and employee witnesses;

(3) information regarding the alleged perpetrator; and

(4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;

(o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title 34, sections 99.31 (a)(13) and (14);

(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); ~~or~~

(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20,

section 1232g(i), and Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings; or

(r) with tribal nations about tribally enrolled or descendant students to the extent necessary for the tribal nation and school district or charter school to support the educational attainment of the student.

Sec. 3. Minnesota Statutes 2020, section 13.7931, is amended by adding a subdivision to read:

Subd. 1b. **Data on individuals who are minors.** Data on individuals who are minors that are collected, created, received, maintained, or disseminated by the Department of Natural Resources are classified under section 84.0873.

Sec. 4. Minnesota Statutes 2020, section 13.824, subdivision 6, is amended to read:

Subd. 6. **Biennial audit.** (a) In addition to the log required under subdivision 5, the law enforcement agency must maintain records showing the date and time automated license plate reader data were collected and the applicable classification of the data. The law enforcement agency shall arrange for an independent, biennial audit of the records to determine whether data currently in the records are classified, how the data are used, whether they are destroyed as required under this section, and to verify compliance with subdivision 7. If the commissioner of administration believes that a law enforcement agency is not complying with this section or other applicable law, the commissioner may order a law enforcement agency to arrange for additional independent audits. Data in the records required under this paragraph are classified as provided in subdivision 2.

(b) The results of the audit are public. The commissioner of administration shall review the results of the audit. If the commissioner determines that there is a pattern of substantial noncompliance with this section by the law enforcement agency, the agency must immediately suspend operation of all automated license plate reader devices until the commissioner has authorized the agency to reinstate their use. An order of suspension under this paragraph may be issued by the commissioner, upon review of the results of the audit, review of the applicable provisions of this chapter, and after providing the agency a reasonable opportunity to respond to the audit's findings.

(c) A report summarizing the results of each audit must be provided to the commissioner of administration, to the ~~chair~~ chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues, and to the Legislative Commission on Data Practices and Personal Data Privacy no later than 30 days following completion of the audit.

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

Sec. 5. Minnesota Statutes 2020, section 13.825, subdivision 9, is amended to read:

Subd. 9. **Biennial audit.** (a) A law enforcement agency must maintain records showing the date and time portable recording system data were collected and the applicable classification of the data. The law enforcement agency shall arrange for an independent, biennial audit of the data to determine whether data are appropriately classified according to this section, how the data are used, and whether the data are destroyed as required under this section, and to verify compliance with subdivisions 7 and 8. If the governing body with jurisdiction over the budget of the agency determines that the agency is not complying with this section or other applicable law, the governing body may order additional independent audits. Data in the records required under this paragraph are classified as provided in subdivision 2.



(b) The results of the audit are public, except for data that are otherwise classified under law. The governing body with jurisdiction over the budget of the law enforcement agency shall review the results of the audit. If the governing body determines that there is a pattern of substantial noncompliance with this section, the governing body must order that operation of all portable recording systems be suspended until the governing body has authorized the agency to reinstate their use. An order of suspension under this paragraph may only be made following review of the results of the audit and review of the applicable provisions of this chapter, and after providing the agency and members of the public a reasonable opportunity to respond to the audit's findings in a public meeting.

(c) A report summarizing the results of each audit must be provided to the governing body with jurisdiction over the budget of the law enforcement agency ~~and~~ to the Legislative Commission on Data Practices and Personal Data Privacy, and to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues no later than 60 days following completion of the audit.

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

Sec. 6. Minnesota Statutes 2020, section 13.856, subdivision 3, is amended to read:

Subd. 3. **Public data.** The following closed case data maintained by the ombudsperson are classified as public data pursuant to section 13.02, subdivision 15:

- (1) client name;
- (2) client location; and
- (3) the inmate identification number assigned by the Department of Corrections.

Sec. 7. **[84.0873] DATA ON INDIVIDUALS WHO ARE MINORS.**

(a) When the Department of Natural Resources collects, creates, receives, maintains, or disseminates the following data on individuals who the department knows are minors, the data are considered private data on individuals, as defined in section 13.02, subdivision 12, except for data classified as public data according to section 13.43:

- (1) name;
- (2) date of birth;
- (3) Social Security number;
- (4) telephone number;
- (5) e-mail address;
- (6) physical or mailing address;
- (7) location data;
- (8) online account access information;
- (9) data associated with the location of electronic devices; and

(10) other data that would identify participants who have registered for events, programs, or classes sponsored by the Department of Natural Resources.

(b) Data about minors classified under this section maintain their classification as private data on individuals after the individual is no longer a minor.

Sec. 8. Minnesota Statutes 2020, section 144.225, subdivision 7, is amended to read:

Subd. 7. **Certified birth or death record.** (a) The state registrar or local issuance office shall issue a certified birth or death record or a statement of no vital record found to an individual upon the individual's proper completion of an attestation provided by the commissioner and payment of the required fee:

(1) to a person who ~~has a tangible interest in the requested vital record.~~ ~~A person who has a tangible interest is:~~

(i) the subject of the vital record;

(ii) a child of the subject;

(iii) the spouse of the subject;

(iv) a parent of the subject;

(v) the grandparent or grandchild of the subject;

(vi) if the requested record is a death record, a sibling of the subject;

~~(vii) the party responsible for filing the vital record;~~

~~(viii)~~ (vii) the legal custodian, guardian or conservator, or health care agent of the subject;

~~(ix)~~ (viii) a personal representative, by sworn affidavit of the fact that the certified copy is required for administration of the estate;

~~(x)~~ (ix) a successor of the subject, as defined in section 524.1-201, if the subject is deceased, by sworn affidavit of the fact that the certified copy is required for administration of the estate;

~~(xi)~~ (x) if the requested record is a death record, a trustee of a trust by sworn affidavit of the fact that the certified copy is needed for the proper administration of the trust;

~~(xii)~~ (xi) a person or entity who demonstrates that a certified vital record is necessary for the determination or protection of a personal or property right, pursuant to rules adopted by the commissioner; or

~~(xiii)~~ (xii) an adoption agency in order to complete confidential postadoption searches as required by section 259.83;

(2) to any local, state, tribal, or federal governmental agency upon request if the certified vital record is necessary for the governmental agency to perform its authorized duties;

(3) to an attorney representing the subject of the vital record or another person listed in clause (1), upon evidence of the attorney's license;

(4) pursuant to a court order issued by a court of competent jurisdiction. For purposes of this section, a subpoena does not constitute a court order; or

(5) to a representative authorized by a person under clauses (1) to (4).

(b) The state registrar or local issuance office shall also issue a certified death record to an individual described in paragraph (a), clause (1), items (ii) to ~~(viii)~~ (xi), if, on behalf of the individual, a licensed mortician furnishes the registrar with a properly completed attestation in the form provided by the commissioner within 180 days of the time of death of the subject of the death record. This paragraph is not subject to the requirements specified in Minnesota Rules, part 4601.2600, subpart 5, item B.

Sec. 9. **[611A.95] CERTIFICATIONS FOR VICTIMS OF CRIMES.**

**Subdivision 1. Definitions.** For purposes of this section, the following terms have the meanings given:

(1) "certifying entity" means a state or local law enforcement agency;

(2) "criminal activity" means qualifying criminal activity pursuant to section 101(a)(15)(U)(iii) of the Immigration and Nationality Act, and includes the attempt, conspiracy, or solicitation to commit such crimes; and

(3) "certification" means any certification or statement required by federal immigration law including but not limited to the information required by United States Code, title 8, section 1184(p), and United States Code, title 8, section 1184(o), including current United States Citizenship and Immigration Services Form I-918, Supplement B, and United States Citizenship and Immigration Services Form I-914, Supplement B, and any successor forms.

**Subd. 2. Certification process.** (a) A certifying entity shall process a certification requested by a victim of criminal activity or a representative of the victim, including but not limited to the victim's attorney, family member, or domestic violence or sexual assault violence advocate, within the time period prescribed in paragraph (b).

(b) A certifying entity shall process the certification within 90 days of request, unless the victim is in removal proceedings, in which case the certification shall be processed within 14 days of the request. Requests for expedited certification must be affirmatively raised at the time of the request.

(c) An active investigation, the filing of charges, or a prosecution or conviction are not required for the victim of criminal activity to request and obtain the certification.

**Subd. 3. Certifying entity; designate agent.** (a) The head of a certifying entity shall designate an agent to perform the following responsibilities:

(1) timely process requests for certification;

(2) provide outreach to victims of criminal activity to inform them of the entity's certification process; and

(3) keep a written or electronic record of all certification requests and responses.

(b) All certifying entities shall implement a language access protocol for non-English-speaking victims of criminal activity.

**Subd. 4. Disclosure prohibited; data classification.** (a) A certifying entity is prohibited from disclosing the immigration status of a victim of criminal activity or a representative requesting the certification, except to comply with federal law or legal process, or if authorized by the victim of criminal activity or the representative requesting the certification.

(b) Data provided to a certifying entity under this section is classified as private data pursuant to section 13.02, subdivision 12.

**EFFECTIVE DATE.** Subdivisions 1, 2, and 4 are effective the day following final enactment. Subdivision 3 is effective July 1, 2021.

Sec. 10. **INITIAL APPOINTMENTS AND MEETINGS.**

Appointing authorities for the Legislative Commission on Data Practices under Minnesota Statutes, section 3.8844, must make initial appointments by June 1, 2021. The speaker of the house must designate one member of the commission to convene the first meeting of the commission by June 15, 2021."

Delete the title and insert:

"A bill for an act relating to data practices; modifying certain government data practices provisions; classifying certain data; reestablishing the Legislative Commission on Data Practices; requiring certifying entities to timely process visa certification documents; amending Minnesota Statutes 2020, sections 13.32, subdivision 3; 13.7931, by adding a subdivision; 13.824, subdivision 6; 13.825, subdivision 9; 13.856, subdivision 3; 144.225, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 3; 84; 611A."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Mariani from the Committee on Public Safety and Criminal Justice Reform Finance and Policy to which was referred:

H. F. No. 1442, A bill for an act relating to the military; modifying the Minnesota Code of Military Justice; making changes to data provisions; modifying certain requirements and qualifications; making jurisdictional and appellate changes; providing punitive article updates; providing punishable offenses under the military code; providing penalties; amending Minnesota Statutes 2020, sections 13.43, by adding a subdivision; 192.67; 192A.02, subdivision 2; 192A.021; 192A.111; 192A.15, subdivisions 1, 2; 192A.155, subdivision 2; 192A.20; 192A.235, subdivision 3; 192A.343, subdivision 3; 192A.353, subdivision 2; 192A.371; 192A.384; 192A.56; 192A.612; 192A.62; 606.06; proposing coding for new law in Minnesota Statutes, chapters 13; 192A; repealing Minnesota Statutes 2020, section 192A.385.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Nelson, M., from the Committee on State Government Finance and Elections to which was referred:

H. F. No. 1481, A bill for an act relating to economic development; modifying the Seaway Port Authority of Duluth to allow for creation of a nonprofit corporation; amending Minnesota Statutes 2020, section 469.074, by adding a subdivision.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Stephenson from the Committee on Commerce Finance and Policy to which was referred:

H. F. No. 1493, A bill for an act relating to commerce; requiring licensure of student loan servicers; prohibiting certain practices in student loan servicing; appropriating money; amending Minnesota Statutes 2020, section 13.712, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 58B.

Reported the same back with the following amendments:

Page 8, line 24, delete everything after the semicolon

Page 8, after line 24, insert:

"(5) order restitution to the borrower, if applicable; or"

Page 8, line 25, delete "(5)" and insert "(6)"

Page 10, delete line 21 and insert "\$254,000 in fiscal year 2022 and \$254,000 in fiscal year 2023 are appropriated from the general"

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Winkler from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1514, A bill for an act relating to state government; easing restrictions on bars, restaurants, and certain other places of public accommodation in greater Minnesota.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **COVID-19 BUSINESS RESTRICTIONS.**

Subdivision 1. **Effect.** Notwithstanding any conflicting provision in an emergency executive order, this act governs the operation of certain industries in the state during the COVID-19 peacetime emergency. Businesses may implement additional or more stringent measures than those required under this act. Until rescinded by the governor or terminated by the proper authority, all provisions of an emergency executive order not in conflict with this act remain in effect.

Subd. 2. **Statewide COVID-19 risk level.** No later than one week after the effective date of this section and every two weeks thereafter, the commissioner of health must utilize the nonprofit Covid Act Now framework and certify the current COVID-19 risk level for the state as severe (maroon), critical (red), high (orange), medium (yellow), or low (green).

Subd. 3. **Enforcement.** This act may be enforced as provided in Minnesota Statutes, section 12.45.

Subd. 4. **Other law.** In addition to this act, businesses are subject to other applicable state and local laws and ordinances.

Sec. 2. **BARS AND RESTAURANTS.**

Subdivision 1. Definition. For purposes of this act, "bars and restaurants" means bars, restaurants, and other places of public accommodation that offer food, beverages, or tobacco products for on-premises consumption.

Subd. 2. General restrictions and requirements. In addition to the restrictions in this section, bars and restaurants are subject to the general business restrictions and requirements in section 7.

Subd. 3. Severe risk status. When the state COVID-19 risk status is severe, bars and restaurants must close and remain closed.

Subd. 4. Critical risk status. When the state COVID-19 risk status is critical, bars and restaurants are subject to the following restrictions:

(1) bars and restaurants are encouraged to limit service to takeout and delivery; and

(2) if a bar or restaurant offers dine-in service:

(i) occupancy is limited to 50 percent of normal capacity with physical barriers or a minimum spacing of six feet between parties;

(ii) outdoor seating must be encouraged to the extent practicable, and physical barriers or a minimum of six feet of space must be maintained between outdoor tables;

(iii) standing room is prohibited and all food, beverage, and tobacco products must be consumed while seated;

(iv) bar seating is prohibited unless a physical barrier separates staff from customers and seating is limited to no more than two guests per group with at least six feet of space between groups;

(v) indoor or outdoor waiting areas must be marked for social distancing, with only one member of a party allowed in the waiting area at a time;

(vi) self-service is prohibited except for prepackaged items; and

(vii) dance floors, as well as pool tables, dart boards, shuffleboard, arcades, and other gaming areas should be closed.

Subd. 5. High risk status. When the state COVID-19 risk status is high, bars and restaurants are subject to the following restrictions:

(1) bars and restaurants may offer dine-in, takeout, and delivery;

(2) occupancy is limited to 70 percent of normal capacity;

(3) physical barriers or a minimum of six feet of space must be maintained between indoor tables, but back-to-back booth seating is allowed;

(4) outdoor seating must be encouraged to the extent practicable, and physical barriers or a minimum of six feet of space must be maintained between outdoor tables;

(5) standing room is prohibited and all food, beverage, and tobacco products must be consumed while seated;

(6) bar seating is limited to no more than two guests per group with physical barriers or at least six feet of space between groups;

(7) indoor or outdoor waiting areas must be marked for social distancing with only one member of a party allowed in the waiting area at a time;

(8) self-service, including buffets and salad bars, are allowed only if pre-portioned servings are offered or portions are served by an employee;

(9) beverage stations that are not touch-free must be cleaned after each use; and

(10) dance floors, as well as pool tables, dart boards, shuffleboard, arcades, and other gaming areas should be closed.

Subd. 6. **Medium risk status.** When the state COVID-19 risk status is medium, bars and restaurants are subject to the following restrictions:

(1) bars and restaurants may offer dine-in, takeout, and delivery;

(2) occupancy is limited to 90 percent of normal capacity with physical barriers or a minimum spacing of six feet between parties;

(3) standing room is allowed if the bar or restaurant monitors social distancing; and

(4) pool tables, dart boards, shuffleboard, arcades, and other gaming areas may be open if gaming equipment is not shared by customers or is cleaned and disinfected between customers.

Subd. 7. **Low risk status.** When the state COVID-19 risk status is low, bars and restaurants may resume normal occupancy and activity but remain subject to the requirements for all bars and restaurants in subdivision 8 and section 7.

Subd. 8. **All levels; actions required and encouraged.** (a) All bars and restaurants must:

(1) ensure that menus and drink coasters are single-use or of a material that can be sanitized after each use; and

(2) remain closed at least four hours each day for cleaning.

(b) All bars and restaurants are encouraged to implement the COVID-19 Preparedness Plan Requirements for Restaurants and Bars document dated February 12, 2021, and posted on the Department of Health's website.

Sec. 3. **VENUES.**

Subdivision 1. **Definition.** For purposes of this act, "venues" means private businesses that offer space for celebrations, receptions, ceremonies, private parties, or other social gatherings or meetings.

Subd. 2. **General restrictions and requirements.** In addition to the restrictions in this section, venues are subject to the general business restrictions and requirements in section 7.

Subd. 3. **Severe risk status.** When the state COVID-19 risk status is severe, venues must close and remain closed.

Subd. 4. **Critical risk status.** When the state COVID-19 risk status is critical, venues are subject to the following restrictions:

(1) occupancy is limited to 25 percent of normal room capacity with physical barriers or a minimum spacing of two empty seats or six feet between parties;

(2) every other row of chairs, bleachers, or similar seating must be closed;

(3) a minimum of ten feet of space must be maintained in all directions between all booths, activities, entertainment, and tables to allow for social distancing and attendee flow;

(4) lines and waiting areas must be marked or posted to maintain social distancing;

(5) ingress and egress must be one-way to the extent practicable;

(6) standing room must not be allowed and entry area standing should be minimized by encouraging attendees to quickly access their seats or viewing area; and

(7) bar seating is prohibited unless a physical barrier separates staff from customers and seating is limited to no more than two guests per group with physical barriers or at least six feet of space between groups.

Subd. 5. **High risk status.** When the state COVID-19 risk status is high, venue occupancy is limited to 50 percent of normal room capacity.

Subd. 6. **Medium risk status.** When the state COVID-19 risk status is medium, venue occupancy is limited to 75 percent of normal room capacity.

Subd. 7. **Low risk status.** When the state COVID-19 risk status is low, venues may resume normal occupancy and activity but remain subject to the requirements in section 7.

Subd. 8. **All levels; actions encouraged.** All venues are encouraged to implement the COVID-19 Stay Safe Guidance for Entertainment and Meeting Venues dated February 12, 2021, and posted on the Department of Labor and Industry's website.

#### Sec. 4. **FITNESS CENTERS.**

Subdivision 1. **Definition.** For purposes of this act, "fitness centers" means private exercise facilities, gymnasiums, indoor sports facilities, climbing facilities, martial arts facilities, and dance and exercise studios.

Subd. 2. **General restrictions and requirements.** In addition to the restrictions in this section, fitness centers are subject to the general business restrictions and requirements in section 7.

Subd. 3. **Severe status.** When the state COVID-19 risk status is severe, fitness centers must close and remain closed.

Subd. 4. **Critical status.** When the state COVID-19 risk status is critical, fitness centers are subject to the following restrictions:

(1) if members or customers engaged in high-intensity activities are unable to wear a face covering, the activity must be conducted outdoors or in a location with enhanced ventilation and air exchange;



(2) high-intensity group classes are not recommended;

(3) fitness centers must prohibit or deter use of fitness equipment where a minimum of 12 feet of space cannot be maintained between members or customers;

(4) vestibules, seating areas, and other places where people congregate must be closed or cordoned off;

(5) signage must be installed and maintained to discourage contact sports and games; and

(6) usage of saunas, hot tubs, steam rooms, and similar areas are limited to one person or family at a time.

Subd. 5. **High risk status.** When the state COVID-19 risk status is high, high-intensity group classes are limited to ten members or customers, but may exceed this limit if the room accommodates one person for every 144 square feet of space.

Subd. 6. **Medium risk status.** When the state COVID-19 risk status is medium, high-intensity group classes are allowed if a minimum of six feet of social distancing is maintained.

Subd. 7. **Low risk status.** When the state COVID-19 risk status is low, fitness centers may resume normal occupancy and activity but remain subject to the requirements in subdivision 8 and section 7.

Subd. 8. **All levels; actions required and encouraged.** (a) Regardless of state COVID-19 risk level, all fitness centers must:

(1) require employees to wear facial coverings and customers to wear facial coverings to the extent practicable;

(2) develop or encourage online fitness participation;

(3) establish specific hours for high-risk members or customers only;

(4) allow at least 15 minutes for cleaning between classes;

(5) suspend 24-hour facility access unless employees are continually on site and equipment, bathrooms, locker rooms, and other facilities are closed daily for cleaning;

(6) clean water fountains after each use and encourage members and customers to bring and use their own water bottles;

(7) limit shower and locker room use to no more than ten people at a time; and

(8) maintain at least six feet of space between clients and personal trainers.

(b) All fitness centers are encouraged to implement the COVID-19 Preparedness Plan Guidance: Requirements for Gyms, Studios, and Fitness Centers document dated February 12, 2021, and posted on the Department of Labor and Industry's website.

## Sec. 5. **PERSONAL CARE SERVICES.**

Subdivision 1. **Definition.** For purposes of this act, "personal care services" means tanning establishments, body art establishments, tattoo parlors, piercing parlors, businesses offering massage therapy or similar body work, spas, salons, nail salons, cosmetology salons, esthetician salons, advanced practice esthetician salons, eyelash salons, and barber shops.

Subd. 2. **General restrictions and requirements.** In addition to the restrictions in this section, personal care services are subject to the general business restrictions and requirements in section 7.

Subd. 3. **Severe risk status.** When the state COVID-19 risk status is severe, personal care services must close and remain closed.

Subd. 4. **All other risk levels.** When the state COVID-19 risk status is critical, high, medium, or low, personal care services are subject to the following restrictions:

- (1) facial coverings are required for employees and customers;
- (2) check-in and waiting areas must allow for a minimum six feet of social distancing;
- (3) initial planning or health consultations must be conducted by phone or video to the extent practicable;
- (4) specific hours must be established for high-risk customers only;
- (5) all customers must be screened for symptoms including temperature checks;
- (6) customer health screening questionnaires must be provided and completed within 24 hours of each appointment;
- (7) plastic partitions between stations or chairs are recommended where practicable;
- (8) work on the customer's face must be discouraged to the extent practicable;
- (9) no food or beverage, other than prepackaged items, may be served; and
- (10) appointment scheduling must allow sufficient time for cleaning between customers.

Subd. 5. **All levels; actions encouraged.** All personal care services are encouraged to implement the COVID-19 Preparedness Plan Guidance: Requirements for Personal Care Services dated February 12, 2021, and posted on the Department of Labor and Industry's website.

## Sec. 6. **POOLS AND WATER PARKS.**

Subdivision 1. **Definition.** For purposes of this act, "pools and water parks" means public pools as defined in Minnesota Statutes, section 144.1222, subdivision 4.

Subd. 2. **General restrictions and requirements.** In addition to the restrictions in this section, pools and water parks are subject to the general business restrictions and requirements in section 7.

Subd. 3. **Severe status.** When the state COVID-19 risk status is severe, pools and water parks must close and remain closed.

Subd. 4. **Critical risk status.** When the state COVID-19 risk status is critical, pools and water parks are subject to the following restrictions:

- (1) occupancy is limited to 25 percent of normal capacity;
- (2) specific times each day must be reserved for high-risk individuals; and

(3) play features, slides, lazy rivers, splash pads, and similar areas should be closed.

Subd. 5. **High risk status.** When the state COVID-19 risk status is high, occupancy is limited to 50 percent of normal capacity.

Subd. 6. **Medium risk status.** When the state COVID-19 risk status is medium, occupancy is limited to 75 percent of normal capacity.

Subd. 7. **Low risk status.** When the state COVID-19 risk status is low, pools and water parks may resume normal occupancy and activity but remain subject to the requirements in subdivision 8 and section 7.

Subd. 8. **All levels; actions required.** All pools and water parks must:

(1) provide signage and staff to indicate and monitor capacity;

(2) mark water features, locker or shower rooms, and bathrooms for social distancing;

(3) restrict user flow to one direction for all water features and playgrounds; and

(4) prohibit water activities that involve interaction by multiple households.

Sec. 7. **GENERAL BUSINESS RESTRICTIONS AND REQUIREMENTS.**

Subdivision 1. **Application.** The restrictions and requirements in this section apply to bars and restaurants, venues, fitness centers, personal services, and pools and water parks. If a restriction or requirement in this section is in conflict with a restriction or requirement elsewhere in this act, the more stringent restriction or requirement applies.

Subd. 2. **All risk levels.** The following restrictions apply regardless of the state COVID-19 risk level:

(1) occupancy of indoor and outdoor spaces and gatherings must be limited as necessary to maintain a minimum of six feet of social distancing with physical barriers or six feet of space between tables;

(2) employers must provide face coverings to all employees and strongly encourage their use;

(3) contactless payment methods must be utilized to the extent practicable;

(4) physical separation must be provided between customers and cashiers or other employees at points of service, to the extent practicable;

(5) signage must be posted at all entrances to prohibit entry by persons with symptoms of respiratory illness and to remind all entrants to stay home when sick, wear face coverings, maintain six feet of social distance, clean hands often, and cover sneezes and coughs;

(6) outdoor spaces must be encouraged and used to the extent practicable;

(7) social distancing signage must be used to mark six-foot increments where lines form;

(8) when applicable, operators should post their temporary occupancy limit prominently at all entrances;

(9) employers must provide hand sanitizer for employee use and at or near each entrance and cashier station for public use; and

(10) ventilation systems must function properly and increase introduction and circulation of outdoor air to the extent practicable.

Subd. 3. **Critical risk status.** When the state COVID-19 risk status is critical, businesses are subject to the following restrictions:

(1) employees and customers must wear facial coverings;

(2) employees must be screened for symptoms before each shift;

(3) occupancy is limited to 50 percent of normal occupant capacity but no more than 150 people with at least six feet of social distancing; and

(4) family groups and party sizes are limited to one household or less than ten people per party.

Subd. 4. **High risk status.** When the state COVID-19 risk status is high, businesses are subject to the following restrictions:

(1) employees and customers must wear facial coverings;

(2) occupancy is limited to 65 percent of normal occupant capacity but no more than 200 people with at least six feet of social distancing; and

(3) family groups and party sizes are limited to one household or less than ten people per party.

Subd. 5. **Medium risk status.** When the state COVID-19 risk status is medium, businesses are subject to the following restrictions:

(1) facial coverings are strongly recommended; and

(2) occupancy is limited to 80 percent of normal occupant capacity but no more than 300 people with at least six feet of social distancing.

Subd. 6. **Low risk status.** When the state COVID-19 risk status is low, businesses may resume normal occupancy and activity but remain subject to the requirements in subdivision 2.

**Sec. 8. BAR AND RESTAURANT SPOILAGE DIRECT PAYMENTS; APPROPRIATION.**

\$20,000,000 in fiscal year 2021 is appropriated from the general fund to the commissioner of employment and economic development for direct payments to bars and restaurants that had food or beverages spoil or expire due to business restrictions put in place in response to the COVID-19 pandemic. Payments shall be for a set amount that approximates the average amount that small businesses lost in this manner. The amount shall be determined after consultation with industry representatives. This is a onetime appropriation and is available until December 31, 2021.

**EFFECTIVE DATE.** This section expires December 31, 2021.

Sec. 9. **EFFECTIVE DATE; EXPIRATION.**

This act is effective the day following final enactment and unless specified otherwise expires the same day that the peacetime emergency declared and extended for the infectious disease known as COVID-19 expires or is terminated."

Delete the title and insert:

"A bill for an act relating to state government; modifying COVID-19 business restrictions; appropriating money for payments to certain bars and restaurants."

With the recommendation that when so amended the bill be re-referred to the Committee on Health Finance and Policy.

The report was adopted.

Mariani from the Committee on Public Safety and Criminal Justice Reform Finance and Policy to which was referred:

H. F. No. 1562, A bill for an act relating to natural resources; modifying certain submission deadline; modifying provisions for state park permits; prohibiting shooting at decoys from motor vehicles; prohibiting certain insecticides on state lands; modifying blaze requirements for clothing and ground blinds; imposing small game shot restrictions; modifying restrictions on motorized decoys; modifying provisions for taking turtles; appropriating money; amending Minnesota Statutes 2020, sections 84.946, subdivision 4; 85.054, subdivision 1; 97A.475, subdivision 41; 97B.055, subdivision 2; 97B.071; 97B.207, subdivision 2; 97B.811, subdivision 4a; 97C.605, subdivisions 1, 2c, 3; 97C.611; proposing coding for new law in Minnesota Statutes, chapters 84; 97B; repealing Minnesota Statutes 2020, section 97C.605, subdivisions 2, 2a, 2b, 5; Minnesota Rules, part 6256.0500, subparts 2, 2a, 2b, 4, 5, 6, 7, 8.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Nelson, M., from the Committee on State Government Finance and Elections to which was referred:

H. F. No. 1671, A bill for an act relating to local government; modifying county competitive bidding; amending Minnesota Statutes 2020, section 471.345, subdivision 20.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 1682, A bill for an act relating to transportation; making appropriations for aeronautics purposes.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

Mariani from the Committee on Public Safety and Criminal Justice Reform Finance and Policy to which was referred:

H. F. No. 1686, A bill for an act relating to public safety; requiring referrals to mental health crisis teams via the 911 system; amending Minnesota Statutes 2020, section 403.03, subdivision 1.

Reported the same back with the recommendation that the bill be placed on the General Register.

A separate vote was requested on the adoption of the Report from the Committee on Public Safety and Criminal Justice Reform Finance and Policy relating to H. F. No. 1686.

The question was taken on the adoption of the Report from the Committee on Public Safety and Criminal Justice Reform Finance and Policy relating to H. F. No. 1686.

The Report from the Committee on Public Safety and Criminal Justice Reform Finance and Policy relating to H. F. No. 1686 was adopted.

Noor from the Committee on Workforce and Business Development Finance and Policy to which was referred:

H. F. No. 1750, A bill for an act relating to economic development; establishing the Energy Transition Legacy Office; creating an advisory committee for transition communities and workers; requiring the development of a state transition plan for communities and workers impacted by the retirement of power plants; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Climate and Energy Finance and Policy.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 1869, A bill for an act relating to state government; modifying various provisions governing or administered by the secretary of state; amending Minnesota Statutes 2020, sections 5B.02; 5B.05; 5B.10, subdivision 1; 13.045, subdivisions 1, 2, 3, 4a.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Hornstein from the Committee on Transportation Finance and Policy to which was referred:

H. F. No. 1908, A bill for an act relating to transportation; modifying certain bicycle traffic regulations, powers, and duties; amending Minnesota Statutes 2020, sections 160.02, subdivision 1a; 169.011, subdivisions 5, 9, by adding a subdivision; 169.18, subdivision 3; 169.222, subdivisions 1, 4.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 1942, A bill for an act relating to health; authorizing access to certain birth records by an entity administering a children's savings program; amending Minnesota Statutes 2020, section 144.225, subdivision 2.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Nelson, M., from the Committee on State Government Finance and Elections to which was referred:

H. F. No. 1947, A bill for an act relating to local government; modifying enacting language of Duluth Entertainment and Convention Center; amending Laws 1963, chapter 305, sections 2, as amended; 3, as amended; 4, as amended; 5, as amended; 8, as amended; 9, as amended; 10, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1963, chapter 305, section 2, as amended by Laws 1998, chapter 404, section 62, is amended to read:

Sec. 2.

The authority created under this act shall consist of 11 directors, seven appointed by the city of Duluth and four appointed by the governor. The directors serve without compensation but may be reimbursed for authorized out-of-pocket expenses incurred in the fulfillment of their duties. The original term of three of the directors shall be for one year; the original term of two of the directors shall be for two years; and the original term of two of the directors shall be for three years, and until their respective successors are appointed and qualified. Subsequent terms of directors appointed by the city shall be for three years. All terms shall expire on June 30 of the appropriate year. Directors appointed by the governor serve at the pleasure of the governor. Whenever a vacancy on such authority shall occur by reason of resignation, death, removal from the city, or removal for failure or neglect to perform duties of a director, such vacancy shall be filled for the unexpired term. All appointments and removal of directors of the authority appointed by the city shall be made by the mayor, with the approval of the city council, evidenced by resolution. Every appointee who shall fail, within ten days after notification of ~~his~~ appointment, to file with the city clerk ~~his~~ the appointee's oath or affirmation to perform faithfully, honestly, and impartially the duties of ~~his~~ the office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this section.

Sec. 2. Laws 1963, chapter 305, section 3, as amended by Laws 1998, chapter 404, section 63, is amended to read:

Sec. 3.

Subdivision 1. Within 30 days after the members of the authority shall have qualified for office, the authority shall meet and organize, and adopt and thereafter may amend such rules and regulations for the conduct of the authority as the authority shall deem to be in the public interest and most likely to advance, enhance, foster, and promote the use of regional assets, the entertainment and convention center and its facilities for activities, conventions, events, ~~and~~ athletic, and cultural productions. Such rules and regulations shall at all times be in harmony with this act.

Subd. 2. Such directors shall elect from among their number a ~~president chair~~ and a ~~vice-president vice-chair~~, and shall also elect a treasurer or secretary ~~who may or may not be a member of such authority, or both~~. No two of such offices may be held by one director. The officers shall have the duties and powers usually attendant upon such officers, and such other duties and powers not inconsistent herewith as may be provided by the authority.

Subd. 3. The authority shall select a specific site within the city of Duluth for location of a national class entertainment and convention center, and may spend money appropriated, or otherwise available to it for that purpose, to acquire property for the center and to plan, design, construct, equip, and furnish the center. The authority shall administer, promote, and operate the center as a state facility, but for which the state assumes no financial responsibility or liability beyond the amounts appropriated for the facility.

Sec. 3. Laws 1963, chapter 305, section 4, as amended by Laws 1998, chapter 404, section 64, is amended to read:

Sec. 4.

Subdivision 1. The city treasurer of the city of Duluth shall be the ~~treasurer~~ fiscal agent of the authority. The ~~treasurer~~ fiscal agent shall receive and have the custody of all moneys of the authority from whatever source derived, and the same shall be deemed public funds. The ~~treasurer~~ city of Duluth shall disburse such funds only upon written orders drawn against such funds, signed by the manager and approved by the ~~president chair~~, or in ~~his~~ the chair's absence, the ~~vice-president vice-chair~~ of such authority; and each order shall state the name of the payee and the nature of the claim for which the same is issued. The ~~treasurer~~ fiscal agent shall keep an account of all monies coming into ~~his~~ the fiscal agent's hands, showing the source of all receipts and the nature, purpose, and authority of all disbursements, and at least four times each year, at times and in a form to be determined by the city council, the authority shall file with the city clerk a financial statement of the authority, showing all receipts and disbursements, the nature of the same, the moneys on hand, and the purposes for which the same are applicable, the credits and assets of the authority, and its outstanding liabilities.

Subd. 2. The authority has the exclusive power to receive, control, and order the expenditure of any and all moneys and funds pertaining to the center operations.

Subd. 3. There are hereby created in the treasury of the city of Duluth a special entertainment and convention center fund, hereinafter referred to as the special fund, and an entertainment and convention center operating fund, hereinafter referred to as the operating fund. The moneys in the special fund shall be used solely for the acquisition and preparation of a site, and for the planning, construction, and equipping of the center. The special fund shall consist of:

(1) All moneys derived from the sale of bonds by the city to provide funds for the acquisition and preparation of a site, and for the planning, construction, and equipping of the center.

(2) All moneys appropriated or made available to the city of Duluth for the acquisition and preparation of a site, and for the planning, construction, and equipping of the center.

(3) The proceeds of all financial aid or assistance by the city or state governments for the acquisition and preparation of a site, and for the planning, construction, and equipping of the center.

(4) All moneys received from the United States of America to aid in the acquisition and preparation of a site, and for the planning, construction, and equipping of the center.

(5) All moneys received as gifts or contributions to the acquisition and preparation of a site, and for the planning, construction, and equipping of the center.



The operating fund shall be used for maintenance, marketing and promotion, operation, or betterment of the center, and for expenses of the authority. The operating fund shall consist of all moneys of the authority derived from any source other than moneys credited to the special fund as hereinabove provided.

Subd. 4. At least once in each year the city auditor shall make, or cause to be made, at the expense of the authority, a complete examination and audit of all books and accounts of the aforesaid authority; and for such purpose the city auditor shall have the authority and power to inspect and examine such books and accounts at any time during regular business hours and such intervals as ~~he may determine~~ determined by the city auditor. One copy of such yearly audit shall be filed by the city auditor with the city clerk as a public document.

Subd. 5. The authority shall annually submit to the governor and the legislature a report detailing its activities and finances for the previous year. The report shall also include a proposed budget for the succeeding two years, showing in reasonable detail estimated operating and nonoperating revenues from all sources, and estimated expenditures for operation, administration, ordinary repair, and debt service.

Subd. 6. The legislative auditor shall make an annual audit of the authority's books and accounts once each year or as often as the legislative auditor's funds and personnel permit.

Sec. 4. Laws 1963, chapter 305, section 5, as amended by Laws 1998, chapter 404, section 65, is amended to read:

Sec. 5.

Subdivision 1. Wherever the word "center" is used in this act, it means the entertainment and convention center complex and its facilities of the city of Duluth, including the land upon which it stands and land appurtenant thereto.

Subd. 2. Notwithstanding anything to the contrary contained in any law, or in the charter of the city of Duluth, or in any ordinance thereof, passed by the city council, or approved by the electors of the city, there is hereby conferred upon such authority the power and duty to contract for and superintend the erection, construction, equipping and furnishing of the center, and to administer, promote, control, direct, manage, and operate the center as a municipal facility.

Sec. 5. Laws 1963, chapter 305, section 8, as amended by Laws 1998, chapter 404, section 67, is amended to read:

Sec. 8.

The authority shall have the power:

To adopt and alter all bylaws and rules and regulations which it shall from time to time deem best for the conduct of the business of the authority, and for the use of the facilities of the authority, and for the purposes of carrying out the objects of this act; but such bylaws, rules, and regulations shall not be in conflict with the terms of this act.

To appoint and remove a manager and such other employees as the authority may deem necessary, who shall not be within the civil service classifications of the city, and to prescribe the duties and fix the compensation and other benefits of such manager and employees, without regard to any provision contained in the charter or any ordinance of the city relating to civil service, or to any provision contained in Minnesota Statutes 1961, Sections 197.45 to 197.47, inclusive.

To procure and provide for a policy or policies of insurance for the defense and indemnification of the city of Duluth, its officers and employees, and directors, manager, and employees of the authority, against claims arising against them out of the performance of duty, whether such claims be groundless, or otherwise. Premiums for any policies of insurance required by this act shall be paid for out of the funds of the entertainment convention center authority.

To implement and carry out the provisions of section 7 of this act.

To utilize the services and facilities of the city so far as the same are offered by appropriate city officials and accepted by the authority, and to pay the city for all charges and costs for such services.

To operate and maintain and to lease from others all facilities necessary or convenient in connection with the center and to contract for the operation and maintenance of any parts thereof or for services to be performed; to lease the whole or parts thereof, and grant concessions, all on such terms and conditions as the authority may determine.

To authorize and direct the city ~~treasurer~~ fiscal agent to invest, in the manner provided by law, any funds held in reserve, or sinking funds, or any funds not required for immediate disbursement.

To fix, alter, charge, and collect rates, fees, and all other charges to be made for all services or facilities furnished by the authority for the use of the center facilities by any persons or public or private agencies utilizing such services or facilities.

To make and execute contracts, agreements, instruments, and other arrangements necessary or convenient to the exercise of its powers.

Sec. 6. Laws 1963, chapter 305, section 9, as amended by Laws 1998, chapter 404, section 68, is amended to read:

Sec. 9.

The manager of the center shall be responsible for the custody and control of all moneys received and collected from the daily operations of the center until such moneys are delivered to the city ~~treasurer~~ fiscal agent and ~~he the~~ fiscal agent shall have obtained a receipt therefor, or until such moneys are deposited in a bank account under control of the city ~~treasurer~~ fiscal agent.

The manager shall give bond in favor of the city of Duluth in a sum equal to twice the amount of money which will probably be in ~~his~~ the manager's hands at any time during any one year, that amount to be determined at least annually by the authority; such bond to be conditioned upon the faithful discharge of ~~his~~ the manager's official duties, and be approved as to form, correctness, and validity by the city attorney, and filed with the city auditor; such bond, however, shall not exceed \$300,000. Premiums for such bonds shall be paid out of funds of the authority.

Sec. 7. Laws 1963, chapter 305, section 10, as amended by Laws 1998, chapter 404, section 69, is amended to read:

Sec. 10.

The authority shall regulate the making of bids and the letting of contracts through procedure established by the authority, subject to the following conditions:

(a) In all cases of work to be done by contract or the purchase of property of any kind, or the rendering of any service to the authority other than professional services, competitive bids shall be secured before any purchase is made or any contract awarded where the amount involved exceeds the sum of ~~\$2,000~~ \$50,000.

(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice; and all original bids, together with all documents pertaining to the award of the contract, shall be retained and made a part of the permanent file or record, and shall be open to public inspection.

(c) Purchases of ~~\$2,000~~ \$50,000 or less may, through procedure established by the authority, be delegated to the center manager. Contracts involving more than ~~\$2,000~~ \$50,000 shall be awarded only after authorization by the authority.

(d) The authority may reject, or through procedure established by the authority, authorize the center manager to reject, any and all bids.

(e) Contract shall be let to the lowest responsible bidder, and purchases shall be made from the responsible bidder who offers to furnish the article desired for the lowest sum.

(f) In determining the lowest responsible bidder, in addition to price, the following may be considered:

(1) The ability, capacity, and skill of the bidder to perform the contract or provide the service required.

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(4) The quality of performance of previous contracts or services.

(5) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

(6) The quality, availability, and adaptability of the supplies or contractual service to the particular use required.

(7) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

(8) The number and scope of conditions attached to the bid.

(g) Specifications shall not be so prepared as to exclude all but one type or kind, but shall include competitive supplies and equipment; provided, however, that unique or noncompetitive articles which are determined by the authority to be sufficiently superior for the service intended by the authority, may be purchased without regard to other bids."

Delete the title and insert:

"A bill for an act relating to local government; modifying enacting language of Duluth Entertainment and Convention Center; amending Laws 1963, chapter 305, sections 2, as amended; 3, as amended; 4, as amended; 5, as amended; 8, as amended; 9, as amended; 10, as amended."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Becker-Finn from the Committee on Judiciary Finance and Civil Law to which was referred:

H. F. No. 2010, A bill for an act relating to human rights; requiring an interactive process when interacting with individuals with disabilities under chapter 363A; amending Minnesota Statutes 2020, section 363A.08, subdivision 6.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Nelson, M., from the Committee on State Government Finance and Elections to which was referred:

H. F. No. 2032, A bill for an act relating to state government; changing a provision of the Legislative Coordinating Commission; amending Minnesota Statutes 2020, section 3.303, subdivision 1.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Ways and Means.

The report was adopted.

### **SECOND READING OF HOUSE BILLS**

H. F. Nos. 702, 779, 1058, 1067, 1102, 1318, 1359, 1368, 1378, 1390, 1404, 1442, 1481, 1671, 1686, 1869, 1908, 1942, 1947 and 2010 were read for the second time.

### **SECOND READING OF SENATE BILLS**

S. F. Nos. 659 and 672 were read for the second time.

### **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Lee introduced:

H. F. No. 2174, A bill for an act relating to capital investment; authorizing the issuance of electric transit vehicle infrastructure appropriation bonds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on Capital Investment.

Lee introduced:

H. F. No. 2175, A bill for an act relating to economic development; appropriating money for the Justice Built Communities initiative.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Sandell introduced:

H. F. No. 2176, A bill for an act relating to health; appropriating money for school-based health clinics.

The bill was read for the first time and referred to the Committee on Health Finance and Policy.

Theis introduced:

H. F. No. 2177, A bill for an act relating to economic development; appropriating money for the central Minnesota opportunity grant program.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Lislegard introduced:

H. F. No. 2178, A bill for an act relating to human services; modifying resident assessments and classifications provisions; requiring certain related party disclosures; establishing interim and settle-up payment rates for new owners and operators; appropriating money for improved financial integrity of nursing facility payments; amending Minnesota Statutes 2020, sections 144.0724, subdivisions 4, 5, 8; 256R.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 256R.

The bill was read for the first time and referred to the Committee on Human Services Finance and Policy.

Bennett introduced:

H. F. No. 2179, A bill for an act relating to agriculture; appropriating money for statewide mental health counseling support.

The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy.

Novotny, Daniels, Gruenhagen and Kiel introduced:

H. F. No. 2180, A bill for an act relating to health; requiring licensure of abortion facilities; requiring a licensing fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health Finance and Policy.

Anderson and Urdahl introduced:

H. F. No. 2181, A bill for an act relating to taxation; property; solar energy generating systems; classification of real property; amending Minnesota Statutes 2020, section 272.02, subdivision 24.

The bill was read for the first time and referred to the Committee on Taxes.

Bierman and Huot introduced:

H. F. No. 2182, A bill for an act relating to economic development; extending certain job creation goals for Minnesota investment fund grants during the COVID-19 pandemic.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Schomacker, by request, introduced:

H. F. No. 2183, A bill for an act relating to taxation; property; authorizing the creation of a fire and ambulance special taxing district.

The bill was read for the first time and referred to the Committee on Taxes.

Schomacker introduced:

H. F. No. 2184, A bill for an act relating to health occupations; creating a Nurse Licensure Compact; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 148.

The bill was read for the first time and referred to the Committee on Health Finance and Policy.

Olson, B., introduced:

H. F. No. 2185, A bill for an act relating to agriculture; appropriating money for county fairs.

The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy.

Olson, B., introduced:

H. F. No. 2186, A bill for an act relating to agriculture; appropriating money for international trade assistance and promotion.

The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy.

Olson, B., introduced:

H. F. No. 2187, A bill for an act relating to agriculture; appropriating money to the Agricultural Utilization Research Institute.

The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy.

Mortensen introduced:

H. F. No. 2188, A bill for an act relating to retirement; Minnesota State Retirement System; transferring a state employee's service credit from the general employees retirement plan to the correctional employees retirement plan.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Olson, L., introduced:

H. F. No. 2189, A bill for an act relating to taxation; sales and use; providing an exemption for construction materials for school buildings in Duluth; amending Minnesota Statutes 2020, section 297A.71, subdivision 52.

The bill was read for the first time and referred to the Committee on Taxes.

Schultz introduced:

H. F. No. 2190, A bill for an act relating to health; modifying required frequency of resident reimbursement classification assessments; funding cost reporting audit activities related to nursing facility reimbursement; appropriating money to the commissioner of human services; amending Minnesota Statutes 2020, section 144.0724, subdivision 4.

The bill was read for the first time and referred to the Committee on Human Services Finance and Policy.

Elkins and Edelson introduced:

H. F. No. 2191, A bill for an act relating to economic development; appropriating money for robotics team grants.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Heinrich introduced:

H. F. No. 2192, A bill for an act relating to retirement; Ramsey Volunteer Firefighters' Relief Association; full vesting and distribution of accounts to firefighters assigned to the Nowthen fire station; repealing Laws 2020, chapter 108, article 14, section 1.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Olson, L., introduced:

H. F. No. 2193, A bill for an act relating to arts and cultural heritage; appropriating money for Lake Superior Zoological Society.

The bill was read for the first time and referred to the Committee on Legacy Finance.

Rasmusson introduced:

H. F. No. 2194, A bill for an act relating to telecommunications; transferring money for the broadband grant program.

The bill was read for the first time and referred to the Committee on Industrial Education and Economic Development Finance and Policy.

Gruenhagen, Urdahl, Daniels, Dettmer and Erickson introduced:

H. F. No. 2195, A bill for an act relating to insurance; allowing health carriers to offer reference-based pricing health plans; proposing coding for new law in Minnesota Statutes, chapter 62K.

The bill was read for the first time and referred to the Committee on Commerce Finance and Policy.

Hollins and Raleigh introduced:

H. F. No. 2196, A bill for an act relating to transportation; governing drivers' licenses and Minnesota identification cards; providing for certain remote issuance and expiration extensions; amending Minnesota Statutes 2020, sections 171.06, by adding a subdivision; 171.13, subdivision 1; 171.27.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Ecklund introduced:

H. F. No. 2197, A bill for an act relating to environment; defining advanced recycling; amending Minnesota Statutes 2020, sections 115A.03, subdivisions 25, 25d, 27, 28, 34, 35, 36, by adding subdivisions; 116.06, subdivision 22.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Heinrich introduced:

H. F. No. 2198, A bill for an act relating to transportation; requiring the commissioner of transportation to install a traffic-control signal at the intersection of marked Trunk Highway 47 and McKinley Street in Anoka.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Vang introduced:

H. F. No. 2199, A bill for an act relating to education finance; appropriating money for students in alternative programs.

The bill was read for the first time and referred to the Committee on Education Finance.

Vang introduced:

H. F. No. 2200, A bill for an act relating to climate change; establishing grant program to provide financial assistance to cities to address climate change; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Agbaje introduced:

H. F. No. 2201, A bill for an act relating to public safety; repealing crime of falsely reporting police misconduct; repealing Minnesota Statutes 2020, section 609.505, subdivision 2.

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy.



McDonald, Koznick, Robbins, Daniels, Johnson and Quam introduced:

H. F. No. 2202, A bill for an act relating to public safety; requiring three-fifths majority approval from both legislative bodies to extend peacetime emergencies beyond 30 days; amending Minnesota Statutes 2020, section 12.31, subdivision 2.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Davnie introduced:

H. F. No. 2203, A bill for an act relating to early childhood programs; modifying the early learning scholarships program; amending Minnesota Statutes 2020, section 124D.165, subdivision 3.

The bill was read for the first time and referred to the Committee on Early Childhood Finance and Policy.

Mortensen and Munson introduced:

H. F. No. 2204, A bill for an act relating to emergency management; repealing governor's power to declare emergency; establishing a legislative emergency declaration and extension process; repealing governor's authority to adopt orders and expedited rules that have the effect of law during an emergency; protecting citizen rights; making technical corrections; amending Minnesota Statutes 2020, sections 12.03, subdivision 1e; 12.21, subdivisions 1, 3; 12.25, subdivision 3; 12.36; 12.45; 12.61, subdivision 2; 13D.02, subdivision 1; 14.03, subdivision 1; 34A.11, subdivision 6; 35.0661, subdivision 1; 41B.047, subdivision 1; 144.4197; 144E.266; 151.441, subdivisions 12, 13; 270C.34, subdivision 1; 295.50, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 12; repealing Minnesota Statutes 2020, sections 4.035, subdivision 2; 12.31; 12.32.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Davnie and Bernardy introduced:

H. F. No. 2205, A bill for an act relating to higher education; establishing a direct admissions pilot project; appropriating money.

The bill was read for the first time and referred to the Committee on Higher Education Finance and Policy.

Torkelson introduced:

H. F. No. 2206, A bill for an act relating to capital investment; appropriating money for a veterans cemetery in Redwood Falls; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Dettmer, Novotny, Urdahl and Erickson introduced:

H. F. No. 2207, A bill for an act relating to taxation; lawful gambling; modifying the combined net receipts tax; modifying the calculation for the stadium reserve; amending Minnesota Statutes 2020, sections 297E.02, subdivision 6; 297E.021, subdivision 2; 349.15, subdivision 1; 349.151, subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Lislegard introduced:

H. F. No. 2208, A bill for an act relating to capital investment; appropriating money for a solid waste landfill in St. Louis County; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Greenman, Ecklund and Hanson, J., introduced:

H. F. No. 2209, A bill for an act relating to military veterans; appropriating money for grants to the Minnesota Military Museum.

The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy.

Wolgamott introduced:

H. F. No. 2210, A bill for an act relating to human services; establishing a 24-hour customized living service rate floor for certain facilities; amending Minnesota Statutes 2020, sections 256B.4914, subdivision 6; 256S.203; proposing coding for new law in Minnesota Statutes, chapter 256S.

The bill was read for the first time and referred to the Committee on Human Services Finance and Policy.

Hornstein introduced:

H. F. No. 2211, A bill for an act relating to environment; establishing a grant program for pilot projects to encourage and increase composting in multifamily buildings; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Hornstein introduced:

H. F. No. 2212, A bill for an act relating to taxation; property; authorizing a temporary deferral of commercial-industrial property taxes; proposing coding for new law in Minnesota Statutes, chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Hornstein introduced:

H. F. No. 2213, A bill for an act relating to transportation; permitting the Minneapolis Park and Recreation Board to reduce speed limits on parkways under its jurisdiction; requiring local approval.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Edelson introduced:

H. F. No. 2214, A bill for an act relating to education finance; appropriating money for summer education programs; amending Minnesota Statutes 2020, section 126C.10, subdivision 2d; Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 2, as amended.

The bill was read for the first time and referred to the Committee on Education Finance.

Edelson introduced:

H. F. No. 2215, A bill for an act relating to public safety; directing that unspent funds in the 911 emergency telecommunications service account be used for grants to counties to design, develop, implement, operate, and maintain the geographic information system; appropriating money; amending Minnesota Statutes 2020, section 403.11, subdivision 1.

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy.

Long introduced:

H. F. No. 2216, A bill for an act relating to energy; establishing a loan program for municipal utilities paying unusually high prices for natural gas in February 2021; establishing a program to defray high natural gas bills from the February 2021 price spike for low-income households; appropriating money.

The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy.

Lucero introduced:

H. F. No. 2217, A bill for an act relating to human services; transferring child care assistance program fraud investigation unit from Department of Human Services to Department of Public Safety; amending Minnesota Statutes 2020, sections 245E.01, subdivisions 4, 7; 245E.02, subdivision 4; 245E.03, subdivisions 3, 4; 245E.06, subdivisions 1, 2, 3, 5; 245E.07.

The bill was read for the first time and referred to the Committee on Human Services Finance and Policy.

Lucero introduced:

H. F. No. 2218, A bill for an act relating to public safety; providing for the right to carry without a permit; providing for an optional permit to carry; amending Minnesota Statutes 2020, section 624.714, subdivisions 2, 3, 7, 15, 20, 23, by adding subdivisions; repealing Minnesota Statutes 2020, sections 624.714, subdivisions 1a, 1b, 16; 624.7181.

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy.

Neu Brindley introduced:

H. F. No. 2219, A bill for an act relating to state government; modifying the definition of cosmetology school manager; amending Minnesota Statutes 2020, section 155A.23, subdivision 16.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Noor, Hollins, Wolgamott and Lippert introduced:

H. F. No. 2220, A bill for an act relating to housing; establishing a state rent assistance program for low-income, cost-burdened households; appropriating money; amending Minnesota Statutes 2020, section 462A.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462A.

The bill was read for the first time and referred to the Committee on Housing Finance and Policy.

Koegel introduced:

H. F. No. 2221, A bill for an act relating to human services; long-term care; establishing a hero payment for long-term care workers.

The bill was read for the first time and referred to the Committee on Human Services Finance and Policy.

Bierman and Huot introduced:

H. F. No. 2222, A bill for an act relating to economic development; extending certain job creation goals for Minnesota investment fund grants during the COVID-19 pandemic.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Huot introduced:

H. F. No. 2223, A bill for an act relating to local government; permitting counties to establish subordinate service districts; amending Minnesota Statutes 2020, sections 375B.02; 375B.03; 375B.04.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Hausman introduced:

H. F. No. 2224, A bill for an act relating to housing; establishing a COVID-19 emergency mortgage assistance program; appropriating money.

The bill was read for the first time and referred to the Committee on Housing Finance and Policy.

Hausman introduced:

H. F. No. 2225, A bill for an act relating to capital investment; appropriating money for improvements to Gibbs Farm Museum: Pathways to Dakota and Pioneer Life; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Capital Investment.

Hausman introduced:

H. F. No. 2226, A bill for an act relating to housing; appropriating money to the Minnesota Housing Finance Agency for the workforce and affordable homeownership development program.

The bill was read for the first time and referred to the Committee on Housing Finance and Policy.

Hausman introduced:

H. F. No. 2227, A bill for an act relating to housing; appropriating money to the Minnesota Housing Finance Agency for the economic development and housing challenge program.

The bill was read for the first time and referred to the Committee on Housing Finance and Policy.

Howard introduced:

H. F. No. 2228, A bill for an act relating to taxation; corporate franchise; requiring worldwide combined reporting; amending Minnesota Statutes 2020, section 290.17, subdivision 4, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Howard introduced:

H. F. No. 2229, A bill for an act relating to taxation; individual income; disallowing the itemized deduction for mortgage interest on a second home; appropriating money for the home ownership assistance program; amending Minnesota Statutes 2020, section 290.0122, subdivision 5.

The bill was read for the first time and referred to the Committee on Housing Finance and Policy.

Pinto introduced:

H. F. No. 2230, A bill for an act relating to education finance; making changes to early learning programs; appropriating money; amending Minnesota Statutes 2020, sections 119A.52; 119B.13, subdivision 1; 124D.1158; 124D.13, subdivision 2; 124D.151, subdivision 6; 124D.165, subdivision 3; 124D.59, subdivision 2; 126C.05, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Early Childhood Finance and Policy.

Pinto introduced:

H. F. No. 2231, A bill for an act relating to early childhood family education; removing obsolete language; amending Minnesota Statutes 2020, section 124D.135, subdivision 1.

The bill was read for the first time and referred to the Committee on Early Childhood Finance and Policy.

Morrison introduced:

H. F. No. 2232, A bill for an act relating to single-use plastics; banning the sale, offering for sale, or provision of single-use plastics by hotels; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the first time and referred to the Committee on Commerce Finance and Policy.

Frazier introduced:

H. F. No. 2233, A bill for an act relating to education; modifying teacher licensure provisions; amending Minnesota Statutes 2020, sections 122A.181, subdivision 5; 122A.183, subdivision 2.

The bill was read for the first time and referred to the Committee on Education Policy.

Boe introduced:

H. F. No. 2234, A bill for an act relating to electric vehicles; requiring installation of electric vehicle charging stations at county government centers; appropriating money.

The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy.

Boe introduced:

H. F. No. 2235, A bill for an act relating to transportation; appropriating money for a new bus garage for Eastern Carver County Schools.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Boe introduced:

H. F. No. 2236, A bill for an act relating to transportation; designating a segment of marked Trunk Highway 5 in Chanhassen as Prince Rogers Nelson Memorial Highway; amending Minnesota Statutes 2020, section 161.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Boe introduced:

H. F. No. 2237, A bill for an act relating to natural resources; modifying requirements for water diversions and consumptive use; amending Minnesota Statutes 2020, section 103G.265, subdivisions 2, 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy.

Boe introduced:

H. F. No. 2238, A bill for an act relating to public safety; providing enhanced penalties for making emergency calls to harass, hinder, intrude upon, or interfere with another person; amending Minnesota Statutes 2020, section 609.78.

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy.

Boe introduced:

H. F. No. 2239, A bill for an act relating to transportation; appropriating money for safety improvements to the intersection of Trunk Highway 212 and Carver County Road 51; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Munson introduced:

H. F. No. 2240, A bill for an act relating to clean water; extending a prior appropriation for a multipurpose water management project.

The bill was read for the first time and referred to the Committee on Legacy Finance.

Nelson, M., introduced:

H. F. No. 2241, A bill for an act relating to campaign finance; allowing collection of private contact information for candidates, treasurers, and chairs for specified purposes; amending Minnesota Statutes 2020, section 10A.14, by adding a subdivision.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Gomez, Agbaje, Davnie, Hassan and Noor introduced:

H. F. No. 2242, A bill for an act relating to taxation; sales and use; providing refundable exemptions for certain items purchased for properties damaged during unrest; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Gomez introduced:

H. F. No. 2243, A bill for an act relating to economic development; appropriating money for Joyce Preschool.

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy.

Boe introduced:

H. F. No. 2244, A bill for an act relating to transportation; establishing a fine amount for operating a motor vehicle without meeting lighted headlamps and tail lamps requirements; amending Minnesota Statutes 2020, section 169.48, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation Finance and Policy.

Hollins introduced:

H. F. No. 2245, A bill for an act relating to real property; extending sunset of temporary exception for certain filings of mortgages and deeds of trust; amending Laws 2020, chapter 118, section 4.

The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy.

Huot introduced:

H. F. No. 2246, A bill for an act relating to the Minnesota State High School League; modifying the governing board membership; amending Minnesota Statutes 2020, section 128C.01, subdivision 4.

The bill was read for the first time and referred to the Committee on Education Policy.

Youakim introduced:

H. F. No. 2247, A bill for an act relating to taxation; sales and use; modifying the exemption for clothing to include protective equipment; creating a new exemption for disinfecting wipes; amending Minnesota Statutes 2020, section 297A.67, subdivision 8, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

### **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Madam Speaker:

I have the honor to inform the House of Representatives that the Senate is ready to meet with the House in a Joint Convention at 6:00 p.m., Monday, March 15, 2021, for the purpose of electing members to the Board of Regents of the University of Minnesota.

CAL R. LUDEMAN, Secretary of the Senate



Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 4 and 263.

CAL R. LUDEMAN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 4, A bill for an act relating to public safety; requiring legislative approval to extend the duration of a peacetime emergency declared by the governor; limiting duration of peacetime emergency extensions; amending Minnesota Statutes 2020, section 12.31, subdivision 2.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 263, A bill for an act relating to taxation; individual income and corporate franchise; providing for federal conformity to exclusion of paycheck protection loan forgiveness from gross income and certain related deductions; providing certain business entities the option to file as C-option corporations; clarifying section 179 expensing conformity; providing a deduction for certain unemployment compensation; amending Minnesota Statutes 2020, sections 289A.02, subdivision 7; 289A.08, by adding a subdivision; 289A.38, by adding a subdivision; 290.01, subdivisions 19, 31, by adding a subdivision; 290.0132, by adding subdivisions; 290.06, subdivisions 2c, 22; 290.091, subdivision 2; 290.0921, subdivision 2; 290.92, subdivisions 4b, 4c; 290A.03, subdivision 15; 291.005, subdivision 1; Laws 2020, Seventh Special Session chapter 2, article 1, section 1, subdivision 7; article 4, section 1, subdivision 2; article 5, section 1; proposing coding for new law in Minnesota Statutes, chapter 290.

The bill was read for the first time.

### MOTION TO DECLARE URGENCY

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Daudt moved that the rule therein be suspended and an urgency be declared and that the rules of the House be so far suspended so that S. F. No. 263 be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Daudt motion and the roll was called. There were 63 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Akland	Baker	Daniels	Drazkowski	Green	Heintzeman
Albright	Bennett	Daudt	Erickson	Gruenhagen	Hertaus
Anderson	Bliss	Davids	Franke	Haley	Igo
Backer	Boe	Demuth	Franson	Hamilton	Johnson
Bahr	Burkel	Dettmer	Garofalo	Heinrich	Jurgens

Kiel	Mekeland	Nelson, N.	Petersburg	Rasmusson	Torkelson
Koznick	Miller	Neu Brindley	Pfarr	Robbins	Urdahl
Kresha	Mortensen	Novotny	Pierson	Schomacker	West
Lucero	Mueller	O'Driscoll	Poston	Scott	
Lueck	Munson	Olson, B.	Quam	Swedzinski	
McDonald	Nash	O'Neill	Raleigh	Theis	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Thompson
Bahner	Feist	Hollins	Lippert	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgamott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Spk. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

The motion did not prevail.

S. F. No. 263 was referred to the Committee on Taxes.

## MOTIONS AND RESOLUTIONS

Freiberg moved that the name of Christensen be added as an author on H. F. No. 18. The motion prevailed.

Carlson moved that the name of Vang be added as an author on H. F. No. 39. The motion prevailed.

Freiberg moved that the name of Munson be added as an author on H. F. No. 72. The motion prevailed.

Bernardy moved that the name of Jordan be added as an author on H. F. No. 112. The motion prevailed.

Fischer moved that the name of Schultz be added as an author on H. F. No. 157. The motion prevailed.

Stephenson moved that the name of Moller be added as an author on H. F. No. 164. The motion prevailed.

Howard moved that the name of Bierman be added as an author on H. F. No. 315. The motion prevailed.

Hansen, R., moved that the names of Novotny and Heinrich be added as authors on H. F. No. 401. The motion prevailed.

Her moved that the names of Christensen and Bierman be added as authors on H. F. No. 406. The motion prevailed.

Edelson moved that the name of Lillie be added as an author on H. F. No. 416. The motion prevailed.

Acomb moved that the name of Klevorn be added as an author on H. F. No. 447. The motion prevailed.

Lucero moved that the name of Frazier be added as an author on H. F. No. 464. The motion prevailed.

Feist moved that the name of Davids be added as an author on H. F. No. 486. The motion prevailed.

Igo moved that the name of Scott be added as an author on H. F. No. 515. The motion prevailed.

Morrison moved that the names of Feist; Jordan; Olson, L.; Lee; Becker-Finn; Elkins; Her and Bierman be added as authors on H. F. No. 522. The motion prevailed.

Koegel moved that the name of Koznick be added as an author on H. F. No. 553. The motion prevailed.

Mekeland moved that the name of Munson be added as an author on H. F. No. 568. The motion prevailed.

Her moved that the name of Agbaje be added as an author on H. F. No. 601. The motion prevailed.

Hansen, R., moved that the name of Hollins be added as an author on H. F. No. 639. The motion prevailed.

Lippert moved that the name of Acomb be added as an author on H. F. No. 663. The motion prevailed.

Sandell moved that the names of Xiong, T., and Stephenson be added as authors on H. F. No. 710. The motion prevailed.

Sandell moved that the name of Agbaje be added as an author on H. F. No. 712. The motion prevailed.

Youakim moved that the name of Schomacker be added as an author on H. F. No. 724. The motion prevailed.

Freiberg moved that the names of Munson and Reyer be added as authors on H. F. No. 785. The motion prevailed.

Morrison moved that the names of Hollins and Freiberg be added as authors on H. F. No. 802. The motion prevailed.

Sundin moved that the name of Stephenson be added as an author on H. F. No. 803. The motion prevailed.

Kotyza-Witthuhn moved that the name of Berg be added as an author on H. F. No. 858. The motion prevailed.

Keeler moved that the name of Lillie be added as an author on H. F. No. 900. The motion prevailed.

Munson moved that the name of Boe be added as an author on H. F. No. 915. The motion prevailed.

Long moved that the name of Lillie be added as an author on H. F. No. 922. The motion prevailed.

Koegel moved that the name of Koznick be added as an author on H. F. No. 927. The motion prevailed.

Hansen, R., moved that the name of Masin be added as an author on H. F. No. 954. The motion prevailed.

Vang moved that the name of Bierman be added as an author on H. F. No. 970. The motion prevailed.

Pinto moved that the name of Hornstein be added as an author on H. F. No. 1024. The motion prevailed.

Greenman moved that the names of Huot and Feist be added as authors on H. F. No. 1054. The motion prevailed.

Bennett moved that the name of Urdahl be added as an author on H. F. No. 1057. The motion prevailed.

Hassan moved that the name of Lillie be added as an author on H. F. No. 1071. The motion prevailed.

Hollins moved that the name of Her be added as an author on H. F. No. 1092. The motion prevailed.

Hanson, J., moved that the name of Hollins be added as an author on H. F. No. 1102. The motion prevailed.

Agbaje moved that the names of Hanson, J., and Boldon be added as authors on H. F. No. 1151. The motion prevailed.

Olson, L., moved that the name of Xiong, J., be added as an author on H. F. No. 1192. The motion prevailed.

Richardson moved that the names of Wazlawik and Feist be added as authors on H. F. No. 1200. The motion prevailed.

Sandell moved that the name of Her be added as an author on H. F. No. 1246. The motion prevailed.

Long moved that the name of Scott be added as an author on H. F. No. 1267. The motion prevailed.

Boldon moved that the names of Xiong, J., and Hornstein be added as authors on H. F. No. 1278. The motion prevailed.

Edelson moved that the name of Berg be added as an author on H. F. No. 1307. The motion prevailed.

Hansen, R., moved that the names of Lee; Stephenson; Olson, L.; Becker-Finn; Nelson, M., and Petersburg be added as authors on H. F. No. 1318. The motion prevailed.

Her moved that the name of Acomb be added as an author on H. F. No. 1332. The motion prevailed.

Freiberg moved that the name of Bierman be added as an author on H. F. No. 1358. The motion prevailed.

Xiong, T., moved that the name of Baker be added as an author on H. F. No. 1364. The motion prevailed.

Frazier moved that the names of Lee, Frederick and Reyer be added as authors on H. F. No. 1374. The motion prevailed.

Becker-Finn moved that the name of Xiong, J., be added as an author on H. F. No. 1378. The motion prevailed.

Koegel moved that the name of Her be added as an author on H. F. No. 1383. The motion prevailed.

Hassan moved that the name of Lillie be added as an author on H. F. No. 1389. The motion prevailed.

Frederick moved that the name of Franke be added as an author on H. F. No. 1434. The motion prevailed.

Sandstede moved that the name of Pelowski be added as an author on H. F. No. 1514. The motion prevailed.

Sandstede moved that the name of Pelowski be added as an author on H. F. No. 1515. The motion prevailed.

Howard moved that the name of Olson, L., be added as an author on H. F. No. 1517. The motion prevailed.

Berg moved that the name of Huot be added as an author on H. F. No. 1523. The motion prevailed.

Rasmusson moved that the name of Gruenhagen be added as an author on H. F. No. 1559. The motion prevailed.

Bahner moved that the names of Gruenhagen and Bierman be added as authors on H. F. No. 1576. The motion prevailed.

Nelson, M., moved that the names of Davids and Franke be added as authors on H. F. No. 1685. The motion prevailed.

Hanson, J., moved that the names of Feist, Hollins and Frazier be added as authors on H. F. No. 1686. The motion prevailed.

Boldon moved that the names of Her; Xiong, J., and Hornstein be added as authors on H. F. No. 1747. The motion prevailed.

Hansen, R., moved that the name of Koznick be added as an author on H. F. No. 1756. The motion prevailed.

Agbaje moved that the name of Her be added as an author on H. F. No. 1759. The motion prevailed.

Hollins moved that the name of Long be added as an author on H. F. No. 1762. The motion prevailed.

Klevorn moved that the name of Berg be added as an author on H. F. No. 1768. The motion prevailed.

Frazier moved that the names of Lee, Noor, Hollins, Reyer, Mariani and Frederick be added as authors on H. F. No. 1769. The motion prevailed.

Bierman moved that the name of Vang be added as an author on H. F. No. 1851. The motion prevailed.

Berg moved that the name of Bierman be added as an author on H. F. No. 1858. The motion prevailed.

Reyer moved that the name of Hollins be added as an author on H. F. No. 1860. The motion prevailed.

Acomb moved that the name of Koznick be added as an author on H. F. No. 1874. The motion prevailed.

Morrison moved that the name of Hansen, R., be added as an author on H. F. No. 1896. The motion prevailed.

Olson, L., moved that the names of Hornstein and Schultz be added as authors on H. F. No. 1901. The motion prevailed.

Sandell moved that the name of Xiong, J., be added as an author on H. F. No. 1906. The motion prevailed.

Lillie moved that the name of Elkins be added as an author on H. F. No. 1908. The motion prevailed.

Davids moved that the name of Daniels be added as an author on H. F. No. 1959. The motion prevailed.

Gruenhagen moved that the name of Schultz be added as an author on H. F. No. 1983. The motion prevailed.

Feist moved that the name of Stephenson be added as an author on H. F. No. 1994. The motion prevailed.

Agbaje moved that the names of Stephenson and Feist be added as authors on H. F. No. 1997. The motion prevailed.

Vang moved that the name of Lippert be added as an author on H. F. No. 2014. The motion prevailed.

Hornstein moved that the names of Elkins; Freiberg; Lee; Xiong, J.; Bahner; Christensen; Bierman; Hanson, J.; Pryor; Hausman and Ecklund be added as authors on H. F. No. 2026. The motion prevailed.

Lippert moved that the names of Long, Christensen, Bierman, Hornstein, Lee and Acomb be added as authors on H. F. No. 2044. The motion prevailed.

Christensen moved that the name of Stephenson be added as an author on H. F. No. 2054. The motion prevailed.

Olson, B., moved that the name of Akland be added as an author on H. F. No. 2068. The motion prevailed.

Reyer moved that the names of Pryor; Feist; Hansen, R.; Freiberg; Christensen; Bierman and Lillie be added as authors on H. F. No. 2081. The motion prevailed.

Lippert moved that the names of Long and Stephenson be added as authors on H. F. No. 2083. The motion prevailed.

Jordan moved that the names of Franke and Olson, L., be added as authors on H. F. No. 2084. The motion prevailed.

Fischer moved that the name of Becker-Finn be added as an author on H. F. No. 2086. The motion prevailed.

Lislegard moved that the name of Youakim be added as an author on H. F. No. 2120. The motion prevailed.

Huot moved that the name of Jurgens be added as an author on H. F. No. 2122. The motion prevailed.

Berg moved that the name of Koznick be added as an author on H. F. No. 2130. The motion prevailed.

Hansen, R., moved that the name of Becker-Finn be added as an author on H. F. No. 2137. The motion prevailed.

Hollins moved that the names of Youakim and Elkins be added as authors on H. F. No. 2156. The motion prevailed.

Koznick moved that the name of Bierman be added as an author on H. F. No. 2164. The motion prevailed.

Akland moved that the name of Haley be added as an author on H. F. No. 2165. The motion prevailed.

Keeler moved that the name of Youakim be added as an author on H. F. No. 2171. The motion prevailed.

Jordan moved that H. F. No. 203, now on the General Register, be re-referred to the Committee on Ways and Means. The motion prevailed.

Richardson moved that H. F. No. 1081 be recalled from the Committee on Education Finance and be re-referred to the Committee on Judiciary Finance and Civil Law. The motion prevailed.

Hollins moved that H. F. No. 2245 be recalled from the Committee on Climate and Energy Finance and Policy and be re-referred to the Committee on Judiciary Finance and Civil Law. The motion prevailed.

#### MOTION TO FIX TIME TO CONVENE

Winkler moved that when the House adjourns today it adjourn until 12:15 p.m., Wednesday, March 17, 2021. The motion prevailed.

Winkler moved that the House recess subject to the call of the Chair to meet with the Senate in Joint Convention to elect members to the Board of Regents of the University of Minnesota. The motion prevailed.

#### RECESS

#### RECONVENED

The House reconvened and was called to order by the Speaker.

The Sergeant at Arms announced the arrival of the members of the Senate and they were escorted to the seats reserved for them at the front of the Chamber.

#### JOINT CONVENTION

The Speaker of the House, as President of the Joint Convention, called the Joint Convention to order.

Prayer was offered by the Reverend Richard D. Buller, Valley Community Presbyterian Church, Golden Valley, Minnesota.

The roll being called, the following members of the Senate answered to their names:

Abeler	Dibble	Gazelka	Kent	Miller	Rest
Anderson	Dornink	Goggin	Kiffmeyer	Murphy	Rosen
Bakk	Draheim	Hawj	Klein	Nelson	Ruud
Benson	Duckworth	Hoffman	Koran	Newman	Senjem
Bigham	Dziedzic	Housley	Kunesh	Newton	Tomassoni
Carlson	Eaton	Howe	Lang	Osmek	Torres Ray
Chamberlain	Eichorn	Ingebrigtsen	Latz	Pappas	Utke
Clausen	Eken	Isaacson	Limmer	Port	Weber
Coleman	Fateh	Jasinski	Marty	Pratt	Westrom
Cwodzinski	Franzen	Johnson	Mathews	Putnam	Wiger
Dahms	Frentz	Johnson Stewart	McEwen	Rarick	Wiklund

The roll being called, the following members of the House of Representatives answered to their names:

Acomb	Baker	Boldon	Demuth	Fischer	Green
Agbaje	Becker-Finn	Burkel	Dettmer	Franke	Greenman
Akland	Bennett	Carlson	Drazkowski	Franson	Gruenhagen
Albright	Berg	Christensen	Ecklund	Frazier	Haley
Anderson	Bernardy	Daniels	Edelson	Frederick	Hamilton
Backer	Bierman	Daudt	Elkins	Freiberg	Hansen, R.
Bahner	Bliss	Davids	Erickson	Garofalo	Hanson, J.
Bahr	Boe	Davnie	Feist	Gomez	Hassan

Hausman	Klevorn	Masin	Noor	Rasmusson	Urdahl
Heinrich	Koegel	McDonald	Novotny	Reyer	Vang
Heintzeman	Kotyza-Witthuhn	Mekeland	O'Driscoll	Richardson	Wazlawik
Her	Koznick	Miller	Olson, B.	Robbins	West
Hertaus	Kresha	Moller	Olson, L.	Sandell	Winkler
Hollins	Lee	Moran	O'Neill	Sandstede	Wolgamott
Hornstein	Liebling	Morrison	Pelowski	Schomacker	Xiong, J.
Howard	Lillie	Mortensen	Petersburg	Schultz	Xiong, T.
Huot	Lippert	Mueller	Pfarr	Scott	Youakim
Igo	Lislegard	Munson	Pierson	Stephenson	Pres. Hortman
Johnson	Long	Murphy	Pinto	Sundin	
Jordan	Lucero	Nash	Poston	Swedzinski	
Jurgens	Lueck	Nelson, M.	Pryor	Theis	
Keeler	Mariani	Nelson, N.	Quam	Thompson	
Kiel	Marquart	Neu Brindley	Raleigh	Torkelson	

A quorum was present.

Senator Champion was excused between the hours of 6:00 p.m. and 7:30 p.m.

COMMUNICATION FROM THE JOINT LEGISLATIVE COMMITTEE FOR CANDIDATES  
FOR VACANCIES ON THE BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA

March 8, 2021

Speaker Hortman, Majority Leader Gazelka, Minority Leaders Daudt and Kent:

Pursuant to Minnesota Statutes 2020, section 137.0246, subdivision 2 and Joint Rule of the Senate and House 4.01, the Joint Higher Education Committee met on February 23, 2021 to consider candidates for the vacancies on the University of Minnesota Board of Regents.

The Joint Committee allowed all candidates who were recommended by the Regent Candidate Advisory Council, who had not withdrawn their applications, an opportunity to address the Joint Committee and respond to questions. No additional candidates were nominated by Joint Committee members during the hearing.

After hearing from all candidates, the Joint Committee voted in accordance with the meeting procedures adopted by the joint committee. Under those procedures, if, after two rounds of voting, no candidate achieved the required majority vote from both the House members and the Senate members of the Joint Committee, an impasse was declared and the remaining two candidates were added to a slate. In each district, the slate of candidates subsequently received the requisite votes for recommendation to the joint convention. We respectfully forward the following two names in each district to the Joint Convention of the Senate and the House of Representatives:

First Congressional District: Val Aarsvold and Ruth Johnson;  
Fourth Congressional District: Daryl Alkire and Karen Schanfield;  
Sixth Congressional District: Michael Hsu and Kodi Verhalen;  
Seventh Congressional District: Doug Huebsch and Michael Yost.

Respectfully submitted,

SENATOR DAVID J. TOMASSONI  
Co-Chair of the Joint Higher Education Committee

REPRESENTATIVE CONNIE BERNARDY  
Co-Chair of the Joint Higher Education Committee



ELECTION OF MEMBERS TO THE BOARD  
OF REGENTS OF THE UNIVERSITY OF MINNESOTA

Pursuant to the Joint Rules of the Senate and House of Representatives, the Joint Convention proceeded to elect Regents from the First Congressional District.

Val Aarsvold and Ruth Johnson were nominated by the Joint Legislative Committee for the First Congressional District Regent for a term of six years.

There being no further nominations, the President declared the nominations closed.

The Secretary called the roll.

FIRST CONGRESSIONAL DISTRICT REGENT JOINT ROLL CALL

The following members of the Senate voted for Ruth Johnson:

Abeler	Dibble	Hawj	Latz	Port	Torres Ray
Bakk	Dziedzic	Housley	Marty	Putnam	Wiger
Bigham	Eaton	Isaacson	McEwen	Rest	Wiklund
Carlson	Eken	Johnson Stewart	Murphy	Rosen	
Clausen	Fateh	Kent	Nelson	Ruud	
Coleman	Franzen	Klein	Newton	Senjem	
Cwodzinski	Frentz	Kunesh	Pappas	Tomassoni	

The following members of the House of Representatives voted for Ruth Johnson:

Acomb	Edelson	Hassan	Lee	Nelson, M.	Stephenson
Agbaje	Elkins	Her	Liebling	Noor	Thompson
Bahner	Feist	Hollins	Lillie	Olson, L.	Vang
Becker-Finn	Fischer	Hornstein	Lippert	Pierson	Wazlawik
Berg	Frazier	Howard	Long	Pinto	Winkler
Bernardy	Frederick	Huot	Mariani	Pryor	Wolgammott
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, J.
Boldon	Gomez	Keeler	Masin	Richardson	Xiong, T.
Carlson	Greenman	Klevorn	Moller	Sandell	Youakim
Christensen	Hansen, R.	Koegel	Moran	Sandstede	Pres. Hortman
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	

Ruth Johnson received 103 votes.

The following members of the Senate voted for Val Aarsvold:

Anderson	Draheim	Hoffman	Kiffmeyer	Miller	Utke
Benson	Duckworth	Howe	Koran	Newman	Weber
Chamberlain	Eichorn	Ingebrigtsen	Lang	Osmek	Westrom
Dahms	Gazelka	Jasinski	Limmer	Pratt	
Dornink	Goggin	Johnson	Mathews	Rarick	

The following members of the House of Representatives voted for Val Aarsvold:

Akland	Davids	Hamilton	Lucero	Novotny	Schomacker
Albright	Demuth	Hausman	Lueck	O'Driscoll	Scott
Anderson	Dettmer	Heinrich	McDonald	Olson, B.	Sundin
Backer	Drazkowski	Heintzeman	Mekeland	O'Neill	Swedzinski
Bahr	Ecklund	Hertaus	Miller	Pelowski	Theis
Baker	Erickson	Igo	Mortensen	Petersburg	Torkelson
Bennett	Franke	Johnson	Mueller	Pfarr	Urdahl
Bliss	Franson	Jurgens	Munson	Poston	West
Boe	Garofalo	Kiel	Murphy	Quam	
Burkel	Green	Koznick	Nash	Raleigh	
Daniels	Gruenhagen	Kresha	Nelson, N.	Rasmusson	
Daudt	Haley	Lislegard	Neu Brindley	Robbins	

Val Aarsvold received 96 votes.

Ruth Johnson, having received 103 votes, a majority of the votes cast, was declared elected First Congressional District Regent, for a term of six years.

Pursuant to the Joint Rules of the Senate and House of Representatives, the Joint Convention proceeded to elect Regents from the Fourth Congressional District.

Daryl Alkire and Karen Schanfield were nominated by the Joint Legislative Committee for the Fourth Congressional District Regent for a term of six years.

James Farnsworth was nominated by Representative O'Neill for the Fourth Congressional District Regent for a term of six years.

There being no further nominations, the President declared the nominations closed.

The Secretary called the roll.

#### FOURTH CONGRESSIONAL DISTRICT REGENT JOINT ROLL CALL

The following members of the Senate voted for James Farnsworth:

Abeler	Dahms	Goggin	Kiffmeyer	Nelson	Rosen
Anderson	Dornink	Housley	Koran	Newman	Senjem
Bakk	Draheim	Howe	Lang	Newton	Tomassoni
Benson	Duckworth	Ingebrigtsen	Limmer	Osmek	Utke
Chamberlain	Eichorn	Jasinski	Mathews	Pratt	Weber
Coleman	Gazelka	Johnson	Miller	Rarick	Westrom

The following members of the House of Representatives voted for James Farnsworth:

Akland	Daudt	Haley	Kresha	Neu Brindley	Raleigh
Albright	Davids	Hamilton	Lucero	Novotny	Rasmusson
Anderson	Demuth	Hausman	Lueck	O'Driscoll	Robbins
Backer	Dettmer	Heinrich	McDonald	Olson, B.	Schomacker
Bahr	Drazkowski	Heintzeman	Mekeland	O'Neill	Scott
Baker	Erickson	Hertaus	Miller	Pelowski	Swedzinski
Bennett	Franke	Igo	Mortensen	Petersburg	Theis
Bliss	Franson	Johnson	Mueller	Pfarr	Torkelson
Boe	Garofalo	Jurgens	Munson	Pierson	Urdahl
Burkel	Green	Kiel	Nash	Poston	West
Daniels	Gruenhagen	Koznick	Nelson, N.	Quam	

James Farnsworth received 101 votes.

The following members of the Senate voted for Daryl Alkire:

Bigham	Dziedzic	Frentz	Kent	McEwen	Rest
Carlson	Eaton	Hawj	Klein	Murphy	Torres Ray
Clausen	Eken	Hoffman	Kunesh	Pappas	Wiger
Cwodzinski	Fateh	Isaacson	Latz	Port	Wiklund
Dibble	Franzen	Johnson Stewart	Marty	Putnam	

The following members of the House of Representatives voted for Daryl Alkire:

Acomb	Edelson	Her	Lillie	Noor	Vang
Agbaje	Elkins	Hollins	Lippert	Olson, L.	Wazlawik
Bahner	Feist	Hornstein	Lislegard	Pinto	Winkler
Becker-Finn	Fischer	Howard	Long	Pryor	Wolgamott
Berg	Frazier	Huot	Mariani	Reyer	Xiong, J.
Bernardy	Frederick	Jordan	Marquart	Richardson	Xiong, T.
Bierman	Freiberg	Keeler	Masin	Sandell	Youakim
Boldon	Gomez	Klevorn	Moller	Sandstede	Pres. Hortman
Carlson	Greenman	Koegel	Moran	Schultz	
Christensen	Hansen, R.	Kotyza-Witthuhn	Morrison	Stephenson	
Davnie	Hanson, J.	Lee	Murphy	Sundin	
Ecklund	Hassan	Liebling	Nelson, M.	Thompson	

Daryl Alkire received 97 votes.

Senator Rudd voted for Karen Schanfield.

James Farnsworth, having received 101 votes, a majority of the votes cast, was declared elected Fourth Congressional District Regent, for a term of six years.

Pursuant to the Joint Rules of the Senate and House of Representatives, the Joint Convention proceeded to elect Regents from the Sixth Congressional District.

Michael Hsu and Kodi Verhalen were nominated by the Joint Legislative Committee for the Sixth Congressional District Regent for a term of six years.

There being no further nominations, the President declared the nominations closed.

The Secretary called the roll.

#### SIXTH CONGRESSIONAL DISTRICT REGENT JOINT ROLL CALL

The following members of the Senate voted for Kodi Verhalen:

Abeler	Cwodzinski	Franzen	Kent	Murphy	Ruud
Bakk	Dibble	Frentz	Klein	Nelson	Tomassoni
Bigham	Dziedzic	Hawj	Kunesh	Pappas	Torres Ray
Carlson	Eaton	Hoffman	Latz	Port	Wiger
Champion	Eken	Isaacson	Marty	Putnam	Wiklund
Clausen	Fateh	Johnson Stewart	McEwen	Rest	

The following members of the House of Representatives voted for Kodi Verhalen:

Acomb	Ecklund	Hanson, J.	Kotzya-Witthuhn	Moran	Schultz
Agbaje	Edelson	Hassan	Lee	Morrison	Stephenson
Bahner	Elkins	Her	Liebling	Nelson, M.	Sundin
Becker-Finn	Feist	Hollins	Lillie	Noor	Thompson
Berg	Fischer	Hornstein	Lippert	Olson, L.	Vang
Bernardy	Frazier	Howard	Lislegard	Pinto	Wazlawik
Bierman	Frederick	Huot	Long	Pryor	Winkler
Boldon	Freiberg	Jordan	Mariani	Reyer	Wolgamott
Carlson	Gomez	Keeler	Marquart	Richardson	Xiong, T.
Christensen	Greenman	Klevorn	Masin	Sandell	Youakim
Davnie	Hansen, R.	Koegel	Moller	Sandstede	Pres. Hortman

Kodi Verhalen received 101 votes.

The following members of the Senate voted for Michael Hsu:

Anderson	Draheim	Howe	Lang	Osmek	Weber
Benson	Duckworth	Ingebrigtsen	Limmer	Pratt	Westrom
Chamberlain	Eichorn	Jasinski	Mathews	Rarick	
Coleman	Gazelka	Johnson	Miller	Rosen	
Dahms	Goggin	Kiffmeyer	Newman	Senjem	
Dornink	Housley	Koran	Newton	Utke	

The following members of the House of Representatives voted for Michael Hsu:

Akland	Bahr	Boe	Davids	Erickson	Green
Albright	Baker	Burkel	Demuth	Franke	Gruenhagen
Anderson	Bennett	Daniels	Dettmer	Franson	Haley
Backer	Bliss	Daudt	Drazkowski	Garofalo	Hamilton

Hausman	Kiel	Miller	Neu Brindley	Pfarr	Schomacker
Heinrich	Koznick	Mortensen	Novotny	Pierson	Scott
Heintzeman	Kresha	Mueller	O'Driscoll	Poston	Swedzinski
Hertaus	Lucero	Munson	Olson, B.	Quam	Theis
Igo	Lueck	Murphy	O'Neill	Raleigh	Torkelson
Johnson	McDonald	Nash	Pelowski	Rasmusson	Urdahl
Jurgens	Mekeland	Nelson, N.	Petersburg	Robbins	West

Michael Hsu received 98 votes.

Kodi Verhalen, having received 101 votes, a majority of the votes cast, was declared elected Sixth Congressional District Regent, for a term of six years.

Pursuant to the Joint Rules of the Senate and House of Representatives, the Joint Convention proceeded to elect Regents from the Seventh Congressional District.

Doug Huebsch and Michael Yost were nominated by the Joint Legislative Committee for the Seventh Congressional District Regent for a term of six years.

There being no further nominations, the President declared the nominations closed.

The Secretary called the roll.

#### SEVENTH CONGRESSIONAL DISTRICT REGENT JOINT ROLL CALL

The following members of the Senate voted for Doug Huebsch:

Bakk	Dibble	Frentz	Klein	Newton	Torres Ray
Bigham	Dziedzic	Hawj	Kunesh	Pappas	Wiger
Carlson	Eaton	Ingebrigtsen	Latz	Port	Wiklund
Champion	Eken	Isaacson	Marty	Putnam	
Clausen	Fateh	Johnson Stewart	McEwen	Rest	
Cwodzinski	Franzen	Kent	Murphy	Ruud	

The following members of the House of Representatives voted for Doug Huebsch:

Acomb	Ecklund	Hanson, J.	Kresha	Nelson, M.	Thompson
Agbaje	Edelson	Hassan	Lee	Noor	Torkelson
Bahner	Elkins	Her	Liebling	Olson, L.	Vang
Baker	Feist	Hollins	Lillie	Pinto	Wazlawik
Becker-Finn	Fischer	Hornstein	Lippert	Pryor	Winkler
Berg	Franson	Howard	Lislegard	Rasmusson	Wolgamott
Bernardy	Frazier	Huot	Long	Reyer	Xiong, J.
Bierman	Frederick	Jordan	Mariani	Richardson	Xiong, T.
Boldon	Freiberg	Jurgens	Marquart	Sandell	Youakim
Burkel	Garofalo	Keeler	Masin	Sandstede	Pres. Hortman
Carlson	Gomez	Klevorn	Moller	Schultz	
Christensen	Greenman	Koegel	Moran	Stephenson	
Davnie	Hansen, R.	Kotzya-Witthuhn	Morrison	Sundin	

Doug Huebsch received 108 votes.

The following members of the Senate voted for Michael Yost:

Abeler	Dornink	Hoffman	Koran	Newman	Tomassoni
Anderson	Draheim	Housley	Lang	Osmek	Utke
Benson	Duckworth	Howe	Limmer	Pratt	Weber
Chamberlain	Eichorn	Jasinski	Mathews	Rarick	Westrom
Coleman	Gazelka	Johnson	Miller	Rosen	
Dahms	Goggin	Kiffmeyer	Nelson	Senjem	

The following members of the House of Representatives voted for Michael Yost:

Akland	Dauids	Heinrich	Mekeland	O'Driscoll	Schomacker
Albright	Demuth	Heintzeman	Miller	Olson, B.	Scott
Anderson	Dettmer	Hertaus	Mortensen	O'Neill	Swedzinski
Backer	Drazkowski	Igo	Mueller	Petersburg	Theis
Bahr	Erickson	Johnson	Munson	Pfarr	Urdahl
Bennett	Franke	Kiel	Murphy	Pierson	West
Bliss	Green	Koznick	Nash	Poston	
Boe	Gruenhagen	Lucero	Nelson, N.	Quam	
Daniels	Haley	Lueck	Neu Brindley	Raleigh	
Daudt	Hamilton	McDonald	Novotny	Robbins	

Michael Yost received 90 votes.

Doug Huebsch, having received 108 votes, a majority of the votes cast, was declared elected Seventh Congressional District Regent, for a term of six years.

#### DECLARATION OF ELECTION

Ruth Johnson, First Congressional District Regent, Six Years; James Farnsworth, Fourth Congressional District Regent, Six Years; Kodi Verhalen, Sixth Congressional District Regent, Six Years; and Doug Huebsch, Seventh Congressional District Regent, Six Years; each having received a majority of the votes cast at the Joint Convention were declared by the President of the Joint Convention to be elected to the Board of Regents of the University of Minnesota.

Senator Gazelka moved that the Joint Convention adjourn. The motion prevailed and the President declared the Joint Convention adjourned.

#### RECONVENED

The House reconvened and was called to order by the Speaker.

CERTIFICATION

March 15, 2021

To the Governor  
State of Minnesota

To the Senate  
State of Minnesota

To the House of Representatives  
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Monday, March 15, 2021, have elected as members of the Board of Regents of the University of Minnesota the following members to hold office for the term specified to begin upon election by the Joint Convention:

Ruth Johnson, First Congressional District, Six Years  
James Farnsworth, Fourth Congressional District, Six Years  
Kodi Verhalen, Sixth Congressional District, Six Years  
Doug Huebsch, Seventh Congressional District, Six Years

JEREMY R. MILLER  
President of the Senate

MELISSA HORTMAN  
Speaker of the House of Representatives

ADJOURNMENT

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:15 p.m., Wednesday, March 17, 2021.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

