

## STATE OF MINNESOTA

## NINETY-SECOND SESSION — 2022

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 NINETY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 25, 2022

The House of Representatives convened at 11:00 a.m. and was called to order by Liz Olson, Speaker pro tempore.

Prayer was offered by Deacon Nathan E. Allen, Archdiocese of Saint Paul and Minneapolis, Saint 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	Grossell	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.

Gruenhagen 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 STANDING COMMITTEES AND DIVISIONS

Moran from the Committee on Ways and Means to which was referred:

H. F. No. 4300, A bill for an act relating to education finance; modifying provisions for prekindergarten through grade 12 education including general education, education excellence, teachers, charter schools, special education, health and safety, facilities, nutrition and libraries, early education, community education and lifelong learning, and state agencies; making forecast adjustments to funding for general education, education excellence, special education, facilities, nutrition, early education, and community education and lifelong learning; requiring reports; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2020, sections 13.32, subdivision 3; 120A.20, subdivision 1; 120A.22, subdivisions 7, 9; 120A.41; 120A.42; 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4; 120B.022, subdivision 1; 120B.024, subdivisions 1, 2; 120B.026; 120B.11, subdivisions 1, 1a, 2, 3; 120B.12; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301; 120B.35, subdivision 3; 120B.36, subdivision 2; 121A.031, subdivisions 5, 6; 121A.19; 121A.21; 121A.41, subdivisions 2, 10, by adding subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.61, subdivisions 1, 3, by adding a subdivision; 122A.06, subdivisions 4, 6; 122A.091, subdivision 5; 122A.14, by adding a subdivision; 122A.181, subdivision 5; 122A.183, subdivision 1; 122A.184, subdivision 1; 122A.185, subdivision 1; 122A.187, by adding a subdivision; 122A.31, subdivision 1; 122A.40, subdivisions 3, 5, 8; 122A.41, subdivisions 2, 5, by adding a subdivision; 122A.415, subdivision 4, by adding subdivisions; 122A.50; 122A.635; 122A.76; 123A.485, subdivision 2; 123B.04, subdivision 1; 123B.147, subdivision 3; 123B.195; 123B.44, subdivisions 1, 5, 6; 123B.595; 123B.86, subdivision 3; 124D.09, subdivisions 3, 9, 10, 12, 13; 124D.095, subdivisions 2, 3, 4, 7, 8, by adding subdivisions; 124D.119; 124D.128, subdivision 1; 124D.151, as amended; 124D.2211; 124D.4531, subdivisions 1, 1a, 1b; 124D.531, subdivisions 1, 4; 124D.55; 124D.59, subdivisions 2, 2a; 124D.65, subdivision 5; 124D.68, subdivision 2; 124D.73, by adding a subdivision; 124D.74, subdivisions 1, 3, 4, by adding a subdivision; 124D.76; 124D.78; 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81, subdivisions 1, 2, 2a, 5, by adding a subdivision; 124D.83, subdivision 2, by adding a subdivision; 124D.861, subdivision 2; 124D.98, by adding a subdivision; 124E.02; 124E.03, subdivision 2, by adding a subdivision; 124E.05, subdivisions 4, 7; 124E.06, subdivisions 1, 4, 5; 124E.07, subdivision 3; 124E.11; 124E.13, subdivisions 1, 3; 124E.16, subdivision 1; 124E.25, subdivision 1a; 125A.03; 125A.08; 125A.094; 125A.0942, subdivisions 1, 2, 3; 125A.15; 125A.51; 125A.515, subdivision 3; 125A.71, subdivision 1; 125A.76, subdivision 2e; 126C.05, subdivision 19; 126C.10, subdivisions 2a, 4, 13, 13a, 14, 18a; 126C.15, subdivisions 1, 2; 126C.19, by adding a subdivision; 127A.353, subdivision 2; 127A.45, subdivisions 12a, 13; 134.31, subdivisions 1, 4a; 134.32, subdivision 4; 134.34, subdivision 1; 134.355, subdivisions 5, 6, 7; 144.4165; 179A.03, subdivision 19; Minnesota Statutes 2021 Supplement, sections 122A.70; 126C.05, subdivisions 1, 3; 126C.10, subdivisions 2d, 2e; 127A.353, subdivision 4; Laws 2021, First Special Session chapter 13, article 1, sections 9; 10, subdivisions 2, 3, 4, 5, 6, 7, 9, 11; article 2, section 4, subdivisions 2, 3, 4, 7, 12, 15, 22, 27; article 3, sections 7, subdivisions 3, 4, 5, 6, 7; 8, subdivision 2; article 5, section 3, subdivisions 2, 3, 4, 5; article 7, section 2, subdivisions 2, 3; article 8, section 3, subdivisions 2, 3, 4, 6; article 9, section 4, subdivisions 3, 5, 6, 12; article 10, section 1, subdivisions 2, 5, 8, 9; article 11, sections 4, subdivision 2; 7, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 124D; 125A; 127A; repealing Minnesota Statutes 2020, sections 120B.35, subdivision 5; 124D.151, subdivision 5; 124D.4531, subdivision 3a; Minnesota Statutes 2021 Supplement, section 124D.151, subdivision 6.

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.42, is amended to read:

#### **120A.42 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.**

(a) The governing body of any district may contract with any of the teachers of the district for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract: Martin Luther King's birthday, Lincoln's and Washington's birthdays, Columbus

Day Indigenous Peoples' Day, and Veterans' Day. On Martin Luther King's birthday, Washington's birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program must be devoted to a patriotic observance of the day. On Indigenous Peoples' Day, at least one hour of the school program must be devoted to observance of the day. As part of its observance of Indigenous Peoples' Day, a district may provide professional development to teachers and staff, or instruction to students, on the following topics:

- (1) the history of treaties between the United States and Indigenous peoples;
- (2) the history of federal boarding schools for Indigenous children;
- (3) Indigenous languages;
- (4) Indigenous traditional medicines and cultural or spiritual practices;
- (5) the sovereignty of Tribal Nations;
- (6) the contributions of Indigenous people to American culture, literature, and society; and
- (7) current issues affecting Indigenous communities.

(b) A district may conduct a school program to honor Constitution Day and Citizenship Day by providing opportunities for students to learn about the principles of American democracy, the American system of government, American citizens' rights and responsibilities, American history, and American geography, symbols, and holidays. Among other activities under this paragraph, districts may administer to students the test questions United States Citizenship and Immigration Services officers pose to applicants for naturalization.

Sec. 2. Minnesota Statutes 2020, section 121A.21, is amended to read:

#### **121A.21 SCHOOL HEALTH SERVICES.**

Subdivision 1. School health services required. (a) Every school board must provide services to promote the health of its pupils.

(b) The board of a district with 1,000 pupils or more in average daily membership in early childhood family education, preschool disabled, elementary, and secondary programs must comply with the requirements of this paragraph. It may use one or a combination of the following methods:

- (1) employ personnel, including at least one full-time equivalent licensed school nurse;
- (2) contract with a public or private health organization or another public agency for personnel during the regular school year, determined appropriate by the board, who are currently licensed under chapter 148 and who are certified public health nurses; or
- (3) enter into another arrangement approved by the commissioner.

Subd. 2. Access to menstrual products. A school district or charter school must provide students access to menstrual products at no charge. The products must be available in restrooms used by students in grades 4 to 12. For purposes of this section, "menstrual products" means pads, tampons, or other similar products used in connection with the menstrual cycle.

Sec. 3. Minnesota Statutes 2020, section 123A.485, subdivision 2, is amended to read:

Subd. 2. **Aid.** (a) For school districts consolidating after June 30, 2020, consolidation transition aid is equal to ~~\$200~~ \$400 times the number of resident pupil units in the newly created district in the year of consolidation and ~~\$100~~ \$300 times the number of resident pupil units in the first year following the year of consolidation. The number of pupil units used to calculate aid in either year shall not exceed 1,000 for districts consolidating July 1, 1994, and 1,500 for districts consolidating July 1, 1995, and thereafter.

(b) If the total appropriation for consolidation transition aid for any fiscal year, plus any amount transferred under section 127A.41, subdivision 8, is insufficient to pay all districts the full amount of aid earned, the department must first pay the districts in the first year following the year of consolidation the full amount of aid earned and distribute any remaining funds to the newly created districts in the first year of consolidation.

**EFFECTIVE DATE.** This section is effective for consolidations occurring after June 30, 2020.

Sec. 4. Minnesota Statutes 2020, section 123B.04, subdivision 1, is amended to read:

Subdivision 1. **Definition.** "Education site" means a separate facility—~~A~~ or program within a facility or within a district ~~is an education site~~ if the school board recognizes it as a site.

Sec. 5. Minnesota Statutes 2020, section 123B.195, is amended to read:

**123B.195 BOARD MEMBERS' RIGHT TO EMPLOYMENT.**

Notwithstanding section 471.88, subdivision 5, a school board member may be newly employed or may continue to be employed by a school district as an employee only if there is a reasonable expectation at the beginning of the fiscal year or at the time the contract is entered into or extended that the amount to be earned by that officer under that contract or employment relationship will not exceed ~~\$8,000~~ \$20,000 in that fiscal year. Notwithstanding section 122A.40 or 122A.41 or other law, if the officer does not receive majority approval to be initially employed or to continue in employment at a meeting at which all board members are present, that employment is immediately terminated and that officer has no further rights to employment while serving as a school board member in the district.

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

Sec. 6. Minnesota Statutes 2020, section 123B.44, subdivision 1, is amended to read:

Subdivision 1. **Provided services.** The commissioner of education shall promulgate rules under the provisions of chapter 14 requiring each district or other intermediary service area: (a) to provide each year upon formal request by a specific date by or on behalf of a nonpublic school pupil enrolled in a nonpublic school located in that district or area, the same specific health services as are provided for public school pupils by the district where the nonpublic school is located; and (b) to provide each year upon formal request by a specific date by or on behalf of a nonpublic school elementary or secondary pupil enrolled in a nonpublic school located in that district or area, ~~the same specific guidance and counseling services as are provided for public school secondary pupils by the district where the nonpublic school is located.~~ The district where the nonpublic school is located must provide the necessary transportation within the district boundaries between the nonpublic school and a public school or neutral site for nonpublic school pupils who are provided pupil support services under this section if the district elects to provide pupil support services at a site other than the nonpublic school. Each request for pupil support services must set forth the guidance and counseling or health services requested by or on behalf of all eligible nonpublic school pupils enrolled in a given nonpublic school. No district or intermediary service area must not expend an amount for these pupil support services which exceeds the amount allotted to it under this section.

**EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 and later.

Sec. 7. Minnesota Statutes 2020, section 123B.44, subdivision 5, is amended to read:

Subd. 5. **Guidance and counseling services; allotment.** Each school year the commissioner shall allot to the school districts or intermediary service areas for the provision of guidance and counseling services pursuant to this section the actual cost of the services provided for the pupils in each respective nonpublic school for that school year. The allotment for guidance and counseling services for the elementary pupils in each nonpublic school must not exceed the average expenditure per public school elementary pupil for these services by those Minnesota public schools that provide these services to their elementary pupils, multiplied by the number of elementary pupils in that particular nonpublic school who request these services and who are enrolled as of September 15 of the current school year. The allotment for guidance and counseling services for the secondary pupils in each nonpublic school must not exceed the average expenditure per public school secondary pupil for these services by those Minnesota public schools ~~which~~ that provide these services to their secondary pupils, multiplied by the number of secondary pupils in that particular nonpublic school who request these services and who are enrolled as of September 15 of the current school year.

**EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 and later.

Sec. 8. Minnesota Statutes 2020, section 123B.44, subdivision 6, is amended to read:

Subd. 6. **Computation of maximum allotments.** For purposes of computing maximum allotments for each school year pursuant to this section, the average public school expenditure per pupil for health services and the average public school expenditure per elementary and secondary pupil for guidance and counseling services shall be computed and established by the department by February 1 of the preceding school year from the most recent public school year data then available.

**EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 and later.

Sec. 9. Minnesota Statutes 2020, section 123B.86, subdivision 3, is amended to read:

Subd. 3. **Board control.** (a) When transportation is provided, the scheduling of routes, manner and method of transportation, control and discipline of school children and any other matter relating thereto shall be within the sole discretion, control and management of the board.

(b) A school board and a nonpublic school may mutually agree to a written plan for the board to provide nonpublic pupil transportation to nonpublic school students.

(1) A school board that provides pupil transportation through its employees may transport nonpublic school students according to the plan and retain the nonpublic pupil transportation aid attributable to that plan. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services not required under sections 123B.84 to 123B.87.

(2) A school board that contracts for pupil transportation services may enter into a contractual arrangement with a school bus contractor according to the written plan adopted by the school board and the nonpublic school to transport nonpublic school students and retain the nonpublic pupil transportation aid attributable to that plan for purposes of paying the school bus contractor. A nonpublic school may make a payment to the school district to cover additional transportation services agreed to in the written plan for nonpublic pupil transportation services included in the contract that are not required under sections 123B.84 to 123B.87.

(c) The school district must report the number of nonpublic school students transported and the nonpublic pupil transportation expenditures incurred under paragraph (b) in the form and manner specified by the commissioner.

Sec. 10. 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) that~~ occurs when a student learns primarily through digital delivery of instruction in a location other than a school building.

(d) "Supplemental online learning" means an online learning course taken in place of a course period at a local district school provided by a supplemental online learning provider.

~~(d)~~ (e) "Supplemental 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 courses or programs to students other than their own enrolled students and is approved by the department to provide supplemental online learning courses.

~~(e)~~ (f) "Student" is a Minnesota resident enrolled in a school under section 120A.22, subdivision 4, or in a school authorized to receive Tribal contract or grant aid under section 124D.83, in kindergarten through grade 12.

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

(h) "Teacher" is a public employee as defined in section 179A.03, subdivision 18, employed by a charter school or district providing online instruction. The contract of a teacher employed by a charter school or district must meet the requirements of section 122A.40 or 122A.41 and a charter school must employ or contract with a licensed teacher as defined in section 122A.06, subdivision 2. A teacher must perform all duties described in Minnesota Rules, part 8710.0310, defining teacher of record.

~~(g)~~ (i) "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.

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

~~(i) "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.~~

(j) "Online learning course syllabus" is a written document that ~~an~~ a supplemental 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.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 11. Minnesota Statutes 2020, section 124D.095, subdivision 3, is amended to read:

Subd. 3. **Authorization; notice; limitations on enrollment.** (a) An enrolling district may offer digital learning, blended learning, or online learning as instructional modalities to enrolled students. Digital learning, blended learning, or online learning do not generate online learning funds under this section. An enrolling district that offers digital learning, blended learning, or online learning only to its enrolled students is not subject to the reporting requirements or review criteria under subdivision 7, unless the enrolling district is a supplemental online learning provider. A teacher providing instruction via digital learning, blended learning, or online learning must hold the appropriate Minnesota license as defined in section 124D.095, subdivision 2, paragraph (h). Digital learning, blended learning, and online learning courses must be reported and identified in the Minnesota Common Course Catalog.

~~(a) A~~ (b) Any student may apply for full-time supplemental online enrollment in an approved supplemental online learning program under section 124D.03 or 124D.08 or chapter 124E. Notwithstanding sections 124D.03 and 124D.08 and chapter 124E, procedures for enrolling in supplemental online learning are as provided in this subdivision. A student age 17 or younger must have the written consent of a parent or guardian to apply. No school district or charter school may prohibit a student from applying to enroll in online learning. In order to enroll in online learning, the student and the student's parents must submit an application to the supplemental online learning provider and identify the student's reason for enrolling. An A supplemental online learning provider that accepts a student under this section must notify the student and the enrolling district in writing within ten days if the enrolling district is not the supplemental online learning provider. The student and the student's parent must notify the supplemental online learning provider of the student's intent to enroll in online learning within ten days of being accepted, at which time the student and the student's parent must sign a statement indicating that they have reviewed the online course or program and understand the expectations of enrolling in online learning. The supplemental online learning provider must use a form provided by the department to notify the enrolling district of the student's application to enroll in online learning.

~~(b) (c)~~ (c) The supplemental online learning notice to the enrolling district when a student applies to the supplemental online learning provider will must include the courses or program, credits to be awarded, and the start date of the online course or program. An A supplemental online learning provider must make available the supplemental online course syllabus to the enrolling district. Within 15 days after the online learning provider makes information in this paragraph available to the enrolling district, the enrolling district must notify the online provider whether the student, the student's parent, and the enrolling district agree or disagree that the course meets the enrolling district's graduation requirements. A supplemental online learning provider that accepts a student under this section must notify the student and the enrolling district in writing within ten days if the enrolling district is not the supplemental online learning provider. A student may enroll in a supplemental online learning course up to the midpoint of the enrolling district's term. The enrolling district may waive this requirement for special circumstances and with the agreement of the online provider. An online learning course or program that meets or exceeds a graduation standard or the grade progression requirement of the enrolling district as described in the provider's online course syllabus meets the corresponding graduation requirements applicable to the student in the enrolling district. If the enrolling district does not agree that the course or program meets its graduation requirements, then:

~~(1) the enrolling district must make available an explanation of its decision to the student, the student's parent, and the online provider; and~~

~~(2) the online provider may make available a response to the enrolling district, showing how the course or program meets the graduation requirements of the enrolling district.~~

~~(e) An online learning provider must notify the commissioner that it is delivering online learning and report the number of online learning students it accepts and the online learning courses and programs it delivers.~~

~~(d) An online learning provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications.~~

~~(e) An enrolling district may reduce an online learning student's regular classroom instructional membership in proportion to the student's membership in online learning courses.~~

~~(f) The online provider must report or make available information on an individual student's progress and accumulated credit to the student, the student's parent, and the enrolling district in a manner specified by the commissioner unless the enrolling district and the online provider agree to a different form of notice and notify the commissioner. The enrolling district must designate a contact person to help facilitate and monitor the student's academic progress and accumulated credits towards graduation.~~

(d) A school district or charter school must allow an enrolled student to apply to enroll in supplemental online learning. A supplemental online learning provider must notify the enrolling district that the student has been accepted into the supplemental online learning program. Within 15 days of receiving the notification from the supplemental online learning program, the enrolling district must notify the supplemental online provider whether the student, the student's parent, and the enrolling district agree or disagree that the proposed course meets the enrolling district's graduation requirements.

(e) The enrolling district must communicate a student's individualized education program to the supplemental online provider upon accepting the enrollment and must coordinate services for students with disabilities unless a written agreement exists between the enrolling district and the supplemental online provider.

(f) An online learning course or program that meets or exceeds a graduation standard or the grade progression requirement of the enrolling district as described in the supplemental online provider's online course syllabus meets the corresponding graduation requirements applicable to the student in the enrolling district. The enrolling district must use the same criteria for accepting online learning credits or courses as it does for accepting credits or courses for transfer students under section 124D.03, subdivision 9. If the enrolling district does not agree that the course or program meets its graduation requirements, then:

(1) the enrolling district must make available (1) an explanation of its decision to the student, the student's parent, and the supplemental online provider; and

(2) the supplemental online provider may make available a response to the enrolling district showing how the course or program meets the graduation requirements of the enrolling district.

(g) An enrolling district may reduce a supplemental online learning student's regular classroom instructional enrollment in proportion to the student's enrollment in online learning courses.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 12. Minnesota Statutes 2020, section 124D.095, subdivision 4, is amended to read:

Subd. 4. **Online learning parameters.** (a) ~~An~~ A supplemental online learning student must receive academic credit for completing the requirements of an online learning course or program. Secondary credits granted to ~~an a~~ a supplemental online learning student count toward the graduation and credit requirements of the enrolling district. ~~The enrolling district must apply the same graduation requirements to all students, including online learning students, and must continue to provide nonacademic services to online learning students.~~ If a student completes an online learning course or program that meets or exceeds a graduation standard or the grade progression requirement at the enrolling district, that standard or requirement is met. ~~The enrolling district must use the same criteria for~~

~~accepting online learning credits or courses as it does for accepting credits or courses for transfer students under section 124D.03, subdivision 9. The enrolling district may reduce the course schedule of an online learning student in proportion to the number of online learning courses the student takes from an online learning provider that is not the enrolling district.~~

(b) ~~An~~ A supplemental online learning student may:

(1) enroll in supplemental online learning courses equal to a maximum of 50 percent of the student's full schedule of courses per term during a single school year and the student may exceed the supplemental online learning registration limit if the enrolling district permits supplemental online learning enrollment above the limit, or if the enrolling district and the supplemental online learning provider agree to the instructional services;

(2) complete course work at a grade level that is different from the student's current grade level; and

(3) enroll in additional supplemental courses with the online learning provider under a separate agreement that includes terms for paying any tuition or course fees.

(c) An online learning student has the same access to ~~the~~ computer hardware and education software available in a school as all other students in the enrolling district. ~~An online learning provider must assist an online learning student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software for online learning purposes.~~ Supplemental online learning students may use the enrolling district's computer hardware and educational software to access supplemental online courses. Supplemental online learning students may participate in supplemental online courses from a scheduled study hall or other suitable location in the district in which the student is enrolled if the enrolling district is able to provide a space and supervision.

~~(d) An enrolling district may offer digital learning to its enrolled students. Such digital learning does not generate online learning funds under this section. An enrolling district that offers digital learning only to its enrolled students is not subject to the reporting requirements or review criteria under subdivision 7, unless the enrolling district is a full-time online learning provider. A teacher with a Minnesota license must assemble and deliver instruction to enrolled students receiving online learning from an enrolling district. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher holding a Minnesota license.~~

(d) A supplemental online learning provider must assist a supplemental online learning student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software for online learning purposes and must provide information about broadband connectivity options and programs.

(e) A supplemental online learning provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications.

(f) A supplemental online learning provider must report or make available information on an individual student's progress and accumulated credit to the student, the student's parent, and the enrolling district in a manner specified by the commissioner unless the enrolling district and the supplemental online learning provider agree to a different form of reporting and notify the commissioner.

(g) An enrolling district must apply the same graduation requirements to all students, including supplemental online learning students, and must continue to provide nonacademic services to supplemental online learning students. An enrolling district must designate a contact person to help facilitate and monitor the academic progress and accumulated credits toward graduation for each supplemental online learning student enrolled in the district.

~~(e) Both full time and~~ (h) Supplemental online learning providers are subject to the reporting requirements and review criteria under subdivision 7. ~~A teacher holding a Minnesota license must assemble and deliver instruction to online learning students. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher holding a Minnesota license. A teacher providing instruction via supplemental online learning must use a curriculum aligned with standards as described in section 120B.021 and must hold the appropriate Minnesota license as defined in section 124D.095, subdivision 2, paragraph (h).~~

(i) Unless the commissioner grants a waiver, a teacher providing online learning instruction must not instruct more than 40 students in any one online learning course or program.

~~(f) To enroll in more than 50 percent of the student's full schedule of courses per term in online learning, the student must qualify to exceed the supplemental online learning registration limit under paragraph (b) or apply to enroll in an approved full time online learning program, consistent with subdivision 3, paragraph (a). Full time online learning students may enroll in classes at a local school under a contract for instructional services between the online learning provider and the school district.~~

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

Sec. 13. Minnesota Statutes 2020, section 124D.095, subdivision 7, is amended to read:

Subd. 7. **Department of Education.** (a) The department must review and approve or disapprove supplemental online learning providers applications within 90 calendar days of receiving ~~an~~ a supplemental online learning provider's completed application. The commissioner, using research-based standards of quality for online learning programs, must review all approved supplemental online learning providers on a cyclical three-year basis. Approved supplemental online learning providers annually must submit program data to, confirm statements of assurances for, and provide program updates including a current course list to the commissioner.

(b) A supplemental online learning provider must notify the commissioner that it is delivering online learning and must report the number of online learning students it accepts and the online learning courses and programs it delivers.

(c) An enrolling district that offers online learning under section 124D.095, subdivision 2, paragraph (c), must create an online site or sites that are classified as online learning sites and report student enrollments in the online school site or sites. Online and blended learning courses must be reported in the Minnesota Common Course Catalog.

~~(b)~~ (d) The online learning courses and programs must be rigorous, aligned with state academic standards, and contribute to grade progression in a single subject. The supplemental online learning provider, ~~other than a digital learning provider offering digital learning to its enrolled students only under subdivision 4, paragraph (d),~~ must give the commissioner written assurance that: (1) all courses meet state academic standards; and (2) the online learning curriculum, instruction, and assessment, expectations for actual teacher-contact time or other student-to-teacher communication, and academic support meet nationally recognized professional standards and are described as such in an online learning course syllabus that meets the commissioner's requirements. Once ~~an~~ a supplemental online learning provider is approved under this paragraph, all of its online learning course offerings are eligible for payment under this section unless a course is successfully challenged by an enrolling district or the department under paragraph ~~(e)~~ (e).

~~(e)~~ (e) An enrolling district may challenge the validity of a course offered by ~~an~~ a supplemental online learning provider. The department must review such challenges based on the approval procedures under paragraph ~~(b)~~ (d). The department may initiate its own review of the validity of an online learning course offered by ~~an~~ a supplemental online learning provider.

~~(d)~~ (f) The department may collect a fee not to exceed \$250 for approving online learning providers or \$50 per course for reviewing a challenge by an enrolling district.

~~(e)~~ (g) The department must develop, publish, and maintain a list of supplemental online learning providers that it has reviewed and approved.

~~(f)~~ (h) The department may review a complaint about ~~an~~ a supplemental online learning provider, or a complaint about a provider based on the provider's response to notice of a violation. If the department determines that ~~an~~ a supplemental online learning provider violated a law or rule, the department may:

(1) create a compliance plan for the provider; or

(2) withhold funds from the provider under sections 124D.095, 124E.25, and 127A.42. The department must notify ~~an~~ a supplemental online learning provider in writing about withholding funds and provide detailed calculations.

(i) An online learning program fee administration account is created in the special revenue fund. Funds retained under paragraph (d) shall be deposited in the account. Money in the account is appropriated to the commissioner for costs associated with administering and monitoring online and digital learning programs.

**EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later, except that paragraph (i) is effective July 1, 2022.

Sec. 14. Minnesota Statutes 2020, section 124D.095, subdivision 8, is amended to read:

Subd. 8. **Financial arrangements.** (a) For a student enrolled in an online learning course, the department must calculate average daily membership and make payments according to this subdivision.

(b) The initial online learning average daily membership equals 1/12 for each semester course or a proportionate amount for courses of different lengths. The adjusted online learning average daily membership equals the initial online learning average daily membership times .88.

(c) No online learning average daily membership shall be generated if: (1) the student does not complete the online learning course, or (2) the student is enrolled in online learning provided by the enrolling district.

(d) Online learning average daily membership under this subdivision for a student currently enrolled in a Minnesota public school or in a Tribal contract or grant school authorized to receive aid under section 124D.83 shall be used only for computing average daily membership according to section 126C.05, subdivision 19, paragraph (a), clause (2), and for computing online learning aid according to section 124D.096.

Sec. 15. Minnesota Statutes 2020, section 124D.095, is amended by adding a subdivision to read:

Subd. 11. **Crisis online learning.** (a) "Crisis online learning" means online learning under this section as the primary mode of instruction for all students in a school building during a crisis learning period.

(b) "Crisis learning period" means a period of time that is the result of an unforeseeable incident or situation such as a natural disaster, pandemic, or other catastrophic event that creates an unsafe or untenable in-person learning environment as declared by a school district or charter school.

(c) "Crisis online learning plan" means a plan adopted by a school board or board of directors that describes the implementation of crisis online learning and how critical components of education are provided during the crisis learning period. Critical components of education include but are not limited to nutrition services in accordance with United States Department of Agriculture regulations, how teachers will be accessible online and by telephone

during regular school hours each crisis online learning day to assist students, accommodations for students without Internet access or insufficient digital device access in a household, and accessible options for students with disabilities under chapter 125A and the Individuals with Disabilities Education Act. A crisis online learning plan may only be adopted by a school district after consulting with the exclusive representative of the teachers or by a charter school after consulting with its teachers, and may include up to one instructional day to prepare for crisis online learning and one instructional day upon the conclusion of the crisis online learning period, not to exceed four days per school year without approval from the commissioner. Students and families must be notified of the crisis online learning plan before the beginning of the school year. Consistent with applicable labor agreements, districts must utilize available staff who are able to work during the crisis online learning period.

(d) Upon declaring a crisis learning period and providing notice to students and families at least one day prior to the regular school start time, a school district or charter school may implement the crisis online learning plan.

**EFFECTIVE DATE.** This section is effective the day following final enactment. For school year 2021-2022 the student and family notification requirement in subdivision 11, paragraph (c), does not apply.

Sec. 16. Minnesota Statutes 2020, section 124D.095, is amended by adding a subdivision to read:

Subd. 12. **Asynchronous learning.** Notwithstanding any law to the contrary, a state-approved alternative program that has provided asynchronous digital instruction for three or more years prior to the effective date of this act to students who are participating in independent study credit recovery programs may continue to provide asynchronous independent study credit recovery programs, and the student's time spent in these programs continues to count for extended time revenue under sections 126C.05 and 126C.10, subdivision 2a.

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

Sec. 17. Minnesota Statutes 2020, section 124D.4531, subdivision 1, is amended to read:

Subdivision 1. **Career and technical revenue.** (a) A district with a career and technical program approved under this section for the fiscal year in which the levy is certified is eligible for career and technical revenue equal to 35 percent of approved expenditures in the fiscal year in which the levy is certified for the following:

(1) salaries paid to essential, licensed personnel providing direct instructional services to students in that fiscal year, including extended contracts, for services rendered in the district's approved career and technical education programs, excluding salaries reimbursed by another school district under clause (2);

(2) amounts paid to another Minnesota school district for salaries of essential, licensed personnel providing direct instructional services to students in that fiscal year for services rendered in the district's approved career and technical education programs;

(3) contracted services provided by a public or private agency other than a Minnesota school district or cooperative center under chapter 123A or 136D;

(4) necessary travel between instructional sites by licensed career and technical education personnel and district-encumbered student travel between instructional and placement sites in state-approved work-based learning programs;

(5) necessary travel by licensed career and technical education personnel for ~~vocational~~ career and technical education student organization activities held within the state for instructional purposes;

(6) curriculum development activities that are part of a five-year plan for improvement based on program assessment;

(7) necessary travel by licensed career and technical education personnel for noncollegiate credit-bearing professional development; and

(8) specialized ~~vocational~~ career and technical education instructional supplies.

(b) The district must recognize the full amount of this levy as revenue for the fiscal year in which it is certified.

~~(c) The amount of the revenue calculated under this subdivision may not exceed \$17,850,000 for taxes payable in 2012, \$15,520,000 for taxes payable in 2013, and \$20,657,000 for taxes payable in 2014.~~

~~(d) If the estimated revenue exceeds the amount in paragraph (c), the commissioner must reduce the percentage in paragraph (a) until the estimated revenue no longer exceeds the limit in paragraph (c).~~

Sec. 18. Minnesota Statutes 2020, section 124D.4531, subdivision 1a, is amended to read:

Subd. 1a. **Career and technical levy.** ~~(a) For fiscal year 2014 only, a district may levy an amount not more than the product of its career and technical revenue times the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit in the fiscal year in which the levy is certified to the career and technical revenue equalizing factor. The career and technical revenue equalizing factor for fiscal year 2014 equals \$7,612.~~

~~(b) For fiscal year 2015 and later, A district may levy an amount not more than the product of its career and technical revenue times the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit in the fiscal year in which the levy is certified to the career and technical revenue equalizing factor. The career and technical revenue equalizing factor for fiscal year 2015 and later equals \$7,612.~~

Sec. 19. Minnesota Statutes 2020, section 124D.4531, subdivision 1b, is amended to read:

Subd. 1b. **Career and technical aid.** ~~For fiscal year 2014 and later, A district's career and technical aid equals its career and technical revenue less its career and technical levy. If the district levy is less than the permitted levy, the district's career and technical aid shall be reduced proportionately.~~

Sec. 20. **[124D.4532] CAREER AND TECHNICAL STUDENT TRANSPORTATION AID.**

A district that provides student travel between instructional and placement sites in state-approved work-based learning programs is eligible for state aid to reimburse the additional costs of transportation during the preceding fiscal year.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

Sec. 21. Minnesota Statutes 2020, section 124D.59, subdivision 2, is amended to read:

Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten through grade 12; an early childhood special education student under Part B, section 619 of the Individuals with Disabilities Education Act, United States Code, title 20, section 1419; or a prekindergarten student enrolled in an approved voluntary prekindergarten program under section 124D.151 or a school readiness plus program who meets the requirements under subdivision 2a or the following requirements:

(1) the pupil, as declared by a parent or guardian first learned a language other than English, comes from a home where the language usually spoken is other than English, or usually speaks a language other than English; and

(2) the pupil is determined by a valid assessment measuring the pupil's English language proficiency and by developmentally appropriate measures, which might include observations, teacher judgment, parent recommendations, or developmentally appropriate assessment instruments, to lack the necessary English skills to participate fully in academic classes taught in English.

(b) A pupil enrolled in a Minnesota public school in any grade 4 through 12 who in the previous school year took a commissioner-provided assessment measuring the pupil's emerging academic English, shall be counted as an English learner in calculating English learner pupil units under section 126C.05, subdivision 17, and shall generate state English learner aid under section 124D.65, subdivision 5, if the pupil scored below the state cutoff score or is otherwise counted as a nonproficient participant on the assessment measuring the pupil's emerging academic English, or, in the judgment of the pupil's classroom teachers, consistent with section 124D.61, clause (1), the pupil is unable to demonstrate academic language proficiency in English, including oral academic language, sufficient to successfully and fully participate in the general core curriculum in the regular classroom.

(c) Notwithstanding paragraphs (a) and (b), a pupil in early childhood special education or prekindergarten under section 124D.151, through grade 12 shall not be counted as an English learner in calculating English learner pupil units under section 126C.05, subdivision 17, and shall not generate state English learner aid under section 124D.65, subdivision 5, if:

(1) the pupil is not enrolled during the current fiscal year in an educational program for English learners under sections 124D.58 to 124D.64; or

(2) the pupil has generated seven or more years of average daily membership in Minnesota public schools since July 1, 1996.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 22. Minnesota Statutes 2020, section 124D.59, subdivision 2a, is amended to read:

Subd. 2a. **English learner; limited or interrupted formal education.** Consistent with subdivision 2, an English learner ~~includes with limited or interrupted formal education is an English learner with an interrupted formal education who meets three of the following five requirements: defined by subdivision 2 who has at least two years less schooling than the English learner's peers when entering school in the United States.~~

~~(1) comes from a home where the language usually spoken is other than English, or usually speaks a language other than English;~~

~~(2) enters school in the United States after grade 6;~~

~~(3) has at least two years less schooling than the English learner's peers;~~

~~(4) functions at least two years below expected grade level in reading and mathematics; and~~

~~(5) may be preliterate in the English learner's native language.~~

Sec. 23. Minnesota Statutes 2020, section 124D.65, subdivision 5, is amended to read:

Subd. 5. **School district EL revenue.** (a) The English learner programs initial allowance equals \$704 for fiscal years 2021 and 2022. The English learner programs initial allowance equals \$1,000 for fiscal year 2023. The English learner programs initial allowance for fiscal year 2024 and later equals the product of \$1,000 times the ratio of the formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance under section 126C.10, subdivision 2, for fiscal year 2023.

(b) The English learner programs concentration allowance equals \$250 for fiscal years 2021 and 2022. The English learner programs concentration allowance for fiscal year 2023 and later equals the product of \$250 times the ratio of the formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance under section 126C.10, subdivision 2, for fiscal year 2023.

~~(a)~~ (c) A district's English learner programs initial revenue equals the product of (1) \$704 the English learner programs initial allowance times (2) the greater of 20 or the adjusted average daily membership of eligible English learners enrolled in the district during the current fiscal year.

(d) A district's English learner programs concentration revenue equals the product of the English learner programs concentration allowance times the English learner pupil units under section 126C.05, subdivision 17.

(e) A district's English learner cross subsidy aid equals:

(1) 40 percent of the district's English learner cross subsidy for fiscal year 2023;

(2) 50 percent of the district's English learner cross subsidy for fiscal year 2024;

(3) 75 percent of the district's English learner cross subsidy for fiscal year 2025; and

(4) 100 percent of the district's English learner cross subsidy for fiscal years 2026 and later.

(f) A district's English learner programs revenue equals the sum of:

(1) the initial revenue under paragraph (c);

(2) the concentration revenue under paragraph (d); and

(3) a district's English learner cross subsidy aid under paragraph (e).

(g) A district's English learner cross subsidy equals the greater of zero or the difference between the district's expenditure for qualifying services for the second previous year and the district's English learner revenue for the second previous year.

~~(b)~~ (h) A pupil ceases to generate state English learner aid in the school year following the school year in which the pupil attains the state cutoff score on a commissioner-provided assessment that measures the pupil's emerging academic English.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 24. Minnesota Statutes 2020, section 124D.68, subdivision 2, is amended to read:

Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation incentives program, if the pupil:

(1) performs substantially below the performance level for pupils of the same age in a locally determined achievement test;

(2) is behind in satisfactorily completing coursework or obtaining credits for graduation;

(3) is pregnant or is a parent;

(4) has been assessed as chemically dependent;

(5) has been excluded or expelled according to sections 121A.40 to 121A.56;

~~(6) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 124D.69;~~

~~(7) (6)~~ is a victim of physical or sexual abuse;

~~(8) (7)~~ has experienced mental health problems;

~~(9) (8)~~ has experienced homelessness sometime within six months before requesting a transfer to an eligible program;

~~(10) (9)~~ speaks English as a second language or is an English learner;

~~(11) (10)~~ has withdrawn from school or has been chronically truant; or

~~(12) (11)~~ is being treated in a hospital in the seven-county metropolitan area for cancer or other life threatening illness or is the sibling of an eligible pupil who is being currently treated, and resides with the pupil's family at least 60 miles beyond the outside boundary of the seven-county metropolitan area.

(b) A pupil ~~otherwise qualifying under paragraph (a) who is at least 21 years of age and not yet 22 years of age, and is an English learner with an interrupted formal education according to section 124D.59, subdivision 2a,~~ is eligible to participate in the graduation incentives program under section 124D.68 and in concurrent enrollment courses offered under section 124D.09, subdivision 10, and is funded in the same manner as other pupils under this section- if the pupil otherwise qualifies under paragraph (a), is at least 21 years of age and not yet 22 years of age, and:

(1) is an English learner with a limited or interrupted formal education according to section 124D.59, subdivision 2a; or

(2) meets three of the following four requirements:

(i) comes from a home where the language usually spoken is other than English, or usually speaks a language other than English;

(ii) enters school in the United States after grade 6;

(iii) functions at least two years below expected grade level in reading and mathematics; and

(iv) may be preliterate in the English learner's native language.

Sec. 25. Minnesota Statutes 2020, section 124D.73, is amended by adding a subdivision to read:

Subd. 5. **American Indian student.** "American Indian student" means a student who identifies as American Indian or Alaska Native, using the state definition in effect on October 1 of the previous school year.

Sec. 26. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance, including 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. 27. Minnesota Statutes 2020, section 124D.81, is amended by adding a subdivision to read:

Subd. 8. **State-identified American Indian.** For the purposes of sections 124D.71 to 124D.82, the number of students who identify as American Indian or Alaska Native, as defined by the state of Minnesota on October 1 of the previous school year, will be used to determine the state-identified American Indian student counts for districts, charter schools, and Tribal contract schools for the subsequent school year.

Sec. 28. Minnesota Statutes 2020, section 124D.83, is amended by adding a subdivision to read:

Subd. 3a. **Supplemental online learning.** A pupil attending a Tribal contract school under this section may participate in a supplemental online learning program offered by a school district. The serving school district may include the pupil's time spent in the supplemental online learning program in its pupil count.

Sec. 29. Minnesota Statutes 2020, section 125A.15, is amended to read:

#### **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

The responsibility for special instruction and services for a child with a disability temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The district of residence of a child shall be the district in which the child's parent resides, if living, or the child's guardian. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner.

(b) If a district other than the resident district places a pupil for care and treatment, the district placing the pupil must notify and give the resident district an opportunity to participate in the placement decision. When an immediate emergency placement of a pupil is necessary and time constraints foreclose a resident district from participating in the emergency placement decision, the district in which the pupil is temporarily placed must notify the resident district of the emergency placement within 15 days. The resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

(c) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation to and from the care and treatment program and an appropriate educational program for the child. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district. A district or charter school may utilize online learning under section 124D.095 to fulfill its educational program responsibility under this chapter if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

(d) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child and necessary transportation while the child is attending the educational program; and must bill the district of the child's residence for the actual cost of providing the program, as outlined in section 125A.11, except as provided in paragraph (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a disability placed outside of the school district of residence by the commissioner of human services or the commissioner of corrections or their agents, for reasons other than providing for the child's special educational needs must not become the responsibility of either the district providing the instruction or the district of the child's residence. For the purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment. A district or charter school may utilize online learning under section 124D.095 to fulfill its educational program responsibility under this chapter if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

(e) A privately owned and operated residential facility may enter into a contract to obtain appropriate educational programs for special education children and services with a joint powers entity. The entity with which the private facility contracts for special education services shall be the district responsible for providing students placed in that facility an appropriate educational program in place of the district in which the facility is located. If a privately owned and operated residential facility does not enter into a contract under this paragraph, then paragraph (d) applies.

(f) The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim general education aid for the child as provided by law. Transportation costs must be paid by the district responsible for providing the transportation and the state must pay transportation aid to that district.

Sec. 30. Minnesota Statutes 2020, section 125A.51, is amended to read:

**125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION AND TRANSPORTATION.**

The responsibility for providing instruction and transportation for a pupil without a disability who has a short-term or temporary physical or emotional illness or disability, as determined by the standards of the commissioner, and who is temporarily placed for care and treatment for that illness or disability, must be determined as provided in this section.

(a) The school district of residence of the pupil is the district in which the pupil's parent or guardian resides. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner.

(b) When parental rights have been terminated by court order, the legal residence of a child placed in a residential or foster facility for care and treatment is the district in which the child resides.

(c) Before the placement of a pupil for care and treatment, the district of residence must be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the pupil is temporarily placed, if different from the district of residence, must notify the district of residence of the emergency placement within 15 days of the placement. When a nonresident district makes an emergency placement without first consulting with the resident district, the resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

(d) When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence must provide instruction and necessary transportation to and from the care and treatment program for the pupil. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the instruction at a school within the district of residence, at the pupil's residence, through an online learning program under section 124D.095, provided by the pupil's resident district, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11, or in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. A district or charter school may provide the instruction through an online learning program if the pupil, or the pupil's parent or guardian for a pupil under the age of 18, agrees to that form of instruction. The district of placement may contract with a facility to provide instruction by teachers licensed by the Professional Educator Licensing and Standards Board.

(e) When a pupil without a disability is temporarily placed in a residential program for care and treatment, the district in which the pupil is placed must provide instruction for the pupil and necessary transportation while the pupil is receiving instruction, and in the case of a placement outside of the district of residence, the nonresident district must bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs. A district or charter school may utilize online learning under section 124D.095 to fulfill its educational program responsibility under this chapter if the pupil, or the pupil's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

(f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or private homeless shelter, then the district that enrolls the pupil under section 120A.20, subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls the pupil and the district in which the pupil is temporarily placed agree that the district in which the pupil is temporarily placed shall provide transportation. When a pupil without a disability is temporarily placed in a residential program outside the district of residence, the administrator of the court placing the pupil must send timely written notice of the placement to the district of residence. The district of placement may contract with a residential facility to provide instruction by teachers licensed by the Professional Educator Licensing and Standards Board. For purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.

(g) The district of residence must include the pupil in its residence count of pupil units and pay tuition as provided in section 123A.488 to the district providing the instruction. Transportation costs must be paid by the district providing the transportation and the state must pay transportation aid to that district. For purposes of computing state transportation aid, pupils governed by this subdivision must be included in the disabled transportation category if the pupils cannot be transported on a regular school bus route without special accommodations.

Sec. 31. Minnesota Statutes 2020, section 125A.515, subdivision 3, is amended to read:

Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's residential facility is located must provide education services, including special education if eligible, to all students placed in a facility. If a child's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is a state-approved online learning provider under section 124D.095, subdivision 2, paragraph (d), the district in which the children's residential facility is located may utilize that state-approved online learning program in fulfilling its education services responsibility under this section. A district or charter school may provide the instruction through an online learning program if the child, or child's parent or guardian for a child under the age of 18, agrees to that form of instruction.

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

Sec. 32. Minnesota Statutes 2020, section 126C.05, subdivision 19, is amended to read:

Subd. 19. **Online learning students.** (a) The average daily membership for a public school pupil or a pupil enrolled in a school authorized to receive Tribal contract or grant aid under section 124D.83 generating online learning average daily membership according to section 124D.095, subdivision 8, paragraph (b), equals the sum of: (1) the ratio of the sum of the number of instructional hours the pupil is enrolled in a regular classroom setting at the enrolling school to the actual number of instructional hours in the school year at the enrolling school, plus (2) .12 times the initial online learning average daily membership according to section 124D.095, subdivision 8, paragraph (b).

(b) When the sum of the average daily membership under paragraph (a) and the adjusted online learning average daily membership under section 124D.095, subdivision 8, paragraph (b), exceeds the maximum allowed for the student under subdivision 8 or 15, as applicable, the average daily membership under paragraph (a) shall be reduced by the excess over the maximum, but shall not be reduced below .12. The adjusted online learning average daily membership according to section 124D.095, subdivision 8, paragraph (b), shall be reduced by any remaining excess over the maximum.

Sec. 33. Minnesota Statutes 2020, section 126C.10, subdivision 2a, is amended to read:

Subd. 2a. **Extended time revenue.** (a) The extended time allowance is \$5,117 for fiscal years 2022 and 2023. For fiscal year 2024 and later, the extended time allowance equals the product of \$5,117 times the ratio of the formula allowance under subdivision 2 for the current fiscal year to the formula allowance under subdivision 2 for fiscal year 2023.

~~(a)~~ (b) A school district's extended time revenue is equal to the product of ~~\$5,117~~ the extended time allowance and the sum of the adjusted pupil units of the district for each pupil in average daily membership in excess of 1.0 and less than 1.2 according to section 126C.05, subdivision 8.

~~(b)~~ (c) Extended time revenue for pupils placed in an on-site education program at the Prairie Lakes Education Center or the Lake Park School, located within the borders of Independent School District No. 347, Willmar, for instruction provided after the end of the preceding regular school year and before the beginning of the following regular school year equals membership hours divided by the minimum annual instructional hours in section 126C.05, subdivision 15, not to exceed 0.20, times the pupil unit weighting in section 126C.05, subdivision 1, times ~~\$5,117~~ the extended time allowance.

(d) A school district's summer residential care and treatment extended time revenue equals the product of the extended time allowance times the sum of the resident summer residential care and treatment extended time average daily membership, times the pupil unit weighting in section 126C.05, subdivision 1.

(e) Summer residential care and treatment extended time average daily membership for resident pupils placed in a residential program for care and treatment, excluding those in paragraph (b) for instruction after the end of the preceding regular school year and before the beginning of the following regular school year, equals membership hours divided by the minimum annual instructional hours in section 126C.05, subdivision 15, not to exceed 0.20.

(f) For fiscal year 2023 and later, the amount of extended time revenue calculated under this paragraph may not exceed \$1,000,000 for each fiscal year.

(e) (g) A school district's extended time revenue may be used for extended day programs, extended week programs, summer school, vacation break academies such as spring break academies and summer term academies, and other programming authorized under the learning year program.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 34. Minnesota Statutes 2021 Supplement, section 126C.10, subdivision 2e, is amended to read:

Subd. 2e. **Local optional revenue.** (a) For fiscal year 2021 and later, local optional revenue for a school district equals the sum of the district's first tier local optional revenue and second tier local optional revenue. A district's first tier local optional revenue equals \$300 times the adjusted pupil units of the district for that school year. A district's second tier local optional revenue equals \$424 times the adjusted pupil units of the district for that school year.

(b) For fiscal year 2021 and later, a district's local optional levy equals the sum of the first tier local optional levy and the second tier local optional levy.

(c) A district's first tier local optional levy equals the district's first tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to \$880,000.

(d) For fiscal year 2022, a district's second tier local optional levy equals the district's second tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to \$510,000. For fiscal year 2023, a district's second tier local optional levy equals the district's second tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to ~~\$548,842~~ \$703,865. For fiscal year 2024 ~~and later~~, a district's second tier local optional levy equals the district's second tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to ~~\$510,000~~ \$572,600. For fiscal year 2025 and later, a district's second tier local optional levy equals the district's second tier local optional revenue times the lesser of one or the ratio of the district's referendum market value per resident pupil unit to \$664,812.

(e) The local optional levy must be spread on referendum market value. A district may levy less than the permitted amount.

(f) A district's local optional aid equals its local optional revenue minus its local optional levy. If a district's actual levy for first or second tier local optional revenue is less than its maximum levy limit for that tier, its aid must be proportionately reduced.

Sec. 35. Minnesota Statutes 2020, section 126C.10, subdivision 4, is amended to read:

Subd. 4. **Basic skills revenue.** A school district's basic skills revenue equals the sum of:

(1) compensatory revenue under subdivision 3; plus

(2) English learner revenue under section 124D.65, subdivision 5; ~~plus, paragraph (e).~~

~~(3) \$250 times the English learner pupil units under section 126C.05, subdivision 17.~~

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 36. Minnesota Statutes 2020, section 126C.10, subdivision 13, is amended to read:

Subd. 13. **Total operating capital revenue.** (a) Total operating capital revenue for a district equals the ~~amount determined under paragraph (b) or (c), plus~~ sum of:

(1) \$79 times the adjusted pupil units for the school year;

(2) the product of \$109, the district's maintenance cost index, and its adjusted pupil units for the school year plus the amount computed under paragraph (c); and

(3) \$2 times the adjusted pupil units for the school year for the purposes of supplying menstrual products under subdivision 14, clause (26).

(b) The revenue under this subdivision must be placed in a reserved account in the general fund and may only be used according to subdivision 14.

~~(b) Capital revenue for a district equals \$109 times the district's maintenance cost index times its adjusted pupil units for the school year.~~

(c) The revenue under paragraph (a), clause (2), for a district that operates a program under section 124D.128, is increased by an amount equal to \$31 times the number of adjusted pupil units served at the site where the program is implemented.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 37. Minnesota Statutes 2020, section 126C.10, subdivision 13a, is amended to read:

Subd. 13a. **Operating capital levy.** To obtain operating capital revenue, a district may levy an amount not more than the product of its operating capital revenue for the fiscal year times the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit to the operating capital equalizing factor. The operating capital equalizing factor equals ~~\$23,902 for fiscal year 2020, \$23,885 for fiscal year 2021, and \$22,912 for fiscal year 2022~~ and, \$22,912 for fiscal year 2023, \$25,490 for fiscal year 2024, and \$23,353 for fiscal year 2025 and later.

Sec. 38. Minnesota Statutes 2020, section 126C.10, subdivision 14, is amended to read:

Subd. 14. **Uses of total operating capital revenue.** Total operating capital revenue may be used only for the following purposes:

(1) to acquire land for school purposes;

(2) to acquire or construct buildings for school purposes;

(3) to rent or lease buildings, including the costs of building repair or improvement that are part of a lease agreement;

(4) to improve and repair school sites and buildings, and equip or reequip school buildings with permanent attached fixtures, including library media centers;

(5) for a surplus school building that is used substantially for a public nonschool purpose;

(6) to eliminate barriers or increase access to school buildings by individuals with a disability;

(7) to bring school buildings into compliance with the State Fire Code adopted according to chapter 299F;

- (8) to remove asbestos from school buildings, encapsulate asbestos, or make asbestos-related repairs;
- (9) to clean up and dispose of polychlorinated biphenyls found in school buildings;
- (10) to clean up, remove, dispose of, and make repairs related to storing heating fuel or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section 296A.01;
- (11) for energy audits for school buildings and to modify buildings if the audit indicates the cost of the modification can be recovered within ten years;
- (12) to improve buildings that are leased according to section 123B.51, subdivision 4;
- (13) to pay special assessments levied against school property but not to pay assessments for service charges;
- (14) to pay principal and interest on state loans for energy conservation according to section 216C.37 or loans made under the Douglas J. Johnson Economic Protection Trust Fund Act according to sections 298.292 to ~~298.298~~ 298.297;
- (15) to purchase or lease interactive telecommunications equipment;
- (16) by board resolution, to transfer money into the debt redemption fund to: (i) pay the amounts needed to meet, when due, principal and interest payments on certain obligations issued according to chapter 475; or (ii) pay principal and interest on debt service loans or capital loans according to section 126C.70;
- (17) to pay operating capital-related assessments of any entity formed under a cooperative agreement between two or more districts;
- (18) to purchase or lease computers and related hardware, software, and annual licensing fees, copying machines, telecommunications equipment, and other noninstructional equipment;
- (19) to purchase or lease assistive technology or equipment for instructional programs;
- (20) to purchase textbooks as defined in section 123B.41, subdivision 2;
- (21) to purchase new and replacement library media resources or technology;
- (22) to lease or purchase vehicles;
- (23) to purchase or lease telecommunications equipment, computers, and related equipment for integrated information management systems for:
  - (i) managing and reporting learner outcome information for all students under a results-oriented graduation rule;
  - (ii) managing student assessment, services, and achievement information required for students with individualized education programs; and
  - (iii) other classroom information management needs;
- (24) to pay personnel costs directly related to the acquisition, operation, and maintenance of telecommunications systems, computers, related equipment, and network and applications software; ~~and~~

(25) to pay the costs directly associated with closing a school facility, including moving and storage costs; and

(26) to pay the costs of supplies and equipment necessary to provide access to menstrual products at no charge to students in restrooms and as otherwise needed in school facilities.

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

Sec. 39. Minnesota Statutes 2020, section 126C.10, subdivision 18a, is amended to read:

Subd. 18a. **Pupil transportation adjustment.** (a) An independent, common, or special school district's transportation sparsity revenue under subdivision 18 is increased by the greater of zero or ~~48.2~~ 39.5 percent of the difference between:

(1) the lesser of the district's total cost for regular and excess pupil transportation under section 123B.92, subdivision 1, paragraph (b), including depreciation, for the previous fiscal year or 105 percent of the district's total cost for the second previous fiscal year; and

(2) the sum of:

(i) 4.66 percent of the district's basic revenue for the previous fiscal year;

(ii) transportation sparsity revenue under subdivision 18 for the previous fiscal year;

(iii) the district's charter school transportation adjustment for the previous fiscal year; and

(iv) the district's reimbursement for transportation provided under section 123B.92, subdivision 1, paragraph (b), clause (1), item (vi).

(b) A charter school's pupil transportation adjustment equals the school district per pupil adjustment under paragraph (a).

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 40. Minnesota Statutes 2020, section 126C.15, subdivision 1, is amended to read:

Subdivision 1. **Use of revenue.** The basic skills revenue under section 126C.10, subdivision 4, must be reserved and used to meet the educational needs of pupils who enroll under-prepared to learn and whose progress toward meeting state or local content or performance standards is below the level that is appropriate for learners of their age. Basic skills revenue may also be used for programs designed to prepare children and their families for entry into school whether the student first enrolls in kindergarten or first grade. Any of the following may be provided to meet these learners' needs:

(1) direct instructional services under the assurance of mastery program according to section 124D.66;

(2) remedial instruction in reading, language arts, mathematics, other content areas, or study skills to improve the achievement level of these learners;

(3) additional teachers and teacher aides to provide more individualized instruction to these learners through individual tutoring, lower instructor-to-learner ratios, or team teaching;

(4) a longer school day or week during the regular school year ~~or through a summer program that may be offered directly by the site or under a performance-based contract with a community-based organization;~~

(5) comprehensive and ongoing staff development consistent with district and site plans according to section 122A.60 and to implement plans under section 120B.12, subdivision 4a, for teachers, teacher aides, principals, and other personnel to improve their ability to identify the needs of these learners and provide appropriate remediation, intervention, accommodations, or modifications;

(6) instructional materials, digital learning, and technology appropriate for meeting the individual needs of these learners;

(7) programs to reduce truancy, encourage completion of high school, enhance self-concept, provide health services, provide nutrition services, provide a safe and secure learning environment, provide coordination for pupils receiving services from other governmental agencies, provide psychological services to determine the level of social, emotional, cognitive, and intellectual development, and provide counseling services, guidance services, and social work services;

(8) bilingual programs, bicultural programs, and programs for English learners;

~~(9) all-day kindergarten;~~

~~(10) (9) early education programs, parent-training programs, school readiness programs, kindergarten voluntary prekindergarten programs for four-year-olds, voluntary home visits under section 124D.13, subdivision 4, and other outreach efforts designed to prepare children for kindergarten;~~

~~(11) (10) extended school day and extended school year programs, including summer programs that may be offered directly by the site or under a performance-based contract with a community-based organization; and~~

~~(12) (11) substantial parent involvement in developing and implementing remedial education or intervention plans for a learner, including learning contracts between the school, the learner, and the parent that establish achievement goals and responsibilities of the learner and the learner's parent or guardian.~~

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 41. Minnesota Statutes 2020, section 126C.15, subdivision 2, is amended to read:

Subd. 2. **Building allocation.** (a) A district or cooperative must allocate at least 80 percent of its compensatory revenue to each school building in the district or cooperative where the children who have generated the revenue are served unless the school district or cooperative has received permission under Laws 2005, First Special Session chapter 5, article 1, section 50, to allocate compensatory revenue according to student performance measures developed by the school board.

~~(b) Notwithstanding paragraph (a),~~ A district or cooperative may allocate ~~up to 50~~ no more than 20 percent of the amount of compensatory revenue that the district receives to school sites according to a plan adopted by the school board. The money reallocated under this paragraph must be spent for the purposes listed in subdivision 1, but may be spent on students in any grade, including students attending school readiness or other prekindergarten programs.

(c) For the purposes of this section and section 126C.05, subdivision 3, "building" means education site as defined in section 123B.04, subdivision 1.

(d) Notwithstanding section 123A.26, subdivision 1, compensatory revenue generated by students served at a cooperative unit shall be paid to the cooperative unit.

(e) A district or cooperative with school building openings, school building closings, changes in attendance area boundaries, or other changes in programs or student demographics between the prior year and the current year may reallocate compensatory revenue among sites to reflect these changes. A district or cooperative must report to the department any adjustments it makes according to this paragraph and the department must use the adjusted compensatory revenue allocations in preparing the report required under section 123B.76, subdivision 3, paragraph (c).

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 42. Minnesota Statutes 2020, section 126C.19, is amended by adding a subdivision to read:

Subd. 1a. **Supplemental online learning.** A shared time pupil may participate in a school district's supplemental online learning program in the same manner as the student may participate in other shared time programs.

Sec. 43. Minnesota Statutes 2020, section 127A.45, subdivision 12a, is amended to read:

Subd. 12a. **Forward shifted aid payments.** One hundred percent of the state aid in fiscal years 2003 and later received under ~~section~~ sections 124D.87 and 124D.4532 must be paid by the state to the recipient school district on August 30 of that year. The recipient school district must recognize this aid in the previous fiscal year.

Sec. 44. Laws 2021, First Special Session chapter 13, article 1, section 9, is amended to read:

**Sec. 9. ENGLISH LEARNER CROSS SUBSIDY REDUCTION AID.**

(a) Notwithstanding Minnesota Statutes, section 124D.65, English learner aid is increased by \$2,000,000 ~~per year~~ for fiscal ~~years year 2022, 2023, 2024, and 2025~~. The commissioner must allocate the aid to each school district and charter school based on the school district's or charter school's proportionate share of English learner and concentration revenue under Minnesota Statutes, section 126C.10, subdivision 4, clauses (2) and (3), for the preceding fiscal year.

(b) Revenue under this section must be used and reserved as basic skills revenue according to Minnesota Statutes, section 126C.15.

Sec. 45. Laws 2021, First Special Session chapter 13, article 1, section 9, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 and expires at the end of fiscal year 2025.

Sec. 46. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 2, is amended to read:

Subd. 2. **General education aid.** For general education aid under Minnesota Statutes, section 126C.13, subdivision 4:

\$ <del>7,569,266,000</del> <u>7,484,917,000</u>	. . . . .	2022
\$ <del>7,804,527,000</del> <u>7,862,102,000</u>	. . . . .	2023

The 2022 appropriation includes \$717,326,000 for 2021 and ~~\$6,851,940,000~~ \$6,767,591,000 for 2022.

The 2023 appropriation includes ~~\$734,520,000~~ \$751,955,000 for 2022 and ~~\$7,070,007,000~~ \$7,110,147,000 for 2023.

Sec. 47. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 5, is amended to read:

Subd. 5. **Consolidation transition aid.** (a) For districts consolidating under Minnesota Statutes, section 123A.485:

	\$309,000	.....	2022
\$ <del>373,000</del>	<u>1,182,000</u>	.....	2023

(b) The 2022 appropriation includes \$30,000 for 2021 and \$279,000 for 2022.

(c) The 2023 appropriation includes \$31,000 for 2022 and ~~\$342,000~~ \$1,151,000 for 2023.

(d) The 2023 appropriation includes 100 percent of the amount necessary to make the adjustment required under section 3.

Sec. 48. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 6, is amended to read:

Subd. 6. **Nonpublic pupil education aid.** For nonpublic pupil education aid under Minnesota Statutes, sections 123B.40 to 123B.43 and 123B.87:

	\$ <del>16,991,000</del>	<u>17,224,000</u>	.....	2022
	\$ <del>17,450,000</del>	<u>20,706,000</u>	.....	2023

The 2022 appropriation includes \$1,903,000 for 2021 and ~~\$15,088,000~~ \$15,321,000 for 2022.

The 2023 appropriation includes ~~\$1,676,000~~ \$1,702,000 for 2022 and ~~\$15,774,000~~ \$19,004,000 for 2023.

Sec. 49. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 11, is amended to read:

Subd. 11. **English learner cross subsidy reduction aid.** ~~(a)~~ For English learner cross subsidy reduction aid under section 9:

	\$2,000,000	.....	2022
	<del>\$ 2,000,000</del>	.....	2023

~~(b) The base for English learner cross subsidy reduction aid is \$2,000,000 for fiscal year 2024, \$2,000,000 for fiscal year 2025, and \$0 for fiscal year 2026 and later.~~

Sec. 50. **LEGISLATIVE WORKING GROUP ON IDENTIFYING THE APPROPRIATE STUDENT ELIGIBILITY METRIC FOR CALCULATING COMPENSATORY REVENUE.**

Subdivision 1. **Membership; chair.** (a) The legislative working group on compensatory revenue must consist of eight members as follows:

(1) four members of the house of representatives, two members appointed by the speaker of the house and two members appointed by the minority leader of the house of representatives; and

(2) four members of the senate, two members appointed by the senate majority leader and two members appointed by the senate minority leader.

(b) Appointing authorities must make appointments by June 15, 2022.

(c) If a vacancy occurs, the appointing authority for the vacated position must fill the vacancy.

(d) The speaker of the house and the senate majority leader must each designate one working group member from each respective body to serve as chair. The chair must rotate after each meeting. The person appointed as chair by the speaker of the house must convene the first meeting of the working group by June 30, 2022.

(e) The working group is subject to Minnesota Statutes, section 3.055.

Subd. 2. **Duties.** (a) The working group must study requirements and practices to identify students whose families qualify as low income for purposes of calculating compensatory revenue.

(b) The working group must solicit input from the state demographer, the Department of Education, the Children's Cabinet, the Department of Human Services, the Department of Revenue, school districts and charter schools, county program managers implementing MNBenefits, and other interested stakeholders as to the best methods to provide a direct match for qualifying families.

(c) For purposes of calculating compensatory revenue, the working group must consider the benefits and disadvantages to the yearly application for free or reduced-price meals and whether eligibility may be determined throughout the school year.

(d) The working group must examine the effect of the Community Eligibility Provision program participation on students' reported free and reduced-price meal eligibility. The working group must also consider whether a simplified eligibility form could be used by students who attend Community Eligibility Provision program sites.

Subd. 3. **Assistance.** (a) To the extent practicable, the Department of Education must provide the working group with data necessary to analyze proposals altering the way that students are counted for purposes of calculating compensatory revenue.

(b) The Legislative Coordinating Commission must provide technical and administrative assistance to the working group upon request.

Subd. 4. **Recommendations; report.** The working group must issue a report to the governor and chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education by June 30, 2023.

Subd. 5. **Expiration.** The working group expires July 1, 2023.

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

Sec. 51. **APPROPRIATION; COMPENSATORY REVENUE LEGISLATIVE WORKING GROUP.**

\$23,000 in fiscal year 2023 is appropriated from the general fund to the director of the Legislative Coordinating Commission for purposes of section 51.

Sec. 52. **APPROPRIATION; DECLINING ENROLLMENT AID.**

(a) \$25,000,000 in fiscal year 2023 is appropriated from the general fund to the commissioner of education for declining enrollment aid.

(b) A public school's decline in enrollment equals the greater of zero or the difference between the fall 2020 enrollment and the fall 2021 enrollment.

(c) A public school's declining enrollment aid equals the ratio of the school's decline in enrollment in paragraph (b) to the statewide decline in enrollment times the amount appropriated in paragraph (a).

(d) For purposes of this section, "public school" means a school district, charter school, or cooperative unit under Minnesota Statutes, section 123A.24, subdivision 2.

(e) This aid is 100 percent payable in fiscal year 2023.

Sec. 53. **REPEALER.**

Minnesota Statutes 2020, section 124D.4531, subdivision 3a, is repealed.

## 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 so that the Tribal Nation and school district or charter school can 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.

Sec. 3. Minnesota Statutes 2020, section 120A.22, subdivision 9, is amended to read:

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

- (1) basic communication skills including reading and writing, literature, and fine arts;
- (2) mathematics and science;
- (3) social studies including history, geography, economics, government, and citizenship; ~~and~~
- (4) health and physical education; and
- (5) ethnic studies.

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

Sec. 4. Minnesota Statutes 2020, section 120B.018, subdivision 6, is amended to read:

Subd. 6. **Required standard.** "Required standard" means (1) a statewide adopted expectation for student learning in the content areas of language arts, mathematics, science, social studies, physical education, and the arts, or (2) a locally adopted expectation for student learning in health ~~or the arts~~.

Sec. 5. 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: media arts, dance, 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. 6. Minnesota Statutes 2020, section 120B.021, subdivision 2, is amended to read:

Subd. 2. **Standards development.** (a) The commissioner must consider advice from at least the following stakeholders in developing statewide rigorous core academic standards in language arts, mathematics, science, social studies, including history, geography, economics, government and citizenship, and the arts:

(1) parents of school-age children and members of the public throughout the state;

(2) teachers throughout the state currently licensed and providing instruction in language arts, mathematics, science, social studies, or the arts and licensed elementary and secondary school principals throughout the state currently administering a school site;

(3) currently serving members of local school boards and charter school boards throughout the state;

(4) faculty teaching core subjects at postsecondary institutions in Minnesota; ~~and~~

(5) representatives of the Minnesota business community;

(6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal Nations and communities, including both Anishinaabe and Dakota;

(7) youth currently enrolled in kindergarten through grade 12 school districts and charter schools in Minnesota; and

(8) other stakeholders that represent the ethnic, racial, and geographic diversity of Minnesota, including diversity of gender and sexual orientation, immigrant status, and religious and linguistic background.

(b) Academic standards must:

(1) be clear, concise, objective, measurable, and grade-level appropriate;

(2) not require a specific teaching methodology or curriculum; and

(3) be consistent with the Constitutions of the United States and the state of Minnesota.

Sec. 7. 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. 8. Minnesota Statutes 2020, section 120B.021, subdivision 4, is amended to read:

Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must revise and ~~appropriately~~ embed Indigenous education standards that include the contributions of American Indian Tribes and communities into the state's academic standards and graduation requirements. These standards must be consistent with recommendations from the Tribal Nations Education Committee.

(b) The commissioner of education must revise and embed technology and information literacy standards consistent with recommendations from school media specialists into the state's academic standards and graduation requirements and implement a ten-year cycle to review and, consistent with the review, revise state academic standards and related benchmarks, consistent with this subdivision. During each ten-year review and revision cycle, the commissioner also must examine the alignment of each required academic standard and related benchmark with the knowledge and skills students need for career and college readiness and advanced work in the particular subject area.

(c) The commissioner must ~~include the contributions of Minnesota American Indian tribes and communities as related to the~~ embed ethnic studies into the state's academic standards during the review and revision of the required academic standards.

~~(d)~~ (d) The commissioner must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 and 11 are aligned with the state academic standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b). The commissioner must implement a review of the academic standards and related benchmarks in mathematics beginning in the 2021-2022 school year and every ten years thereafter.

~~(e)~~ (e) The commissioner must implement a review of the academic standards and related benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.

~~(f)~~ (f) The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.

~~(g)~~ (g) The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2019-2020 school year and every ten years thereafter.

~~(h)~~ (h) The commissioner must implement a review of the academic standards and related benchmarks in social studies beginning in the 2020-2021 school year and every ten years thereafter.

~~(i)~~ (i) The commissioner must implement a review of the academic standards and related benchmarks in physical education beginning in the ~~2022-2023~~ 2026-2027 school year and every ten years thereafter.

~~(j)~~ (j) School districts and charter schools must revise and align local academic standards and high school graduation requirements in health, world languages, and career and technical education to require students to complete the revised standards beginning in a school year determined by the school district or charter school. School districts and charter schools must formally establish a periodic review cycle for the academic standards and related benchmarks in health, world languages, and career and technical education.

Sec. 9. Minnesota Statutes 2020, section 120B.022, subdivision 1, is amended to read:

Subdivision 1. **Elective standards.** A district must establish and regularly review its own standards ~~in~~ for career and technical education programs. Standards must align with Minnesota career and technical education frameworks, standards developed by national career and technical education organizations, or recognized industry standards. A district must use the current world languages standards developed by the American Council on the Teaching of Foreign Languages. A school district must offer courses in all elective subject areas.

Sec. 10. 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;

(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 2023-2024 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, ethnic studies, 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 2023-2024 school year.

(c) A student beginning 9th grade in the 2023-2024 school year and later must successfully complete a personal finance course for one-half credit during the student's 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. A district may provide a personal finance course through in-person instruction, distance instruction, or a combination of in-person and distance instruction. The personal finance course may satisfy a social studies requirement, a career and technical education requirement in accordance with local standards, or other credit requirement, as determined by the school board.

**EFFECTIVE DATE.** This section is effective July 1, 2022. The addition of ethnic studies to the social studies credit requirement is effective for students entering grade 9 in the 2024-2025 school year.

Sec. 11. Minnesota Statutes 2020, section 120B.024, subdivision 2, is amended to read:

Subd. 2. **Credit equivalencies.** (a) A one-half credit of economics taught in a school's ~~agriculture~~ agricultural, food, and natural resources education or business ~~department~~ education program may fulfill a one-half credit in social studies under subdivision 1, clause (5), if the credit is sufficient to satisfy all of the academic standards in economics.

(b) An agriculture science or career and technical education credit may fulfill the elective science credit required under subdivision 1, clause (4), if the credit meets the state physical science, life science, earth and space science, chemistry, or physics academic standards or a combination of these academic standards as approved by the district. An agriculture or career and technical education credit may fulfill the credit in chemistry or physics required under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic standards as approved by the district. A student must satisfy either all of the chemistry academic standards or all of the physics academic standards prior to graduation. An agriculture science or career and technical education credit may not fulfill the required biology credit under subdivision 1, clause (4).

(c) A career and technical education credit may fulfill a mathematics or arts credit requirement under subdivision 1, clause (2) or (6).

(d) An ~~agriculture~~ agricultural, food, and natural resources education teacher is not required to meet the requirements of Minnesota Rules, part 3505.1150, subpart 4 2, item B, to meet the credit equivalency requirements of paragraph (b) above.

(e) A computer science credit may fulfill a mathematics credit requirement under subdivision 1, clause (2), if the credit meets state academic standards in mathematics.

(f) A Project Lead the Way credit may fulfill a science or mathematics credit requirement under subdivision 1, clause (2) or (4), if the credit meets the state academic standards in science or mathematics.

Sec. 12. **[120B.025] ETHNIC STUDIES CURRICULUM.**

(a) "Ethnic studies" 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. Ethnic studies analyzes the ways in which race and racism have been and continue to be powerful social, cultural, and political forces, and the connections of race to the stratification of other groups, including stratification based on gender, class, sexual orientation, gender identity, disability, and legal status.

(b) Ethnic studies curriculum may be integrated into existing curricular opportunities or provided through additional curricular offerings.

Sec. 13. **[120B.0251] ETHNIC STUDIES.**

Subdivision 1. **Definition.** "Ethnic studies" has the meaning provided in section 120B.025.

Subd. 2. **Requirements.** (a) A student beginning grade 9 in the 2024-2025 school year and later must successfully complete a semester-long ethnic studies course to graduate from high school. The course must meet the minimum requirements of the model curriculum under subdivision 6. A district or charter school must offer an ethnic studies course that fulfills the requirements of this paragraph without increasing the number of credits required for graduation under section 120B.024.

(b) School districts and charter schools must provide ethnic studies instruction in elementary schools and middle schools by the 2025-2026 school year in accordance with Department of Education rules on ethnic studies.

(c) Ethnic studies instruction must meet statewide academic standards for ethnic studies curriculum.

(d) An ethnic studies course may focus specifically on a particular group of national or ethnic origin, including Hmong Studies or Somali Studies.

Subd. 3. **Rulemaking.** The commissioner of education must adopt rules for statewide academic standards for ethnic studies curriculum to be required for all kindergarten through grade 12 students. The rules must include a process for implementing standards statewide.

Subd. 4. **School needs assessment.** (a) A school district or charter school must conduct an ethnic studies school needs assessment with students, parents or guardians, and community members to determine the priorities for course selection, implementation, and timeline. The ethnic studies school needs assessment must include qualitative and quantitative components. Qualitative priorities must include a schoolwide listening session or feedback forum with students, parents or guardians, and community members. Quantitative priorities must include a school survey.

(b) A school district or charter school must annually evaluate the implementation of ethnic studies instruction by seeking feedback from students, parents or guardians, and community members. A school district or charter school must report to the commissioner of education in the form and manner determined by the commissioner on plans to modify implementation based on the annual evaluation.

**Subd. 5. Department of Education.** (a) The Department of Education must hire dedicated ethnic studies staff sufficient to fulfill the following department duties:

(1) monitor school district and charter school implementation of ethnic studies courses that fulfill ethnic studies standards;

(2) support school districts and charter schools in providing training for teachers and school district staff to successfully implement ethnic studies standards;

(3) require each school district or charter school to annually evaluate the implementation of the ethnic studies requirements by seeking feedback from students, parents or guardians, and community members;

(4) encourage school districts and charter schools to hire a dedicated coordinator for ethnic studies implementation with support from the Department of Education; and

(5) make available to school districts and charter schools the following:

(i) an ethnic studies school survey for each school district and charter school to use as part of a school needs assessment;

(ii) a list of recommended materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota;

(iii) training materials for teachers, district staff, and school staff, including an ethnic studies coordinator, to implement ethnic studies requirements, including a school needs assessment; and

(iv) other resources to assist districts and charter schools in successfully implementing ethnic studies standards.

(b) The commissioner must review and revise the ethnic studies standards, once adopted, every ten years. Review and revision of the state standards must include robust community engagement and consultation with stakeholders.

**Subd. 6. Model curriculum.** (a) The Department of Education must encourage school districts and charter schools to use the model curriculum identified by the Ethnic Studies Task Force and to use materials authored by members of the community that is the subject of the course. The model curriculum must:

(1) use various forms of pedagogy to meet all students' needs, including participatory or research-based models for real-world connections to the current society;

(2) include a power, race, class, and gender analysis as part of the course via literature, discussion, classwork, and homework as it relates to ethnic studies courses; and

(3) include an intersectional analysis of climate, health, food, housing, education, and policy.

(b) The model ethnic studies curriculum must include the following topics:

(1) Latinx studies;

(2) African American studies;

(3) Asian American studies;

(4) Indigenous or First Nation studies; or

(5) introduction to ethnic studies.

**EFFECTIVE DATE.** This section is effective July 1, 2022, except subdivision 3, which is effective the day following final enactment.

Sec. 14. Minnesota Statutes 2020, section 120B.026, is amended to read:

**120B.026 PHYSICAL EDUCATION; ~~EXCLUSION~~ EXCUSAL FROM CLASS; RECESS.**

A student may be excused from a physical education class if the student submits written information signed by a physician stating that physical activity will jeopardize the student's health. A student may be excused from a physical education class if being excused meets the child's unique and individualized needs according to the child's individualized education program, federal 504 plan, or individualized health plan. A student may be excused if a parent or guardian requests an exemption on religious grounds. A student with a disability must be provided with modifications or adaptations that allow physical education class to meet their needs. ~~Schools are strongly encouraged not to exclude students in kindergarten through grade 5 from recess due to punishment or disciplinary action.~~

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

Sec. 15. 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" has the meaning provided in section 120B.025.

(f) "Antiracist" means actively working to identify and eliminate racism in all forms so that power and resources are redistributed and shared equitably among racial groups.

(g) "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.

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

(i) "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 term in a language arts, mathematics, science, or social studies course that fulfills a credit requirement under section 120B.024. A student is off track for graduation if the student fails to meet either of these criteria.

Sec. 16. 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, 2022.

Sec. 17. 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;~~ assess ethnic studies curriculum needs to determine priorities for integrating ethnic studies into existing courses or developing new courses; and ~~identifying~~ identify 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, including ethnic studies 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 in low-income and minority families, children in families of people of color, and children in 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, antiracist, 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; and

(8) identifying a list of suggested and required materials, resources, sample curricula, and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the diversity of the state of Minnesota.

**EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and updated after June 30, 2023.

Sec. 18. 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, antiracist, 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. 19. **[120B.113] CLOSING EDUCATIONAL OPPORTUNITY GAPS 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), and collaborative efforts that address opportunity gaps resulting from curricular, environmental, and structural inequities in schools experienced by 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) "Antiracist" means actively working to identify and eliminate racism in all forms so that power and resources are redistributed and shared equitably among racial groups.

(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 despite the students having different needs.

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

(g) "Opportunity gap" means the inequitable distribution of resources that impacts inequitable opportunities that contribute to or perpetuate learning gaps for certain groups of students.

(h) "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 districts and charter 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, then 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 close opportunity gaps by:

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

(2) addressing institutional racism with equitable school policies, structures, practices, and curricular offerings, 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, 2022.

Sec. 20. Minnesota Statutes 2020, section 120B.12, is amended to read:

**120B.12 READING PROFICIENTLY NO LATER THAN THE END OF GRADE 3.**

Subdivision 1. **Literacy goal.** The legislature seeks to have every child reading at or above grade level beginning in kindergarten and no later than the end of grade 3, including English learners, and that teachers provide comprehensive, scientifically-based evidence-based reading instruction through a multitiered system of support and based in the science of reading by 2027. Instruction must focus on student mastery of the foundational reading skills of phonemic awareness, phonics, and fluency, as well as the development of oral language and vocabulary and reading comprehension skills. Students must receive evidenced-based instruction based in the science of reading that is proven to effectively teach children to read consistent with section 122A.06, subdivision 4.

Subd. 2. **Identification; report.** (a) Each school district must identify before the end of kindergarten, grade 1, and grade 2 all students who are not reading at grade level demonstrating mastery of foundational reading skills, including phonemic awareness, phonics, decoding, and fluency, using a screening tool approved by the Department of Education. Students identified as not reading at grade level demonstrating mastery of foundational reading skills by the end of kindergarten, grade 1, and grade 2 must be screened, in a locally determined manner using a tool approved by the Department of Education, for characteristics of dyslexia and screening data must be submitted to the Department of Education in the form and manner prescribed by the commissioner.

(b) Students in grade 3 or higher who demonstrate a reading difficulty to a classroom teacher must be screened, in a locally determined manner using a tool approved by the Department of Education, for deficits in foundational reading skills and characteristics of dyslexia, unless a different reason for the reading difficulty has been identified.

(c) Reading assessments in English, and in the predominant languages of district students where practicable, must identify and evaluate students' areas of academic need related to literacy. The district also must monitor the progress and provide reading instruction appropriate to the specific needs of English learners. The district must use a locally adopted, tools approved by the Department of Education that are developmentally appropriate, and culturally responsive assessment assessments and annually report summary assessment results to the commissioner by July 1.

(d) The district also must annually report to the commissioner by December 15 and July 1 a summary of the district's efforts to screen and identify students who demonstrate characteristics of dyslexia using screening tools approved by the Department of Education such as those recommended by the department's dyslexia specialist. With respect to students screened or identified under paragraph (a), the report must include:

- (1) a summary of the district's efforts to screen for dyslexia;
- (2) the number of students screened for that reporting year; and
- (3) the number of students demonstrating characteristics of dyslexia for that year.

(e) A student identified under this subdivision must be provided with alternate instruction under section 125A.56, subdivision 1.

Subd. 2a. **Parent notification and involvement.** Schools, ~~at least annually~~ on a quarterly basis, must give the parent of each student who is not reading at or above grade level timely information about:

(1) the student's reading proficiency, including student performance on foundational reading skills and whether the student has been identified as demonstrating characteristics of dyslexia, as measured by a ~~locally-adopted assessment~~ tool approved by the Department of Education;

(2) reading-related services currently being provided within a multitiered system of support framework to the student, specific curricula being used, the training and licensure of the teacher providing these services, how these services address identified skill deficits, and how the student's progress will be monitored; and

(3) strategies for parents to use at home in helping their student succeed in becoming grade-level proficient in reading in English and in their native language.

A district may not use this section to deny a student's right to a special education evaluation.

Subd. 3. **Intervention.** (a) For each student identified under subdivision 2, the district shall provide reading intervention to accelerate student growth and reach the goal of reading at or above grade level by the end of the current grade and school year. If a student does not read at or above grade level by the end of ~~grade 3~~ the current school year, the district must continue to provide reading intervention until the student reads at grade level. District intervention methods ~~shall encourage~~ must include family engagement and, where possible, collaboration with appropriate school and community programs that specialize in evidence-based instructional practices based in the science of reading and emphasis on mastery of foundational reading skills, including phonemic awareness, phonics, decoding, and fluency. Intervention methods must be taught by a certified or licensed reading specialist and may include, but are not limited to, requiring attendance in summer school, intensified reading instruction that may require that the student be removed from the regular classroom for part of the school day, extended-day programs, or programs that strengthen students' cultural connections.

(b) A school district or charter school ~~is strongly encouraged to~~ must provide a personal learning plan for a student who is unable to demonstrate grade-level proficiency, as measured by ~~the statewide reading assessment in grade 3~~ state-approved progress monitoring tools in kindergarten through grade 3. The district or charter school must determine the format of the personal learning plan in collaboration with the student's educators and other appropriate professionals. The school must develop the learning plan in consultation with the student's parent or guardian. The personal learning plan must address knowledge gaps and skill deficiencies through strategies such as specific exercises and practices during and outside of the regular school day, periodic assessments, and reasonable timelines. ~~The personal learning plan may include grade retention, if it is in the student's best interest.~~ A school must maintain and regularly update and modify the personal learning plan until the student reads at grade level. This paragraph does not apply to a student under an individualized education program.

Subd. 4. **Staff development.** Each district shall use the data under subdivision 2 to identify the staff development needs so that:

(1) elementary teachers and early childhood educators, where appropriate, are able to implement comprehensive, scientifically based reading and oral language instruction based in the science of reading. Instruction provided by elementary teachers must include explicit, systematic instruction in the five reading areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension as defined in section 122A.06, subdivision 4, and other literacy-related areas including writing until the student achieves grade-level reading proficiency. Instruction provided by early childhood educators must include explicit, systematic instruction in phonological and phonemic awareness, oral language, including listening comprehension and vocabulary, and letter-sound correspondence;

(2) elementary teachers and early childhood educators, where appropriate, have sufficient training to provide comprehensive, scientifically based reading and oral language instruction based in the science of reading that meets students' developmental, linguistic, and literacy needs, including foundational reading skills, using the intervention methods or programs selected by the district for the identified students;

~~(3) licensed teachers employed by the district have regular opportunities to improve reading and writing instruction by July 1, 2027, all public school kindergarten through grade 3 teachers and support staff employed by the school district must be offered training and provided ongoing coaching in the science of reading using a training program approved by the Department of Education and must be funded with literacy incentive aid received annually by districts under section 124D.98;~~

(4) licensed teachers recognize students' diverse needs in cross-cultural settings and are able to serve the oral language and linguistic needs of students who are English learners by maximizing strengths in their native languages in order to cultivate students' English language development, including oral academic language development, and build academic literacy; and

(5) licensed teachers are well trained in culturally responsive pedagogy that enables students to master content, develop skills to access content, and build relationships.

Subd. 4a. **Local literacy plan.** (a) Consistent with this section, a school district must ~~adopt~~ submit a local literacy plan using the template provided by the Department of Education, to have every child in kindergarten through grade 3 developing early literacy skills and reading at or above grade level no later than the end of grade 3, including English learners. The plan must be consistent with section 122A.06, subdivision 4, and include the following:

(1) a process within a multitiered system of support framework to assess students' level of reading proficiency and data to support the effectiveness of an assessment used to screen and identify a student's level of reading proficiency foundational reading skills that are characteristic of dyslexia;

(2) a process to notify and ~~involve~~ partner with parents to promote developmentally appropriate and culturally relevant language and literacy support at home;

(3) a description of the data-based decision-making process within the multitiered system of support framework for how schools in the district will determine the proper appropriate reading instruction and intervention strategy for a student to meet the identified student's needs and the progress monitoring process for intensifying or modifying the reading strategy instruction and intervention in order to obtain measurable reading progress;

(4) a process within a multitiered system of support framework to implement explicit, systematic, evidence-based intervention methods based in the science of reading for students who demonstrate foundational reading skills deficits or are not reading at or above grade level and progress monitoring to provide information on the effectiveness of the intervention. Intervention methods may not include the three-cueing system. Progress monitoring must be completed to provide information on the effectiveness of the intervention; and

(5) a process to screen and identify students with characteristics of dyslexia as required by section 120B.12; and

~~(5)~~ (6) identification of staff development needs, including a ~~program~~ plan to meet those needs.

(b) The district must post its literacy plan on the official school district website.

Subd. 5. **Commissioner.** The commissioner shall ~~recommend to districts multiple assessment tools~~ provide a menu of state-approved assessment tools that are aligned to the English language arts state academic standards and to early childhood indicators of progress to assist districts and teachers with identifying students under subdivision 2. The commissioner shall also make available ~~examples of nationally recognized and research-based instructional methods or programs to districts to provide~~ opportunities for teachers to be trained in the science of reading in order to ensure the instruction being provided is comprehensive, scientifically based reading instruction and intervention under this section.

Sec. 21. 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 504 plans, and English learners. Assessments and procedures must be coordinated to allow for optimal identification of programs or 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. 22. Minnesota Statutes 2020, section 120B.30, subdivision 1, is amended to read:

Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, consistent with subdivision 1a, must include in the comprehensive assessment system, for each grade level to be tested, state-constructed tests developed as computer-adaptive reading and mathematics assessments for students that are aligned with the state's required academic standards under section

120B.021, include multiple choice questions, and are administered annually to all students in grades 3 through 8. State-developed high school tests aligned with the state's required academic standards under section 120B.021 and administered to all high school students in a subject other than writing must include multiple choice questions. The commissioner must establish a testing period as late as possible each school year during which schools must administer the Minnesota Comprehensive Assessments to students. The commissioner must publish the testing schedule at least two years before the beginning of the testing period.

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

(1) mathematics;

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

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

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

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

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

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

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

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

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

A student under paragraph (c), clause (1), must receive targeted, relevant, academically rigorous, and resourced instruction, which may include a targeted instruction and intervention plan focused on improving the student's knowledge and skills in core subjects so that the student has a reasonable chance to succeed in a career or college without need for postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49, and related sections, an enrolling school or district must actively encourage a student in grade 11 or 12 who is identified as academically ready for a career or college to participate in courses and programs awarding college credit to high school students. Students are not required to achieve a specified score or level of proficiency on an assessment under this subdivision to graduate from high school.

(e) Though not a high school graduation requirement, students are encouraged to participate in a nationally recognized college entrance exam. To the extent state funding for college entrance exam fees is available, a district must pay the cost, one time, for an interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take a nationally recognized college entrance exam before graduating. A student must be able to take the exam under this paragraph at the student's high school during the school day and at any one of the multiple exam administrations available to students in the district. A district may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph. If the district administers only one of these two tests and a free or reduced-price meal eligible student opts not to take that test and chooses instead to take the other of the two tests, the student may take the other test at a different time or location and remains eligible for the examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school district may require a student that is not eligible for a free or reduced-price meal to pay the cost of taking a nationally recognized college entrance exam. The district must waive the cost for a student unable to pay.

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

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

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

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

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

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

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

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

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

(o) The commissioner must include the following components in the statewide public reporting system:

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

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

(3) state results on the ~~American College Test~~ ACT test; and

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

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

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

Sec. 23. 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.

~~(c)~~ (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.

~~(d)~~ (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.

~~(e)~~ (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.

~~(f)~~ (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. 24. Minnesota Statutes 2020, section 120B.301, is amended to read:

**120B.301 LIMITS ON LOCAL TESTING.**

(a) For students in grades 1 through 6, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed ten hours per school year. For students in grades 7 through 12, the cumulative total amount of time spent taking locally adopted districtwide or schoolwide assessments must not exceed 11 hours per school year. For purposes of this paragraph, international baccalaureate and advanced placement exams are not considered locally adopted assessments.

(b) A district or charter school is exempt from the requirements of paragraph (a), if the district or charter school, in consultation with the exclusive representative of the teachers or other teachers if there is no exclusive representative of the teachers, decides to exceed a time limit in paragraph (a) and includes the information in the report required under section 120B.11, subdivision 5.

(c) A district or charter school, ~~before the first day of each school year,~~ must publish on its website a comprehensive calendar of standardized tests to be administered in the district or charter school during that school year. The calendar must provide the rationale for administering each assessment and indicate whether the assessment is a local option or required by state or federal law. The calendar must be published at least one week prior to any eligible assessments being administered and no later than October 1.

Sec. 25. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

Subd. 3. **State growth ~~target~~ measures; other state measures.** (a)(1) The state's educational assessment system measuring individual students' educational growth is based on indicators of current achievement ~~growth~~ that show growth from an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments. Indicators that take into account a student's prior achievement must not be used to disregard a school's low achievement or to exclude a school from a program to improve low-achievement levels.

(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~~ meals; 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~~ an appropriate 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 or progress toward English language proficiency. 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. 26. Minnesota Statutes 2020, section 120B.36, subdivision 2, is amended to read:

Subd. 2. **Student progress and other data.** (a) All data the department receives, collects, or creates under section 120B.11, governing the world's best workforce, or uses to determine federal expectations under the most recently reauthorized Elementary and Secondary Education Act, ~~set state growth targets,~~ and determine student growth, learning, and outcomes under section 120B.35 are nonpublic data under section 13.02, subdivision 9, until the commissioner publicly releases the data.

(b) Districts must provide parents sufficiently detailed summary data to permit parents to appeal under the most recently reauthorized federal Elementary and Secondary Education Act. The commissioner shall annually post federal expectations and state student growth, learning, and outcome data to the department's public website no later than September 1, except that in years when data or federal expectations reflect new performance standards, the commissioner shall post data on federal expectations and state student growth data no later than October 1.

Sec. 27. **[121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

Subdivision 1. **Prohibition.** (a) A public school 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 public school 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. A public school that has a mascot prohibited by this section must request an exemption by January 1, 2023.

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. 28. **[121A.201] MULTI-TIERED SYSTEM OF SUPPORT.**

The Minnesota Multi-Tiered System of Supports (MnMTSS) is a systemic, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. MnMTSS provides access to layered tiers of culturally and linguistically responsive, evidence-based practices. The MnMTSS 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 MnMTSS systemic framework using anti-racist approaches to training and coaching.

Sec. 29. Minnesota Statutes 2020, section 121A.41, subdivision 2, is amended to read:

Subd. 2. **Dismissal.** "Dismissal" means the denial of the current educational program to any pupil, including exclusion, expulsion, and out-of-school suspension. ~~‡~~ Dismissal does not include removal from class.

Sec. 30. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

Subd. 10. **In-school suspension; out-of-school 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. For purposes of this paragraph, "direct supervision" means school personnel are physically in the same location as students 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 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 2022-2023 school year and later.

Sec. 31. 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 504 evaluations, academic screening for Title 1 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.575, clauses (1) and (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause (3).

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 32. 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 administrator or district administrator and a pupil's parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month period.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 33. 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, 2022.

Sec. 34. 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 2022-2023 school year and later.

Sec. 35. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

Subd. 4. **Provision of alternative education services; suspension pending expulsion or exclusion hearing.** (a) Alternative education services must be provided to a pupil who is suspended for more than five consecutive school days.

(b) 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 2022-2023 school year and later.

Sec. 36. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision to read:

Subd. 5. **Minimum education services.** School administration must allow 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 daily and weekly assignments and receive teachers' feedback.

**EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

Sec. 37. 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 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 their 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 2022-2023 school year and later.

Sec. 38. 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 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 2022-2023 school year and later.

Sec. 39. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

Subdivision 1. **Exclusions and expulsions; pupil withdrawals; 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,~~ 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 2022-2023 school year and later.

Sec. 40. Minnesota Statutes 2020, section 121A.55, is amended to read:

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

(a) The commissioner of education ~~shall~~ must promulgate guidelines 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 must emphasize preventing dismissals through early detection of problems ~~and shall~~. The policies must be designed to address students' inappropriate behavior from recurring.

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

(c) The school is responsible for ensuring that alternative educational services, if the pupil wishes to take advantage of them, 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 in accordance with section 121A.46, subdivision 5.

(d) For expulsion and exclusion dismissals and pupil withdrawal agreements as defined in section 121A.41, subdivision 13:

(1) 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. School districts must communicate on a regular basis with the pupil's parent or guardian to ensure the pupil is completing the work assigned through the alternative educational services;

(2) a pupil receiving school-based or school-linked mental health services in the district under section 245.4889 continues to be eligible for those services until the pupil is enrolled in a new district; and

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

~~(b)~~ (e) 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.

~~(c)~~ (f) 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 2022-2023 school year and later.

Sec. 41. Minnesota Statutes 2020, section 121A.61, subdivision 1, is amended to read:

Subdivision 1. **Required policy.** Each school board must adopt a written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class. The policy must contain the discipline complaint procedure that any member of the school community may use to file a complaint regarding the application of discipline policies

and seek corrective action. 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.

Sec. 42. Minnesota Statutes 2020, section 121A.61, subdivision 3, is amended to read:

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) any procedures determined appropriate for ensuring victims of bullying who respond with behavior not allowed under the school's behavior policies have access to a remedial response, consistent with section 121A.031;
- ~~(m)~~ (m) 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;
- ~~(n)~~ (n) procedures for detecting and addressing chemical abuse problems of a student while on the school premises;
- ~~(o)~~ (o) the minimum consequences for violations of the code of conduct;
- ~~(p)~~ (p) procedures for immediate and appropriate interventions tied to violations of the code;

~~(p)~~ (q) 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;

~~(q)~~ (r) 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~~

~~(r)~~ (s) 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;

(t) a prohibition on the use of exclusionary practices for early learners as defined in section 121A.425; and

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

Sec. 43. Minnesota Statutes 2020, section 121A.61, is amended by adding a subdivision to read:

Subd. 4. **Discipline complaint procedure.** The discipline policy must contain procedures for students, parents and other guardians, and school staff to file a complaint and seek corrective action when the requirements of sections 121A.40 to 121A.61, including the implementation of the local behavior and discipline policies, are not being implemented appropriately or are being discriminately applied. Each district and school policy implemented under this section must, at a minimum:

(1) provide procedures for communicating this policy including the ability for a parent to appeal a decision under section 121A.49 that contains explicit instructions for filing the complaint;

(2) provide an opportunity for involved parties to submit additional information related to the complaint;

(3) provide a procedure to begin to investigate complaints within three school days of receipt, and identify personnel who will manage the investigation and any resulting record and are responsible for keeping and regulating access to any record;

(4) provide procedures for issuing a written determination to the complainant that addresses each allegation and contains findings and conclusions;

(5) if the investigation finds the requirements of sections 121A.40 to 121A.61, including any local policies that were not implemented appropriately, contain procedures that require a corrective action plan to correct a student's record and provide relevant staff with training, coaching, or other accountability practices to ensure appropriate compliance with policies in the future; and

(6) prohibit reprisals or retaliation against any person who asserts, alleges, or reports a complaint, and provide procedures for applying appropriate consequences for a person who engages in reprisal or retaliation.

Sec. 44. **[121A.611] RECESS AND OTHER BREAKS.**

(a) "Recess detention" as used in this chapter means excluding or excessively delaying a student from participating in a scheduled recess period as a consequence for student behavior. Recess detention does not include, among other things, providing alternative recess at the student's choice.

(b) A school district or charter school is encouraged to ensure student access to structured breaks from the demands of school and to support teachers, principals, and other school staff in their efforts to use evidence-based approaches to reduce exclusionary forms of discipline.

(c) A school district or charter school must not use recess detention unless:

(1) a student causes or is likely to cause serious physical harm to other students or staff;

(2) the student's parent or guardian specifically consents to the use of recess detention; or

(3) for students receiving special education services, the student's individualized education program team has determined that withholding recess is appropriate based on the individualized needs of the student.

(d) A school district or charter school must require school staff to make a reasonable attempt to notify a parent or guardian within 24 hours of using recess detention.

(e) A school district or charter school must compile information on each recess detention at the end of each school year, including the student's age, grade, gender, race or ethnicity, and special education status. A school district or charter school is encouraged to use the data in professional development promoting the use of nonexclusionary discipline. This information must be available to the public upon request.

(f) A school district must not withhold or excessively delay a student's participation in scheduled mealtimes. This section does not alter a district's existing responsibilities under section 124D.111 or other state or federal law.

Sec. 45. Minnesota Statutes 2020, section 122A.06, subdivision 4, is amended to read:

Subd. 4. **Comprehensive, scientifically based reading instruction.** (a) "Comprehensive, scientifically based reading instruction" includes a program or collection of instructional practices that is based on valid, replicable evidence showing that when these programs or practices are used, students can be expected to achieve, at a minimum, satisfactory reading progress. The program or collection of practices must include, at a minimum, effective, ~~balanced~~ explicit, systematic instruction based in the science of reading with instruction in all five areas of reading: phonemic awareness, phonics, fluency, vocabulary development, and reading comprehension.

Comprehensive, scientifically based reading instruction ~~also occurs within a multitiered system of support framework.~~ A multitiered system of support includes and integrates instructional strategies for continuously assessing, evaluating, and communicating the student's reading progress and needs in order to design and implement ongoing instruction and interventions based in the science of reading so that students of all ages and proficiency levels can read and comprehend text, write, and apply higher level thinking skills. Instruction within a multitiered system of support framework includes core, supplemental, and intensive reading instruction used at each grade level, including prekindergarten through third grade, and must be designed around teaching the five foundational reading skills based in the science of reading. For English learners developing literacy skills, districts are encouraged to use strategies that teach reading and writing in the students' native language and English at the same time.

(b) For the purposes of this subdivision, the following terms have the meanings given:

~~(b)~~ (1) "Fluency" is means the ability of students to read text with speed, accuracy, and proper expression.

~~(c)~~ (2) "Phonemic awareness" is means the ability of students to notice, think about, and manipulate individual sounds in spoken syllables and words.

(3) "Phonics instruction" means the explicit, systematic, and direct instruction of the relationships between letters and the sounds they represent and the application of this knowledge in reading and spelling.

~~(d)~~ (4) "Phonics" ~~is~~ means the understanding that there are systematic and predictable relationships between written letters and spoken words. Phonics instruction is a way of teaching reading that stresses learning how letters correspond to sounds and how to apply this knowledge in reading and spelling.

~~(e)~~ (5) "Reading comprehension" ~~is~~ means an active process that requires intentional thinking during which meaning is constructed through interactions between text and reader. Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and implementing specific cognitive strategies to help beginning readers derive meaning through intentional, problem-solving thinking processes.

~~(f)~~ (6) "Vocabulary development" ~~is~~ means the process of teaching vocabulary both directly and indirectly, with repetition and multiple exposures to vocabulary items. Learning in rich contexts, incidental learning, and use of computer technology enhance the acquiring of vocabulary.

(7) "Foundational reading skills" means phonological and phonemic awareness, phonics or decoding, and fluency. Foundational reading skills appropriate to each grade level must be mastered in kindergarten, grade 1, and grade 2. Struggling readers in grade 3 and higher who demonstrate deficits in foundational reading skills may require explicit, systematic instruction to reach mastery.

(8) A "multitiered system of support" means a systematic preventative approach that addresses the academic, behavioral, and social-emotional needs of all students at the core (universal), targeted (Tier I), and intensive (Tier II) levels. Through a multitiered system of support a teacher must provide high quality, scientifically based or evidence-based instruction and intervention that is matched to a student's needs; uses a method monitoring progress frequently to inform decisions about instruction and goals; and applies data literacy skills to educational decision making.

(c) Beginning in the 2022-2023 school year, a public school district or charter school must transition away from a program of instruction for students in kindergarten through grade 2 that is based in any practice or intervention program that uses:

(1) visual memory as the primary basis for teaching word recognition; or

(2) the three-cueing system model of reading based on meaning, structure and syntax, and visual, which is also known as "MSV."

~~(g)~~ (d) Nothing in this subdivision limits the authority of a school district to select a school's reading program or curriculum.

Sec. 46. 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 a faith statement during the application process or base any part of the admission decision on a student's race, creed, ethnicity, disability, gender, or sexual orientation or religious beliefs or affiliations.

(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. 47. Minnesota Statutes 2020, section 124D.09, subdivision 9, is amended to read:

Subd. 9. **Enrollment priority.** (a) A postsecondary institution must give priority to its postsecondary students when enrolling pupils in grades 10, 11, and 12 in its courses. A postsecondary institution may provide information about its programs to a secondary school or to a pupil or parent and it may advertise or otherwise recruit or solicit a secondary pupil to enroll in its programs ~~on educational and programmatic grounds only except, notwithstanding other law to the contrary, and for the 2014 2015 through 2019 2020 school years only, an eligible postsecondary institution may advertise or otherwise recruit or solicit a secondary pupil residing in a school district with 700 students or more in grades 10, 11, and 12, to enroll in its programs on educational, programmatic, or financial grounds.~~

(b) An institution must not enroll secondary pupils, for postsecondary enrollment options purposes, in remedial, developmental, or other courses that are not college level except when a student eligible to participate and enrolled in the graduation incentives program under section 124D.68 enrolls full time in a middle or early college program. A middle or early college program must be specifically designed to allow the student to earn dual high school and college credit with a well-defined pathway to allow the student to earn a postsecondary degree or credential. In this case, the student must receive developmental college credit and not college credit for completing remedial or developmental courses.

(c) Once a pupil has been enrolled in any postsecondary course under this section, the pupil must not be displaced by another student.

(d) If a postsecondary institution enrolls a secondary school pupil in a course under this section, the postsecondary institution also must enroll in the same course an otherwise enrolled and qualified postsecondary student who qualifies as a veteran under section 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's established enrollment timelines were not practicable for that student.

(e) A postsecondary institution must allow secondary pupils to enroll in online courses under this section consistent with the institution's policy regarding postsecondary pupil enrollment in online courses.

Sec. 48. Minnesota Statutes 2020, section 124D.09, subdivision 10, is amended to read:

Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according to subdivision 5, may enroll in a nonsectarian course taught by a secondary teacher or a postsecondary faculty member and offered at a secondary school, or another location, according to an agreement between a public school board and the governing body of an eligible public postsecondary system or an eligible private postsecondary institution, as defined in subdivision 3. All provisions of this section apply to a pupil, public school board, district, and the governing body of a postsecondary institution, except as otherwise provided. A secondary school or a postsecondary institution that enrolls eligible pupils in courses according to agreements must annually report to the commissioner the participation rates of pupils enrolled in courses according to agreements, including the number of pupils enrolled and the number of courses taken for postsecondary credit.

(b) To encourage students, especially American Indian students and students of color, to consider teaching as a profession, participating schools, school districts, and postsecondary institutions are encouraged to develop and offer an "Introduction to Teaching" or "Introduction to Education" course under this subdivision. For the purpose of applying for grants under this paragraph, "eligible institution" includes schools and districts that partner with an

accredited college or university in addition to postsecondary institutions identified in subdivision 3, paragraph (a). Grant recipients under this paragraph must annually report to the commissioner in a form and manner determined by the commissioner on the participation rates of students in courses under this paragraph, including the number of students who apply for admission to colleges or universities with teacher preparation programs and the number of students of color and American Indian students who earned postsecondary credit. Grant recipients must also describe recruiting efforts intended to ensure that the percentage of participating students who are of color or American Indian meets or exceeds the overall percentage of students of color or American Indian students in the school.

Sec. 49. Minnesota Statutes 2020, section 124D.09, subdivision 12, is amended to read:

Subd. 12. **Credits; grade point average weighting policy.** (a) A pupil must not audit a course under this section.

(b) A district shall grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Seven quarter or four semester college credits equal at least one full year of high school credit. Fewer college credits may be prorated. A district must also grant academic credit to a pupil enrolled in a course for postsecondary credit if secondary credit is requested by a pupil. If no comparable course is offered by the district, the district must, as soon as possible, notify the commissioner, who shall determine the number of credits that shall be granted to a pupil who successfully completes a course. If a comparable course is offered by the district, the school board shall grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course, the pupil may appeal the board's decision to the commissioner. The commissioner's decision regarding the number of credits shall be final.

(c) A school board must adopt a policy regarding weighted grade point averages for any high school or dual enrollment course. A school board must adopt an identical policy regarding weighted grade point averages for credits earned via postsecondary coursework as for credits earned via concurrent enrollment coursework. The policy must state whether the district offers weighted grades. A school board must annually publish on its website a list of courses for which a student may earn a weighted grade.

(d) The secondary credits granted to a pupil must be counted toward the graduation requirements and subject area requirements of the district. Evidence of successful completion of each course and secondary credits granted must be included in the pupil's secondary school record. A pupil shall provide the school with a copy of the pupil's grade in each course taken for secondary credit under this section. Upon the request of a pupil, the pupil's secondary school record must also include evidence of successful completion and credits granted for a course taken for postsecondary credit. In either case, the record must indicate that the credits were earned at a postsecondary institution.

(e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the postsecondary institution must award postsecondary credit for any course successfully completed for secondary credit at that institution. Other postsecondary institutions may award, after a pupil leaves secondary school, postsecondary credit for any courses successfully completed under this section. An institution may not charge a pupil for the award of credit.

(f) The Board of Trustees of the Minnesota State Colleges and Universities and the Board of Regents of the University of Minnesota must, and private nonprofit and proprietary postsecondary institutions should, award postsecondary credit for any successfully completed courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships offered according to an agreement under subdivision 10. Consistent with section 135A.101, subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who completes for postsecondary credit a postsecondary course or program that is part or all of a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a MnSCU institution after leaving secondary school. Once one MnSCU institution certifies as completed a secondary student's postsecondary course or program that is part or all of a goal area or a transfer curriculum, every MnSCU institution must consider the student's course or program for that goal area or the transfer curriculum as completed.

Sec. 50. 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. 51. 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. 52. Minnesota Statutes 2020, section 124D.2211, is amended to read:

#### **124D.2211 AFTER-SCHOOL COMMUNITY LEARNING PROGRAMS.**

Subdivision 1. **Establishment.** A competitive statewide after-school community learning grant program is established to provide grants to ~~community or nonprofit organizations, political subdivisions, for-profit or nonprofit child care centers, or school-based programs that serve youth after school or during nonschool hours~~ organizations that offer academic and enrichment activities for elementary and secondary school students during nonschool hours. Grants must be used to offer a broad array of enrichment activities that promote positive after-school activities, including art, music, community engagement, literacy, science, technology, engineering, math, health, and recreation programs. The commissioner ~~shall~~ must develop criteria for after-school community learning programs. The commissioner may award grants under this section to community or nonprofit organizations, Minnesota Tribal governments, political subdivisions, public libraries, for-profit or nonprofit child care centers, or school-based programs that serve youth after school or during nonschool hours.

Subd. 2. ~~Program outcomes~~ **Objectives.** The ~~expected outcomes~~ objectives of the after-school community learning programs are to ~~increase~~:

~~(1) school connectedness of participants;~~

~~(2) academic achievement of participating students in one or more core academic areas;~~

~~(3) the capacity of participants to become productive adults; and~~

~~(4) prevent truancy from school and prevent juvenile crime.~~

(1) increase access to protective factors that build young people's capacity to become productive adults, such as through connections to a caring adult in order to promote healthy behavior, attitudes, and relationships;

(2) develop skills and behaviors necessary to succeed in postsecondary education or career opportunities;

(3) encourage school attendance and improve academic performance in accordance with the state's world's best workforce goals under section 120B.11; and

(4) expand program access in underserved communities.

Subd. 3. **Grants.** (a) An applicant shall ~~must~~ submit an after-school community learning program proposal to the commissioner. The submitted ~~plan~~ proposal must include:

(1) collaboration with and leverage of existing community resources that have demonstrated effectiveness;

(2) outreach to children and youth; ~~and~~

(3) involvement of local governments, including park and recreation boards or schools, unless no government agency is appropriate.

~~Proposals will be reviewed and approved by the commissioner.~~

(3) an explanation of how the proposal will support the objectives identified in subdivision 2; and

(4) a plan to implement effective after-school practices and provide staff access to professional development opportunities.

(b) The commissioner must review proposals and award grants to programs that:

(1) primarily serve low-income and underserved students; and

(2) provide opportunities for academic enrichment, and a broad array of additional services and activities to meet program objectives.

(c) To the extent practicable, the commissioner must award grants equitably among the geographic areas of Minnesota, including rural, suburban, and urban communities.

(d) The commissioner must award grants without giving preference to any particular grade of students served by an applicant program.

Subd. 4. **Technical assistance and continuous improvement.** (a) The commissioner must monitor and evaluate the performance of grant recipients to assess the effectiveness of after-school community learning programs in meeting the objectives identified in subdivision 2.

(b) The commissioner must contract with a nonprofit organization serving as the statewide after-school network to provide capacity building, professional development, and continuous program improvement supports to grant recipients, including guidance on effective practices for after-school programs.

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

Sec. 53. 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 American Indian pupils;
- (2) support the academic achievement of American Indian ~~students~~ pupils;
- (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. 54. Minnesota Statutes 2020, section 124D.74, subdivision 3, is amended to read:

Subd. 3. **Enrollment of other children; shared time enrollment.** ~~To the extent it is economically feasible that~~ the unique educational and culturally related academic needs of American Indian people are met and American Indian student accountability factors are the same or higher than their non-American Indian peers, a district or participating school may make provision for the voluntary enrollment of non-American Indian children in the instructional components of an American Indian education program in order that they may acquire an understanding of the cultural heritage of the American Indian children for whom that particular program is designed. However, in determining eligibility to participate in a program, priority must be given to American Indian children. American Indian children ~~and other children~~ enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian education programs.

Sec. 55. Minnesota Statutes 2020, section 124D.74, subdivision 4, is amended to read:

Subd. 4. **Location of programs.** American Indian education programs must be located in ~~facilities~~ educational settings in which regular classes in a variety of subjects are offered on a daily basis, including district schools, charter schools, and Tribal contract schools that offer virtual learning environments. Programs may operate on an extended day or extended year basis.

Sec. 56. Minnesota Statutes 2020, section 124D.74, is amended by adding a subdivision to read:

Subd. 7. **American Indian culture and language classes.** Any district or participating school that conducts American Indian education programs pursuant to sections 124D.71 to 124D.82 and serves 100 or more state-identified American Indian students enrolled in the district must provide American Indian culture and language classes.

Sec. 57. Minnesota Statutes 2020, section 124D.76, is amended to read:

**124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS, PARAPROFESSIONALS.**

In addition to employing American Indian language and culture education teachers, each district or participating school providing programs pursuant to sections 124D.71 to 124D.82 may employ paraprofessionals. Paraprofessionals must not be employed for the purpose of supplanting American Indian language and culture education teachers.

Any district or participating school ~~which that~~ conducts American Indian education programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or part-time ~~community coordinators or Indian home/school liaisons if there are~~ dedicated American Indian education program coordinators in a district with 100 or more state-identified American Indian students enrolled in the district. Community coordinators shall A dedicated American Indian education program coordinator must promote communication, understanding, and cooperation between the schools and the community and ~~shall~~ must visit the homes of children who are to be enrolled in an American Indian education program in order to convey information about the program.

Sec. 58. Minnesota Statutes 2020, section 124D.78, is amended to read:

**124D.78 PARENT AND COMMUNITY PARTICIPATION.**

Subdivision 1. **Parent committee.** ~~School districts, charter schools, Tribal contract schools, and their respective school boards and American Indian schools~~ must provide for the maximum involvement of parents of American Indian children enrolled in American Indian education programs, programs for elementary and secondary grades, special education programs, and support services. Accordingly, ~~the board of a school district districts, charter schools, and Tribal contract schools~~ in which there are ten or more state-identified American Indian students enrolled ~~and each American Indian school~~ must establish an American Indian ~~education~~ Parent Advisory Committee. 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~~ Districts, charter schools, and Tribal contract schools must ensure that programs are planned, operated, and evaluated with the involvement of and in consultation with parents of the American Indian students served by the programs.

Subd. 2. ~~Resolution of concurrence~~ **Annual compliance.** Prior to March 1 of each year, ~~the school board or American Indian school~~ must submit to the department a copy of a resolution adopted by the American Indian ~~education~~ Parent Advisory Committee. ~~The copy must be signed by the chair of the committee and must state whether the committee concurs with the educational programs for American Indian students offered by the school board or American Indian school. If the committee does not concur with the educational programs, the reasons for nonconcurrence and recommendations shall be submitted directly to the school board with the resolution. By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence, to each recommendation~~

made by the committee and state its reasons for not implementing the recommendations, must meet to discuss whether or not they concur with the educational offerings that have been extended by the district to American Indian students. If the committee finds that the district, charter school, Tribal contract school, and the school board have been meeting the needs of American Indian students, the committee must issue a vote and resolution of concurrence. If the committee finds that the needs of American Indian students are not being met, the committee must issue a vote and resolution of nonconcurrence. The vote and resolution must be presented to the school board by one or more members of the American Indian Parent Advisory Committee. The vote must be formally reflected on documentation provided by the Department of Education and must be submitted annually on March 1. If the vote is one of nonconcurrence, the committee must provide written recommendations for improvement to the school board at the time of the presentation. In the case of nonconcurrence, the school board is given 60 days in which to respond, in writing, to the committee's recommendations. The board response must be signed by the entire school board and submitted to both the American Indian Parent Advisory Committee and to the Department of Education.

Subd. 3. **Membership.** The American Indian ~~education~~ Parent Advisory Committee must be composed of parents or guardians of American Indian children eligible to be enrolled in American Indian education programs; American Indian secondary students ~~eligible to be served~~; American Indian family members of students eligible to be enrolled in American Indian education programs; American Indian language and culture education teachers and paraprofessionals; American Indian teachers; American Indian district employees; American Indian counselors; adult American Indian people enrolled in educational programs; and ~~representatives from community groups~~ American Indian community members. A The majority of each committee must be parents or guardians 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.~~

Subd. 4. **Alternate committee.** If the organizational membership or the board of directors of ~~an American Indian~~ a Tribal contract school consists of parents of children attending the school, that membership or board may serve also as the American Indian ~~education~~ Parent Advisory Committee.

Subd. 5. **State-identified American Indian.** For the purposes of sections 124D.71 to 124D.82, students who identify as American Indian or Alaska Native, using the state definition in effect on October 1 of the previous school year, will be used to determine the state-identified American Indian student counts for districts, charter schools, and Tribal contract schools for the subsequent school year.

Sec. 59. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

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

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

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

(3) engage the 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 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 to the commissioner legislative changes that will improve the quality of American Indian education;
- (6) develop 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 the American Indian community informed about the work of the department by reporting to the Tribal Nations Education Committee at each committee meeting.

**Sec. 60. [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. 61. 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 American 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. 62. Minnesota Statutes 2020, section 124D.81, subdivision 2, is amended to read:

Subd. 2. **Plans.** To ~~qualify for~~ receive aid, an eligible district, charter school, or Tribal contract school must develop and submit a plan for approval by the Indian education director that shall:

- (a) Identify the measures to be used to meet the requirements of sections 124D.71 to 124D.82;

(b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;

(c) Describe how district goals and objectives as well as the objectives of sections 124D.71 to 124D.82 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 124D.74, subdivision 5;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 124D.71 to 124D.82.

Sec. 63. Minnesota Statutes 2020, section 124D.81, subdivision 2a, is amended to read:

Subd. 2a. **American Indian education aid.** (a) The American Indian education aid allowance equals \$358 for fiscal years 2022 and 2023. The American Indian education aid allowance for fiscal year 2024 and later equals the product of \$358 times the ratio of the formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance under section 126C.10, subdivision 2, for fiscal year 2023.

(b) The American Indian education aid minimum equals \$20,000 for fiscal years 2022. The American Indian education aid minimum equals \$40,000 for fiscal year 2023. The American Indian education aid minimum for fiscal year 2024 and later equals the product of \$40,000 times the ratio of the formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance under section 126C.10, subdivision 2, for fiscal year 2023.

~~(a)~~ (c) The American Indian education aid for an eligible district, charter school, or Tribal contract school equals the greater of (1) the sum of ~~\$20,000~~ the American Indian education aid minimum plus the product of ~~\$358~~ the American Indian education aid allowance times the difference between the number of American Indian students enrolled on October 1 of the previous school year and 20; or (2) if the district or school received a grant under this section for fiscal year 2015, the amount of the grant for fiscal year 2015.

~~(b)~~ (d) Notwithstanding paragraph ~~(a)~~ (c), the American Indian education aid must not exceed the district, charter school, or Tribal contract school's actual expenditure according to the approved plan under subdivision 2.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 64. Minnesota Statutes 2020, section 124D.81, subdivision 5, is amended to read:

Subd. 5. **Records.** Participating schools and districts must keep records and afford access to them as the commissioner finds necessary to ensure that American Indian education programs are implemented in conformity with sections 124D.71 to 124D.82. Each school district or participating school must keep accurate, detailed, and separate revenue and expenditure accounts for ~~pilot~~ American Indian education programs funded under this section.

Sec. 65. Minnesota Statutes 2020, section 124D.83, subdivision 2, is amended to read:

Subd. 2. **Revenue amount.** An American Indian-controlled tribal contract or grant school that is located on a reservation within the state and that complies with the requirements in subdivision 1 is eligible to receive tribal contract or grant school aid. The amount of aid is derived by:

(1) multiplying the formula allowance under section 126C.10, subdivision 2, ~~less \$170,~~ times the difference between (i) the resident pupil units as defined in section 126C.05, subdivision 6, in average daily membership, excluding section 126C.05, subdivision 13, and (ii) the number of pupils for the current school year, weighted according to section 126C.05, subdivision 1, receiving benefits under section 123B.42 or 123B.44 or for which the school is receiving reimbursement under section 124D.69;

(2) adding to the result in clause (1) an amount equal to the product of the formula allowance under section 126C.10, subdivision 2, less \$300 times the tribal contract compensation revenue pupil units;

(3) subtracting from the result in clause (2) the amount of money allotted to the school by the federal government through Indian School Equalization Program of the Bureau of Indian Affairs, according to Code of Federal Regulations, title 25, part 39, subparts A to E, for the basic program as defined by section 39.11, paragraph (b), for the base rate as applied to kindergarten through twelfth grade, excluding small school adjustments and additional weighting, but not money allotted through subparts F to L for contingency funds, school board training, student training, interim maintenance and minor repair, interim administration cost, prekindergarten, and operation and maintenance, and the amount of money that is received according to section 124D.69;

(4) dividing the result in clause (3) by the sum of the resident pupil units in average daily membership, excluding section 126C.05, subdivision 13, plus the tribal contract compensation revenue pupil units; and

(5) multiplying the sum of the resident pupil units, including section 126C.05, subdivision 13, in average daily membership plus the tribal contract compensation revenue pupil units by the lesser of ~~\$3,230 for fiscal year 2019~~ and 51.17 percent of the formula allowance for fiscal year years 2020, 2021, and 2022, and 52 percent of the formula allowance for fiscal year 2023 and later or the result in clause (4).

**EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and later.

Sec. 66. 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. The plan must 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 who are American Indian. Examples of institutional racism experienced by students who are of color or who are 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 the 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 antiracist 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 antiracist 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.

~~(b)~~ (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.

~~(c)~~ (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. 67. Minnesota Statutes 2020, section 124D.98, is amended by adding a subdivision to read:

**Subd. 5. Literacy incentive aid uses.** Beginning July 1, 2022, literacy incentive aid must be used to support comprehensive literacy reform efforts in public schools as follows:

(1) for public school prekindergarten through grade 3 teachers and support staff to be trained in the science of reading using a training program approved by the Department of Education no later than July 1, 2027, unless the commissioner of education grants an extension;

(2) to hire a licensed reading and dyslexia specialist who is trained in the science of reading as determined by the commissioner of education and oversees a school district's or charter school's implementation of required components under section 120B.12 no later than July 1, 2027, unless the commissioner of education grants an extension;

(3) for the most underperforming schools, defined as those at 25 percent or below proficiency on grade 3 reading on the Minnesota Comprehensive Assessments, to hire literacy coaches trained in the science of reading to support teachers and multitiered systems of support implementation; and

(4) to provide materials, training, and ongoing coaching to ensure alternate instruction under section 125A.56, subdivision 1, is based in the science of reading.

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

Sec. 68. 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. 69. Minnesota Statutes 2020, section 125A.0942, subdivision 1, is amended to read:

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; the use of restrictive procedures for disproportionality, 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.

Sec. 70. Minnesota Statutes 2020, section 125A.0942, subdivision 2, is amended to read:

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 the 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.

Sec. 71. Minnesota Statutes 2020, section 125A.0942, subdivision 3, is amended to read:

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.

Sec. 72. 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 student may carry a medicine pouch containing loose tobacco intended in observance of traditional spiritual or cultural practices. For purposes of this section, an American Indian is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12 having origins in any of the original peoples of North America who maintain cultural identification through Tribal affiliation or community recognition.

Sec. 73. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 2, is amended to read:

Subd. 2. **Achievement and integration aid.** For achievement and integration aid under Minnesota Statutes, section 124D.862:

\$ <del>84,057,000</del> <u>80,310,000</u>	.....	2022
\$ <del>83,431,000</del> <u>82,750,000</u>	.....	2023

The 2022 appropriation includes \$8,868,000 for 2021 and ~~\$75,189,000~~ \$71,442,000 for 2022.

The 2023 appropriation includes ~~\$8,353,000~~ \$7,938,000 for 2022 and ~~\$75,078,000~~ \$74,812,000 for 2023.

Sec. 74. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 3, is amended to read:

Subd. 3. **American Indian education aid.** For American Indian education aid under Minnesota Statutes, section 124D.81, subdivision 2a:

\$ <del>11,351,000</del> <u>11,436,000</u>	.....	2022
\$ <del>11,775,000</del> <u>15,009,000</u>	.....	2023

The 2022 appropriation includes \$1,102,000 for 2021 and ~~\$10,249,000~~ \$10,334,000 for 2022.

The 2023 appropriation includes ~~\$1,138,000~~ \$1,148,000 for 2022 and ~~\$10,637,000~~ \$13,861,000 for 2023.

Sec. 75. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 4, is amended to read:

Subd. 4. **Charter school building lease aid.** For building lease aid under Minnesota Statutes, section 124E.22:

\$ <del>93,547,000</del> <u>89,499,000</u>	.....	2022
\$ <del>99,819,000</del> <u>96,340,000</u>	.....	2023

The 2022 appropriation includes \$8,617,000 for 2021 and ~~\$84,930,000~~ \$80,882,000 for 2022.

The 2023 appropriation includes ~~\$9,436,000~~ 8,987,000 for 2022 and ~~\$90,383,000~~ \$87,353,000 for 2023.

Sec. 76. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 7, is amended to read:

Subd. 7. **Concurrent enrollment aid.** (a) For concurrent enrollment aid under Minnesota Statutes, section 124D.091:

	\$4,000,000	.....	2022
\$	<del>4,000,000</del> <u>9,000,000</u>	.....	2023

(b) If the appropriation is insufficient, the commissioner must proportionately reduce the aid payment to each school district.

(c) Any balance in the first year does not cancel but is available in the second year.

(d) The base for fiscal year 2024 is \$8,000,000. The base for fiscal year 2025 is \$9,000,000.

Sec. 77. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 15, is amended to read:

Subd. 15. **Minnesota math corps program.** (a) For the Minnesota math corps program under Minnesota Statutes, section 124D.42, subdivision 9:

	\$1,000,000	.....	2022
	\$1,000,000	.....	2023

(b) Any balance in the first year does not cancel but is available in the second year.

(c) The base for fiscal year 2024 and later is ~~\$500,000~~ \$1,000,000.

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

Sec. 78. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 22, is amended to read:

Subd. 22. **Sanneh Foundation.** (a) For grants to the Sanneh Foundation for purposes of paragraph (b):

	\$1,500,000	.....	2022
\$	<del>1,500,000</del> <u>850,000</u>	.....	2023

(b) The grants to the Sanneh Foundation must be directed toward programs for low-performing and chronically absent students with a focus on low-income students and students of color. The goals of the grants include decreasing absenteeism, encouraging school engagement, improving grades, and improving graduation rates. The grants may be used to:

(1) provide all-day, in-school academic and behavioral interventions and social and emotional learning throughout the school year;

(2) provide year-round, out-of-school behavioral, social, and emotional learning interventions and enrichment activities;

(3) enhance career exploration opportunities, including exposure to businesses and business activities; and

(4) develop pathways in cooperation with businesses or higher education partners for participants to pursue careers in education and youth development.

(c) Any balance in the first year does not cancel but is available in the second year.

(d) The base for fiscal year 2024 is \$0.

Sec. 79. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 27, is amended to read:

Subd. 27. **Tribal contract school aid.** For Tribal contract school aid under Minnesota Statutes, section 124D.83:

\$ <del>2,743,000</del> <u>2,808,000</u>	.....	2022
\$ <del>3,160,000</del> <u>3,253,000</u>	.....	2023

The 2022 appropriation includes \$240,000 for 2021 and ~~\$2,503,000~~ \$2,568,000 for 2022.

The 2023 appropriation includes ~~\$278,000~~ \$285,000 for 2022 and ~~\$2,882,000~~ \$2,968,000 for 2023.

Sec. 80. **NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.**

Each public district and school selected to participate in the national assessment of educational progress shall 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 such assessments shall be in addition to and separate from the administration of the statewide, standardized assessments.

Sec. 81. **ETHNIC STUDIES TASK FORCE.**

Subdivision 1. **Task force established.** (a) The Ethnic Studies Task Force is established to advise the commissioner of education on ethnic studies standards, curriculum, and resources necessary to implement ethnic studies requirements under Minnesota Statutes, section 120B.0251. The commissioner must appoint members of the task force by July 1, 2022, with input from the Minnesota Ethnic Studies Coalition.

(b) The Ethnic Studies Task Force must have 25 members, as follows:

(1) five community members with a demonstrated commitment to ethnic studies;

(2) three public school students in grades 9 to 12;

(3) two public school students in grades 6 to 8;

(4) three parents or guardians of public kindergarten through grade 12 students;

(5) three Minnesota-based, college-level faculty experts in ethnic studies;

(6) three ethnic studies high school teachers;

(7) three ethnic studies grades 6 to 8 teachers; and

(8) three ethnic studies kindergarten to grade 5 teachers.

(c) Demographics of the task force must be inclusive and represent the diversity of the state, including racial, ethnic, and geographic diversity, and diversity related to gender and sexual orientation, immigrant status, and religious and linguistic background.

Subd. 2. **Duties.** (a) The task force must review available ethnic studies curricular and instructional resources in order to:

(1) develop state ethnic studies standards to propose to the commissioner for adoption;

(2) recommend professional learning requirements for educators and staff to facilitate the successful implementation of ethnic studies courses;

(3) recommend resources and materials school districts and charter schools may use to implement ethnic studies standards; and

(4) identify or develop model ethnic studies curriculum that school districts and charter schools may use in accordance with section 120B.0251.

(b) The task force must provide to the commissioner of education the ethnic studies standards and recommendations by October 31, 2023, and the model ethnic studies curriculum by July 1, 2024.

Subd. 3. **Meetings and compensation.** (a) The task force must convene on at least a bimonthly basis and must hold the first meeting no later than October 15, 2022.

(b) Members of the task force shall receive a stipend of \$250 per month for their time, work, and expertise.

Subd. 4. **Administration.** The commissioner must provide meeting space and technical assistance for the task force.

Subd. 5. **Statewide academic standards.** The commissioner must adopt the academic standards for ethnic studies curriculum developed by the task force using the expedited rulemaking process in Minnesota Statutes, section 14.389.

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

Sec. 82. **COMPUTER SCIENCE EDUCATION FOUNDATIONAL BLUEPRINT.**

Subdivision 1. **Foundational blueprint.** (a) The commissioner of education must, in consultation with the Computer Science Education Task Force established under this section, develop a foundational blueprint for a statewide computer science program for elementary and secondary schools that includes the following components:

(1) a statement of purpose that defines computer science consistent with the definition found in the K-12 Computer Science Framework, describes the objectives and goals of a computer science education program, identifies strategies and resources needed to achieve these goals, and establishes a timeline for achieving these goals;

(2) an assessment of the current state landscape for kindergarten through grade 12 computer science education, including teacher licensure and assignments, and data on enrollment in computer science courses, disaggregated by the student groups under Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b), clause (2);

(3) a plan for expanding computer science education opportunities to every district school site and charter school within five years;

(4) a plan to develop comprehensive and foundational kindergarten through grade 12 computer science academic standards that local districts may adopt at their discretion under Minnesota Statutes, section 120B.022;

(5) a plan for professional development opportunities to prepare current teachers to teach computer science;

(6) a plan relating to teacher licensure, including developing a computer science endorsement or other computer science credential for teachers who are already licensed, and a plan to develop a teacher preparation program for licensure in computer science;

(7) a plan for the Department of Education to regularly evaluate progress toward the blueprint goals, including annually reporting disaggregated data on enrollment in computer science courses; and

(8) recommendations to ensure the long-term sustainability of the blueprint.

(b) The commissioner must submit a copy of the foundational blueprint for computer science to the chairs and ranking members of the legislative committees having jurisdiction over kindergarten through grade 12 education by January 31, 2023, in accordance with Minnesota Statutes, section 3.195.

Subd. 2. **Task force.** (a) The commissioner of education must convene an advisory task force, facilitated by the state computer science specialist, to advise the commissioner on the development of the foundational blueprint for computer science.

(b) Members of the task force must include:

(1) one member of the house of representatives appointed by the speaker of the house and one member appointed by the minority leader of the house of representatives;

(2) one senator appointed by the senate majority leader and one senator appointed by the senate minority leader;

(3) one member appointed by the governor;

(4) the commissioner of education or the commissioner's designee;

(5) the commissioner of higher education or the commissioner's designee;

(6) one representative of the Professional Educator Licensing and Standards Board;

(7) one representative of the Computer Science Teachers' Association MN;

(8) one representative from the business community;

(9) one representative from a nonprofit organization working with students and teachers on computer science;

(10) one representative from the Minnesota Association for School Administrators;

(11) one representative from Education Minnesota;

(12) one representative from the Minnesota Association of Colleges for Teacher Education;

(13) one representative from CSforAll Minnesota;

(14) one computer science teacher from the seven-county metropolitan area and one computer science teacher from outside the seven-county metropolitan area;

(15) a career and technical education teacher;

(16) one school administrator from the seven-county metropolitan area who oversees computer science education in a district, and one school administrator from outside the seven-county metropolitan area who oversees computer science education in a district; and

(17) one representative from the Technology Advisory Council.

(c) Appointments to the task force must be made by June 1, 2022. Appointments to the task force must represent the diverse populations within the state of Minnesota, including diversity based on race, ethnicity, gender, and disability status. The commissioner of education must provide administrative support and meeting space for the task force.

(d) Public members of the task force may be compensated and reimbursed for expenses in accordance with Minnesota Statutes, section 15.059, subdivision 3.

(e) Meetings of the task force are subject to the Minnesota Open Meeting Law under Minnesota Statutes, chapter 13D.

(f) The task force expires on January 31, 2024.

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

Sec. 83. **APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **After-school community learning programs.** (a) For grants for after-school community learning programs in accordance with Minnesota Statutes, section 124D.2211:

<u>\$25,000,000</u>	<u>.....</u>	<u>2023</u>
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(b) The commissioner of education may use up to four percent of the appropriation to assess the effectiveness of after-school community learning programs in accordance with Minnesota Statutes, section 124D.2211, subdivision 4, paragraph (a). The commissioner must use three percent of the appropriation to contract with the nonprofit organization serving as the statewide after-school network in accordance with Minnesota Statutes, section 124D.2211, subdivision 4, paragraph (b).

(c) This appropriation is available until June 30, 2025. The base for fiscal years 2024 and 2025 is \$0. The base for fiscal year 2026 and later is \$10,000,000.

Subd. 3. **BOLD literacy.** (a) For the Minnesota BOLD statewide literacy plan to increase the equitable access to effective literacy experiences for all students by ensuring school leaders and educators are trained in the science of reading; supporting effective implementation and measurement of instructional practices aligned to state standards through the multitiered systems of support framework; and utilizing data literacy to inform instruction, inform educator development, evaluate resource deployment and policy, and employ intentional family and community engagement strategies.

<u>\$0</u>	<u>.....</u>	<u>2022</u>
<u>\$4,750,000</u>	<u>.....</u>	<u>2023</u>

(b) Of this amount, \$1,750,000 is for the Department of Education to establish science of reading academies to be provided at no cost to educators who work in Minnesota school districts and charter schools to complete Language Essentials for Teachers of Reading and Spelling (LETRS) professional development. Educators who have completed LETRS may have the opportunity to become LETRS facilitators through a train-the-trainer model.

(c) Of this amount, \$800,000 is to maintain a literacy unit at the Department of Education.

(d) Of this amount, \$1,200,000 is to expand literacy and dyslexia data collection and reporting systems at the Department of Education in order to collect and analyze prekindergarten through grade 3 data, including foundational reading skills, dyslexia screening data, and screening results of multilingual learners.

(e) Of this amount, \$1,000,000 is for state library services grants to support evidence-based early literacy practices rooted in the science of reading in school and community libraries.

(f) Funds may be used for grant administration costs.

Subd. 4. **Closing educational opportunity gaps grants.** (a) To support schools in their efforts to close opportunity gaps under Minnesota Statutes, section 120B.113:

<u>\$5,000,000</u>	<u>.....</u>	<u>2023</u>
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(b) The department may retain up to five percent of this appropriation to administer the grant program.

Subd. 5. **Computer Science Advisory Task Force.** For the Computer Science Advisory Task Force:

<u>\$20,000</u>	<u>.....</u>	<u>2023</u>
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Subd. 6. **Culturally specific learning opportunities.** (a) For grants to school districts, charter schools, intermediate school districts, and cooperatives to create and offer culturally specific learning opportunities, including to form partnerships between community organizations and schools that offer critical thinking and engagement in learning. "Culturally specific learning opportunities" means programming that is culturally responsive, evidence-based, and comprehensive, and that responds to the academic and social-emotional needs of historically underserved students.

<u>\$0</u>	<u>.....</u>	<u>2022</u>
<u>\$5,000,000</u>	<u>.....</u>	<u>2023</u>

(b) Grants may be awarded in an amount up to \$200,000 per recipient.

(c) To the extent practicable, the commissioner must award grants equitably among the geographic areas of Minnesota, including rural, suburban, and urban communities.

(d) Up to five percent of this appropriation may be retained for administration costs.

Subd. 7. **Ethnic studies implementation.** (a) For requirements related to ethnic studies under Minnesota Statutes, section 120B.0251, and the Ethnic Studies Task Force under section 81:

<u>\$576,000</u>	<u>.....</u>	<u>2023</u>
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(b) The base for fiscal year 2024 is \$474,000 and \$451,000 in fiscal year 2025.

Subd. 8. **Ethnic studies school grants.** (a) For competitive grants to school districts and charter schools to develop and implement ethnic studies courses:

<u>\$0</u>	<u>.....</u>	<u>2023</u>
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(b) The commissioner must consult with the Ethnic Studies Task Force to develop criteria for the grants.

(c) The base for fiscal year 2024 and later is \$500,000.

Subd. 9. **Expanding rigorous coursework for Black students, Indigenous students, students of color, and students in greater Minnesota.** (a) For grants to expand rigorous coursework primarily for but not limited to disadvantaged and underrepresented students and students in greater Minnesota, such as through advanced placement courses, international baccalaureate programs, career and technical education, and concurrent enrollment courses:

<u>\$0</u>	<u>.....</u>	<u>2022</u>
<u>\$5,000,000</u>	<u>.....</u>	<u>2023</u>

(b) Of this amount, \$1,800,000 is for grants to districts and charter schools for regional partnerships and statewide programs in order to support professional development and incentives for high school teachers to develop and expand course offerings approved by the state. Compensation for teachers to teach courses beyond the contract day or year is an allowable expenditure. Funds may supplement, but not replace, current state and federal program funds. Grants may be awarded in an amount up to \$50,000 per recipient.

(c) Of this amount, \$3,200,000 is for matching grants to school districts and charter schools to support rigorous course expansion and statewide career and technical education program quality improvements. The department shall provide technical support and guidance. Funds may supplement, but not replace, current state and federal program funds. Grants may be awarded in an amount up to \$100,000 per recipient.

(d) Eligible grantees include school districts, charter schools, intermediate school districts, and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2.

(e) The department must require an applicant for grant funds to submit a plan that describes how the applicant would use grant funds to increase participation by disadvantaged and underrepresented students in rigorous coursework. The department must consider an applicant's goals, strategies, and capacity to increase participation by disadvantaged and underrepresented students when awarding funds.

(f) At least 50 percent of the funds in this subdivision must be awarded to grant recipients in greater Minnesota.

(g) Up to five percent of this appropriation may be retained for administration costs.

Subd. 10. **Full-service community schools.** (a) For comprehensive program support for full-service community schools:

<u>\$50,000,000</u>	<u>.....</u>	<u>2023</u>
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(b) Of this amount, priority must be given to programs in the following order:

(1) current grant recipients issued under Minnesota Statutes, section 124D.231;

(2) schools identified as low-performing under the Federal Every Student Succeeds Act; and

(3) any other applicants.



<u>\$0</u>	.....	<u>2022</u>
<u>\$21,250,000</u>	.....	<u>2023</u>

(b) Of this amount, \$2,600,000 is for the Department of Education to support implementation. Funds may be used to support increased capacity at the six Regional Centers of Excellence, the Early Childhood Special Education Centers of Excellence, and Minnesota Service Cooperatives.

(c) Of this amount, \$9,400,000 is reserved for grants to school districts, charter schools, and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2, for implementation of multitiered systems of support, including hiring local multitiered systems of support coordinators and deferring costs for personnel to participate in cohort activities. Up to five percent of this amount is available for program and grant administration.

(d) Of this amount, \$1,250,000 is for Language Essentials for Teachers of Reading and Spelling training for educators to ensure multitiered systems of support core, supplemental, and intervention literacy instructional practices are based in the science of reading. Up to five percent of this amount is available for program and grant administration.

(e) Of this amount, \$4,000,000 is for a grant to the Building Assets, Reducing Risks Center to provide access to services to all multitiered systems of support grantees under this subdivision. Up to five percent of this amount is available for program and grant administration.

(f) Of this amount, \$2,000,000 is for Tribal-state relations training for school staff engaged in the statewide implementation of multitiered systems of support framework. Up to five percent of this amount is available for program and grant administration.

(g) Of this amount, \$2,000,000 is for the University of Minnesota Center for Applied Research and Educational Improvement to support implementation and evaluation of the multitiered systems of support framework. Up to five percent of this amount is available for program and grant administration.

(h) Support for school districts, charter schools, and cooperative units under this subdivision may include but is not limited to:

(1) providing training, guidance, and implementation resources for a statewide multitiered system of support model, including a universal screening process approved by the Department of Education to identify students who may be at risk of experiencing academic, behavioral, and social-emotional development difficulties;

(2) providing guidance to convene school-based teams to analyze data provided by screenings under clause (1) and resources for related identification, instruction, and intervention methods;

(3) dyslexia screening and intervention based in the science of reading;

(4) requiring school districts and charter schools to provide parents of students identified in the screenings under clauses (1) and (3) with notice of screening findings and related support information;

(5) requiring districts and charter schools to provide at-risk students with interventions and to monitor the effectiveness of these interventions and student progress; and

(6) developing and annually reporting findings regarding the implementation of the statewide multitiered systems of support.





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. 85. **REPEALER.**

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

ARTICLE 3  
TEACHERS

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

Subdivision 1. **Purpose.** This section sets short-term and long-term attainment goals for increasing the percentage of teachers of color and who are 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 important for meeting attainment 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 in Minnesota who are of color or who are American Indian 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.59, 122A.63, 122A.635, 122A.70, 122A.73, 124D.09, 124D.861, 136A.1274, 136A.1276, 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 include recommendations for state policy and funding needed to achieve the goals of this section, 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. 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 or the Professional Educator Licensing and Standards Board as experiencing a teacher shortage, including the number of assignments a school district is unable to fill with a licensed teacher by November 1 of every even-numbered year; 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.

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

Sec. 4. Minnesota Statutes 2020, section 122A.091, subdivision 5, is amended to read:

Subd. 5. **Survey of districts.** (a) The Professional Educator Licensing and Standards Board must survey the state's school districts and teacher preparation programs and report to the education committees of the legislature by February 1, 2019, and each odd-numbered year thereafter, on the status of teacher early retirement patterns, the

access to effective and more diverse teachers who reflect the students under section 120B.35, subdivision 3, paragraph (b), clause (2), enrolled in a district or school, the teacher shortage, and the substitute teacher shortage, including patterns and shortages in licensure field areas and the economic development regions of the state.

(b) The report must also include:

(1) aggregate data on teachers' self-reported race and ethnicity;

(2) data on how districts are making progress in hiring teachers and substitute teachers in the areas of shortage, including the number of teachers hired in the preceding two years, the number of teachers hired holding a license at each tier level, the number of assignments the school district was unable to fill with a licensed teacher, and licenses and permissions for license fields without a board-approved preparation program by economic development regions; and

(3) a five-year projection of teacher demand for each district, taking into account the students under section 120B.35, subdivision 3, paragraph (b), clause (2), expected to enroll in the district during that five-year period.

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

Sec. 5. Minnesota Statutes 2020, section 122A.14, is amended by adding a subdivision to read:

**Subd. 11. Mental illness.** The board must adopt rules that require all school administrators renewing a license to include in the renewal requirements at least two hours of mental illness training. The training must include at least one hour of suicide prevention training in each licensure renewal period that is a nationally recognized evidence-based program. At least one additional hour of training must include understanding the key warning signs of early-onset mental illness in children and adolescents, trauma, accommodations for students' mental illness, parents' roles in addressing students' mental illness, fetal alcohol spectrum disorders, autism, and de-escalation methods, among other similar topics.

Sec. 6. 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. 7. 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 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

(3) the candidate 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.

(d) The board must issue a Tier 3 license to a candidate who provides information sufficient to demonstrate the following, regardless of whether the candidate meets other requirements in this section:

(1) the candidate has completed a teacher preparation program from a culturally specific Minority Serving Institution in the United States, such as Historically Black Colleges and Universities, Tribal Colleges and Universities, or Hispanic-Serving Institutions, including those in Puerto Rico, and is eligible for a teacher license in another state; or

(2) the candidate has completed a university teacher preparation program in another country and has taught at least two years.

The candidate must have completed student teaching comparable to the student teaching expectations in Minnesota.

Sec. 8. Minnesota Statutes 2020, section 122A.184, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards Board must issue a Tier 4 license to a candidate who provides information sufficient to demonstrate all of the following:

(1) the candidate 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 has at least three years of teaching experience in Minnesota or another state;

(3) the candidate 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.

Sec. 9. 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. if the applicant has not completed a board-approved preparation program assuring that candidates from the program recommended for licensure meet content and pedagogy licensure standards in Minnesota. Candidates who have satisfactorily completed board-approved programs in Minnesota with required coursework and clinical field experiences that include learning opportunities and assessments aligned to content and pedagogy licensure standards are not additionally required to pass content and pedagogy exams for Tier 3 licensure. 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. The content examination requirement does not apply if no relevant content exam exists.

~~(e)~~ (b) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must pass test items assessing the candidates' 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.

(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:

(1) waiving testing fees for test takers who qualify for federal grants;

(2) providing free, multiple, full-length practice tests for each exam and free, comprehensive study guides on the test registration website;

(3) making content and pedagogy exams available in languages other than English for teachers seeking licensure to teach in language immersion programs; and

(4) providing 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.

(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.

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

Sec. 10. Minnesota Statutes 2020, section 122A.187, is amended by adding a subdivision to read:

Subd. 7. **American Indian history and culture.** The Professional Educator Licensing and Standards Board must adopt rules that require all licensed teachers renewing their license under sections 122A.181 to 122A.184 to include in the renewal requirements professional development in the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Minnesota Tribal Nations.

**EFFECTIVE DATE.** This section is effective July 1, 2023.

Sec. 11. Minnesota Statutes 2020, section 122A.40, subdivision 3, is amended to read:

Subd. 3. **Hiring, dismissing.** (a) School boards must hire or dismiss teachers at duly called meetings. Where a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher shall be made or authorized except upon the unanimous vote of the full board. A teacher related by blood or marriage, within the fourth degree, computed by the civil law, to a board member shall not be employed except by a unanimous vote of the full board. The initial employment of the teacher in the district must be by written contract, signed by the teacher and by the chair and clerk. All subsequent employment of the teacher in the district must be by written contract, signed by the teacher and by the chair and clerk, except where there is a master agreement covering the employment of the teacher. Contracts for teaching or supervision of teaching can be made only with qualified teachers. A teacher shall not be required to reside within the employing district as a condition to teaching employment or continued teaching employment.

(b) A school district must report all new teacher hires and terminations, including layoffs, by race and ethnicity annually to the Professional Educator Licensing and Standards Board. The report must not include data that would personally identify individuals.

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

Sec. 12. 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 a single school district or charter school in Minnesota or another state must serve a probationary period no longer than one year in a Minnesota school district.

**EFFECTIVE DATE.** This section is effective for collective bargaining agreements effective July 1, 2023, and thereafter.

Sec. 13. 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. 14. 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 teacher who has taught for three consecutive years in a single school district or charter school in Minnesota or another state must serve a probationary period no longer than one year in a Minnesota school district.

**EFFECTIVE DATE.** This section is effective for collective bargaining agreements effective July 1, 2023, and thereafter.

Sec. 15. 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. 16. Minnesota Statutes 2020, section 122A.41, is amended by adding a subdivision to read:

**Subd. 16. Hiring and dismissal.** A school district must report all new teacher hires and terminations, including layoffs, by race and ethnicity annually to the Professional Educator Licensing and Standards Board. The report must not include data that would personally identify individuals.

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

Sec. 17. Minnesota Statutes 2020, section 122A.415, subdivision 4, is amended to read:

**Subd. 4. Basic alternative teacher compensation aid.** (a) The basic alternative teacher compensation aid for a school with a plan approved under section 122A.414, subdivision 2b, equals 65 percent of the alternative teacher compensation revenue under subdivision 1. The basic alternative teacher compensation aid for a charter school with a plan approved under section 122A.414, subdivisions 2a and 2b, equals \$260 times the number of pupils enrolled in the school on October 1 of the previous year, or on October 1 of the current year for a charter school in the first year of operation, times the ratio of the sum of the alternative teacher compensation aid and alternative teacher compensation levy for all participating school districts to the maximum alternative teacher compensation revenue for those districts under subdivision 1.

(b) Notwithstanding paragraph (a) and subdivision 1, the state total basic alternative teacher compensation aid entitlement must not exceed ~~\$75,840,000 for fiscal year 2016 and~~ \$88,118,000 for fiscal year ~~2017 2022~~, \$88,951,000 for fiscal year 2023, and \$89,161,000 for fiscal year 2024 and later. The commissioner must limit the amount of alternative teacher compensation aid approved under this section so as not to exceed these limits by not approving new participants or by prorating the aid among participating districts, intermediate school districts, school sites, and charter schools. The commissioner may also reallocate a portion of the allowable aid for the biennium from the second year to the first year to meet the needs of approved participants.

(c) Basic alternative teacher compensation aid for an intermediate district or other cooperative unit equals \$3,000 times the number of licensed teachers employed by the intermediate district or cooperative unit on October 1 of the previous school year.

**EFFECTIVE DATE.** This section is effective for the entitlement for fiscal year 2023.

Sec. 18. Minnesota Statutes 2020, section 122A.415, is amended by adding a subdivision to read:

**Subd. 7. Revenue uses.** (a) Alternative teacher compensation revenue received under this section must be used for purposes directly aligned with the implementation of the approved plan under section 122A.414, subdivisions 2, paragraph (b), and 2a, if the applicant is a charter school or cooperative.

(b) No more than five percent of the total amount of revenue may be spent on administrative costs.

Sec. 19. Minnesota Statutes 2020, section 122A.415, is amended by adding a subdivision to read:

**Subd. 8. Revenue reserved.** Alternative teacher compensation revenue received under this section must be reserved and used only for the programs authorized in this section.

Sec. 20. Minnesota Statutes 2020, section 122A.50, is amended to read:

#### **122A.50 PREPARATION TIME.**

**Subdivision 1. Preparation time.** Beginning with agreements effective July 1, 1995, and thereafter, all collective bargaining agreements for teachers provided for under chapter 179A, must include provisions for preparation time or a provision indicating that the parties to the agreement chose not to include preparation time in the contract.

If the parties cannot agree on preparation time the following provision shall apply and be incorporated as part of the agreement: "Within the student day for every 25 minutes of classroom instructional time, a minimum of five additional minutes of preparation time shall be provided to each licensed teacher. Preparation time shall be provided in one or two uninterrupted blocks during the student day. Exceptions to this may be made by mutual agreement between the district and the exclusive representative of the teachers."

**Subd. 2. Due process forms and procedures time.** (a) Beginning with the 2022-2023 school year, a school district must use the revenue under this subdivision to provide time for teachers to complete due process forms and procedures in accordance with the plan developed under paragraph (c). This time is in addition to the preparation time under subdivision 1. For purposes of this subdivision, "school district" includes a charter school where teachers have an exclusive representative for purposes of collective bargaining.

(b) For fiscal year 2023, the due process revenue for a school district is equal to \$19 times the adjusted pupil units for the current fiscal year. For fiscal year 2023, the due process revenue for a school district that is a member of an intermediate school district or other cooperative unit that enrolls students is equal to \$3.75 times the adjusted pupil units for the current fiscal year. For fiscal year 2024 and later, the due process revenue for a school district

equals \$7.40 times the adjusted pupil units for the current fiscal year. For fiscal year 2024 and later, the due process revenue for a school district that is a member of an intermediate school district or other cooperative unit that enrolls students equals \$1.50 times the adjusted pupil units for the current fiscal year. If a district is a member of more than one cooperative unit that enrolls students, the revenue must be allocated among the cooperative units.

(c) A district must meet and negotiate an agreement with the exclusive representative of teachers in the district containing a plan to use the revenue authorized under this subdivision. The plan must provide teachers that provide direct services to students with individualized education programs or individualized family services plans time to complete due process forms and procedures. Examples of allowed uses for the revenue include:

(1) twenty hours of paid time for each teacher providing direct special education services, with the time paid at a rate proportional to the teacher's annual salary, in addition to the wages provided under applicable collective bargaining agreements and memoranda between the school board and exclusive representative of teachers;

(2) the costs of necessary substitute teachers;

(3) innovative flexible learning days or weeks that provide teachers time during the regularly scheduled duty day to complete forms and procedures; and

(4) due process clerks or other staff dedicated to assisting teachers with due process forms and procedures.

(d) If the district and exclusive representative cannot reach agreement on a plan to use the revenue, the agreement must require the revenue to be used for the use identified in paragraph (c), clause (1). The parties may agree to reduce the number of paid hours if they agree on another use for the revenue, including another use identified in paragraph (c).

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

Sec. 21. Minnesota Statutes 2020, section 122A.635, is amended to read:

**122A.635 COLLABORATIVE URBAN AND GREATER MINNESOTA EDUCATORS OF COLOR GRANT PROGRAM.**

Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards Board must award competitive grants to increase the number of teacher candidates who are of color or who are American Indian, complete teacher preparation programs, and meet the requirements for a Tier 3 license under section 122A.183. Eligibility for a grant under this section is limited to public or private higher education institutions that offer a teacher preparation program approved by the Professional Educator Licensing and Standards Board.

Subd. 2. **Competitive grants.** (a) The Professional Educator Licensing and Standards Board must award competitive grants to a variety of higher education institution types under this section. The board must require an applicant institution to submit a plan describing how it would use grant funds to increase the number of teachers who are of color or who are American Indian, and must award grants based on the following criteria, listed in descending order of priority:

~~(1) the number of teacher candidates being supported in the program who are of color or who are American Indian;~~

~~(2) (1) program outcomes, including graduation (or program completion) rates, and licensure recommendation rates, and placement rates for candidates who are of color or who are American Indian compared to all candidates enrolled in a teacher preparation program at the institution and, for each outcome measure, the number of those teacher candidates who are of color or who are American Indian; and~~

~~(3) the percent of racially and ethnically diverse teacher candidates enrolled in the institution compared to:~~

~~(i) the total percent of students of color and American Indian students enrolled at the institution, regardless of major; and~~

~~(ii) the percent of underrepresented racially and ethnically diverse teachers in the economic development region of the state where the institution is located and where a shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.~~

(2) the extent to which an institution's plan is clear in describing how the institution would use grant funds for implementing explicit research-based practices to provide programmatic support to teacher candidates who are of color or who are American Indian. Plans for grant funds may include:

(i) recruiting more racially and ethnically diverse candidates for admission to teacher preparation programs;

(ii) providing differentiated advising, mentoring, or other supportive community-building activities in addition to what the institution provides to all candidates enrolled in the institution;

(iii) providing academic tutoring or support to help teacher candidates pass required assessments; and

(iv) providing for program staffing expenses;

(3) an institution's plan to provide direct financial assistance as scholarships or stipends within the allowable dollar range determined by the board under subdivision 3, paragraph (b), to teacher candidates who are of color or who are American Indian;

~~(b) The board must give priority in awarding grants under this section to institutions that received grants under Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 27, and have demonstrated continuing success at recruiting, retaining, graduating, and inducting (4) whether the institution has previously received a competitive grant under this section and has demonstrated positive outcomes from the use of grant funds for efforts helping teacher candidates who are of color or who are American Indian; to enroll in and successfully complete teacher preparation programs and be recommended for licensure;~~

(5) geographic diversity among the institutions. In order to expand the number of grant recipients throughout the state, whenever there is at least a 20 percent increase in the base appropriation for this grant program, the board must prioritize awarding grants to institutions outside of the Twin Cities metropolitan area. If the board awards a competitive grant based on the criteria in paragraph (a) to a program that has not previously received funding, the board must thereafter give priority to the program equivalent to other programs given priority under this paragraph that have received grants and demonstrated positive outcomes; and

(6) the percentage of racially and ethnically diverse teacher candidates enrolled in the institution compared to:

(i) the aggregate percentage of students of color and American Indian students enrolled in the institution, regardless of major; and

(ii) the percentage of underrepresented racially and ethnically diverse teachers in the economic development region of the state where the institution is located and where a shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.

(b) The board must not penalize an applicant institution in the grant review process for using grant funds only to provide direct financial support to teacher candidates if that is the institution's priority and the institution uses other resources to provide programmatic support to candidates.

(c) The board must determine award amounts for development, maintenance and, or expansion of programs based only on the degree to which applicants meet the criteria in this subdivision, the number of candidates who are of color or who are American Indian supported by an applicant program, sustaining support for those candidates, and funds available.

(d) The board must determine grant awards in part by multiplying the number of teacher candidates to be provided direct financial assistance by the average amount the institution proposes per candidate that is within the allowable dollar range. After assessing an institution's adherence to grant criteria and funds available, the board may grant an institution a lower average amount per candidate and the institution may decide to award less per candidate or provide financial assistance to fewer candidates within the allowable range. Additionally, an institution may use up to 25 percent of the awarded grant funds to provide programmatic support as described in paragraph (a), clause (3). If the board does not award an applicant institution's full request, the board must allow the institution to modify how it uses grant funds to maximize program outcomes consistent with the requirements of this section.

Subd. 3. **Grant program administration.** (a) 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.

(b) The board must establish a standard allowable dollar range for the amount of direct financial assistance an applicant institution may provide to each candidate. To determine the range, the board may collect de-identified data from institutions that received a grant during the previous grant period and calculate the average scholarship amount awarded to all candidates across all institutions using the most recent fiscal year data available. The calculation may be used to determine a scholarship range that is no more than 25 percent than this amount and no less than half the average of this amount. The purpose of direct financial assistance is to assist candidates matriculating through completing licensure programs if they demonstrate financial need after considering other grants and scholarships provided.

(c) 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.~~ An institution that receives a grant under this section may use the grant funds over a two- to four-year period to sustain support for teacher candidates at any stage from recruitment and program admission to graduation and licensure application.

Subd. 4. **Report.** (a) By ~~January~~ July 15 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~~ support teacher candidates of color or ~~who are~~ and American Indian teacher candidates to complete programs and be recommended for licensure. The report must include:

(1) the total number of teacher candidates of color, ~~disaggregated by race or ethnic group, who~~ and American Indian teacher candidates who:

(i) are enrolled in the institution;

(ii) are supported by grant funds with direct financial assistance during the academic reporting year;

(iii) are supported with other programmatic supports;

(iv) are recruited to the institution, are and newly admitted to the a licensure program, are enrolled in the;

(v) are enrolled in a licensure program;

(vi) have completed a 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; and

(vii) were recommended for licensure in the field for which they were prepared;

(2) the total number of teacher candidates of color or who are American Indian teacher candidates at each stage from recruitment program admission to licensed teaching licensure recommendation as a percentage of total all candidates seeking the same licensure at the institution; and

(3) a brief narrative describing the successes and challenges of efforts proposed in the grant application to support candidates with grant funds, and lessons learned for future efforts.

(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 and lessons learned among grant recipients.

Sec. 22. Minnesota Statutes 2021 Supplement, 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 must 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. **Board grants.** The Professional Educator Licensing and Standards Board must make grant application forms available to sites interested in developing, sustaining, or expanding a mentorship program. A school district; a or 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. 2a. **Funded work.** (a) Grant funds may be used for the following:

(1) additional stipends as incentives to mentors who are of color or who are American Indian;

(2) financial supports for professional learning community affinity groups across schools within and between districts for educators from underrepresented racial and ethnic groups to come together throughout the school year. For purposes of this section, "affinity groups" mean groups of licensed and nonlicensed educators who share a common racial or ethnic identity in society as persons who are 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;

(4) professional development focused on ways to close opportunity and achievement gaps for students of color and American Indian students; or

(5) for teachers of color and American Indian teachers, graduate courses toward a first master's degree in a field related to their licensure or toward an additional license.

~~(b) A charter school or district that receives a grant must negotiate additional retention strategies or protection from unrequested leaves of absence in the beginning years of employment for teachers who are of color or 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. 3. **Criteria for selection.** (a) At a minimum, applicants for grants under subdivision 2 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) The Professional Educator Licensing and Standards Board must give priority to applications to fund programs to induct, mentor, and retain Tier 2 or Tier 3 teachers who are of color or who are American Indian, and Tier 2 or Tier 3 teachers in licensure shortage areas within the applicant's economic development region.

Subd. 4. **Additional funding.** Grant applicants must seek additional funding and assistance from sources such as school districts, postsecondary institutions, foundations, and the private sector.

Subd. 5. **Program implementation.** A grant recipient may use grant funds on implementing activities over a period of time up to 24 months. New and expanding mentorship sites that receive a board grant under subdivision 2 to design, develop, implement, and evaluate their program must participate in activities that support program development and implementation.

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, 2022.

Sec. 23. Minnesota Statutes 2020, section 122A.76, is amended to read:

**122A.76 STATEWIDE CONCURRENT ENROLLMENT TEACHER TRAINING PROGRAM PARTNERSHIP.**

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

(b) ~~"Northwest Regional Partnership"~~ "Concurrent Enrollment Teacher Partnership" means a voluntary association of the Lakes Country Service Cooperative, the Northwest Service Cooperative, ~~and the Metropolitan Education Cooperative Service Unit, Minnesota State University-Moorhead, and other interested colleges and universities operated by the Minnesota State system or the University of Minnesota that works work~~ together to provide coordinated higher learning opportunities for teachers.

~~(c) "State Partnership" means a voluntary association of the Northwest Regional Partnership and the Metropolitan Educational Cooperative Service Unit.~~

~~(d)~~ (c) "Eligible postsecondary institution" means a public or private postsecondary institution that awards graduate credits.

~~(e)~~ (d) "Eligible teacher" means a licensed secondary teacher ~~of secondary school courses for postsecondary credit interested in teaching or currently teaching concurrent enrollment courses.~~

Subd. 1a. **Fiscal host.** Lakes Country Service Cooperative is the fiscal host for the Concurrent Enrollment Teacher Partnership.

~~Subd. 2. **Establishment.** (a) Lakes Country Service Cooperative, in consultation with the Northwest Service Cooperative, The Concurrent Enrollment Teacher Partnership may develop a continuing education program to allow eligible teachers to attain the requisite graduate credits necessary to be qualified to teach secondary school courses for postsecondary credit concurrent enrollment courses.~~

~~(b) If established, the State Partnership~~ The Concurrent Enrollment Teacher Partnership must contract with one or more eligible postsecondary institutions to establish a ~~continuing education credit~~ program to allow eligible teachers to attain sufficient graduate credits to qualify to teach ~~secondary school~~ concurrent enrollment courses ~~for postsecondary credit~~. Members of the ~~State~~ Concurrent Enrollment Teacher Partnership must work to eliminate duplication of service and develop the ~~continuing education credit~~ program efficiently and cost-effectively.

~~Subd. 3. **Curriculum development.** The continuing education program must use flexible delivery models, such as an online education curriculum, that allow eligible secondary school teachers to attain graduate credit at a reduced credit rate. Information about the curriculum, including course length and course requirements, must be posted on the website of the eligible institution offering the course at least two weeks before eligible teachers are required to register for courses in the continuing education program.~~

~~Subd. 4. **Funding for course participation; course development; scholarships; stipends participation incentives.** (a) Lakes Country Service Cooperative, in consultation with the other members of the Northwest Regional Concurrent Enrollment Teacher Partnership, shall: must~~

~~(1) provide funding for course development eligible teachers to participate in the program for up to 18 credits in applicable postsecondary subject areas;~~

~~(2) provide scholarships for eligible teachers to enroll in the continuing education program; and~~

~~(3) develop criteria for awarding educator stipends on a per credit basis to incentivize participation in the continuing education program.~~

~~(b) If established, the State Partnership must:~~

~~(1) provide funding for course development for up to 18 credits in applicable postsecondary subject areas;~~

~~(2) provide scholarships for eligible teachers to enroll in the continuing education program; and~~

~~(3) develop criteria for awarding educator stipends on a per credit basis to incentivize participation in the continuing education program.~~

(b) The Concurrent Enrollment Teacher Partnership may:

(1) provide funding for course development in applicable postsecondary subject areas;

(2) work with school districts to develop incentives for teachers to participate in the program; and

(3) enroll college faculty, as space permits, and provide financial assistance if state aid remains available.

Subd. 5. **Private funding.** The partnerships may receive private resources to supplement the available public money. ~~All money received in fiscal year 2017 shall be administered by the Lakes Country Service Cooperative. All money received in fiscal year 2018 and later shall be administered by the State Partnership.~~

Subd. 6. **Report required.** ~~(a) The Northwest Regional Partnership must submit a report by January 15, 2018, on the progress of its activities to the legislature, commissioner of education, and Board of Trustees of the Minnesota State Colleges and Universities. The report shall contain a financial report for the preceding year.~~

~~(b) If established, the State~~ The Concurrent Enrollment Teacher Partnership must submit an annual joint report to the legislature and the Office of Higher Education by January 15 of each year on the progress of its activities. The report must include the number of teachers participating in the program, the geographic location of the teachers, the number of credits earned, and the subject areas of the courses in which participants earned credit. The report must include a financial report for the preceding year.

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

Sec. 24. 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. 25. 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 school districts and charter schools, student testing, student to personnel ratios in 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. 26. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 3, is amended to read:

Subd. 3. **Statewide Concurrent enrollment teacher training program.** (a) For the concurrent enrollment teacher partnership under Minnesota Statutes, section 122A.76:

\$375,000	.....	2022
\$ <del>375,000</del> <u>1,000,000</u>	.....	2023

(b) Any balance in the first year does not cancel but is available in the second year.

(c) Any balance in the second year does not cancel but is available until June 30, 2025.

Sec. 27. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 4, is amended to read:

Subd. 4. **Grow Your Own.** (a) For grants to develop, continue, or expand Grow Your Own new teacher programs under Minnesota Statutes, section 122A.73:

\$ <u>6,500,000</u>	.....	2022
\$ <del>6,500,000</del> <u>68,000,000</u>	.....	2023

(b) This appropriation is subject to the requirements under Minnesota Statutes, section 122A.73, subdivision 5.

(c) Any balance in the first year does not cancel but is available in the second year.

(d) The base for fiscal years 2024 and 2025 is \$6,500,000. The base for fiscal year 2026 is \$27,000,000.

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

Sec. 28. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 5, is amended to read:

Subd. 5. **Nonexclusionary discipline.** (a) For grants to school districts and charter schools to provide training for school staff on nonexclusionary disciplinary practices:

\$1,750,000	.....	2022
\$ <del>0</del> <u>5,000,000</u>	.....	2023

(b) Grants are to develop training and to work with schools to train staff on nonexclusionary disciplinary practices that maintain the respect, trust, and attention of students and help keep students in classrooms. These funds may also be used for grant administration.

(c) Eligible grantees include school districts, charter schools, intermediate school districts, and cooperative units as defined in section 123A.24, subdivision 2.

(d) Any balance in the first year does not cancel but is available in the second year.

(e) The base for fiscal year 2024 and later is ~~\$0~~ \$5,000,000.

Sec. 29. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 6, is amended to read:

Subd. 6. **Expanded concurrent enrollment grants.** (a) For grants to institutions offering "Introduction to Teaching" or "Introduction to Education" college in the schools courses under Minnesota Statutes, section 124D.09, subdivision 10, paragraph (b):

\$500,000	.....	2022
\$ <del>500,000</del> <u>1,000,000</u>	.....	2023

(b) The department may retain up to five percent of the appropriation amount to monitor and administer the grant program.

(c) Any balance in the first year does not cancel but is available in the second year.

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

Sec. 30. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 7, is amended to read:

Subd. 7. **Alternative teacher compensation aid.** (a) For alternative teacher compensation aid under Minnesota Statutes, section 122A.415, subdivision 4:

\$ <del>88,896,000</del> <u>88,559,000</u>	.....	2022
\$ <del>88,898,000</del> <u>89,234,000</u>	.....	2023

(b) The 2022 appropriation includes \$8,877,000 for 2021 and ~~\$80,019,000~~ \$79,682,000 for 2022.

(c) The 2023 appropriation includes ~~\$8,891,000~~ \$8,854,000 for 2022 and ~~\$80,007,000~~ \$80,380,000 for 2023.

Sec. 31. Laws 2021, First Special Session chapter 13, article 3, section 8, subdivision 2, is amended to read:

Subd. 2. **Collaborative urban and greater Minnesota educators of color grants.** (a) For collaborative urban and greater Minnesota educators of color grants under Minnesota Statutes, section 122A.635:

\$1,000,000	.....	2022
\$ <del>1,000,000</del> <u>3,000,000</u>	.....	2023

(b) The board may retain up to \$30,000 of the appropriation amount in each fiscal year to monitor and administer the grant program and a portion of these funds may be transferred to the Office of Higher Education as determined by the executive director of the board and the commissioner to support the administration of the program.

(c) Any balance in the first year does not cancel but is available in the second year.

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

Sec. 32. **TEACHER SUPPLY AND DEMAND REPORT.**

(a) By February 1, 2023, the Professional Educator Licensing and Standards Board must include in the report required under Minnesota Statutes, section 122A.091, subdivision 5, the number of teacher openings, by school district, for teachers with licenses in the following fields:

- (1) English as a second language;
- (2) early childhood;
- (3) special education;
- (4) career and technical education;
- (5) science, technology, engineering, arts, and math; and
- (6) world languages.

(b) For each field listed in paragraph (a), the report must also include the number of teachers hired, by school district, at each license tier level, and the number of teacher assignments the school district was unable to fill with a licensed teacher.

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

Sec. 33. **TEMPORARY INCREASE IN TEACHERS RETIREMENT ASSOCIATION EARNINGS LIMITATION.**

For fiscal years 2023, 2024, and 2025, notwithstanding Minnesota Statutes, section 354.44, subdivision 5, the applicable earnings limitation for an individual collecting a retirement annuity is \$92,000.

Sec. 34. **APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **American Indian history and culture.** (a) For implementation of the American Indian history and culture relicensure requirement under Minnesota Statutes, section 122A.187, subdivision 7. The commissioner may transfer funds to the Professional Educator Licensing and Standards Board as necessary:

<u>\$0</u>	<u>.....</u>	<u>2022</u>
<u>\$0</u>	<u>.....</u>	<u>2023</u>

(b) The base is \$86,000 for fiscal year 2024 and \$60,000 for fiscal year 2025.

Subd. 3. **Due process aid.** (a) For special education teacher due process aid under section 122A.50 not otherwise reimbursed as special education aid:

<u>\$18,230,000</u>	<u>.....</u>	<u>2023</u>
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(b) The base is \$8,227,000 for fiscal year 2024 and \$8,605,000 for fiscal year 2025.

Subd. 4. **Science teachers.** (a) For a grant to the Minnesota Science Teachers Association:

<u>\$611,000</u>	<u>.....</u>	<u>2023</u>
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(b) Grant funds must be used to provide pedagogical and content professional development to implement the 2019 revised science standards, including for current high school teachers to prepare to take the content test for additional licensure in earth science, and to provide pedagogical and content professional development to 6th grade and high school teachers to be effective teachers of earth and space science. Professional development must be offered at multiple locations across the state, including outside the seven-county metropolitan area as well as online.

(c) This appropriation is available until June 30, 2025. Up to five percent of this appropriation may be used for administrative costs incurred by the Department of Education.

Subd. 5. **Teacher retention bonuses.** (a) For providing retention bonuses to teachers who are new to the profession:

<u>\$0</u>	<u>.....</u>	<u>2022</u>
<u>\$11,250,000</u>	<u>.....</u>	<u>2023</u>

(b) The commissioner must establish a process to identify eligible teachers to receive retention bonuses in this program.

(c) The commissioner must prioritize teachers of color and American Indian teachers, teachers filling licensure shortage areas, and teachers from low-income backgrounds.

(d) The employer of the eligible teacher must offer the stipend and request reimbursement from the department using a process established by the department.

(e) A retention bonus must be in addition to the local salary agreement.

(f) Reimbursements for eligible teachers must meet the following requirements:

(1) \$1,000 awarded to first-year teachers who successfully complete their first year of employment and are returning for a second year.

(2) \$2,000 awarded to the same cohort of teachers who successfully complete their second year of employment and are returning for a third year.

(3) \$4,500 awarded to the same cohort of teachers who successfully complete their third year of employment and are returning for a fourth year.

(g) This appropriation is available until June 30, 2025.

(h) The department may retain up to five percent of the appropriation amount to monitor and administer the program.

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 the charter school's educational program design or implementation, or the charter school's administrative, financial, business, and operational functions.

~~(d)~~ (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 contracts with a charter school board of directors to provide, manage, or oversee all or substantially all of the charter school's educational program design or implementation, or the charter school's administrative, financial, business, and operational functions.

~~(e)~~ (g) "Immediate family" means an individual whose relationship by blood, marriage, adoption, or partnership is no more remote than first cousin.

(h) "Market need and demand study" means a study that, for the proposed locations of the school or additional site, includes the following:

(1) current and projected demographic information of student populations in the geographic area;

(2) current student enrollment patterns in the geographic area;

(3) information on existing schools and types of educational programs currently available;

(4) documentation of the plan for outreach to diverse and underrepresented populations;

(5) information on the availability of properly zoned and classified facilities; and

(6) quantification of existing demand for the new school or site expansion.

(i) "Online education service provider" means an organization that provides the online learning management system, virtual learning environment, or online student management system and services for the implementation and operation of the online education program.

~~(j)~~ (j) "Person" means an individual or entity of any kind.

~~(g)~~ (k) "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)~~ (l) 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 the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and section 121A.575.

Sec. 3. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to read:

Subd. 9. **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.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 organization formally withdraws as an approved authorizer under subdivision 7 or the commissioner terminates the organization's ability to authorize charter schools under subdivision 6.

(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.

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

Sec. 5. 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~~ 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. 6. 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) market need and demand study;

~~(iv)~~ (v) financial plan;

~~(v)~~ (vi) governance and management structure; and

~~(vi)~~ (vii) background and experience; and

(2) any other information the authorizer requests; ~~and~~.

~~(3) a "statement of assurances" of legal compliance prescribed by the commissioner.~~

(c) 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. 7. 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 the market need and demand study; 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. 8. 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) for a site expansion, the 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. 9. Minnesota Statutes 2020, section 124E.07, subdivision 3, is amended to read:

Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors shall have at least five nonrelated members and include: (1) at least one licensed teacher, as defined in section 122A.06, subdivision 2, who is employed as a teacher at the school or provides instruction under contract between the charter school and a cooperative; (2) at least one parent or legal guardian of a student enrolled in the charter school who is not an employee of the charter school; and (3) at least one interested community member who resides in Minnesota, is not employed by the charter school, and does not have a child enrolled in the school. The board structure may include a majority of teachers under this paragraph or parents or community members, or it may have no clear majority. The chief financial officer and the chief administrator may only serve as ex-officio nonvoting board members. No charter school employees shall serve on the board other than teachers under clause (1). Contractors providing facilities, goods, or services to a charter school shall not serve on the board of directors of the charter school.

(b) An individual is prohibited from serving as a member of the charter school board of directors if: (1) the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities; or (2) an immediate family member is an employee of the school. An individual may serve as a member of the board of directors if no conflict of interest exists under this paragraph, consistent with this section.

(c) A violation of paragraph (b) renders a contract voidable at the option of the commissioner or the charter school board of directors. A member of a charter school board of directors who violates paragraph (b) is individually liable to the charter school for any damage caused by the violation.

(d) Any employee, agent, or board member of the authorizer who participates in initially reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school is ineligible to serve on the board of directors of a school chartered by that authorizer.

Sec. 10. 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) Admission to a charter school is free to any person who resides within the state of Minnesota and Minnesota students have enrollment preference over out-of-state residents. 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) 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), and section 124D.02, subdivision 1.

(e) Except as permitted in ~~paragraph~~ paragraphs (d) and (i), 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, except that children currently enrolled in the school's fee-based preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten in the next school year must apply for entry into kindergarten according to the provisions of this section. Out-of-state residents must annually apply to and be admitted by the school according to the provisions of this section.

(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).

(i) A charter school serving at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf, hard-of-hearing, or deafblind may give enrollment preference to students who are eligible for special education services and have a primary disability of deaf, hard-of-hearing, or deafblind. The charter school may not limit admission based on the student's eligibility for additional special education services.

Sec. 11. 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 if the leased space is constructed as a school facility. The owner of the space must be the lessor. The commissioner must review and approve or disapprove leases in a timely manner to determine eligibility for lease aid under section 124E.22.

**EFFECTIVE DATE.** This section is effective for leases effective July 1, 2022, and thereafter.

Sec. 12. Minnesota Statutes 2020, section 124E.13, subdivision 3, is amended to read:

Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building corporation may purchase, expand, or renovate an existing facility to serve as a school or may construct a new school facility. ~~A~~ One charter school may organize an affiliated nonprofit building corporation that serves only that charter school if the charter school:

- (1) has operated for at least six consecutive years;
- (2) as of June 30, has a net positive unreserved general fund balance in the preceding three fiscal years;
- (3) has long-range strategic and financial plans that include enrollment projections for at least five years;
- (4) completes a feasibility study of facility options that outlines the benefits and costs of each option; and
- (5) has a plan that describes project parameters and budget.

(b) An affiliated nonprofit building corporation under this subdivision must:

- (1) be incorporated under section 317A;
- (2) comply with applicable Internal Revenue Service regulations, including regulations for "supporting organizations" as defined by the Internal Revenue Service;
- (3) post on the school website the name, mailing address, bylaws, minutes of board meetings, and names of the current board of directors of the affiliated nonprofit building corporation;
- (4) submit to the commissioner a copy of its annual audit by December 31 of each year; and
- (5) comply with government data practices law under chapter 13.

(c) An affiliated nonprofit building corporation must not serve as the leasing agent for property ~~or~~ and facilities it does not own. A charter school that leases property and a facility from an affiliated nonprofit building corporation that does not own the leased ~~facility~~ property and building is ineligible to receive charter school lease aid. The state is immune from liability resulting from a contract between a charter school and an affiliated nonprofit building corporation.

(d) The board of directors of the charter school must ensure the affiliated nonprofit building corporation complies with all applicable legal requirements. The charter school's authorizer must oversee the efforts of the board of directors of the charter school to ensure legal compliance of the affiliated building corporation. A school's board of directors that fails to ensure the affiliated nonprofit building corporation's compliance violates its responsibilities and an authorizer must consider that failure when evaluating the charter school.

Sec. 13. 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. 14. 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 deaf interpreters 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 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~~ timeline 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~~ timeline for the person receiving the extension.

(e) A school district may employ only an interpreter/transliterators 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. Minnesota Statutes 2020, section 125A.03, is amended to read:

#### **125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.**

(a) As defined in paragraph (b), every district must provide special instruction and services, either within the district or in another district, for all children with a disability, including providing required services under Code of Federal Regulations, title 34, section 300.121, paragraph (d), to those children suspended or expelled from school for more than ten school days in that school year, who are residents of the district and who are disabled as set forth in section 125A.02. For purposes of state and federal special education laws, the phrase "special instruction and services" in the state Education Code means a free and appropriate public education provided to an eligible child with disabilities. "Free appropriate public education" means special education and related services that:

- (1) are provided at public expense, under public supervision and direction, and without charge;
- (2) meet the standards of the state, including the requirements of the Individuals with Disabilities Education Act, Part B or C;
- (3) include an appropriate preschool, elementary school, or secondary school education; and
- (4) are provided to children ages three through 21 in conformity with an individualized education program that meets the requirements of the Individuals with Disabilities Education Act, subpart A, sections 300.320 to 300.324, and provided to infants and toddlers in conformity with an individualized family service plan that meets the requirements of the Individuals with Disabilities Education Act, subpart A, sections 303.300 to 303.346.

(b) Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until ~~July 1 after~~ the child with a disability becomes ~~21~~ 22 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 124D.68, subdivision 2. For the 2022-2023 school year only, special instruction and services must be provided until a child with a disability becomes 23 years old, but shall not extend beyond secondary school or its equivalent, except as provided in section 124D.68, subdivision 2. Local health, education, and social service agencies must refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the commissioner must cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This section does not alter the compulsory attendance requirements of section 120A.22.

(c) At the board's discretion, a school district that participates in a reciprocity agreement with a neighboring state under section 124D.041 may enroll and provide special instruction and services to a child from an adjoining state whose family resides at a Minnesota address as assigned by the United States Postal Service if the district has completed child identification procedures for that child to determine the child's eligibility for special education services, and the child has received developmental screening under sections 121A.16 to 121A.19.

Sec. 3. 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 20 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 20 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. 4. **[125A.755] PARAPROFESSIONAL TRAINING AID.**

Beginning in fiscal year 2023, each school district, charter school, and cooperative organization serving pupils is eligible for paraprofessional training aid. Paraprofessional training aid equals \$196 times the number of paraprofessionals, Title I aides, and other instructional support staff employed by the school district, charter school, or cooperative organization during the previous school year. A school district must reserve paraprofessional training aid and spend it only on the training required in section 125A.08.

**EFFECTIVE DATE.** This section is effective for fiscal year 2023 and later.

Sec. 5. Minnesota Statutes 2020, section 125A.76, subdivision 2e, is amended to read:

Subd. 2e. **Cross subsidy reduction aid.** (a) A school district's annual cross subsidy reduction aid equals the school district's initial special education cross subsidy for the previous fiscal year times the cross subsidy aid factor for that fiscal year.

(b) The cross subsidy aid factor equals 2.6 percent for fiscal year 2020 and 6.43 percent for fiscal year 2021, 6.43 percent for fiscal year 2022, 55.895 percent for fiscal year 2023, and 56.9405 percent for fiscal year 2024 and later.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 6. Minnesota Statutes 2020, section 127A.45, subdivision 13, is amended to read:

Subd. 13. **Aid payment percentage.** Except as provided in subdivisions 11, 12, 12a, and 14, each fiscal year, all education aids and credits in this chapter and chapters 120A, 120B, 121A, 122A, 123A, 123B, 124D, 124E, 125A, 125B, 126C, 134, and section 273.1392, shall be paid at the current year aid payment percentage of the estimated entitlement during the fiscal year of the entitlement. ~~For the purposes of this subdivision, a district's estimated entitlement for special education aid under section 125A.76 for fiscal year 2014 and later equals 97.4 percent of the district's entitlement for the current fiscal year.~~ The final adjustment payment, according to subdivision 9, must be the amount of the actual entitlement, after adjustment for actual data, minus the payments made during the fiscal year of the entitlement.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 7. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 2, is amended to read:

Subd. 2. **Special education; regular.** For special education aid under Minnesota Statutes, section 125A.75:

\$ <del>1,822,998,000</del> <u>1,748,169,000</u>	.....	2022
\$ <del>1,945,533,000</del> <u>2,353,733,000</u>	.....	2023

The 2022 appropriation includes \$215,125,000 for 2021 and ~~\$1,607,873,000~~ \$1,533,044,000 for 2022.

The 2023 appropriation includes ~~\$226,342,000~~ \$215,809,000 for 2022 and ~~\$1,719,191,000~~ \$2,137,924,000 for 2023.

Sec. 8. **LEGISLATIVE WORKING GROUP ON SPECIAL EDUCATION TUITION BILLING.**

Subdivision 1. **Membership; chair.** (a) The legislative working group on special education tuition billing must consist of eight members as follows:

(1) four members of the house of representatives, two members appointed by the speaker of the house and two members appointed by the minority leader of the house of representatives; and

(2) four members of the senate, two members appointed by the senate majority leader and two members appointed by the senate minority leader.

(b) Appointing authorities must make appointments by June 15, 2022.

(c) If a vacancy occurs, the appointing authority for the vacated position must fill the vacancy.

(d) The speaker and the majority leader must each designate one working group member from each respective body to serve as chair. The chair must rotate after each meeting. The person appointed as chair by the speaker must convene the first meeting of the working group by June 30, 2022.

Subd. 2. **Duties.** (a) The working group must study requirements and practices relating to tuition billing for special education and general education services provided to a student with a disability by a nonresident school district; cooperative as defined in Minnesota Statutes, section 123A.24, subdivision 2; or charter school, including a charter school that serves a high percentage of students with individualized education programs. The billing costs considered must include special education costs, general education costs, facility costs, and access fees charged by a cooperative to a nonmember school district. The working group must review data from the Department of Education relating to special education services billed to resident school districts, third-party billing data, and other relevant data provided by school districts, cooperatives, charter schools, and families of children with individualized education programs.

(b) The working group must solicit input from the Department of Education, including the School Finance Division, school districts, cooperatives, charter schools, special education school administrators, families of children with individualized education programs, and other interested stakeholders.

(c) The working group must determine what statutory changes to special education billing are necessary to adequately and equitably fund school districts, cooperatives, and charter schools in meeting the needs of students with individualized education programs.

Subd. 3. **Assistance.** (a) The Department of Education must provide the working group with all available data necessary to analyze special education billing costs to school districts, including the effect of potential changes to special education billing requirements.

(b) The Legislative Coordinating Commission must provide technical and administrative assistance to the working group upon request.

Subd. 4. **Recommendations; report.** The working group must issue a report to the governor and chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education by January 31, 2023.

Subd. 5. **Expiration.** The working group expires February 1, 2023.

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

Sec. 9. **SPECIFIC LEARNING DISABILITY; RULEMAKING.**

(a) The commissioner of education must begin the rulemaking process to amend Minnesota Rules, part 3525.1341, and establish a stakeholder workgroup to review current specific learning disabilities criteria by December 31, 2022. By June 20, 2023, the workgroup must make recommendations aligned with related state and federal requirements, including:

(1) removing discrepancies from criteria;

(2) developing a plan to operationalize changes to criteria to align with current best practices and address concerns of multiple stakeholder groups, including but not limited to administrators, parents, educators, researchers, related services staff, advocates, lawyers, and minority and immigrant groups;

(3) providing definitions and clarification of terms and procedures within existing requirements;

(4) establishing the accountability process, including procedures and targets, for districts and cooperatives to use in evaluating their progress toward implementation of the amended rule; and

(5) developing an evaluation framework for measuring intended and unintended results of amended criteria. Intended and unintended results may include overidentification and underidentification of minorities, delays to referral and identification, transitioning from developmental delay to specific learning disability, consistency of identification across districts and the state, adding unnecessary paperwork, limiting team decision making, or limiting access and progress with intensive and individualized special education support.

(b) Following the development of recommendations from the stakeholder workgroup, the commissioner must proceed with the rulemaking process and recommended alignment with other existing state and federal law completed by June 30, 2024.

(c) Concurrent with rulemaking, the commissioner must establish technical assistance and training capacity on the amended criteria, and training and capacity building must begin upon final approval of the amended rule through June 30, 2029.

(d) The amended rule must go into full effect no later than five years after the proposed revised rules are approved by the administrative law judge.

Sec. 10. **APPROPRIATION.**

Subdivision 1. **Department of Education.** The sums in this section are appropriated from the general fund to the commissioner of education in the fiscal years designated.

Subd. 2. **Paraprofessional training.** For compensation associated with paid orientation and professional development for paraprofessionals under Minnesota Statutes, sections 125A.08 and 125A.755:

<u>\$20,352,000</u>	<u>.....</u>	<u>2023</u>
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Sec. 11. **LEGISLATIVE WORKING GROUP.**

\$23,000 in fiscal year 2023 is appropriated from the general fund to the director of the Legislative Coordinating Commission for purposes of section 8.

ARTICLE 6  
HEALTH AND SAFETY

Section 1. **[120B.239] SUBSTANCE MISUSE AWARENESS AND PREVENTION.**

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

(b) "Public school" means a school district or charter school.

(c) "Substance misuse" has the meaning given in section 254A.02, subdivision 6a.

Subd. 2. **School instruction requirements.** (a) A public school is strongly encouraged to provide substance misuse awareness and prevention instruction at least once to students in grades 6 through 8. A public school must use age-appropriate substance misuse prevention instructional materials. Substance misuse awareness and prevention instruction must include the role of social media in substance misuse and in the distribution of illegal drugs. The instruction may be provided as part of a public school's locally developed health standards and curriculum.

(b) A public school is strongly encouraged to provide substance misuse awareness and prevention instruction to students in grades 9 through 12.

(c) A public school is encouraged to use a peer-to-peer education program to provide substance misuse awareness and prevention instruction.

(d) Instruction provided under this section, including a peer-to-peer education program, must be evidence-based.

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 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 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, including evidence-based social-emotional learning;

(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.0312] MALICIOUS AND SADISTIC CONDUCT.**

(a) A school board must adopt a written policy to address malicious and sadistic conduct involving race, gender, religion, disability, sexual harassment, sexual orientation, and sexual exploitation by a district or school staff member or student enrolled in a public or charter school against another staff member or student that occurs as described in section 121A.031, subdivision 1.

(b) The policy shall apply to students, teachers, administrators, and other school personnel, and include at a minimum the components under section 121A.031, subdivision 4, paragraph (a), and disciplinary actions that will be taken for violation of the policy. Disciplinary actions must conform with collective bargaining agreements and sections 121A.41 to 121A.56.

(c) The policy must be conspicuously posted throughout each school building, given to each district employee and independent contractor at the time of entering into the person's employment contract, and included in each school's student handbook on school policies. Each school must develop a process for discussing the school's policy addressing malicious and sadistic conduct involving race, gender, religion, disability, sexual harassment, sexual orientation, and sexual exploitation with students, parents of students, and school employees.

(d) For purposes of this section, "malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

**Sec. 5. [121A.07] CHILD ABUSE HOTLINE NUMBER.**

(a) To the extent funds or in-kind contributions are available under paragraph (b), a school board or charter school must display in a conspicuous place in each school building an easily readable durable poster of the national child abuse hotline number or otherwise communicate to students notice of the national child abuse hotline number.

(b) A school board or charter school may accept nonpublic funds or in-kind contributions to implement this section.

**Sec. 6. [121A.224] OPIATE ANTAGONISTS.**

(a) A school district or charter school may maintain a supply of opiate antagonists, as defined in section 604A.04, subdivision 1, at each school site to be administered in compliance with section 151.37, subdivision 12.

(b) A school district or charter school may enter into arrangements with suppliers of opiate antagonists to obtain opiate antagonists at fair-market, free, or reduced prices. A third party, other than a supplier, may pay for a school's supply of opiate antagonists.

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

**Sec. 7. [121A.245] MENTAL HEALTH SCREENING.**

Subdivision 1. **Screening required.** A school district or charter school must develop a plan to conduct evidence-based mental health screenings on students in kindergarten through grade 12. This requirement applies to a district or charter school that has received funding under section 124D.901 to hire student support services personnel.

Subd. 2. **Parent notice.** (a) A district or charter school must notify a student's parent of the plan to conduct the screening, including the purpose of the screening and when the screening will be conducted. A district or charter school must not conduct a mental health screening on a student whose parent has not consented to the screening. "Parent" as used in this section has the meaning provided in section 120A.22, subdivision 3.

(b) If the results of a student's screening indicate a potential mental health condition, the district or charter school must notify the student's parent of the results and provide the parent a copy of the results and a list of resources available to the student in the school or community.

Subd. 3. **Commissioner assistance.** The commissioner of education may provide districts or charter schools with sample mental health screenings and other resources to assist them with implementing mental health screenings under this section.

Subd. 4. **Screening data.** (a) A school district or charter school must not use the results of mental health screenings to make any decision relating to the student's instruction, academic opportunities, or student discipline.

(b) Records relating to mental health screenings must be maintained in accordance with the Data Practices Act under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232(g).

(c) Notwithstanding section 138.17, mental health screening data collected by a school district or charter school under this section must be destroyed the earlier of:

(1) the district or charter school notifying the student's parent of the results and resources available to the student in the school or community in accordance with subdivision 2; or

(2) 60 days from the date of collection.

Subd. 5. **Intermediate school districts and other cooperative units.** For purposes of this section, "school district" includes programs serving school-age children operated by an intermediate school district or other cooperative unit defined in section 123A.24, subdivision 2.

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

Sec. 8. **[124D.901] STUDENT SUPPORT PERSONNEL AID.**

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

(1) "new position" means a student support services personnel full-time or part-time position not under contract by a school district, charter school, or cooperative unit at the start of the 2021-2022 school year; and

(2) "student support services personnel" means an individual licensed to serve as a school counselor, school psychologist, school social worker, school nurse, or chemical dependency counselor in Minnesota.

Subd. 2. **Purpose.** The purpose of student support personnel aid is to:

(1) address shortages of student support services personnel within Minnesota schools;

(2) decrease caseloads for existing student support services personnel to ensure effective services;

(3) ensure that students receive effective student support services and integrated and comprehensive services to improve prekindergarten through grade 12 academic, physical, social, and emotional outcomes supporting career and college readiness and effective school mental health services;

(4) ensure that student support services personnel serve within the scope and practice of their training and licensure;

(5) fully integrate learning supports, instruction, assessment, data-based decision making, and family and community engagement within a comprehensive approach that facilitates interdisciplinary collaboration; and

(6) improve student health, school safety, and school climate to support academic success and career and college readiness.

**Subd. 3. Aid eligibility and application.** A school district, charter school, intermediate school district, or other cooperative unit is eligible to apply for student support personnel aid under this section. The commissioner must prescribe the form and manner of the application, which must include a plan describing how the aid will be used.

**Subd. 4. Student support personnel aid.** (a) The initial student support personnel aid for a school district equals the greater of \$100 times the adjusted pupil units at the district for the current fiscal year or \$50,000. The initial student support personnel aid for a charter school equals \$100 times the adjusted pupil units at the charter school for the current fiscal year.

(b) The cooperative student support personnel aid for a school district that is a member of an intermediate school district or other cooperative unit that enrolls students equals \$6 times the adjusted pupil units at the district for the current fiscal year. If a district is a member of more than one cooperative unit that enrolls students, the revenue must be allocated among the cooperative units.

(c) Notwithstanding paragraphs (a) and (b), the student support personnel aid must not exceed the district or cooperative unit's actual expenditure according to the approved plan under subdivision 3.

**Subd. 5. Allowed uses; match requirements.** (a) Cooperative student support personnel aid must be transferred to the intermediate district or other cooperative unit of which the district is a member and used to hire new positions for student support services personnel at the intermediate district or cooperative unit.

(b) If a school district, charter school, or cooperative unit does not receive at least two applications and is not able to hire a new full-time equivalent position with student support personnel aid, the aid may be used for contracted services from individuals licensed to serve as a school counselor, school psychologist, school social worker, school nurse, or chemical dependency counselor in Minnesota.

**Subd. 6. Support personnel pipeline.** An account is established in the special revenue fund known as the "school support personnel pipeline account." Funds appropriated for the school support personnel pipeline program must be transferred to the school support personnel pipeline account in the special revenue fund. Money in the account is appropriated to the commissioner for developing a student support personnel workforce pipeline focused on workforce development strategies to increase providers of color and Indigenous providers, professional respecialization, recruitment, and retention; to increase the number of student support personnel providing school-based services; and to provide a licensed school nurse position at the Department of Education.

**Subd. 7. Report required.** By February 1 following any fiscal year in which student support personnel aid was received, a school district, charter school, or cooperative unit must submit a written report to the commissioner indicating how the new position affected two or more of the following measures:

(1) school climate;

(2) student health;

(3) attendance rates;

(4) academic achievement;

(5) career and college readiness; and

(6) postsecondary completion rates.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 9. **[127A.21] COMPREHENSIVE SCHOOL MENTAL HEALTH SERVICES LEADS.**

**Subdivision 1. Lead position established.** The department must employ two leads to serve as a source of information and support for schools in addressing the mental health needs of students, teachers, and school staff, and developing comprehensive school mental health systems in school districts and charter schools. One lead must work on addressing the mental health needs of students and the other lead must work on addressing the mental health needs of teachers and other school staff.

**Subd. 2. Assistance to districts.** (a) The leads must, upon request, 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 and charter schools throughout Minnesota.

(b) The leads must establish a clearinghouse and provide information and resources for school districts, charter schools, teachers, and families to support students', teachers', and school staff's mental health needs.

(c) The leads must work with school districts and charter schools 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 mental health needs, including implementing a comprehensive approach to suicide prevention;

(3) facilitating coordination and cooperation to enable school districts and charter schools to share strategies, challenges, and successes associated with supporting the mental health needs of students, teachers, and staff;

(4) providing advice, upon request, to schools on implementing trauma-informed and culturally responsive school-based programs that provide prevention or intervention services to students, teachers, and staff;

(5) aligning resources among the different state agencies, including the Department of Education, Department of Human Services, and Department of Health, to ensure school mental health systems can efficiently access state resources; and

(6) maintaining a comprehensive list of resources on the Department of Education website that schools may use to address students', teachers', and staff's mental health needs, including grant opportunities; community-based prevention and intervention services; model policies; written publications that schools may distribute to students, teachers, and staff; professional development opportunities; best practices; and other resources for mental health education under section 120B.21.

(d) The leads may report to the legislature as necessary regarding students', teachers', and school staff's 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 and charter schools support students', teachers', and school staff's mental health needs.

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

Sec. 10. **APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sum indicated in this section is appropriated from the general fund to the Department of Education for the fiscal year designated.

Subd. 2. **Comprehensive school mental health services leads.** (a) For the comprehensive school mental health services lead under Minnesota Statutes, section 127A.21:

<u>\$226,000</u>	<u>.....</u>	<u>2023</u>
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(b) The base for fiscal year 2024 and later is \$301,000.

Subd. 3. **Level 4 special education sites mental health grants.** (a) For transfer to the commissioner of human services for additional school-linked mental health grants:

<u>\$9,000,000</u>	<u>.....</u>	<u>2023</u>
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(b) Of the appropriations in paragraph (a), up to \$3,500,000 is for grants to eligible providers for programs established under Laws 2017, First Special Session chapter 5, article 2, section 56.

(c) Up to \$5,500,000 is for grants to eligible providers serving students in other federal instructional setting level 4 special education sites.

(d) If any funds remain, the commissioner of human services may increase grant awards under paragraph (b) and award additional grants to other eligible providers for school-linked mental health services.

(e) The commissioner of human services may designate a portion of the awards granted under this subdivision for school staff development activities for licensed and unlicensed staff supporting families in meeting their children's needs, including assistance navigating the health care, social service, and juvenile justice systems.

(f) The annual budget base for this program is \$9,000,000.

Subd. 4. **Student support personnel pipeline.** (a) For the school support personnel pipeline program under section 124D.901:

<u>\$9,000,000</u>	<u>.....</u>	<u>2023</u>
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(b) The base for fiscal year 2024 and 2025 is \$1,500,000.

Subd. 5. **Student support personnel aid.** (a) For aid to support schools in addressing students' social, emotional, and physical health under Minnesota Statutes, section 124D.901:

<u>\$95,862,000</u>	<u>.....</u>	<u>2023</u>
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(b) The 2023 appropriation includes \$95,862,000 for 2023. This is based on an entitlement of \$106,513,000.

(c) The base for fiscal year 2024 and later is \$106,336,000.

ARTICLE 7  
FACILITIES

Section 1. Minnesota Statutes 2020, section 123B.595, is amended to read:

**123B.595 LONG-TERM FACILITIES MAINTENANCE REVENUE.**

Subdivision 1. **Long-term facilities maintenance revenue.** ~~(a) For fiscal year 2017 only, long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$193 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.~~

~~(b) For fiscal year 2018 only, long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$292 times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus (ii) the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (iii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.~~

~~(c) (a) For fiscal year 2019 2022 and later, long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$380 the long-term facilities maintenance allowance times the district's adjusted pupil units times the lesser of one or the ratio of the district's average building age to 35 years, plus district's building age index, (ii) the cost approved by the commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus and (iii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program under section 124D.151, the cost approved by the commissioner for remodeling existing instructional space to accommodate prekindergarten instruction.~~

~~(d) (b) Notwithstanding paragraphs paragraph (a), (b), and (c), a school district that qualified for eligibility under Minnesota Statutes 2014, section 123B.59, subdivision 1, paragraph (a), for fiscal year 2010 remains eligible for funding under this section as a district that would have qualified for eligibility under Minnesota Statutes 2014, section 123B.59, subdivision 1, paragraph (a), for fiscal year 2017 and later.~~

~~(c) For purposes of this section, a district's building age index for fiscal years 2022 and 2023 equals the lesser of one or the ratio of the district's average building age to 35. For fiscal year 2024 and later, a district's building age index equals one.~~

(d) The long-term facilities maintenance allowance is \$380 for fiscal years 2022 and 2023. For fiscal year 2024 and later, the long-term facilities maintenance allowance equals the product of \$380 times the ratio of the formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance under section 126C.10, subdivision 2, for fiscal year 2023.

Subd. 2. **Long-term facilities maintenance revenue for a charter school.** ~~(a) For fiscal year 2017 only, long term facilities maintenance revenue for a charter school equals \$34 times the adjusted pupil units.~~

~~(b) For fiscal year 2018 only, long term facilities maintenance revenue for a charter school equals \$85 times the adjusted pupil units.~~

~~(c) For fiscal year 2019 and later, (a) Long-term facilities maintenance revenue for a charter school equals \$132 charter school long-term facilities maintenance allowance times the adjusted pupil units.~~

(b) The charter school long-term facilities maintenance allowance is \$132 for fiscal years 2022 and 2023. For fiscal year 2024 and later, the charter school long-term facilities maintenance allowance equals the product of \$132 times the ratio of the formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance under section 126C.10, subdivision 2, for fiscal year 2023.

Subd. 3. **Intermediate districts and other cooperative units.** Upon approval through the adoption of a resolution by each member district school board of an intermediate district or other cooperative units under section 123A.24, subdivision 2, and the approval of the commissioner of education, a school district may include in its authority under this section a proportionate share of the long-term maintenance costs of the intermediate district or cooperative unit. The cooperative unit may issue bonds to finance the project costs or levy for the costs, using long-term maintenance revenue transferred from member districts to make debt service payments or pay project costs. Authority under this subdivision is in addition to the authority for individual district projects under subdivision 1.

Subd. 4. **Facilities plans.** (a) To qualify for revenue under this section, a school district or intermediate district, not including a charter school, must have a ten-year facility plan adopted by the school board and approved by the commissioner. The plan must include provisions for implementing a health and safety program that complies with health, safety, and environmental regulations and best practices, including indoor air quality management and remediation of lead hazards.

(b) The district must annually update the plan, submit the plan to the commissioner for approval by July 31, and indicate whether the district will issue bonds to finance the plan or levy for the costs.

(c) For school districts issuing bonds to finance the plan, the plan must include a debt service schedule demonstrating that the debt service revenue required to pay the principal and interest on the bonds each year will not exceed the projected long-term facilities revenue for that year.

Subd. 5. **Bond authorization.** (a) A school district may issue general obligation bonds under this section to finance facilities plans approved by its board and the commissioner. Chapter 475, except sections 475.58 and 475.59, must be complied with. The authority to issue bonds under this section is in addition to any bonding authority authorized by this chapter or other law. The amount of bonding authority authorized under this section must be disregarded in calculating the bonding or net debt limits of this chapter, or any other law other than section 475.53, subdivision 4.

(b) At least 20 days before the earliest of the issuance of bonds or the final certification of levies under subdivision 6, the district must publish notice of the intended projects, the amount of the bond issue, and the total amount of district indebtedness.

(c) The portion of revenue under this section for bonded debt must be recognized in the debt service fund.

Subd. 6. **Levy authorization.** A district may levy for costs related to an approved plan under subdivision 4 as follows:

(1) if the district has indicated to the commissioner that bonds will be issued, the district may levy for the principal and interest payments on outstanding bonds issued under subdivision 5 after reduction for any aid receivable under subdivision 9;

(2) if the district has indicated to the commissioner that the plan will be funded through levy, the district may levy according to the schedule approved in the plan after reduction for any aid receivable under subdivision 9; or

(3) if the debt service revenue for a district required to pay the principal and interest on bonds issued under subdivision 5 exceeds the district's long-term facilities maintenance revenue for the same fiscal year, the district's general fund levy must be reduced by the amount of the excess.

Subd. 7. **Long-term facilities maintenance equalization revenue.** ~~(a) For fiscal year 2017 only, a district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$193 times the adjusted pupil units or (2) the district's revenue under subdivision 1.~~

~~(b) For fiscal year 2018 only, a district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$292 times the adjusted pupil units or (2) the district's revenue under subdivision 1.~~

~~(c) (a) For fiscal year 2019 2022 and later, a district's long-term facilities maintenance equalization revenue equals the lesser of (1) \$380 the long-term facilities maintenance allowance times the adjusted pupil units or (2) the district's revenue under subdivision 1.~~

~~(d) (b) Notwithstanding paragraphs paragraph (a) to (c), a district's long-term facilities maintenance equalization revenue must not be less than the lesser of the district's long-term facilities maintenance revenue or the amount of aid the district received for fiscal year 2015 under Minnesota Statutes 2014, section 123B.59, subdivision 6.~~

Subd. 8. **Long-term facilities maintenance equalized levy.** ~~(a) For fiscal year 2017 and later,~~ A district's long-term facilities maintenance equalized levy equals the district's long-term facilities maintenance equalization revenue minus the greater of:

(1) the lesser of the district's long-term facilities maintenance equalization revenue or the amount of aid the district received for fiscal year 2015 under Minnesota Statutes 2014, section 123B.59, subdivision 6; or

(2) the district's long-term facilities maintenance equalization revenue times the greater of (i) zero or (ii) one minus the ratio of its adjusted net tax capacity per adjusted pupil unit in the year preceding the year the levy is certified to ~~423~~ 128.7 percent of the state average adjusted net tax capacity per adjusted pupil unit for all school districts in the year preceding the year the levy is certified.

(b) For purposes of this subdivision, "adjusted net tax capacity" means the value described in section 126C.01, subdivision 2, paragraph (b).

Subd. 8a. **Long-term facilities maintenance unequalized levy.** ~~For fiscal year 2017 and later,~~ A district's long-term facilities maintenance unequalized levy equals the difference between the district's revenue under subdivision 1 and the district's equalization revenue under subdivision 7.

Subd. 9. **Long-term facilities maintenance equalized aid.** ~~For fiscal year 2017 and later,~~ A district's long-term facilities maintenance equalized aid equals its long-term facilities maintenance equalization revenue minus its long-term facilities maintenance equalized levy times the ratio of the actual equalized amount levied to the permitted equalized levy.

Subd. 10. **Allowed uses for long-term facilities maintenance revenue.** (a) A district may use revenue under this section for any of the following:

- (1) deferred capital expenditures and maintenance projects necessary to prevent further erosion of facilities;
- (2) increasing accessibility of school facilities;
- (3) health and safety capital projects under section 123B.57; ~~or~~

(4) by board resolution, to transfer money from the general fund reserve for long-term facilities maintenance to the debt redemption fund to pay the amounts needed to meet, when due, principal and interest on general obligation bonds issued under subdivision 5; or

(5) by annual board resolution, to transfer money from the general fund reserve for long-term facilities maintenance to the reserve for operating capital.

(b) A charter school may use revenue under this section for any purpose related to the school.

Subd. 11. **Restrictions on long-term facilities maintenance revenue.** Notwithstanding subdivision 10, long-term facilities maintenance revenue may not be used:

- (1) for the construction of new facilities, remodeling of existing facilities, or the purchase of portable classrooms;
- (2) to finance a lease purchase agreement, installment purchase agreement, or other deferred payments agreement;
- (3) for energy-efficiency projects under section 123B.65, for a building or property or part of a building or property used for postsecondary instruction or administration, or for a purpose unrelated to elementary and secondary education; or
- (4) for violence prevention and facility security, ergonomics, or emergency communication devices.

Subd. 12. **Reserve account.** The portion of long-term facilities maintenance revenue not recognized under subdivision 5, paragraph (c), must be maintained in a reserve account within the general fund.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

Sec. 2. Laws 2021, First Special Session chapter 13, article 7, section 2, subdivision 3, is amended to read:

Subd. 3. **Long-term facilities maintenance equalized aid.** For long-term facilities maintenance equalized aid under Minnesota Statutes, section 123B.595, subdivision 9:

\$ <del>408,582,000</del> <u>107,837,000</u>	.....	2022
\$ <del>441,077,000</del> <u>110,014,000</u>	.....	2023

The 2022 appropriation includes \$10,660,000 for 2021 and ~~\$97,922,000~~ \$97,177,000 for 2022.

The 2023 appropriation includes ~~\$10,880,000~~ \$10,797,000 for 2022 and ~~\$100,197,000~~ \$99,217,000 for 2023.

Sec. 3. **FUND TRANSFER; BURNSVILLE-EAGAN-SAVAGE SCHOOL DISTRICT.**

(a) Notwithstanding Minnesota Statutes, section 123B.51, subdivision 4, paragraph (b), or any law to the contrary, any remaining net proceeds received by Independent School District No. 191, Burnsville-Eagan-Savage, in connection with a lease of real property that is not needed for school purposes, or part of the property that is not needed for school purposes permitted under Minnesota Statutes, section 123B.51, subdivision 4, paragraph (a), which property the school board of the district has specifically identified in its open facilities action plan, may be deposited in the district's general unrestricted fund following the deposit of such proceeds in the debt retirement fund of the district in an amount sufficient to meet, when due, that percentage of the principal and interest payments for outstanding bonds that is ascribable to the payment of expenses necessary and incidental to the construction or purchase of the particular building or property that is leased.

(b) Notwithstanding Minnesota Statutes, section 123B.51, subdivision 6, paragraphs (c) to (f), or any law to the contrary, any remaining proceeds of the sale or exchange of school buildings or real property of Independent School District No. 191, Burnsville-Eagan-Savage, specifically identified in the district's open facilities action plan, may be deposited in the district's general unrestricted fund following application of such proceeds, as required under Minnesota Statutes, section 123B.51, subdivision 6, paragraph (b).

**EFFECTIVE DATE.** This section is effective upon compliance by Independent School District No. 191, Burnsville-Eagan-Savage, with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 4. **LEASE LEVY FOR TRANSPORTATION HUB FOR EASTERN CARVER COUNTY SCHOOL DISTRICT.**

Notwithstanding Minnesota Statutes, section 126C.40, subdivision 1, Independent School District No. 112, Eastern Carver County Schools, may lease a transportation hub under Minnesota Statutes, section 126C.40, subdivision 1, if the district demonstrates to the satisfaction of the commissioner of education that the transportation hub will result in significant financial savings for the school district. Levy authority under this section must not exceed the total levy authority under Minnesota Statutes, section 126C.40, subdivision 1, paragraph (e).

**EFFECTIVE DATE.** This section is effective for taxes payable in 2023 and later.

ARTICLE 8  
NUTRITION AND LIBRARIES

Section 1. **[124D.1112] COMMUNITY ELIGIBILITY PROVISION PARTICIPATION; TECHNICAL ASSISTANCE; COMPENSATORY REVENUE ADJUSTMENT.**

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

(b) "Community eligibility provision" means the reimbursement option available for the national school lunch program and national school breakfast program, as defined under Code of Federal Regulations, title 7, section 245.9.

(c) "Community-eligibility qualifying school" means a school that, as determined by the Department of Education by April 1 of each year, meets the eligibility criteria specified in Code of Federal Regulations, title 7, section 245.9, for participation in the community eligibility provision. A school meets the eligibility criteria if the department determines it qualifies to do so as an individual school, as part of an entire local educational agency, or as part of a group of schools within a local educational agency, as defined under Code of Federal Regulations, title 7, section 245.9(f).

(d) "Full-reimbursement qualifying school" means a community-eligibility qualifying school that, as determined by the department by April 1 of each year, has an identified student percentage sufficient to allow the school to claim reimbursement through the community eligibility provision at the applicable federal free rate for all meals served within the school as part of the national school lunch program and national school breakfast program. A school satisfies this definition if the department determines that it meets the criteria as an individual school, part of an entire local educational agency, or part of a group of schools within a local educational agency, as defined under Code of Federal Regulations, title 7, section 245.9(f).

(e) "Identified student" and "identified student percentage" have the meanings as defined under Code of Federal Regulations, title 7, section 245.9.

(f) "Local educational agency" has the meaning as defined under Code of Federal Regulations, title 7, section 245.2.

(g) "National school breakfast program" means the nonprofit breakfast program established by section 4 of the Child Nutrition Act of 1966, as defined under United States Code, title 42, section 1773.

(h) "National school lunch program" means the nonprofit lunch program established under the Richard B. Russell National School Lunch Act, as defined under United States Code, title 42, section 1751, et seq.

Subd. 2. **Purpose.** The purposes of this section are to leverage federal funding through the community eligibility provision to support students in achieving their academic potential, provide students with increased access to nutritious options while they are developing lifelong eating habits, and reduce stigma associated with receiving free school meals and ensure that a school site's compensatory revenue is not negatively affected by the school's participation in the community eligibility provision program.

Subd. 3. **Department duties.** (a) In addition to fulfilling any other applicable state and federal requirements, the department must provide to each local educational agency a list of schools as defined under Code of Federal Regulations, title 7, section 245.9(f)(5), within the prescribed time frame, and must gather the information necessary to compile this list. A local education agency is exempt from the requirement to submit this information to the state.

(b) A community-eligible qualifying school, whether eligible for full or partial federal funding, must participate in the community eligibility provision program. Within the time frames established in paragraph (a), by April 1 of each year, the department must notify each local education agency of its qualifying school sites and, for sites eligible for partial federal funding, calculate and notify the local education agency of the state aid contribution for each site to ensure the site receives full funding for the national school breakfast and lunch program meals served by the site to its students.

(c) The department must ensure appropriate reimbursement rates for schools and districts using the community eligibility provision.

(d) If a school or district is ineligible to receive reimbursement through the community eligibility provision, the department must assist the school or district, if feasible, in achieving eligibility.

(e) The department must conduct an annual review to identify local educational agencies that have not fully complied with subdivision 5 and provide notification of that determination to the relevant local educational agencies within 30 days of making that determination.

Subd. 4. **Technical assistance.** The department must provide technical assistance to a local educational agency with one or more community-eligibility qualifying schools to assist them in meeting any state and federal requirements necessary in order to receive reimbursement through the community eligibility provision.

Subd. 5. **Community eligibility provision; required participation; exemption.** (a) Except as provided otherwise by this section, effective in the 2023-2024 school year and every school year thereafter, each community-eligibility qualifying school must participate in the community eligibility provision in the subsequent school year and throughout the duration of the community eligibility provision's four-year cycle.

(b) Schools that, through an arrangement with a local entity, provide meals to all students and at no cost to the students are exempt from the requirements of this section.

Subd. 6. **Reporting obligations for noncompliant full-reimbursement qualifying schools.** A local agency with one or more schools that qualify for full reimbursement that fails to comply with subdivision 5 must respond to a notification of noncompliance from the department within 60 days of receipt of the notification. The response must include a report available to the local school board and the public on any obstacles to participation that contributed to the noncompliance and plans to ensure compliance for the following school year.

Sec. 2. Minnesota Statutes 2020, section 124D.119, is amended to read:

**124D.119 SUMMER FOOD SERVICE REPLACEMENT AID PROGRAM AND CHILD AND ADULT CARE FOOD PROGRAM.**

Subdivision 1. **Summer Food Service Program replacement aid.** States State funds are available to compensate department-approved Summer Food Service Program sponsors. Reimbursement shall be made on December 15 based on total meals served by each sponsor from the end of the school year to the beginning of the next school year on a pro rata basis.

Subd. 2. **Child and Adult Care Food Program and Summer Food Service Program sponsor organizations.** Legally distinct Child and Adult Care Food Program and Summer Food Service Program sites may transfer sponsoring organizations no more than once per year, except under extenuating circumstances including termination of the sponsoring organization's agreement or other circumstances approved by the Department of Education.

Subd. 3. **Child and Adult Care Food Program and Summer Food Service Program training.** Prior to applying to sponsor a Child and Adult Care Food Program or Summer Food Service Program site, a nongovernmental organization applicant must provide documentation to the Department of Education verifying that staff members have completed program-specific training as designated by the commissioner.

Subd. 4. **Summer Food Service Program locations.** Consistent with Code of Federal Regulations, title 7, section 225.6(d)(1)(ii), the Department of Education must not approve a new Summer Food Service Program open site that is within a half-mile radius of an existing Summer Food Service Program open site, except the department may approve a new Summer Food Service Program open site within a half-mile radius if the new program will not be serving the same group of children for the same meal type.

Sec. 3. **[124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

A school district or charter school library or school library media center provides equitable and free access to students, teachers, and administrators. A school library or school library media center is defined as having the following characteristics:

(1) ensures every student has equitable access to resources and is able to locate, access, and use resources that are organized and cataloged;

(2) has a collection development plan that includes but is not limited to materials selection and de-selection, a challenged materials procedure, and an intellectual and academic freedom statement;

(3) is housed in a central location that provides an environment for expanded learning and supports a variety of student interests;

(4) has technology and Internet access; and

(5) is served by a licensed school library media specialist or licensed school librarian.

Sec. 4. Minnesota Statutes 2021 Supplement, section 126C.05, subdivision 3, is amended to read:

Subd. 3. **Compensation revenue pupil units.** Compensation revenue pupil units must be computed according to this subdivision.

(a) The compensation revenue concentration percentage for each building in a district equals the product of 100 times the ratio of:

(1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch meals~~ reduced-price meals plus one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price meals on October 1 of the previous fiscal year; to

(2) the number of pupils enrolled in the building on October 1 of the previous fiscal year.

(b) The compensation revenue pupil weighting factor for a building equals the lesser of one or the quotient obtained by dividing the building's compensation revenue concentration percentage by 80.0.

(c) The compensation revenue pupil units for a building equals the product of:

(1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch meals~~ reduced-price meals and one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price meals on October 1 of the previous fiscal year; times

(2) the compensation revenue pupil weighting factor for the building; times

(3) .60.

(d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under section 124D.151, charter schools, and contracted alternative programs in the first year of operation, compensation revenue pupil units shall be computed using data for the current fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative program begins operation after October 1, compensatory revenue pupil units shall be computed based on pupils enrolled on an alternate date determined by the commissioner, and the compensation revenue pupil units shall be prorated based on the ratio of the number of days of student instruction to 170 days.

~~(e) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten seats discontinued in fiscal year 2024 due to the reduction in the participation limit under section 124D.151, subdivision 6, those discontinued seats must not be used to calculate compensation revenue pupil units for fiscal year 2024.~~

~~(e)~~ (e) The percentages in this subdivision must be based on the count of individual pupils and not on a building average or minimum.

(f) For fiscal year 2023 and later, for a school participating in the community eligibility provision program or special assistance program under section 11(a)(1) of the Richard B. Russell National School Lunch Act, United States Code, title 42, section 1759a, compensatory revenue under section 126C.10, subdivision 3, equals the greatest of the amount determined using:

(1) the pupil counts according to paragraphs (a) to (f) for the year specified;

(2) the pupil counts for the year specified in paragraphs (b) to (f) and the compensation revenue concentration percentages from paragraph (a) for the pupil count from the fall of 2019; or

(3) the pupil counts for the year specified in paragraphs (b) to (f) and the compensation revenue concentration percentages from paragraph (a) for the pupil count from the fall of the year preceding the school's participation in the four-year community eligibility provision program.

Sec. 5. Minnesota Statutes 2020, section 134.31, subdivision 1, is amended to read:

Subdivision 1. **Library service.** The state shall, as an integral part of its responsibility for public education, support the provision of library service for every ~~citizen~~ resident, the development of cooperative programs for the sharing of resources and services among all libraries, and the establishment of jointly operated library services at a single location where appropriate.

Sec. 6. Minnesota Statutes 2020, section 134.31, subdivision 4a, is amended to read:

Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota Department of Education shall provide specialized services to people with visual and physical disabilities through the Minnesota Braille and Talking Book Library under a cooperative plan with the National Library ~~Services~~ Service for the Blind and ~~Physically Handicapped of the Library of Congress~~ Print Disabled.

Sec. 7. Minnesota Statutes 2020, section 134.32, subdivision 4, is amended to read:

Subd. 4. **Special project grants.** It may provide special project grants to assist innovative and experimental library programs including, but not limited to, special services for American Indians and ~~the Spanish-speaking~~ English language learners, delivery of library materials to homebound persons, other extensions of library services to persons without access to libraries and projects to strengthen and improve library services.

Sec. 8. 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.

Sec. 9. Minnesota Statutes 2020, section 134.355, subdivision 5, is amended to read:

Subd. 5. **Base aid distribution.** ~~Five~~ Fifteen percent of the available aid funds shall be paid to each system as base aid for basic system services.

**EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and later.

Sec. 10. Minnesota Statutes 2020, section 134.355, subdivision 6, is amended to read:

Subd. 6. **Adjusted net tax capacity per capita distribution.** ~~Twenty-five~~ Fifteen percent of the available aid funds shall be distributed to regional public library systems based upon the adjusted net tax capacity per capita for each member county or participating portion of a county as calculated for the ~~second~~ third year preceding the fiscal year for which aid is provided. Each system's entitlement shall be calculated as follows:

~~(a)~~ (1) multiply the adjusted net tax capacity per capita for each county or participating portion of a county by ~~.0082;~~

~~(b)~~ (2) add sufficient aid funds that are available under this subdivision to raise the amount of the county or participating portion of a county with the lowest value calculated according to ~~paragraph (a) clause (1)~~ to the amount of the county or participating portion of a county with the next highest value calculated according to ~~paragraph (a) clause (1)~~. Multiply the amount of the additional aid funds by the population of the county or participating portion of a county;

~~(c)~~ (3) continue the process described in ~~paragraph (b) clause (2)~~ by adding sufficient aid funds that are available under this subdivision to the amount of a county or participating portion of a county with the next highest value calculated in ~~paragraph (a) clause (1)~~ to raise it and the amount of counties and participating portions of counties with lower values calculated in ~~paragraph (a) clause (1)~~ up to the amount of the county or participating portion of a county with the next highest value, until reaching an amount where funds available under this subdivision are no longer sufficient to raise the amount of a county or participating portion of a county and the amount of counties and participating portions of counties with lower values up to the amount of the next highest county or participating portion of a county; and

~~(d)~~ (4) if the point is reached using the process in ~~paragraphs (b) and (c) clauses (2) and (3)~~ at which the remaining aid funds under this subdivision are not adequate for raising the amount of a county or participating portion of a county and all counties and participating portions of counties with amounts of lower value to the amount of the county or participating portion of a county with the next highest value, those funds are to be divided on a per capita basis for all counties or participating portions of counties that received aid funds under the calculation in ~~paragraphs (b) and (c) clauses (2) and (3)~~.

**EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and later.

Sec. 11. Minnesota Statutes 2020, section 134.355, subdivision 7, is amended to read:

Subd. 7. **Population determination.** A regional public library system's population shall be determined according to must be calculated using the most recent estimate available under section 477A.011, subdivision 3, at the time the aid amounts are calculated, which must be by April 1 in the year the calculation is made.

**EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and later.

Sec. 12. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 2, is amended to read:

Subd. 2. **School lunch.** For school lunch aid under Minnesota Statutes, section 124D.111, and Code of Federal Regulations, title 7, section 210.17:

\$ <del>16,661,000</del> <u>14,187,000</u>	.....	2022
\$ <del>16,954,000</del> <u>16,194,000</u>	.....	2023

Sec. 13. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 3, is amended to read:

Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota Statutes, section 124D.1158:

\$ <del>11,848,000</del> <u>20,000</u>	.....	2022
\$ <del>12,200,000</del> <u>11,153,000</u>	.....	2023

Sec. 14. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 6, is amended to read:

Subd. 6. **Basic system support.** For basic system support aid under Minnesota Statutes, section 134.355:

\$13,570,000	.....	2022
\$ <del>13,570,000</del> <u>15,370,000</u>	.....	2023

The 2022 appropriation includes \$1,357,000 for 2021 and \$12,213,000 for 2022.

The 2023 appropriation includes \$1,357,000 for 2022 and ~~\$12,213,000~~ \$14,013,000 for 2023.

Sec. 15. **APPROPRIATION; COMMUNITY ELIGIBILITY PROVISION FUNDING.**

(a) \$18,546,000 in fiscal year 2023 is appropriated from the general fund to the Department of Education for additional funding for school meals.

(b) For each school participating in the Community Eligibility Provision program, the commissioner must calculate the difference between the federal reimbursement for the school breakfasts and school lunches served at the site and the average cost of the school breakfasts and school lunches as annually defined by the United States Department of Agriculture and pay that amount to the school in the form and manner designated by the commissioner.

(c) If the appropriation for school meals under this section exceeds the amount necessary for payments under paragraph (b), the commissioner may award grants to other schools to provide free breakfast and free lunch to all students at the school site. A school participating in the school meals program must apply for a grant in the form and manner specified by the commissioner. The commissioner must prioritize grants applications based on the number of free and reduced-price meal eligible students at each applicant school site.

(d) The commissioner may retain up to two percent of the appropriation in this section for administrative purposes.

(e) The budget base is \$14,146,000 for fiscal year 2024 and \$13,792,000 for fiscal year 2025.

Sec. 16. **REVISOR INSTRUCTION.**

The revisor of statutes shall replace the phrases "free lunch," "reduced price lunch," "reduced priced lunch," "reduced-price lunch," and "free or reduced price lunch" with "free meals," "reduced-price meals," and "free or reduced-price meals" wherever they appear in statute when used in context with the national school lunch and breakfast program.

ARTICLE 9  
EARLY CHILDHOOD

Section 1. Minnesota Statutes 2020, section 119A.52, is amended to read:

**119A.52 DISTRIBUTION OF APPROPRIATION.**

(a) The commissioner of education must distribute money appropriated for that purpose to federally designated Head Start programs to expand services and to serve additional low-income children. ~~Migrant and Indian reservation programs must be initially allocated money based on the programs' share of federal funds, which may include costs associated with program operations, infrastructure, or reconfiguration to serve children from birth to age five in center-based services. The distribution must occur in the following order: (1) 10.72 percent of the total Head Start appropriation must be allocated to federally designated Tribal Head Start programs; (2) the Tribal Head Start portion of the appropriation must be allocated to Tribal Head Start programs based on the programs' share of federal funds; and (3) migrant programs must then be initially allocated funding based on the programs' share of federal funds.~~ The remaining money must be initially allocated to the remaining local agencies based equally on the agencies' share of federal funds and on the proportion of eligible children in the agencies' service area who are not currently being served. A Head Start program must be funded at a per child rate equal to its contracted, federally funded base level at the start of the fiscal year. For all agencies without a federal Early Head Start rate, the state average federal cost per child for Early Head Start applies. In allocating funds under this paragraph, the commissioner of education must assure that each Head Start program in existence in 1993 is allocated no less funding in any fiscal year than was allocated to that program in fiscal year 1993. Before paying money to the programs, the commissioner must notify each program of its initial allocation and how the money must be used. Each program must present a plan under section 119A.535. For any program that cannot utilize its full allocation at the beginning of the fiscal year, the commissioner must reduce the allocation proportionately. Money available after the initial allocations are reduced must be redistributed to eligible programs.

(b) The commissioner must develop procedures to make payments to programs based upon the number of children reported to be enrolled during the required time period of program operations. Enrollment is defined by federal Head Start regulations. The procedures must include a reporting schedule, corrective action plan requirements, and financial consequences to be imposed on programs that do not meet full enrollment after the period of corrective action. Programs reporting chronic underenrollment, as defined by the commissioner, will have their subsequent program year allocation reduced proportionately. Funds made available by prorating payments and allocations to programs with reported underenrollment will be made available to the extent funds exist to fully enrolled Head Start programs through a form and manner prescribed by the department.

(c) Programs with approved innovative initiatives that target services to high-risk populations, including homeless families and families living in homeless shelters and transitional housing, are exempt from the procedures in paragraph (b). This exemption does not apply to entire programs. The exemption applies only to approved innovative initiatives that target services to high-risk populations, including homeless families and families living in homeless shelters, transitional housing, and permanent supportive housing.

Sec. 2. Minnesota Statutes 2020, section 120A.20, subdivision 1, is amended to read:

Subdivision 1. **Age limitations; pupils.** (a) All schools supported in whole or in part by state funds are public schools. Admission to a public school is free to any person who: (1) resides within the district that operates the school; (2) is under 21 years of age or who meets the requirements of paragraph (c); and (3) satisfies the minimum age requirements imposed by this section. Notwithstanding the provisions of any law to the contrary, the conduct of all students under 21 years of age attending a public secondary school is governed by a single set of reasonable rules and regulations promulgated by the school board.

(b) A person shall not be admitted to a public school: ~~(1) as a prekindergarten pupil, unless the pupil is at least four years of age as of September 1 of the calendar year in which the school year for which the pupil seeks admission commences;~~ (2) 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) (3)~~ (3) as a 1st 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 any school board may establish a policy for admission of selected pupils at an earlier age under section 124D.02.

(c) A pupil who becomes age 21 after enrollment is eligible for continued free public school enrollment until at least one of the following occurs: (1) the first September 1 after the pupil's 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the pupil's withdrawal with no subsequent enrollment within 21 calendar days; or (4) the end of the school year.

Sec. 3. Minnesota Statutes 2020, section 120A.41, is amended to read:

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

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

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

Sec. 4. Minnesota Statutes 2020, section 121A.17, subdivision 3, is amended to read:

Subd. 3. **Screening program.** (a) A screening program must include at least the following components: developmental assessments, which may include parent report developmental screening instruments if the parent or child is unable to complete the screening in person due to an immunocompromised status or other health concern; hearing and vision screening or referral; immunization review and referral; the child's height and weight; the date of the child's most recent comprehensive vision examination, if any; identification of risk factors that may influence learning; an interview with the parent about the child; and referral for assessment, diagnosis, and treatment when potential needs are identified. The district and the person performing or supervising the screening must provide a parent or guardian with clear written notice that the parent or guardian may decline to answer questions or provide information about family circumstances that might affect development and identification of risk factors that may influence learning. The notice must state "Early childhood developmental screening helps a school district identify

children who may benefit from district and community resources available to help in their development. Early childhood developmental screening includes a vision screening that helps detect potential eye problems but is not a substitute for a comprehensive eye exam." The notice must clearly state that declining to answer questions or provide information does not prevent the child from being enrolled in kindergarten or first grade if all other screening components are met. If a parent or guardian is not able to read and comprehend the written notice, the district and the person performing or supervising the screening must convey the information in another manner. The notice must also inform the parent or guardian that a child need not submit to the district screening program if the child's health records indicate to the school that the child has received comparable developmental screening performed within the preceding 365 days by a public or private health care organization or individual health care provider. The notice must be given to a parent or guardian at the time the district initially provides information to the parent or guardian about screening and must be given again at the screening location.

(b) All screening components shall be consistent with the standards of the state commissioner of health for early developmental screening programs. A developmental screening program must not provide laboratory tests or a physical examination to any child. The district must request from the public or private health care organization or the individual health care provider the results of any laboratory test or physical examination within the 12 months preceding a child's scheduled screening. For the purposes of this section, "comprehensive vision examination" means a vision examination performed by an optometrist or ophthalmologist.

(c) If a child is without health coverage, the school district must refer the child to an appropriate health care provider.

(d) A board may offer additional components such as nutritional, physical and dental assessments, review of family circumstances that might affect development, blood pressure, laboratory tests, and health history.

(e) If a statement signed by the child's parent or guardian is submitted to the administrator or other person having general control and supervision of the school that the child has not been screened because of conscientiously held beliefs of the parent or guardian, the screening is not required.

Sec. 5. Minnesota Statutes 2020, section 121A.19, is amended to read:

#### **121A.19 DEVELOPMENTAL SCREENING AID.**

Each school year, the state must pay a district for each child or student screened by the district according to the requirements of section 121A.17. The amount of state aid for each child or student screened shall be: (1) ~~\$75~~ \$98 for a child screened at age three; (2) ~~\$50~~ \$65 for a child screened at age four; (3) ~~\$40~~ \$52 for a child screened at age five or six prior to kindergarten; and (4) ~~\$30~~ \$39 for a student screened within 30 days after first enrolling in a public school kindergarten if the student has not previously been screened according to the requirements of section 121A.17. If this amount of aid is insufficient, the district may permanently transfer from the general fund an amount that, when added to the aid, is sufficient. Developmental screening aid shall not be paid for any student who is screened more than 30 days after the first day of attendance at a public school kindergarten, except if a student transfers to another public school kindergarten within 30 days after first enrolling in a Minnesota public school kindergarten program. In this case, if the student has not been screened, the district to which the student transfers may receive developmental screening aid for screening that student when the screening is performed within 30 days of the transfer date.

#### **Sec. 6. [122A.731] GRANTS FOR GROW YOUR OWN EARLY CHILDHOOD EDUCATOR PROGRAMS.**

Subdivision 1. Establishment. The commissioner of education must award grants for Grow Your Own Early Childhood Educator programs established under this section in order to develop an early childhood education workforce that more closely reflects the state's increasingly diverse student population and to ensure all students have equitable access to high-quality early educators.

**Subd. 2. Grow Your Own Early Childhood Educator programs.** (a) Minnesota licensed family child care or licensed center-based child care programs, school district or charter school early learning programs, Head Start programs, institutions of higher education, and other community partnership nongovernment organizations may apply for a grant to host, build, or expand an early childhood educator preparation program that leads to an individual earning the credential or degree needed to enter or advance in the early childhood education workforce. Examples include programs that help interested individuals earn the Child Development Associate credential, an associate's degree in child development, or a bachelor's degree in early childhood studies or early childhood licensures. Programs must prioritize candidates that represent the demographics of the populations served. The grant recipient must use at least 80 percent of grant funds for student stipends and tuition scholarships.

(b) Programs providing financial support to interested individuals may require a commitment from the individuals awarded financial support, as determined by the program, to teach in the program or school for a reasonable amount of time that does not exceed one year.

**Subd. 3. Grant procedure.** Eligible programs must apply for a grant under this section in the form and manner specified by the commissioner. To the extent that there are sufficient applications, the commissioner must, to the extent practicable, award an equal number of grants between applicants in greater Minnesota and those in the seven-county metropolitan area.

**Subd. 4. Grow Your Own Early Childhood Educator programs account.** (a) The Grow Your Own Early Childhood Educator programs account is established in the special revenue fund.

(b) Funds appropriated for the Grow Your Own Early Childhood Educator programs under this section must be transferred to the Grow Your Own Early Childhood Educator programs account in the special revenue fund.

(c) Money in the account is annually appropriated to the commissioner for the Grow Your Own Early Childhood Educator programs under this section. Any returned funds are available to be regranted. Grant recipients may apply to use grant money over a period of up to 60 months.

(d) Up to \$300,000 annually is appropriated to the commissioner for costs associated with administering and monitoring the programs under this section.

**Subd. 5. Report.** Grant recipients must annually report to the commissioner in the form and manner determined by the commissioner on their activities under this section after completing preparation programs. The report must include the number of educators being supported through grant funds, the number of educators obtaining credentials by type, a comparison of the beginning level of education and ending level of education of individual participants, and an assessment of program effectiveness, including participant feedback, areas for improvement, and where applicable, employment changes and current employment status. The commissioner must publish a public report 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.

Sec. 7. Minnesota Statutes 2020, section 124D.1158, subdivision 3, is amended to read:

**Subd. 3. Program reimbursement.** Each school year, the state must reimburse each participating school 30 cents for each reduced-price breakfast, 55 cents for each fully paid breakfast served to students in grades 1 to 12, and \$1.30 for each fully paid breakfast served to a prekindergarten student enrolled in an approved voluntary prekindergarten program under section 124D.151, early childhood special education students participating in a program authorized under section 124D.151, or a kindergarten student.

Sec. 8. Minnesota Statutes 2020, section 124D.1158, subdivision 4, is amended to read:

Subd. 4. **No fees.** A school that receives school breakfast aid under this section must make breakfast available without charge to all participating students in grades 1 to 12 who qualify for free or reduced-price meals and to all prekindergarten students enrolled in an approved voluntary prekindergarten program under section 124D.151, early childhood special education students participating in a program authorized under section 124D.151, and all kindergarten students.

Sec. 9. Minnesota Statutes 2020, section 124D.13, subdivision 2, is amended to read:

Subd. 2. **Program requirements.** (a) Early childhood family education programs are programs for children in the period of life from birth to kindergarten, for the parents and other relatives of these children, for adults who provide child care, and for expectant parents. To the extent that funds are insufficient to provide programs for all children, early childhood family education programs should emphasize programming for a child from birth to age three and encourage parents and other relatives to involve four- and five-year-old children in school readiness programs, and other public and nonpublic early learning programs. A district may not limit participation to school district residents. Early childhood family education programs must provide:

(1) programs to educate parents ~~and~~ other relatives, and caregivers about the physical, cognitive, social, and emotional development of children and to enhance the skills of parents and other relatives in providing for their children's learning and development;

(2) structured learning activities requiring interaction between children and their parents ~~or~~ other relatives, and caregivers;

(3) structured learning activities for children that promote children's development and positive interaction with peers, which are held while parents ~~or~~ other relatives, and caregivers attend parent education classes;

(4) information on related community resources;

(5) information, materials, and activities that support the safety of children, including prevention of child abuse and neglect;

(6) a community needs assessment that identifies new and underserved populations, identifies child and family risk factors, particularly those that impact children's learning and development, and assesses family and parenting education needs in the community;

(7) programming and services that are tailored to the needs of families and parents prioritized in the community needs assessment; and

(8) information about and, if needed, assist in making arrangements for an early childhood health and developmental screening under sections 121A.16 and 121A.17, when the child nears the third birthday.

Early childhood family education programs should prioritize programming and services for families and parents identified in the community needs assessment, particularly those families and parents with children with the most risk factors birth to age three.

Early childhood family education programs are encouraged to provide parents of English learners with translated oral and written information to monitor the program's impact on their children's English language development, to know whether their children are progressing in developing their English and native language proficiency, and to actively engage with and support their children in developing their English and native language proficiency.

The programs must include learning experiences for children, parents, ~~and~~ other relatives, and caregivers that promote children's early literacy and, where practicable, their native language skills and activities for children that require substantial involvement of the children's parents or other relatives. The program may provide parenting education programming or services to anyone identified in the community needs assessment. Providers must review the program periodically to assure the instruction and materials are not racially, culturally, or sexually biased. The programs must encourage parents to be aware of practices that may affect equitable development of children.

(b) For the purposes of this section, "relative" or "relatives" means noncustodial grandparents or other persons related to a child by blood, marriage, adoption, or foster placement, excluding parents.

Sec. 10. Minnesota Statutes 2020, section 124D.13, subdivision 3, is amended to read:

Subd. 3. **Substantial parental involvement.** The requirement of substantial parental ~~or~~ other relative, or caregiver involvement in subdivision 2 means that:

~~(a)~~ (1) parents ~~or~~ other relatives, or caregivers must be physically present much of the time in classes with their children or be in concurrent classes;

~~(b)~~ (2) parenting education or family education must be an integral part of every early childhood family education program;

~~(c)~~ (3) early childhood family education appropriations must not be used for traditional day care or nursery school, or similar programs; and

~~(d)~~ (4) the form of parent involvement common to kindergarten, elementary school, or early childhood special education programs such as parent conferences, newsletters, and notes to parents do not qualify a program under subdivision 2.

Sec. 11. Minnesota Statutes 2020, section 124D.141, subdivision 2, is amended to read:

Subd. 2. **Additional duties.** The following duties are added to those assigned to the council under federal law:

(1) make recommendations on the most efficient and effective way to leverage state and federal funding streams for early childhood and child care programs;

~~(2) make recommendations on how to coordinate or colocate early childhood and child care programs in one state Office of Early Learning. The council shall establish a task force to develop these recommendations. The task force shall include two nonexecutive branch or nonlegislative branch representatives from the council; six representatives from the early childhood caucus; two representatives each from the Departments of Education, Human Services, and Health; one representative each from a local public health agency, a local county human services agency, and a school district; and two representatives from the private nonprofit organizations that support early childhood programs in Minnesota. In developing recommendations in coordination with existing efforts of the council, the task force shall consider how to:~~

~~(i) consolidate and coordinate resources and public funding streams for early childhood education and child care, and ensure the accountability and coordinated development of all early childhood education and child care services to children from birth to kindergarten entrance;~~

~~(ii) create a seamless transition from early childhood programs to kindergarten;~~

~~(iii) encourage family choice by ensuring a mixed system of high quality public and private programs, with local points of entry, staffed by well-qualified professionals;~~

~~(iv) ensure parents a decisive role in the planning, operation, and evaluation of programs that aid families in the care of children;~~

~~(v) provide consumer education and accessibility to early childhood education and child care resources;~~

~~(vi) advance the quality of early childhood education and child care programs in order to support the healthy development of children and preparation for their success in school;~~

~~(vii) develop a seamless service delivery system with local points of entry for early childhood education and child care programs administered by local, state, and federal agencies;~~

~~(viii) ensure effective collaboration between state and local child welfare programs and early childhood mental health programs and the Office of Early Learning;~~

~~(ix) develop and manage an effective data collection system to support the necessary functions of a coordinated system of early childhood education and child care in order to enable accurate evaluation of its impact;~~

~~(x) respect and be sensitive to family values and cultural heritage; and~~

~~(xi) establish the administrative framework for and promote the development of early childhood education and child care services in order to provide that these services, staffed by well-qualified professionals, are available in every community for all families that express a need for them.~~

~~In addition, the task force must consider the following responsibilities for transfer to the Office of Early Learning:~~

~~(A) responsibilities of the commissioner of education for early childhood education programs and financing under sections 119A.50 to 119A.535, 121A.16 to 121A.19, and 124D.129 to 124D.2211;~~

~~(B) responsibilities of the commissioner of human services for child care assistance, child care development, and early childhood learning and child protection facilities programs and financing under chapter 119B and section 256E.37; and~~

~~(C) responsibilities of the commissioner of health for family home visiting programs and financing under section 145A.17.~~

~~Any costs incurred by the council in making these recommendations must be paid from private funds. If no private funds are received, the council must not proceed in making these recommendations. The council must report its recommendations to the governor and the legislature by January 15, 2011;~~

~~(3) (2) review program evaluations regarding high-quality early childhood programs;~~

~~(4) (3) make recommendations to the governor and legislature, including proposed legislation on how to most effectively create a high-quality early childhood system in Minnesota in order to improve the educational outcomes of children so that all children are school-ready by 2020; and~~

~~(5) make recommendations to the governor and the legislature by March 1, 2011, on the creation and implementation of a statewide school readiness report card to monitor progress toward the goal of having all children ready for kindergarten by the year 2020. The recommendations shall include what should be measured including both children and system indicators, what benchmarks should be established to measure state progress toward the goal, and how frequently the report card should be published. In making their recommendations, the~~

~~council shall consider the indicators and strategies for Minnesota's early childhood system report, the Minnesota school readiness study, developmental assessment at kindergarten entrance, and the work of the council's accountability committee. Any costs incurred by the council in making these recommendations must be paid from private funds. If no private funds are received, the council must not proceed in making these recommendations; and~~

~~(6) make recommendations to the governor and the legislature on how to screen earlier and comprehensively assess children for school readiness in order to provide increased early interventions and increase the number of children ready for kindergarten. In formulating their recommendations, the council shall consider (i) ways to interface with parents of children who are not participating in early childhood education or care programs, (ii) ways to interface with family child care providers, child care centers, and school based early childhood and Head Start programs, (iii) if there are age appropriate and culturally sensitive screening and assessment tools for three-, four-, and five-year olds, (iv) the role of the medical community in screening, (v) incentives for parents to have children screened at an earlier age, (vi) incentives for early education and care providers to comprehensively assess children in order to improve instructional practice, (vii) how to phase in increases in screening and assessment over time, (viii) how the screening and assessment data will be collected and used and who will have access to the data, (ix) how to monitor progress toward the goal of having 50 percent of three-year old children screened and 50 percent of entering kindergarteners assessed for school readiness by 2015 and 100 percent of three-year old children screened and entering kindergarteners assessed for school readiness by 2020, and (x) costs to meet these benchmarks. The council shall consider the screening instruments and comprehensive assessment tools used in Minnesota early childhood education and care programs and kindergarten. The council may survey early childhood education and care programs in the state to determine the screening and assessment tools being used or rely on previously collected survey data, if available. For purposes of this subdivision, "school readiness" is defined as the child's skills, knowledge, and behaviors at kindergarten entrance in these areas of child development: social; self regulation; cognitive, including language, literacy, and mathematical thinking; and physical. For purposes of this subdivision, "screening" is defined as the activities used to identify a child who may need further evaluation to determine delay in development or disability. For purposes of this subdivision, "assessment" is defined as the activities used to determine a child's level of performance in order to promote the child's learning and development. Work on this duty will begin in fiscal year 2012. Any costs incurred by the council in making these recommendations must be paid from private funds. If no private funds are received, the council must not proceed in making these recommendations. The council must report its recommendations to the governor and legislature by January 15, 2013, with an interim report on February 15, 2011.~~

~~(4) review and provide input on the recommendations and implementation timelines developed by the Great Start For All Minnesota Children Task Force under Laws 2021, First Special Session chapter 7, article 14, section 18, subdivision 2.~~

Sec. 12. Minnesota Statutes 2020, section 124D.151, as amended by Laws 2021, First Special Session chapter 13, article 9, section 1, is amended to read:

**124D.151 VOLUNTARY PREKINDERGARTEN PROGRAM FOR ELIGIBLE FOUR-YEAR-OLD CHILDREN.**

Subdivision 1. **Establishment; purpose.** ~~A district, a charter school, a group of districts, a group of charter schools, or a group of districts and charter schools~~ school district or charter school, a child care center or family child care provider licensed under section 245A.03, or a Head Start agency licensed under section 245A.03 that meets program requirements under subdivision 2 may establish a voluntary prekindergarten program for eligible four-year-old children. The purpose of a voluntary prekindergarten program is to prepare children for success as they enter kindergarten in the following year.

Subd. 1a. **Definition.** For purposes of this section, "lead teacher" means an individual with primary responsibility for the instruction and care of eligible children in a voluntary prekindergarten classroom. A lead teacher employed by a school district is a teacher for purposes of sections 122A.40, subdivision 1; 122A.41, subdivision 1, paragraph (a); and 179A.03, subdivision 18.

Subd. 2. **Program requirements.** ~~(a)~~ A voluntary prekindergarten program provider must:

(1) provide instruction through play-based learning to foster children's social and emotional development, cognitive development, physical and motor development, and language and literacy skills, including the native language and literacy skills of English learners, to the extent practicable;

~~(2) measure each child's cognitive and social skills~~ assess each child's progress toward the state's early learning standards at program entrance and exit using a commissioner-approved, formative measure aligned to the state's early learning standards when the child enters and again before the child leaves the program, screening and progress monitoring measures, and other age-appropriate versions from the state-approved menu of kindergarten entry profile measures; age-appropriate assessment that must be submitted to the department in the form and manner prescribed by the commissioner;

(3) provide comprehensive program content aligned with the state's early learning standards, including the implementation of curriculum, assessment, and intentional instructional strategies aligned with the state early learning standards, and kindergarten through grade 3 academic standards;

(4) provide instructional content and activities that are of sufficient length and intensity to address learning needs including offering a program with at least ~~350~~ 850 hours of instruction per school year for a prekindergarten student;

(5) provide voluntary prekindergarten ~~instructional~~ staff salaries ~~comparable~~ and set salary schedules equivalent to the salaries of local kindergarten through grade 12 instructional staff; public school district elementary school staff with similar credentials and experience for school district and charter prekindergarten program sites and, to the extent practicable, for Head Start, child care center, and family child care sites;

~~(6)~~ employ a lead teacher for each voluntary prekindergarten classroom who has at least a bachelor's degree in early education or a related field no later than July 1, 2028. Teachers employed by an eligible provider for at least three of the last five years immediately preceding July 1, 2022, who meet the necessary content knowledge and teaching skills for early childhood educators, as demonstrated through measures determined by the state, may be employed as a lead teacher;

~~(7)~~ coordinate appropriate kindergarten transition with families, community-based prekindergarten programs, and school district kindergarten programs; and all mixed-delivery partners within the school district;

~~(8)~~ involve parents in program ~~planning~~ decision making and transition planning by implementing parent engagement strategies that include culturally and linguistically responsive activities in prekindergarten through third grade that are aligned with early childhood family education under section 124D.13;

~~(9)~~ coordinate with relevant community-based services, including health and social service agencies, to ensure children have access to comprehensive services;

~~(10)~~ coordinate with all relevant school district programs and services including early childhood special education, homeless students, and English learners;

~~(11)~~ ensure staff-to-child ratios of one-to-ten and a maximum group size of 20 children; in school-based programs, staff-to-child ratios and group size as required for child care center and family child care licensing in programs offered in child care centers and by family child care providers, and staff-to-child ratios and group size as determined by Head Start standards in programs offered by Head Start agencies; and

~~(12)~~ provide high-quality coordinated professional development, training, and coaching for both school district and community-based early learning, Head Start, child care center, and family child care providers that is informed by a measure of adult-child interactions and enables teachers to be highly knowledgeable in early childhood curriculum content, assessment, native and English language development programs, and instruction; and

~~(12) implement strategies that support the alignment of professional development, instruction, assessments, and prekindergarten through grade 3 curricula.~~

~~(b) A voluntary prekindergarten program must have teachers knowledgeable in early childhood curriculum content, assessment, native and English language programs, and instruction.~~

~~(c) Districts and charter schools must include their strategy for implementing and measuring the impact of their voluntary prekindergarten program under section 120B.11 and provide results in their world's best workforce annual summary to the commissioner of education.~~

**Subd. 3. Mixed delivery of services program plan.** ~~A district or charter school may contract with a charter school, Head Start or child care centers, family child care programs licensed under section 245A.03, or a community based organization to provide eligible children with developmentally appropriate services that meet the program requirements in subdivision 2. Components of a mixed delivery plan include strategies for recruitment, contracting, and monitoring of fiscal compliance and program quality. School districts and charter schools that receive funding for voluntary prekindergarten programs must develop and submit a mixed-delivery program plan to the Department of Education annually by July 1, 2023, and every year thereafter, in a manner and format prescribed by the commissioner. The plan must ensure alignment of all voluntary prekindergarten program providers within the school district boundaries in meeting the program requirements in subdivision 2 and must include:~~

~~(1) a description of the process used to convene and obtain group agreement among all voluntary prekindergarten program providers within the district boundaries in order to coordinate efforts regarding the requirements in subdivision 2;~~

~~(2) a description of the voluntary prekindergarten program providers within the school district boundaries, including but not limited to the name and location of partners and the number of hours and days per week the program will be offered at each program site;~~

~~(3) an estimate of the number of eligible children to be served in the program at each school site or mixed-delivery location;~~

~~(4) a plan for recruitment, outreach, and communication regarding the availability of public prekindergarten programming within the community;~~

~~(5) a plan for coordinating and offering professional development opportunities, as needed;~~

~~(6) a plan for coordinating the required child assessments, as needed, and continuous quality improvement efforts to ensure quality instruction;~~

~~(7) a plan for meeting the needs of any child with an individualized education plan;~~

~~(8) a plan to ensure salaries equivalent to school staff with comparable credentials and experience;~~

~~(9) a detailed plan for transitioning children and families to kindergarten; and~~

~~(10) a statement of assurances signed by the superintendent, charter school director, Head Start director, child care center director, or family child care license holder that the proposed program meets the requirements of subdivision 2. A statement of assurances must be submitted in the mixed-delivery program plan and must be signed by an individual from each voluntary prekindergarten program provider with authority to enter into the agreement.~~

Subd. 3a. **Funding.** (a) School district and charter school voluntary prekindergarten providers are funded based on the number of eligible pupils enrolled as authorized under chapters 124D, 124E, and 126C.

(b) Head Start voluntary prekindergarten providers that are licensed under section 245A.03 and meet the requirements of subdivisions 2 and 3 must receive \$11,000 per child served per year.

(c) Licensed child care center and family child care voluntary prekindergarten providers that are licensed under section 245A.03 and meet the requirements of subdivisions 2 and 3 must receive \$11,000 per child served per year.

(d) The commissioner must establish a process for allocating the seats under paragraphs (b) and (c) that match community strengths, capacity, and needs. The number of seats per year is subject to the availability of appropriations.

(e) Up to 2.5 percent of the amounts appropriated for paragraphs (b) and (c) may be used for distribution of funds.

Subd. 4. **Eligibility.** A (a) An eligible child means a child who:

(1) is four years of age as of September 1 in the calendar year in which the school year commences is; and

(2) meets at least one of the following criteria:

(i) qualifies for free or reduced-price meals;

(ii) is an English learner as defined by section 124D.59, subdivision 2;

(iii) is American Indian;

(iv) is experiencing homelessness;

(v) has an individualized education plan under section 125A.08;

(vi) was identified as having a potential risk factor that may influence learning through health and developmental screening under sections 121A.16 to 121.19;

(vii) is in foster care, in need of child protection services, or in kinship care, including children receiving Northstar kinship assistance under chapter 256N;

(viii) has a parent who is a migrant or seasonal agriculture laborer under section 181.85; or

(ix) has a parent who is incarcerated.

(b) An eligible child is eligible to participate in a voluntary prekindergarten program free of charge. ~~An eligible four year old child served in a mixed delivery system by a child care center, family child care program licensed under section 245A.03, or community based organization~~ Programs may charge a sliding fee for instructional hours that exceed 850 hours during the school year, any hours that provide before- or after-school child care during the school year, or any hours that provide child care during the summer. A child that does not meet the eligibility requirements in paragraph (a), clause (2), may participate in the same classroom as eligible children and may be charged a sliding fee as long as ~~the mixed delivery partner~~ state funding was not awarded a seat for that child.

(c) Each eligible child must complete a health and developmental screening within 90 days of program enrollment under sections 121A.16 to 121A.19, and provide documentation of required immunizations under section 121A.15.

Subd. 5. **Application process; priority for high poverty schools.** (a) To qualify for program approval for fiscal year 2017, a district or charter school must submit an application to the commissioner by July 1, 2016. To qualify for program approval for fiscal year 2018 and later, a district or charter school must submit an application to the commissioner by January 30 of the fiscal year prior to the fiscal year in which the program will be implemented. The application must include:

(1) a description of the proposed program, including the number of hours per week the program will be offered at each school site or mixed-delivery location;

(2) an estimate of the number of eligible children to be served in the program at each school site or mixed-delivery location; and

(3) a statement of assurances signed by the superintendent or charter school director that the proposed program meets the requirements of subdivision 2.

(b) The commissioner must review all applications submitted for fiscal year 2017 by August 1, 2016, and must review all applications submitted for fiscal year 2018 and later by March 1 of the fiscal year in which the applications are received and determine whether each application meets the requirements of paragraph (a).

(c) The commissioner must divide all applications for new or expanded voluntary prekindergarten programs under this section meeting the requirements of paragraph (a) and school readiness plus programs into four groups as follows: the Minneapolis and St. Paul school districts; other school districts located in the metropolitan equity region as defined in section 126C.10, subdivision 28; school districts located in the rural equity region as defined in section 126C.10, subdivision 28; and charter schools. Within each group, the applications must be ordered by rank using a sliding scale based on the following criteria:

(1) concentration of kindergarten students eligible for free or reduced-price lunches by school site on October 1 of the previous school year. A school site may contract to partner with a community-based provider or Head Start under subdivision 3 or establish an early childhood center and use the concentration of kindergarten students eligible for free or reduced-price meals from a specific school site as long as those eligible children are prioritized and guaranteed services at the mixed-delivery site or early education center. For school district programs to be operated at locations that do not have free and reduced-price lunch concentration data for kindergarten programs for October 1 of the previous school year, including mixed-delivery programs, the school district average concentration of kindergarten students eligible for free or reduced-price lunches must be used for the rank ordering;

(2) presence or absence of a three- or four-star Parent Aware rated program within the school district or close proximity of the district. School sites with the highest concentration of kindergarten students eligible for free or reduced-price lunches that do not have a three- or four-star Parent Aware program within the district or close proximity of the district shall receive the highest priority, and school sites with the lowest concentration of kindergarten students eligible for free or reduced-price lunches that have a three- or four-star Parent Aware rated program within the district or close proximity of the district shall receive the lowest priority; and

(3) whether the district has implemented a mixed delivery system.

(d) The limit on participation for the programs as specified in subdivision 6 must initially be allocated among the four groups based on each group's percentage share of the statewide kindergarten enrollment on October 1 of the previous school year. Within each group, the participation limit for fiscal years 2018 and 2019 must first be

allocated to school sites approved for aid in the previous year to ensure that those sites are funded for the same number of participants as approved for the previous year. The remainder of the participation limit for each group must be allocated among school sites in priority order until that region's share of the participation limit is reached. If the participation limit is not reached for all groups, the remaining amount must be allocated to the highest priority school sites, as designated under this section, not funded in the initial allocation on a statewide basis. For fiscal year 2020 and later, the participation limit must first be allocated to school sites approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year 2018 based on the statewide rankings under paragraph (c).

(e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid under this subdivision, it shall remain eligible for aid if it continues to meet program requirements, regardless of changes in the concentration of students eligible for free or reduced-price lunches.

(f) If the total number of participants approved based on applications submitted under paragraph (a) is less than the participation limit under subdivision 6, the commissioner must notify all school districts and charter schools of the amount that remains available within 30 days of the initial application deadline under paragraph (a), and complete a second round of allocations based on applications received within 60 days of the initial application deadline.

(g) Procedures for approving applications submitted under paragraph (f) shall be the same as specified in paragraphs (a) to (d), except that the allocations shall be made to the highest priority school sites not funded in the initial allocation on a statewide basis.

Subd. 6. **Participation limits.** (a) Notwithstanding section 126C.05, subdivision 1, paragraph (d), the pupil units for a voluntary prekindergarten program for an eligible school district or charter school must not exceed 60 percent of the kindergarten pupil units for that school district or charter school under section 126C.05, subdivision 1, paragraph (e).

(b) In reviewing applications under subdivision 5, the commissioner must limit the total number of participants in the voluntary prekindergarten and school readiness plus programs under Laws 2017, First Special Session chapter 5, article 8, section 9, to not more than 7,160 participants for fiscal years 2019, 2020, 2021, 2022, and 2023, and 3,160 participants for fiscal years 2024 and later.

Subd. 7. **Financial accounting.** An eligible school district or charter school must record expenditures attributable to voluntary prekindergarten pupils according to guidelines prepared by the commissioner under section 127A.17. Child care centers, family child care providers, and Head Start agencies must record expenditures attributable to voluntary prekindergarten pupils according to guidelines developed and approved by the commissioner of education.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 13. Minnesota Statutes 2020, section 124D.165, subdivision 2, is amended to read:

Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship, parents or guardians must have an eligible child and meet at least one of the following ~~eligibility~~ requirements:

~~(1) have an eligible child; and~~

~~(2)~~ (1) have income equal to or less than ~~185~~ 200 percent of federal poverty level income in the current calendar year; ~~or;~~

(2) be able to document their child's current participation in the free and reduced-price ~~lunch meal~~ program or Child and Adult Care Food Program, National School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act of 2007; Minnesota family investment program under chapter 256J; child care assistance programs under chapter 119B; the supplemental nutrition assistance program; or ~~placement~~

(3) have a child referred as in need of child protection services or placed in foster care under section 260C.212.

(b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

~~(1) at least three but not yet five years of age on September 1 of the current school year;~~

~~(2) a sibling from birth to age five of a child who has been awarded a scholarship under this section provided the sibling attends the same program as long as funds are available;~~

~~(3) the child of a parent under age 21 who is pursuing a high school degree or a course of study for a high school equivalency test; or~~

~~(4) homeless, in foster care, or in need of child protective services.~~

(c) A child who has received a scholarship under this section must continue to receive a scholarship each year until that child is eligible for kindergarten under section 120A.20 and as long as funds are available.

(d) Early learning scholarships may not be counted as earned income for the purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota family investment program under chapter 256J, child care assistance programs under chapter 119B, or Head Start under the federal Improving Head Start for School Readiness Act of 2007.

(e) A child from an adjoining state whose family resides at a Minnesota address as assigned by the United States Postal Service, who has received developmental screening under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district, and whose family meets the criteria of paragraph (a) is eligible for an early learning scholarship under this section.

Sec. 14. Minnesota Statutes 2020, section 124D.165, subdivision 3, is amended to read:

Subd. 3. **Administration.** (a) The commissioner shall establish application timelines and determine the schedule for awarding scholarships that meets operational needs of eligible families and programs. The commissioner must give highest priority to applications from children who:

(1) are not yet four years of age;

~~(1)~~ (2) have a parent under age 21 who is pursuing a high school diploma or a course of study for a high school equivalency test;

~~(2)~~ (3) are in foster care or otherwise;

(4) have been referred as in need of child protection or services; or

(5) have an incarcerated parent;

~~(3)~~ (6) have experienced homelessness in the last 24 months, as defined under the federal McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a-; or

(7) has family income less than or equal to 185 percent of federal poverty level income in the current calendar year.

(b) The commissioner may prioritize applications on additional factors including family income, geographic location, and whether the child's family is on a waiting list for a publicly funded program providing early education or child care services.

~~(b)~~ (c) The commissioner shall establish a target for the average scholarship amount per child based on the results of the rate survey conducted under section 119B.02.

~~(c) A four star rated program that has children eligible for a scholarship enrolled in or on a waiting list for a program beginning in July, August, or September may notify the commissioner, in the form and manner prescribed by the commissioner, each year of the program's desire to enhance program services or to serve more children than current funding provides. The commissioner may designate a predetermined number of scholarship slots for that program and notify the program of that number. For fiscal year 2018 and later, the statewide amount of funding directly designated by the commissioner must not exceed the funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district or Head Start program qualifying under this paragraph may use its established registration process to enroll scholarship recipients and may verify a scholarship recipient's family income in the same manner as for other program participants.~~

(d) The commissioner may establish exploratory efforts to increase parent education and family support services to families receiving early learning scholarships, including home visits and parent education services.

~~(d)~~ (e) A scholarship is awarded for a 12-month period. If the scholarship recipient has not been accepted and subsequently enrolled in a rated program within ~~ten~~ three months of the awarding of the scholarship, the scholarship cancels and the recipient must reapply in order to be eligible for another scholarship. An extension may be requested if a program is unavailable for the child within the three-month timeline. A child may not be awarded more than one scholarship in a 12-month period.

~~(e)~~ (f) A child who receives a scholarship who has not completed development screening under sections 121A.16 to 121A.19 must complete that screening within 90 days of first attending an eligible program or within 90 days after the child's third birthday if awarded a scholarship under the age of three.

~~(f) For fiscal year 2017 and later, a school district or Head Start program enrolling scholarship recipients under paragraph (e) may apply to the commissioner, in the form and manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of the application, the commissioner must pay each program directly for each approved scholarship recipient enrolled under paragraph (e) according to the metered payment system or another schedule established by the commissioner.~~

Sec. 15. Minnesota Statutes 2020, section 124D.59, subdivision 2, is amended to read:

Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten through grade 12; an early childhood special education student under Part B, section 619, of the Individuals with Disabilities Education Act, United States Code, title 20, section 1419; or a prekindergarten student enrolled in an approved voluntary prekindergarten program under section 124D.151 or a school readiness plus program who meets the requirements under subdivision 2a or the following requirements:

(1) the pupil, as declared by a parent or guardian first learned a language other than English, comes from a home where the language usually spoken is other than English, or usually speaks a language other than English; and

(2) the pupil is determined by a valid assessment measuring the pupil's English language proficiency and by developmentally appropriate measures, which might include observations, teacher judgment, parent recommendations, or developmentally appropriate assessment instruments, to lack the necessary English skills to participate fully in academic classes taught in English.

(b) A pupil enrolled in a Minnesota public school in any grade 4 through 12 who in the previous school year took a commissioner-provided assessment measuring the pupil's emerging academic English, shall be counted as an English learner in calculating English learner pupil units under section 126C.05, subdivision 17, and shall generate state English learner aid under section 124D.65, subdivision 5, if the pupil scored below the state cutoff score or is otherwise counted as a nonproficient participant on the assessment measuring the pupil's emerging academic English, or, in the judgment of the pupil's classroom teachers, consistent with section 124D.61, clause (1), the pupil is unable to demonstrate academic language proficiency in English, including oral academic language, sufficient to successfully and fully participate in the general core curriculum in the regular classroom.

(c) Notwithstanding paragraphs (a) and (b), a pupil in early childhood special education or prekindergarten under section 124D.151, through grade 12 shall not be counted as an English learner in calculating English learner pupil units under section 126C.05, subdivision 17, and shall not generate state English learner aid under section 124D.65, subdivision 5, if:

(1) the pupil is not enrolled during the current fiscal year in an educational program for English learners under sections 124D.58 to 124D.64; or

(2) the pupil has generated seven or more years of average daily membership in Minnesota public schools since July 1, 1996.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 16. Minnesota Statutes 2021 Supplement, section 126C.05, subdivision 1, is amended to read:

Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in average daily membership enrolled in the district of residence, in another district under sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under chapter 124E; or for whom the resident district pays tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

(a) A prekindergarten pupil with a disability who is enrolled in a program approved by the commissioner and has an individualized education program is counted as the ratio of the number of hours of assessment and education service to 825 times 1.0 with a minimum average daily membership of 0.28, but not more than 1.0 pupil unit.

(b) A prekindergarten pupil who is assessed but determined not to be disabled is counted as the ratio of the number of hours of assessment service to 825 times 1.0.

~~(c) A kindergarten pupil with a disability who is enrolled in a program approved by the commissioner is counted as the ratio of the number of hours of assessment and education services required in the fiscal year by the pupil's individualized education program to 875, but not more than one.~~

~~(d)~~ (c) A prekindergarten pupil who is not included in paragraph (a) or (b) and is enrolled in ~~an approved a~~ voluntary prekindergarten program under section 124D.151 ~~is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil units~~ that meets the minimum hours required in section 120A.41 is counted as 1.0 pupil unit.

~~(e)~~ (d) A kindergarten pupil ~~who is not included in paragraph (e)~~ is counted as 1.0 pupil unit if the pupil is enrolled in a free all-day, every day kindergarten program available to all kindergarten pupils at the pupil's school that meets the minimum hours requirement in section 120A.41, or is counted as .55 pupil unit, if the pupil is not enrolled in a free all-day, every day kindergarten program available to all kindergarten pupils at the pupil's school.

~~(f)~~ (e) A pupil who is in any of grades 1 to 6 is counted as 1.0 pupil unit.

~~(g)~~ (f) A pupil who is in any of grades 7 to 12 is counted as 1.2 pupil units.

~~(h)~~ (g) A pupil who is in the postsecondary enrollment options program is counted as 1.2 pupil units.

~~(i)~~ For fiscal years 2018 through 2023, a prekindergarten pupil who:

~~(1) is not included in paragraph (a), (b), or (d);~~

~~(2) is enrolled in a school readiness plus program under Laws 2017, First Special Session chapter 5, article 8, section 9; and~~

~~(3) has one or more of the risk factors specified by the eligibility requirements for a school readiness plus program;~~

~~is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil units. A pupil qualifying under this paragraph must be counted in the same manner as a voluntary prekindergarten student for all general education and other school funding formulas.~~

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 17. Minnesota Statutes 2021 Supplement, section 126C.10, subdivision 2d, is amended to read:

Subd. 2d. **Declining enrollment revenue.** (a) A school district's declining enrollment revenue equals the greater of zero or the product of: (1) 28 percent of the formula allowance for that year and (2) the difference between the adjusted pupil units for the preceding year and the adjusted pupil units for the current year.

(b) Notwithstanding paragraph (a), for prekindergarten programs for fiscal year ~~2024~~ 2023 only, prekindergarten pupil units under section 126C.05, subdivision 1, paragraph ~~(d)~~ (c), must be excluded from the calculation of declining enrollment revenue.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

Sec. 18. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 3, is amended to read:

Subd. 3. **Early learning scholarships.** (a) For the early learning scholarship program under Minnesota Statutes, section 124D.165:

\$70,709,000	.....	2022
\$ <del>70,709,000</del> <u>201,886,000</u>	.....	2023

(b) This appropriation is subject to the requirements under Minnesota Statutes, section 124D.165, subdivision 6.

(c) Notwithstanding Minnesota Statutes, section 124D.165, for fiscal year 2023 only, the commissioner may allocate funds to Head Start agencies, child care centers, and family child care providers as necessary to implement the voluntary prekindergarten transition year, including allocating funds under Minnesota Statutes, section 124D.165, as they existed prior to the date of enactment of this act.

(d) The base for fiscal year 2024 is \$94,682,000 and the base for fiscal year 2025 is \$90,656,000.

Sec. 19. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 4, is amended to read:

Subd. 4. **Head Start program.** (a) For Head Start programs under Minnesota Statutes, section 119A.52:

\$25,100,000	.....	2022
\$ <del>25,100,000</del> 35,100,000	.....	2023

(b) The base for fiscal year 2024 and later is \$35,100,000.

(c) Beginning in fiscal year 2023, a Head Start program must spend on Early Head Start:

(1) at least the amount the Head Start program spent on Early Head Start from its share of the \$25,100,000 state appropriation in fiscal year 2022; and

(2) the program's share of \$10,000,000.

Sec. 20. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 6, is amended to read:

Subd. 6. **Developmental screening aid.** (a) For developmental screening aid under Minnesota Statutes, sections 121A.17 and 121A.19:

\$ <del>3,582,000</del> 3,655,000	.....	2022
\$ <del>3,476,000</del> 4,560,000	.....	2023

(b) The 2022 appropriation includes \$360,000 for 2021 and ~~\$3,222,000~~ \$3,295,000 for 2022.

(c) The 2023 appropriation includes ~~\$357,000~~ \$366,000 for 2022 and ~~\$3,119,000~~ \$4,194,000 for 2023.

Sec. 21. **TRANSITION YEAR IN 2023.**

(a) Fiscal year 2023 may serve as a transition year in order to give current voluntary prekindergarten programs, school readiness plus programs, and early learning scholarships pathway II programs one year to transition to the new voluntary prekindergarten program for eligible four-year-old children and to make the necessary adjustments to meet the additional program requirements and facilitate relationships with all voluntary prekindergarten program providers within the school district boundaries.

(b) For fiscal year 2023 only, school districts operating a voluntary prekindergarten program under Minnesota Statutes, section 124D.151, or school readiness plus program under Laws 2017, First Special Session chapter 5, article 8, section 9, may apply to the Department of Education to allow the program to continue to operate under the provisions of Minnesota Statutes, sections 124D.151 and 126C.05, subdivision 1, as they existed prior to the date of enactment of this act.

Sec. 22. **APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **Mental health services and early childhood social workers.** (a) For grants to fund social workers focused solely on early childhood systems that strengthen early childhood programs and improve outcomes for participating children and families:

\$2,500,000                      .....                      2023

(b) Eligible applicants are school districts and charter schools with early learning programs that may include but are not limited to Head Start, early Head Start, and early intervention programs serving children from birth to kindergarten that:

(1) implement a family partnership process to support family well-being, family safety, health, and economic stability;

(2) identify family strengths and needs using the Head Start Parent Family and Community Engagement Framework;

(3) offer individualized family partnership services in collaboration with families; and

(4) offer support services in collaboration or colocation with mental health practitioners to provide training, coaching, or skill building to early learning staff and parents.

(c) This appropriation is in addition to any other federal funds a grantee receives for this purpose.

(d) Up to five percent of this appropriation may be retained for grant administration costs.

Subd. 3. **Grow Your Own Early Childhood Educator programs.** (a) For grants to develop, continue, or expand the Grow Your Own Early Childhood Educator programs under Minnesota Statutes, section 122A.731:

\$3,860,000                      .....                      2023

(b) This appropriation is subject to the requirements under Minnesota Statutes, section 122A.731, subdivision 4.

(c) The base for fiscal year 2024 and later is \$3,805,000.

Subd. 4. **Early childhood family education licensure grant.** (a) For a grant to the University of Minnesota to provide scholarships for prospective teachers enrolled in the parent and family education licensure program to cover the cost of attendance in the program:

\$177,000                      .....                      2023

(b) The commissioner may award additional grants to other postsecondary institutions with parent and family education licensure programs if funds are available.

(c) A grant application must at least include:

(1) the in-kind, coordination, and mentorship services to be provided by the postsecondary institution;

(2) the process for identifying and recruiting prospective teachers who represent known parent and family education teacher licensure shortage areas, both demographic and geographic;

(3) the process for coordinating with school districts to support prospective teachers in completing a licensure program or working in an early childhood family education program; and

(4) the process for prioritizing and awarding scholarships to students.

(d) A grant recipient must report in a form and manner determined by the commissioner on their activities under this subdivision, including the number of participants; the percentage of participants who are of color or American Indian; the percentage of participants who reside in, or will be employed in, school districts located in the rural equity region as defined in Minnesota Statutes, section 126C.10, subdivision 28; an assessment of program effectiveness, including participant feedback and areas of improvement; the percentage of participants continuing to pursue parent and family education licensure; and where applicable, the number of participants hired in a district as parent and family education teachers after completing the preparation program.

(e) The base for fiscal year 2024 is \$177,000. The base for fiscal year 2025 is \$0.

Subd. 5. **Executive function across generations curriculum grant.** (a) For a grant to The Family Partnership for an executive function curriculum pilot program:

<u>\$450,000</u>	<u>.....</u>	<u>2023</u>
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(b) The Family Partnership must establish 15 sites across Minnesota to provide executive function across generations curriculum. The sites must be spread across the state and include rural, suburban, and urban early education and care providers, organizations providing home visiting services, or parenting groups in high-risk communities. The Family Partnership must report to the legislative committees with jurisdiction over early childhood by December 15, 2022, and December 15, 2023, on the progress made to expand the executive function curriculum across Minnesota.

(c) This is a onetime appropriation and is available until June 30, 2025.

Subd. 6. **Reach Out and Read Minnesota.** (a) For a grant to support Reach Out and Read Minnesota to establish a statewide plan that encourages early childhood development through a network of health care clinics:

<u>\$250,000</u>	<u>.....</u>	<u>2023</u>
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(b) The grant recipient must develop and implement a plan that includes:

(1) integrating children's books and parent education into well-child visits;

(2) creating literacy-rich environments at clinics, including books for visits outside of Reach Out and Read Minnesota parameters or for waiting room use or volunteer readers to model read-aloud techniques for parents where possible;

(3) working with public health clinics, federally qualified health centers, Tribal sites, community health centers, and clinics that belong to health care systems, as well as independent clinics in underserved areas; and

(4) training medical professionals on speaking with parents of infants, toddlers, and preschoolers on the importance of early literacy.

(c) The base for fiscal year 2024 and later is \$250,000.

(d) The plan must be fully implemented on a statewide basis by 2029.

Subd. 7. **Minnesota Children's Museum.** (a) For a grant to the Minnesota Children's Museum for operating costs:

\$2,000,000                      .....                      2023

(b) The appropriation in paragraph (a) must be used by the Minnesota Children's Museum to aid in the recovery of general operations and programming losses due to COVID-19.

(c) The appropriation is in addition to the appropriation in Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 18.

(d) This is a onetime appropriation and is available until June 30, 2025.

Subd. 8. **Children's asset building program.** (a) For a matching grant to the Saint Paul and Minnesota Foundation to support a children's asset building program that: (1) creates a savings account for every child born to a resident of the city of St. Paul during the time period for which funds are available; and (2) supports financial education for families on their child's college and career pathway:

\$250,000                      .....                      2023

(b) Grant money provided under this subdivision must be matched with money from nonstate sources.

(c) By February 15, 2025, the Saint Paul and Minnesota Foundation must submit a report on the children's asset building program to the commissioner of education and to legislative committees with jurisdiction over early childhood. At a minimum, the report must provide a detailed review of the program's design and features, including program outcomes, funding, financial education programming activities, and program marketing, outreach, and engagement activities.

(d) This is a onetime appropriation and is available until June 30, 2025.

Subd. 9. **Early Childhood Family Education Office.** (a) For two full-time equivalent staff and for operational expenses to provide support and guidance for early childhood family education programs:

\$325,000                      .....                      2023

(b) Each staff member must hold a valid license as a teacher of parent and family education.

(c) The base in fiscal year 2024 and later is \$325,000.

Subd. 10. **Voluntary prekindergarten through mixed delivery.** For voluntary prekindergarten provided by Head Start agencies, child care centers, and family child care providers under Minnesota Statutes, section 124D.151, subdivision 3a, paragraphs (b) and (c):

\$96,920,000                      .....                      2023

Sec. 23. **REPEALER.**

(a) Minnesota Statutes 2020, section 124D.151, subdivision 5, is repealed.

(b) Minnesota Statutes 2021 Supplement, section 124D.151, subdivision 6, is repealed.

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

ARTICLE 10  
COMMUNITY EDUCATION AND LIFELONG LEARNING

Section 1. Minnesota Statutes 2020, section 124D.531, subdivision 1, is amended to read:

Subdivision 1. **State total adult basic education aid.** (a) The state total adult basic education aid for fiscal year ~~2011~~ 2023 equals ~~\$44,419,000~~ \$52,781,000, plus any amount that is not paid during the previous fiscal year as a result of adjustments under subdivision 4, paragraph (a), or section 124D.52, subdivision 3. The state total adult basic education aid for later fiscal years equals:

(1) the state total adult basic education aid for the preceding fiscal year plus any amount that is not paid for during the previous fiscal year, as a result of adjustments under subdivision 4, paragraph (a), or section 124D.52, subdivision 3; times

(2) the lesser of 1.03, or the greater of:

(i) ~~1.03~~ one plus the percent change in the formula allowance under section 126C.10, subdivision 2, from the previous fiscal year to the current fiscal year; or

(ii) the average growth in state total contact hours over the prior ten program years.

Three percent of the state total adult basic education aid must be set aside for adult basic education supplemental service grants under section 124D.522.

(b) The state total adult basic education aid, excluding basic population aid, equals the difference between the amount computed in paragraph (a), and the state total basic population aid under subdivision 2.

**EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2023 and later.

Sec. 2. Minnesota Statutes 2020, section 124D.531, subdivision 4, is amended to read:

Subd. 4. **Adult basic education program aid limit.** (a) Notwithstanding subdivisions 2 and 3, the total adult basic education aid for a program per prior year contact hour must not exceed ~~\$22~~ \$28 per prior year contact hour computed under subdivision 3, clause (2).

(b) The aid for a program under subdivision 3, clause (2), adjusted for changes in program membership, must not exceed the aid for that program under subdivision 3, clause (2), for the first preceding fiscal year by more than the greater of 11 percent or \$10,000.

(c) Adult basic education aid is payable to a program for unreimbursed costs occurring in the program year as defined in section 124D.52, subdivision 3.

(d) Any adult basic education aid that is not paid to a program because of the program aid limitation under paragraph (a) must be added to the state total adult basic education aid for the next fiscal year under subdivision 1. Any adult basic education aid that is not paid to a program because of the program aid limitations under paragraph (b) must be reallocated among programs by adjusting the rate per contact hour under subdivision 3, clause (2).

**EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2023 and later.

Sec. 3. Minnesota Statutes 2020, section 124D.55, is amended to read:

**124D.55 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY TEST FEES.**

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

~~(b) Notwithstanding paragraph (a), for fiscal years 2020 and 2021 only,~~ The commissioner shall pay 100 percent of the fee charged to an eligible individual for the full battery of the commissioner-selected high school equivalency tests, but not more than the cost of one full battery of tests per year for any individual.

Sec. 4. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 8, is amended to read:

Subd. 8. **Adult basic education aid.** For adult basic education aid under Minnesota Statutes, section 124D.531:

\$ <del>53,191,000</del> <u>51,764,000</u>	.....	2022
\$ <del>54,768,000</del> <u>52,760,000</u>	.....	2023

The 2022 appropriation includes \$5,177,000 for 2021 and ~~\$48,014,000~~ \$46,587,000 for 2022.

The 2023 appropriation includes ~~\$5,334,000~~ \$5,176,000 for 2022 and ~~\$49,434,000~~ \$47,584,000 for 2023.

Sec. 5. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 9, is amended to read:

Subd. 9. **High school equivalency tests.** For payment of the costs of the commissioner-selected high school equivalency tests under Minnesota Statutes, section 124D.55:

\$125,000	.....	2022
\$ <del>125,000</del> <u>470,000</u>	.....	2023

ARTICLE 11  
STATE AGENCIES

Section 1. Minnesota Statutes 2020, section 125A.71, subdivision 1, is amended to read:

Subdivision 1. **Rental income; appropriation.** Rental income, ~~excluding rent for land and living residences,~~ must be deposited in the state treasury and credited to a revolving fund of the academies. Money in the revolving fund for rental income is annually appropriated to the academies for staff development purposes. Payment from the revolving fund for rental income may be made only according to vouchers authorized by the administrator of the academies.

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

Sec. 2. Minnesota Statutes 2020, section 127A.353, subdivision 2, is amended to read:

Subd. 2. **Qualifications.** The governor shall select the school trust lands director on the basis of outstanding professional qualifications and knowledge of finance, business practices, minerals, forest and real estate management, and the fiduciary responsibilities of a trustee to the beneficiaries of a trust. The school trust lands director serves in the unclassified service for a term of four years. ~~The first term shall end on December 31, 2020.~~ The governor may remove the school trust lands director for cause. If a director resigns or is removed for cause, the governor shall appoint a director for the remainder of the term.

Sec. 3. Minnesota Statutes 2021 Supplement, section 127A.353, subdivision 4, is amended to read:

Subd. 4. **Duties; powers.** (a) The school trust lands director shall:

(1) ~~take an oath of office before assuming any duties as the director~~ act in a fiduciary capacity for trust beneficiaries in accordance with the principles under section 127A.351;

(2) evaluate the school trust land asset position;

(3) determine the estimated current and potential market value of school trust lands;

(4) ~~advise and provide recommendations to the governor, Executive Council, commissioner of natural resources, and the Legislative Permanent School Fund Commission on the management of school trust lands, including: on school trust land management policies and other policies that may affect the goal of the permanent school fund under section 127A.31;~~

(5) advise and provide recommendations to the Executive Council and Land Exchange Board on all matters regarding school trust lands presented to either body;

(6) advise and provide recommendations to the commissioner of natural resources on managing school trust lands, including but not limited to advice and recommendations on:

(i) Department of Natural Resources school trust land management plans;

(ii) leases of school trust lands;

(iii) royalty agreements on school trust lands;

(iv) land sales and exchanges;

(v) cost certification; and

(vi) revenue generating options;

(7) serve as temporary trustee of school trust lands for school trust lands subject to proposed or active eminent domain proceedings;

(8) serve as temporary trustee of school trust lands pursuant to section 94.342, subdivision 5;

~~(5) propose~~ (9) submit to the Legislative Permanent School Fund Commission for review an annual budget and management plan for the director that includes proposed legislative changes that will improve the asset allocation of the school trust lands;

~~(6)~~ (10) develop and implement a ten-year strategic plan and a 25-year framework for management of school trust lands, in conjunction with the commissioner of natural resources, that is updated every five years ~~and implemented by the commissioner~~, with goals to:

(i) retain core real estate assets;

(ii) increase the value of the real estate assets and the cash flow from those assets;

- (iii) rebalance the portfolio in assets with high performance potential and the strategic disposal of selected assets;
- (iv) establish priorities for management actions;
- (v) balance revenue enhancement and resource stewardship; and
- (vi) advance strategies on school trust lands to capitalize on ecosystem services markets; and

~~(7) submit to the Legislative Permanent School Fund Commission for review an annual budget and management plan for the director; and~~

~~(8)~~ (11) keep the beneficiaries, governor, legislature, and the public informed about the work of the director by reporting to the Legislative Permanent School Fund Commission in a public meeting at least once during each calendar quarter.

(b) In carrying out the duties under paragraph (a), the school trust lands director ~~shall have the authority to~~ may:

- (1) direct and control money appropriated to the director;
- (2) establish job descriptions and employ ~~up to five employees in the unclassified service,~~ staff within the limitations of money appropriated to the director;
- (3) enter into interdepartmental agreements with any other state agency;
- (4) enter into joint powers agreements under chapter 471;
- (5) evaluate and initiate real estate development projects on school trust lands in conjunction with the commissioner of natural resources and with the advice of the Legislative Permanent School Fund Commission ~~in order~~ to generate long-term economic return to the permanent school fund; and
- ~~(6) serve as temporary trustee of school trust land for school trust lands subject to proposed or active eminent domain proceedings; and~~

~~(7)~~ (6) submit recommendations on strategies for school trust land leases, sales, or exchanges to the commissioner of natural resources and the Legislative Permanent School Fund Commission.

Sec. 4. Laws 2021, First Special Session chapter 13, article 11, section 4, subdivision 2, is amended to read:

Subd. 2. **Department.** (a) For the Department of Education:

\$30,837,000	.....	2022
\$ <del>26,287,000</del> <u>29,411,000</u>	.....	2023

Of these amounts:

- (1) \$319,000 each year is for the Board of School Administrators;
- (2) \$1,000,000 each year is for regional centers of excellence under Minnesota Statutes, section 120B.115;
- (3) \$250,000 each year is for the School Finance Division to enhance financial data analysis;

(4) \$720,000 each year is for implementing Minnesota's Learning for English Academic Proficiency and Success Act under Laws 2014, chapter 272, article 1, as amended;

(5) \$123,000 each year is for a dyslexia specialist;

(6) \$480,000 each year is for the Department of Education's mainframe update;

(7) \$4,500,000 in fiscal year 2022 only is for legal fees and costs associated with litigation; ~~and~~

(8) \$340,000 in fiscal ~~years year~~ 2022 and \$2,924,000 in 2023 only are for administration and monitoring of voluntary prekindergarten programs, including data collection, analysis, and support for providers implementing the assessment required under Minnesota Statutes, section 124D.151. The base for this item is \$2,674,000 in fiscal year 2024 and \$2,784,000 in fiscal year 2025; and

(9) \$540,000 in fiscal year 2023 is for costs associated with implementing the specific learning disability criteria change, which may include grants for training.

(b) None of the amounts appropriated under this subdivision may be used for Minnesota's Washington, D.C., office.

(c) The expenditures of federal grants and aids as shown in the biennial budget document and its supplements are approved and appropriated and must be spent as indicated.

(d) This appropriation includes funds for information technology project services and support subject to the provisions of Minnesota Statutes, section 16E.21. Any ongoing information technology costs will be incorporated into the service level agreement and will be paid to the Office of MN.IT Services by the Department of Education under the rates and mechanisms specified in that agreement.

(e) To account for the base adjustments provided in Laws 2018, chapter 211, article 21, section 1, paragraph (a), and section 3, paragraph (a), as well as the adjustments in paragraph (a), clauses (8) and (9), the base for fiscal year 2024 ~~and later is \$25,965,000~~ \$29,179,000. The base for fiscal year 2025 is \$29,289,000.

Sec. 5. Laws 2021, First Special Session chapter 13, article 11, section 7, subdivision 1, is amended to read:

Subdivision 1. **Professional Educator Licensing and Standards Board.** (a) The sums indicated in this section are appropriated from the general fund to the Professional Educator Licensing and Standards Board for the fiscal years designated:

	\$2,792,000	.....	2022
\$ <del>2,839,000</del>	<u>3,499,000</u>	.....	2023

(b) Any balance in the first year does not cancel but is available in the second year.

(c) \$660,000 in fiscal year 2023 is for enhancements to the educator licensing system to ensure the Professional Educator Licensing and Standards Board may review and approve educator licensing applications in a timely and effective manner.

~~(e)~~ (d) This appropriation includes funds for information technology project services and support subject to Minnesota Statutes, section 16E.21. Any ongoing information technology costs will be incorporated into an interagency agreement and will be paid to the Office of MN.IT Services by the Professional Educator Licensing and Standards Board under the mechanism specified in that agreement.

(e) The base for fiscal year 2024 and later is \$3,203,000.

ARTICLE 12  
FORECAST ADJUSTMENTS

A. GENERAL EDUCATION

Section 1. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 3, is amended to read:

Subd. 3. **Enrollment options transportation.** For transportation of pupils attending postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

\$ <del>12,000</del> <u>1,000</u>	.....	2022
\$ <del>13,000</del> <u>1,000</u>	.....	2023

Sec. 2. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 4, is amended to read:

Subd. 4. **Abatement aid.** For abatement aid under Minnesota Statutes, section 127A.49:

\$ <del>2,897,000</del> <u>2,042,000</u>	.....	2022
\$ <del>3,558,000</del> <u>2,003,000</u>	.....	2023

The 2022 appropriation includes \$269,000 for 2021 and ~~\$2,628,000~~ \$1,773,000 for 2022.

The 2023 appropriation includes ~~\$291,000~~ \$197,000 for 2022 and ~~\$3,267,000~~ \$1,806,000 for 2023.

Sec. 3. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 7, is amended to read:

Subd. 7. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid under Minnesota Statutes, section 123B.92, subdivision 9:

\$ <del>19,770,000</del> <u>19,143,000</u>	.....	2022
\$ <del>19,906,000</del> <u>19,796,000</u>	.....	2023

The 2022 appropriation includes \$1,910,000 for 2021 and ~~\$17,860,000~~ \$17,233,000 for 2022.

The 2023 appropriation includes ~~\$1,984,000~~ \$1,915,000 for 2022 and ~~\$17,922,000~~ \$17,881,000 for 2023.

Sec. 4. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 9, is amended to read:

Subd. 9. **Career and technical aid** For career and technical aid under Minnesota Statutes, section 124D.4531, subdivision 1b:

\$ <del>2,668,000</del> <u>2,582,000</u>	.....	2022
\$ <del>2,279,000</del> <u>1,980,000</u>	.....	2023

The 2022 appropriation includes \$323,000 for 2021 and ~~\$2,345,000~~ \$2,259,000 for 2022.

The 2023 appropriation includes ~~\$260,000~~ \$251,000 for 2022 and ~~\$2,019,000~~ \$1,729,000 for 2023.

## B. EDUCATION EXCELLENCE

Sec. 5. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 12, is amended to read:

Subd. 12. **Interdistrict desegregation or integration transportation grants.** For interdistrict desegregation or integration transportation grants under Minnesota Statutes, section 124D.87:

\$ <del>12,310,000</del> <u>9,900,000</u>	.....	2022
\$ <del>14,823,000</del> <u>10,974,000</u>	.....	2023

## C. SPECIAL EDUCATION

Sec. 6. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 3, is amended to read:

Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section 125A.75, subdivision 3, for children with disabilities placed in residential facilities within the district boundaries for whom no district of residence can be determined:

\$ <del>1,818,000</del> <u>1,674,000</u>	.....	2022
\$ <del>2,010,000</del> <u>1,887,000</u>	.....	2023

If the appropriation for either year is insufficient, the appropriation for the other year is available.

Sec. 7. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 4, is amended to read:

Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based services under Minnesota Statutes, section 125A.75, subdivision 1:

\$ <del>465,000</del> <u>356,000</u>	.....	2022
\$ <del>512,000</del> <u>384,000</u>	.....	2023

The 2022 appropriation includes \$23,000 for 2021 and ~~\$442,000~~ \$333,000 for 2022.

The 2023 appropriation includes ~~\$49,000~~ \$36,000 for 2022 and ~~\$463,000~~ \$348,000 for 2023.

Sec. 8. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 5, is amended to read:

Subd. 5. **Court-placed special education revenue.** For reimbursing serving school districts for unreimbursed eligible expenditures attributable to children placed in the serving school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

\$ <del>24,000</del> <u>0</u>	.....	2022
\$25,000	.....	2023

## D. FACILITIES

Sec. 9. Laws 2021, First Special Session chapter 13, article 7, section 2, subdivision 2, is amended to read:

Subd. 2. **Debt service equalization aid.** For debt service equalization aid under Minnesota Statutes, section 123B.53, subdivision 6:

\$25,001,000	.....	2022
\$ <del>24,286,000</del> <u>24,315,000</u>	.....	2023

The 2022 appropriation includes \$2,588,000 for 2021 and \$22,413,000 for 2022.

The 2023 appropriation includes \$2,490,000 for 2022 and ~~\$21,796,000~~ \$21,825,000 for 2023.

#### E. NUTRITION

Sec. 10. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 4, is amended to read:

Subd. 4. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes, section 124D.118:

\$ <del>656,000</del> <u>566,000</u>	.....	2022
\$ <del>658,000</del> <u>659,000</u>	.....	2023

#### F. EARLY EDUCATION

Sec. 11. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 5, is amended to read:

Subd. 5. **Early childhood family education aid.** (a) For early childhood family education aid under Minnesota Statutes, section 124D.135:

\$ <del>35,003,000</del> <u>34,160,000</u>	.....	2022
\$ <del>36,478,000</del> <u>35,126,000</u>	.....	2023

(b) The 2022 appropriation includes \$3,341,000 for 2021 and ~~\$31,662,000~~ \$30,819,000 for 2022.

(c) The 2023 appropriation includes ~~\$3,518,000~~ \$3,424,000 for 2022 and ~~\$32,960,000~~ \$31,702,000 for 2023.

Sec. 12. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 12, is amended to read:

Subd. 12. **Home visiting aid.** (a) For home visiting aid under Minnesota Statutes, section 124D.135:

\$ <del>462,000</del> <u>455,000</u>	.....	2022
\$ <del>444,000</del> <u>426,000</u>	.....	2023

(b) The 2022 appropriation includes \$47,000 for 2021 and ~~\$415,000~~ \$408,000 for 2022.

(c) The 2023 appropriation includes ~~\$46,000~~ \$45,000 for 2022 and ~~\$398,000~~ \$381,000 for 2023.

#### G. COMMUNITY EDUCATION AND LIFELONG LEARNING

Sec. 13. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 2, is amended to read:

Subd. 2. **Community education aid.** For community education aid under Minnesota Statutes, section 124D.20:

\$180,000	.....	2022
\$ <del>155,000</del> <u>175,000</u>	.....	2023

The 2022 appropriation includes \$22,000 for 2021 and \$158,000 for 2022.

The 2023 appropriation includes \$17,000 for 2022 and ~~\$138,000~~ \$158,000 for 2023.

Sec. 14. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 5, is amended to read:

Subd. 5. **School-age care aid.** For school-age care aid under Minnesota Statutes, section 124D.22:

\$ <del>1,000</del> 0	. . . . .	2022
\$1,000	. . . . .	2023

The 2022 appropriation includes \$0 for 2021 and ~~\$1,000~~ \$0 for 2022.

The 2023 appropriation includes \$0 for 2022 and \$1,000 for 2023."

Delete the title and insert:

"A bill for an act relating to education finance; modifying provisions for prekindergarten through grade 12 education including general education, education excellence, teachers, charter schools, special education, health and safety, facilities, nutrition and libraries, early childhood, community education and lifelong learning, and state agencies; making forecast adjustments to funding for general education, education excellence, special education, facilities, nutrition, early education, and community education and lifelong learning; requiring reports; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2020, sections 13.32, subdivision 3; 119A.52; 120A.20, subdivision 1; 120A.22, subdivisions 7, 9; 120A.41; 120A.42; 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4; 120B.022, subdivision 1; 120B.024, subdivisions 1, 2; 120B.026; 120B.11, subdivisions 1, 1a, 2, 3; 120B.12; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301; 120B.35, subdivision 3; 120B.36, subdivision 2; 121A.031, subdivisions 5, 6; 121A.17, subdivision 3; 121A.19; 121A.21; 121A.41, subdivisions 2, 10, by adding subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.61, subdivisions 1, 3, by adding a subdivision; 122A.06, subdivisions 4, 6; 122A.091, subdivision 5; 122A.14, by adding a subdivision; 122A.181, subdivision 5; 122A.183, subdivision 1; 122A.184, subdivision 1; 122A.185, subdivision 1; 122A.187, by adding a subdivision; 122A.31, subdivision 1; 122A.40, subdivisions 3, 5, 8; 122A.41, subdivisions 2, 5, by adding a subdivision; 122A.415, subdivision 4, by adding subdivisions; 122A.50; 122A.635; 122A.76; 123A.485, subdivision 2; 123B.04, subdivision 1; 123B.147, subdivision 3; 123B.195; 123B.44, subdivisions 1, 5, 6; 123B.595; 123B.86, subdivision 3; 124D.09, subdivisions 3, 9, 10, 12, 13; 124D.095, subdivisions 2, 3, 4, 7, 8, by adding subdivisions; 124D.1158, subdivisions 3, 4; 124D.119; 124D.128, subdivision 1; 124D.13, subdivisions 2, 3; 124D.141, subdivision 2; 124D.151, as amended; 124D.165, subdivisions 2, 3; 124D.2211; 124D.4531, subdivisions 1, 1a, 1b; 124D.531, subdivisions 1, 4; 124D.55; 124D.59, subdivisions 2, 2a; 124D.65, subdivision 5; 124D.68, subdivision 2; 124D.73, by adding a subdivision; 124D.74, subdivisions 1, 3, 4, by adding a subdivision; 124D.76; 124D.78; 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81, subdivisions 1, 2, 2a, 5, by adding a subdivision; 124D.83, subdivision 2, by adding a subdivision; 124D.861, subdivision 2; 124D.98, by adding a subdivision; 124E.02; 124E.03, subdivision 2, by adding a subdivision; 124E.05, subdivisions 4, 7; 124E.06, subdivisions 1, 4, 5; 124E.07, subdivision 3; 124E.11; 124E.13, subdivisions 1, 3; 124E.16, subdivision 1; 124E.25, subdivision 1a; 125A.03; 125A.08; 125A.094; 125A.0942, subdivisions 1, 2, 3; 125A.15; 125A.51; 125A.515, subdivision 3; 125A.71, subdivision 1; 125A.76, subdivision 2e; 126C.05, subdivision 19; 126C.10, subdivisions 2a, 4, 13, 13a, 14, 18a; 126C.15, subdivisions 1, 2; 126C.19, by adding a subdivision; 127A.353, subdivision 2; 127A.45, subdivisions 12a, 13; 134.31, subdivisions 1, 4a; 134.32, subdivision 4; 134.34, subdivision 1; 134.355, subdivisions 5, 6, 7; 144.4165; 179A.03, subdivision 19; Minnesota Statutes 2021 Supplement, sections 122A.70; 126C.05, subdivisions 1, 3; 126C.10, subdivisions 2d, 2e; 127A.353, subdivision 4; Laws 2021, First Special Session chapter 13, article 1, sections 9; 10, subdivisions 2, 3, 4, 5, 6, 7, 9, 11; article 2, section 4, subdivisions 2, 3, 4, 7, 12, 15, 22, 27; article 3, sections 7, subdivisions 3, 4, 5, 6, 7; 8, subdivision 2; article 5, section 3, subdivisions 2, 3, 4, 5; article 7, section 2, subdivisions 2, 3; article 8, section 3, subdivisions 2, 3, 4, 6; article 9, section 4, subdivisions 3, 4, 5, 6, 12; article 10, section 1, subdivisions 2, 5, 8, 9; article 11, sections 4, subdivision 2; 7, subdivision 1; proposing coding for new

law in Minnesota Statutes, chapters 120B; 121A; 122A; 124D; 125A; 127A; repealing Minnesota Statutes 2020, sections 120B.35, subdivision 5; 124D.151, subdivision 5; 124D.4531, subdivision 3a; Minnesota Statutes 2021 Supplement, section 124D.151, subdivision 6."

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

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. No. 4300 was read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House File was introduced:

Quam and Daniels introduced:

H. F. No. 4826, A bill for an act relating to local government; prohibiting the acceptance of a municipal ID for state or federal services; proposing coding for new law in Minnesota Statutes, chapter 415.

The bill was read for the first time and referred to the Committee on State Government Finance and Elections.

Winkler moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Wolgamott.

## **REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION**

Winkler from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bill to be placed on the Calendar for the Day for Wednesday, April 27, 2022 and established a prefiling requirement for amendments offered to the following bill:

H. F. No. 4300.

**CALENDAR FOR THE DAY**

H. F. No. 3438 was reported to the House.

Green moved to amend H. F. No. 3438, the first engrossment, as follows:

Page 27, after line 6, insert:

"Sec. 3. Minnesota Statutes 2020, section 97A.056, subdivision 3, is amended to read:

Subd. 3. **Council recommendations.** (a) The council shall make recommendations to the legislature on appropriations of money from the outdoor heritage fund that are consistent with the constitution and state law and that will achieve the outcomes of existing natural resource plans, including, but not limited to, the Minnesota Statewide Conservation and Preservation Plan, that directly relate to the restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation, and expand restored native prairie. In making recommendations, the council shall consider a range of options that would best restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife. The council's recommendations shall be submitted no later than January 15 each year. The council shall present its recommendations to the senate and house of representatives committees with jurisdiction over the environment and natural resources budget by February 15 in odd-numbered years, and within the first four weeks of the legislative session in even-numbered years. The council's budget recommendations to the legislature shall be separate from the Department of Natural Resource's budget recommendations.

(b) To encourage and support local conservation efforts, the council shall establish a conservation partners program. Local, regional, state, or national organizations may apply for matching grants for restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, prevention of forest fragmentation, encouragement of forest consolidation, and expansion of restored native prairie.

(c) The council may work with the Clean Water Council to identify projects that are consistent with both the purpose of the outdoor heritage fund and the purpose of the clean water fund.

(d) The council may make recommendations to the Legislative-Citizen Commission on Minnesota Resources on scientific research that will assist in restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife, preventing forest fragmentation, encouraging forest consolidation, and expanding restored native prairie.

(e) Recommendations of the council, including approval of recommendations for the outdoor heritage fund, require an affirmative vote of at least nine members of the council.

(f) The council may work with the Clean Water Council, the Legislative-Citizen Commission on Minnesota Resources, the Board of Water and Soil Resources, soil and water conservation districts, and experts from Minnesota State Colleges and Universities and the University of Minnesota in developing the council's recommendations.

(g) The council shall develop and implement a process that ensures that citizens and potential recipients of funds are included throughout the process, including the development and finalization of the council's recommendations. The process must include a fair, equitable, and thorough process for reviewing requests for funding and a clear and easily understood process for ranking projects.

(h) The council shall use the regions of the state based upon the ecological sections and subsections developed by the Department of Natural Resources and establish objectives for each region and subregion to achieve the purposes of the fund outlined in the state constitution.

(i) The council shall develop and submit to the Legislative Coordinating Commission plans for the first ten years of funding, and a framework for 25 years of funding, consistent with statutory and constitutional requirements. The council may use existing plans from other legislative, state, and federal sources, as applicable.

(j) By July 1 each year, the council shall provide counties with a list of project proposals that include potential fee title land acquisitions in the county that is based on that year's funding requests received by the council from nongovernmental organizations.

(k) The council must require an applicant for funding from the outdoor heritage fund to submit a cost benefit analysis of the proposed project as part of the process established under paragraph (g)."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Green amendment and the roll was called. There were 62 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Haley	Lucero	Novotny	Robbins
Albright	Davids	Hamilton	Lueck	O'Driscoll	Schomacker
Anderson	Demuth	Heinrich	McDonald	Olson, B.	Scott
Backer	Dettmer	Heintzeman	Mekeland	O'Neill	Theis
Bahr	Drazkowski	Hertaus	Miller	Petersburg	Torkelson
Baker	Erickson	Igo	Mortensen	Pfarr	Urdahl
Bennett	Franke	Johnson	Mueller	Pierson	West
Bliss	Franson	Jurgens	Munson	Poston	
Boe	Garofalo	Kiel	Nash	Quam	
Burkel	Green	Koznick	Nelson, N.	Raleigh	
Daniels	Grossell	Kresha	Neu Brindley	Rasmusson	

Those who voted in the negative were:

Acomb	Edelson	Her	Lillie	Olson, L.	Wazlawik
Agbaje	Elkins	Hollins	Lippert	Pelowski	Winkler
Bahner	Feist	Hornstein	Lislegard	Pinto	Wolgamott
Becker-Finn	Fischer	Howard	Long	Pryor	Xiong, J.
Berg	Frazier	Huot	Mariani	Reyer	Xiong, T.
Bernardy	Frederick	Jordan	Marquart	Richardson	Youakim
Bierman	Freiberg	Keeler	Masin	Sandell	Spk. Hortman
Boldon	Greenman	Klevorn	Moller	Sandstede	
Carlson	Hansen, R.	Koegel	Moran	Schultz	
Christensen	Hanson, J.	Kotyza-Witthuhn	Morrison	Stephenson	
Davnie	Hassan	Lee	Murphy	Sundin	
Ecklund	Hausman	Liebling	Noor	Vang	

The motion did not prevail and the amendment was not adopted.

Green moved to amend H. F. No. 3438, the first engrossment, as follows:

Page 27, after line 6, insert:

"Sec. 3. Minnesota Statutes 2020, section 97A.056, subdivision 1, is amended to read:

Subdivision 1. **Outdoor heritage fund.** (a) An outdoor heritage fund, under article XI, section 15, of the Minnesota Constitution, is established as an account in the state treasury. All money earned by the outdoor heritage fund must be credited to the fund. At least 99 percent of the money appropriated from the fund must be expended to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife.

(b) Money appropriated from the outdoor heritage fund shall not be spent:

(1) to acquire property by eminent domain ~~unless the owner requests that the owner's property be acquired by eminent domain; or~~

(2) on a project that uses eminent domain to acquire property.

This paragraph does not apply when the owner of a property requests that the owner's property be acquired by eminent domain."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Green amendment and the roll was called. There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Akland	Daudt	Haley	Lucero	Novotny	Robbins
Albright	Dauids	Hamilton	Lueck	O'Driscoll	Schomacker
Anderson	Demuth	Heinrich	McDonald	Olson, B.	Scott
Backer	Dettmer	Heintzeman	Mekeland	O'Neill	Theis
Bahr	Drazkowski	Hertaus	Miller	Petersburg	Torkelson
Baker	Erickson	Igo	Mortensen	Pfarr	Urdahl
Bennett	Franke	Johnson	Mueller	Pierson	West
Bliss	Franson	Jurgens	Munson	Poston	
Boe	Garofalo	Kiel	Nash	Quam	
Burkel	Green	Koznick	Nelson, N.	Raleigh	
Daniels	Grossell	Kresha	Neu Brindley	Rasmusson	

Those who voted in the negative were:

Acomb	Edelson	Hausman	Liebling	Noor	Thompson
Agbaje	Elkins	Her	Lillie	Olson, L.	Vang
Bahner	Feist	Hollins	Lippert	Pelowski	Wazlawik
Becker-Finn	Fischer	Hornstein	Lislegard	Pinto	Winkler
Berg	Frazier	Howard	Long	Pryor	Wolgamott
Bernardy	Frederick	Huot	Mariani	Reyer	Xiong, J.
Bierman	Freiberg	Jordan	Marquart	Richardson	Xiong, T.
Boldon	Gomez	Keeler	Masin	Sandell	Youakim
Carlson	Greenman	Klevorn	Moller	Sandstede	Spk. Hortman
Christensen	Hansen, R.	Koegel	Moran	Schultz	
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Stephenson	
Ecklund	Hassan	Lee	Murphy	Sundin	

The motion did not prevail and the amendment was not adopted.

Swedzinski was excused between the hours of 3:10 p.m. and 3:50 p.m.

H. F. No. 3438, A bill for an act relating to legacy; appropriating money from outdoor heritage fund, clean water fund, parks and trails fund, and arts and cultural heritage fund; modifying terms of Clean Water Council; modifying prior appropriations; amending Minnesota Statutes 2020, section 114D.30, subdivisions 2, 7; Laws 2019, First Special Session chapter 2, article 4, section 2, subdivision 4; Laws 2021, First Special Session chapter 1, article 3, sections 2, subdivision 1; 3; 4; 7; article 4, section 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 70 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hassan	Lee	Murphy	Stephenson
Agbaje	Elkins	Hausman	Liebling	Nelson, M.	Sundin
Bahner	Feist	Her	Lillie	Noor	Vang
Becker-Finn	Fischer	Hollins	Lippert	Olson, L.	Wazlawik
Berg	Franke	Hornstein	Lislegard	Pelowski	Winkler
Bernardy	Frazier	Howard	Long	Pinto	Wolgamott
Bierman	Frederick	Huot	Mariani	Pryor	Xiong, J.
Boldon	Freiberg	Jordan	Marquart	Reyer	Xiong, T.
Carlson	Gomez	Keeler	Masin	Richardson	Youakim
Christensen	Greenman	Klevorn	Moller	Sandell	Spk. Hortman
Davnie	Hansen, R.	Koegel	Moran	Sandstede	
Ecklund	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	

Those who voted in the negative were:

Akland	Daudt	Hamilton	Lueck	O'Driscoll	Schomacker
Albright	Davids	Heinrich	McDonald	Olson, B.	Scott
Anderson	Demuth	Heintzeman	Mekeland	O'Neill	Swedzinski
Backer	Dettmer	Hertaus	Miller	Petersburg	Theis
Bahr	Drazkowski	Igo	Mortensen	Pfarr	Torkelson
Baker	Erickson	Johnson	Mueller	Pierson	Urdahl
Bennett	Franson	Jurgens	Munson	Poston	West
Bliss	Garofalo	Kiel	Nash	Quam	
Boe	Green	Koznick	Nelson, N.	Raleigh	
Burkel	Grossell	Kresha	Neu Brindley	Rasmusson	
Daniels	Haley	Lucero	Novotny	Robbins	

The bill was passed and its title agreed to.

Winkler moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection, the order of business advanced to Motions and Resolutions.

## MOTIONS AND RESOLUTIONS

### SUSPENSION OF RULES

Winkler moved that the rules of the House be so far suspended so that S. F. No. 2677 be recalled from the Committee on Workforce and Business Development Finance and Policy, be given its second and third readings and be placed upon its final passage. The motion prevailed.

### DECLARATION OF URGENCY

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Winkler moved that the rule therein be suspended and an urgency be declared so that S. F. No. 2677 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 2677 was read for the second time.

Noor moved to amend S. F. No. 2677, the second engrossment, as follows:

Page 1, line 11, delete "\$2,321,526,000" and insert "\$2,324,175,000"

Page 1, line 12, delete "\$408,474,000" and insert "\$405,825,000"

Page 2, after line 11, insert:

"Subd. 4. **Employer credits, refunds.** Notwithstanding any law to the contrary, the commissioner of employment and economic development must credit or refund each taxpaying employer for:

(1) any base tax rate amount assessed and paid in calendar year 2022 under Minnesota Statutes, section 268.051, subdivision 2, paragraph (b), that is greater than one-tenth of one percent;

(2) any additional assessment amount assessed and paid in calendar year 2022 under Minnesota Statutes, section 268.051, subdivision 2; and

(3) any special assessment amount assessed and paid in calendar year 2022 under Minnesota Statutes, section 268.051, subdivision 8."

The motion prevailed and the amendment was adopted.

Frazier moved to amend S. F. No. 2677, the second engrossment, as amended, as follows:

Page 1, after line 8, insert:

"ARTICLE 1  
UNEMPLOYMENT INSURANCE TRUST FUND"

Page 2, after line 15, insert:

"ARTICLE 2  
FRONTLINE WORKER PAYMENTS"

Section 1. **FRONTLINE WORKER PAYMENTS; PUBLIC PURPOSE.**

This act is intended to provide payments to frontline workers whose work put them at risk of contracting COVID-19 during the peacetime emergency declared by the governor in Executive Order 20-01. The legislature finds that payments under this section specifically, and under the premium pay provisions of the American Rescue Plan Act of 2021 generally, have a public purpose and benefit the people of Minnesota by:

(1) responding to the extraordinary circumstances of the COVID-19 pandemic which resulted in the peacetime emergency; and

(2) compensating workers for working in conditions that, in many cases, exceeded what was originally contemplated in their employment agreement to ensure our state was able to continue functioning during the pandemic.

Sec. 2. **FRONTLINE WORKER PAYMENTS.**

Subdivision 1. **Program established; payments authorized.** To the extent feasible, the commissioner of revenue, in coordination with the commissioners of labor and industry and employment and economic development, must make payments to eligible frontline workers as provided in this section.

Subd. 2. **Frontline sector defined.** "Frontline sector" means the following sectors:

(1) long-term care and home care;

(2) health care;

(3) emergency responders;

(4) public health, social service, and regulatory service;

(5) courts and corrections;

(6) child care;

(7) schools, including charter schools, state schools, and higher education;

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

(9) retail, including sales, fulfillment, distribution, and delivery;

(10) temporary shelters and hotels;

(11) building services, including maintenance, janitorial, and security;

(12) public transit;

(13) ground and air transportation services;

(14) manufacturing; and

(15) vocational rehabilitation.

**Subd. 3. Eligible frontline workers.** (a) An individual is eligible to receive a payment under this section if the individual:

(1) was employed for at least 120 hours in Minnesota in one or more frontline sectors during the time period beginning March 15, 2020, and ending June 30, 2021;

(2) for the hours worked under clause (1), was not able to telework due to the nature of the individual's work and worked in close proximity to individuals outside of the individual's household;

(3) meets the income requirement in paragraph (b);

(4) did not receive an unemployment insurance benefit payment or serve a nonpayable week under Minnesota Statutes, section 268.085, subdivision 1, clause (6), for more than 20 weeks on a cumulative basis for weeks between March 15, 2020, and June 26, 2021. An unemployment insurance benefit payment shall include payments made by the state of Minnesota under Minnesota Statutes, sections 268.001 to 268.23, pandemic emergency unemployment compensation, extended benefits, pandemic unemployment assistance, federal pandemic unemployment compensation, lost wages assistance, mixed earnings unemployment compensation, and trade readjustment allowance. Unemployment insurance benefit payments shall include the amounts withheld from an unemployment insurance benefit payment for income tax, deducted for a child support obligation or an offset from unemployment benefits under Minnesota Statutes, section 268.18, subdivision 3a. Unemployment insurance benefit payments shall include amounts found to be overpaid under Minnesota Statutes, section 268.18. The calculations under this subparagraph shall be made based exclusively on data held by DEED as of the effective date of this act.

(b) To qualify for a payment, an individual's adjusted gross income, as defined in Minnesota Statutes, section 290.01, subdivision 21a, must be less than the following amounts for at least one of the taxable years beginning after December 31, 2019, and before January 1, 2022:

(1) for an individual who was employed in an occupation with direct COVID-19 patient care responsibilities, \$350,000 for a married taxpayer filing a joint return and \$175,000 for all other filers; or

(2) for all other individuals, \$185,000 for a married taxpayer filing a joint return and \$85,000 for all other filers.

**Subd. 4. Application; verification of eligibility.** (a) To qualify for a payment under this section, an individual must apply to the commissioner of labor and industry in the form and manner specified by the commissioner. As part of the application, an individual must certify to the commissioner of labor and industry that the individual meets the eligibility requirements in subdivision 3.

(b) As soon as practicable after final enactment of this act, the commissioner of labor and industry must establish a process for accepting applications for payments under this section and begin accepting applications. The commissioner must not accept an application submitted more than 45 days after opening the application period.

(c) The commissioner of labor and industry must assist applicants in submitting an application under this section, including but not limited to:

(1) establishing a multilingual temporary help line for applicants; and

(2) offering multilingual applications and multilingual instructions.

(d) To the extent possible, the commissioners of revenue, employment and economic development, and labor and industry must verify applicant eligibility for a payment under this section. If the commissioners lack the information to verify an applicant's eligibility in a timely fashion, the commissioner of labor and industry must accept the applicant's self-certification of eligibility in the absence of contrary information.

(e) An applicant for a payment under this section may appeal a denial of eligibility under this subdivision to the commissioner of labor and industry within 15 days of notice of denial. The commissioner of labor and industry's decision on an appeal is final.

(f) The commissioner of labor and industry may contract with a third party to implement part or all of the application process and assistance required under this subdivision.

**Subd. 5. Eligibility; payments.** (a) After the deadline for applications under subdivision 4 has elapsed, the commissioner of revenue must determine the payment amount based on available appropriations and the number of applications received from eligible frontline workers. The payment amount must be the same for each eligible frontline worker and must not exceed \$1,500.

(b) As soon as practicable, the commissioner of revenue must make payments of the amount determined under paragraph (a) to all eligible frontline workers who applied in accordance with subdivision 4.

(c) The commissioner of revenue may contract with a third party to implement part or all of the payment process required under this subdivision.

**Subd. 6. Data practices.** (a) Data collected or created by the commissioners of revenue, labor and industry, and employment and economic development because an individual has sought information about, applied for, been denied, or received a payment under this section are classified as nonpublic data or private data on individuals, as defined in Minnesota Statutes, section 13.02, subdivisions 9 and 12.

(b) Data classified as nonpublic data or private data on individuals, including return information, as defined in Minnesota Statutes, section 270B.01, subdivision 3, may be shared or disclosed between the commissioners of revenue, employment and economic development, and labor and industry, and any third-party vendor contracted with under subdivision 4, to the extent necessary to verify eligibility and administer payments under this section.

**Subd. 7. Notice requirement.** (a) No later than 15 days after the application period is opened under subdivision 4, employers in a frontline sector must provide notice, in a form approved by the commissioner of labor and industry, advising all current workers who may be eligible for payments under this section of the assistance potentially available to them and how to apply for benefits. An employer must provide notice using the same means the employer uses to provide other work-related notices to employees.

(b) Notice provided under paragraph (a) must be at least as conspicuous as:

(1) posting a copy of the notice at each work site where workers work and where the notice may be readily observed and reviewed by all workers working at the site; or

(2) providing a paper or electronic copy of the notice to all workers.

(c) The commissioner of labor and industry may exercise the commissioner of labor and industry's authority under Minnesota Statutes, section 177.27, subdivision 7, to enforce the notice requirement in this subdivision.

Subd. 8. **Payments not to be considered income.** (a) For the purposes of this subdivision, "subtraction" has the meaning given in Minnesota Statutes, section 290.0132, subdivision 1, and the rules in that subdivision apply for this subdivision. The definitions in Minnesota Statutes, section 290.01, apply to this subdivision.

(b) The amount of frontline worker payments received under this section is a subtraction.

(c) Frontline worker payments under this section are excluded from income, as defined in Minnesota Statutes, sections 290.0674, subdivision 2a, and 290A.03, subdivision 3.

(d) Notwithstanding any law to the contrary, payments under this section must not be considered income, assets, or personal property for purposes of determining eligibility or recertifying eligibility for:

(1) child care assistance programs under Minnesota Statutes, chapter 119B;

(2) general assistance, Minnesota supplemental aid, and food support under Minnesota Statutes, chapter 256D;

(3) housing support under Minnesota Statutes, chapter 256I;

(4) Minnesota family investment program and diversionary work program under Minnesota Statutes, chapter 256J; and

(5) economic assistance programs under Minnesota Statutes, chapter 256P.

(e) The commissioner of human services must not consider frontline worker payments under this section as income or assets under Minnesota Statutes, section 256B.056, subdivision 1a, paragraph (a); 3; or 3c, or for persons with eligibility determined under Minnesota Statutes, section 256B.057, subdivision 3, 3a, or 3b.

Subd. 9. **Report.** No later than 90 days following the end of the payments to eligible frontline workers under subdivision 5, the commissioners of revenue and labor and industry shall report to the legislative committees with jurisdiction over economic development policy and finance about the program established under this section. The report must include:

(1) the number of eligible frontline workers who applied, including the number in each sector and county, and the payment each worker received;

(2) if the initial payment to frontline workers under subdivision 5 was less than \$1,500, the additional appropriation needed to provide an additional payment equal to the difference between \$1,500 and the payment amount under subdivision 5; and

(3) the number of applications that were denied and the reason for denial.

Subd. 10. **Procurement.** The commissioners of labor and industry and revenue are exempt from the requirements of Minnesota Statutes, sections 16A.15, subdivision 3; 16B.97; and 16B.98, subdivisions 5, 7, and 8; and chapter 16C, and any other state procurement laws and procedures in administering the program under this section.

Subd. 11. **Appropriations.** (a) \$1,000,000,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of revenue for payments under this section. This is a onetime appropriation.

(b) \$11,650,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of labor and industry for administrative costs to implement the payments under this section.

(c) The commissioner of labor and industry may transfer money from this appropriation to the commissioner of revenue or the commissioner of employment and economic development for administrative costs to implement the program and payments under this section.

(d) \$756,000 in fiscal year 2022 is appropriated from the general fund to the commissioner of labor and industry for a grant to the Minnesota Training Partnership to promote the availability of payments under this section to frontline workers, which may include subcontracts with other community organizations with experience with frontline workers. Up to ten percent of the total of any subcontracts may be used for contract administration.

(e) The appropriations in this subdivision are available until June 30, 2023.

Subd. 12. **Audit.** The Office of the Legislative Auditor may begin work on an audit of the use of all funds appropriated under subdivision 11 no later than February 1, 2023.

**EFFECTIVE DATE.** (a) Unless otherwise specified, this section is effective the day following final enactment.

(b) Subdivision 8, paragraphs (a), (b), and (c), are effective for taxable years beginning after December 31, 2021, and before January 1, 2024, for property tax refunds based on rent paid in 2021 or 2022, and for property tax refunds based on property taxes payable in 2022 or 2023. Subdivision 8, paragraphs (d) and (e), are effective the day following final enactment, except for a program for which federal approval is required, changes affecting the program are effective upon federal approval.

Sec. 3. **APPROPRIATIONS GIVEN EFFECT ONCE.**

If an appropriation in this act is enacted more than once during the 2022 regular session, the appropriation is to be given effect only once.

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

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Greenman moved to amend S. F. No. 2677, the second engrossment, as amended, as follows:

Page 1, after line 8, insert:

"ARTICLE 1  
UNEMPLOYMENT INSURANCE TRUST FUND"

Page 2, after line 15, insert:

"ARTICLE 2  
UNEMPLOYMENT INSURANCE FOR HOURLY SCHOOL WORKERS AND USE OF DATA"

Section 1. Minnesota Statutes 2020, section 126C.43, subdivision 2, is amended to read:

**Subd. 2. Payment to unemployment insurance program trust fund by state and political subdivisions.**

(a) A district may levy the amount necessary (1) to pay the district's obligations under section 268.052, subdivision 1, and (2) to pay for job placement services offered to employees who may become eligible for benefits pursuant to section 268.085 for the fiscal year the levy is certified.

(b) Districts with a balance remaining in their reserve for reemployment as of June 30, 2003, may not expend the reserved funds for future reemployment expenditures. Each year a levy reduction must be made to return these funds to taxpayers. The amount of the levy reduction must be equal to the lesser of: (1) the remaining reserved balance for reemployment, or (2) the amount of the district's current levy under paragraph (a).

(c) The amount in paragraph (a) must be reduced by any amount received by the district from the account established under section 268.193.

Sec. 2. Minnesota Statutes 2020, section 268.085, subdivision 7, is amended to read:

**Subd. 7. School employees; between terms denial.** (a) Wage credits from employment with an educational institution or institutions may not be used for unemployment benefit purposes for any week during the period between two successive academic years or terms if:

(1) the applicant had employment for an educational institution or institutions in the prior academic year or term; and

(2) there is a reasonable assurance that the applicant will have employment for an educational institution or institutions in the following academic year or term.

This paragraph applies to a vacation period or holiday recess if the applicant was employed immediately before the vacation period or holiday recess, and there is a reasonable assurance that the applicant will be employed immediately following the vacation period or holiday recess. This paragraph also applies to the period between two regular but not successive terms if there is an agreement for that schedule between the applicant and the educational institution.

This paragraph does not apply if the subsequent employment is substantially less favorable than the employment of the prior academic year or term, or the employment prior to the vacation period or holiday recess.

(b) Paragraph (a) does not apply to:

(1) an applicant who, at the end of the prior academic year or term, had an agreement for a definite period of employment between academic years or terms in other than an instructional, research, or principal administrative capacity and the educational institution or institutions failed to provide that employment; or

(2) an applicant in a position for which no license is required by the Professional Educator Licensing and Standards Board or the Board of School Administrators whose last employment was with an employer defined in section 123A.24, subdivision 2, or 123A.55.

(c) If unemployment benefits are denied to any applicant under paragraph (a) who was employed in the prior academic year or term in other than an instructional, research, or principal administrative capacity and who was not offered an opportunity to perform the employment in the following academic year or term, the applicant is entitled to retroactive unemployment benefits for each week during the period between academic years or terms that the applicant filed a timely continued request for unemployment benefits, but unemployment benefits were denied solely because of paragraph (a).

(d) This subdivision applies to employment with an educational service agency if the applicant performed the services at an educational institution or institutions. "Educational service agency" means a governmental entity established and operated for the purpose of providing services to one or more educational institutions.

(e) This subdivision applies to employment with Minnesota, a political subdivision, or a nonprofit organization, if the services are provided to or on behalf of an educational institution or institutions.

(f) Paragraph (a) applies beginning the Sunday of the week that there is a reasonable assurance of employment.

(g) Employment and a reasonable assurance with multiple education institutions must be aggregated for purposes of application of this subdivision.

(h) If all of the applicant's employment with any educational institution or institutions during the prior academic year or term consisted of on-call employment, and the applicant has a reasonable assurance of any on-call employment with any educational institution or institutions for the following academic year or term, it is not considered substantially less favorable employment.

(i) A "reasonable assurance" may be written, oral, implied, or established by custom or practice.

(j) An "educational institution" is a school, college, university, or other educational entity operated by Minnesota, a political subdivision or instrumentality thereof, or a nonprofit organization.

(k) An "instructional, research, or principal administrative capacity" does not include an educational assistant.

Sec. 3. Minnesota Statutes 2020, section 268.19, subdivision 1, is amended to read:

Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered from any person under the administration of the Minnesota Unemployment Insurance Law are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except according to a district court order or section 13.05. A subpoena is not considered a district court order. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

- (1) state and federal agencies specifically authorized access to the data by state or federal law;
- (2) any agency of any other state or any federal agency charged with the administration of an unemployment insurance program;
- (3) any agency responsible for the maintenance of a system of public employment offices for the purpose of assisting individuals in obtaining employment;
- (4) the public authority responsible for child support in Minnesota or any other state in accordance with section 256.978;
- (5) human rights agencies within Minnesota that have enforcement powers;
- (6) the Department of Revenue to the extent necessary for its duties under Minnesota laws;
- (7) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;

(8) the Department of Labor and Industry and the Commerce Fraud Bureau in the Department of Commerce for uses consistent with the administration of their duties under Minnesota law;

(9) the Department of Human Services and the Office of Inspector General and its agents within the Department of Human Services, including county fraud investigators, for investigations related to recipient or provider fraud and employees of providers when the provider is suspected of committing public assistance fraud;

(10) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department or to monitor and evaluate the statewide Minnesota family investment program and other cash assistance programs, the supplemental nutrition assistance program, and the supplemental nutrition assistance program employment and training program by providing data on recipients and former recipients of Supplemental Nutrition Assistance Program (SNAP) benefits, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B or 256L or formerly codified under chapter 256D;

(11) local and state welfare agencies for the purpose of identifying employment, wages, and other information to assist in the collection of an overpayment debt in an assistance program;

(12) local, state, and federal law enforcement agencies for the purpose of ascertaining the last known address and employment location of an individual who is the subject of a criminal investigation;

(13) the United States Immigration and Customs Enforcement has access to data on specific individuals and specific employers provided the specific individual or specific employer is the subject of an investigation by that agency;

(14) the Department of Health for the purposes of epidemiologic investigations;

(15) the Department of Corrections for the purposes of case planning and internal research for preprobation, probation, and postprobation employment tracking of offenders sentenced to probation and preconfinement and postconfinement employment tracking of committed offenders;

(16) the state auditor to the extent necessary to conduct audits of job opportunity building zones as required under section 469.3201; ~~and~~

(17) the Office of Higher Education for purposes of supporting program improvement, system evaluation, and research initiatives including the Statewide Longitudinal Education Data System;

(18) the Department of Education for the purposes of reimbursement under section 268.193; and

(19) the attorney general for the purpose of conducting an investigation pursuant to section 177.45 or 181.1721.

(b) Data on individuals and employers that are collected, maintained, or used by the department in an investigation under section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and must not be disclosed except under statute or district court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Data gathered by the department in the administration of the Minnesota unemployment insurance program must not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department.

Sec. 4. **[268.193] SCHOOL REIMBURSEMENT ACCOUNT.**

Subdivision 1. **Definitions.** For the purposes of this section only, the following terms have the meanings given:

(1) "educational institution" means a:

(i) school district;

(ii) charter school; or

(iii) school cooperative, as defined in section 123A.24, subdivision 2; and

(2) "qualifying unemployment benefits" means unemployment benefits charged to an educational institution under section 268.047 for an applicant who is in a position for which no license is required by the Professional Educator Licensing and Standards Board or the Board of School Administrators and whose last employment was with an employer defined in section 123A.24, subdivision 2, or 123A.55.

Subd. 2. **School reimbursement account.** (a) There is created in the special revenue fund an account to be known as the "school reimbursement account" that does not lapse nor revert to any other fund or account. This account consists of all money appropriated for the purposes of this section, unless otherwise appropriated by law. Funds appropriated for the purposes of reimbursement under this section must be transferred to the school reimbursement account in the special revenue fund.

(b) Money in the account is appropriated to the commissioner of education to reimburse educational institutions for payments of qualifying unemployment benefits as provided under subdivision 3.

(c) The commissioner of education may spend up to one percent of the amount appropriated to the school reimbursement account for costs associated with administering and monitoring payments under this section.

Subd. 3. **Reimbursement administered.** (a) The commissioner of employment and economic development shall compute and certify the total qualifying unemployment benefit payments credited to the reimbursable account of an educational institution under section 268.045 each calendar quarter and share and transmit that certified amount to the commissioner of education for the purpose of reimbursement under this subdivision.

(b) The commissioner of education shall issue payment of the reimbursement amounts certified under paragraph (a) to each educational institution on or before the last day of the month following the end of the next calendar quarter, as provided under this subdivision.

(c) The commissioner of education shall use money deposited in the school reimbursement account to reimburse educational institutions for the qualifying unemployment benefits certified under this subdivision.

(d) If the certified reimbursement amounts under this subdivision exceed the money available in the school reimbursement account, reimbursement amounts shall be dispersed to educational institutions on a pro rata basis.

Sec. 5. **APPROPRIATION.**

(a) \$161,743,000 in fiscal year 2023 is appropriated from the general fund to the commissioner of education for the purposes of reimbursement to educational institutions as provided under Minnesota Statutes, section 268.193. This is a onetime appropriation and is available until expended.

(b) This appropriation is subject to the requirements under Minnesota Statutes, section 268.193.

Sec. 6. **REPEALER.**

Minnesota Statutes 2020, section 268.085, subdivision 8, is repealed."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Greenman amendment and the roll was called. There were 69 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Acomb	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Agbaje	Elkins	Her	Lillie	Noor	Vang
Bahner	Feist	Hollins	Lippert	Olson, L.	Wazlawik
Becker-Finn	Fischer	Hornstein	Lislegard	Pelowski	Winkler
Berg	Frazier	Howard	Long	Pinto	Wolgamott
Bernardy	Frederick	Huot	Mariani	Pryor	Xiong, J.
Bierman	Freiberg	Jordan	Marquart	Reyer	Xiong, T.
Boldon	Gomez	Keeler	Masin	Richardson	Youakim
Carlson	Greenman	Klevorn	Moller	Sandell	Spk. Hortman
Christensen	Hansen, R.	Koegel	Moran	Sandstede	
Davnie	Hanson, J.	Kotyza-Witthuhn	Morrison	Schultz	
Ecklund	Hassan	Lee	Murphy	Stephenson	

Those who voted in the negative were:

Akland	Daudt	Haley	Lucero	Novotny	Robbins
Albright	Dauids	Hamilton	Lueck	O'Driscoll	Schomacker
Anderson	Demuth	Heinrich	McDonald	Olson, B.	Scott
Backer	Dettmer	Heintzeman	Mekeland	O'Neill	Swedzinski
Bahr	Drazkowski	Hertaus	Miller	Petersburg	Theis
Baker	Erickson	Igo	Mortensen	Pfarr	Torkelson
Bennett	Franke	Johnson	Mueller	Pierson	Urdahl
Bliss	Franson	Jurgens	Munson	Poston	West
Boe	Garofalo	Kiel	Nash	Quam	
Burkel	Green	Koznick	Nelson, N.	Raleigh	
Daniels	Grossell	Kresha	Neu Brindley	Rasmusson	

The motion prevailed and the amendment was adopted.

S. F. No. 2677, A bill for an act relating to unemployment insurance; repaying unemployment insurance trust fund loans; replenishing the unemployment insurance trust fund; freezing the base tax rate for employers; eliminating the additional assessment for calendar years 2022 and 2023; establishing a zero percent special assessment rate for calendar year 2022; eliminating a revenue replacement transfer; appropriating money; repealing Laws 2021, First Special Session chapter 12, article 5, section 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 70 yeas and 63 nays as follows:

Those who voted in the affirmative 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	

Those who voted in the negative were:

Akland	Daudt	Haley	Lucero	Novotny	Robbins
Albright	Dauids	Hamilton	Lueck	O'Driscoll	Schomacker
Anderson	Demuth	Heinrich	McDonald	Olson, B.	Scott
Backer	Dettmer	Heintzeman	Mekeland	O'Neill	Swedzinski
Bahr	Drazkowski	Hertaus	Miller	Petersburg	Theis
Baker	Erickson	Igo	Mortensen	Pfarr	Torkelson
Bennett	Franke	Johnson	Mueller	Pierson	Urdahl
Bliss	Franson	Jurgens	Munson	Poston	West
Boe	Garofalo	Kiel	Nash	Quam	
Burkel	Green	Koznick	Nelson, N.	Raleigh	
Daniels	Grossell	Kresha	Neu Brindley	Rasmusson	

The bill was passed, as amended, and its title agreed to.

The Speaker called Wolgamott to the Chair.

There being no objection, the order of business reverted to Calendar for the Day.

### CALENDAR FOR THE DAY

H. F. No. 4366 was reported to the House.

Nash moved to amend H. F. No. 4366, the second engrossment, as follows:

Page 53, after line 27, insert:

"Section 1. **[462.3575] LIMITING REGULATIONS ON RESIDENTIAL DEVELOPMENT.**

**Subdivision 1. Application.** This section applies to official controls adopted under sections 462.357, 462.358, and 462.3595.

**Subd. 2. Limitation on aesthetic mandates.** A municipality shall not condition approval of a building permit, subdivision development, or planned unit development on the use of specific materials, design, or other aesthetic conditions that are not required by the State Building Code under chapter 326B. This subdivision shall not apply within a historic district as determined under section 138.72, that was in existence as of January 1, 2022.

**Subd. 3. Exception.** This section shall not apply to a proposed residential development that is to be developed by the municipality itself or to multifamily rental, commercial, or industrial properties."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Nash amendment and the roll was called. There were 57 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Backer	Demuth	Hamilton	Lueck	O'Driscoll	Scott
Bahr	Dettmer	Heinrich	McDonald	Olson, B.	Stephenson
Baker	Drazkowski	Hertaus	Mekeland	O'Neill	Swedzinski
Bennett	Erickson	Igo	Miller	Petersburg	Theis
Bliss	Franke	Johnson	Mortensen	Pierson	Torkelson
Boe	Franson	Jurgens	Mueller	Poston	Urdahl
Burkel	Garofalo	Kiel	Munson	Quam	West
Daniels	Green	Koznick	Nash	Raleigh	
Daudt	Grossell	Kresha	Nelson, N.	Rasmusson	
Davids	Haley	Lucero	Novotny	Schomacker	

Those who voted in the negative were:

Acomb	Davnie	Hassan	Lee	Neu Brindley	Sundin
Agbaje	Ecklund	Hausman	Liebling	Noor	Thompson
Akland	Edelson	Heintzeman	Lillie	Olson, L.	Vang
Albright	Elkins	Her	Lippert	Pelowski	Wazlawik
Anderson	Feist	Hollins	Lislegard	Pfarr	Winkler
Bahner	Fischer	Hornstein	Long	Pinto	Wolgamott
Becker-Finn	Frazier	Howard	Mariani	Pryor	Xiong, J.
Berg	Frederick	Huot	Marquart	Reyer	Xiong, T.
Bernardy	Freiberg	Jordan	Masin	Richardson	Youakim
Bierman	Gomez	Keeler	Moller	Robbins	Spk. Hortman
Boldon	Greenman	Klevorn	Moran	Sandell	
Carlson	Hansen, R.	Koegel	Morrison	Sandstede	
Christensen	Hanson, J.	Kotyza-Witthuhn	Nelson, M.	Schultz	

The motion did not prevail and the amendment was not adopted.

Garofalo offered an amendment to H. F. No. 4366, the second engrossment.

## POINT OF ORDER

Howard raised a point of order pursuant to rule 3.21 that the Garofalo amendment was not in order. Speaker pro tempore Wolgamott ruled the point of order well taken and the Garofalo amendment out of order.

Garofalo appealed the decision of Speaker pro tempore Wolgamott.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Wolgamott stand as the judgment of the House?" and the roll was called. There were 70 yeas and 63 nays as follows:

Those who voted in the affirmative 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	

Those who voted in the negative were:

Akland	Daudt	Haley	Lucero	Novotny	Robbins
Albright	Dauids	Hamilton	Lueck	O'Driscoll	Schomacker
Anderson	Demuth	Heinrich	McDonald	Olson, B.	Scott
Backer	Dettmer	Heintzeman	Mekeland	O'Neill	Swedzinski
Bahr	Drazkowski	Hertaus	Miller	Petersburg	Theis
Baker	Erickson	Igo	Mortensen	Pfarr	Torkelson
Bennett	Franke	Johnson	Mueller	Pierson	Urdahl
Bliss	Franson	Jurgens	Munson	Poston	West
Boe	Garofalo	Kiel	Nash	Quam	
Burkel	Green	Koznick	Nelson, N.	Raleigh	
Daniels	Grossell	Kresha	Neu Brindley	Rasmusson	

So it was the judgment of the House that the decision of Speaker pro tempore Wolgamott should stand.

Anderson moved to amend H. F. No. 4366, the second engrossment, as follows:

Page 2, line 21, delete "43,231,000" and insert "19,006,000"

Page 5, delete lines 9 to 35

Page 6, delete lines 1 to 31

Reletter the paragraphs in sequence

Page 9, line 16, delete "33,513,000" and insert "67,338,000"

Page 10, line 29, delete "\$24,184,000" and insert "\$58,009,000"

Page 12, line 29, strike the second "\$3,000,000" and insert "\$38,575,000"

Page 14, line 28, delete "\$1,600,000" and insert "\$800,000"

Page 15, line 1, delete "\$1,000,000" and insert "\$600,000"

Page 15, line 7, delete "\$1,000,000" and insert "\$450,000"

Page 15, line 29, delete "25,302,000" and insert "15,702,000"

Page 23, delete lines 7 to 25

Page 25, delete lines 9 to 26

Page 26, delete lines 24 to 34

Page 27, delete lines 1 to 9

Reletter the paragraphs in sequence

The motion did not prevail and the amendment was not adopted.

The Speaker resumed the Chair.

Anderson moved to amend H. F. No. 4366, the second engrossment, as follows:

Page 2, line 21, delete "43,231,000" and insert "42,860,000"

Page 6, delete lines 32 to 35

Reletter the paragraphs in sequence

Page 15, line 29, delete "25,302,000" and insert "25,673,000"

Page 25, line 27, delete "\$100,000" and insert "\$471,000"

Page 36, delete sections 13, 14, and 16

Page 37, delete sections 17 to 19

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Anderson amendment and the roll was called. There were 62 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Akland	Davids	Hamilton	Lueck	O'Driscoll	Schomacker
Albright	Demuth	Heinrich	McDonald	Olson, B.	Scott
Anderson	Dettmer	Heintzeman	Mekeland	O'Neill	Swedzinski
Backer	Drazkowski	Hertaus	Miller	Petersburg	Theis
Bahr	Erickson	Igo	Mortensen	Pfarr	Torkelson
Baker	Franke	Johnson	Mueller	Pierson	Urdahl
Bennett	Franson	Jurgens	Munson	Poston	West
Bliss	Garofalo	Kiel	Nash	Quam	
Burkel	Green	Koznick	Nelson, N.	Raleigh	
Daniels	Grossell	Kresha	Neu Brindley	Rasmusson	
Daudt	Haley	Lucero	Novotny	Robbins	

Those who voted in the negative were:

Acomb	Ecklund	Hassan	Lee	Murphy	Stephenson
Agbaje	Edelson	Hausman	Liebling	Nelson, M.	Sundin
Bahner	Elkins	Her	Lillie	Noor	Thompson
Becker-Finn	Feist	Hollins	Lippert	Olson, L.	Vang
Berg	Fischer	Hornstein	Lislegard	Pelowski	Wazlawik
Bernardy	Frazier	Howard	Long	Pinto	Winkler
Bierman	Frederick	Huot	Mariani	Pryor	Wolgamott
Boe	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	

The motion did not prevail and the amendment was not adopted.

Lislegard moved to amend H. F. No. 4366, the second engrossment, as follows:

Page 46, line 18, strike "2022" and insert "2023"

Page 46, line 20, strike "2025" and insert "2026"

The motion prevailed and the amendment was adopted.

H. F. No. 4366, A bill for an act relating to state government; establishing agriculture grant programs; making policy and technical changes to agricultural and animal health provisions; modifying provisions governing housing finance, housing policy, and various other housing-related provisions; establishing housing grant and loan programs; modifying the border-to-border broadband grant program; requiring reports; transferring money; appropriating money; amending Minnesota Statutes 2020, sections 17.041, subdivision 1; 17.117, subdivisions 9, 9a, 10, 11, 11a;

17.118, subdivisions 1, 3, 4; 18B.01, by adding subdivisions; 18B.051; 18B.07, by adding a subdivision; 18C.005, by adding subdivisions; 18C.201, by adding a subdivision; 21.81, by adding a subdivision; 21.86, subdivision 2; 28A.08, by adding a subdivision; 28A.09, by adding a subdivision; 28A.10; 28A.21, subdivision 2; 35.155, subdivision 10; 41A.16, subdivisions 1, 2; 41A.17, subdivisions 1, 2; 41A.18, subdivisions 1, 2; 41B.047, subdivision 3; 116J.395, subdivision 7; 223.17, subdivisions 4, 6; 363A.09, subdivisions 1, 2, by adding a subdivision; 462A.03, subdivision 13; 462A.05, by adding subdivisions; 462A.07, subdivisions 9, 10, 14; 462A.201, subdivision 2; 462A.204, subdivisions 3, 8; 462A.21, subdivision 4a; 462A.22, subdivision 1; 462A.36, subdivision 4, by adding a subdivision; 462A.37, subdivisions 1, 2, 4, by adding subdivisions; 462A.38, subdivision 1; 462A.39, subdivisions 2, 5; 484.014, subdivisions 2, 3; 500.20, subdivision 2a; 504B.135; 504B.161, subdivision 1; 504B.211, subdivisions 2, 6; 504B.291; 504B.321; 504B.375, subdivision 1; 504B.381, subdivisions 1, 5, by adding a subdivision; Minnesota Statutes 2021 Supplement, sections 41A.19; 41A.21, subdivisions 2, 6; 462A.05, subdivision 14; 462A.37, subdivision 5; Laws 2021, First Special Session chapter 3, article 1, sections 2; 4; Laws 2021, First Special Session chapter 8, article 1, section 3, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 17; 21; 462A; 504B.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 70 yeas and 62 nays as follows:

Those who voted in the affirmative 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	

Those who voted in the negative were:

Akland	Daudt	Haley	Lucero	O'Driscoll	Schomacker
Albright	Davids	Hamilton	Lueck	Olson, B.	Scott
Anderson	Demuth	Heinrich	McDonald	O'Neill	Swedzinski
Backer	Dettmer	Heintzeman	Miller	Petersburg	Theis
Bahr	Drazkowski	Hertaus	Mortensen	Pfarr	Torkelson
Baker	Erickson	Igo	Mueller	Pierson	Urdahl
Bennett	Franke	Johnson	Munson	Poston	West
Bliss	Franson	Jurgens	Nash	Quam	
Boe	Garofalo	Kiel	Nelson, N.	Raleigh	
Burkel	Green	Koznick	Neu Brindley	Rasmusson	
Daniels	Grossell	Kresha	Novotny	Robbins	

The bill was passed, as amended, and its title agreed to.

ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 11:00 a.m., Tuesday, April 26, 2022. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Tuesday, April 26, 2022.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

