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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1269**

02/02/2023

Authored by Pryor

The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act

1.2 relating to education; modifying provisions for prekindergarten through grade 12

1.3 including general education accountability and transparency, education excellence,

1.4 American Indian education, charter schools, discipline, teachers, special education,

1.5 and early learning; requiring reports; amending Minnesota Statutes 2022, sections

1.6 13.32, subdivision 3; 120A.22, subdivisions 7, 10; 120A.24, subdivision 1;

1.7 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4, by adding a subdivision;

1.8 120B.022, subdivision 1; 120B.024, subdivisions 1, 2; 120B.11, subdivisions 1,

1.9 2, 3; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301; 120B.35, subdivision 3;

1.10 120B.36, subdivision 2; 121A.031, subdivision 6; 121A.17, subdivision 3; 121A.41,

1.11 by adding subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision

1.12 4, by adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1;

1.13 121A.55; 121A.58; 121A.61, subdivisions 1, 3, by adding a subdivision; 122A.181,

1.14 subdivision 5; 122A.183, subdivision 2; 122A.185, subdivision 1; 122A.26,

1.15 subdivision 2; 122A.40, subdivision 8; 122A.41, subdivision 5; 123B.147,

1.16 subdivision 3; 123B.71, subdivision 12; 124D.03, subdivisions 5, 5a, 12; 124D.09,

1.17 subdivisions 3, 13; 124D.111, subdivisions 2a, 5; 124D.119; 124D.128, subdivision

1.18 1; 124D.141, subdivision 2; 124D.165, subdivisions 2, 3; 124D.59, subdivision

1.19 2a; 124D.68, subdivision 3; 124D.73, by adding a subdivision; 124D.74,

1.20 subdivisions 1, 3, 4, by adding a subdivision; 124D.76; 124D.78; 124D.79,

1.21 subdivision 2; 124D.791, subdivision 4; 124D.81, subdivisions 1, 5; 124D.861,

1.22 subdivision 2; 124D.862, subdivision 8; 124E.02; 124E.03, subdivision 2, by

1.23 adding a subdivision; 124E.05, subdivisions 4, 7; 124E.06, subdivisions 1, 4, 5;

1.24 124E.10, subdivision 1; 124E.11; 124E.12, subdivision 1; 124E.13, subdivisions

1.25 1, 3; 124E.25, subdivision 1a; 125A.0942; 125A.13; 125A.15; 125A.51; 125A.515,

1.26 subdivision 3; 126C.15, subdivision 5; 134.31, subdivisions 1, 4a; 134.32,

1.27 subdivision 4; 134.34, subdivision 1; 144.4165; 290.0679, subdivision 2; proposing

1.28 coding for new law in Minnesota Statutes, chapters 120B; 121A; 124D; repealing

1.29 Minnesota Statutes 2022, sections 120B.35, subdivision 5; 124D.095, subdivisions

1.30 1, 2, 3, 4, 5, 6, 7, 8.

2.1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.2

**ARTICLE 1**

2.3

**ADMINISTRATIVE CORRECTIONS, ACCOUNTABILITY, AND TRANSPARENCY**

2.4

Section 1. Minnesota Statutes 2022, section 120A.22, subdivision 10, is amended to read:

2.5

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

2.6

2.7

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

2.8

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

2.9

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

2.10

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

2.11

2.12

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

2.13

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

2.14

2.15

Any person providing instruction in a public school must meet the requirements of clause

2.16

(1).

2.17

Sec. 2. Minnesota Statutes 2022, section 120A.24, subdivision 1, is amended to read:

2.18

Subdivision 1. **Reports to superintendent.** (a) The person or nonpublic school in charge of providing instruction to a child must submit to the superintendent of the district in which the child resides the name, birth date, and address of the child; the annual tests intended to be used under section 120A.22, subdivision 11, if required; the name of each instructor; and evidence of compliance with one of the requirements specified in section 120A.22, subdivision 10:

2.19

2.20

2.21

2.22

2.23

2.24

(1) by October 1 of the first school year the child receives instruction after reaching the age of seven;

2.25

2.26

(2) within 15 days of when a parent withdraws a child from public school after age seven to provide instruction in a nonpublic school that is not accredited by a state-recognized accredited agency;

2.27

2.28

2.29

(3) within 15 days of moving out of a district; and

2.30

(4) by October 1 after a new resident district is established.

3.1 (b) The person or nonpublic school in charge of providing instruction to a child between  
 3.2 the ages of seven and 16 and every child ages 16 through 17 for which an initial report was  
 3.3 filed pursuant to this subdivision after the child is 16 must submit, by October 1 of each  
 3.4 school year, a letter of intent to continue to provide instruction under this section for all  
 3.5 students under the person's or school's supervision and ~~any changes to the information~~  
 3.6 ~~required in paragraph (a) for each student.~~ must also include:

3.7 (1) a copy of the actual test scores sent from the testing provider of the annual nationally  
 3.8 normed achievement test from the previous school year, unless exempt from the testing  
 3.9 because of school accreditation;

3.10 (2) evidence that any protocols agreed to with the superintendent's office were followed;  
 3.11 and

3.12 (3) any changes to the information required in paragraph (a) for each student.

3.13 (c) The superintendent may collect the required information under this section through  
 3.14 an electronic or web-based format, but must not require electronic submission of information  
 3.15 under this section from the person in charge of reporting under this subdivision.

3.16 Sec. 3. Minnesota Statutes 2022, section 120B.018, subdivision 6, is amended to read:

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

3.21 Sec. 4. Minnesota Statutes 2022, section 120B.021, subdivision 1, is amended to read:

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

3.24 (1) language arts;

3.25 (2) mathematics, encompassing algebra II, integrated mathematics III, or an equivalent  
 3.26 in high school, and to be prepared for the three credits of mathematics in grades 9 through  
 3.27 12, the grade 8 standards include completion of algebra;

3.28 (3) science;

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

3.31 (5) physical education;

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

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

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

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

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

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

5.1 Sec. 5. Minnesota Statutes 2022, section 120B.021, subdivision 3, is amended to read:

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

5.8 Sec. 6. Minnesota Statutes 2022, section 120B.022, subdivision 1, is amended to read:

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

5.15 Sec. 7. Minnesota Statutes 2022, section 120B.024, subdivision 1, is amended to read:

5.16 Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the~~  
 5.17 ~~2011-2012 school year and later~~ must successfully complete the following high school level  
 5.18 credits for graduation:

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

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

5.23 ~~(3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade~~  
 5.24 ~~standards in mathematics;~~

5.25 ~~(4) (3) three credits of science, including at least one credit of biology, one credit of~~  
 5.26 ~~chemistry or physics, and one elective credit of science. The combination of credits under~~  
 5.27 ~~this clause must be sufficient to satisfy (i) all of the academic standards in either chemistry~~  
 5.28 ~~or physics and (ii) all other academic standards in science~~ sufficient to satisfy the earth and  
 5.29 space science standards, biology and life science standards, and physical science standards  
 5.30 in either physics or chemistry;

6.1 ~~(5)~~ (4) three and one-half credits of social studies, encompassing at least United States  
 6.2 history, geography, government and citizenship, world history, and economics sufficient  
 6.3 to satisfy all of the academic standards in social studies;

6.4 ~~(6)~~ (5) one credit of the arts sufficient to satisfy all of the ~~state or local~~ academic standards  
 6.5 in the arts; ~~and~~

6.6 ~~(7)~~ (6) credits sufficient to satisfy the state standards in physical education; and

6.7 (7) a minimum of seven elective credits.

6.8 (b) A school district is encouraged to offer a course for credit in government and  
 6.9 citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year  
 6.10 and later, that satisfies the government and citizenship requirement in paragraph (a), clause  
 6.11 (5). A school district must offer the course starting in the 2023-2024 school year.

6.12 **EFFECTIVE DATE.** This section is effective for the 2024-2025 school year and later.

6.13 Sec. 8. Minnesota Statutes 2022, section 120B.024, subdivision 2, is amended to read:

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

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

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

6.30 (d) An ~~agriculture~~ agricultural, food, and natural resources education teacher is not  
 6.31 required to meet the requirements of Minnesota Rules, part 3505.1150, subpart ~~1~~ 2, item  
 6.32 B, to meet the credit equivalency requirements of paragraph (b) above.

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

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

7.6 Sec. 9. Minnesota Statutes 2022, section 120B.30, subdivision 1, is amended to read:

7.7 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with  
7.8 appropriate technical qualifications and experience and stakeholders, consistent with  
7.9 subdivision 1a, must include in the comprehensive assessment system, for each grade level  
7.10 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics  
7.11 assessments for students that are aligned with the state's required academic standards under  
7.12 section 120B.021, include multiple choice questions, and are administered annually to all  
7.13 students in grades 3 through 8. State-developed high school tests aligned with the state's  
7.14 required academic standards under section 120B.021 and administered to all high school  
7.15 students in a subject other than writing must include multiple choice questions. The  
7.16 commissioner must establish a testing period as late as possible each school year during  
7.17 which schools must administer the Minnesota Comprehensive Assessments to students. The  
7.18 commissioner must publish the testing schedule at least two years before the beginning of  
7.19 the testing period.

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

7.22 (1) mathematics;

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

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

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

7.27 (3) language arts and reading; grades 3 through 8 and high school level beginning in the  
7.28 2012-2013 school year.

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

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

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

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

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

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

8.30 (e) Though not a high school graduation requirement, students are encouraged to  
8.31 participate in a nationally recognized college entrance exam. To the extent state funding  
8.32 for college entrance exam fees is available, a district must pay the cost, one time, for an  
8.33 interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take  
8.34 a nationally recognized college entrance exam before graduating. A student must be able

9.1 to take the exam under this paragraph at the student's high school during the school day and  
9.2 at any one of the multiple exam administrations available to students in the district. A district  
9.3 may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph.  
9.4 If the district administers only one of these two tests and a free or reduced-price meal eligible  
9.5 student opts not to take that test and chooses instead to take the other of the two tests, the  
9.6 student may take the other test at a different time or location and remains eligible for the  
9.7 examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school  
9.8 district may require a student that is not eligible for a free or reduced-price meal to pay the  
9.9 cost of taking a nationally recognized college entrance exam. The district must waive the  
9.10 cost for a student unable to pay.

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

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

9.32 (h) A student who demonstrates attainment of required state academic standards, which  
9.33 include career and college readiness benchmarks, on high school assessments under  
9.34 subdivision 1a is academically ready for a career or college and is encouraged to participate  
9.35 in courses awarding college credit to high school students. Such courses and programs may

10.1 include sequential courses of study within broad career areas and technical skill assessments  
10.2 that extend beyond course grades.

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

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

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

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

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

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

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

11.3 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through  
11.4 8 and testing at the high school levels that provides appropriate, technically sound  
11.5 accommodations or alternate assessments;

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

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

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

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

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

11.25 Sec. 10. Minnesota Statutes 2022, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

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

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

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

12.15 ~~(e)~~ (a) For purposes of conforming with existing federal educational accountability  
 12.16 requirements, the commissioner must develop and implement computer-adaptive reading  
 12.17 and mathematics assessments for grades 3 through 8, state-developed high school reading  
 12.18 and mathematics tests aligned with state academic standards, a high school writing test  
 12.19 aligned with state standards when it becomes available, and science assessments under  
 12.20 clause (2) that districts and sites must use to monitor student growth toward achieving those  
 12.21 standards. The commissioner must not develop statewide assessments for academic standards  
 12.22 in social studies, health and physical education, and the arts. The commissioner must require:

12.23 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through  
 12.24 8, and high school reading, writing, and mathematics tests; and

12.25 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades  
 12.26 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the  
 12.27 commissioner must not require students to achieve a passing score on high school science  
 12.28 assessments as a condition of receiving a high school diploma.

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

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

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

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

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

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

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

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

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

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

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

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

14.1 Sec. 11. Minnesota Statutes 2022, section 120B.301, is amended to read:

14.2 **120B.301 LIMITS ON LOCAL TESTING.**

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

14.9 (b) A district or charter school is exempt from the requirements of paragraph (a), if the  
14.10 district or charter school, in consultation with the exclusive representative of the teachers  
14.11 or other teachers if there is no exclusive representative of the teachers, decides to exceed a  
14.12 time limit in paragraph (a) and includes the information in the report required under section  
14.13 120B.11, subdivision 5.

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

14.20 Sec. 12. Minnesota Statutes 2022, section 120B.35, subdivision 3, is amended to read:

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

14.26 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and  
14.27 report separate categories of information using the student categories identified under the  
14.28 federal Elementary and Secondary Education Act, as most recently reauthorized, and, in  
14.29 addition to "other" for each race and ethnicity, and the Karen community, seven of the most  
14.30 populous Asian and Pacific Islander groups, three of the most populous Native groups,  
14.31 seven of the most populous Hispanic/Latino groups, and five of the most populous Black  
14.32 and African Heritage groups as determined by the total Minnesota population based on the  
14.33 most recent American Community Survey; English learners under section 124D.59; home

15.1 language; free or reduced-price lunch; and all students enrolled in a Minnesota public school  
15.2 who are currently or were previously in foster care, except that such disaggregation and  
15.3 cross tabulation is not required if the number of students in a category is insufficient to yield  
15.4 statistically reliable information or the results would reveal personally identifiable information  
15.5 about an individual student.

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

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

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

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

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

15.32 (1) a preparation measure indicating the number and percentage of high school graduates  
15.33 in the most recent school year who completed course work important to preparing them for  
15.34 postsecondary academic and career opportunities, consistent with the core academic subjects

16.1 required for admission to Minnesota's public colleges and universities as determined by the  
16.2 Office of Higher Education under chapter 136A; and

16.3 (2) a rigorous coursework measure indicating the number and percentage of high school  
16.4 graduates in the most recent school year who successfully completed one or more  
16.5 college-level advanced placement, international baccalaureate, postsecondary enrollment  
16.6 options including concurrent enrollment, other rigorous courses of study under section  
16.7 120B.021, subdivision 1a, or industry certification courses or programs.

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

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

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

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

16.29 (2) the percent of students under this paragraph whose progress and performance levels  
16.30 are meeting career and college readiness benchmarks under section 120B.30, subdivision  
16.31 1; and

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

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

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

17.2 (iii) providing successful recuperative and recovery or reenrollment strategies for off-track  
17.3 students; and

17.4 (iv) improving the graduation outcomes of at-risk and off-track students.

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

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

17.14 (g) When reporting four- and six-year graduation rates, the commissioner or school  
17.15 district must disaggregate the data by student categories according to paragraph (a), clause  
17.16 (2).

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

17.22 Sec. 13. Minnesota Statutes 2022, section 120B.36, subdivision 2, is amended to read:

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

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

18.1 the commissioner shall post data on federal expectations and state student growth data no  
18.2 later than October 1.

18.3 Sec. 14. Minnesota Statutes 2022, section 123B.71, subdivision 12, is amended to read:

18.4 Subd. 12. **Publication.** (a) At least ~~20~~ 48 days but not more than 60 days before a  
18.5 referendum for bonds or solicitation of bids for a project that has received a positive or  
18.6 unfavorable review and comment under section 123B.70, the school board shall publish a  
18.7 summary of the commissioner's review and comment of that project in the legal newspaper  
18.8 of the district. The school board must hold a public meeting to discuss the commissioner's  
18.9 review and comment before the referendum for bonds. Supplementary information shall be  
18.10 available to the public.

18.11 (b) The publication requirement in paragraph (a) does not apply to alternative facilities  
18.12 projects approved under section 123B.595.

18.13 Sec. 15. Minnesota Statutes 2022, section 124D.03, subdivision 5, is amended to read:

18.14 Subd. 5. **Nonresident district procedures.** A district shall notify the parent or guardian  
18.15 in writing by February 15 or within 90 days for applications submitted after January 15 in  
18.16 the case of achievement and integration district transfers whether the application has been  
18.17 accepted or rejected. If an application is rejected, the district must state in the notification  
18.18 the reason for rejection. The parent or guardian must notify the nonresident district by March  
18.19 1 or within ~~45~~ ten days whether the pupil intends to enroll in the nonresident district. Notice  
18.20 of intent to enroll in the nonresident district obligates the pupil to attend the nonresident  
18.21 district during the following school year, unless the boards of the resident and the nonresident  
18.22 districts agree in writing to allow the pupil to transfer back to the resident district. If the  
18.23 pupil's parents or guardians change residence to another district, the student does not lose  
18.24 the seat in the nonresident district but the parent or guardian must complete an updated  
18.25 enrollment options form. If a parent or guardian does not notify the nonresident district by  
18.26 the January 15 deadline, if it applies, the pupil may not enroll in that nonresident district  
18.27 during the following school year, unless the boards of the resident and nonresident district  
18.28 agree otherwise. The nonresident district must notify the resident district by March 15 or  
18.29 30 days later of the pupil's intent to enroll in the nonresident district. The same procedures  
18.30 apply to a pupil who applies to transfer from one participating nonresident district to another  
18.31 participating nonresident district.

19.1 Sec. 16. Minnesota Statutes 2022, section 124D.09, subdivision 3, is amended to read:

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

19.4 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,  
19.5 nonprofit two-year trade and technical school granting associate degrees, an opportunities  
19.6 industrialization center accredited by an accreditor recognized by the United States  
19.7 Department of Education, or a private, residential, two-year or four-year, liberal arts,  
19.8 degree-granting college or university located in Minnesota. An eligible institution must not  
19.9 require a faith statement during the application process or base any part of the admission  
19.10 decision on a student's race, creed, ethnicity, disability, gender, or sexual orientation or  
19.11 religious beliefs or affiliations.

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

19.13 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under  
19.14 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by  
19.15 a secondary teacher or a postsecondary faculty member, and are offered at a high school  
19.16 for which the district is eligible to receive concurrent enrollment program aid under section  
19.17 124D.091.

19.18 Sec. 17. Minnesota Statutes 2022, section 124D.09, subdivision 13, is amended to read:

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

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

19.29 A postsecondary institution shall receive the following:

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

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

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

20.11 Sec. 18. Minnesota Statutes 2022, section 124D.111, subdivision 2a, is amended to read:

20.12 Subd. 2a. **Federal child and adult care food program and federal summer food**  
 20.13 **service program; criteria and notice.** (a) The commissioner must post on the department's  
 20.14 website eligibility criteria and application information for nonprofit organizations interested  
 20.15 in applying to the commissioner for approval as a multisite sponsoring organization under  
 20.16 the federal child and adult care food program and federal summer food service program.

20.17 The posted criteria and information must inform interested nonprofit organizations about:

20.18 (1) the criteria the commissioner uses to approve or disapprove an application, including  
 20.19 how an applicant demonstrates financial viability for the Minnesota program, among other  
 20.20 criteria;

20.21 (2) the commissioner's process and time line for notifying an applicant when its  
 20.22 application is approved or disapproved and, if the application is disapproved, the explanation  
 20.23 the commissioner provides to the applicant; and

20.24 (3) any appeal or other recourse available to a disapproved applicant.

20.25 (b) The commissioner must evaluate financial eligibility as part of the application process.  
 20.26 An organization applying to be a prospective sponsor for the federal child and adult food  
 20.27 care program or the federal summer food service program must provide documentation of  
 20.28 financial viability as an organization. Documentation must include:

20.29 (1) evidence that the organization has operated for at least one year and has filed at least  
 20.30 one tax return;

20.31 (2) the most recent tax return submitted by the organization and corresponding forms  
 20.32 and financial statements;

21.1 (3) a profit and loss statement and balance sheet or similar financial information; and  
 21.2 (4) evidence that at least ten percent of the organization's operating revenue comes from  
 21.3 sources other than the United States Department of Agriculture child nutrition program and  
 21.4 that the organization has additional funds or a performance bond available to cover at least  
 21.5 one month of reimbursement claims.

21.6 Sec. 19. Minnesota Statutes 2022, section 124D.111, subdivision 5, is amended to read:

21.7 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students  
 21.8 in a respectful manner according to the policy adopted under subdivision 1. The participant  
 21.9 must ensure that any reminders for payment of outstanding student meal balances do not  
 21.10 demean or stigmatize any child participating in the school lunch program, including but not  
 21.11 limited to dumping meals; withdrawing a meal that has been served; announcing or listing  
 21.12 students' names publicly; providing alternative meals not specifically related to dietary  
 21.13 needs; providing nonreimbursable meals; or affixing stickers, stamps, or pins. The participant  
 21.14 must not impose any other restriction prohibited under section 123B.37 due to unpaid student  
 21.15 meal balances. The participant must not limit a student's participation in any school activities,  
 21.16 graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities  
 21.17 or access to materials, technology, or other items provided to students due to an unpaid  
 21.18 student meal balance.

21.19 (b) If the commissioner or the commissioner's designee determines a participant has  
 21.20 violated the requirement to provide meals to participating students in a respectful manner,  
 21.21 the commissioner or the commissioner's designee must send a letter of noncompliance to  
 21.22 the participant. The participant is required to respond and, if applicable, remedy the practice  
 21.23 within 60 days.

21.24 Sec. 20. Minnesota Statutes 2022, section 124D.119, is amended to read:

21.25 **124D.119 SUMMER FOOD SERVICE REPLACEMENT AID PROGRAM AND**  
 21.26 **CHILD AND ADULT CARE FOOD PROGRAM.**

21.27 Subdivision 1. Summer Food Service Program replacement aid. States State funds  
 21.28 are available to compensate department-approved Summer Food Service Program sponsors.  
 21.29 Reimbursement shall be made on December 15 based on total meals served by each sponsor  
 21.30 from the end of the school year to the beginning of the next school year on a pro rata basis.

21.31 Subd. 2. Child and Adult Care Food Program and Summer Food Service Program  
 21.32 sponsor organizations. Legally distinct Child and Adult Care Food Program and Summer

22.1 Food Service Program sites may transfer sponsoring organizations no more than once per  
 22.2 year, except under extenuating circumstances including termination of the sponsoring  
 22.3 organization's agreement or other circumstances approved by the Department of Education.

22.4 Subd. 3. **Child and Adult Care Food Program and Summer Food Service Program**  
 22.5 **training.** Prior to applying to sponsor a Child and Adult Care Food Program or Summer  
 22.6 Food Service Program site, a nongovernmental organization applicant must provide  
 22.7 documentation to the Department of Education verifying that staff members have completed  
 22.8 program-specific training as designated by the commissioner.

22.9 Subd. 4. **Summer Food Service Program locations.** Consistent with Code of Federal  
 22.10 Regulations, title 7, section 225.6(d)(1)(ii), the Department of Education must not approve  
 22.11 a new Summer Food Service Program open site that is within a half-mile radius of an existing  
 22.12 Summer Food Service Program open site. The exception is the department may approve a  
 22.13 new Summer Food Service Program open site within a half-mile radius if the new program  
 22.14 will not be serving the same group of children for the same meal type or if there are safety  
 22.15 issues that could present barriers to participation.

22.16 Sec. 21. Minnesota Statutes 2022, section 124D.128, subdivision 1, is amended to read:

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

22.23 Sec. 22. Minnesota Statutes 2022, section 124D.68, subdivision 3, is amended to read:

22.24 Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2 may  
 22.25 enroll in a state-approved alternative program under sections 123A.05 to 123A.08.

22.26 (b) A pupil who is eligible according to subdivision 2 and who is a high school junior  
 22.27 or senior may enroll in postsecondary courses under section 124D.09.

22.28 (c) A pupil who is eligible under subdivision 2, may enroll in any public elementary or  
 22.29 secondary education program.

22.30 (d) A pupil who is eligible under subdivision 2, may enroll in any nonpublic, nonsectarian  
 22.31 school that has contracted with the serving school district to provide educational services.  
 22.32 However, notwithstanding other provisions of this section, only a pupil who is eligible under

23.1 subdivision 2, clause (12), may enroll in a contract alternative school that is specifically  
 23.2 structured to provide educational services to such a pupil.

23.3 (e) A pupil who is between the ages of ~~16~~ 17 and 21 may enroll in any adult basic  
 23.4 education programs approved under section 124D.52 and operated under the community  
 23.5 education program contained in section 124D.19.

23.6 Sec. 23. Minnesota Statutes 2022, section 124D.862, subdivision 8, is amended to read:

23.7 Subd. 8. **Commissioner authority to withhold revenue.** (a) The commissioner must  
 23.8 review the results of each district's integration and achievement plan by August 1 at the end  
 23.9 of the third year of implementing the plan and determine if the district met its goals.

23.10 (b) If a district met its goals, it may submit a new three-year plan to the commissioner  
 23.11 for review.

23.12 (c) If a district has not met its goals, the commissioner must:

23.13 (1) ~~develop a guide the district in the development of an~~ improvement plan and timeline;  
 23.14 ~~in consultation with the affected district,~~ that identifies strategies and practices designed to  
 23.15 meet the district's goals under this section and section 120B.11; and

23.16 (2) use up to 20 percent of the district's integration revenue, until the district's goals are  
 23.17 reached, to implement the improvement plan.

23.18 Sec. 24. Minnesota Statutes 2022, section 126C.15, subdivision 5, is amended to read:

23.19 Subd. 5. **Annual expenditure report.** ~~Each year a district~~ By February 1 annually, the  
 23.20 commissioner of education must report to the legislature the expenditures of each district  
 23.21 that receives receive basic skills revenue ~~must submit a report identifying the expenditures~~  
 23.22 ~~it incurred to meet the needs of eligible learners~~ in the previous fiscal year under subdivision  
 23.23 1. The report must conform to uniform financial and reporting standards established for this  
 23.24 purpose and provide a breakdown by functional area. Using valid and reliable data and  
 23.25 measurement criteria, the report also must determine whether increased expenditures raised  
 23.26 student achievement levels.

23.27 Sec. 25. Minnesota Statutes 2022, section 290.0679, subdivision 2, is amended to read:

23.28 Subd. 2. **Conditions for assignment.** A qualifying taxpayer may assign all or part of  
 23.29 an anticipated refund for the current and future taxable years to a financial institution or a  
 23.30 qualifying organization. A financial institution or qualifying organization accepting  
 23.31 assignment must pay the amount secured by the assignment to a third-party vendor. The

24.1 commissioner of education shall, upon request from a third-party vendor, certify that the  
 24.2 vendor's products and services qualify for the education credit. A denial of a certification  
 24.3 ~~is subject to the contested case procedure under~~ may be appealed to the commissioner  
 24.4 pursuant to this subdivision and notwithstanding chapter 14. A financial institution or  
 24.5 qualifying organization that accepts assignments under this section must verify as part of  
 24.6 the assignment documentation that the product or service to be provided by the third-party  
 24.7 vendor has been certified by the commissioner of education as qualifying for the education  
 24.8 credit. The amount assigned for the current and future taxable years may not exceed the  
 24.9 maximum allowable education credit for the current taxable year. Both the taxpayer and  
 24.10 spouse must consent to the assignment of a refund from a joint return.

24.11 **Sec. 26. EXPIRATION OF REPORT MANDATES.**

24.12 (a) If the submission of a report by the commissioner of education to the legislature is  
 24.13 mandated by statute and the enabling legislation does not include a date for the submission  
 24.14 of a final report, the mandate to submit the report shall expire in accordance with this section.

24.15 (b) If the mandate requires the submission of an annual report and the mandate was  
 24.16 enacted before January 1, 2022, the mandate shall expire on January 1, 2024. If the mandate  
 24.17 requires the submission of a biennial or less frequent report and the mandate was enacted  
 24.18 before January 1, 2022, the mandate shall expire on January 1, 2025.

24.19 (c) Any reporting mandate enacted on or after January 1, 2022, shall expire three years  
 24.20 after the date of enactment if the mandate requires the submission of an annual report and  
 24.21 shall expire five years after the date of enactment if the mandate requires the submission  
 24.22 of a biennial or less frequent report unless the enacting legislation provides for a different  
 24.23 expiration date.

24.24 (d) The commissioner shall submit a list to the chairs and ranking minority members of  
 24.25 the legislative committee with jurisdiction over education by February 15 of each year,  
 24.26 beginning February 15, 2022, of all reports set to expire during the following calendar year  
 24.27 in accordance with this section.

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

24.29 **Sec. 27. REVISOR INSTRUCTION.**

24.30 The revisor of statutes shall replace the terms "free lunch," "reduced price lunch,"  
 24.31 "reduced priced lunch," "reduced-price lunch," and "free or reduced price lunch" with "free  
 24.32 meals," "reduced-price meals," and "free or reduced-price meals" wherever they appear in

25.1 Minnesota Statutes when used in context with the national school lunch and breakfast  
 25.2 programs.

25.3 Sec. 28. **REVISOR INSTRUCTION.**

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

25.8	<u>Column A</u>	<u>Column B</u>
25.9	<u>General Requirements Statewide Assessments</u>	
25.10	<u>120B.30, subdivision 1a, paragraph (h)</u>	<u>120B.30, subdivision 1</u>
25.11	<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
25.12	<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
25.13	<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
25.14	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
25.15	<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
25.16	<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
25.17	<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
25.18	<u>120B.30, subdivision 2, paragraph (b),</u>	<u>120B.30, subdivision 6, paragraph (c)</u>
25.19	<u>clauses (1) and (2)</u>	
25.20	<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
25.21	<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
25.22	<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
25.23	<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
25.24	<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>
25.25	<u>General Requirements Test Design</u>	
25.26	<u>120B.30, subdivision 1a, paragraph (a),</u>	<u>120B.301, subdivision 1</u>
25.27	<u>clauses (1) to (5)</u>	
25.28	<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
25.29	<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
25.30	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
25.31	<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
25.32	<u>120B.30, subdivision 1a, paragraph (c),</u>	<u>120B.301, subdivision 3, paragraph (d)</u>
25.33	<u>clauses (1) and (2)</u>	
25.34	<u>Assessment Graduation Requirements</u>	
25.35	<u>120B.30, subdivision 1, paragraph (c),</u>	<u>120B.304, subdivision 1</u>
25.36	<u>clauses (1) and (2)</u>	
25.37	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>

26.1	<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>
26.2	<u>Assessment Reporting Requirements</u>	
26.3	<u>120B.30, subdivision 1a, paragraph (f),</u>	<u>120B.305, subdivision 1</u>
26.4	<u>clauses (1) to (3)</u>	
26.5	<u>120B.30, subdivision 1a, paragraph (d),</u>	<u>120B.305, subdivision 2, paragraph (a)</u>
26.6	<u>clauses (1) to (4)</u>	
26.7	<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
26.8	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
26.9	<u>120B.30, subdivision 1, paragraph (o),</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
26.10	<u>clauses (1) to (4)</u>	
26.11	<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>
26.12	<u>District Assessment Requirements</u>	
26.13	<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>
26.14	<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>
26.15	<u>College and Career Readiness</u>	
26.16	<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
26.17	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
26.18	<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
26.19	<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
26.20	<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>
26.21	<u>120B.30, subdivision 1, paragraph (j)</u>	<u>120B.307, subdivision 4, paragraph (c)</u>
26.22	<u>120B.30, subdivision 1, paragraph (k)</u>	<u>120B.307, subdivision 4, paragraph (d)</u>
26.23	<u>120B.30, subdivision 1, paragraph (l)</u>	<u>120B.307, subdivision 4, paragraph (e)</u>

26.24 **Sec. 29. REPEALER.**

26.25 Minnesota Statutes 2022, section 120B.35, subdivision 5, is repealed.

26.26 **ARTICLE 2**

26.27 **EDUCATION EXCELLENCE**

26.28 **Section 1. [120B.025] ETHNIC STUDIES.**

26.29 "Ethnic studies" means the critical and interdisciplinary study of race, ethnicity, and  
 26.30 indigeneity with a focus on the experiences and perspectives of people of color within and  
 26.31 beyond the United States. Ethnic studies analyzes the ways in which race and racism have  
 26.32 been and continue to be powerful social, cultural, and political forces, and the ways in which  
 26.33 race and racism are connected to other axes of stratification, including stratification based  
 26.34 on gender, class, sexual orientation, gender identity, and legal status.

27.1 Sec. 2. Minnesota Statutes 2022, section 120B.15, is amended to read:

27.2 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

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

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

27.10 (1) multiple and objective criteria; and

27.11 (2) assessments and procedures that are valid and reliable, fair, and based on current  
 27.12 theory and research. Assessments and procedures should be sensitive to underrepresented  
 27.13 groups, including, but not limited to, low-income, minority, twice-exceptional, and English  
 27.14 learners.

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

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

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

27.21 (d) School districts must adopt procedures consistent with section 124D.02, subdivision  
 27.22 1, for early admission to kindergarten or first grade of gifted and talented learners consistent  
 27.23 with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to  
 27.24 underrepresented groups.

27.25 Sec. 3. **[124D.094] ONLINE INSTRUCTION ACT.**

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

27.28 (b) "Blended instruction" means a form of digital instruction that occurs when a student  
 27.29 learns part time in a supervised physical setting and part time through online instruction  
 27.30 under paragraph (f).

28.1 (c) "Digital instruction" means instruction facilitated by technology that offers students  
 28.2 an element of control over the time, place, path, or pace of learning and includes blended  
 28.3 and online instruction.

28.4 (d) "Enrolling district" means the school district or charter school in which a student is  
 28.5 enrolled under section 120A.22, subdivision 4.

28.6 (e) "Online course syllabus" means a written document that identifies the state academic  
 28.7 standards taught and assessed in a supplemental online course under paragraph (j); course  
 28.8 content outline; required course assessments; instructional methods; communication  
 28.9 procedures with students, guardians, and the enrolling district under paragraph (d); and  
 28.10 supports available to the student.

28.11 (f) "Online instruction" means a form of digital instruction that occurs when a student  
 28.12 learns primarily through digital technology away from a supervised physical setting.

28.13 (g) "Online instructional site" means a site that offers courses using online instruction  
 28.14 under paragraph (f) and may enroll students receiving online instruction under paragraph  
 28.15 (f).

28.16 (h) "Online teacher" means an employee of the enrolling district under paragraph (d) or  
 28.17 the supplemental online course provider under paragraph (k) who holds the appropriate  
 28.18 licensure under Minnesota Rules, chapter 8710, and is trained to provide online instruction  
 28.19 under paragraph (f).

28.20 (i) "Student" means a Minnesota resident enrolled in a school defined under section  
 28.21 120A.22, subdivision 4, in kindergarten through grade 12 up to the age of 21.

28.22 (j) "Supplemental online course" means an online learning course taken in place of a  
 28.23 course provided by the student's enrolling district under paragraph (d).

28.24 (k) "Supplemental online course provider" means a school district, an intermediate school  
 28.25 district, an organization of two or more school districts operating under a joint powers  
 28.26 agreement, or a charter school located in Minnesota that is authorized by the Department  
 28.27 of Education to provide supplemental online courses under paragraph (j).

28.28 Subd. 2. **Digital instruction.** (a) An enrolling district may provide digital instruction,  
 28.29 including blended instruction and online instruction, to the district's own enrolled students.  
 28.30 Enrolling districts may establish agreements to provide digital instruction, including blended  
 28.31 instruction and online instruction, to students enrolled in the cooperating schools.

28.32 (b) When online instruction is provided, an online teacher as defined under subdivision  
 28.33 1, paragraph (h), shall perform all duties of teacher of record under Minnesota Rules, part

29.1 8710.0310. Unless the commissioner grants a waiver, a teacher providing online instruction  
29.2 shall not instruct more than 40 students in any one online learning course or section.

29.3 (c) Students receiving online instruction full time shall be reported as enrolled in an  
29.4 online instructional site under subdivision 1, paragraph (g).

29.5 (d) Curriculum used for digital instruction shall be aligned with Minnesota's current  
29.6 academic standards and benchmarks.

29.7 (e) Digital instruction shall be accessible to students under section 504 of the federal  
29.8 Rehabilitation Act and Title II of the federal Americans with Disabilities Act.

29.9 (f) An enrolling district providing digital instruction and a supplemental online course  
29.10 provider shall assist an enrolled student whose family qualifies for the education tax credit  
29.11 under section 290.0674 to acquire computer hardware and educational software so they  
29.12 may participate in digital instruction. Funds provided to a family to support digital instruction  
29.13 or supplemental online courses may only be used for qualifying expenses as determined by  
29.14 the provider. Nonconsumable materials purchased with public education funds remain the  
29.15 property of the provider. Records for any funds provided must be available for review by  
29.16 the public or the department.

29.17 (g) An enrolling district providing digital instruction shall establish and document  
29.18 procedures for determining attendance for membership and keep accurate records of daily  
29.19 attendance under section 120A.21.

29.20 Subd. 3. **Supplemental online courses.** (a) Notwithstanding sections 124D.03 and  
29.21 124D.08 and chapter 124E, procedures for applying to take supplemental online courses  
29.22 other than those offered by the student's enrolling district are as provided in this subdivision.

29.23 (b) Any kindergarten through grade 12 student may apply to take a supplemental online  
29.24 course under subdivision 1, paragraph (j). The student, or the student's parent or guardian  
29.25 for a student under age 17, must submit an application for the proposed supplemental online  
29.26 course or courses. A student may:

29.27 (1) apply to take an online course from a supplemental online course provider that meets  
29.28 or exceeds the academic standards of the course in the enrolling district they are replacing;

29.29 (2) apply to take supplemental online courses for up to 50 percent of the student's  
29.30 scheduled course load; and

29.31 (3) apply to take supplemental online courses no later than 15 school days after the  
29.32 student's enrolling district's term has begun. An enrolling district may waive the 50 percent  
29.33 course enrollment limit or the 15-day time limit.

30.1 (c) A student taking a supplemental online course must have the same access to the  
30.2 computer hardware and education software available in a school as all other students in the  
30.3 enrolling district.

30.4 (d) A supplemental online course provider must have a current, approved application to  
30.5 be listed by the Department of Education as an approved provider. The supplemental online  
30.6 course provider must:

30.7 (1) use an application form specified by the Department of Education;

30.8 (2) notify the student, the student's guardian if they are age 17 or younger, and enrolling  
30.9 district of the accepted application to take a supplemental online course within ten days of  
30.10 receiving a completed application;

30.11 (3) notify the enrolling district of the course title, credits to be awarded, and the start  
30.12 date of the online course. A supplemental online course provider must make the online  
30.13 course syllabus available to the enrolling district;

30.14 (4) request applicable academic support information for the student, including a copy  
30.15 of the IEP, EL support plan, or 504 plan; and

30.16 (5) track student attendance and monitor academic progress and communicate with the  
30.17 student, the student's guardian if they are age 17 or younger, and the enrolling district's  
30.18 designated online learning liaison.

30.19 (e) A supplemental online course provider may limit enrollment if the provider's school  
30.20 board or board of directors adopts by resolution specific standards for accepting and rejecting  
30.21 students' applications. The provisions may not discriminate against any protected class or  
30.22 students with disabilities.

30.23 (f) A supplemental online course provider may request that the Department of Education  
30.24 review an enrolling district's written decision to not accept a student's supplemental online  
30.25 course application. The student may participate in the supplemental online course while the  
30.26 application is under review. Decisions shall be final and binding for both the enrolling  
30.27 district and the supplemental online course provider.

30.28 (g) A supplemental online course provider must participate in continuous improvement  
30.29 cycles with the Department of Education.

30.30 Subd. 4. **Enrolling district.** (a) An enrolling district may not restrict or prevent a student  
30.31 from applying to take supplemental online courses.

31.1 (b) An enrolling district may request an online course syllabus as defined under  
31.2 subdivision 1, paragraph (e), to review whether the academic standards in the online course  
31.3 meet or exceed the academic standards in the course it would replace at the enrolling district.

31.4 (c) Within 15 days after receiving notice of a student applying to take a supplemental  
31.5 online course, the enrolling district must notify the supplemental online course provider  
31.6 whether the student, the student's guardian, and the enrolling district agree that academic  
31.7 standards in the online course meet or exceed the academic standards in the course it would  
31.8 replace at the enrolling district. If the enrolling district does not agree that the academic  
31.9 standards in the online course meet or exceed the academic standards in the course it would  
31.10 replace at the enrolling district, then:

31.11 (1) the enrolling district must provide a written explanation of the district's decision to  
31.12 the student, the student's guardian, and the supplemental online course provider; and

31.13 (2) the online provider must provide a response to the enrolling district explaining how  
31.14 the course or program meets the graduation requirements of the enrolling district.

31.15 (d) An enrolling district may reduce the course schedule of a student taking supplemental  
31.16 online courses in proportion to the number of supplemental online learning courses the  
31.17 student takes.

31.18 (e) An enrolling district must appoint an online learning liaison who:

31.19 (1) provides information to students and families about supplemental online courses;

31.20 (2) provides academic support information including IEPs, EL support plans, and 504  
31.21 plans to supplemental online providers; and

31.22 (3) monitors attendance and academic progress, and communicates with supplemental  
31.23 online learning providers, students, families, and enrolling district staff.

31.24 (f) An enrolling district must continue to provide support services to students taking  
31.25 supplemental online courses as they would for any other enrolled student including support  
31.26 for English learners, case management of an individualized education program, and meal  
31.27 and nutrition services for eligible students.

31.28 (g) An online learning student must receive academic credit for completing the  
31.29 requirements of a supplemental online learning course. If a student completes an online  
31.30 learning course that meets or exceeds a graduation standard or the grade progression  
31.31 requirement at the enrolling district, that standard or requirement is met.

32.1 (h) Secondary credits granted to a supplemental online learning student count toward  
 32.2 the graduation and credit requirements of the enrolling district. The enrolling district must  
 32.3 apply the same graduation requirements to all students, including students taking  
 32.4 supplemental online courses.

32.5 (i) An enrolling district must provide access to extracurricular activities for students  
 32.6 taking supplemental online courses on the same basis as any other enrolled student.

32.7 Subd. 5. **Reporting.** Courses that include blended instruction and online instruction  
 32.8 must be reported in the manner determined by the commissioner of education.

32.9 Subd. 6. **Department of Education.** (a) The commissioner must establish quality  
 32.10 standards to be used for applications and continuous improvement of supplemental online  
 32.11 course providers, and by enrolling districts using digital instruction.

32.12 (b) The commissioner must support the enrolling district's development of high-quality  
 32.13 digital instruction and monitor implementation. The department must establish and participate  
 32.14 in continuous improvement cycles with supplemental online course providers.

32.15 (c) Applications from prospective supplemental online course providers must be reviewed  
 32.16 using quality standards and approved or denied within 90 calendar days of receiving a  
 32.17 complete application.

32.18 (d) The department may collect a fee not to exceed \$250 for reviewing applications by  
 32.19 supplemental online course providers or \$50 per supplemental course application review  
 32.20 request. Funds generated from application review fees shall be used to support high quality  
 32.21 digital instruction.

32.22 (e) The department must develop, publish, and maintain a list of supplemental online  
 32.23 course providers that the department has reviewed and approved.

32.24 (f) The department may review a complaint about an enrolling district providing digital  
 32.25 instruction, or a complaint about a supplemental online course provider based on the  
 32.26 provider's response to notice of a violation. If the department determines that an enrolling  
 32.27 district providing digital instruction or a supplemental online course provider violated a law  
 32.28 or rule, the department may:

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

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

33.1 Subd. 7. **Financial arrangements.** (a) For a student enrolled in an online supplemental  
 33.2 course, the department must calculate average daily membership and make payments  
 33.3 according to this subdivision.

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

33.8 (c) No online supplemental average daily membership shall be generated if the student:

33.9 (1) does not complete the online learning course; or

33.10 (2) is enrolled in an online course provided by the enrolling district.

33.11 (d) Online course average daily membership under this subdivision for a student currently  
 33.12 enrolled in a Minnesota public school shall be used only for computing average daily  
 33.13 membership according to section 126C.05, subdivision 19, paragraph (a), clause (2), and  
 33.14 for computing online course aid according to section 124D.096.

33.15 Sec. 4. Minnesota Statutes 2022, section 124D.59, subdivision 2a, is amended to read:

33.16 Subd. 2a. **English learner; limited or interrupted formal education.** Consistent with  
 33.17 subdivision 2, an English learner ~~includes an English learner with an~~ limited or interrupted  
 33.18 formal education is an English learner under subdivision 2 who meets three of the following  
 33.19 five requirements:

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

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

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

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

33.25 **and**

33.26 ~~(5) may be preliterate in the English learner's native language.~~ has at least two fewer  
 33.27 years of schooling than the English learner's peers when entering school in the United States.

33.28 Sec. 5. **[124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

33.29 A school district or charter school library or school library media center provides equitable  
 33.30 and free access to students, teachers, and administrators.

34.1 A school library or school library media center must have the following characteristics:

34.2 (1) ensures every student has equitable access to resources and is able to locate, access,  
34.3 and use resources that are organized and cataloged;

34.4 (2) has a collection development plan that includes but is not limited to materials selection  
34.5 and deselection, a challenged materials procedure, and an intellectual and academic freedom  
34.6 statement;

34.7 (3) is housed in a central location that provides an environment for expanded learning  
34.8 and supports a variety of student interests;

34.9 (4) has technology and Internet access; and

34.10 (5) is served by a licensed school library media specialist or licensed school librarian.

34.11 Sec. 6. Minnesota Statutes 2022, section 134.31, subdivision 1, is amended to read:

34.12 Subdivision 1. **Library service.** The state shall, as an integral part of its responsibility  
34.13 for public education, support the provision of library service for every ~~citizen~~ resident, the  
34.14 development of cooperative programs for the sharing of resources and services among all  
34.15 libraries, and the establishment of jointly operated library services at a single location where  
34.16 appropriate.

34.17 Sec. 7. Minnesota Statutes 2022, section 134.31, subdivision 4a, is amended to read:

34.18 Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota  
34.19 Department of Education shall provide specialized services to people with visual and physical  
34.20 disabilities through the Minnesota Braille and Talking Book Library under a cooperative  
34.21 plan with the National Library ~~Services~~ Service for the Blind and ~~Physically Handicapped~~  
34.22 Print Disabled of the Library of Congress.

34.23 Sec. 8. Minnesota Statutes 2022, section 134.32, subdivision 4, is amended to read:

34.24 Subd. 4. **Special project grants.** It may provide special project grants to assist innovative  
34.25 and experimental library programs including, but not limited to, special services for American  
34.26 Indians and ~~the Spanish-speaking~~ multilingual learners, delivery of library materials to  
34.27 homebound persons, other extensions of library services to persons without access to libraries  
34.28 and projects to strengthen and improve library services.

35.1 Sec. 9. Minnesota Statutes 2022, section 134.34, subdivision 1, is amended to read:

35.2 Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall  
35.3 be provided to any regional public library system where there are at least three participating  
35.4 counties and where each participating city and county is providing for public library service  
35.5 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted  
35.6 net tax capacity of the taxable property of that city or county, as determined by the  
35.7 commissioner of revenue for the second, third, and fourth year preceding that calendar year  
35.8 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita  
35.9 amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the  
35.10 per capita amount shall be increased by a percentage equal to one-half of the percentage by  
35.11 which the total state adjusted net tax capacity of property as determined by the commissioner  
35.12 of revenue for the second year preceding that calendar year increases over that total adjusted  
35.13 net tax capacity for the third year preceding that calendar year.

35.14 (b) The minimum level of support specified under this subdivision or subdivision 4 shall  
35.15 be certified annually to the participating cities and counties by the Department of Education.  
35.16 If a city or county chooses to reduce its local support in accordance with subdivision 4,  
35.17 paragraph (b) or (c), it shall notify its regional public library system. The regional public  
35.18 library system shall notify the Department of Education that a revised certification is required.  
35.19 The revised minimum level of support shall be certified to the city or county by the  
35.20 Department of Education.

35.21 (c) A city which is a part of a regional public library system shall not be required to  
35.22 provide this level of support if the property of that city is already taxable by the county for  
35.23 the support of that regional public library system. In no event shall the Department of  
35.24 Education require any city or county to provide a higher level of support than the level of  
35.25 support specified in this section in order for a system to qualify for regional library basic  
35.26 system support aid. This section shall not be construed to prohibit a city or county from  
35.27 providing a higher level of support for public libraries than the level of support specified  
35.28 in this section.

35.29 (d) The amounts required to be expended under this section are subject to the reduced  
35.30 maintenance of effort requirements under section 275.761.

35.31 Sec. 10. **REPEALER.**

35.32 Minnesota Statutes 2022, section 124D.095, subdivisions 1, 2, 3, 4, 5, 6, 7, and 8, are  
35.33 repealed.

**ARTICLE 3****AMERICAN INDIAN EDUCATION**

Section 1. Minnesota Statutes 2022, 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;

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

37.4 (k) to provide student recruiting information, from educational data held by colleges  
 37.5 and universities, as required by and subject to Code of Federal Regulations, title 32, section  
 37.6 216;

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

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

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

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

37.20 (2) information regarding student and employee witnesses;

37.21 (3) information regarding the alleged perpetrator; and

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

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

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

37.31 (q) when the disclosure is to a parent of a student at an institution of postsecondary  
 37.32 education regarding the student's violation of any federal, state, or local law or of any rule

38.1 or policy of the institution, governing the use or possession of alcohol or of a controlled  
 38.2 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and  
 38.3 Code of Federal Regulations, title 34, section 99.31(a)(15), and provided the institution has  
 38.4 an information release form signed by the student authorizing disclosure to a parent. The  
 38.5 institution must notify parents and students about the purpose and availability of the  
 38.6 information release forms. At a minimum, the institution must distribute the information  
 38.7 release forms at parent and student orientation meetings; or

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

38.11 Sec. 2. Minnesota Statutes 2022, section 120B.021, subdivision 2, is amended to read:

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

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

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

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

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

38.23 (5) representatives of the Minnesota business community; and

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

38.26 (b) Academic standards must:

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

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

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

39.1 Sec. 3. Minnesota Statutes 2022, section 120B.021, subdivision 4, is amended to read:

39.2 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must  
39.3 ~~revise and appropriately embed technology and information literacy standards consistent~~  
39.4 ~~with recommendations from school media specialists into the state's academic standards~~  
39.5 and graduation requirements and implement a ten-year cycle to review and, consistent with  
39.6 the review, revise state academic standards and related benchmarks, consistent with this  
39.7 subdivision. During each ten-year review and revision cycle, the commissioner also must  
39.8 examine the alignment of each required academic standard and related benchmark with the  
39.9 knowledge and skills students need for career and college readiness and advanced work in  
39.10 the particular subject area. The commissioner must include the contributions of Minnesota  
39.11 American Indian tribes and communities, including urban Indigenous communities, as  
39.12 related to the academic standards during the review and revision of the required academic  
39.13 standards. The commissioner must embed Indigenous education for all students consistent  
39.14 with recommendations from Minnesota's Tribal Nations and urban Indigenous communities  
39.15 regarding the contributions of Minnesota American Indian Tribes and communities into the  
39.16 state's academic standards during the review and revision of the required academic standards.  
39.17 The recommendations to embed Indigenous education for all students includes but is not  
39.18 limited to American Indian experiences in Minnesota, including Tribal histories, Indigenous  
39.19 languages, sovereignty issues, cultures, treaty rights, governments, socioeconomic  
39.20 experiences, contemporary issues, and current events.

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

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

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

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

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

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

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

40.13 (i) The commissioner of education must embed technology and information literacy  
40.14 standards consistent with recommendations from school media specialists into the state's  
40.15 academic standards and graduation requirements.

40.16 (j) The commissioner of education must embed ethnic studies as related to the academic  
40.17 standards during the review and revision of the required academic standards.

40.18 Sec. 4. Minnesota Statutes 2022, section 120B.021, is amended by adding a subdivision  
40.19 to read:

40.20 Subd. 5. **Indigenous education for all students.** To support implementation of  
40.21 Indigenous education for all students, the commissioner must:

40.22 (1) provide historically accurate, Tribally endorsed, culturally relevant, community-based,  
40.23 contemporary, and developmentally appropriate resources. Resources to implement standards  
40.24 must include professional development and must demonstrate an awareness and  
40.25 understanding of the importance of accurate, high-quality materials about the histories,  
40.26 languages, cultures, and governments of local Tribes;

40.27 (2) provide resources to support all students learning about the histories, languages,  
40.28 cultures, governments, and experiences of their American Indian peers and neighbors.  
40.29 Resources to implement standards across content areas must be developed to authentically  
40.30 engage all students and support successful learning; and

40.31 (3) conduct a needs assessment by December 31, 2023. The needs assessment must fully  
40.32 inform the development of future resources for Indigenous education for all students by  
40.33 using information from Minnesota's American Indian Tribes and communities, including

41.1 urban Indigenous communities, Minnesota's Tribal Nations Education Committee, schools  
 41.2 and districts, students, and educational organizations. The commissioner must submit a  
 41.3 report on the findings and recommendations from the needs assessment to the chairs and  
 41.4 ranking minority members of legislative committees with jurisdiction over education; to  
 41.5 the American Indian Tribes and communities in Minnesota, including urban Indigenous  
 41.6 communities; and to all schools and districts in the state by February 1, 2024.

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

41.8 **Sec. 5. [121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

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

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

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

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

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

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

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

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

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

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

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

41.24 (e) "Public school" or "school" means a public school under section 120A.05, subdivisions  
 41.25 9, 11, 13, and 17, and a charter school under chapter 124E.

41.26 Subd. 2. Prohibition on American Indian mascots. (a) A public school may not have  
 41.27 or adopt a name, symbol, or image that depicts or refers to an American Indian Tribe,  
 41.28 individual, custom, or tradition to be used as a mascot, nickname, logo, letterhead, or team  
 41.29 name of the district or school within the district.

42.1 (b) A public school may seek an exemption to paragraph (a) by submitting a request in  
 42.2 writing to all eleven federally recognized Tribal Nations in Minnesota and to the Tribal  
 42.3 Nations Education Committee. The exemption is denied if any of the eleven Tribal Nations  
 42.4 or the Tribal Nations Education Committee opposes the exemption. A public school whose  
 42.5 exemption is denied must comply with paragraph (a) by September 1 of the following  
 42.6 calendar year after which the exemption request was made.

42.7 **EFFECTIVE DATE.** This section is effective June 30, 2024.

42.8 Sec. 6. Minnesota Statutes 2022, section 124D.73, is amended by adding a subdivision to  
 42.9 read:

42.10 Subd. 5. **American Indian student.** "American Indian student" means a student who  
 42.11 identifies as American Indian or Alaska Native, as defined by the state on October 1 of the  
 42.12 previous school year.

42.13 Sec. 7. Minnesota Statutes 2022, section 124D.74, subdivision 1, is amended to read:

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

42.17 (1) support postsecondary preparation for American Indian pupils;

42.18 (2) support the academic achievement of American Indian ~~students~~ pupils;

42.19 (3) make the curriculum relevant to the needs, interests, and cultural heritage of American  
 42.20 Indian pupils;

42.21 (4) provide positive reinforcement of the self-image of American Indian pupils;

42.22 (5) develop intercultural awareness among pupils, parents, and staff; and

42.23 (6) supplement, not supplant, state and federal educational and cocurricular programs.

42.24 Program services designed to increase completion and graduation rates of American Indian  
 42.25 students must emphasize academic achievement, retention, and attendance; development  
 42.26 of support services for staff, including in-service training and technical assistance in methods  
 42.27 of teaching American Indian pupils; research projects, including innovative teaching  
 42.28 approaches and evaluation of methods of relating to American Indian pupils; provision of  
 42.29 career counseling to American Indian pupils; modification of curriculum, instructional  
 42.30 methods, and administrative procedures to meet the needs of American Indian pupils; and  
 42.31 ~~supplemental~~ instruction in American Indian language, literature, history, and culture.

43.1 Districts offering programs may make contracts for the provision of program services by  
43.2 establishing cooperative liaisons with tribal programs and American Indian social service  
43.3 agencies. These programs may also be provided as components of early childhood and  
43.4 family education programs.

43.5 Sec. 8. Minnesota Statutes 2022, section 124D.74, subdivision 3, is amended to read:

43.6 Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent it is  
43.7 economically feasible, a district or participating school may make provision for the voluntary  
43.8 enrollment of non-American Indian children in the instructional components of an American  
43.9 Indian education program in order that they may acquire an understanding of the cultural  
43.10 heritage of the American Indian children for whom that particular program is designed.  
43.11 However, in determining eligibility to participate in a program, priority must be given to  
43.12 American Indian children. American Indian children ~~and other children~~ enrolled in an  
43.13 existing nonpublic school system may be enrolled on a shared time basis in American Indian  
43.14 education programs.

43.15 Sec. 9. Minnesota Statutes 2022, section 124D.74, subdivision 4, is amended to read:

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

43.21 Sec. 10. Minnesota Statutes 2022, section 124D.74, is amended by adding a subdivision  
43.22 to read:

43.23 Subd. 7. **American Indian culture and language classes.** Any district or participating  
43.24 school that conducts American Indian education programs under sections 124D.71 to  
43.25 124D.82, and serves a student population of which: (1) at least five percent of the total  
43.26 student population meets the state definition of American Indian students; or (2) 100 or  
43.27 more students enrolled in the district are state-identified American Indian students must  
43.28 provide American Indian culture and language classes.

44.1 Sec. 11. Minnesota Statutes 2022, section 124D.76, is amended to read:

44.2 **~~124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS~~**  
 44.3 **AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS,**  
 44.4 **PARAPROFESSIONALS.**

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

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

44.18 Sec. 12. Minnesota Statutes 2022, section 124D.78, is amended to read:

44.19 **124D.78 PARENT AND COMMUNITY PARTICIPATION.**

44.20 Subdivision 1. **Parent committee.** ~~School boards and American Indian schools~~ School  
 44.21 districts, charter schools, Tribal contract schools, and the respective school boards must  
 44.22 provide for the maximum involvement of parents of American Indian children enrolled in  
 44.23 American Indian education programs, programs for elementary and secondary grades,  
 44.24 special education programs, and support services. Accordingly, ~~the board of a school district~~  
 44.25 school districts, charter schools, and Tribal contract schools in which there are ten or more  
 44.26 state-identified American Indian students enrolled ~~and each American Indian school~~ must  
 44.27 establish an American Indian ~~education~~ Parent Advisory Committee. If a committee whose  
 44.28 membership consists of a majority of parents of American Indian children has been or is  
 44.29 established according to federal, tribal, or other state law, that committee may serve as the  
 44.30 committee required by this section and is subject to, at least, the requirements of this  
 44.31 subdivision and subdivision 2.

44.32 The American Indian ~~education~~ Parent Advisory Committee must develop its  
 44.33 recommendations in consultation with the curriculum advisory committee required by

45.1 section 120B.11, subdivision 3. This committee must afford parents the necessary information  
 45.2 and the opportunity effectively to express their views concerning all aspects of American  
 45.3 Indian education and the educational needs of the American Indian children enrolled in the  
 45.4 school or program. ~~The school board or American Indian school~~ School districts, charter  
 45.5 schools, and Tribal contract schools must ensure that programs are planned, operated, and  
 45.6 evaluated with the involvement of and in consultation with parents of the American Indian  
 45.7 students served by the programs.

45.8 Subd. 2. ~~Resolution of concurrence~~ **Annual compliance**. Prior to March 1, the ~~school~~  
 45.9 ~~board or American Indian school~~ must submit to the department a copy of a resolution  
 45.10 ~~adopted by the American Indian education parent advisory committee. The copy must be~~  
 45.11 ~~signed by the chair of the committee and must state whether the committee concurs with~~  
 45.12 ~~the educational programs for American Indian students offered by the school board or~~  
 45.13 ~~American Indian school. If the committee does not concur with the educational programs,~~  
 45.14 ~~the reasons for nonconcurrence and recommendations shall be submitted directly to the~~  
 45.15 ~~school board with the resolution. By resolution, the board must respond in writing within~~  
 45.16 ~~60 days, in cases of nonconcurrence, to each recommendation made by the committee and~~  
 45.17 ~~state its reasons for not implementing the recommendations.~~ American Indian Parent  
 45.18 Advisory Committee must meet to discuss whether or not they concur with the educational  
 45.19 offerings that have been extended by the district to American Indian students. If the  
 45.20 committee finds that the district, charter school, Tribal contract school, and the school board  
 45.21 have been meeting the needs of American Indian students, they issue a vote and resolution  
 45.22 of concurrence. If they find that the needs of American Indian students are not being met,  
 45.23 they issue a vote and resolution of nonconcurrence. The vote and resolution must be presented  
 45.24 to the school board by one or more members of the American Indian Parent Advisory  
 45.25 Committee. The vote is formally reflected on documentation provided by the Department  
 45.26 of Education and must be submitted annually on March 1.

45.27 If the vote is one of nonconcurrence, the committee must provide written  
 45.28 recommendations for improvement to the school board at the time of the presentation. In  
 45.29 the case of nonconcurrence, the school board is given 60 days in which to respond, in writing,  
 45.30 to the committee's recommendations. The board response must be signed by the entire  
 45.31 school board and submitted to both the American Indian Parent Advisory Committee and  
 45.32 to the Department of Education. The resolution must be accompanied by Parent Advisory  
 45.33 Committee meeting minutes that show they have been appraised by the district on the goals  
 45.34 of the Indian Education Program Plan and the measurement of progress toward those goals.

46.1 Subd. 3. **Membership.** The American Indian ~~education~~ Parent Advisory Committee  
 46.2 must be composed of parents or guardians of American Indian children eligible to be enrolled  
 46.3 in American Indian education programs; American Indian secondary students ~~eligible to~~  
 46.4 ~~be served~~; American Indian family members of students eligible to be enrolled in American  
 46.5 Indian education programs; American Indian language and culture education teachers and  
 46.6 paraprofessionals; American Indian teachers; American Indian district employees; American  
 46.7 Indian counselors; adult American Indian people enrolled in educational programs; and  
 46.8 ~~representatives from community groups.~~ American Indian community members. The  
 46.9 majority of each committee must be the parents or guardians of the American Indian children  
 46.10 enrolled or eligible to be enrolled in the programs. ~~The number of parents of American~~  
 46.11 ~~Indian and non-American Indian children shall reflect approximately the proportion of~~  
 46.12 ~~children of those groups enrolled in the programs.~~

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

46.17 Subd. 5. **State-identified American Indian.** For the purposes of sections 124D.71 to  
 46.18 124D.82, the number of students who identify as American Indian or Alaska Native, as  
 46.19 defined by the state of Minnesota on October 1 of the previous school year, will be used to  
 46.20 determine the state-identified American Indian student counts for school districts, charter  
 46.21 schools, and Tribal contract schools for the subsequent school year.

46.22 Sec. 13. Minnesota Statutes 2022, section 124D.79, subdivision 2, is amended to read:

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

46.30 Sec. 14. Minnesota Statutes 2022, section 124D.791, subdivision 4, is amended to read:

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

46.32 (1) ~~serve as the liaison for the department~~ work collaboratively and in conjunction with  
 46.33 the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal communities

47.1 nations in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs  
47.2 Council;

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

47.4 (3) engage the tribal bodies, community groups, parents of children eligible to be served  
47.5 by American Indian education programs, American Indian administrators and teachers,  
47.6 persons experienced in the training of teachers for American Indian education programs,  
47.7 the tribally controlled schools, and other persons knowledgeable in the field of American  
47.8 Indian education and seek their advice on policies that can improve the quality of American  
47.9 Indian education;

47.10 (4) advise the commissioner on American Indian education issues, including:

47.11 (i) issues facing American Indian students;

47.12 (ii) policies for American Indian education;

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

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

47.18 (5) propose to the commissioner legislative changes that will improve the quality of  
47.19 American Indian education;

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

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

47.25 (ii) increase the number of American Indian teachers in public schools;

47.26 (iii) close the achievement gap between American Indian students and their more  
47.27 advantaged peers;

47.28 (iv) increase the statewide graduation rate for American Indian students; and

47.29 (v) increase American Indian student placement in postsecondary programs and the  
47.30 workforce; and

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

48.3 **Sec. 15. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND**  
48.4 **OBJECTS OF CULTURAL SIGNIFICANCE.**

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

48.8 Sec. 16. Minnesota Statutes 2022, section 124D.81, subdivision 1, is amended to read:

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

48.18 Sec. 17. Minnesota Statutes 2022, section 124D.81, subdivision 5, is amended to read:

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

48.25 Sec. 18. Minnesota Statutes 2022, section 144.4165, is amended to read:

48.26 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

48.27 (a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or  
48.28 use an activated electronic delivery device as defined in section 609.685, subdivision 1, in  
48.29 a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter  
48.30 school governed by chapter 124E. This prohibition extends to all facilities, whether owned,

49.1 rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or  
49.2 controls.

49.3 (b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of  
49.4 a traditional Indian spiritual or cultural ceremony. An American Indian student may carry  
49.5 a medicine pouch containing loose tobacco intended as observance of traditional spiritual  
49.6 or cultural practices. For purposes of this section, an Indian is a person who is a member  
49.7 of an Indian tribe as defined in section 260.755, subdivision 12.

## 49.8 ARTICLE 4

### 49.9 CHARTER SCHOOLS

49.10 Section 1. Minnesota Statutes 2022, section 124E.02, is amended to read:

#### 49.11 124E.02 DEFINITIONS.

49.12 (a) For purposes of this chapter, the terms defined in this section have the meanings  
49.13 given them.

49.14 (b) "Affidavit" means a written statement the authorizer submits to the commissioner  
49.15 for approval to establish a charter school under section 124E.06, subdivision 4, attesting to  
49.16 its review and approval process before chartering a school.

49.17 (c) "Affiliate" means a person that directly or indirectly, through one or more  
49.18 intermediaries, controls, is controlled by, or is under common control with another person.

49.19 (d) "Control" means the ability to affect the management, operations, or policy actions  
49.20 or decisions of a person, whether by owning voting securities, by contract, or otherwise.

49.21 (e) "Immediate family" means an individual whose relationship by blood, marriage,  
49.22 adoption, or partnership is no more remote than first cousin.

49.23 (f) "Market need and demand study" means a study that includes the following for the  
49.24 proposed locations of the school or additional site:

49.25 (1) current and projected demographic information of student populations in the  
49.26 geographic area;

49.27 (2) current student enrollment patterns in the geographic area;

49.28 (3) information on existing schools and types of educational programs currently available;

49.29 (4) documentation of the plan to do outreach to diverse and underrepresented populations;

49.30 (5) information on the availability of properly zoned and classified facilities; and

50.1 (6) quantification of existing demand for the new school or site expansion.

50.2 ~~(f)~~ (g) "Person" means an individual or entity of any kind.

50.3 ~~(g)~~ (h) "Related party" means an affiliate or immediate relative of the other interested  
50.4 party, an affiliate of an immediate relative who is the other interested party, or an immediate  
50.5 relative of an affiliate who is the other interested party.

50.6 ~~(h)~~ (i) For purposes of this chapter, the terms defined in section 120A.05 have the same  
50.7 meanings.

50.8 Sec. 2. Minnesota Statutes 2022, section 124E.03, subdivision 2, is amended to read:

50.9 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall  
50.10 meet all federal, state, and local health and safety requirements applicable to school districts.

50.11 (b) A school must comply with statewide accountability requirements governing standards  
50.12 and assessments in chapter 120B.

50.13 (c) A charter school must comply with the Minnesota Public School Fee Law, sections  
50.14 123B.34 to 123B.39.

50.15 (d) A charter school is a district for the purposes of tort liability under chapter 466.

50.16 (e) A charter school must comply with the Pledge of Allegiance requirement under  
50.17 section 121A.11, subdivision 3.

50.18 (f) A charter school and charter school board of directors must comply with chapter 181  
50.19 governing requirements for employment.

50.20 (g) A charter school must comply with continuing truant notification under section  
50.21 260A.03.

50.22 (h) A charter school must develop and implement a teacher evaluation and peer review  
50.23 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place  
50.24 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).  
50.25 The teacher evaluation process in this paragraph does not create any additional employment  
50.26 rights for teachers.

50.27 (i) A charter school must adopt a policy, plan, budget, and process, consistent with  
50.28 section 120B.11, to review curriculum, instruction, and student achievement and strive for  
50.29 the world's best workforce.

50.30 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,  
50.31 sections 121A.40 to 121A.56 and 121A.575.

51.1 Sec. 3. Minnesota Statutes 2022, section 124E.03, is amended by adding a subdivision to  
51.2 read:

51.3 Subd. 9. **English learners.** A charter school is subject to and must comply with the  
51.4 Education for English Learners Act under sections 124D.58 to 124D.64 as though the charter  
51.5 school were a district.

51.6 Sec. 4. Minnesota Statutes 2022, section 124E.05, subdivision 4, is amended to read:

51.7 Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must  
51.8 include in its application to the commissioner at least the following:

51.9 (1) how the organization carries out its mission by chartering schools;

51.10 (2) a description of the capacity of the organization to serve as an authorizer, including  
51.11 the positions allocated to authorizing duties, the qualifications for those positions, the  
51.12 full-time equivalencies of those positions, and the financial resources available to fund the  
51.13 positions;

51.14 (3) the application and review process the authorizer uses to decide whether to grant  
51.15 charters;

51.16 (4) the type of contract it arranges with the schools it charters to meet the provisions of  
51.17 section 124E.10;

51.18 (5) the process for overseeing the school, consistent with clause (4), to ensure that the  
51.19 schools chartered comply with applicable law and rules and the contract;

51.20 (6) the criteria and process the authorizer uses to approve applications adding grades or  
51.21 sites under section 124E.06, subdivision 5;

51.22 (7) the process for renewing or terminating the school's charter based on evidence  
51.23 showing the academic, organizational, and financial competency of the school, including  
51.24 its success in increasing student achievement and meeting the goals of the charter school  
51.25 agreement; and

51.26 (8) an assurance specifying that the organization is committed to serving as an authorizer  
51.27 for the full five-year term until the commissioner terminates the organization's ability to  
51.28 authorize charter schools under subdivision 6 or the organization formally withdraws as an  
51.29 approved authorizer under subdivision 7.

51.30 (b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the  
51.31 requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict  
51.32 of interest between an authorizer and its charter schools or ongoing evaluation or continuing

52.1 education of an administrator or other professional support staff by submitting to the  
52.2 commissioner a written promise to comply with the requirements.

52.3 Sec. 5. Minnesota Statutes 2022, section 124E.05, subdivision 7, is amended to read:

52.4 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw  
52.5 as an approved authorizer for a reason unrelated to any cause under ~~section 124E.10,~~  
52.6 ~~subdivision 4~~ subdivision 6, the authorizer must notify all its chartered schools and the  
52.7 commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30  
52.8 in the next calendar year, ~~regardless of when the authorizer's five-year term of approval~~  
52.9 ~~ends~~. Upon notification of the schools and commissioner, the authorizer must provide a  
52.10 letter to the school for distribution to families of students enrolled in the school that explains  
52.11 the decision to withdraw as an authorizer. The commissioner may approve the transfer of  
52.12 a charter school to a new authorizer under section 124E.10, subdivision 5.

52.13 Sec. 6. Minnesota Statutes 2022, section 124E.06, subdivision 1, is amended to read:

52.14 Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an  
52.15 application from a charter school developer, may charter either a licensed teacher under  
52.16 section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed  
52.17 teachers under section 122A.18, subdivision 1, to operate a school subject to the  
52.18 commissioner's approval of the authorizer's affidavit under subdivision 4.

52.19 (b) "Application" under this section means the charter school business plan a charter  
52.20 school developer submits to an authorizer for approval to establish a charter school. This  
52.21 application must include:

52.22 (1) the school developer's:

52.23 (i) mission statement;

52.24 (ii) school purposes;

52.25 (iii) program design;

52.26 (iv) financial plan;

52.27 (v) governance and management structure; ~~and~~

52.28 (vi) background and experience; and

52.29 (vii) market need and demand study; and

52.30 (2) any other information the authorizer requests; ~~and~~.

53.1 ~~(3) a "statement of assurances" of legal compliance prescribed by the commissioner.~~

53.2 (c) An authorizer shall not approve an application submitted by a charter school developer  
53.3 under paragraph (a) if the application does not comply with subdivision 3, paragraph (e),  
53.4 and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit  
53.5 submitted by an authorizer under subdivision 4 if the affidavit does not comply with  
53.6 subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

53.7 Sec. 7. Minnesota Statutes 2022, section 124E.06, subdivision 4, is amended to read:

53.8 Subd. 4. **Authorizer's affidavit; approval process.** (a) Before an operator may establish  
53.9 and operate a school, the authorizer must file an affidavit with the commissioner stating its  
53.10 intent to charter a school. An authorizer must file a separate affidavit for each school it  
53.11 intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of  
53.12 the year the new charter school plans to serve students. The affidavit must state:

53.13 (1) the terms and conditions under which the authorizer would charter a school, including  
53.14 a market need and demand study; and

53.15 (2) how the authorizer intends to oversee:

53.16 (i) the fiscal and student performance of the charter school; and

53.17 (ii) compliance with the terms of the written contract between the authorizer and the  
53.18 charter school board of directors under section 124E.10, subdivision 1.

53.19 (b) The commissioner must approve or disapprove the authorizer's affidavit within 60  
53.20 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the  
53.21 commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer  
53.22 then has 20 business days to address the deficiencies. The commissioner must notify the  
53.23 authorizer of the commissioner's final approval or final disapproval within 15 business days  
53.24 after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer  
53.25 does not address deficiencies to the commissioner's satisfaction, the commissioner's  
53.26 disapproval is final. An authorizer who fails to obtain the commissioner's approval is  
53.27 precluded from chartering the school that is the subject of this affidavit.

53.28 Sec. 8. Minnesota Statutes 2022, section 124E.06, subdivision 5, is amended to read:

53.29 Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to  
53.30 amend the school charter to add grades or primary enrollment sites beyond those defined  
53.31 in the original affidavit approved by the commissioner. After approving the school's  
53.32 application, the authorizer shall submit a supplemental affidavit in the form and manner

54.1 prescribed by the commissioner. The authorizer must file a supplemental affidavit to the  
 54.2 commissioner by October 1 to be eligible to add grades or sites in the next school year. The  
 54.3 supplemental affidavit must document to the authorizer's satisfaction:

54.4 (1) the need for the additional grades or sites with supporting long-range enrollment  
 54.5 projections;

54.6 (2) a longitudinal record of student academic performance and growth on statewide  
 54.7 assessments under chapter 120B or on other academic assessments that measure longitudinal  
 54.8 student performance and growth approved by the charter school's board of directors and  
 54.9 agreed upon with the authorizer;

54.10 (3) a history of sound school finances and a plan to add grades or sites that sustains the  
 54.11 school's finances; ~~and~~

54.12 (4) board capacity to administer and manage the additional grades or sites; and

54.13 (5) for site expansion, a market need and demand study.

54.14 (b) The commissioner shall have 30 business days to review and comment on the  
 54.15 supplemental affidavit. The commissioner shall notify the authorizer in writing of any  
 54.16 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to  
 54.17 address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.  
 54.18 The commissioner must notify the authorizer of final approval or final disapproval within  
 54.19 15 business days after receiving the authorizer's response to the deficiencies in the affidavit.  
 54.20 The school may not add grades or sites until the commissioner has approved the supplemental  
 54.21 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

54.22 Sec. 9. Minnesota Statutes 2022, section 124E.10, subdivision 1, is amended to read:

54.23 Subdivision 1. **Contents.** (a) To authorize a charter school, the authorizer and the charter  
 54.24 school board of directors must sign a written contract within 45 business days of the  
 54.25 commissioner's approval of the authorizer's affidavit. The authorizer shall submit a copy of  
 54.26 the charter contract to the commissioner within ten business days after the contract is signed  
 54.27 by the contracting parties. The contract must include at least the following:

54.28 (1) a declaration that the charter school will carry out the primary purpose in section  
 54.29 124E.01, subdivision 1, and indicate how the school will report its implementation of the  
 54.30 primary purpose to its authorizer;

- 55.1 (2) a declaration of the additional purpose or purposes in section 124E.01, subdivision  
55.2 1, that the school intends to carry out and indicate how the school will report its  
55.3 implementation of those purposes to its authorizer;
- 55.4 (3) a description of the school program and the specific academic and nonacademic  
55.5 outcomes that pupils must achieve;
- 55.6 (4) a statement of the school's admission policies and procedures;
- 55.7 (5) a school governance, management, and administration plan;
- 55.8 (6) signed agreements from charter school board members to comply with the federal  
55.9 and state laws governing organizational, programmatic, and financial requirements applicable  
55.10 to charter schools;
- 55.11 (7) the criteria, processes, and procedures the authorizer will use to monitor and evaluate  
55.12 the fiscal, operational, and academic performance, consistent with subdivision 3, paragraphs  
55.13 (a) and (b);
- 55.14 (8) for contract renewal, the formal written performance evaluation that is a prerequisite  
55.15 for reviewing a charter contract under subdivision 3;
- 55.16 (9) types and amounts of insurance liability coverage the charter school must obtain,  
55.17 consistent with section 124E.03, subdivision 2, paragraph (d);
- 55.18 (10) consistent with section 124E.09, paragraph (d), a provision to indemnify and hold  
55.19 harmless from any suit, claim, or liability arising from any charter school operation:
- 55.20 (i) the authorizer and its officers, agents, and employees; and
- 55.21 (ii) notwithstanding section 3.736, the commissioner and department officers, agents,  
55.22 and employees;
- 55.23 (11) the term of the contract, which, for an initial contract, may be up to five years plus  
55.24 a preoperational planning period, or for a renewed contract or a contract with a new authorizer  
55.25 after a transfer of authorizers, may be up to five years, if warranted by the school's academic,  
55.26 financial, and operational performance;
- 55.27 (12) how the charter school board of directors or the charter school operators will provide  
55.28 special instruction and services for children with a disability under sections 125A.03 to  
55.29 125A.24, and 125A.65, and a description of the financial parameters within which the charter  
55.30 school will provide the special instruction and services to children with a disability;

56.1 (13) the specific conditions for contract renewal that identify the performance of all  
56.2 students under the primary purpose of section 124E.01, subdivision 1, as the most important  
56.3 factor in determining whether to renew the contract; and

56.4 (14) the additional purposes under section 124E.01, subdivision 1, and related  
56.5 performance obligations under clause (7) contained in the charter contract as additional  
56.6 factors in determining whether to renew the contract.

56.7 (b) In addition to the requirements of paragraph (a), the charter contract must contain  
56.8 the plan for an orderly closing of the school under chapter 317A, that establishes the  
56.9 responsibilities of the school board of directors and the authorizer, whether the closure is a  
56.10 termination for cause, a voluntary termination, or a nonrenewal of the contract. The plan  
56.11 must establish who is responsible for:

56.12 (1) notifying the commissioner, school district in which the charter school is located,  
56.13 and parents of enrolled students about the closure;

56.14 (2) providing parents of enrolled students information and assistance to enable the student  
56.15 to re-enroll in another school;

56.16 (3) transferring student records under section 124E.03, subdivision 5, paragraph (b), to  
56.17 the student's resident school district; and

56.18 (4) closing financial operations.

56.19 (c) A charter school must design its programs to at least meet the outcomes adopted by  
56.20 the commissioner for public school students, including world's best workforce goals under  
56.21 section 120B.11, subdivision 1. In the absence of the commissioner's requirements governing  
56.22 state standards and benchmarks, the school must meet the outcomes contained in the contract  
56.23 with the authorizer. The achievement levels of the outcomes contained in the contract may  
56.24 exceed the achievement levels of any outcomes adopted by the commissioner for public  
56.25 school students.

56.26 Sec. 10. Minnesota Statutes 2022, section 124E.11, is amended to read:

56.27 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

56.28 (a) A charter school, including its preschool or prekindergarten program established  
56.29 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

56.30 (1) pupils within an age group or grade level;

56.31 (2) pupils who are eligible to participate in the graduation incentives program under  
56.32 section 124D.68; or

57.1 (3) residents of a specific geographic area in which the school is located when the  
57.2 majority of students served by the school are members of underserved populations.

57.3 (b) A charter school, including its preschool or prekindergarten program established  
57.4 under section 124E.06, subdivision 3, paragraph (b), ~~shall~~ must enroll an eligible pupil who  
57.5 submits a timely application, unless the number of applications exceeds the capacity of a  
57.6 program, class, grade level, or building. In this case, pupils must be accepted by lot. The  
57.7 charter school must develop and publish, including on its website, a lottery policy and  
57.8 process that it must use when accepting pupils by lot.

57.9 (c) Admission to a charter school must be free to any eligible pupil who resides within  
57.10 the state of Minnesota. A charter school must give enrollment preference to a Minnesota  
57.11 resident pupil over out-of-state residents. A charter school shall must give enrollment  
57.12 preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and  
57.13 may give preference for enrolling children of the school's staff before accepting other pupils  
57.14 by lot. A charter school that is located in Duluth township in St. Louis County and admits  
57.15 students in kindergarten through grade 6 must give enrollment preference to students residing  
57.16 within a five-mile radius of the school and to the siblings of enrolled children. ~~A charter~~  
57.17 ~~school may give enrollment preference to children currently enrolled in the school's free~~  
57.18 ~~preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b),~~  
57.19 ~~who are eligible to enroll in kindergarten in the next school year.~~

57.20 (d) A person ~~shall~~ may not be admitted to a charter school (1) as a kindergarten pupil,  
57.21 unless the pupil is at least five years of age on September 1 of the calendar year in which  
57.22 the school year for which the pupil seeks admission commences; or (2) as a first grade  
57.23 student, unless the pupil is at least six years of age on September 1 of the calendar year in  
57.24 which the school year for which the pupil seeks admission commences or has completed  
57.25 kindergarten; except that a charter school may establish and publish on its website a policy  
57.26 for admission of selected pupils at an earlier age, consistent with the enrollment process in  
57.27 paragraphs (b) and (c).

57.28 (e) Except as permitted in paragraph (d), a charter school, including its preschool or  
57.29 prekindergarten program established under section 124E.06, subdivision 3, paragraph (b),  
57.30 may not limit admission to pupils on the basis of intellectual ability, measures of achievement  
57.31 or aptitude, or athletic ability and may not establish any criteria or requirements for admission  
57.32 that are inconsistent with this section.

58.1 (f) The charter school ~~shall~~ must not distribute any services or goods of value to students,  
 58.2 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter  
 58.3 school.

58.4 (g) Once a student is enrolled in the school, the student is considered enrolled in the  
 58.5 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal  
 58.6 Act in sections 121A.40 to 121A.56, except that: (1) a pupil currently enrolled in the school's  
 58.7 fee-based preschool or prekindergarten program under section 124E.06, subdivision 3,  
 58.8 paragraph (b), who is eligible to enroll in kindergarten in the next school year must apply  
 58.9 to and be admitted into kindergarten according to the provisions of this section; and (2)  
 58.10 out-of-state residents must annually apply to and be admitted by the school according to  
 58.11 the provisions of this section.

58.12 (h) A charter school with at least 90 percent of enrolled students who are eligible for  
 58.13 special education services and have a primary disability of deaf or hard-of-hearing may  
 58.14 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,  
 58.15 paragraph (a), and must comply with the federal Individuals with Disabilities Education  
 58.16 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause  
 58.17 (iv).

58.18 Sec. 11. Minnesota Statutes 2022, section 124E.12, subdivision 1, is amended to read:

58.19 Subdivision 1. **Teachers.** A charter school, excluding its preschool or prekindergarten  
 58.20 program established under section 124E.06, subdivision 3, must employ or contract with  
 58.21 necessary teachers, as defined by section ~~122A.15, subdivision 1,~~ 122A.06, subdivision 2,  
 58.22 or contract with a cooperative formed under chapter 308A to provide necessary teachers,  
 58.23 who hold valid licenses to perform the particular service for which they are employed in  
 58.24 the school. A charter school's preschool or prekindergarten program must employ or contract  
 58.25 with teachers knowledgeable in early childhood curriculum content, assessment, native and  
 58.26 English language programs, and instruction established under section 124E.06, subdivision  
 58.27 3. The commissioner may reduce the charter school's state aid under section 127A.43 if the  
 58.28 school employs a teacher who is not appropriately licensed or approved by the Professional  
 58.29 Educator Licensing and Standards Board. The school may employ necessary employees  
 58.30 who are not required to hold teaching licenses to perform duties other than teaching and  
 58.31 may contract for other services. The school may discharge teachers and nonlicensed  
 58.32 employees. The charter school board is subject to section 181.932 governing whistle-blowers.  
 58.33 When offering employment to a prospective employee, a charter school must give that

59.1 employee a written description of the terms and conditions of employment and the school's  
59.2 personnel policies.

59.3 Sec. 12. Minnesota Statutes 2022, section 124E.13, subdivision 1, is amended to read:

59.4 Subdivision 1. **Leased space.** A charter school may lease space from: an independent  
59.5 or special school board; other public organization; private, nonprofit, nonsectarian  
59.6 organization; private property owner; or a sectarian organization if the leased space is  
59.7 constructed as a school facility. In all cases, the eligible lessor must also be the building  
59.8 owner. The commissioner must review and approve or disapprove leases in a timely manner  
59.9 to determine eligibility for lease aid under section 124E.22.

59.10 Sec. 13. Minnesota Statutes 2022, section 124E.13, subdivision 3, is amended to read:

59.11 Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building  
59.12 corporation may purchase, expand, or renovate an existing facility to serve as a school or  
59.13 may construct a new school facility. A One charter school may organize an affiliated  
59.14 nonprofit building corporation that serves only that charter school if the charter school:

59.15 (1) has operated for at least six consecutive years;

59.16 (2) as of June 30, has a net positive unreserved general fund balance in the preceding  
59.17 three fiscal years;

59.18 (3) has long-range strategic and financial plans that include enrollment projections for  
59.19 at least five years;

59.20 (4) completes a feasibility study of facility options that outlines the benefits and costs  
59.21 of each option; and

59.22 (5) has a plan that describes project parameters and budget.

59.23 (b) An affiliated nonprofit building corporation under this subdivision must:

59.24 (1) be incorporated under section 317A;

59.25 (2) comply with applicable Internal Revenue Service regulations, including regulations  
59.26 for "supporting organizations" as defined by the Internal Revenue Service;

59.27 (3) post on the school website the name, mailing address, bylaws, minutes of board  
59.28 meetings, and names of the current board of directors of the affiliated nonprofit building  
59.29 corporation;

60.1 (4) submit to the commissioner a copy of its annual audit by December 31 of each year;  
60.2 and

60.3 (5) comply with government data practices law under chapter 13.

60.4 (c) An affiliated nonprofit building corporation must not serve as the leasing agent for  
60.5 property or facilities it does not own. A charter school that leases a facility from an affiliated  
60.6 nonprofit building corporation that does not own the leased facility is ineligible to receive  
60.7 charter school lease aid. The state is immune from liability resulting from a contract between  
60.8 a charter school and an affiliated nonprofit building corporation.

60.9 (d) The board of directors of the charter school must ensure the affiliated nonprofit  
60.10 building corporation complies with all applicable legal requirements. The charter school's  
60.11 authorizer must oversee the efforts of the board of directors of the charter school to ensure  
60.12 legal compliance of the affiliated building corporation. A school's board of directors that  
60.13 fails to ensure the affiliated nonprofit building corporation's compliance violates its  
60.14 responsibilities and an authorizer must consider that failure when evaluating the charter  
60.15 school.

60.16 Sec. 14. Minnesota Statutes 2022, section 124E.25, subdivision 1a, is amended to read:

60.17 Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section  
60.18 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods  
60.19 occurring after the school ceases serving students, the commissioner shall withhold the  
60.20 estimated state aid owed the school. The charter school board of directors and authorizer  
60.21 must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial  
60.22 information about the school's liabilities and assets. After receiving the closure plan, financial  
60.23 information, an audit of pupil counts, and documented lease expenditures from the charter  
60.24 school and monitoring special education expenditures, the commissioner may release cash  
60.25 withheld and may continue regular payments up to the current year payment percentages  
60.26 if further amounts are owed. If, based on audits and monitoring, the school received state  
60.27 aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to  
60.28 eliminate the aid overpayment.

60.29 (b) For a charter school ceasing operations before or at the end of a school year,  
60.30 notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary  
60.31 final payments after the school submits the closure plan, an audit of pupil counts, documented  
60.32 lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS)  
60.33 financial data and the commissioner monitors special education expenditures for the final

61.1 year of operation. The commissioner may make the final payment after receiving audited  
61.2 financial statements under section 123B.77, subdivision 3.

61.3 (c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and  
61.4 satisfying creditors, remaining cash and investment balances shall be returned by the  
61.5 commissioner to the state general fund.

## 61.6 ARTICLE 5

### 61.7 DISCIPLINE, RESTRICTIVE PROCEDURES, AND REPORTING REFORM

61.8 Section 1. Minnesota Statutes 2022, section 120A.22, subdivision 7, is amended to read:

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

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

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

61.32 (d) Notwithstanding section 138.17, a principal or chief administrative officer must  
61.33 remove from a student's educational record and destroy a probable cause notice received

62.1 under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the  
 62.2 date of the notice and the principal or chief administrative officer has not received a  
 62.3 disposition or court order related to the offense described in the notice. This paragraph does  
 62.4 not apply if the student no longer attends the school when this one-year period expires.

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

62.9 Sec. 2. Minnesota Statutes 2022, section 121A.41, is amended by adding a subdivision to  
 62.10 read:

62.11 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**  
 62.12 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means  
 62.13 policies and practices that are alternatives to removing a pupil from class or dismissing a  
 62.14 pupil from school, including evidence-based positive behavior interventions and supports,  
 62.15 social and emotional services, school-linked mental health services, counseling services,  
 62.16 social work services, referrals for special education or 504 evaluations, academic screening  
 62.17 for Title 1 services or reading interventions, and alternative education services.  
 62.18 Nonexclusionary disciplinary policies and practices require school officials to intervene in,  
 62.19 redirect, and support a pupil's behavior before removing a pupil from class or beginning  
 62.20 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are  
 62.21 not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and  
 62.22 (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph  
 62.23 (q); 122A.627, clause (3); and 123A.56.

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

62.25 Sec. 3. Minnesota Statutes 2022, section 121A.41, is amended by adding a subdivision to  
 62.26 read:

62.27 Subd. 13. **Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal  
 62.28 or written agreement between a school administrator or district administrator and a pupil's  
 62.29 parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal  
 62.30 proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month  
 62.31 period.

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

63.1 Sec. 4. Minnesota Statutes 2022, section 121A.425, is amended to read:

63.2 **121A.425 FULL AND EQUITABLE PARTICIPATION IN PRESCHOOL AND**  
 63.3 **PREKINDERGARTEN EARLY LEARNING.**

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

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

63.10 (2) kindergarten through grade 3.

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

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

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

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

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

63.24 Sec. 5. Minnesota Statutes 2022, section 121A.45, subdivision 1, is amended to read:

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

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

64.1 Sec. 6. Minnesota Statutes 2022, section 121A.46, subdivision 4, is amended to read:

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

64.5 (b) Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended  
 64.6 pending the school board's decision in the expulsion or exclusion hearing; provided that  
 64.7 alternative educational services are implemented to the extent that suspension exceeds five  
 64.8 consecutive school days.

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

64.10 Sec. 7. Minnesota Statutes 2022, section 121A.46, is amended by adding a subdivision to  
 64.11 read:

64.12 Subd. 5. **Minimum education services.** School administration must allow a suspended  
 64.13 pupil the opportunity to complete all school work assigned during the period of the pupil's  
 64.14 suspension and to receive full credit for satisfactorily completing the assignments. The  
 64.15 school principal or other person having administrative control of the school building or  
 64.16 program is encouraged to designate a district or school employee as a liaison to work with  
 64.17 the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and  
 64.18 other information, and (2) complete daily and weekly assignments and receive teachers'  
 64.19 feedback.

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

64.21 Sec. 8. Minnesota Statutes 2022, section 121A.47, subdivision 2, is amended to read:

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

64.23 (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;

64.24 (b) contain a complete statement of the facts, a list of the witnesses and a description of  
 64.25 their testimony;

64.26 (c) state the date, time, and place of the hearing;

64.27 (d) be accompanied by a copy of sections 121A.40 to 121A.56;

64.28 (e) describe ~~alternative educational services~~ the nonexclusionary disciplinary practices  
 64.29 accorded the pupil in an attempt to avoid the expulsion proceedings; and

64.30 (f) inform the pupil and parent or guardian of the right to:

65.1 (1) have a representative of the pupil's own choosing, including legal counsel, at the  
 65.2 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost  
 65.3 legal assistance may be available and that a legal assistance resource list is available from  
 65.4 the Department of Education and is posted on their website;

65.5 (2) examine the pupil's records before the hearing;

65.6 (3) present evidence; and

65.7 (4) confront and cross-examine witnesses.

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

65.9 Sec. 9. Minnesota Statutes 2022, section 121A.47, subdivision 14, is amended to read:

65.10 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare  
 65.11 and enforce an admission or readmission plan for any pupil who is excluded or expelled  
 65.12 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~  
 65.13 which may include completing a character education program, consistent with section  
 65.14 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,  
 65.15 mental health services, referrals for special education or 504 evaluation, and evidence-based  
 65.16 academic interventions. The plan must require parental involvement in the admission or  
 65.17 readmission process, and may indicate the consequences to the pupil of not improving the  
 65.18 pupil's behavior.

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

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

66.1 Sec. 10. Minnesota Statutes 2022, section 121A.53, subdivision 1, is amended to read:

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

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

66.13 Sec. 11. Minnesota Statutes 2022, section 121A.55, is amended to read:

66.14 **121A.55 POLICIES TO BE ESTABLISHED.**

66.15 (a) The commissioner of education ~~shall~~ must promulgate guidelines to assist each school  
 66.16 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written  
 66.17 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies  
 66.18 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section  
 66.19 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection  
 66.20 of problems and shall. The policies must be designed to address students' inappropriate  
 66.21 behavior from recurring.

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

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

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

66.30 (1) a school district's continuing responsibility includes reviewing the pupil's school  
 66.31 work and grades on a quarterly basis to ensure the pupil is on track for readmission with  
 66.32 the pupil's peers. School districts must communicate on a regular basis with the pupil's

67.1 parent or guardian to ensure the pupil is completing the work assigned through the alternative  
 67.2 educational services;

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

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

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

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

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

67.17 Sec. 12. Minnesota Statutes 2022, section 121A.58, is amended to read:

67.18 **121A.58 CORPORAL PUNISHMENT; PRONE RESTRAINT; AND CERTAIN**  
 67.19 **PHYSICAL HOLDS.**

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

67.22 (1) hitting or spanking a person with or without an object; or

67.23 (2) unreasonable physical force that causes bodily harm or substantial emotional harm.

67.24 (b) For the purpose of this section, "prone restraint" means placing a child in a face-down  
 67.25 position.

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

67.29 **Subd. 2a. Prone restraint and certain physical holds not allowed.** (a) An employee  
 67.30 or agent of a district, including a school resource officer or police officer contracted with  
 67.31 a district, shall not use prone restraint.

68.1 (b) An employee or agent of a district, including a school resource officer or police  
 68.2 officer contracted with a district, shall not inflict any form of physical holding that restricts  
 68.3 or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate  
 68.4 distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum,  
 68.5 diaphragm, back, or abdomen; or results in straddling a pupil's torso.

68.6 Subd. 3. **Violation.** Conduct that violates subdivision 2 is not a crime under section  
 68.7 645.241, but may be a crime under chapter 609 if the conduct violates a provision of chapter  
 68.8 609.

68.9 Sec. 13. Minnesota Statutes 2022, section 121A.61, subdivision 1, is amended to read:

68.10 Subdivision 1. **Required policy.** Each school board must adopt a written districtwide  
 68.11 school discipline policy which includes written rules of conduct for students, minimum  
 68.12 consequences for violations of the rules, and grounds and procedures for removal of a student  
 68.13 from class. The policy must contain the discipline complaint procedure that any member  
 68.14 of the school community may use to file a complaint regarding the application of discipline  
 68.15 policies and seek corrective action. The policy must be developed in consultation with  
 68.16 administrators, teachers, employees, pupils, parents, community members, law enforcement  
 68.17 agencies, county attorney offices, social service agencies, and such other individuals or  
 68.18 organizations as the board determines appropriate. A school site council may adopt additional  
 68.19 provisions to the policy subject to the approval of the school board.

68.20 Sec. 14. Minnesota Statutes 2022, section 121A.61, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

69.11 (l) any procedures determined appropriate for ensuring victims of bullying who respond  
69.12 with behavior not allowed under the school's behavior policies have access to a remedial  
69.13 response, consistent with section 121A.031;

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

69.17 ~~(n)~~ (n) procedures for detecting and addressing chemical abuse problems of a student  
69.18 while on the school premises;

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

69.20 ~~(p)~~ (p) procedures for immediate and appropriate interventions tied to violations of the  
69.21 code;

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

69.25 ~~(r)~~ (r) an agreement regarding procedures to coordinate crisis services to the extent funds  
69.26 are available with the county board responsible for implementing sections 245.487 to  
69.27 245.4889 for students with a serious emotional disturbance or other students who have an  
69.28 individualized education program whose behavior may be addressed by crisis intervention;  
69.29 ~~and~~

69.30 ~~(s)~~ (s) a provision that states a student must be removed from class immediately if the  
69.31 student engages in assault or violent behavior. For purposes of this paragraph, "assault" has

70.1 the meaning given it in section 609.02, subdivision 10. The removal shall be for a period  
70.2 of time deemed appropriate by the principal, in consultation with the teacher;

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

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

70.7 Sec. 15. Minnesota Statutes 2022, section 121A.61, is amended by adding a subdivision  
70.8 to read:

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

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

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

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

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

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

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

71.1 Sec. 16. Minnesota Statutes 2022, section 125A.0942, is amended to read:

71.2 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

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

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

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

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

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

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

71.16 (ii) convening an oversight committee to undertake a quarterly review of the use of  
71.17 restrictive procedures based on patterns or problems indicated by similarities in the time of  
71.18 day, day of the week, duration of the use of a procedure, the individuals involved, or other  
71.19 factors associated with the use of restrictive procedures; the number of times a restrictive  
71.20 procedure is used schoolwide and for individual children; the number and types of injuries,  
71.21 if any, resulting from the use of restrictive procedures; whether restrictive procedures are  
71.22 used in nonemergency situations; the need for additional staff training; and proposed actions  
71.23 to minimize the use of restrictive procedures; any disproportionate use of restrictive  
71.24 procedures based on race, gender, or disability status; the role of the school resource officer  
71.25 or police in emergencies and the use of restrictive procedures; and documentation to  
71.26 determine if the standards for using restrictive procedures as described in sections 125A.0941  
71.27 and 125A.0942 are met; and

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

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

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

72.1 (2) an expert in positive behavior strategies;

72.2 (3) a special education administrator; and

72.3 (4) a general education administrator.

72.4 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a  
72.5 licensed special education teacher, school social worker, school psychologist, behavior  
72.6 analyst certified by the National Behavior Analyst Certification Board, a person with a  
72.7 master's degree in behavior analysis, other licensed education professional, paraprofessional  
72.8 under section 120B.363, or mental health professional under section 245.4871, subdivision  
72.9 27, who has completed the training program under subdivision 5.

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

72.14 (c) The district must hold a meeting of the individualized education program or  
72.15 individualized family service plan team, conduct or review a functional behavioral analysis,  
72.16 review data, consider developing additional or revised positive behavioral interventions and  
72.17 supports, consider actions to reduce the use of restrictive procedures, and modify the  
72.18 individualized education program, individualized family service plan, or behavior intervention  
72.19 plan as appropriate. The district must hold the meeting: within ten calendar days after district  
72.20 staff use restrictive procedures on two separate school days within 30 calendar days or a  
72.21 pattern of use emerges and the child's individualized education program, individualized  
72.22 family service plan, or behavior intervention plan does not provide for using restrictive  
72.23 procedures in an emergency; or at the request of a parent or the district after restrictive  
72.24 procedures are used. The district must review use of restrictive procedures at a child's annual  
72.25 individualized education program or individualized family service plan meeting when the  
72.26 child's individualized education program or individualized family service plan provides for  
72.27 using restrictive procedures in an emergency.

72.28 (d) If the individualized education program or individualized family service plan team  
72.29 under paragraph (c) determines that existing interventions and supports are ineffective in  
72.30 reducing the use of restrictive procedures or the district uses restrictive procedures on a  
72.31 child on ten or more school days during the same school year, the team, as appropriate,  
72.32 either must consult with other professionals working with the child; consult with experts in  
72.33 behavior analysis, mental health, communication, or autism; consult with culturally competent

73.1 professionals; review existing evaluations, resources, and successful strategies; or consider  
73.2 whether to reevaluate the child.

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

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

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

73.19 (1) physical holding or seclusion is the least intrusive intervention that effectively  
73.20 responds to the emergency;

73.21 (2) physical holding or seclusion is not used to discipline a noncompliant child;

73.22 (3) physical holding or seclusion ends when the threat of harm ends and the staff  
73.23 determines the child can safely return to the classroom or activity;

73.24 (4) staff directly observes the child while physical holding or seclusion is being used;

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

73.28 (i) a description of the incident that led to the physical holding or seclusion;

73.29 (ii) why a less restrictive measure failed or was determined by staff to be inappropriate  
73.30 or impractical;

73.31 (iii) the time the physical holding or seclusion began and the time the child was released;

73.32 ~~and~~

- 74.1 (iv) a brief record of the child's behavioral and physical status; and
- 74.2 (v) a brief description of the post-use debriefing that occurred as a result of the use of
- 74.3 the physical hold or seclusion;
- 74.4 (6) the room used for seclusion must:
- 74.5 (i) be at least six feet by five feet;
- 74.6 (ii) be well lit, well ventilated, adequately heated, and clean;
- 74.7 (iii) have a window that allows staff to directly observe a child in seclusion;
- 74.8 (iv) have tamperproof fixtures, electrical switches located immediately outside the door,
- 74.9 and secure ceilings;
- 74.10 (v) have doors that open out and are unlocked, locked with keyless locks that have
- 74.11 immediate release mechanisms, or locked with locks that have immediate release mechanisms
- 74.12 connected with a fire and emergency system; and
- 74.13 (vi) not contain objects that a child may use to injure the child or others; and
- 74.14 (7) before using a room for seclusion, a school must:
- 74.15 (i) receive written notice from local authorities that the room and the locking mechanisms
- 74.16 comply with applicable building, fire, and safety codes; and
- 74.17 (ii) register the room with the commissioner, who may view that room.
- 74.18 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,
- 74.19 recommend to the commissioner specific and measurable implementation and outcome
- 74.20 goals for reducing the use of restrictive procedures and the commissioner must submit to
- 74.21 the legislature a report on districts' progress in reducing the use of restrictive procedures
- 74.22 that recommends how to further reduce these procedures and eliminate the use of seclusion.
- 74.23 The statewide plan includes the following components: measurable goals; the resources,
- 74.24 training, technical assistance, mental health services, and collaborative efforts needed to
- 74.25 significantly reduce districts' use of seclusion; and recommendations to clarify and improve
- 74.26 the law governing districts' use of restrictive procedures. The commissioner must consult
- 74.27 with interested stakeholders when preparing the report, including representatives of advocacy
- 74.28 organizations, special education directors, teachers, paraprofessionals, intermediate school
- 74.29 districts, school boards, day treatment providers, county social services, state human services
- 74.30 department staff, mental health professionals, and autism experts. Beginning with the
- 74.31 2016-2017 school year, in a form and manner determined by the commissioner, districts
- 74.32 must report data quarterly to the department by January 15, April 15, July 15, and October

75.1 15 about individual students who have been secluded. By July 15 each year, districts must  
75.2 report summary data on their use of restrictive procedures to the department for the prior  
75.3 school year, July 1 through June 30, in a form and manner determined by the commissioner.  
75.4 The summary data must include information about the use of restrictive procedures, including  
75.5 use of reasonable force under section 121A.582.

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

75.7 (1) engaging in conduct prohibited under section 121A.58;

75.8 (2) requiring a child to assume and maintain a specified physical position, activity, or  
75.9 posture that induces physical pain;

75.10 (3) totally or partially restricting a child's senses as punishment;

75.11 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,  
75.12 substance, or spray as punishment;

75.13 (5) denying or restricting a child's access to equipment and devices such as walkers,  
75.14 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,  
75.15 except when temporarily removing the equipment or device is needed to prevent injury to  
75.16 the child or others or serious damage to the equipment or device, in which case the equipment  
75.17 or device shall be returned to the child as soon as possible;

75.18 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical  
75.19 abuse under chapter 260E;

75.20 (7) withholding regularly scheduled meals or water;

75.21 (8) denying access to bathroom facilities;

75.22 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs  
75.23 a child's ability to communicate distress, places pressure or weight on a child's head, throat,  
75.24 neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's  
75.25 torso; ~~and~~

75.26 (10) prone restraint; and

75.27 (11) the use of seclusion on children from birth through prekindergarten.

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

75.31 (1) positive behavioral interventions;

- 76.1 (2) communicative intent of behaviors;
- 76.2 (3) relationship building;
- 76.3 (4) alternatives to restrictive procedures, including techniques to identify events and  
76.4 environmental factors that may escalate behavior;
- 76.5 (5) de-escalation methods;
- 76.6 (6) standards for using restrictive procedures only in an emergency;
- 76.7 (7) obtaining emergency medical assistance;
- 76.8 (8) the physiological and psychological impact of physical holding and seclusion;
- 76.9 (9) monitoring and responding to a child's physical signs of distress when physical  
76.10 holding is being used;
- 76.11 (10) recognizing the symptoms of and interventions that may cause positional asphyxia  
76.12 when physical holding is used;
- 76.13 (11) district policies and procedures for timely reporting and documenting each incident  
76.14 involving use of a restricted procedure; and
- 76.15 (12) schoolwide programs on positive behavior strategies.

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

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

76.25 (b) Nothing in this section or section 125A.0941 precludes the use of reasonable force  
76.26 under sections 121A.582; 609.06, subdivision 1; and 609.379. ~~For the 2014-2015 school~~  
76.27 ~~year and later, districts must collect and submit to the commissioner summary data, consistent~~  
76.28 ~~with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with~~  
76.29 ~~the definition of physical holding or seclusion for a child with a disability under this section.~~  
76.30 Any reasonable force used under sections 121A.582; 609.06, subdivision 1; and 609.379  
76.31 which intends to hold a child immobile or limit a child's movement where body contact is  
76.32 the only source of physical restraint or confines a child alone in a room from which egress

77.1 is barred shall be reported to the Department of Education as a restrictive procedure, including  
 77.2 physical holding or seclusion used by an unauthorized or untrained staff person.

77.3 **ARTICLE 6**

77.4 **SUPPORTING TEACHER RECRUITMENT, RETENTION, PROFESSIONAL**  
 77.5 **EXPERIENCE**

77.6 Section 1. Minnesota Statutes 2022, section 120B.11, subdivision 1, is amended to read:

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

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

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

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

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

77.24 (e) "Ethnic studies curriculum" means the critical and interdisciplinary study of race,  
 77.25 ethnicity, and indigeneity with a focus on the experiences and perspectives of People of  
 77.26 Color within and beyond the United States. Ethnic studies analyzes the ways in which race  
 77.27 and racism have been and continue to be powerful social, cultural, and political forces, and  
 77.28 the connection of race to the stratification of other groups, including stratification based on  
 77.29 gender, class, sexual orientation, gender identity, and legal status. The ethnic studies  
 77.30 curriculum may be integrated in existing curricular opportunities or provided through  
 77.31 additional curricular offerings.

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

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

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

78.7 Sec. 2. Minnesota Statutes 2022, section 120B.11, subdivision 2, is amended to read:

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

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

78.14 (2) a process to: assess and evaluate each student's progress toward meeting state and  
 78.15 local academic standards; assess and identify students to participate in gifted and talented  
 78.16 programs and accelerate their instruction, ~~and~~; adopt early-admission procedures consistent  
 78.17 with section 120B.15; assess ethnic studies curriculum needs to determine priorities for  
 78.18 integrating ethnic studies into existing courses or developing new courses; and identifying  
 78.19 identify the strengths and weaknesses of instruction in pursuit of student and school success  
 78.20 and curriculum affecting students' progress and growth toward career and college readiness  
 78.21 and leading to the world's best workforce;

78.22 (3) a system to periodically review and evaluate the effectiveness of all instruction and  
 78.23 curriculum, including ethnic studies curriculum, taking into account strategies and best  
 78.24 practices, student outcomes, school principal evaluations under section 123B.147, subdivision  
 78.25 3, students' access to effective teachers who are members of populations underrepresented  
 78.26 among the licensed teachers in the district or school and who reflect the diversity of enrolled  
 78.27 students under section 120B.35, subdivision 3, paragraph (b), clause (2), and teacher  
 78.28 evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

78.29 (4) strategies for improving instruction, curriculum, and student achievement, including:

78.30 (i) the English and, where practicable, the native language development and the academic  
 78.31 achievement of English learners; and

78.32 (ii) access to ethnic studies curriculum using culturally responsive methodologies for  
 78.33 all learners;

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

79.5 (6) education effectiveness practices that:

79.6 (i) integrate high-quality instruction, rigorous curriculum, technology, and curriculum  
 79.7 that is rigorous, accurate, antiracist, and culturally sustaining;

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

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

79.13 (7) an annual budget for continuing to implement the district plan; and

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

79.17 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and  
 79.18 updated after June 30, 2024.

79.19 Sec. 3. Minnesota Statutes 2022, section 120B.11, subdivision 3, is amended to read:

79.20 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory  
 79.21 committee to ensure active community participation in all phases of planning and improving  
 79.22 the instruction and curriculum affecting state and district academic standards, consistent  
 79.23 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect  
 79.24 the diversity of the district and its school sites, include teachers, parents, support staff,  
 79.25 students, and other community residents, and provide translation to the extent appropriate  
 79.26 and practicable. The district advisory committee ~~shall~~ must pursue community support to  
 79.27 accelerate the academic and native literacy and achievement of English learners with varied  
 79.28 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and  
 79.29 2a. The district may establish site teams as subcommittees of the district advisory committee  
 79.30 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school  
 79.31 board: rigorous academic standards; student achievement goals and measures consistent  
 79.32 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district  
 79.33 assessments; means to improve students' equitable access to effective and more diverse

80.1 teachers; strategies to ensure the curriculum is rigorous, accurate, antiracist, and culturally  
 80.2 sustaining; strategies to ensure that curriculum and learning and work environments validate,  
 80.3 affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic  
 80.4 groups; and program evaluations. School sites may expand upon district evaluations of  
 80.5 instruction, curriculum, assessments, or programs. Whenever possible, parents and other  
 80.6 community residents ~~shall~~ must comprise at least two-thirds of advisory committee members.

80.7 **Sec. 4. [120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR**  
 80.8 **AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

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

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

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

80.25 **Subd. 4. Reporting.** Beginning in 2024 and every even-numbered year thereafter, the  
 80.26 Professional Educator Licensing and Standards Board must collaborate with the Department  
 80.27 of Education and the Office of Higher Education to publish a summary report of each of  
 80.28 the programs they administer and any other programs receiving state appropriations that  
 80.29 have or include an explicit purpose of increasing the racial and ethnic diversity of the state's  
 80.30 teacher workforce to more closely reflect the diversity of students. The report must include  
 80.31 programs under sections 122A.59, 122A.63, 122A.635, 122A.70, 122A.73, 124D.09,  
 80.32 124D.861, 136A.1274, 136A.1276, and 136A.1791, along with any other programs or  
 80.33 initiatives that receive state appropriations to address the shortage of teachers of color and  
 80.34 American Indian teachers. The board must, in coordination with the Office of Higher

81.1 Education and Department of Education, provide policy and funding recommendations  
 81.2 related to state-funded programs to increase the recruitment, preparation, licensing, hiring,  
 81.3 and retention of racially and ethnically diverse teachers and the state's progress toward  
 81.4 meeting or exceeding the goals of this section. The report must include recommendations  
 81.5 for state policy and funding needed to achieve the goals of this section, plans for sharing  
 81.6 the report and activities of grant recipients, and opportunities among grant recipients of  
 81.7 various programs to share effective practices with each other. The 2024 report must include  
 81.8 a recommendation of whether a state advisory council should be established to address the  
 81.9 shortage of racially and ethnically diverse teachers and what the composition and charge  
 81.10 of such an advisory council would be if established. The board must consult with the Indian  
 81.11 Affairs Council and other ethnic councils along with other community partners, including  
 81.12 students of color and American Indian students, in developing the report. By November 3  
 81.13 of each odd-numbered year, the board must submit the report to the chairs and ranking  
 81.14 minority members of the legislative committees with jurisdiction over education and higher  
 81.15 education policy and finance. The report must be available to the public on the board's  
 81.16 website.

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

81.18 **Sec. 5. [120B.25] CURRICULUM POLICY.**

81.19 A school board must adopt a written policy that prohibits discrimination or discipline  
 81.20 for a teacher or principal on the basis of incorporating into curriculum contributions by  
 81.21 persons in a federally protected class or protected class under section 363A.13 consistent  
 81.22 with local collective bargaining agreements.

81.23 **Sec. 6.** Minnesota Statutes 2022, section 121A.031, subdivision 6, is amended to read:

81.24 **Subd. 6. State model policy.** (a) The commissioner, in consultation with the  
 81.25 commissioner of human rights, shall develop and maintain a state model policy. A district  
 81.26 or school that does not adopt and implement a local policy under subdivisions 3 to 5 must  
 81.27 implement and may supplement the provisions of the state model policy. The commissioner  
 81.28 must assist districts and schools under this subdivision to implement the state policy. The  
 81.29 state model policy must:

81.30 (1) define prohibited conduct, consistent with this section;

81.31 (2) apply the prohibited conduct policy components in this section;

82.1 (3) for a child with a disability, whenever an evaluation by an individualized education  
 82.2 program team or a section 504 team indicates that the child's disability affects the child's  
 82.3 social skills development or the child is vulnerable to prohibited conduct because of the  
 82.4 child's disability, the child's individualized education program or section 504 plan may  
 82.5 address the skills and proficiencies the child needs to not engage in and respond to such  
 82.6 conduct; and

82.7 (4) encourage violence prevention and character development education programs under  
 82.8 section 120B.232, subdivision 1.

82.9 (b) The commissioner shall develop and post departmental procedures for:

82.10 (1) periodically reviewing district and school programs and policies for compliance with  
 82.11 this section;

82.12 (2) investigating, reporting, and responding to noncompliance with this section, which  
 82.13 may include an annual review of plans to improve and provide a safe and supportive school  
 82.14 climate; and

82.15 (3) allowing students, parents, and educators to file a complaint about noncompliance  
 82.16 with the commissioner.

82.17 (c) The commissioner must post on the department's website information indicating that  
 82.18 when districts and schools allow non-curriculum-related student groups access to school  
 82.19 facilities, the district or school must give all student groups equal access to the school  
 82.20 facilities regardless of the content of the group members' speech.

82.21 (d) The commissioner must develop and maintain resources to assist a district or school  
 82.22 in implementing strategies for creating a positive school climate and use evidence-based,  
 82.23 social-emotional learning to prevent and reduce discrimination and other improper conduct.

82.24 Sec. 7. Minnesota Statutes 2022, section 122A.181, subdivision 5, is amended to read:

82.25 Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter  
 82.26 indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and  
 82.27 limited to the district or charter school that requested the initial Tier 1 license.

82.28 (b) A Tier 1 license does not bring an individual within the definition of a teacher for  
 82.29 purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

82.30 ~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under~~  
 82.31 ~~section 179A.03, subdivision 18.~~

83.1 Sec. 8. Minnesota Statutes 2022, section 122A.183, subdivision 2, is amended to read:

83.2 Subd. 2. **Coursework.** A candidate for a Tier 3 license must meet the coursework  
83.3 requirement by demonstrating one of the following:

83.4 (1) completion of a Minnesota-approved teacher preparation program;

83.5 (2) completion of a state-approved teacher preparation program that includes field-specific  
83.6 student teaching equivalent to field-specific student teaching in Minnesota-approved teacher  
83.7 preparation programs. The field-specific student teaching requirement does not apply to a  
83.8 candidate that has two years of teaching experience;

83.9 (3) submission of a content-specific licensure portfolio; or

83.10 (4) a professional teaching license from another state, evidence that the candidate's  
83.11 license is in good standing, and two years of teaching experience; ~~or~~

83.12 ~~(5) three years of teaching experience under a Tier 2 license and evidence of summative~~  
83.13 ~~teacher evaluations that did not result in placing or otherwise keeping the teacher on an~~  
83.14 ~~improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41,~~  
83.15 ~~subdivision 5.~~

83.16 **EFFECTIVE DATE.** This section is effective for all licenses issued after July 1, 2023.

83.17 Sec. 9. Minnesota Statutes 2022, section 122A.185, subdivision 1, is amended to read:

83.18 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~  
83.19 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~  
83.20 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~  
83.21 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~  
83.22 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~  
83.23 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~  
83.24 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~  
83.25 ~~122A.183, respectively.~~

83.26 ~~(b)~~ (a) The board must adopt and revise rules requiring candidates applicants for Tier 3  
83.27 and Tier 4 licenses to pass an examination or assessment of general pedagogical knowledge  
83.28 and examinations or assessments of licensure field specific content. An applicant is exempt  
83.29 from the examination requirements if: (1) the applicant completed a board-approved teacher  
83.30 preparation program; or (2) the applicant completed a state-approved teacher preparation  
83.31 program in another state and passed licensure examinations in that state. The content  
83.32 examination requirement does not apply if no relevant content exam exists.

84.1 ~~(e) Candidates~~ (b) Applicants for initial ~~Tier 3 and~~ Tier 4 licenses to teach elementary  
 84.2 students must pass test items assessing the ~~candidates'~~ applicants' knowledge, skill, and  
 84.3 ability in comprehensive, scientifically based reading instruction under section 122A.06,  
 84.4 subdivision 4, knowledge and understanding of the foundations of reading development,  
 84.5 development of reading comprehension and reading assessment and instruction, and the  
 84.6 ability to integrate that knowledge and understanding into instruction strategies under section  
 84.7 122A.06, subdivision 4.

84.8 ~~(d) The requirement to pass a board-adopted reading, writing, and mathematics skills~~  
 84.9 ~~examination does not apply to nonnative English speakers, as verified by qualified Minnesota~~  
 84.10 ~~school district personnel or Minnesota higher education faculty, who, after meeting the~~  
 84.11 ~~content and pedagogy requirements under this subdivision, apply for a teaching license to~~  
 84.12 ~~provide direct instruction in their native language or world language instruction under section~~  
 84.13 ~~120B.022, subdivision 1.~~

84.14 Sec. 10. Minnesota Statutes 2022, section 122A.26, subdivision 2, is amended to read:

84.15 Subd. 2. **Exceptions.** (a) A person who teaches in a community education program  
 84.16 ~~which~~ that qualifies for aid pursuant to section 124D.52 shall continue to meet licensure  
 84.17 requirements as a teacher. A person who teaches in an early childhood and family education  
 84.18 program ~~which~~ that is offered through a community education program and ~~which~~ that  
 84.19 qualifies for community education aid pursuant to section 124D.20 or early childhood and  
 84.20 family education aid pursuant to section 124D.135 shall continue to meet licensure  
 84.21 requirements as a teacher. A person who teaches in a community education course ~~which~~  
 84.22 that is offered for credit for graduation to persons under 18 years of age shall continue to  
 84.23 meet licensure requirements as a teacher.

84.24 (b) A person who teaches a driver training course ~~which~~ that is offered through a  
 84.25 community education program to persons under 18 years of age shall be licensed by the  
 84.26 Professional Educator Licensing and Standards Board or be subject to section 171.35. A  
 84.27 license ~~which~~ that is required for an instructor in a community education program pursuant  
 84.28 to this ~~subdivision~~ paragraph shall not be construed to bring an individual within the  
 84.29 definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41,  
 84.30 subdivision 1, ~~clause~~ paragraph (a).

84.31 Sec. 11. Minnesota Statutes 2022, section 122A.40, subdivision 8, is amended to read:

84.32 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
 84.33 **teachers.** (a) To improve student learning and success, a school board and an exclusive

85.1 representative of the teachers in the district, consistent with paragraph (b), may develop a  
85.2 teacher evaluation and peer review process for probationary and continuing contract teachers  
85.3 through joint agreement. If a school board and the exclusive representative of the teachers  
85.4 do not agree to an annual teacher evaluation and peer review process, then the school board  
85.5 and the exclusive representative of the teachers must implement the state teacher evaluation  
85.6 plan under paragraph (c). The process must include having trained observers serve as peer  
85.7 coaches or having teachers participate in professional learning communities, consistent with  
85.8 paragraph (b).

85.9 (b) To develop, improve, and support qualified teachers and effective teaching practices,  
85.10 improve student learning and success, and provide all enrolled students in a district or school  
85.11 with improved and equitable access to more effective and diverse teachers, the annual  
85.12 evaluation process for teachers:

85.13 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
85.14 5;

85.15 (2) must establish a three-year professional review cycle for each teacher that includes  
85.16 an individual growth and development plan, a peer review process, and at least one  
85.17 summative evaluation performed by a qualified and trained evaluator such as a school  
85.18 administrator. For the years when a tenured teacher is not evaluated by a qualified and  
85.19 trained evaluator, the teacher must be evaluated by a peer review;

85.20 (3) ~~must be based on professional teaching standards established in rule~~ include a rubric  
85.21 of performance standards for teacher practice that: (i) is based on professional teaching  
85.22 standards established in rule; (ii) includes culturally responsive methodologies; and (iii)  
85.23 provides common descriptions of effectiveness using at least three levels of performance;

85.24 (4) must coordinate staff development activities under sections 122A.60 and 122A.61  
85.25 with this evaluation process and teachers' evaluation outcomes;

85.26 (5) may provide time during the school day and school year for peer coaching and teacher  
85.27 collaboration;

85.28 (6) may include job-embedded learning opportunities such as professional learning  
85.29 communities;

85.30 (7) may include mentoring and induction programs for teachers, including teachers who  
85.31 are members of populations underrepresented among the licensed teachers in the district or  
85.32 school and who reflect the diversity of students under section 120B.35, subdivision 3,  
85.33 paragraph (b), clause (2), who are enrolled in the district or school;

86.1 (8) must include an option for teachers to develop and present a portfolio demonstrating  
86.2 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
86.3 3, and include teachers' own performance assessment based on student work samples and  
86.4 examples of teachers' work, which may include video among other activities for the  
86.5 summative evaluation;

86.6 (9) must use data from valid and reliable assessments aligned to state and local academic  
86.7 standards and must use state and local measures of student growth and literacy that may  
86.8 include value-added models or student learning goals to determine 35 percent of teacher  
86.9 evaluation results;

86.10 (10) must use longitudinal data on student engagement and connection, and other student  
86.11 outcome measures explicitly aligned with the elements of curriculum for which teachers  
86.12 are responsible, including academic literacy, oral academic language, and achievement of  
86.13 content areas of English learners;

86.14 (11) must require qualified and trained evaluators such as school administrators to  
86.15 perform summative evaluations and ensure school districts and charter schools provide for  
86.16 effective evaluator training specific to teacher development and evaluation;

86.17 (12) must give teachers not meeting professional teaching standards under clauses (3)  
86.18 through (11) support to improve through a teacher improvement process that includes  
86.19 established goals and timelines; and

86.20 (13) must discipline a teacher for not making adequate progress in the teacher  
86.21 improvement process under clause (12) that may include a last chance warning, termination,  
86.22 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline  
86.23 a school administrator determines is appropriate.

86.24 Data on individual teachers generated under this subdivision are personnel data under  
86.25 section 13.43. The observation and interview notes of peer coaches may only be disclosed  
86.26 to other school officials with the consent of the teacher being coached.

86.27 (c) The department, in consultation with parents who may represent parent organizations  
86.28 and teacher and administrator representatives appointed by their respective organizations,  
86.29 representing the Professional Educator Licensing and Standards Board, the Minnesota  
86.30 Association of School Administrators, the Minnesota School Boards Association, the  
86.31 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
86.32 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
86.33 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
86.34 research expertise in teacher evaluation, must create and publish a teacher evaluation process

87.1 that complies with the requirements in paragraph (b) and applies to all teachers under this  
 87.2 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual  
 87.3 teacher evaluation and peer review process. The teacher evaluation process created under  
 87.4 this subdivision does not create additional due process rights for probationary teachers under  
 87.5 subdivision 5.

87.6 (d) Consistent with the measures of teacher effectiveness under this subdivision:

87.7 (1) for students in kindergarten through grade 4, a school administrator must not place  
 87.8 or approve the placement of a student in the classroom of a teacher who is in the improvement  
 87.9 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,  
 87.10 in the prior year, that student was in the classroom of a teacher who received discipline  
 87.11 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that  
 87.12 grade; and

87.13 (2) for students in grades 5 through 12, a school administrator must not place or approve  
 87.14 the placement of a student in the classroom of a teacher who is in the improvement process  
 87.15 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the  
 87.16 prior year, that student was in the classroom of a teacher who received discipline pursuant  
 87.17 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area  
 87.18 and grade.

87.19 All data created and used under this paragraph retains its classification under chapter 13.

87.20 **EFFECTIVE DATE.** This section is effective July 1, 2025.

87.21 Sec. 12. Minnesota Statutes 2022, section 122A.41, subdivision 5, is amended to read:

87.22 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**  
 87.23 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
 87.24 representative of the teachers in the district, consistent with paragraph (b), may develop an  
 87.25 annual teacher evaluation and peer review process for probationary and nonprobationary  
 87.26 teachers through joint agreement. If a school board and the exclusive representative of the  
 87.27 teachers in the district do not agree to an annual teacher evaluation and peer review process,  
 87.28 then the school board and the exclusive representative of the teachers must implement the  
 87.29 state teacher evaluation plan developed under paragraph (c). The process must include  
 87.30 having trained observers serve as peer coaches or having teachers participate in professional  
 87.31 learning communities, consistent with paragraph (b).

87.32 (b) To develop, improve, and support qualified teachers and effective teaching practices  
 87.33 and improve student learning and success, and provide all enrolled students in a district or

88.1 school with improved and equitable access to more effective and diverse teachers, the annual  
88.2 evaluation process for teachers:

88.3 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
88.4 2;

88.5 (2) must establish a three-year professional review cycle for each teacher that includes  
88.6 an individual growth and development plan, a peer review process, and at least one  
88.7 summative evaluation performed by a qualified and trained evaluator such as a school  
88.8 administrator;

88.9 (3) ~~must be based on professional teaching standards established in rule~~ include a rubric  
88.10 of performance standards for teacher practice that: (i) is based on professional teaching  
88.11 standards established in rule; (ii) includes culturally responsive methodologies; and (iii)  
88.12 provides common descriptions of effectiveness using at least three levels of performance;

88.13 (4) must coordinate staff development activities under sections 122A.60 and 122A.61  
88.14 with this evaluation process and teachers' evaluation outcomes;

88.15 (5) may provide time during the school day and school year for peer coaching and teacher  
88.16 collaboration;

88.17 (6) may include job-embedded learning opportunities such as professional learning  
88.18 communities;

88.19 (7) may include mentoring and induction programs for teachers, including teachers who  
88.20 are members of populations underrepresented among the licensed teachers in the district or  
88.21 school and who reflect the diversity of students under section 120B.35, subdivision 3,  
88.22 paragraph (b), clause (2), who are enrolled in the district or school;

88.23 (8) must include an option for teachers to develop and present a portfolio demonstrating  
88.24 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
88.25 3, and include teachers' own performance assessment based on student work samples and  
88.26 examples of teachers' work, which may include video among other activities for the  
88.27 summative evaluation;

88.28 (9) must use data from valid and reliable assessments aligned to state and local academic  
88.29 standards and must use state and local measures of student growth and literacy that may  
88.30 include value-added models or student learning goals to determine 35 percent of teacher  
88.31 evaluation results;

88.32 (10) must use longitudinal data on student engagement and connection and other student  
88.33 outcome measures explicitly aligned with the elements of curriculum for which teachers

89.1 are responsible, including academic literacy, oral academic language, and achievement of  
89.2 English learners;

89.3 (11) must require qualified and trained evaluators such as school administrators to  
89.4 perform summative evaluations and ensure school districts and charter schools provide for  
89.5 effective evaluator training specific to teacher development and evaluation;

89.6 (12) must give teachers not meeting professional teaching standards under clauses (3)  
89.7 through (11) support to improve through a teacher improvement process that includes  
89.8 established goals and timelines; and

89.9 (13) must discipline a teacher for not making adequate progress in the teacher  
89.10 improvement process under clause (12) that may include a last chance warning, termination,  
89.11 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline  
89.12 a school administrator determines is appropriate.

89.13 Data on individual teachers generated under this subdivision are personnel data under  
89.14 section 13.43. The observation and interview notes of peer coaches may only be disclosed  
89.15 to other school officials with the consent of the teacher being coached.

89.16 (c) The department, in consultation with parents who may represent parent organizations  
89.17 and teacher and administrator representatives appointed by their respective organizations,  
89.18 representing the Professional Educator Licensing and Standards Board, the Minnesota  
89.19 Association of School Administrators, the Minnesota School Boards Association, the  
89.20 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
89.21 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
89.22 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
89.23 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
89.24 that complies with the requirements in paragraph (b) and applies to all teachers under this  
89.25 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual  
89.26 teacher evaluation and peer review process. The teacher evaluation process created under  
89.27 this subdivision does not create additional due process rights for probationary teachers under  
89.28 subdivision 2.

89.29 (d) Consistent with the measures of teacher effectiveness under this subdivision:

89.30 (1) for students in kindergarten through grade 4, a school administrator must not place  
89.31 or approve the placement of a student in the classroom of a teacher who is in the improvement  
89.32 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,  
89.33 in the prior year, that student was in the classroom of a teacher who received discipline

90.1 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that  
90.2 grade; and

90.3 (2) for students in grades 5 through 12, a school administrator must not place or approve  
90.4 the placement of a student in the classroom of a teacher who is in the improvement process  
90.5 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the  
90.6 prior year, that student was in the classroom of a teacher who received discipline pursuant  
90.7 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area  
90.8 and grade.

90.9 All data created and used under this paragraph retains its classification under chapter 13.

90.10 **EFFECTIVE DATE.** This section is effective July 1, 2025.

90.11 Sec. 13. Minnesota Statutes 2022, section 123B.147, subdivision 3, is amended to read:

90.12 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,  
90.13 and instructional leadership services, under the supervision of the superintendent of schools  
90.14 of the district and according to the policies, rules, and regulations of the school board, for  
90.15 the planning, management, operation, and evaluation of the education program of the building  
90.16 or buildings to which the principal is assigned.

90.17 (b) To enhance a principal's culturally responsive leadership skills and support and  
90.18 improve teaching practices, school performance, and student achievement for diverse student  
90.19 populations, including at-risk students, children with disabilities, English learners, and gifted  
90.20 students, among others, a district must develop and implement a performance-based system  
90.21 for annually evaluating school principals assigned to supervise a school building within the  
90.22 district. The evaluation must be designed to improve teaching and learning by supporting  
90.23 the principal in shaping the school's professional environment and developing teacher  
90.24 quality, performance, and effectiveness. The annual evaluation must:

90.25 (1) support and improve a principal's instructional leadership, organizational management,  
90.26 and professional development, and strengthen the principal's capacity in the areas of  
90.27 instruction, supervision, evaluation, and teacher development;

90.28 (2) support and improve a principal's culturally responsive leadership practices that  
90.29 create inclusive and respectful teaching and learning environments for all students, families,  
90.30 and employees;

90.31 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of  
90.32 student progress toward career and college readiness;

91.1 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and  
 91.2 goals, and the principal's own professional multiyear growth plans and goals, all of which  
 91.3 must support the principal's leadership behaviors and practices, rigorous curriculum, school  
 91.4 performance, and high-quality instruction;

91.5 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

91.6 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and  
 91.7 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

91.8 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation  
 91.9 and incorporate district achievement goals and targets;

91.10 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and  
 91.11 learning, curriculum and instruction, student learning, culturally responsive leadership  
 91.12 practices, and a collaborative professional culture; and

91.13 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria  
 91.14 under this subdivision, implement a plan to improve the principal's performance and specify  
 91.15 the procedure and consequence if the principal's performance is not improved.

91.16 The provisions of this paragraph are intended to provide districts with sufficient flexibility  
 91.17 to accommodate district needs and goals related to developing, supporting, and evaluating  
 91.18 principals.

91.19 **EFFECTIVE DATE.** This section is effective July 1, 2024.

91.20 Sec. 14. Minnesota Statutes 2022, section 124D.861, subdivision 2, is amended to read:

91.21 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible  
 91.22 district must formally develop and implement a long-term plan under this section. The plan  
 91.23 must be incorporated into the district's comprehensive strategic plan under section 120B.11.  
 91.24 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~  
 91.25 ~~learning environments that offer students school enrollment choices; family engagement~~  
 91.26 ~~initiatives that involve families in their students' academic life and success; professional~~  
 91.27 ~~development opportunities for teachers and administrators focused on improving the academic~~  
 91.28 ~~achievement of all students, including teachers and administrators who are members of~~  
 91.29 ~~populations underrepresented among the licensed teachers or administrators in the district~~  
 91.30 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~  
 91.31 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~  
 91.32 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~  
 91.33 ~~career readiness for underserved students, including students enrolled in alternative learning~~

92.1 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~  
 92.2 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~  
 92.3 ~~underserved students; or recruitment and retention of teachers and administrators with~~  
 92.4 ~~diverse racial and ethnic backgrounds.~~

92.5 (b) The plan must contain goals for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

94.6 **ARTICLE 7**

94.7 **STUDENTS WITH DISABILITIES AND STUDENTS IN NEED OF SPECIAL**  
 94.8 **EDUCATION SERVICES**

94.9 Section 1. Minnesota Statutes 2022, section 121A.17, subdivision 3, is amended to read:

94.10 Subd. 3. **Screening program.** (a) A screening program must include at least the following  
 94.11 components: developmental assessments, including virtual developmental screening for  
 94.12 families who make the request based on their immunocompromised health status or other  
 94.13 health conditions, hearing and vision screening or referral, immunization review and referral,  
 94.14 the child's height and weight, the date of the child's most recent comprehensive vision  
 94.15 examination, if any, identification of risk factors that may influence learning, an interview  
 94.16 with the parent about the child, and referral for assessment, diagnosis, and treatment when  
 94.17 potential needs are identified. The district and the person performing or supervising the  
 94.18 screening must provide a parent or guardian with clear written notice that the parent or  
 94.19 guardian may decline to answer questions or provide information about family circumstances  
 94.20 that might affect development and identification of risk factors that may influence learning.  
 94.21 The notice must state "Early childhood developmental screening helps a school district  
 94.22 identify children who may benefit from district and community resources available to help  
 94.23 in their development. Early childhood developmental screening includes a vision screening  
 94.24 that helps detect potential eye problems but is not a substitute for a comprehensive eye  
 94.25 exam." The notice must clearly state that declining to answer questions or provide information  
 94.26 does not prevent the child from being enrolled in kindergarten or first grade if all other  
 94.27 screening components are met. If a parent or guardian is not able to read and comprehend  
 94.28 the written notice, the district and the person performing or supervising the screening must  
 94.29 convey the information in another manner. The notice must also inform the parent or guardian  
 94.30 that a child need not submit to the district screening program if the child's health records  
 94.31 indicate to the school that the child has received comparable developmental screening  
 94.32 performed within the preceding 365 days by a public or private health care organization or  
 94.33 individual health care provider. The notice must be given to a parent or guardian at the time  
 94.34 the district initially provides information to the parent or guardian about screening and must  
 94.35 be given again at the screening location.

95.1 (b) All screening components shall be consistent with the standards of the state  
 95.2 commissioner of health for early developmental screening programs. A developmental  
 95.3 screening program must not provide laboratory tests or a physical examination to any child.  
 95.4 The district must request from the public or private health care organization or the individual  
 95.5 health care provider the results of any laboratory test or physical examination within the 12  
 95.6 months preceding a child's scheduled screening. For the purposes of this section,  
 95.7 "comprehensive vision examination" means a vision examination performed by an optometrist  
 95.8 or ophthalmologist.

95.9 (c) If a child is without health coverage, the school district must refer the child to an  
 95.10 appropriate health care provider.

95.11 (d) A board may offer additional components such as nutritional, physical and dental  
 95.12 assessments, review of family circumstances that might affect development, blood pressure,  
 95.13 laboratory tests, and health history.

95.14 (e) If a statement signed by the child's parent or guardian is submitted to the administrator  
 95.15 or other person having general control and supervision of the school that the child has not  
 95.16 been screened because of conscientiously held beliefs of the parent or guardian, the screening  
 95.17 is not required.

95.18 Sec. 2. Minnesota Statutes 2022, section 125A.15, is amended to read:

95.19 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

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

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

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

96.1 opportunity to participate in the placement decision, which the placing district must then  
96.2 provide.

96.3 (c) When a child is temporarily placed for care and treatment in a day program located  
96.4 in another district and the child continues to live within the district of residence during the  
96.5 care and treatment, the district of residence is responsible for providing transportation to  
96.6 and from the care and treatment program and an appropriate educational program for the  
96.7 child. The resident district may establish reasonable restrictions on transportation, except  
96.8 if a Minnesota court or agency orders the child placed at a day care and treatment program  
96.9 and the resident district receives a copy of the order, then the resident district must provide  
96.10 transportation to and from the program unless the court or agency orders otherwise.

96.11 Transportation shall only be provided by the resident district during regular operating hours  
96.12 of the resident district. The resident district may provide the educational program at a school  
96.13 within the district of residence, at the child's residence, or in the district in which the day  
96.14 treatment center is located by paying tuition to that district. If a child's district of residence,  
96.15 district of open enrollment under section 124D.03, or charter school of enrollment under  
96.16 section 124E.11 is authorized to provide online learning instruction under state statutes, the  
96.17 child's district of residence may utilize that state-approved online learning program in  
96.18 fulfilling its educational program responsibility under this section.

96.19 (d) When a child is temporarily placed in a residential program for care and treatment,  
96.20 the nonresident district in which the child is placed is responsible for providing an appropriate  
96.21 educational program for the child and necessary transportation while the child is attending  
96.22 the educational program; and must bill the district of the child's residence for the actual cost  
96.23 of providing the program, as outlined in section 125A.11, except as provided in paragraph  
96.24 (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a  
96.25 disability placed outside of the school district of residence by the commissioner of human  
96.26 services or the commissioner of corrections or their agents, for reasons other than providing  
96.27 for the child's special educational needs must not become the responsibility of either the  
96.28 district providing the instruction or the district of the child's residence. For the purposes of  
96.29 this section, the state correctional facilities operated on a fee-for-service basis are considered  
96.30 to be residential programs for care and treatment. If a child's district of residence, district  
96.31 of open enrollment under section 124D.03, or charter school of enrollment under section  
96.32 124E.11 is authorized to provide online learning instruction under state statutes, the  
96.33 nonresident district may utilize that state-approved online learning program in fulfilling its  
96.34 educational program responsibility under this section.

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

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

97.13 Sec. 3. Minnesota Statutes 2022, section 125A.51, is amended to read:

97.14 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION**  
 97.15 **AND TRANSPORTATION.**

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

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

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

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

98.1 request an opportunity to participate in the placement decision, which the placing district  
98.2 must then provide.

98.3 (d) When a pupil without a disability is temporarily placed for care and treatment in a  
98.4 day program and the pupil continues to live within the district of residence during the care  
98.5 and treatment, the district of residence must provide instruction and necessary transportation  
98.6 to and from the care and treatment program for the pupil. The resident district may establish  
98.7 reasonable restrictions on transportation, except if a Minnesota court or agency orders the  
98.8 child placed at a day care and treatment program and the resident district receives a copy  
98.9 of the order, then the resident district must provide transportation to and from the program  
98.10 unless the court or agency orders otherwise. Transportation shall only be provided by the  
98.11 resident district during regular operating hours of the resident district. The resident district  
98.12 may provide the instruction at a school within the district of residence; at the pupil's  
98.13 residence; through an authorized online learning program provided by the pupil's resident  
98.14 district, district of open enrollment under section 124D.03, or charter school of enrollment  
98.15 under section 124E.11; or, in the case of a placement outside of the resident district, in the  
98.16 district in which the day treatment program is located by paying tuition to that district. The  
98.17 district of placement may contract with a facility to provide instruction by teachers licensed  
98.18 by the Professional Educator Licensing and Standards Board.

98.19 (e) When a pupil without a disability is temporarily placed in a residential program for  
98.20 care and treatment, the district in which the pupil is placed must provide instruction for the  
98.21 pupil and necessary transportation while the pupil is receiving instruction, and in the case  
98.22 of a placement outside of the district of residence, the nonresident district must bill the  
98.23 district of residence for the actual cost of providing the instruction for the regular school  
98.24 year and for summer school, excluding transportation costs. If a pupil's district of residence,  
98.25 district of open enrollment under section 124D.03, or charter school of enrollment under  
98.26 section 124E.11 is authorized to provide online learning instruction under state statutes, the  
98.27 district in which the pupil is placed may utilize that state-approved online learning program  
98.28 in fulfilling its responsibility to provide instruction under this section.

98.29 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or  
98.30 private homeless shelter, then the district that enrolls the pupil under section 120A.20,  
98.31 subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls  
98.32 the pupil and the district in which the pupil is temporarily placed agree that the district in  
98.33 which the pupil is temporarily placed shall provide transportation. When a pupil without a  
98.34 disability is temporarily placed in a residential program outside the district of residence,  
98.35 the administrator of the court placing the pupil must send timely written notice of the

99.1 placement to the district of residence. The district of placement may contract with a  
 99.2 residential facility to provide instruction by teachers licensed by the Professional Educator  
 99.3 Licensing and Standards Board. For purposes of this section, the state correctional facilities  
 99.4 operated on a fee-for-service basis are considered to be residential programs for care and  
 99.5 treatment.

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

99.13 Sec. 4. Minnesota Statutes 2022, section 125A.515, subdivision 3, is amended to read:

99.14 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's  
 99.15 residential facility is located must provide education services, including special education  
 99.16 if eligible, to all students placed in a facility. If a child's district of residence, district of open  
 99.17 enrollment under section 124D.03, or charter school of enrollment under section 124E.11  
 99.18 is authorized to provide online learning instruction under state statutes, the district in which  
 99.19 the children's residential facility is located may utilize that state-approved online learning  
 99.20 program in fulfilling its education services responsibility under this section.

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

## 99.24 ARTICLE 8

### 99.25 EARLY CHILDHOOD AND EARLY LEARNING

99.26 Section 1. Minnesota Statutes 2022, section 124D.03, subdivision 5a, is amended to read:

99.27 Subd. 5a. **Lotteries.** If a school district has more applications than available seats at a  
 99.28 specific grade level, it must hold an impartial lottery following the January 15 deadline to  
 99.29 determine which students will receive seats. The district must give priority to enrolling  
 99.30 siblings of currently enrolled students, students seeking enrollment into kindergarten who  
 99.31 were open enrolled in voluntary prekindergarten or school readiness plus programs in the  
 99.32 district, students whose applications are related to an approved integration and achievement

100.1 plan, and children of the school district's staff, ~~and students residing in that part of a~~  
 100.2 ~~municipality, defined under section 469.1812, subdivision 3, where:~~

100.3 ~~(1) the student's resident district does not operate a school building;~~

100.4 ~~(2) the municipality is located partially or fully within the boundaries of at least five~~  
 100.5 ~~school districts;~~

100.6 ~~(3) the nonresident district in which the student seeks to enroll operates one or more~~  
 100.7 ~~school buildings within the municipality; and~~

100.8 ~~(4) no other nonresident, independent, special, or common school district operates a~~  
 100.9 ~~school building within the municipality.~~

100.10 The process for the school district lottery must be established in school district policy,  
 100.11 approved by the school board, and posted on the school district's website.

100.12 Sec. 2. Minnesota Statutes 2022, section 124D.03, subdivision 12, is amended to read:

100.13 Subd. 12. **Termination of enrollment.** A district may terminate the enrollment of a  
 100.14 nonresident student enrolled under this section or section 124D.08 at the end of a school  
 100.15 year if the student meets the definition of a habitual truant under section 260C.007,  
 100.16 subdivision 19, the student has been provided appropriate services under chapter 260A, and  
 100.17 the student's case has been referred to juvenile court. A district may also terminate the  
 100.18 enrollment of a nonresident student over the age of 17 enrolled under this section if the  
 100.19 student is absent without lawful excuse for one or more periods on 15 school days and has  
 100.20 not lawfully withdrawn from school under section 120A.22, subdivision 8. Starting in the  
 100.21 2023-2024 school year, a district may terminate the enrollment of a nonresident preschool  
 100.22 student under this section or section 125A.13 when the student meets age eligibility  
 100.23 requirements for kindergarten or reaches age five by September 1.

100.24 Sec. 3. Minnesota Statutes 2022, section 124D.141, subdivision 2, is amended to read:

100.25 Subd. 2. **Additional duties.** The following duties are added to those assigned to the  
 100.26 council under federal law:

100.27 (1) make recommendations on the most efficient and effective way to leverage state and  
 100.28 federal funding streams for early childhood and child care programs;

100.29 ~~(2) make recommendations on how to coordinate or collocate early childhood and child~~  
 100.30 ~~care programs in one state Office of Early Learning. The council shall establish a task force~~  
 100.31 ~~to develop these recommendations. The task force shall include two nonexecutive branch~~

101.1 ~~or nonlegislative branch representatives from the council; six representatives from the early~~  
 101.2 ~~childhood caucus; two representatives each from the Departments of Education, Human~~  
 101.3 ~~Services, and Health; one representative each from a local public health agency, a local~~  
 101.4 ~~county human services agency, and a school district; and two representatives from the~~  
 101.5 ~~private nonprofit organizations that support early childhood programs in Minnesota. In~~  
 101.6 ~~developing recommendations in coordination with existing efforts of the council, the task~~  
 101.7 ~~force shall consider how to:~~

101.8 ~~(i) consolidate and coordinate resources and public funding streams for early childhood~~  
 101.9 ~~education and child care, and ensure the accountability and coordinated development of all~~  
 101.10 ~~early childhood education and child care services to children from birth to kindergarten~~  
 101.11 ~~entrance;~~

101.12 ~~(ii) create a seamless transition from early childhood programs to kindergarten;~~

101.13 ~~(iii) encourage family choice by ensuring a mixed system of high-quality public and~~  
 101.14 ~~private programs, with local points of entry, staffed by well-qualified professionals;~~

101.15 ~~(iv) ensure parents a decisive role in the planning, operation, and evaluation of programs~~  
 101.16 ~~that aid families in the care of children;~~

101.17 ~~(v) provide consumer education and accessibility to early childhood education and child~~  
 101.18 ~~care resources;~~

101.19 ~~(vi) advance the quality of early childhood education and child care programs in order~~  
 101.20 ~~to support the healthy development of children and preparation for their success in school;~~

101.21 ~~(vii) develop a seamless service delivery system with local points of entry for early~~  
 101.22 ~~childhood education and child care programs administered by local, state, and federal~~  
 101.23 ~~agencies;~~

101.24 ~~(viii) ensure effective collaboration between state and local child welfare programs and~~  
 101.25 ~~early childhood mental health programs and the Office of Early Learning;~~

101.26 ~~(ix) develop and manage an effective data collection system to support the necessary~~  
 101.27 ~~functions of a coordinated system of early childhood education and child care in order to~~  
 101.28 ~~enable accurate evaluation of its impact;~~

101.29 ~~(x) respect and be sensitive to family values and cultural heritage; and~~

101.30 ~~(xi) establish the administrative framework for and promote the development of early~~  
 101.31 ~~childhood education and child care services in order to provide that these services, staffed~~

102.1 ~~by well-qualified professionals, are available in every community for all families that express~~  
102.2 ~~a need for them.~~

102.3 ~~In addition, the task force must consider the following responsibilities for transfer to the~~  
102.4 ~~Office of Early Learning:~~

102.5 ~~(A) responsibilities of the commissioner of education for early childhood education~~  
102.6 ~~programs and financing under sections 119A.50 to 119A.535, 121A.16 to 121A.19, and~~  
102.7 ~~124D.129 to 124D.2211;~~

102.8 ~~(B) responsibilities of the commissioner of human services for child care assistance,~~  
102.9 ~~child care development, and early childhood learning and child protection facilities programs~~  
102.10 ~~and financing under chapter 119B and section 256E.37; and~~

102.11 ~~(C) responsibilities of the commissioner of health for family home visiting programs~~  
102.12 ~~and financing under section 145A.17.~~

102.13 ~~Any costs incurred by the council in making these recommendations must be paid from~~  
102.14 ~~private funds. If no private funds are received, the council must not proceed in making these~~  
102.15 ~~recommendations. The council must report its recommendations to the governor and the~~  
102.16 ~~legislature by January 15, 2011;~~

102.17 ~~(3)~~ (2) review program evaluations regarding high-quality early childhood programs;

102.18 ~~(4)~~ (3) make recommendations to the governor and legislature, including proposed  
102.19 legislation on how to most effectively create a high-quality early childhood system in  
102.20 Minnesota in order to improve the educational outcomes of children so that all children are  
102.21 school-ready by 2020; and

102.22 ~~(5) make recommendations to the governor and the legislature by March 1, 2011, on the~~  
102.23 ~~creation and implementation of a statewide school readiness report card to monitor progress~~  
102.24 ~~toward the goal of having all children ready for kindergarten by the year 2020. The~~  
102.25 ~~recommendations shall include what should be measured including both children and system~~  
102.26 ~~indicators, what benchmarks should be established to measure state progress toward the~~  
102.27 ~~goal, and how frequently the report card should be published. In making their~~  
102.28 ~~recommendations, the council shall consider the indicators and strategies for Minnesota's~~  
102.29 ~~early childhood system report, the Minnesota school readiness study, developmental~~  
102.30 ~~assessment at kindergarten entrance, and the work of the council's accountability committee.~~  
102.31 ~~Any costs incurred by the council in making these recommendations must be paid from~~  
102.32 ~~private funds. If no private funds are received, the council must not proceed in making these~~  
102.33 ~~recommendations; and~~

103.1 ~~(6) make recommendations to the governor and the legislature on how to screen earlier~~  
103.2 ~~and comprehensively assess children for school readiness in order to provide increased early~~  
103.3 ~~interventions and increase the number of children ready for kindergarten. In formulating~~  
103.4 ~~their recommendations, the council shall consider (i) ways to interface with parents of~~  
103.5 ~~children who are not participating in early childhood education or care programs, (ii) ways~~  
103.6 ~~to interface with family child care providers, child care centers, and school-based early~~  
103.7 ~~childhood and Head Start programs, (iii) if there are age-appropriate and culturally sensitive~~  
103.8 ~~screening and assessment tools for three-, four-, and five-year-olds, (iv) the role of the~~  
103.9 ~~medical community in screening, (v) incentives for parents to have children screened at an~~  
103.10 ~~earlier age, (vi) incentives for early education and care providers to comprehensively assess~~  
103.11 ~~children in order to improve instructional practice, (vii) how to phase in increases in screening~~  
103.12 ~~and assessment over time, (viii) how the screening and assessment data will be collected~~  
103.13 ~~and used and who will have access to the data, (ix) how to monitor progress toward the goal~~  
103.14 ~~of having 50 percent of three-year-old children screened and 50 percent of entering~~  
103.15 ~~kindergarteners assessed for school readiness by 2015 and 100 percent of three-year-old~~  
103.16 ~~children screened and entering kindergarteners assessed for school readiness by 2020, and~~  
103.17 ~~(x) costs to meet these benchmarks. The council shall consider the screening instruments~~  
103.18 ~~and comprehensive assessment tools used in Minnesota early childhood education and care~~  
103.19 ~~programs and kindergarten. The council may survey early childhood education and care~~  
103.20 ~~programs in the state to determine the screening and assessment tools being used or rely on~~  
103.21 ~~previously collected survey data, if available. For purposes of this subdivision, "school~~  
103.22 ~~readiness" is defined as the child's skills, knowledge, and behaviors at kindergarten entrance~~  
103.23 ~~in these areas of child development: social; self-regulation; cognitive, including language,~~  
103.24 ~~literacy, and mathematical thinking; and physical. For purposes of this subdivision,~~  
103.25 ~~"screening" is defined as the activities used to identify a child who may need further~~  
103.26 ~~evaluation to determine delay in development or disability. For purposes of this subdivision,~~  
103.27 ~~"assessment" is defined as the activities used to determine a child's level of performance in~~  
103.28 ~~order to promote the child's learning and development. Work on this duty will begin in~~  
103.29 ~~fiscal year 2012. Any costs incurred by the council in making these recommendations must~~  
103.30 ~~be paid from private funds. If no private funds are received, the council must not proceed~~  
103.31 ~~in making these recommendations. The council must report its recommendations to the~~  
103.32 ~~governor and legislature by January 15, 2013, with an interim report on February 15, 2011.~~

103.33 (4) review and provide input on the recommendations and implementation timelines  
103.34 developed by the Great Start For All Minnesota Children Task Force under Laws 2021,  
103.35 First Special Session chapter 7, article 14, section 18, subdivision 2.

104.1 Sec. 4. Minnesota Statutes 2022, section 124D.165, subdivision 2, is amended to read:

104.2 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,  
 104.3 parents or guardians must have an eligible child and meet at least one of the following  
 104.4 ~~eligibility~~ requirements:

104.5 ~~(1) have an eligible child; and~~

104.6 ~~(2) (1) have income equal to or less than 185 200 percent of federal poverty level income~~  
 104.7 ~~in the current calendar year; or;~~

104.8 ~~(2) be able to document their child's current participation in the free and reduced-price~~  
 104.9 ~~lunch meal program or Child and Adult Care Food Program, National School Lunch Act,~~  
 104.10 ~~United States Code, title 42, sections 1751 and 1766; the Food Distribution Program on~~  
 104.11 ~~Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections 2011-2036;~~  
 104.12 ~~Head Start under the federal Improving Head Start for School Readiness Act of 2007;~~  
 104.13 ~~Minnesota family investment program under chapter 256J; child care assistance programs~~  
 104.14 ~~under chapter 119B; the supplemental nutrition assistance program; or placement~~

104.15 ~~(3) have a child referred as in need of child protection services or placed in foster care~~  
 104.16 ~~under section 260C.212.~~

104.17 (b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

104.18 ~~(1) at least three but not yet five years of age on September 1 of the current school year;~~

104.19 ~~(2) a sibling from birth to age five of a child who has been awarded a scholarship under~~  
 104.20 ~~this section provided the sibling attends the same program as long as funds are available;~~

104.21 ~~(3) the child of a parent under age 21 who is pursuing a high school degree or a course~~  
 104.22 ~~of study for a high school equivalency test; or~~

104.23 ~~(4) homeless, in foster care, or in need of child protective services.~~

104.24 (c) A child who has received a scholarship under this section must continue to receive  
 104.25 a scholarship each year until that child is eligible for kindergarten under section 120A.20  
 104.26 and as long as funds are available.

104.27 (d) Early learning scholarships may not be counted as earned income for the purposes  
 104.28 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota  
 104.29 family investment program under chapter 256J, child care assistance programs under chapter  
 104.30 119B, or Head Start under the federal Improving Head Start for School Readiness Act of  
 104.31 2007.

105.1 (e) A child from an adjoining state whose family resides at a Minnesota address as  
105.2 assigned by the United States Postal Service, who has received developmental screening  
105.3 under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district,  
105.4 and whose family meets the criteria of paragraph (a) is eligible for an early learning  
105.5 scholarship under this section.

105.6 Sec. 5. Minnesota Statutes 2022, section 124D.165, subdivision 3, is amended to read:

105.7 Subd. 3. **Administration.** (a) The commissioner shall establish application timelines  
105.8 and determine the schedule for awarding scholarships that meets operational needs of eligible  
105.9 families and programs. The commissioner must give highest priority to applications from  
105.10 children who:

105.11 (1) are not yet four years of age;

105.12 ~~(1)~~ (2) have a parent under age 21 who is pursuing a high school diploma or a course of  
105.13 study for a high school equivalency test;

105.14 ~~(2)~~ (3) are in foster care ~~or otherwise;~~

105.15 (4) have been referred as in need of child protection or services; or

105.16 (5) have an incarcerated parent; or

105.17 ~~(3)~~ (6) have experienced homelessness in the last 24 months, as defined under the federal  
105.18 McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.

105.19 (b) The commissioner may prioritize applications on additional factors including family  
105.20 income, geographic location, and whether the child's family is on a waiting list for a publicly  
105.21 funded program providing early education or child care services.

105.22 ~~(b)~~ (c) The commissioner shall establish a target for the average scholarship amount per  
105.23 child based on the results of the rate survey conducted under section 119B.02.

105.24 ~~(c)~~ (d) A four-star rated program that has children eligible for a scholarship enrolled in  
105.25 or on a waiting list for a program beginning in July, August, or September may notify the  
105.26 commissioner, in the form and manner prescribed by the commissioner, each year of the  
105.27 program's desire to enhance program services or to serve more children than current funding  
105.28 provides. The commissioner may designate a predetermined number of scholarship slots  
105.29 for that program and notify the program of that number. For fiscal year 2018 and later, the  
105.30 statewide amount of funding directly designated by the commissioner must not exceed the  
105.31 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district  
105.32 or Head Start program qualifying under this paragraph may use its established registration

106.1 process to enroll scholarship recipients and may verify a scholarship recipient's family  
106.2 income in the same manner as for other program participants.

106.3 ~~(d)~~ (e) A scholarship is awarded for a 12-month period. If the scholarship recipient has  
106.4 not been accepted and subsequently enrolled in a rated program within ~~ten~~ three months of  
106.5 the awarding of the scholarship, the scholarship cancels and the recipient must reapply in  
106.6 order to be eligible for another scholarship. An extension can be requested if a program is  
106.7 unavailable for the child within the three-month timeline. A child may not be awarded more  
106.8 than one scholarship in a 12-month period.

106.9 ~~(e)~~ (f) A child who receives a scholarship who has not completed development screening  
106.10 under sections 121A.16 to 121A.19 must complete that screening within 90 days of first  
106.11 attending an eligible program or within 90 days after the child's third birthday if awarded  
106.12 a scholarship under the age of three.

106.13 ~~(f)~~ (g) For fiscal year 2017 and later, a school district or Head Start program enrolling  
106.14 scholarship recipients under paragraph (c) may apply to the commissioner, in the form and  
106.15 manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of  
106.16 the application, the commissioner must pay each program directly for each approved  
106.17 scholarship recipient enrolled under paragraph (c) according to the metered payment system  
106.18 or another schedule established by the commissioner.

106.19 Sec. 6. Minnesota Statutes 2022, section 125A.13, is amended to read:

106.20 **125A.13 SCHOOL OF PARENTS' CHOICE.**

106.21 (a) Nothing in this chapter must be construed as preventing parents of a child with a  
106.22 disability from sending the child to a school of their choice, if they so elect, subject to  
106.23 admission standards and policies adopted according to sections 125A.62 to 125A.64 and  
106.24 125A.66 to 125A.73, and all other provisions of chapters 120A to 129C.

106.25 (b) The parent of a student with a disability not yet enrolled in kindergarten and not open  
106.26 enrolled in a nonresident district may ~~request that the resident district enter into a tuition~~  
106.27 ~~agreement with~~ elect a school in the nonresident district ~~if~~:

106.28 ~~(1)~~ where the child is enrolled in a Head Start program or a licensed child care setting  
106.29 in the nonresident district; ~~and,~~ provided

106.30 ~~(2)~~ the child can be served in the same setting as other children in the nonresident district  
106.31 with the same level of disability.

**120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.**

Subd. 5. **Improving graduation rates for students with emotional or behavioral disorders.** (a) A district must develop strategies in conjunction with parents of students with emotional or behavioral disorders and the county board responsible for implementing sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in school, when the district has a drop-out rate for students with an emotional or behavioral disorder in grades 9 through 12 exceeding 25 percent.

(b) A district must develop a plan in conjunction with parents of students with emotional or behavioral disorders and the local mental health authority to increase the graduation rates of students with emotional or behavioral disorders. A district with a drop-out rate for children with an emotional or behavioral disturbance in grades 9 through 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight to the commissioner.

**124D.095 ONLINE LEARNING OPTION.**

Subdivision 1. **Citation.** This section may be cited as the "Online Learning Option Act."

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).

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

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

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

(g) "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 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.

Subd. 3. **Authorization; notice; limitations on enrollment.** (a) A student may apply for full-time enrollment in an approved 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 online learning provider and identify the student's reason for enrolling. An 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 online learning provider. The student and the student's parent must notify the online learning provider of the student's intent to enroll in online learning within

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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 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) The supplemental online learning notice to the enrolling district when a student applies to the online learning provider will include the courses or program, credits to be awarded, and the start date of the online course or program. An 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 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.

(c) 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.

**Subd. 4. Online learning parameters.** (a) An online learning student must receive academic credit for completing the requirements of an online learning course or program. Secondary credits granted to an 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 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 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

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(3) enroll in additional 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.

(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.

(e) Both full-time and 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. 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.

**Subd. 5. Participation in extracurricular activities.** An online learning student may participate in the extracurricular activities of the enrolling district on the same basis as other enrolled students.

**Subd. 6. Information.** School districts and charter schools must make available information about online learning to all interested people.

**Subd. 7. Department of Education.** (a) The department must review and approve or disapprove online learning providers within 90 calendar days of receiving an online learning provider's completed application. The commissioner, using research-based standards of quality for online learning programs, must review all approved online learning providers on a cyclical three-year basis. Approved 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) The online learning courses and programs must be rigorous, aligned with state academic standards, and contribute to grade progression in a single subject. The 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 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 (c).

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

(d) 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.

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

(f) The department may review a complaint about an 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 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 online learning provider in writing about withholding funds and provide detailed calculations.

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 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.