

1.1 **ARTICLE 38**

1.2 **FACILITIES, TECHNOLOGY, LIBRARIES, AND NUTRITION**

1.3 Section 1. Minnesota Statutes 2017 Supplement, section 121A.335, subdivision 3, is
1.4 amended to read:

1.5 Subd. 3. **Frequency of testing.** (a) The plan under subdivision 2 must include a testing
1.6 schedule for every building serving prekindergarten through grade 12 students. The schedule
1.7 must require that each building be tested at least once every five years. A school district
1.8 must begin testing school buildings by July 1, 2018, and complete testing of all buildings
1.9 that serve students within five years.

1.10 (b) The commissioner of education must, in consultation with the commissioner of
1.11 health, determine the maximum contaminant level for lead in school drinking water. The
1.12 maximum contaminant level must be compatible with the United States Environmental
1.13 Protection Agency's lead and copper rule. A school district that finds the presence of lead
1.14 exceeds the maximum contaminant level in any water source that can provide water for
1.15 consumption must either remediate that water source and immediately shut off the water
1.16 source until the source is remediated, or make the water source unavailable.

1.17 Sec. 2. Minnesota Statutes 2017 Supplement, section 121A.335, subdivision 5, is amended
1.18 to read:

1.19 Subd. 5. **Reporting.** A school district that has tested its buildings for the presence of
1.20 lead shall make the results of the testing available to the public for review and must notify
1.21 parents of the availability of the information. If a test conducted under subdivision 3,
1.22 paragraph (a), reveals that the presence of lead exceeds the maximum contaminant level,
1.23 the school district must immediately directly notify parents of the test result and any steps
1.24 taken to remediate the water source or make the water source unavailable.

1.25 Sec. 3. Minnesota Statutes 2016, section 123B.52, subdivision 6, is amended to read:

1.26 Subd. 6. **Disposing of surplus school computers.** (a) Notwithstanding section 471.345,
1.27 governing school district contracts made upon sealed bid or otherwise complying with the
1.28 requirements for competitive bidding, other provisions of this section governing school
1.29 district contracts, or other law to the contrary, a school district under this subdivision may
1.30 dispose of school computers, including a tablet device.

1.31 (b) A school district may dispose of a surplus school computer and related equipment
1.32 if the district disposes of the surplus property by conveying the property and title to:

- 2.1 (1) another school district;
- 2.2 (2) the state Department of Corrections;
- 2.3 (3) the Board of Trustees of the Minnesota State Colleges and Universities; or
- 2.4 (4) the family of a student residing in the district whose total family income meets the
- 2.5 federal definition of poverty.

2.6 (c) If surplus school computers are not disposed of under paragraph (b), upon adoption

2.7 of a written resolution of the school board, when updating or replacing school computers,

2.8 including tablet devices, used primarily by students, a school district may sell or give used

2.9 computers or tablets to qualifying students at the price specified in the written resolution.

2.10 A student is eligible to apply to the school board for a computer or tablet under this

2.11 subdivision if the student is currently enrolled in the school and intends to enroll in the

2.12 school in the year following the receipt of the computer or tablet. If more students apply

2.13 for computers or tablets than are available, the school must first qualify students whose

2.14 families are eligible for free or reduced-price meals, and then dispose of the remaining

2.15 computers or tablets by lottery.

2.16 **EFFECTIVE DATE.** This section is effective July 1, 2018.

2.17 Sec. 4. Minnesota Statutes 2017 Supplement, section 123B.52, subdivision 7, is amended

2.18 to read:

2.19 Subd. 7. **Food service contracts.** A contract between a school board and a food service

2.20 management company that complies with Code of Federal Regulations, title 7, section

2.21 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for

2.22 not more than four additional years.

2.23 Sec. 5. Minnesota Statutes 2016, section 123B.595, is amended by adding a subdivision

2.24 to read:

2.25 **Subd. 13. Allocation from districts participating in agreements for secondary**

2.26 **education or interdistrict cooperation.** For purposes of this section, a district with revenue

2.27 authority under subdivision 1 for indoor air quality, fire alarm and suppression, and asbestos

2.28 abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000

2.29 or more per site and that participates in an agreement under section 123A.30 or 123A.32

2.30 may allocate the revenue authority among participating districts.

3.1 Sec. 6. Minnesota Statutes 2016, section 124D.111, is amended to read:

3.2 **124D.111 SCHOOL MEALS POLICIES; LUNCH AID; FOOD SERVICE**
 3.3 **ACCOUNTING.**

3.4 Subdivision 1. **School ~~lunch aid computation~~ meals policies.** (a) Each Minnesota
 3.5 participant in the national school lunch program must adopt and post to its Web site, or the
 3.6 Web site of the organization where the meal is served, a school meals policy.

3.7 (b) The policy must be in writing and clearly communicate student meal charges when
 3.8 payment cannot be collected at the point of service. The policy must be reasonable and
 3.9 well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise
 3.10 ostracizing the student.

3.11 (c) The policy must address whether the participant uses a collections agency to collect
 3.12 unpaid school meals debt.

3.13 (d) The policy must ensure that once a participant has placed a meal on a tray or otherwise
 3.14 served the meal to a student, the meal may not be subsequently withdrawn from the student
 3.15 by the cashier or other school official, whether or not the student has an outstanding meals
 3.16 balance.

3.17 (e) The policy must ensure that a student who has been determined eligible for free and
 3.18 reduced-price lunch must always be served a reimbursable meal even if the student has an
 3.19 outstanding debt.

3.20 (f) If a school contracts with a third party for its meal services, it must provide the vendor
 3.21 with its school meals policy. Any contract between the school and a third-party provider
 3.22 entered into or modified after July 1, 2018, must ensure that the third-party provider adheres
 3.23 to the participant's school meals policy.

3.24 **Subd. 1a. School lunch aid amounts.** Each school year, the state must pay participants
 3.25 in the national school lunch program the amount of 12.5 cents for each full paid and free
 3.26 student lunch and 52.5 cents for each reduced-price lunch served to students.

3.27 **Subd. 2. Application.** A school district, charter school, nonpublic school, or other
 3.28 participant in the national school lunch program shall apply to the department for this
 3.29 payment on forms provided by the department.

3.30 **Subd. 2a. Federal child and adult care food program; criteria and notice.** The
 3.31 commissioner must post on the department's Web site eligibility criteria and application
 3.32 information for nonprofit organizations interested in applying to the commissioner for
 3.33 approval as a multisite sponsoring organization under the federal child and adult care food

4.1 program. The posted criteria and information must inform interested nonprofit organizations
4.2 about:

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

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

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

4.10 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision must
4.11 be recorded as provided in this subdivision.

4.12 (b) In each district, the expenses for a school food service program for pupils must be
4.13 attributed to a school food service fund. Under a food service program, the school food
4.14 service may prepare or serve milk, meals, or snacks in connection with school or community
4.15 service activities.

4.16 (c) Revenues and expenditures for food service activities must be recorded in the food
4.17 service fund. The costs of processing applications, accounting for meals, preparing and
4.18 serving food, providing kitchen custodial services, and other expenses involving the preparing
4.19 of meals or the kitchen section of the lunchroom may be charged to the food service fund
4.20 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial
4.21 services, lunchroom utilities, and other administrative costs of the food service program
4.22 must be charged to the general fund.

4.23 That portion of superintendent and fiscal manager costs that can be documented as
4.24 attributable to the food service program may be charged to the food service fund provided
4.25 that the school district does not employ or contract with a food service director or other
4.26 individual who manages the food service program, or food service management company.
4.27 If the cost of the superintendent or fiscal manager is charged to the food service fund, the
4.28 charge must be at a wage rate not to exceed the statewide average for food service directors
4.29 as determined by the department.

4.30 (d) Capital expenditures for the purchase of food service equipment must be made from
4.31 the general fund and not the food service fund, unless the restricted balance in the food
4.32 service fund at the end of the last fiscal year is greater than the cost of the equipment to be
4.33 purchased.

5.1 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
5.2 from the food service fund.

5.3 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
5.4 is not eliminated by revenues from food service operations in the next fiscal year, then the
5.5 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
5.6 that second fiscal year. However, if a district contracts with a food service management
5.7 company during the period in which the deficit has accrued, the deficit must be eliminated
5.8 by a payment from the food service management company.

5.9 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund
5.10 for up to three years without making the permanent transfer if the district submits to the
5.11 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at
5.12 the end of the third fiscal year.

5.13 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
5.14 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,
5.15 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food
5.16 service program charged to the general fund according to paragraph (c) and charge those
5.17 costs to the food service fund in a total amount not to exceed the amount of surplus in the
5.18 food service fund.

5.19 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must
5.20 make lunch available without charge and must not deny a school lunch to all participating
5.21 students who qualify for free or reduced-price meals, whether or not that student has an
5.22 outstanding balance in the student's meals account attributable to a la carte purchases or for
5.23 any other reason.

5.24 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students
5.25 in a respectful manner according to the policy adopted under subdivision 1. The participant
5.26 must ensure that any reminders for payment of outstanding student meal balances do not
5.27 demean or stigmatize any child participating in the school lunch program-, including but
5.28 not limited to dumping meals, withdrawing a meal that has been served, announcing or
5.29 listing students names publicly, or affixing stickers, stamps, or pins. The participant must
5.30 not impose any other restriction prohibited under section 123B.37 due to unpaid student
5.31 meal balances. The participant must not limit a student's participation in graduation
5.32 ceremonies due to an unpaid student meal balance.

5.33 (b) If the commissioner or the commissioner's designee determines a participant has
5.34 violated the requirement to provide meals to participating students in a respectful manner,

6.1 the commissioner or the commissioner's designee must send a letter of noncompliance to
 6.2 the participant. The participant is required to respond and, if applicable, remedy the practice
 6.3 within 60 days.

6.4 **EFFECTIVE DATE.** This section is effective July 1, 2018.

6.5 Sec. 7. Minnesota Statutes 2016, section 125B.26, subdivision 4, is amended to read:

6.6 Subd. 4. **District aid.** ~~For fiscal year 2006 and later,~~ A district, charter school, or
 6.7 intermediate school district's Internet access equity aid equals the district, charter school,
 6.8 or intermediate school district's approved cost for the previous fiscal year according to
 6.9 subdivision 1 ~~exceeding \$16 times the district's adjusted pupil units for the previous fiscal~~
 6.10 ~~year or no reduction if the district is part of an organized telecommunications access cluster.~~
 6.11 Equity aid must be distributed to the telecommunications access cluster for districts, charter
 6.12 schools, or intermediate school districts that are members of the cluster or to individual
 6.13 districts, charter schools, or intermediate school districts not part of a telecommunications
 6.14 access cluster.

6.15 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2019 and later.

6.16 Sec. 8. Minnesota Statutes 2016, section 134.355, subdivision 10, is amended to read:

6.17 Subd. 10. **Award of funds.** (a) The commissioner of education ~~shall~~ must develop an
 6.18 application and a reporting form and procedures for regional library telecommunications
 6.19 aid. Aid shall be based on actual costs including, but not limited to, connections, as
 6.20 documented in e-rate funding commitment decision letters for category one services and
 6.21 acceptable documentation for category two services and funds available for this purpose.
 6.22 The commissioner ~~shall~~ must make payments directly to the regional public library system.

6.23 (b) On March 15 of 2019, 2020, and 2021, the commissioner of education must reallocate
 6.24 any unspent amounts appropriated for paragraph (a) to regional library systems for broadband
 6.25 innovation programs, including equipment purchases, hot spot access devices, and other
 6.26 programs designed to increase Internet access.

6.27 (c) By January 15 of 2020, 2021, and 2022, the commissioner of education must report
 6.28 to the legislative committees with jurisdiction over education on the previous fiscal year's
 6.29 spending under this subdivision and make any recommendations for necessary program
 6.30 changes.

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

7.1 Sec. 9. Minnesota Statutes 2016, section 205A.07, subdivision 2, is amended to read:

7.2 Subd. 2. **Sample ballot, posting.** (a) For every school district primary, general, or special
 7.3 election, the school district clerk shall must at least four days before the primary, general,
 7.4 or special election, post a sample ballot in the administrative offices of the school district
 7.5 for public inspection, and shall must post a sample ballot in each polling place on election
 7.6 day.

7.7 (b) For a school district general or special election to issue bonds to finance a capital
 7.8 project requiring review and comment under section 123B.71, the summary of the
 7.9 commissioner's review and comment and supplemental information required under section
 7.10 123B.71, subdivision 12, paragraph (a), must be posted in the same manner as the sample
 7.11 ballot under paragraph (a).

7.12 **EFFECTIVE DATE.** This section is effective for elections held on or after August 1,
 7.13 2018.

7.14 Sec. 10. Minnesota Statutes 2016, section 299F.30, subdivision 1, is amended to read:

7.15 Subdivision 1. **Duties of fire marshal.** Consistent with sections 121A.035, 121A.037,
 7.16 and this section, it ~~shall be~~ is the duty of the state fire marshal, deputies and assistants, to
 7.17 require public and private schools and educational institutions to have at least five fire drills
 7.18 each school year, including at least three drills as provided under subdivision 2, paragraph
 7.19 (a), and to keep all doors and exits unlocked from the inside of the building during school
 7.20 hours.

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

7.22 Sec. 11. Minnesota Statutes 2016, section 299F.30, subdivision 2, is amended to read:

7.23 Subd. 2. **Fire drill.** (a) Each superintendent, principal, or other person in charge of a
 7.24 public or private school, educational institution, children's home or orphanage housing 20
 7.25 or more students or other persons, shall must instruct and train such students or other persons
 7.26 to quickly and expeditiously quit the premises in case of fire or other emergency by means
 7.27 of drills or rapid dismissals while such school, institution, home, or orphanage is in operation.

7.28 (b) In addition to the drills required under paragraph (a), a public or private school or
 7.29 educational institution may implement an alternative fire drill that does not require students
 7.30 or other persons to quit the premises. A school or educational institution choosing to develop
 7.31 and implement nonevacuating fire drill protocols must work in partnership with the local
 7.32 fire chief or the fire chief's designee and chief law enforcement officers or their designee.

8.1 (c) Records of ~~such~~ fire drills ~~shall~~ must be posted so that such records are available for
 8.2 review by the state fire marshal at all times and ~~shall~~ must include the type of drill conducted,
 8.3 nonevacuation or evacuation, and drill date and the time required to evacuate the building,
 8.4 if the drill required an evacuation.

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

8.6 Sec. 12. Minnesota Statutes 2016, section 475.58, subdivision 4, is amended to read:

8.7 Subd. 4. **Proper use of bond proceeds.** The proceeds of obligations issued after approval
 8.8 of the electors under this section ~~may~~ must only be spent: (1) for the purposes stated in the
 8.9 ballot language; or (2) to pay, redeem, or defease obligations and interest, penalties,
 8.10 premiums, and costs of issuance of the obligations. The proceeds ~~may~~ must not be spent
 8.11 for a different purpose or for an expansion of the original purpose without the approval by
 8.12 a majority of the electors voting on the question of changing or expanding the purpose of
 8.13 the obligations.

8.14 Sec. 13. Minnesota Statutes 2017 Supplement, section 475.59, subdivision 1, is amended
 8.15 to read:

8.16 Subdivision 1. **Generally; notice.** (a) When the governing body of a municipality resolves
 8.17 to issue bonds for any purpose requiring the approval of the electors, it shall provide for
 8.18 submission of the proposition of their issuance at a general or special election or town or
 8.19 school district meeting. Notice of such election or meeting shall be given in the manner
 8.20 required by law and shall state the maximum amount and the purpose of the proposed issue.

8.21 (b) In any school district, the school board or board of education may, according to its
 8.22 judgment and discretion, submit as a single ballot question or as two or more separate
 8.23 questions in the notice of election and ballots the proposition of their issuance for any one
 8.24 or more of the following, stated conjunctively or in the alternative: acquisition or enlargement
 8.25 of sites, acquisition, betterment, erection, furnishing, equipping of one or more new
 8.26 schoolhouses, remodeling, repairing, improving, adding to, betterment, furnishing, equipping
 8.27 of one or more existing schoolhouses. The ballot question or questions submitted by a school
 8.28 board must state the name of the plan or plans being proposed by the district as submitted
 8.29 to the commissioner of education for review and comment under section 123B.71.

8.30 (c) In any city, town, or county, the governing body may, according to its judgment and
 8.31 discretion, submit as a single ballot question or as two or more separate questions in the
 8.32 notice of election and ballots the proposition of their issuance, stated conjunctively or in

9.1 the alternative, for the acquisition, construction, or improvement of any facilities at one or
9.2 more locations.

9.3 **EFFECTIVE DATE.** This section is effective for elections held on or after August 1,
9.4 2018.

9.5 Sec. 14. Laws 2017, First Special Session chapter 5, article 5, section 14, subdivision 4,
9.6 is amended to read:

9.7 Subd. 4. **Equity in telecommunications access aid.** (a) For equity in telecommunications
9.8 access aid under Minnesota Statutes, section 125B.26:

9.9	\$	3,750,000	2018
9.10		3,750,000		
9.11	\$	<u>3,950,000</u>	2019

9.12 (b) If the appropriation amount is insufficient, the commissioner shall reduce the
9.13 reimbursement rate in Minnesota Statutes, section 125B.26, subdivisions 4 and 5, and the
9.14 revenue for fiscal years 2018 and 2019 shall be prorated.

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

9.16 (d) The base for fiscal year 2020 is \$3,750,000.

9.17 Sec. 15. Laws 2017, First Special Session chapter 5, article 7, section 2, subdivision 5, is
9.18 amended to read:

9.19 Subd. 5. **Regional library telecommunications aid.** (a) For regional library
9.20 telecommunications aid under Minnesota Statutes, section 134.355:

9.21	\$	2,300,000	2018
9.22	\$	2,300,000	2019

9.23 (b) The 2018 appropriation includes \$230,000 for 2017 and \$2,070,000 for 2018.

9.24 (c) The 2019 appropriation includes \$230,000 for 2018 and \$2,070,000 for 2019.

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

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

9.27 Sec. 16. **APPROPRIATIONS.**

9.28 Subdivision 1. Department of Education. The sum indicated in this section is
9.29 appropriated from the general fund to the Department of Education for the fiscal year
9.30 designated.

- 10.1 Subd. 2. Fiscal year 2019 additional telecommunications equity access aid. (a) For
10.2 additional telecommunications equity access aid under Minnesota Statutes, section 125B.26:
10.3 \$ 362,000 2019
- 10.4 (b) For fiscal year 2019 only, a school district or charter school is eligible for additional
10.5 telecommunications equity access aid equal to the greater of zero or:
- 10.6 (1) the district's approved costs under Minnesota Statutes, section 125B.26, subdivision
10.7 1; minus
- 10.8 (2) the district's aid under Minnesota Statutes, section 125B.26, subdivision 4; minus
- 10.9 (3) \$7 times the adjusted pupil units.
- 10.10 (c) This is a onetime appropriation. If the appropriation amount is insufficient, the
10.11 commissioner must prorate the additional aid.