

**Subject** Governor's Education Policy Bill

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## Overview

This is the Governor's education policy bill. It modifies provisions relating to dual enrollment programs, health education courses, the student bullying statute, student discipline, the Read Act, special education procedures and processes, school nutrition programs, and the Office of Inspector General at the Department of Education, and makes other changes.

## Article 1: General Education

This article modifies requirements related to academic standards, requirements for a health teacher and health courses, the postsecondary enrollment options (PSEO) act, the online instruction act, and adult basic education (ABE) program approval.

### Section Description - Article 1: General Education

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- Standards development. [Required academic standards]**  
Strikes requirement that academic standards be grade-level appropriate.
- Credit equivalencies. [Credits]**  
Waives some requirements for a health teacher teaching an agriculture science or career and technical education (CTE) course for health credit. Allows a student to use a health science CTE course to meet a health or science credit if the course meets applicable standards.
- Authorization; notification. [PSEO]**  
Provides that charter school students are eligible for PSEO. Requires a postsecondary institution to notify the pupil's school as soon as practicable if the pupil withdraws from the course or stops attending the course.
- Authorization; CTE. [PSEO]**  
Provides that charter school students are eligible for PSEO.

**Section Description - Article 1: General Education**

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- 5 **Authorization; 9<sup>th</sup> or 10<sup>th</sup> grade pupil. [PSEO]**  
Clarifies that charter school and Tribal school students are eligible for PSEO.
- 6 **Enrollment priority. [PSEO]**  
Strikes obsolete language limiting postsecondary institution advertisements and recruitment of secondary pupils.
- 7 **Courses according to agreement. [PSEO]**  
Allows charter schools and Tribal contract schools to enter into agreements with postsecondary institutions to provide students courses for dual credit.
- 8 **Definitions. [Online instruction act]**  
Modifies definition of “enrolling district” to refer only to districts and charter schools. Allows a state-operated school to qualify as a supplemental online course provider.
- 9 **Program approval. [ABE]**  
Expands ABE program approval term from five to six years.
- 10 **Revisor instruction.**  
Instructs the Revisor to substitute the term “district, charter school, or Tribal contract” school for “district” or “school district” in PSEO statute and online instruction act.

## **Article 2: Education Excellence**

This article modifies the goals of comprehensive achievement and civic readiness, the commissioner’s reporting requirements, requirements related to student bullying and the definition of “suspension”. It also describes comprehensive school mental health systems and renames the assessment required for kindergarten students.

**Section Description - Article 2: Education Excellence**

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- 1 **Definitions. [Comprehensive achievement and civic readiness]**  
Modifies the definition of “comprehensive achievement and civil readiness” by replacing “school readiness” (one of the goals of the statute) with supporting “successful learners through inclusive, quality, developmentally appropriate early learning experiences.”

**Section Description - Article 2: Education Excellence**

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- 2 State growth measures; other state measures. [Student academic achievement and growth]**  
Requires the commissioner to report language development outcomes of the target language of instruction other than English for all students in dual immersion programs or in programs in which the objective is improving or maintaining the students' native language.
- 3 Definitions. [School student bullying policy.]**  
Adds nonexclusionary disciplinary policies and practices and comprehensive school mental health systems as examples of remedial responses to stop bullying. Defines "familial status."
- 4 Local policy components. [School student bullying policy.]**  
Replaces reference to "parents" with "individuals with familial status."
- 5 State model policy. [School student bullying policy.]**  
Strikes requirement that department post procedures for investigating noncompliance and requires instead procedures for assessing and evaluating noncompliance.
- 6 Comprehensive school mental health systems (CSMHS).**  
Describes comprehensive school mental health systems.
- 7 Suspension. [Pupil Fair Dismissal Act definitions]**  
Modifies definition of "suspension" to say it does not apply to dismissals from school for less than one school day; a dismissal for one full school day would be a "suspension."
- 8 Kindergarten fall assessment.**  
Renames the "kindergarten entry assessment" as the "kindergarten fall assessment." Modifies assessment requirements and delays district and charter school compliance with statutory requirements until the 2026-2027 school year.

## **Article 3: Charter Schools**

This article modifies charter school procurement requirements, the list of statutes charter schools must comply with, requirements relating to agreements with charter management organizations (CMO) or education management organizations (EMO), and expands market need and demand requirements, and makes other changes.

**Section Description - Article 3: Charter Schools**

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- 1 Definitions.**  
Defines “competitive procurement process.” Modifies requirements for market need and demand studies.
- 2 Certain federal, state, and local requirements. [Applicable law]**  
Expands list of statutes charter schools must comply with to include all of chapter 120B. Requires a charter school to comply with the limits on screen time for children in preschool, prekindergarten, and kindergarten.
- 3 Merger. [Forming a school]**  
Modifies deadline for an authorizer and a merged school to execute a new charter contract.
- 4 Change in location. [Forming a school]**  
Requires a charter school changing locations to apply to its authorizer to change the location, including submitting a revised market need and demand study. Requires an authorizer to establish a review process to ensure the location change will address market need and demand and the charter school’s ongoing viability.
- 5 Meetings and information. [Board of directors]**  
Requires charter school board meetings to be recorded by video recording including audio at the expense of the board, and requires the recordings to be published and maintained on the school’s official website.
- 6 Audit report. [Reports]**  
Requires a charter school to submit all supplemental information included with an audit to the commissioner and authorizer. Requires a charter school to include a copy of any management agreement with a CMO or EMO.
- 7 Public accounting and reporting CMO and EMO agreements. [Reports]**  
Clarifies statement of assurance requirement in a management agreement with a CMO or EMO.
- 8 Authorizer performance evaluation report. [Reports]**  
Requires a charter school to publish on its website the authorizer’s performance evaluation within 15 business days of receipt and provide it to enrolled families in languages parents understand.

**Section Description - Article 3: Charter Schools**

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- 9 **Required policy components. [Use of state money]**  
Modifies procurement policy requirements relating to competitive procurement. Allows purchase between \$25,000 and \$175,000 to be made by direct negotiation instead of competitive procurement.
- 10 **Competitive procurement. [Use of state money]**  
Establishes requirements for charter school procurement by sealed bids and procurement by proposals.
- 11 **Reduction in aid. [Use of state money]**  
Allows the commissioner to reduce a charter school's state aid if the charter school makes a purchase that does not comply with statute on use of state money.
- 12 **Revisor instruction.**  
Instructs the Revisor to renumber subdivision on public accounting and reporting CMO and EMO agreements as new statute.

## **Article 4: The Read Act**

This article modifies the Read Act, including definitions, training requirements, screening tool requirements, and provisions relating to future curriculum reviews, and makes other changes.

**Section Description - Article 4: The Read Act**

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- 1 **Certified trained facilitator. [Read Act definitions]**  
Clarifies that a "certified trained facilitator" may be employed by a service cooperative rather than a literacy network.
- 2 **Oral language. [Read Act definitions]**  
Modifies definition of "oral language."
- 3 **Literacy goal. [Read Act goal and interventions]**  
Replaces reference to grade-level proficiency with grade-level benchmarks. Modifies description of MTSS framework.
- 4 **Identification; report. [Read Act goal and interventions]**  
Modifies requirements for screening tool. Allows the oral reading fluency screener to be used to assess reading difficulties, including characteristics of dyslexia, without requiring a separate screener, starting in the winter of first grade. Modifies

**Section Description - Article 4: The Read Act**

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- description of mastery of foundational reading skills for students in grades four and above.
- 5     **Parent notification and involvement. [Read Act goal and interventions]**  
Strikes requirement that districts give parents timely information.
- 6     **Intervention. [Read Act goal and interventions]**  
Replaces some references to “intervention” with “support.” Requires support when a student is identified as not having mastery of foundational reading skills and requires support to be defined by the multitiered systems of support framework. Requires Tier 1 interventions if fewer than 60 percent of students reach the benchmark target. Requires students receiving Tier 2 or Tier 3 interventions to also receive Tier 1 interventions. Strikes examples of interventions. Strikes language encouraging districts and charter schools to provide a personal learning plan to a student not demonstrating grade-level proficiency.  
  
Delays by one year the deadline for districts to use only evidence-based literacy interventions. Requires a trained teacher who has completed approved training to oversee and monitor instruction provided by a paraprofessional or other unlicensed person to a student receiving a Tier 2 literacy intervention. Requires paraprofessionals and other unlicensed persons to complete training.
- 7     **Staff development. [Read Act goal and interventions]**  
Strikes reference to “oral” in reference to academic language development.
- 8     **Local literacy plan. [Read Act goal and interventions]**  
Requires curricula and materials to be evidence-based, but not approved. Requires districts to use the commissioner’s template for their local literacy plans. Requires districts to report on teacher and staff training by grade level.
- 9     **Approved screeners. [Read Act implementation]**  
Broadens requirement relating to persons that use approved screeners to include all “external partners offering literacy supports in schools.”
- 10    **Professional development. [Read Act implementation]**  
Modifies requirements for teachers and other staff who must receive approved training by July 1, 2026.
- 11    **Department of Education. [Read Act implementation]**  
Clarifies that evidence-based intervention models are approved by both the department and CAREI.

**Section Description - Article 4: The Read Act**

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- 12 **Curriculum review cycle. [Read Act implementation partnership]**  
Requires review of curriculum and intervention programs by the department and CAREI to occur every five years starting July 1, 2030. Requires the department to publish the request for reconsideration procedure by July 1, 2029. Strikes references to review of professional development programs. Requires review to use the rubric first used to approve curriculum with the addition of culturally responsive criteria. Strikes requirement that the department and CAREI conduct a final curriculum review of previously submitted curriculum by March 3, 2025.
- 13 **Minnesota reading corps program.**  
Requires reading corps to use a department-approved screener.
- 14 **Repealer.**  
Repeals section 120B.124, subdivision 6, which allowed the department and an institution of higher education to partner to conduct a comprehensive review of curriculum and intervention materials starting in 2033.

## **Article 5: Special Education**

This article modifies an appeal provision in the Pupil Fair Dismissal Act, modifies requirements for prior written notice and parental consent of initial evaluation and provision of special education and related services, and establishes a state process for filing and resolving a complaint over a violation of the federal Individuals with Disabilities Education Act (IDEA).

**Section Description - Article 5: Special Education**

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- 1 **Appeal.**  
Requires a district to provide the commissioner and a student's parent a written transcript of the expulsion hearing when there is an appeal of an exclusion or expulsion decision.
- 2 **Additional requirements for prior written notice. [Alternative dispute resolution and due process hearings]**  
Modifies prior written notice requirements.
- 3 **Initial action; parent consent. [Alternative dispute resolution and due process hearings]**  
Modifies parental consent requirements relating to initial evaluation, and initial provision of special education and related services. Requires a district to make reasonable efforts to obtain written consent for an initial evaluation and for the

**Section Description - Article 5: Special Education**

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initial provision of special education and related services if the evaluation determines the child has a disability. Provides that a district is not required to obtain written consent to the particular special education and related services proposed in the initial Individualized Education program (IEP) but most provide prior written notice consistent with federal and state requirements. Prohibits construing consent for initial evaluation as consent for initial provision of special education and related services generally. Provides consequences of a parent failing to respond or consent to the initial provision of special education and related services.

**4 State complaint process.**

Establishes a process to file a complaint over a violation of the federal IDEA.

**Subd. 1. Filing a state complaint.** Allows an organization or individual to file a complaint with the Department of Education, Office of General Counsel, Dispute Resolution. Establishes requirements for a complaint.

**Subd. 2. Remedies.** Requires the department to address the failure to provide appropriate services and appropriate future provision of services for all children with disabilities when resolving a complaint and finding a failure to provide appropriate services.

**Subd. 3. Time limit and procedures.** Establishes investigation and other procedures for resolving a complaint.

**Subd. 4. Complaints and due process hearings.** Requires the department to set aside an issue or complaint that is also the subject of a due process hearing. Allows an organization or individual to file a complaint alleging a failure to implement a due process hearing decision.

## **Article 6: School Nutrition**

This article modifies the exemption to the requirement that schools offer free school breakfast, and modifies a reference to federal regulations.

**Section Description - Article 6: School Nutrition**

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**1 Exemption. [Districts to offer free school breakfast program]**

Exempts a school that does not participate in the free school meals program from requirement that school offer a school breakfast.



**Section Description - Article 6: School Nutrition**

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- 2        **Summer food service program locations.**  
Modifies reference to applicable federal regulation.

## **Article 7: State Agencies**

This article modifies provisions relating to the Office of the Inspector General (OIG) and the Department of Education (MDE), including data practices provisions and definitions, modifies MDE's rulemaking authority, and makes other changes.

**Section Description - Article 7: State Agencies**

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- 1        **Directory information. [Educational data]**  
Requires educational agencies or institutions sharing personal student contact information and directory information for students in special education to comply with requirements for parental consent under federal regulations.
- 2        **Department of Education Office of the Inspector General; investigative data.**  
Requires data used in an investigation by the OIG to be maintained as confidential or protected nonpublic data, and not be disclosed except under specified circumstances. Requires data referred to in this section to be classified as public data upon submission to a court in a civil or criminal proceeding or when the investigation is no longer active, except as required under other statutes. Allows the existence of an investigation by the OIG or withholding of payment by the commissioner to be disclosed if the commissioner, after consulting with the inspector general, determines it will not compromise the investigation.
- 3        **Application. [Comprehensive law enforcement data]**  
Adds the MDE OIG to list of agencies that carry a law enforcement function.
- 4        **Rulemaking. [Required academic standards]**  
Allows MDE to adopt standards through the regular rulemaking process rather than the expedited rulemaking process.
- 5        **Reporting. [Increasing percentage of teachers of color and American Indian teachers in Minnesota]**  
Shifts from the Professional Educator Licensing and Standards Board (PELSB) to MDE responsibility for the report on programs to increase the percentage of teachers of color and American Indian teachers.

**Section Description - Article 7: State Agencies**

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- 6        **Establishment of the OIG; powers; duties. [OIG]**  
Adds preventing and detecting theft to the purpose and duties of the OIG.
- 7        **Definitions. [OIG]**  
Modifies definition of “abuse” and provides examples. Defines “excluded.” Modifies definition of “fraud” and provides examples.
- 8        **Access to records. [OIG]**  
Requires program participants to give the OIG immediate access without prior notice to any locations of potential record storage and the records themselves, and to any records related to a department program. Provides that denying access to requested records is cause for immediate suspension of payment. Allows the OIG to copy any record related to a department program.
- 9        **Sanctions; appeal. [OIG]**  
Modifies grounds for sanctions.
- 10       **Data practices. [OIG]**  
Modifies cross-references to data practices statutes, referencing new statute governing the OIG and investigative data (section 13.3211 (section 2 above)) and statute on comprehensive law enforcement data (section 13.82) rather than statute governing data collected by a government entity as part of an active investigation related to a civil action (section 13.39). Strikes audit data from list of types of data governed by these cross-referenced statutes.
- 11       **Interference prohibited. [OIG]**  
Strikes reference to whistleblower statute.
- 12       **Immunity and confidentiality. [OIG]**  
Provides immunity from civil liability to a person making a good faith report or participating in an investigation. Requires the reporter’s name and identifying information to be kept confidential after an investigation is complete.
- 13       **Limits on receiving public funds; prohibition. [OIG]**  
Provides that subdivision does not authorize reducing or pausing state or federal aid to a district, charter school, cooperative unit, library, library system, or library district. Establishes requirements for and consequences of excluding a participant from a department program.

**Section Description - Article 7: State Agencies**

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- 14     **Notice. [OIG]**  
Requires the commissioner to provide a program participant notice when excluding a participant from a department program.
- 15     **Appeal. [OIG]**  
Allows a program participant excluded from a department program to request a contested case hearing.
- 16     **Withholding of payments. [OIG]**  
Provides that subdivision does not authorize withholding payments of state or federal aid to a school district, charter school, cooperative unit, library, library system, or library district. Requires the inspector general to recommend to the commissioner to withhold payments to a participant in any department program if there is a credible allegation of fraud or theft for which an investigation is pending. Requires the commissioner to notify the participant when withholding payments. Prohibits appeals of withholding of payments.
- 17     **Excess tax increment. [Aid adjustments]**  
Requires the county auditor to certify by February 1 to the commissioner of education the amount of any excess tax increment that accrued to the district during the preceding year.
- 18     **Use of data. [DEED data privacy]**  
Adds the MDE OIG to the list of agencies that may receive data from the Unemployment Insurance program without the consent of the data, for investigations related to fraud, theft, waste, and abuse or other misuse of public funds.



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