

1.1 ..... moves to amend H.F. No. 1081 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1  
1.4 GENERAL EDUCATION

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

1.6 **120A.35 ABSENCE FROM SCHOOL FOR RELIGIOUS OBSERVANCE.**

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

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

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

1.13 **120A.40 SCHOOL CALENDAR.**

1.14 (a) Except for learning programs during summer, flexible learning year programs  
1.15 authorized under sections 124D.12 to 124D.127, and learning year programs under section  
1.16 124D.128, a district must not commence an elementary or secondary school year before  
1.17 Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops  
1.18 may be held before Labor Day. Districts that enter into cooperative agreements are  
1.19 encouraged to adopt similar school calendars.

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

1.21 (1) to accommodate a construction or remodeling project of \$400,000 or more affecting  
1.22 a district school facility;

2.1 (2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a  
2.2 district that qualifies under clause (1); or

2.3 (3) if the district agrees to the same schedule with a school district in an adjoining state.

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

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

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

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

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

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

2.25 Subd. 2. **Conditions for assignment.** A qualifying taxpayer may assign all or part of  
2.26 an anticipated refund for the current and future taxable years to a financial institution or a  
2.27 qualifying organization. A financial institution or qualifying organization accepting  
2.28 assignment must pay the amount secured by the assignment to a third-party vendor. The  
2.29 commissioner of education shall, upon request from a third-party vendor, certify that the  
2.30 vendor's products and services qualify for the education credit. A denial of a certification  
2.31 is subject to the contested case procedure under may be appealed to the commissioner of  
2.32 education notwithstanding chapter 14. A financial institution or qualifying organization that

3.1 accepts assignments under this section must verify as part of the assignment documentation  
3.2 that the product or service to be provided by the third-party vendor has been certified by  
3.3 the commissioner of education as qualifying for the education credit. The amount assigned  
3.4 for the current and future taxable years may not exceed the maximum allowable education  
3.5 credit for the current taxable year. Both the taxpayer and spouse must consent to the  
3.6 assignment of a refund from a joint return.

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

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

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

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

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

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

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

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

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

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

3.28 (1) prepay any outstanding bonds;

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

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

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

4.4 (d) For purposes of a district for which the request for certification was made prior to  
4.5 August 1, 1979, excess increments equal the amount of increments on hand on December  
4.6 31, less the principal and interest obligations due on outstanding bonds or advances,  
4.7 qualifying under subdivision 1c, clauses (1), (2), (4), and (5), after December 31 of the year  
4.8 and not prepaid under paragraph (c).

4.9 (e) The county auditor must, prior to February 1 of each year, report to the commissioner  
4.10 of education the amount of any excess tax increment distributed to a school district ~~within~~  
4.11 ~~30 days of the distribution~~ for the preceding taxable year.

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

4.14 (g) The state auditor may exempt an authority from reporting the amounts calculated  
4.15 under this subdivision for a calendar year, if the authority certifies to the auditor in its report  
4.16 that the total amount authorized by the tax increment plan to be paid with increments from  
4.17 the district exceeds the sum of the total increments collected for the district for all years by  
4.18 20 percent.

## 4.19 ARTICLE 2

### 4.20 EDUCATION EXCELLENCE

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

4.22 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision  
4.23 5, educational data is private data on individuals and shall not be disclosed except as follows:

4.24 (a) pursuant to section 13.05;

4.25 (b) pursuant to a valid court order;

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

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

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

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

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

5.10 (h) to the appropriate school district officials to the extent necessary under subdivision  
5.11 6, annually to indicate the extent and content of remedial instruction, including the results  
5.12 of assessment testing and academic performance at a postsecondary institution during the  
5.13 previous academic year by a student who graduated from a Minnesota school district within  
5.14 two years before receiving the remedial instruction;

5.15 (i) to appropriate authorities as provided in United States Code, title 20, section  
5.16 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the  
5.17 system to effectively serve, prior to adjudication, the student whose records are released;  
5.18 provided that the authorities to whom the data are released submit a written request for the  
5.19 data that certifies that the data will not be disclosed to any other person except as authorized  
5.20 by law without the written consent of the parent of the student and the request and a record  
5.21 of the release are maintained in the student's file;

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

5.25 (k) to provide student recruiting information, from educational data held by colleges  
5.26 and universities, as required by and subject to Code of Federal Regulations, title 32, section  
5.27 216;

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

5.31 (m) with respect to Social Security numbers of students in the adult basic education  
5.32 system, to Minnesota State Colleges and Universities and the Department of Employment

6.1 and Economic Development for the purpose and in the manner described in section 124D.52,  
6.2 subdivision 7;

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

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

6.9 (2) information regarding student and employee witnesses;

6.10 (3) information regarding the alleged perpetrator; and

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

6.13 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge  
6.14 of a crime of violence or nonforcible sex offense to the extent authorized under United  
6.15 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title  
6.16 34, sections 99.31 (a)(13) and (14);

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

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

6.29 (r) with tribal nations about tribally enrolled or descendant students to the extent necessary  
6.30 for the tribal nation and school district or charter school to support the educational attainment  
6.31 of the student.

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

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

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

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

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

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

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

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

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

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

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

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

8.8 ~~(4)~~ (3) provide instruction in a school that is accredited by an accrediting agency,  
8.9 recognized according to section 123B.445, or recognized by the commissioner;

8.10 ~~(5)~~ (4) hold a baccalaureate degree; or

8.11 ~~(6)~~ (5) be the parent of a child who is assessed according to the procedures in subdivision  
8.12 11.

8.13 Any person providing instruction in a public school must meet the requirements of clause  
8.14 (1).

8.15 Sec. 4. Minnesota Statutes 2020, section 120A.24, subdivision 1, is amended to read:

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

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

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

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

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

8.29 (b) The person or nonpublic school in charge of providing instruction to a child between  
8.30 the ages of seven and 16 and every child ages 16 through 17 for which an initial report was



9.1 filed pursuant to this subdivision after the child is 16 must submit, by October 1 of each  
9.2 school year, a letter of intent to continue to provide instruction under this section for all  
9.3 students under the person's or school's supervision and any changes to the information  
9.4 required in paragraph (a) for each student. A letter of intent to continue to provide instruction  
9.5 must include a report to the superintendent with proof that the testing plan for the previous  
9.6 year was fulfilled as agreed upon, a copy of the official test scores, and information required  
9.7 in paragraph (a) for each student for the upcoming school year.

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

9.11 Sec. 5. Minnesota Statutes 2020, section 120B.021, subdivision 1, is amended to read:

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

9.14 (1) language arts;

9.15 (2) mathematics;

9.16 (3) science;

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

9.19 (5) physical education;

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

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

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

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

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

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

10.20 Sec. 6. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

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

10.28 Sec. 7. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

10.29 Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the~~  
10.30 ~~2011-2012 school year and later~~ must successfully complete the following high school level  
10.31 credits for graduation:

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

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

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

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

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

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

11.18 (7) one credit of physical education sufficient to satisfy all the academic standards in  
11.19 physical education; and

11.20 (8) a minimum of ~~seven~~ six elective credits.

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

11.25 (c) Students beginning 9th grade in the 2021-2022 school year and later must successfully  
11.26 complete a personal finance course for credit during their senior year of high school. The  
11.27 course must include but is not limited to the following topics: creating a household budget;  
11.28 taking out loans and accruing debt, including how interest works; home mortgages; how to  
11.29 file taxes; the impact of student loan debt; and how to read a paycheck and payroll deductions.  
11.30 Notwithstanding section 124D.095, a district may provide a personal finance course through  
11.31 online instruction, in-person instruction, or a combination of in-person and online instruction.

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

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

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

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

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

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

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

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

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

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

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

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

13.5 Sec. 9. Minnesota Statutes 2020, section 120B.11, subdivision 1a, is amended to read:

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

13.8 (1) the size of the academic achievement gap, rigorous course taking under section  
 13.9 120B.35, subdivision 3, paragraph (c), clause (2), participation in honors or gifted and  
 13.10 talented programming, and enrichment experiences by student subgroup;

13.11 (2) student performance on the Minnesota Comprehensive Assessments;

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

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

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

13.16 (b) A school district that offers advanced placement, international baccalaureate, or dual  
 13.17 enrollment programs must report on the following performance measures starting in the  
 13.18 2023-2024 school year:

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

13.20 (2) the number of students that took an advanced placement exam, and the number of  
 13.21 students that passed the exam; and

13.22 (3) the number of students that took the international baccalaureate exam, and the number  
 13.23 of students that passed the exam.

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

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

13.27 Sec. 10. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

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

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

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

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

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

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

14.25 (6) education effectiveness practices that:

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

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

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

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

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

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

15.4 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory  
15.5 committee to ensure active community participation in all phases of planning and improving  
15.6 the instruction and curriculum affecting state and district academic standards, consistent  
15.7 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect  
15.8 the diversity of the district and its school sites, include teachers, parents, support staff,  
15.9 students, and other community residents, and provide translation to the extent appropriate  
15.10 and practicable. The district advisory committee ~~shall~~ must pursue community support to  
15.11 accelerate the academic and native literacy and achievement of English learners with varied  
15.12 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and  
15.13 2a. The district may establish site teams as subcommittees of the district advisory committee  
15.14 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school  
15.15 board: rigorous academic standards; student achievement goals and measures consistent  
15.16 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district  
15.17 assessments; means to improve students' equitable access to effective and more diverse  
15.18 teachers; strategies to ensure the curriculum is rigorous, accurate, anti-racist, and culturally  
15.19 sustaining; strategies to ensure that curriculum and learning and work environments validate,  
15.20 affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic  
15.21 groups; and program evaluations. School sites may expand upon district evaluations of  
15.22 instruction, curriculum, assessments, or programs. Whenever possible, parents and other  
15.23 community residents ~~shall~~ must comprise at least two-thirds of advisory committee members.

15.24 Sec. 12. **[120B.113] EQUITABLE SCHOOL ENHANCEMENT GRANTS.**

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

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

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

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

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

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

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

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

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

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

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

16.28 (2) address institutional racism with equitable school policies, structures, and practices,  
16.29 consistent with the requirements for long-term plans under section 124D.861, subdivision  
16.30 2, paragraph (c).

16.31 Subd. 5. **Report.** Grant recipients must annually report to the commissioner by a date  
16.32 and in a form and manner determined by the commissioner on efforts planned and  
16.33 implemented that engaged students, families, educators, and community members of diverse



17.1 racial and ethnic backgrounds in making improvements to school climate and curriculum.  
 17.2 The report must assess the impact of those efforts as perceived by racially and ethnically  
 17.3 diverse stakeholders, and must identify any areas needed for further continuous improvement.  
 17.4 The commissioner must publish a report for the public summarizing the activities of grant  
 17.5 recipients and what was done to promote sharing of effective practices among grant recipients  
 17.6 and potential grant applicants.

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

17.8 Sec. 13. Minnesota Statutes 2020, section 120B.15, is amended to read:

17.9 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

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

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

17.17 (1) multiple and objective criteria; and

17.18 (2) assessments and procedures that are valid and reliable, fair, and based on current  
 17.19 theory and research. Assessments and procedures ~~should~~ must be sensitive and equitable  
 17.20 to underrepresented groups, including, but not limited to, low-income students, ~~minority~~  
 17.21 students of color and American Indian students, twice-exceptional students, students with  
 17.22 504 plans, and English learners. Assessments and procedures must be coordinated to allow  
 17.23 for optimal identification of programs or services for underrepresented groups.

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

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

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

17.30 (d) School districts must adopt procedures consistent with section 124D.02, subdivision  
 17.31 1, for early admission to kindergarten or first grade of gifted and talented learners consistent

18.1 with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to  
18.2 underrepresented groups.

18.3 Sec. 14. Minnesota Statutes 2020, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

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

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

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

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

19.1 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through  
19.2 8, and high school reading, writing, and mathematics tests; and

19.3 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades  
19.4 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the  
19.5 commissioner must not require students to achieve a passing score on high school science  
19.6 assessments as a condition of receiving a high school diploma.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.13 Sec. 16. Minnesota Statutes 2020, section 120B.30, is amended by adding a subdivision  
20.14 to read:

20.15 Subd. 8. **National and international education comparisons.** Each public district and  
20.16 school selected to participate in the national assessment of educational progress shall do so  
20.17 pursuant to United States Code, title 20, section 6312(c)(2), as in effect on December 10,  
20.18 2015, or similar national or international assessments, both for the national sample and for  
20.19 any state-by-state comparison programs that may be initiated, as directed by the  
20.20 commissioner. The assessments must be conducted using the data collection procedures,  
20.21 student surveys, educator surveys, and other instruments included in the National Assessment  
20.22 of Educational Progress or similar national or international assessments being administered  
20.23 in Minnesota. The administration of such assessments shall be in addition to and separate  
20.24 from the administration of the statewide, standardized assessments.

20.25 Sec. 17. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

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

20.31 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and  
20.32 report, as soon as practicable, separate categories of information using the student categories

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

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

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

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

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

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

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

22.10 (2) a rigorous coursework measure indicating the number and percentage of high school  
22.11 graduates in the most recent school year who successfully completed one or more  
22.12 college-level advanced placement, international baccalaureate, postsecondary enrollment  
22.13 options including concurrent enrollment, other rigorous courses of study under section  
22.14 120B.021, subdivision 1a, or industry certification courses or programs.

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

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

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

- 23.1 (1) the four- and six-year graduation rates of students under this paragraph;
- 23.2 (2) the percent of students under this paragraph whose progress and performance levels  
23.3 are meeting career and college readiness benchmarks under section 120B.30, subdivision  
23.4 1; and
- 23.5 (3) the success that learning year program providers experience in:
- 23.6 (i) identifying at-risk and off-track student populations by grade;
- 23.7 (ii) providing successful prevention and intervention strategies for at-risk students;
- 23.8 (iii) providing successful recuperative and recovery or reenrollment strategies for off-track  
23.9 students; and
- 23.10 (iv) improving the graduation outcomes of at-risk and off-track students.
- 23.11 The commissioner may include in the annual report summary data on other education  
23.12 providers serving a majority of students eligible to participate in a learning year program.
- 23.13 (f) The commissioner, in consultation with recognized experts with knowledge and  
23.14 experience in assessing the language proficiency and academic performance of all English  
23.15 learners enrolled in a Minnesota public school course or program who are currently or were  
23.16 previously counted as an English learner under section 124D.59, must identify and report  
23.17 appropriate and effective measures to improve current categories of language difficulty and  
23.18 assessments, and monitor and report data on students' English proficiency levels, program  
23.19 placement, and academic language development, including oral academic language.
- 23.20 (g) When reporting four- and six-year graduation rates, the commissioner or school  
23.21 district must disaggregate the data by student categories according to paragraph (a), clause  
23.22 (2).
- 23.23 (h) A school district must inform parents and guardians that volunteering information  
23.24 on student categories not required by the most recent reauthorization of the Elementary and  
23.25 Secondary Education Act is optional and will not violate the privacy of students or their  
23.26 families, parents, or guardians. The notice must state the purpose for collecting the student  
23.27 data.
- 23.28 **EFFECTIVE DATE.** This section is effective the day following final enactment. The  
23.29 next update to the data used to determine the most populous groups must be implemented  
23.30 in 2026 using the 2021-2025 dataset.

24.1 Sec. 18. Minnesota Statutes 2020, section 120B.35, subdivision 4, is amended to read:

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

24.6 Sec. 19. **[121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

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

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

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

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

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

24.19 (i) any tribe or band terminated since 1940; and

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

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

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

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

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

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

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

24.29 (e) "Public school" or "school" means a public school under section 120A.05, subdivisions  
24.30 9, 11, 13, and 17, and a charter school under chapter 124E.



25.1 Sec. 20. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

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

25.7 (b) "Out-of-school suspension" means an action by the school administration, under  
 25.8 rules promulgated by the school board, prohibiting a pupil from attending school for a period  
 25.9 of no more than ten school days. If a suspension is longer than five days, the suspending  
 25.10 administrator must provide the superintendent with a reason for the longer suspension. This  
 25.11 definition does not apply to dismissal from school for ~~one school day~~ or less than one school  
 25.12 day, except as provided in federal law for a student with a disability. Each suspension action  
 25.13 ~~may~~ must include a readmission plan. The readmission plan shall include, where appropriate,  
 25.14 a provision for implementing alternative educational services upon readmission and may  
 25.15 not be used to extend the current suspension. Consistent with section 125A.091, subdivision  
 25.16 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication  
 25.17 for the parent's child as a condition of readmission. The school administration may not  
 25.18 impose consecutive suspensions against the same pupil for the same course of conduct, or  
 25.19 incident of misconduct, except where the pupil will create an immediate and substantial  
 25.20 danger to self or to surrounding persons or property, or where the district is in the process  
 25.21 of initiating an expulsion, in which case the school administration may extend the suspension  
 25.22 to a total of 15 school days.

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

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

25.26 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**  
 25.27 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means  
 25.28 policies and practices that are alternatives to removing a pupil from class or dismissing a  
 25.29 pupil from school, including evidence-based positive behavior interventions and supports,  
 25.30 social and emotional services, school-linked mental health services, counseling services,  
 25.31 social work services, referrals for special education or 504 evaluations, academic screening  
 25.32 for title one services or reading interventions, and alternative education services.  
 25.33 Nonexclusionary disciplinary policies and practices require school officials to intervene in,  
 25.34 redirect, and support a pupil's behavior before removing a pupil from class or beginning

26.1 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are  
 26.2 not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and  
 26.3 (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph  
 26.4 (q); 122A.627, clause (3); and 123A.56.

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

26.6 Sec. 22. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision  
 26.7 to read:

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

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

26.13 Sec. 23. Minnesota Statutes 2020, section 121A.425, is amended to read:

26.14 **121A.425 FULL AND EQUITABLE PARTICIPATION IN ~~PRESCHOOL AND~~**  
 26.15 **~~PREKINDERGARTEN~~ EARLY LEARNING.**

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

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

26.22 (2) kindergarten through grade 3.

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

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

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

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

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

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

27.8 Sec. 24. Minnesota Statutes 2020, section 121A.45, subdivision 1, is amended to read:

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

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

27.15 Sec. 25. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

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

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

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

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

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

27.27 Sec. 27. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision  
27.28 to read:

27.29 Subd. 6. **Minimum education services.** School officials must give a suspended pupil  
27.30 the opportunity to complete all school work assigned during the period of the pupil's

28.1 suspension and to receive full credit for satisfactorily completing the assignments. The  
 28.2 school principal or other person having administrative control of the school building or  
 28.3 program is encouraged to designate a district or school employee as a liaison to work with  
 28.4 the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and  
 28.5 other information and (2) complete all school work assignments and receive teachers'  
 28.6 feedback.

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

28.8 Sec. 28. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

28.23 (3) present evidence; and

28.24 (4) confront and cross-examine witnesses.

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

28.26 Sec. 29. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

28.27 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare  
 28.28 and enforce an admission or readmission plan for any pupil who is excluded or expelled  
 28.29 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~  
 28.30 which may include completing a character education program; consistent with section

29.1 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,  
 29.2 mental health services, referrals for special education or 504 evaluation, and evidence-based  
 29.3 academic interventions. The plan must require parental involvement in the admission or  
 29.4 readmission process, and may indicate the consequences to the pupil of not improving the  
 29.5 pupil's behavior.

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

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

29.19 Sec. 30. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

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

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

30.1 Sec. 31. Minnesota Statutes 2020, section 121A.55, is amended to read:

30.2 **121A.55 POLICIES TO BE ESTABLISHED.**

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

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

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

30.20 (2) For expulsions and exclusionary dismissals, as well as for pupil withdrawal  
30.21 agreements as defined in section 121A.41, subdivision 14:

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

30.27 (ii) A pupil remains eligible for school-based or school-linked mental health services  
30.28 that are provided in the school district under section 245.4889 until the pupil is enrolled in  
30.29 a new school district.

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

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

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

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

31.9 Sec. 32. Minnesota Statutes 2020, section 121A.58, is amended to read:

31.10 **121A.58 CORPORAL PUNISHMENT.**

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

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

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

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

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

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

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

32.1 Sec. 33. Minnesota Statutes 2020, section 121A.61, is amended to read:

32.2 **121A.61 DISCIPLINE AND REMOVAL OF STUDENTS FROM CLASS.**

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

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

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

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

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

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

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

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

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



- 33.1 (d) the procedures for removal of a student from a class by a teacher, school administrator,  
33.2 or other school district employee;
- 33.3 (e) the period of time for which a student may be removed from a class, which may not  
33.4 exceed five class periods for a violation of a rule of conduct;
- 33.5 (f) provisions relating to the responsibility for and custody of a student removed from  
33.6 a class;
- 33.7 (g) the procedures for return of a student to the specified class from which the student  
33.8 has been removed;
- 33.9 (h) the procedures for notifying a student and the student's parents or guardian of  
33.10 violations of the rules of conduct and of resulting disciplinary actions;
- 33.11 (i) any procedures determined appropriate for encouraging early involvement of parents  
33.12 or guardians in attempts to improve a student's behavior;
- 33.13 (j) any procedures determined appropriate for encouraging early detection of behavioral  
33.14 problems;
- 33.15 (k) any procedures determined appropriate for referring a student in need of special  
33.16 education services to those services;
- 33.17 (l) the procedures for consideration of whether there is a need for a further assessment  
33.18 or of whether there is a need for a review of the adequacy of a current individualized  
33.19 education program of a student with a disability who is removed from class;
- 33.20 (m) procedures for detecting and addressing chemical abuse problems of a student while  
33.21 on the school premises;
- 33.22 ~~(n) the minimum consequences for violations of the code of conduct;~~
- 33.23 ~~(n)~~ (n) procedures for ~~immediate~~ timely and appropriate interventions tied to violations  
33.24 of the code;
- 33.25 ~~(p)~~ (o) a provision that states that a teacher, school employee, school bus driver, or other  
33.26 agent of a district may use reasonable force in compliance with section 121A.582 and other  
33.27 laws;
- 33.28 ~~(q)~~ (p) an agreement regarding procedures to coordinate crisis services to the extent  
33.29 funds are available with the county board responsible for implementing sections 245.487  
33.30 to 245.4889 for students with a serious emotional disturbance or other students who have  
33.31 an individualized education program whose behavior may be addressed by crisis intervention;  
33.32 ~~and~~

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

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

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

34.8 Sec. 34. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

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

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

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

34.20 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under  
 34.21 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by  
 34.22 a secondary teacher or a postsecondary faculty member, and are offered at a high school  
 34.23 for which the district is eligible to receive concurrent enrollment program aid under section  
 34.24 124D.091.

34.25 Sec. 35. Minnesota Statutes 2020, section 124D.09, subdivision 7, is amended to read:

34.26 Subd. 7. **Dissemination of information; Notification of intent to enroll.** By the earlier  
 34.27 of (1) three weeks prior to the date by which a student must register for district courses for  
 34.28 the following school year, or (2) March 1 of each year, a district must provide up-to-date  
 34.29 information on the district's website and in materials that are distributed to parents and  
 34.30 students about the program, including information about enrollment requirements and the  
 34.31 ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11. To assist the  
 34.32 district in planning, a pupil must inform the district ~~by May 30 of each year~~ of the pupil's

35.1 intent to enroll in postsecondary courses during the following school year. A pupil is bound  
35.2 ~~by notifying or not notifying the district by May 30 term. A pupil who does not notify the~~  
35.3 district of their intent to enroll by May 30 for the fall term or October 30 for the spring term  
35.4 will not be able to enroll in postsecondary courses under this section.

35.5 Sec. 36. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

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

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

35.16 A postsecondary institution shall receive the following:

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

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

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

35.30 Sec. 37. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

37.1 Sec. 38. Minnesota Statutes 2020, section 124D.128, subdivision 1, is amended to read:

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

37.8 Sec. 39. Minnesota Statutes 2020, section 124D.128, subdivision 3, is amended to read:

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

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

37.19 (2) the assessment measurements used to evaluate a pupil's objectives;

37.20 (3) requirements for grade level or other appropriate progression; and

37.21 (4) for pupils generating more than one average daily membership in a given grade, an  
37.22 indication of which objectives were unmet.

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

37.25 Sec. 40. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

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

37.29 (1) support postsecondary preparation for pupils;

37.30 (2) support the academic achievement of American Indian students;

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

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

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

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

38.6 Program services designed to increase completion and graduation rates of American Indian  
38.7 students must emphasize academic achievement, retention, and attendance; development  
38.8 of support services for staff, including in-service training and technical assistance in methods  
38.9 of teaching American Indian pupils; research projects, including innovative teaching  
38.10 approaches and evaluation of methods of relating to American Indian pupils; provision of  
38.11 career counseling to American Indian pupils; modification of curriculum, instructional  
38.12 methods, and administrative procedures to meet the needs of American Indian pupils; and  
38.13 ~~supplemental~~ instruction in American Indian language, literature, history, and culture.

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

38.18 Sec. 41. Minnesota Statutes 2020, section 124D.78, subdivision 1, is amended to read:

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

38.31 The American Indian education parent advisory committee must develop its  
38.32 recommendations in consultation with the curriculum advisory committee required by  
38.33 section 120B.11, subdivision 3. This committee must afford parents the necessary information

39.1 and the opportunity effectively to express their views concerning all aspects of American  
39.2 Indian education and the educational needs of the American Indian children enrolled in the  
39.3 school or program. The school board or American Indian school must ensure that programs  
39.4 are planned, operated, and evaluated with the involvement of and in consultation with parents  
39.5 of students served by the programs.

39.6 Sec. 42. Minnesota Statutes 2020, section 124D.78, subdivision 3, is amended to read:

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

39.16 Sec. 43. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

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

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

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

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

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

39.29 (i) issues facing American Indian students;

39.30 (ii) policies for American Indian education;

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

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

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

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

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

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

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

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

40.17 (v) increase American Indian student placement in postsecondary programs and the  
40.18 workforce; and

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

40.22 Sec. 44. **[124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND**  
40.23 **OBJECTS OF CULTURAL SIGNIFICANCE.**

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

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

40.28 Sec. 45. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

40.29 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible  
40.30 district must formally develop and implement a long-term plan under this section. The plan



41.1 must be incorporated into the district's comprehensive strategic plan under section 120B.11.  
41.2 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~  
41.3 ~~learning environments that offer students school enrollment choices; family engagement~~  
41.4 ~~initiatives that involve families in their students' academic life and success; professional~~  
41.5 ~~development opportunities for teachers and administrators focused on improving the academic~~  
41.6 ~~achievement of all students, including teachers and administrators who are members of~~  
41.7 ~~populations underrepresented among the licensed teachers or administrators in the district~~  
41.8 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~  
41.9 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~  
41.10 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~  
41.11 ~~career readiness for underserved students, including students enrolled in alternative learning~~  
41.12 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~  
41.13 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~  
41.14 ~~underserved students; or recruitment and retention of teachers and administrators with~~  
41.15 ~~diverse racial and ethnic backgrounds.~~

41.16 (b) The plan must contain goals for:

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

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

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

- 42.1 (d) School districts must use local data, to the extent practicable, to develop plan  
42.2 components and strategies. Plans may include:
- 42.3 (1) innovative and integrated prekindergarten through grade 12 learning environments  
42.4 that offer students school enrollment choices;
- 42.5 (2) family engagement initiatives that involve families in their students' academic life  
42.6 and success and improve relations between home and school;
- 42.7 (3) opportunities for students, families, staff, and community members who are of color  
42.8 or American Indian to share their experiences in the school setting with school staff and  
42.9 administration and to inform development of specific proposals for making school  
42.10 environments more validating, affirming, embracing, and integrating of their cultural and  
42.11 community strengths;
- 42.12 (4) professional development opportunities for teachers and administrators focused on  
42.13 improving the academic achievement of all students, including knowledge, skills, and  
42.14 dispositions needed to be anti-racist and culturally sustaining as defined in section 120B.11,  
42.15 subdivision 1, for serving students who are from racially and ethnically diverse backgrounds;
- 42.16 (5) recruitment and retention of teachers, administrators, cultural and family liaisons,  
42.17 paraprofessionals, and other staff from racial, ethnic, and linguistic backgrounds represented  
42.18 in the student population to strengthen relationships with all students, families, and other  
42.19 members of the community;
- 42.20 (6) collection, examination, and evaluation of academic and discipline data for  
42.21 institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and  
42.22 practices that result in the education disparities, in order to propose anti-racist changes as  
42.23 defined in section 120B.11, subdivision 1, that increase access, meaningful participation,  
42.24 representation, and positive outcomes for students of color and American Indian students;
- 42.25 (7) increased programmatic opportunities and effective and more diverse instructors  
42.26 focused on rigor and college and career readiness for students who are impacted by racial,  
42.27 gender, linguistic, and economic disparities, including students enrolled in area learning  
42.28 centers or alternative learning programs under section 123A.05, state-approved alternative  
42.29 programs under section 126C.05, subdivision 15, and contract alternative programs under  
42.30 section 124D.69, among other underserved students;
- 42.31 (8) ethnic studies curriculum as defined in section 120B.11, subdivision 1, to provide  
42.32 all students with opportunities to learn about their own and others' cultures and historical  
42.33 experiences; or

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

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

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

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

43.16 Sec. 46. Minnesota Statutes 2020, section 125A.094, is amended to read:

43.17 **125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH**  
 43.18 **DISABILITIES.**

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

43.21 Sec. 47. Minnesota Statutes 2020, section 125A.0942, is amended to read:

43.22 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

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

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

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

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

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

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

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

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

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

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

44.22 (2) an expert in positive behavior strategies;

44.23 (3) a special education administrator; and

44.24 (4) a general education administrator.

44.25 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a  
44.26 licensed special education teacher, school social worker, school psychologist, behavior  
44.27 analyst certified by the National Behavior Analyst Certification Board, a person with a  
44.28 master's degree in behavior analysis, other licensed education professional, paraprofessional  
44.29 under section 120B.363, or mental health professional under section 245.4871, subdivision  
44.30 27, who has completed the training program under subdivision 5.

44.31 (b) A school shall make reasonable efforts to notify the parent on the same day a  
44.32 restrictive procedure is used on the child, or if the school is unable to provide same-day

45.1 notice, notice is sent within two days by written or electronic means or as otherwise indicated  
45.2 by the child's parent under paragraph (f).

45.3 (c) The district must hold a meeting of the individualized education program team, if  
45.4 the student is a student with a disability, or a meeting of relevant members of the student's  
45.5 team, including the parent, if the student is not a student with a disability, conduct or review  
45.6 a functional behavioral analysis, review data, consider developing additional or revised  
45.7 positive behavioral interventions and supports, consider actions to reduce the use of restrictive  
45.8 procedures, and modify the individualized education program or behavior intervention plan  
45.9 as appropriate. The district must hold the meeting: within ten calendar days after district  
45.10 staff use restrictive procedures on two separate school days within 30 calendar days or a  
45.11 pattern of use emerges and the child's individualized education program or behavior  
45.12 intervention plan does not provide for using restrictive procedures in an emergency; or at  
45.13 the request of a parent or the district after restrictive procedures are used. The district must  
45.14 review use of restrictive procedures at a child's annual individualized education program  
45.15 meeting when the child's individualized education program provides for using restrictive  
45.16 procedures in an emergency.

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

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

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

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

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

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

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

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

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

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

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

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

46.17 ~~and~~

46.18 (iv) a brief record of the child's behavioral and physical status; and

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

46.21 (6) the room used for seclusion must:

46.22 (i) be at least six feet by five feet;

46.23 (ii) be well lit, well ventilated, adequately heated, and clean;

46.24 (iii) have a window that allows staff to directly observe a child in seclusion;

46.25 (iv) have tamperproof fixtures, electrical switches located immediately outside the door,  
46.26 and secure ceilings;

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

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

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

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

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

47.5 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,  
47.6 recommend to the commissioner specific and measurable implementation and outcome  
47.7 goals for reducing the use of restrictive procedures and the commissioner must submit to  
47.8 the legislature a report on districts' progress in reducing the use of restrictive procedures  
47.9 that recommends how to further reduce these procedures and eliminate the use of seclusion.  
47.10 The statewide plan includes the following components: measurable goals; the resources,  
47.11 training, technical assistance, mental health services, and collaborative efforts needed to  
47.12 significantly reduce districts' use of seclusion; and recommendations to clarify and improve  
47.13 the law governing districts' use of restrictive procedures. The commissioner must consult  
47.14 with interested stakeholders when preparing the report, including representatives of advocacy  
47.15 organizations, special education directors, teachers, paraprofessionals, intermediate school  
47.16 districts, school boards, day treatment providers, county social services, state human services  
47.17 department staff, mental health professionals, and autism experts. Beginning with the  
47.18 2016-2017 school year, in a form and manner determined by the commissioner, districts  
47.19 must report data quarterly to the department by January 15, April 15, July 15, and October  
47.20 15 about individual students who have been secluded. By July 15 each year, districts must  
47.21 report summary data on their use of restrictive procedures to the department for the prior  
47.22 school year, July 1 through June 30, in a form and manner determined by the commissioner.  
47.23 The summary data must include information about the use of restrictive procedures, including  
47.24 use of reasonable force under section 121A.582.

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

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

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

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

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

47.32 (5) denying or restricting a child's access to equipment and devices such as walkers,  
47.33 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,

48.1 except when temporarily removing the equipment or device is needed to prevent injury to  
48.2 the child or others or serious damage to the equipment or device, in which case the equipment  
48.3 or device shall be returned to the child as soon as possible;

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

48.6 (7) withholding regularly scheduled meals or water;

48.7 (8) denying access to bathroom facilities;

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

48.12 (10) prone restraint; and

48.13 (11) utilizing a restrictive procedure on any child under the age of 5.

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

48.17 (1) positive behavioral interventions;

48.18 (2) communicative intent of behaviors;

48.19 (3) relationship building;

48.20 (4) alternatives to restrictive procedures, including techniques to identify events and  
48.21 environmental factors that may escalate behavior;

48.22 (5) de-escalation methods;

48.23 (6) standards for using restrictive procedures only in an emergency;

48.24 (7) obtaining emergency medical assistance;

48.25 (8) the physiological and psychological impact of physical holding and seclusion;

48.26 (9) monitoring and responding to a child's physical signs of distress when physical  
48.27 holding is being used;

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



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

49.3 (12) schoolwide programs on positive behavior strategies.

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

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

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

49.18 Sec. 48. Minnesota Statutes 2020, section 144.4165, is amended to read:

49.19 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

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

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

50.1 **Sec. 49. EXTENSION FOR POSTING STUDENT PROGRESS AND OTHER DATA.**

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

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

50.6 **Sec. 50. ACADEMIC STANDARDS REVIEW AND REVISION SUSPENSION.**

50.7 Notwithstanding Minnesota Statutes, section 120B.021, the commissioner of education  
 50.8 must suspend the review and revision of academic standards and related benchmarks in  
 50.9 mathematics, and implementation of revised physical education and arts academic standards  
 50.10 under Minnesota Statutes, section 120B.021, until June 1, 2022. This suspension does not  
 50.11 prevent the commissioner from supporting schools and districts with future implementation,  
 50.12 continuing with current rulemaking activities, or developing future statewide assessments  
 50.13 in science or reading. The commissioner must implement a review and revision of the  
 50.14 academic standards and related benchmarks in mathematics beginning in the 2022-2023  
 50.15 school year.

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

50.17 **Sec. 51. REVISOR INSTRUCTION.**

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

<u>Column A</u>	<u>Column B</u>
<u>General Requirements Statewide Assessments</u>	
<u>120B.30, subdivision 1a, paragraph (h)</u>	<u>120B.30, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
<u>120B.30, subdivision 2, paragraph (b),</u> <u>clauses (1) and (2)</u>	<u>120B.30, subdivision 6, paragraph (c)</u>

51.1	<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
51.2	<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
51.3	<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
51.4	<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
51.5	<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>
51.6	<u>General Requirements Test Design</u>	
51.7	<u>120B.30, subdivision 1a, paragraph (a),</u>	<u>120B.301, subdivision 1</u>
51.8	<u>clauses (1) to (5)</u>	
51.9	<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
51.10	<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
51.11	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
51.12	<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
51.13	<u>120B.30, subdivision 1a, paragraph (c),</u>	<u>120B.301, subdivision 3, paragraph (d)</u>
51.14	<u>clauses (1) and (2)</u>	
51.15	<u>Assessment Graduation Requirements</u>	
51.16	<u>120B.30, subdivision 1, paragraph (c),</u>	<u>120B.304, subdivision 1</u>
51.17	<u>clauses (1) and (2)</u>	
51.18	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>
51.19	<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>
51.20	<u>Assessment Reporting Requirements</u>	
51.21	<u>120B.30, subdivision 1a, paragraph (f),</u>	<u>120B.305, subdivision 1</u>
51.22	<u>clauses (1) to (3)</u>	
51.23	<u>120B.30, subdivision 1a, paragraph (d),</u>	<u>120B.305, subdivision 2, paragraph (a)</u>
51.24	<u>clauses (1) to (4)</u>	
51.25	<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
51.26	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
51.27	<u>120B.30, subdivision 1, paragraph (o),</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
51.28	<u>clauses (1) to (4)</u>	
51.29	<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>
51.30	<u>District Assessment Requirements</u>	
51.31	<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>
51.32	<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>
51.33	<u>College and Career Readiness</u>	
51.34	<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
51.35	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
51.36	<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
51.37	<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
51.38	<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>
51.39	<u>120B.30, subdivision 1, paragraph (j)</u>	<u>120B.307, subdivision 4, paragraph (c)</u>

- 52.1 120B.30, subdivision 1, paragraph (k) 120B.307, subdivision 4, paragraph (d)  
 52.2 120B.30, subdivision 1, paragraph (l) 120B.307, subdivision 4, paragraph (e)

52.3 Sec. 52. **REPEALER.**

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

52.5 **ARTICLE 3**

52.6 **TEACHERS**

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

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

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

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

52.25 Subd. 4. **Reporting.** Beginning in 2022 and every even-numbered year thereafter, the  
 52.26 Professional Educator Licensing and Standards Board must collaborate with the Department  
 52.27 of Education and the Office of Higher Education to publish a summary report of each of  
 52.28 the programs they administer and any other programs receiving state appropriations that  
 52.29 have or include an explicit purpose of increasing the racial and ethnic diversity of the state's  
 52.30 teacher workforce to more closely reflect the diversity of students. The report must include  
 52.31 programs under sections 122A.2451, 122A.63, 122A.635, 122A.70, 124D.09, 124D.861,  
 52.32 136A.1275, and 136A.1791, along with any other programs or initiatives that receive state

53.1 appropriations to address the shortage of teachers of color and American Indian teachers.  
53.2 The board must, in coordination with the Office of Higher Education and Department of  
53.3 Education, provide policy and funding recommendations related to state-funded programs  
53.4 to increase the recruitment, preparation, licensing, hiring, and retention of racially and  
53.5 ethnically diverse teachers and the state's progress toward meeting or exceeding the goals  
53.6 of this section. The report must also include recommendations for state policy and funding  
53.7 needed to achieve the goals of this section, as well as plans for sharing the report and  
53.8 activities of grant recipients, and opportunities among grant recipients of various programs  
53.9 to share effective practices with each other. The 2022 report must include a recommendation  
53.10 of whether a state advisory council should be established to address the shortage of racially  
53.11 and ethnically diverse teachers and what the composition and charge of such an advisory  
53.12 council would be if established. The board must consult with the state Indian Affairs Council  
53.13 and other ethnic councils along with other community partners, including students of color  
53.14 and American Indian students, in developing the report. By November 1 of each  
53.15 even-numbered year, the board must submit the report to the chairs and ranking minority  
53.16 members of the legislative committees with jurisdiction over education and higher education  
53.17 policy and finance. The report must be available to the public on the board's website.

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

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

53.20 A school board must adopt a written policy that prohibits discrimination or discipline  
53.21 for a teacher or principal on the basis of incorporating into curriculum contributions by  
53.22 persons in a federally protected class or protected class under sections 121A.031 and  
53.23 363A.13, consistent with local collective bargaining agreements and sections 121A.41 to  
53.24 121A.56.

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

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

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

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

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

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

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

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

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

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

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

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

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

54.22 Subd. 8. **Teacher preparation program provider.** "Teacher preparation program  
54.23 provider" or "unit" means an entity that has primary responsibility for overseeing and  
54.24 delivering a teacher preparation program. Teacher preparation program providers include  
54.25 postsecondary institutions and alternative teacher preparation providers aligned to section  
54.26 122A.094.

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

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

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

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

55.10 Subd. 2. **Rules.** The board must adopt and revise rules to approve teacher preparation  
55.11 programs, including alternative teacher preparation programs and two-year transfer  
55.12 pre-education programs.

55.13 Subd. 3. **Eligibility.** The following organizations are eligible to seek approval to be a  
55.14 teacher preparation provider:

55.15 (1) Minnesota institutions of higher education;

55.16 (2) school districts;

55.17 (3) charter schools; and

55.18 (4) nonprofit corporations organized under chapter 317A for an education-related purpose.

55.19 Subd. 4. **Requirements for provider approval.** An eligible entity must be approved  
55.20 as a provider before being approved to provide programs toward licensure. The Professional  
55.21 Educator Licensing and Standards Board must approve an eligible entity under subdivision  
55.22 3 that meets the following requirements:

55.23 (1) has evidence and history of fiscal solvency, capacity, and operation;

55.24 (2) possesses necessary infrastructure to provide accurate, timely, and secure data for  
55.25 the purposes of admission, candidate monitoring, testing, and program completion  
55.26 requirements;

55.27 (3) has policies and procedures in place ensuring the security of candidate records under  
55.28 the federal Family Educational Rights and Privacy Act;

55.29 (4) has developed a research-based, results-oriented curriculum that focuses on the skills  
55.30 teachers need to be effective;

55.31 (5) provides a clinical experience that meets criteria set in rule for initial and additional  
55.32 licensure programs;

56.1 (6) includes a common core of teaching knowledge and skills. The Professional Educator  
56.2 Licensing and Standards Board must adopt and revise rules to maintain a common core of  
56.3 teaching knowledge and skills;

56.4 (7) includes instruction on the knowledge and skills needed to provide appropriate  
56.5 instruction to English learners to support and accelerate their academic literacy, including  
56.6 oral academic language and achievement in content areas in a regular classroom setting;  
56.7 and

56.8 (8) includes culturally competent training on instructional strategies consistent with  
56.9 section 120B.30, subdivision 1, paragraph (q), and Minnesota Rules, part 8710.0310, subpart  
56.10 1, item D.

56.11 Subd. 5. **Program approval.** The board must adopt and revise rules outlining the criteria  
56.12 by which programs offered by approved providers may be approved. If the board determines  
56.13 that a teacher preparation provider or licensure program fails to meet or is deficient in any  
56.14 of the requirements in rule, it may suspend or revoke the approval of the provider or program  
56.15 after it notifies the provider of the deficiencies and gives the provider an opportunity to  
56.16 remedy the deficiencies.

56.17 Subd. 6. **Specialized credentials.** The board may adopt and revise rules creating flexible,  
56.18 specialized teaching licenses, credentials, and other endorsement forms.

56.19 Subd. 7. **Teacher educators.** (a) The board must adopt and revise rules requiring teacher  
56.20 educators to work directly with elementary or secondary school teachers in elementary or  
56.21 secondary schools to obtain periodic exposure to the elementary and secondary teaching  
56.22 environments.

56.23 (b) The board must adopt and revise rules for the qualifications for teacher educators.  
56.24 The board may use nontraditional criteria to determine qualifications of teacher educators,  
56.25 including permitting instructors to hold a baccalaureate degree only. Nontraditional criteria  
56.26 may include previous work experiences, teaching experiences, educator evaluations,  
56.27 industry-recognized certifications, and other equivalent demonstrations of qualifications.

56.28 Subd. 8. **Reading strategies.** (a) A teacher preparation provider approved by the  
56.29 Professional Educator Licensing and Standards Board to prepare persons for classroom  
56.30 teacher licensure must include in its teacher preparation programs research-based best  
56.31 practices in reading, consistent with section 122A.06, subdivision 4, that enable the licensure  
56.32 candidate to teach reading in the candidate's content areas. Teacher candidates must be  
56.33 instructed in using students' native languages as a resource in creating effective differentiated  
56.34 instructional strategies for English learners developing literacy skills. A teacher preparation



57.1 provider must also prepare early childhood and elementary teacher candidates for Tier 3  
57.2 and Tier 4 teaching licenses under sections 122A.183 and 122A.184, respectively, for the  
57.3 portion of the examination under section 122A.185, subdivision 1, paragraph (c), covering  
57.4 assessment of reading instruction.

57.5 (b) Board-approved teacher preparation programs for teachers of elementary education  
57.6 must require instruction in applying comprehensive, scientifically based or evidence-based,  
57.7 and structured reading instruction programs that:

57.8 (1) teach students to read using foundational knowledge, practices, and strategies  
57.9 consistent with section 122A.06, subdivision 4, so that all students achieve continuous  
57.10 progress in reading; and

57.11 (2) teach specialized instruction in reading strategies, interventions, and remediations  
57.12 that enable students of all ages and proficiency levels to become proficient readers.

57.13 (c) Board-approved teacher preparation programs for teachers of elementary education,  
57.14 early childhood education, special education, and reading intervention must include  
57.15 instruction on dyslexia, as defined in section 125A.01, subdivision 2. Teacher preparation  
57.16 programs may consult with the Department of Education, including the dyslexia specialist  
57.17 under section 120B.122, to develop instruction under this paragraph. Instruction on dyslexia  
57.18 must be modeled on practice standards of the International Dyslexia Association, and must  
57.19 address:

57.20 (1) the nature and symptoms of dyslexia;

57.21 (2) resources available for students who show characteristics of dyslexia;

57.22 (3) evidence-based instructional strategies for students who show characteristics of  
57.23 dyslexia, including the structured literacy approach; and

57.24 (4) outcomes of intervention and lack of intervention for students who show  
57.25 characteristics of dyslexia.

57.26 (d) Nothing in this section limits the authority of a school district to select a school's  
57.27 reading program or curriculum.

57.28 Subd. 9. **Technology strategies.** All preparation providers approved by the Professional  
57.29 Educator Licensing and Standards Board to prepare persons for classroom teacher licensure  
57.30 must include in their teacher preparation programs the knowledge and skills teacher  
57.31 candidates need to engage students with technology and deliver digital and blended learning  
57.32 and curriculum.

58.1 Subd. 10. **Reports.** (a) The Professional Educator Licensing and Standards Board must  
 58.2 report annually to the education committees of the legislature on the performance of teacher  
 58.3 candidates aligned to section 122A.091, subdivision 1.

58.4 (b) The board must also submit a biennial report on the alternative teacher preparation  
 58.5 providers to legislative committees having jurisdiction over kindergarten through grade 12  
 58.6 education policy and finance by January 15 of each odd-numbered year.

58.7 Sec. 11. Minnesota Statutes 2020, section 122A.15, subdivision 1, is amended to read:

58.8 Subdivision 1. **Teachers.** The term "teachers" for the purpose of licensure, means all  
 58.9 persons employed in a public school or education district or by a service cooperative as  
 58.10 members of the instructional, supervisory, and support staff including superintendents,  
 58.11 principals, supervisors, secondary vocational and other classroom teachers, librarians, school  
 58.12 counselors, school psychologists, school nurses, school social workers, audio-visual directors  
 58.13 and coordinators, recreation personnel, media generalists, media supervisors, and ~~speech~~  
 58.14 ~~therapists~~ school speech-language pathologists. This definition does not apply to sections  
 58.15 122A.05 to 122A.093.

58.16 Sec. 12. Minnesota Statutes 2020, section 122A.16, is amended to read:

58.17 **122A.16 QUALIFIED TEACHER DEFINED.**

58.18 A qualified teacher is one holding a valid license, or permission under this chapter, to  
 58.19 perform the particular service for which the teacher is employed in a public school.

58.20 Sec. 13. Minnesota Statutes 2020, section 122A.18, subdivision 7a, is amended to read:

58.21 Subd. 7a. **Permission License to substitute teach.** (a) The Professional Educator  
 58.22 Licensing and Standards Board must issue licenses to substitute teach to applicants who  
 58.23 meet the qualifications prescribed in this subdivision and in Minnesota Rules.

58.24 ~~(a)~~ (b) The Professional Educator Licensing and Standards Board may ~~allow a person~~  
 58.25 issue a short-call substitute teaching license to an applicant who otherwise qualifies for a  
 58.26 Tier 1 license in accordance with section 122A.181, subdivision 2, or is enrolled in and  
 58.27 making satisfactory progress in a ~~board-approved~~ state-approved teacher program and who  
 58.28 has successfully completed student teaching ~~to be employed as a short-call substitute teacher.~~

58.29 ~~(b)~~ (c) The Professional Educator Licensing and Standards Board may issue a lifetime  
 58.30 qualified short-call or long-call substitute teaching license to a ~~person~~ an applicant who:

59.1 (1) was a qualified teacher under section 122A.16 while holding a Tier 3 or Tier 4  
 59.2 teaching license issued by the board, under sections 122A.183 and 122A.184, respectively,  
 59.3 and receives a retirement annuity from the Teachers Retirement Association or the St. Paul  
 59.4 Teachers Retirement Fund Association;

59.5 (2) holds an out-of-state teaching license and receives a retirement annuity as a result  
 59.6 of the person's teaching experience; or

59.7 (3) held a Tier 3 or Tier 4 teaching license issued by the board, under sections 122A.183  
 59.8 and 122A.184, respectively, taught at least three school years in an accredited nonpublic  
 59.9 school in Minnesota, and receives a retirement annuity as a result of the person's teaching  
 59.10 experience.

59.11 A person holding a lifetime qualified short-call or long-call substitute teaching license is  
 59.12 not required to complete continuing education clock hours. A person holding this license  
 59.13 may reapply to the board for either:

59.14 (i) a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184,  
 59.15 respectively, and must again complete ~~continuing education clock hours~~ renewal requirements  
 59.16 pursuant to section 122A.187 one school year after receiving the Tier 3 or Tier 4 teaching  
 59.17 license; or

59.18 (ii) a Tier 1 license under section 122A.181, provided that the ~~candidate~~ applicant has  
 59.19 a bachelor's degree, an associate's degree, or an appropriate professional credential in the  
 59.20 content area the ~~candidate~~ applicant will teach, in accordance with section 122A.181,  
 59.21 subdivision 2.

59.22 Sec. 14. Minnesota Statutes 2020, section 122A.18, subdivision 8, is amended to read:

59.23 Subd. 8. **Background ~~checks~~ studies.** (a) The Professional Educator Licensing and  
 59.24 Standards Board and the Board of School Administrators must ~~obtain~~ initiate a criminal  
 59.25 history background ~~check~~ study on all first-time ~~teaching~~ applicants for educator licenses  
 59.26 under their jurisdiction. Applicants must include with their licensure applications:

59.27 (1) an executed criminal history consent form, including fingerprints; and

59.28 (2) payment to conduct the background check. The Professional Educator Licensing and  
 59.29 Standards Board must deposit payments received under this subdivision in an account in  
 59.30 the special revenue fund. Amounts in the account are annually appropriated to the  
 59.31 Professional Educator Licensing and Standards Board to pay for the costs of background  
 59.32 checks on applicants for licensure.

60.1 (b) The background check for all first-time teaching applicants for licenses must include  
60.2 a review of information from the Bureau of Criminal Apprehension, including criminal  
60.3 history data as defined in section 13.87, and must also include a review of the national  
60.4 criminal records repository. The superintendent of the Bureau of Criminal Apprehension  
60.5 is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes  
60.6 of the criminal history check. The superintendent shall recover the cost to the bureau of a  
60.7 background check through the fee charged to the applicant under paragraph (a).

60.8 (c) The Professional Educator Licensing and Standards Board ~~must contract with~~ and  
60.9 the Board of School Administrators may initiate criminal background studies through the  
60.10 commissioner of human services to ~~conduct background checks and~~ obtain background  
60.11 check data required under this chapter.

60.12 Sec. 15. Minnesota Statutes 2020, section 122A.18, subdivision 10, is amended to read:

60.13 Subd. 10. **Licensure via portfolio.** (a) The Professional Educator Licensing and Standards  
60.14 Board must adopt and revise rules establishing a process for an eligible ~~candidate~~ applicant  
60.15 to obtain ~~any teacher~~ an initial Tier 3 license ~~under subdivision 1,~~ or to add a licensure field;  
60.16 to a Tier 3 or Tier 4 license via portfolio. The portfolio licensure application process must  
60.17 be consistent with the requirements in this subdivision.

60.18 (b) ~~A candidate~~ An applicant for a an initial Tier 3 license via portfolio must submit to  
60.19 the board one portfolio demonstrating pedagogical competence and one portfolio  
60.20 demonstrating content competence.

60.21 (c) ~~A candidate~~ An applicant seeking to add a licensure field via portfolio must submit  
60.22 to the board one portfolio demonstrating content competence for each licensure field the  
60.23 candidate seeks to add.

60.24 (d) The board must notify a ~~candidate~~ an applicant who submits a portfolio under  
60.25 paragraph (b) or (c) within ~~90~~ 120 calendar days after the portfolio is received whether or  
60.26 not the portfolio is approved. If the portfolio is not approved, the board must ~~immediately~~  
60.27 inform the ~~candidate~~ applicant how to revise the portfolio to successfully demonstrate the  
60.28 requisite competence. The ~~candidate~~ applicant may resubmit a revised portfolio ~~at any time~~  
60.29 within two years and the board must approve or disapprove the revised portfolio within ~~60~~  
60.30 90 calendar days of receiving it.

60.31 (e) ~~A candidate~~ An applicant must pay a fee for a portfolio in accordance with section  
60.32 122A.21, subdivision 4.

61.1 Sec. 16. Minnesota Statutes 2020, section 122A.181, subdivision 1, is amended to read:

61.2 Subdivision 1. **Application requirements.** The Professional Educator Licensing and  
61.3 Standards Board must approve ~~a request from a district or charter school to issue a Tier 1~~  
61.4 ~~license in a specified content area to a candidate~~ an application for a Tier 1 license in a  
61.5 specified content area if:

61.6 (1) the application has been submitted jointly by the applicant and the district;

61.7 (2) the application has been paid for by the district or the applicant;

61.8 (3) ~~the candidate~~ applicant meets the professional requirement in subdivision 2;

61.9 ~~(2)~~ (4) the district or charter school affirms that the ~~candidate~~ applicant has the necessary  
61.10 skills and knowledge to teach in the specified content area; ~~and~~

61.11 ~~(3)~~ (5) the district or charter school demonstrates that: ~~(i)~~ a criminal background check  
61.12 under section 122A.18, subdivision 8, has been completed on the ~~candidate~~ applicant; and

61.13 ~~(ii)~~ (6) the district or charter school has posted the teacher position but was unable to  
61.14 hire an acceptable teacher with a Tier 2, 3, or 4 license for the position.

61.15 Sec. 17. Minnesota Statutes 2020, section 122A.181, subdivision 2, is amended to read:

61.16 Subd. 2. **Professional requirements.** ~~(a) A candidate~~ An applicant for a Tier 1 license  
61.17 must have a bachelor's degree to teach a class or course ~~outside a career and technical~~  
61.18 ~~education or career pathways course of study,~~ unless specifically exempt by state statute or  
61.19 rule.

61.20 ~~(b) A candidate for a Tier 1 license must have one of the following credentials in a~~  
61.21 ~~relevant content area to teach a class in a career and technical education or career pathways~~  
61.22 ~~course of study:~~

61.23 (1) ~~an associate's degree;~~

61.24 (2) ~~a professional certification; or~~

61.25 (3) ~~five years of relevant work experience.~~

61.26 Sec. 18. Minnesota Statutes 2020, section 122A.181, is amended by adding a subdivision  
61.27 to read:

61.28 Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a  
61.29 Tier 1 license are exempt from the requirement to hold a bachelor's degree in subdivision  
61.30 2:

62.1 (1) an applicant for a Tier 1 license to teach career and technical education or career  
 62.2 pathways courses of study if the applicant has:

62.3 (i) an associate's degree;

62.4 (ii) a professional certification; or

62.5 (iii) five years of relevant work experience;

62.6 (2) an applicant for a Tier 1 license to teach World Languages and Culture pursuant to  
 62.7 Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language;

62.8 (3) an applicant for a Tier 1 license in the performing or visual arts pursuant to Minnesota  
 62.9 Rules, parts 8710.4300 (Dance and Theater), 8710.4310 (Dance), 8710.4320 (Theater),  
 62.10 8710.4650 (Vocal Music and Instrumental Music), and 8710.4900 (Visual Arts), if the  
 62.11 applicant has at least five years of relevant work experience; and

62.12 (4) an applicant for a Tier 1 license who is enrolled in a state-approved teacher preparation  
 62.13 program classified as a residency model aligned to the scope and field of the assignment.  
 62.14 The residency program must lead to a bachelor's degree unless the program is aligned to  
 62.15 one of the licensure areas outlined in this subdivision.

62.16 (b) The Professional Educator Licensing and Standards Board must adopt and revise  
 62.17 rules regarding the qualifications and determinations for applicants exempt from paragraph  
 62.18 (a).

62.19 Sec. 19. Minnesota Statutes 2020, section 122A.181, subdivision 3, is amended to read:

62.20 Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and  
 62.21 Standards Board must issue an initial Tier 1 license for a term of one year. A Tier 1 license  
 62.22 may be renewed subject to paragraphs (b) and (c). ~~The board may submit written comments~~  
 62.23 ~~to the district or charter school that requested the renewal regarding the candidate.~~

62.24 (b) The Professional Educator Licensing and Standards Board must renew a Tier 1  
 62.25 license if:

62.26 (1) the district or charter school requesting the renewal demonstrates that it has posted  
 62.27 the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license  
 62.28 for the position; and

62.29 ~~(2) the teacher holding the Tier 1 license took a content examination in accordance with~~  
 62.30 ~~section 122A.185 and submitted the examination results to the teacher's employing district~~  
 62.31 ~~or charter school within one year of the board approving the request for the initial Tier 1~~  
 62.32 ~~license;~~

63.1 ~~(3)~~ (2) the teacher holding the Tier 1 license participated in cultural competency training  
 63.2 consistent with section 120B.30, subdivision 1, paragraph (q), ~~within one year of the board~~  
 63.3 ~~approving the request for the initial Tier 1 license; and~~

63.4 ~~(4)~~ (3) the teacher holding the Tier 1 license met the mental illness training renewal  
 63.5 requirement under section 122A.187, subdivision 6; and

63.6 ~~The requirement in clause (2) does not apply to a teacher that teaches a class in a career and~~  
 63.7 ~~technical education or career pathways course of study.~~

63.8 (4) the district demonstrates professional development opportunities and other supports  
 63.9 provided to move the teacher from a Tier 1 license to a higher tier.

63.10 (c) A Tier 1 license must not be renewed more than three times, unless the requesting  
 63.11 district or charter school can show good cause for additional renewals. ~~A Tier 1 license~~  
 63.12 ~~issued to teach (1) a class or course in a career and technical education or career pathway~~  
 63.13 ~~course of study or (2) in a shortage area, as defined in section 122A.06, subdivision 6, may~~  
 63.14 ~~be renewed without limitation.~~

63.15 Sec. 20. Minnesota Statutes 2020, section 122A.181, subdivision 4, is amended to read:

63.16 Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must  
 63.17 accept and review applications for a Tier 1 teaching license beginning July 1 of the school  
 63.18 year for which the license is requested ~~and must issue or deny the Tier 1 teaching license~~  
 63.19 ~~within 30 days of receiving the completed application, unless permitted by the board to~~  
 63.20 accept and review applications earlier.

63.21 Sec. 21. Minnesota Statutes 2020, section 122A.181, subdivision 5, is amended to read:

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

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

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

63.29 Sec. 22. Minnesota Statutes 2020, section 122A.181, subdivision 6, is amended to read:

63.30 Subd. 6. **Mentorship and evaluation.** (a) ~~A teacher holding a Tier 1 license must~~  
 63.31 ~~participate in the employing district or charter school's mentorship program and professional~~

64.1 ~~development.~~ A district that hires a Tier 1 teacher must provide mentorship aligned to  
 64.2 board-adopted criteria and professional development opportunities to that teacher.

64.3 (b) A teacher holding a Tier 1 license must participate in an evaluation aligned, to the  
 64.4 extent practicable, with the evaluation under section 122A.40, subdivision 8, or 122A.41,  
 64.5 subdivision 5.

64.6 Sec. 23. Minnesota Statutes 2020, section 122A.182, subdivision 1, is amended to read:

64.7 Subdivision 1. **Requirements.** ~~(a)~~ The Professional Educator Licensing and Standards  
 64.8 Board must approve ~~a request from a district or charter school to issue~~ an application for a  
 64.9 Tier 2 license in a specified content area ~~to a candidate~~ if:

64.10 ~~(1) the candidate meets the educational or professional requirements in paragraph (b)~~  
 64.11 ~~or (c)~~ the application has been submitted jointly by the applicant and the district;

64.12 ~~(2) the candidate:~~

64.13 ~~(i) has completed the coursework required under subdivision 2;~~

64.14 ~~(ii) is enrolled in a Minnesota-approved teacher preparation program; or~~

64.15 ~~(iii) has a master's degree in the specified content area; and~~

64.16 ~~(3) the district or charter school demonstrates that a criminal background check under~~  
 64.17 ~~section 122A.18, subdivision 8, has been completed on the candidate.~~

64.18 ~~(b) A candidate for a Tier 2 license must have a bachelor's degree to teach a class outside~~  
 64.19 ~~a career and technical education or career pathways course of study.~~

64.20 ~~(c) A candidate for a Tier 2 license must have one of the following credentials in a~~  
 64.21 ~~relevant content area to teach a class or course in a career and technical education or career~~  
 64.22 ~~pathways course of study:~~

64.23 ~~(1) an associate's degree;~~

64.24 ~~(2) a professional certification; or~~

64.25 ~~(3) five years of relevant work experience.~~

64.26 (2) the application has been paid for by the district or the applicant;

64.27 (3) the applicant holds a bachelor's degree, unless specifically exempt by statute or rule;

64.28 (4) the district demonstrates that a criminal background check under section 122A.18,  
 64.29 subdivision 8, has been completed for the applicant; and

64.30 (5) the applicant;



- 65.1 (i) has a master's degree in the specified content area;  
 65.2 (ii) is enrolled in a state-approved teacher preparation program; or  
 65.3 (iii) for a license to teach career and technical education and career pathways, has  
 65.4 completed two years of field-specific teaching experience on a Tier 1 license and completed  
 65.5 training in classroom management, cultural competency, and teacher ethics.

65.6 Sec. 24. Minnesota Statutes 2020, section 122A.182, subdivision 2, is amended to read:

65.7 Subd. 2. **Coursework Exemptions from a bachelor's degree.** ~~(a) A candidate for a~~  
 65.8 ~~Tier 2 license must meet the coursework requirement by demonstrating completion of two~~  
 65.9 ~~of the following:~~

65.10 ~~(1) at least eight upper division or graduate-level credits in the relevant content area;~~

65.11 ~~(2) field-specific methods of training, including coursework;~~

65.12 ~~(3) at least two years of teaching experience in a similar content area in any state, as~~  
 65.13 ~~determined by the board;~~

65.14 ~~(4) a passing score on the pedagogy and content exams under section 122A.185; or~~

65.15 ~~(5) completion of a state-approved teacher preparation program.~~

65.16 ~~(b) For purposes of paragraph (a), "upper division" means classes normally taken at the~~  
 65.17 ~~junior or senior level of college which require substantial knowledge and skill in the field.~~

65.18 ~~Candidates must identify the upper division credits that fulfill the requirement in paragraph~~  
 65.19 ~~(a), clause (1).~~

65.20 (a) The following applicants for a Tier 2 license are exempt from the requirement to  
 65.21 hold a bachelor's degree in subdivision 1:

65.22 (1) an applicant for a Tier 2 license to teach career and technical education or career  
 65.23 pathways courses of study when the applicant has:

65.24 (i) an associate's degree;

65.25 (ii) a professional certification; or

65.26 (iii) five years of relevant work experience;

65.27 (2) an applicant for a Tier 2 license to teach world languages and culture pursuant to  
 65.28 Minnesota Rules, part 8710.4950, when the applicant is a native speaker of the language.

65.29 (3) an applicant for a Tier 2 license in the performing or visual arts pursuant to Minnesota  
 65.30 Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater),

66.1 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), when the  
66.2 applicant has at least five years of relevant work experience.

66.3 (b) The Professional Educator Licensing and Standards Board must adopt and revise  
66.4 rules regarding the qualifications and determinations for applicants exempt from the  
66.5 requirement to hold a bachelor's degree in subdivision 1.

66.6 Sec. 25. Minnesota Statutes 2020, section 122A.182, subdivision 3, is amended to read:

66.7 Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and  
66.8 Standards Board must issue an initial Tier 2 license for a term of two years. A Tier 2 license  
66.9 may be renewed ~~three~~ two times. The board must adopt rules establishing good cause  
66.10 justifications for additional renewals after the initial license has been renewed two times.

66.11 (b) A teacher holding a Tier 2 license in career and technical education or career pathways  
66.12 course of study may receive unlimited renewals.

66.13 (c) Before a Tier 2 license is renewed ~~for the first time~~, a teacher holding a Tier 2 license  
66.14 must participate in cultural competency training consistent with section 120B.30, subdivision  
66.15 1, paragraph (q), ~~and~~; mental illness training under section 122A.187, subdivision 6. ~~The~~  
66.16 ~~board must issue rules setting forth the conditions for additional renewals after the initial~~  
66.17 ~~license has been renewed three times~~; and the district demonstrates professional development  
66.18 opportunities and other supports provided to move the teacher to a higher tier.

66.19 Sec. 26. Minnesota Statutes 2020, section 122A.182, subdivision 4, is amended to read:

66.20 Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must  
66.21 accept and review applications for a Tier 2 teaching license beginning July 1 of the school  
66.22 year for which the license is requested ~~and must issue or deny the Tier 2 teaching license~~  
66.23 ~~within 30 days of receiving the completed application~~, unless permitted by the board to  
66.24 accept and review applications earlier.

66.25 Sec. 27. Minnesota Statutes 2020, section 122A.182, subdivision 7, is amended to read:

66.26 Subd. 7. **Mentorship and evaluation.** (a) ~~A teacher holding a Tier 2 license must~~  
66.27 ~~participate in the employing district or charter school's mentorship and evaluation program,~~  
66.28 ~~including an individual growth and development plan that includes cultural competency~~  
66.29 ~~under section 120B.30, subdivision 1, paragraph (q).~~ A district that hires a teacher holding  
66.30 a Tier 2 license must provide mentorship aligned to board-adopted criteria to that teacher  
66.31 and professional development opportunities.

67.1 (b) A teacher holding a Tier 2 license must participate in an evaluation aligned, to the  
67.2 extent practicable, with the evaluation under section 122A.40, subdivision 8, or section  
67.3 122A.41, subdivision 5.

67.4 Sec. 28. Minnesota Statutes 2020, section 122A.183, subdivision 1, is amended to read:

67.5 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards  
67.6 Board must issue a Tier 3 license to ~~a candidate~~ an applicant who provides information  
67.7 sufficient to demonstrate all of the following:

67.8 ~~(1) the candidate meets the educational or professional requirements in paragraphs (b)~~  
67.9 ~~and (e);~~

67.10 ~~(2) the candidate has obtained a passing score on the required licensure exams under~~  
67.11 ~~section 122A.185; and~~

67.12 (1) the applicant for a Tier 3 license must have a bachelor's degree to teach a class or  
67.13 course, unless specifically exempt by state statute or rule; and

67.14 ~~(3)~~ (2) the candidate applicant has completed the coursework required under subdivision  
67.15 2.

67.16 ~~(b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or~~  
67.17 ~~course outside a career and technical education or career pathways course of study.~~

67.18 ~~(c) A candidate for a Tier 3 license must have one of the following credentials in a~~  
67.19 ~~relevant content area to teach a class or course in a career and technical education or career~~  
67.20 ~~pathways course of study:~~

67.21 ~~(1) an associate's degree;~~

67.22 ~~(2) a professional certification; or~~

67.23 ~~(3) five years of relevant work experience.~~

67.24 ~~In consultation with the governor's Workforce Development Board established under section~~  
67.25 ~~116L.665, the board must establish a list of qualifying certifications, and may add additional~~  
67.26 ~~professional certifications in consultation with school administrators, teachers, and other~~  
67.27 ~~stakeholders.~~

67.28 (b) The board must issue a Tier 3 license to an applicant who provides information  
67.29 sufficient to demonstrate the following, regardless of whether the candidate meets other  
67.30 requirements in this section:

68.1 (1) the applicant has completed student teaching comparable to the student teaching  
 68.2 expectations in Minnesota; and

68.3 (2) the applicant has completed either:

68.4 (i) a teacher preparation program from a culturally specific Minority Serving Institution  
 68.5 in the United States, such as Historically Black Colleges and Universities, Tribal Colleges,  
 68.6 or Hispanic-Serving Institutions including those in Puerto Rico, and is eligible for a teacher  
 68.7 license in another state; or

68.8 (ii) a university teacher preparation program in another country and has taught at least  
 68.9 two years.

68.10 Sec. 29. Minnesota Statutes 2020, section 122A.183, subdivision 2, is amended to read:

68.11 **Subd. 2. Coursework.** ~~A candidate~~ An applicant for a Tier 3 license must meet the  
 68.12 coursework requirement by demonstrating one of the following:

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

68.14 (2) completion of a state-approved teacher preparation program that includes field-specific  
 68.15 student teaching equivalent to field-specific student teaching in Minnesota-approved teacher  
 68.16 preparation programs. The field-specific student teaching requirement does not apply to a  
 68.17 ~~candidate~~ an applicant that has two years of field-specific teaching experience;

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

68.19 (4) a professional teaching license from another state, evidence that the ~~candidate's~~  
 68.20 applicant's license is in good standing, and two years of field-specific teaching experience;  
 68.21 ~~or.~~

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

68.26 Sec. 30. Minnesota Statutes 2020, section 122A.183, is amended by adding a subdivision  
 68.27 to read:

68.28 **Subd. 2a. Exemptions from a bachelor's degree.** (a) The following applicants for a  
 68.29 Tier 3 license are exempt from the requirement to hold a bachelor's degree in subdivision  
 68.30 1:

69.1 (1) an applicant for a Tier 3 license to teach career and technical education or career  
 69.2 pathways courses of study when the applicant has:

69.3 (i) an associate's degree;

69.4 (ii) a professional certification; or

69.5 (iii) five years of relevant work experience;

69.6 (2) an applicant for a Tier 3 license to teach world languages and culture pursuant to  
 69.7 Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language; and

69.8 (3) an applicant for a Tier 3 license in the performing or visual arts pursuant to Minnesota  
 69.9 Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater),  
 69.10 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), if the applicant  
 69.11 has at least five years of relevant work experience.

69.12 (b) The Professional Educator Licensing and Standards Board must adopt and revise  
 69.13 rules regarding the qualifications and determinations for applicants exempt from subdivision  
 69.14 1.

69.15 Sec. 31. Minnesota Statutes 2020, section 122A.183, subdivision 3, is amended to read:

69.16 Subd. 3. **Term of license and renewal.** The Professional Educator Licensing and  
 69.17 Standards Board must issue an initial Tier 3 license for a term of three years. Before a Tier  
 69.18 3 is renewed for the first time, the applicant must meet initial teacher renewal requirements  
 69.19 in section 122A.187. A Tier 3 license may be renewed every three years without limitation.

69.20 Sec. 32. Minnesota Statutes 2020, section 122A.184, subdivision 1, is amended to read:

69.21 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards  
 69.22 Board must issue a Tier 4 license to a ~~candidate~~ applicant who provides information  
 69.23 sufficient to demonstrate all of the following:

69.24 (1) the ~~candidate~~ applicant meets all requirements for a Tier 3 license under section  
 69.25 122A.183, and has completed a teacher preparation program under section 122A.183,  
 69.26 subdivision 2, clause (1) or (2);

69.27 (2) the ~~candidate~~ applicant has at least three years of field-specific teaching experience  
 69.28 in ~~Minnesota~~ as teacher of record;

69.29 (3) the ~~candidate~~ applicant has obtained a passing score on all required licensure exams  
 69.30 under section 122A.185; and

70.1 (4) ~~the candidate's most recent summative teacher evaluation did not result in placing~~  
70.2 ~~or otherwise keeping the teacher in an improvement process pursuant to section 122A.40,~~  
70.3 ~~subdivision 8, or 122A.41, subdivision 5~~ if the applicant previously held a Tier 3 license  
70.4 under section 122A.183, the applicant has completed the initial teacher renewal requirements  
70.5 in section 122A.187.

70.6 (b) Paragraph (a) notwithstanding, the board must issue a Tier 4 license to an applicant  
70.7 who provides information sufficient to demonstrate that the applicant has teaching experience  
70.8 in another state and achieved tenure, continuing contract status, or has completed three  
70.9 consecutive years of employment for at least 120 days per year with a single employer.

70.10 Sec. 33. Minnesota Statutes 2020, section 122A.184, subdivision 2, is amended to read:

70.11 Subd. 2. **Term of license and renewal.** The Professional Educator Licensing and  
70.12 Standards Board must issue an initial Tier 4 license for a term of five years. A Tier 4 license  
70.13 may be renewed every five years without limitation if the applicant meets the continuing  
70.14 teacher renewal requirements in section 122A.187.

70.15 Sec. 34. Minnesota Statutes 2020, section 122A.185, subdivision 1, is amended to read:

70.16 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~  
70.17 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~  
70.18 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~  
70.19 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~  
70.20 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~  
70.21 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~  
70.22 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~  
70.23 ~~122A.183, respectively.~~

70.24 ~~(b)~~ (a) The board must adopt and revise rules requiring candidates applicants for Tier 3  
70.25 ~~and~~ Tier 4 licenses to pass an examination or performance assessment of general pedagogical  
70.26 knowledge and examinations of licensure field specific content, including an examination  
70.27 taken in another state, if the applicant has not completed a board-approved preparation  
70.28 program assuring candidates from the program recommended for licensure meet content  
70.29 and pedagogy licensure standards in Minnesota.. The content examination requirement does  
70.30 not apply if no relevant content exam exists. Applicants who have satisfactorily completed  
70.31 a preparation program in another state and passed licensure examinations in that state are  
70.32 not additionally required to pass similar examinations required in Minnesota.

71.1 ~~(e) Candidates~~ (b) Applicants for initial ~~Tier 3 and~~ Tier 4 licenses to teach elementary  
 71.2 students must pass test items assessing the ~~candidates'~~ applicants' knowledge, skill, and  
 71.3 ability in comprehensive, scientifically based reading instruction under section 122A.06,  
 71.4 subdivision 4, knowledge and understanding of the foundations of reading development,  
 71.5 development of reading comprehension and reading assessment and instruction, and the  
 71.6 ability to integrate that knowledge and understanding into instruction strategies under section  
 71.7 122A.06, subdivision 4.

71.8 ~~(d) The requirement to pass a board-adopted reading, writing, and mathematics skills~~  
 71.9 ~~examination does not apply to nonnative English speakers, as verified by qualified Minnesota~~  
 71.10 ~~school district personnel or Minnesota higher education faculty, who, after meeting the~~  
 71.11 ~~content and pedagogy requirements under this subdivision, apply for a teaching license to~~  
 71.12 ~~provide direct instruction in their native language or world language instruction under section~~  
 71.13 ~~120B.022, subdivision 1.~~

71.14 (c) All testing centers in the state must provide monthly opportunities for untimed content  
 71.15 and pedagogy examinations. These opportunities must be advertised on the test registration  
 71.16 website. The board must require the exam vendor to provide other equitable opportunities  
 71.17 to pass exams, including waiving testing fees for test takers who qualify for federal grants;  
 71.18 providing free, multiple, full-length practice tests for each exam and free, comprehensive  
 71.19 study guides on the test registration website; making content and pedagogy exams available  
 71.20 in languages other than English for teachers seeking licensure to teach in language immersion  
 71.21 programs; and providing free, detailed exam results analysis by test objective to assist  
 71.22 candidates who do not pass an exam in identifying areas for improvement. Any candidate  
 71.23 who has not passed a required exam after two attempts must be allowed to retake the exam,  
 71.24 including new versions of the exam, without being charged an additional fee.

71.25 Sec. 35. Minnesota Statutes 2020, section 122A.185, subdivision 4, is amended to read:

71.26 Subd. 4. **Remedial assistance.** (a) A board-approved teacher preparation program must  
 71.27 make available upon request remedial assistance that includes a formal diagnostic component  
 71.28 to persons enrolled in their ~~institution~~ teacher preparation program who did not achieve a  
 71.29 qualifying score on a board-adopted ~~skills~~ examination, including those for whom English  
 71.30 is a second language. The teacher preparation programs must make available assistance in  
 71.31 the specific academic areas of candidates' deficiency. Teacher preparation providers must  
 71.32 report annually on supports provided, number of candidates supported, and demographic  
 71.33 data of those candidates.

72.1 (b) School districts may make available upon request similar, appropriate, and timely  
72.2 remedial assistance that includes a formal diagnostic component to those persons employed  
72.3 by the district who completed their teacher education program, who did not achieve a  
72.4 qualifying score on a board-adopted skills examination, and who received a Tier 1, Tier 2,  
72.5 or Tier 3 license under section 122A.181, 122A.182, or 122A.183, respectively, to teach in  
72.6 Minnesota.

72.7 Sec. 36. Minnesota Statutes 2020, section 122A.187, is amended to read:

72.8 **122A.187 EXPIRATION AND RENEWAL.**

72.9 Subdivision 1. **License form requirements.** Each license issued under this chapter must  
72.10 bear the date of issue and the name of the state-approved teacher training provider or  
72.11 alternative teaching program, as applicable. Licenses must expire and be renewed according  
72.12 to rules adopted by the Professional Educator Licensing and Standards Board or the Board  
72.13 of School Administrators. ~~The rules adopted by the Professional Educator Licensing and~~  
72.14 ~~Standards Board for renewing a Tier 3 or Tier 4 license under sections 122A.183 and~~  
72.15 ~~122A.184, respectively, must include showing satisfactory evidence of successful teaching~~  
72.16 ~~or administrative experience for at least one school year during the period covered by the~~  
72.17 ~~license in grades or subjects for which the license is valid or completing such additional~~  
72.18 ~~preparation as required under this section, or as the Professional Educator Licensing and~~  
72.19 ~~Standards Board prescribes.~~ The Board of School Administrators shall establish requirements  
72.20 for renewing the licenses of supervisory personnel except athletic coaches. The Professional  
72.21 Educator Licensing and Standards Board shall establish requirements for renewing the  
72.22 licenses of athletic coaches.

72.23 Subd. 2. **Local committees.** The Professional Educator Licensing and Standards Board  
72.24 must receive recommendations from local committees as established by the board for the  
72.25 renewal of teaching licenses.

72.26 Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4  
72.27 license under sections 122A.183 and 122A.184, respectively, who have been employed as  
72.28 a teacher during the renewal period of the expiring license, as a condition of license renewal,  
72.29 must present to their local continuing education and relicensure committee or other local  
72.30 relicensure committee evidence of work that demonstrates professional reflection and growth  
72.31 in best teaching practices, ~~including among other things, cultural competence in accordance~~  
72.32 ~~with section 120B.30, subdivision 1, paragraph (q), and practices in meeting the varied~~  
72.33 ~~needs of English learners, from young children to adults under section 124D.59, subdivisions~~  
72.34 ~~2 and 2a.~~ A teacher may satisfy the requirements of this paragraph by submitting the teacher's



73.1 ~~most recent summative evaluation or improvement plan under section 122A.40, subdivision~~  
73.2 ~~8, or 122A.41, subdivision 5.~~

73.3 (b) The Professional Educator Licensing and Standards Board must ensure that its teacher  
73.4 relicensing requirements include paragraph (a).

73.5 (c) The board may adopt and revise rule setting criteria for initial Tier 3 license renewal  
73.6 requirements that must be completed before a teacher may move to a Tier 4 license.

73.7 Subd. 4. **Behavior interventions.** The Professional Educator Licensing and Standards  
73.8 Board must adopt and revise rules that require all licensed teachers who are renewing a Tier  
73.9 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include  
73.10 in the renewal requirements further preparation in the areas of using positive behavior  
73.11 interventions and in accommodating, modifying, and adapting curricula, materials, and  
73.12 strategies to appropriately meet the needs of individual students and ensure adequate progress  
73.13 toward the state's graduation rule.

73.14 Subd. 5. **Reading preparation.** The Professional Educator Licensing and Standards  
73.15 Board must adopt and revise rules that require all licensed teachers who are renewing a Tier  
73.16 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include  
73.17 in the renewal requirements further reading preparation, consistent with section 122A.06,  
73.18 subdivision 4. ~~The rules do not take effect until they are approved by law.~~ Teachers who  
73.19 do not provide direct instruction including, at least, counselors, school psychologists, school  
73.20 nurses, school social workers, audiovisual directors and coordinators, and recreation  
73.21 personnel are exempt from this section.

73.22 Subd. 6. **Mental ~~illness~~ health.** The Professional Educator Licensing and Standards  
73.23 Board must adopt and revise rules that require all licensed teachers renewing a teaching  
73.24 license under sections 122A.181 to 122A.184 to include in the renewal requirements at least  
73.25 one hour of suicide prevention best practices training in each licensure renewal period based  
73.26 on nationally recognized evidence-based programs and practices, among the continuing  
73.27 education credits required to renew a license under this subdivision. Initial training must  
73.28 include understanding the key warning signs of early-onset mental illness in children and  
73.29 adolescents, and during subsequent licensure renewal periods, training must include a more  
73.30 in-depth understanding of students' mental illness trauma, accommodations for students'  
73.31 mental illness, parents' roles in addressing students' mental illness, Fetal Alcohol Spectrum  
73.32 Disorders, autism, the requirements of section 125A.0942 governing restrictive procedures,  
73.33 and de-escalation methods, among other similar topics.

74.1 Subd. 7. **Cultural competency.** The Professional Educator Licensing and Standards  
74.2 Board must adopt and revise rules that require all licensed teachers renewing a Tier 3 or  
74.3 Tier 4 license under sections 122A.183 and 122A.184, respectively, to include cultural  
74.4 competency training.

74.5 Subd. 8. **Meeting needs of multilingual learners.** The Professional Educator Licensing  
74.6 and Standards Board must adopt and revise rules requiring all licensed teachers renewing  
74.7 a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, to include  
74.8 a training on meeting the varied needs of multilingual learners from young children to adults  
74.9 under section 124D.59, subdivisions 2 and 2a.

74.10 Subd. 9. **Mandatory renewal requirements.** The board must adopt and revise rules  
74.11 setting forth standards that meet all mandatory renewal requirements. All trainings meeting  
74.12 the renewal requirements for subdivisions 4 to 8 must align to board-adopted criteria. Any  
74.13 training provided outside of a district, charter school, cooperative unit, or state agency must  
74.14 be approved by the board to be accepted to meet this renewal requirement.

74.15 Sec. 37. Minnesota Statutes 2020, section 122A.19, subdivision 4, is amended to read:

74.16 Subd. 4. **Teacher preparation programs.** (a) For the purpose of licensing bilingual  
74.17 and English as a second language teachers, the board may approve teacher preparation  
74.18 programs ~~at colleges or universities~~ designed for their training.

74.19 (b) Programs that prepare English as a second language teachers must provide instruction  
74.20 in implementing research-based practices designed specifically for English learners. The  
74.21 programs must focus on developing English learners' academic language proficiency in  
74.22 English, including oral academic language, giving English learners meaningful access to  
74.23 the full school curriculum, developing culturally relevant teaching practices appropriate for  
74.24 immigrant students, and providing more intensive instruction and resources to English  
74.25 learners with lower levels of academic English proficiency and varied needs, consistent  
74.26 with section 124D.59, subdivisions 2 and 2a.

74.27 Sec. 38. Minnesota Statutes 2020, section 122A.26, subdivision 2, is amended to read:

74.28 Subd. 2. **Exceptions.** (a) A person who teaches in a community education program  
74.29 ~~which~~ that qualifies for aid pursuant to section 124D.52 shall continue to meet licensure  
74.30 requirements as a teacher. A person who teaches in an early childhood and family education  
74.31 program ~~which~~ that is offered through a community education program and ~~which~~ that  
74.32 qualifies for community education aid pursuant to section 124D.20 or early childhood and  
74.33 family education aid pursuant to section 124D.135 shall continue to meet licensure

75.1 requirements as a teacher. A person who teaches in a community education course ~~which~~  
75.2 that is offered for credit for graduation to persons under 18 years of age shall continue to  
75.3 meet licensure requirements as a teacher.

75.4 (b) A person who teaches a driver training course ~~which~~ that is offered through a  
75.5 community education program to persons under 18 years of age shall be licensed by the  
75.6 Professional Educator Licensing and Standards Board or be subject to section 171.35. A  
75.7 license which is required for an instructor in a community education program pursuant to  
75.8 this ~~subdivision~~ paragraph shall not be construed to bring an individual within the definition  
75.9 of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1,  
75.10 ~~clause~~ paragraph (a).

75.11 Sec. 39. Minnesota Statutes 2020, section 122A.40, subdivision 5, is amended to read:

75.12 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first  
75.13 teaching experience in Minnesota in a single district is deemed to be a probationary period  
75.14 of employment, and, the probationary period in each district in which the teacher is thereafter  
75.15 employed shall be one year. The school board must adopt a plan for written evaluation of  
75.16 teachers during the probationary period that is consistent with subdivision 8. Evaluation  
75.17 must occur at least three times periodically throughout each school year for a teacher  
75.18 performing services during that school year; the first evaluation must occur within the first  
75.19 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
75.20 and other staff development opportunities and days on which a teacher is absent from school  
75.21 must not be included in determining the number of school days on which a teacher performs  
75.22 services. Except as otherwise provided in paragraph (b), during the probationary period any  
75.23 annual contract with any teacher may or may not be renewed as the school board shall see  
75.24 fit. However, the board must give any such teacher whose contract it declines to renew for  
75.25 the following school year written notice to that effect before July 1. If the teacher requests  
75.26 reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason  
75.27 in writing, including a statement that appropriate supervision was furnished describing the  
75.28 nature and the extent of such supervision furnished the teacher during the employment by  
75.29 the board, within ten days after receiving such request. The school board may, after a hearing  
75.30 held upon due notice, discharge a teacher during the probationary period for cause, effective  
75.31 immediately, under section 122A.44.

75.32 (b) A board must discharge a probationary teacher, effective immediately, upon receipt  
75.33 of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has  
75.34 been revoked due to a conviction for child abuse or sexual abuse.

76.1 (c) A probationary teacher whose first three years of consecutive employment are  
76.2 interrupted for active military service and who promptly resumes teaching consistent with  
76.3 federal reemployment timelines for uniformed service personnel under United States Code,  
76.4 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes  
76.5 of paragraph (a).

76.6 (d) A probationary teacher whose first three years of consecutive employment are  
76.7 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
76.8 months of when the leave began is considered to have a consecutive teaching experience  
76.9 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
76.10 three years of teaching service immediately before and after the leave.

76.11 (e) A probationary teacher must complete at least 120 days of teaching service each year  
76.12 during the probationary period. Days devoted to parent-teacher conferences, teachers'  
76.13 workshops, and other staff development opportunities and days on which a teacher is absent  
76.14 from school do not count as days of teaching service under this paragraph.

76.15 (f) Notwithstanding any law to the contrary, a teacher who has taught for three  
76.16 consecutive years in another state must serve a one-year probationary period in a Minnesota  
76.17 school district.

76.18 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements  
76.19 effective July 1, 2021, and thereafter.

76.20 Sec. 40. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

76.21 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
76.22 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
76.23 representative of the teachers in the district, consistent with paragraph (b), may develop a  
76.24 teacher evaluation and peer review process for probationary and continuing contract teachers  
76.25 through joint agreement. If a school board and the exclusive representative of the teachers  
76.26 do not agree to an annual teacher evaluation and peer review process, then the school board  
76.27 and the exclusive representative of the teachers must implement the state teacher evaluation  
76.28 plan under paragraph (c). The process must include having trained observers serve as peer  
76.29 coaches or having teachers participate in professional learning communities, consistent with  
76.30 paragraph (b).

76.31 (b) To develop, improve, and support qualified teachers and effective teaching practices,  
76.32 improve student learning and success, and provide all enrolled students in a district or school

77.1 with improved and equitable access to more effective and diverse teachers, the annual  
77.2 evaluation process for teachers:

77.3 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
77.4 5;

77.5 (2) must establish a three-year professional review cycle for each teacher that includes  
77.6 an individual growth and development plan, a peer review process, and at least one  
77.7 summative evaluation performed by a qualified and trained evaluator such as a school  
77.8 administrator. For the years when a tenured teacher is not evaluated by a qualified and  
77.9 trained evaluator, the teacher must be evaluated by a peer review;

77.10 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,  
77.11 or revise a rubric of performance standards for teacher practice, which must include culturally  
77.12 responsive methodologies and at least three levels of performance, to determine common  
77.13 descriptions of effectiveness;

77.14 (4) must coordinate staff development activities under sections 122A.60 and 122A.61  
77.15 with this evaluation process and teachers' evaluation outcomes;

77.16 (5) may provide time during the school day and school year for peer coaching and teacher  
77.17 collaboration;

77.18 (6) may include job-embedded learning opportunities such as professional learning  
77.19 communities;

77.20 (7) may include mentoring and induction programs for teachers, including teachers who  
77.21 are members of populations underrepresented among the licensed teachers in the district or  
77.22 school and who reflect the diversity of students under section 120B.35, subdivision 3,  
77.23 paragraph (b), clause (2), who are enrolled in the district or school;

77.24 (8) must include an option for teachers to develop and present a portfolio demonstrating  
77.25 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
77.26 3, and include teachers' own performance assessment based on student work samples and  
77.27 examples of teachers' work, which may include video among other activities for the  
77.28 summative evaluation;

77.29 (9) must use data from valid and reliable assessments aligned to state and local academic  
77.30 standards and must use state and local measures of student growth and literacy that may  
77.31 include value-added models or student learning goals to determine 35 percent of teacher  
77.32 evaluation results;

78.1 (10) must use longitudinal data on student engagement and connection, and other student  
78.2 outcome measures explicitly aligned with the elements of curriculum for which teachers  
78.3 are responsible, including academic literacy, oral academic language, and achievement of  
78.4 content areas of English learners;

78.5 (11) must require qualified and trained evaluators such as school administrators to  
78.6 perform summative evaluations and ensure school districts and charter schools provide for  
78.7 effective evaluator training specific to teacher development and evaluation;

78.8 (12) must give teachers not meeting professional teaching standards under clauses (3)  
78.9 through (11) support to improve through a teacher improvement process that includes  
78.10 established goals and timelines; and

78.11 (13) must discipline a teacher for not making adequate progress in the teacher  
78.12 improvement process under clause (12) that may include a last chance warning, termination,  
78.13 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline  
78.14 a school administrator determines is appropriate.

78.15 Data on individual teachers generated under this subdivision are personnel data under  
78.16 section 13.43. The observation and interview notes of peer coaches may only be disclosed  
78.17 to other school officials with the consent of the teacher being coached.

78.18 (c) The department, in consultation with parents who may represent parent organizations  
78.19 and teacher and administrator representatives appointed by their respective organizations,  
78.20 representing the Professional Educator Licensing and Standards Board, the Minnesota  
78.21 Association of School Administrators, the Minnesota School Boards Association, the  
78.22 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
78.23 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
78.24 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
78.25 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
78.26 that complies with the requirements in paragraph (b) and applies to all teachers under this  
78.27 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual  
78.28 teacher evaluation and peer review process. The teacher evaluation process created under  
78.29 this subdivision does not create additional due process rights for probationary teachers under  
78.30 subdivision 5.

78.31 (d) Consistent with the measures of teacher effectiveness under this subdivision:

78.32 (1) for students in kindergarten through grade 4, a school administrator must not place  
78.33 or approve the placement of a student in the classroom of a teacher who is in the improvement  
78.34 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,

79.1 in the prior year, that student was in the classroom of a teacher who received discipline  
79.2 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that  
79.3 grade; and

79.4 (2) for students in grades 5 through 12, a school administrator must not place or approve  
79.5 the placement of a student in the classroom of a teacher who is in the improvement process  
79.6 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the  
79.7 prior year, that student was in the classroom of a teacher who received discipline pursuant  
79.8 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area  
79.9 and grade.

79.10 All data created and used under this paragraph retains its classification under chapter 13.

79.11 **EFFECTIVE DATE.** This section is effective July 1, 2023.

79.12 Sec. 41. Minnesota Statutes 2020, section 122A.41, subdivision 2, is amended to read:

79.13 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public  
79.14 schools in cities of the first class during the first three years of consecutive employment  
79.15 shall be deemed to be in a probationary period of employment during which period any  
79.16 annual contract with any teacher may, or may not, be renewed as the school board, after  
79.17 consulting with the peer review committee charged with evaluating the probationary teachers  
79.18 under subdivision 3, shall see fit. The school site management team or the school board if  
79.19 there is no school site management team, shall adopt a plan for a written evaluation of  
79.20 teachers during the probationary period according to subdivisions 3 and 5. Evaluation by  
79.21 the peer review committee charged with evaluating probationary teachers under subdivision  
79.22 3 shall occur at least three times periodically throughout each school year for a teacher  
79.23 performing services during that school year; the first evaluation must occur within the first  
79.24 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
79.25 and other staff development opportunities and days on which a teacher is absent from school  
79.26 shall not be included in determining the number of school days on which a teacher performs  
79.27 services. The school board may, during such probationary period, discharge or demote a  
79.28 teacher for any of the causes as specified in this code. A written statement of the cause of  
79.29 such discharge or demotion shall be given to the teacher by the school board at least 30  
79.30 days before such removal or demotion shall become effective, and the teacher so notified  
79.31 shall have no right of appeal therefrom.

79.32 (b) A probationary teacher whose first three years of consecutive employment are  
79.33 interrupted for active military service and who promptly resumes teaching consistent with  
79.34 federal reemployment timelines for uniformed service personnel under United States Code,

80.1 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes  
80.2 of paragraph (a).

80.3 (c) A probationary teacher whose first three years of consecutive employment are  
80.4 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
80.5 months of when the leave began is considered to have a consecutive teaching experience  
80.6 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
80.7 three years of teaching service immediately before and after the leave.

80.8 (d) A probationary teacher must complete at least 120 days of teaching service each year  
80.9 during the probationary period. Days devoted to parent-teacher conferences, teachers'  
80.10 workshops, and other staff development opportunities and days on which a teacher is absent  
80.11 from school do not count as days of teaching service under this paragraph.

80.12 (e) Notwithstanding any law to the contrary, a school district may negotiate a contract  
80.13 with a one-year probationary period with a teacher who has obtained tenure, continuing  
80.14 contract status, or has completed three consecutive years of employment for at least 120  
80.15 days per year with a single employer.

80.16 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements  
80.17 effective July 1, 2021, and thereafter.

80.18 Sec. 42. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

80.19 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**  
80.20 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
80.21 representative of the teachers in the district, consistent with paragraph (b), may develop an  
80.22 annual teacher evaluation and peer review process for probationary and nonprobationary  
80.23 teachers through joint agreement. If a school board and the exclusive representative of the  
80.24 teachers in the district do not agree to an annual teacher evaluation and peer review process,  
80.25 then the school board and the exclusive representative of the teachers must implement the  
80.26 state teacher evaluation plan developed under paragraph (c). The process must include  
80.27 having trained observers serve as peer coaches or having teachers participate in professional  
80.28 learning communities, consistent with paragraph (b).

80.29 (b) To develop, improve, and support qualified teachers and effective teaching practices  
80.30 and improve student learning and success, and provide all enrolled students in a district or  
80.31 school with improved and equitable access to more effective and diverse teachers, the annual  
80.32 evaluation process for teachers:



81.1 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
81.2 2;

81.3 (2) must establish a three-year professional review cycle for each teacher that includes  
81.4 an individual growth and development plan, a peer review process, and at least one  
81.5 summative evaluation performed by a qualified and trained evaluator such as a school  
81.6 administrator;

81.7 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,  
81.8 or revise a rubric of performance standards for teacher practice, which must include culturally  
81.9 responsive methodologies and at least three levels of performance, to determine common  
81.10 descriptions of effectiveness;;

81.11 (4) must coordinate staff development activities under sections 122A.60 and 122A.61  
81.12 with this evaluation process and teachers' evaluation outcomes;

81.13 (5) may provide time during the school day and school year for peer coaching and teacher  
81.14 collaboration;

81.15 (6) may include job-embedded learning opportunities such as professional learning  
81.16 communities;

81.17 (7) may include mentoring and induction programs for teachers, including teachers who  
81.18 are members of populations underrepresented among the licensed teachers in the district or  
81.19 school and who reflect the diversity of students under section 120B.35, subdivision 3,  
81.20 paragraph (b), clause (2), who are enrolled in the district or school;

81.21 (8) must include an option for teachers to develop and present a portfolio demonstrating  
81.22 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
81.23 3, and include teachers' own performance assessment based on student work samples and  
81.24 examples of teachers' work, which may include video among other activities for the  
81.25 summative evaluation;

81.26 (9) must use data from valid and reliable assessments aligned to state and local academic  
81.27 standards and must use state and local measures of student growth and literacy that may  
81.28 include value-added models or student learning goals to determine 35 percent of teacher  
81.29 evaluation results;

81.30 (10) must use longitudinal data on student engagement and connection and other student  
81.31 outcome measures explicitly aligned with the elements of curriculum for which teachers  
81.32 are responsible, including academic literacy, oral academic language, and achievement of  
81.33 English learners;

82.1 (11) must require qualified and trained evaluators such as school administrators to  
82.2 perform summative evaluations and ensure school districts and charter schools provide for  
82.3 effective evaluator training specific to teacher development and evaluation;

82.4 (12) must give teachers not meeting professional teaching standards under clauses (3)  
82.5 through (11) support to improve through a teacher improvement process that includes  
82.6 established goals and timelines; and

82.7 (13) must discipline a teacher for not making adequate progress in the teacher  
82.8 improvement process under clause (12) that may include a last chance warning, termination,  
82.9 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline  
82.10 a school administrator determines is appropriate.

82.11 Data on individual teachers generated under this subdivision are personnel data under  
82.12 section 13.43. The observation and interview notes of peer coaches may only be disclosed  
82.13 to other school officials with the consent of the teacher being coached.

82.14 (c) The department, in consultation with parents who may represent parent organizations  
82.15 and teacher and administrator representatives appointed by their respective organizations,  
82.16 representing the Professional Educator Licensing and Standards Board, the Minnesota  
82.17 Association of School Administrators, the Minnesota School Boards Association, the  
82.18 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
82.19 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
82.20 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
82.21 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
82.22 that complies with the requirements in paragraph (b) and applies to all teachers under this  
82.23 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual  
82.24 teacher evaluation and peer review process. The teacher evaluation process created under  
82.25 this subdivision does not create additional due process rights for probationary teachers under  
82.26 subdivision 2.

82.27 (d) Consistent with the measures of teacher effectiveness under this subdivision:

82.28 (1) for students in kindergarten through grade 4, a school administrator must not place  
82.29 or approve the placement of a student in the classroom of a teacher who is in the improvement  
82.30 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,  
82.31 in the prior year, that student was in the classroom of a teacher who received discipline  
82.32 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that  
82.33 grade; and

83.1 (2) for students in grades 5 through 12, a school administrator must not place or approve  
83.2 the placement of a student in the classroom of a teacher who is in the improvement process  
83.3 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the  
83.4 prior year, that student was in the classroom of a teacher who received discipline pursuant  
83.5 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area  
83.6 and grade.

83.7 All data created and used under this paragraph retains its classification under chapter 13.

83.8 **EFFECTIVE DATE.** This section is effective July 1, 2023.

83.9 Sec. 43. **[122A.59] COME TEACH IN MINNESOTA HIRING BONUSES.**

83.10 **Subdivision 1. Purpose.** This section establishes a program to support districts and  
83.11 schools recruiting and offering hiring bonuses for licensed teachers who are American  
83.12 Indian or a person of color from another state or country in order to meet staffing needs in  
83.13 shortage areas in economic development regions in Minnesota.

83.14 **Subd. 2. Eligibility.** A district or school must verify that the hiring bonus is given to  
83.15 teachers licensed in another state who:

83.16 (1) qualify for a Tier 3 or Tier 4 Minnesota license;

83.17 (2) have moved to the economic development region in Minnesota where they were  
83.18 hired; and

83.19 (3) belong to a racial or ethnic group that is underrepresented among teachers compared  
83.20 to students in the district or school under section 120B.35, subdivision 3, paragraph (b),  
83.21 clause (2).

83.22 **Subd. 3. Bonus amount.** A district or school may offer a signing and retention bonus  
83.23 of a minimum of \$2,500 and a maximum of \$5,000 to a teacher who meets the eligibility  
83.24 requirements. A teacher who meets eligibility requirements and meets a licensure shortage  
83.25 area in the economic development region of the state where the school is located may be  
83.26 offered a signing bonus of a minimum of \$4,000 and a maximum of \$8,000. A teacher must  
83.27 be paid half of the bonus when starting employment and half after completing four years  
83.28 of service in the hiring district or school if they have demonstrated teaching effectiveness  
83.29 and are not on a professional improvement plan under section 122A.40, subdivision 8,  
83.30 paragraph (b), clause (12) or (13), or are being considered for termination under section  
83.31 122A.50, subdivision 9. A teacher who does not complete their first school year upon  
83.32 receiving a hiring bonus must repay the hiring bonus.

84.1 Subd. 4. **Administration.** The commissioner must establish a process for districts or  
84.2 schools to seek reimbursement for hiring bonuses given to teachers in shortage areas moving  
84.3 to and working in Minnesota schools experiencing specific shortages. The commissioner  
84.4 must provide guidance for districts to seek repayment of a hiring bonus from a teacher who  
84.5 does not complete their first year of employment. The department may conduct a pilot  
84.6 program with a small number of teachers during the 2022-2023 biennium to establish  
84.7 feasibility. The department must submit a report by December 1, 2022, to the chairs and  
84.8 ranking minority members of the legislative committees having jurisdiction over K-12  
84.9 education detailing the effectiveness of the program and recommendations for improvement  
84.10 in future years.

84.11 Subd. 5. **Account established.** A Come Teach in Minnesota Hiring Bonus program  
84.12 account is created in the special revenue fund for depositing money appropriated to or  
84.13 received by the department for this program. Money deposited in the account is appropriated  
84.14 to the commissioner, does not cancel, and is continuously available for reimbursements to  
84.15 districts under this section.

84.16 **EFFECTIVE DATE.** This section applies to teacher contracts entered into on or after  
84.17 July 1, 2021.

84.18 Sec. 44. Minnesota Statutes 2020, section 122A.635, subdivision 3, is amended to read:

84.19 Subd. 3. **Grant program administration.** The Professional Educator Licensing and  
84.20 Standards Board may enter into an interagency agreement with the Office of Higher  
84.21 Education. The agreement may include a transfer of funds to the Office of Higher Education  
84.22 to help establish and administer the competitive grant process. The board must award grants  
84.23 to institutions located in various economic development regions throughout the state, but  
84.24 must not predetermine the number of institutions to be awarded grants under this section  
84.25 or set a limit for the amount that any one institution may receive as part of the competitive  
84.26 grant application process. All grants must be awarded by August 15 of the fiscal year in  
84.27 which the grants are to be used ~~except that, for initial competitive grants awarded for fiscal~~  
84.28 ~~year 2020, grants must be awarded by September 15.~~ Grants awarded after fiscal year 2021  
84.29 will be awarded for a two-year grant period. An institution that receives a grant under this  
84.30 section may use the grant funds over a two- to four-year period to support teacher candidates.

84.31 Sec. 45. Minnesota Statutes 2020, section 122A.635, subdivision 4, is amended to read:

84.32 Subd. 4. **Report.** (a) By ~~January 15~~ June 30 of each year, an institution awarded a grant  
84.33 under this section must prepare for the legislature and the board a detailed report regarding

85.1 the expenditure of grant funds, including the amounts used to recruit, retain, and induct  
85.2 teacher candidates of color or who are American Indian. The report must include the total  
85.3 number of teacher candidates of color, disaggregated by race or ethnic group, who are  
85.4 recruited to the institution, are newly admitted to the licensure program, are enrolled in the  
85.5 licensure program, have completed student teaching, have graduated, are licensed, and are  
85.6 newly employed as Minnesota teachers in their licensure field. A grant recipient must report  
85.7 the total number of teacher candidates of color or who are American Indian at each stage  
85.8 from recruitment to licensed teaching as a percentage of total candidates seeking the same  
85.9 licensure at the institution.

85.10 (b) By September 1 of each year, the board must post a report on its website summarizing  
85.11 the activities and outcomes of grant recipients and results that promote sharing of effective  
85.12 practices among grant recipients.

85.13 **Sec. 46. [122A.685] GRANTS FOR GROW YOUR OWN PROGRAMS.**

85.14 Subdivision 1. Establishment. The commissioner of education must award grants for  
85.15 the three types of Grow Your Own programs established under this section in order to  
85.16 develop a teaching workforce that more closely reflects the state's increasingly diverse  
85.17 student population and ensure all students have equitable access to effective and diverse  
85.18 teachers.

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

85.21 (b) "Eligible district" means a school district, charter school, or cooperative unit under  
85.22 section 123A.24, subdivision 2.

85.23 (c) "Grow Your Own program" means a program established by an eligible district in  
85.24 partnership with a Professional Educator Licensing and Standards Board-approved teacher  
85.25 preparation program provider, or by a Head Start program under section 119A.50, to provide  
85.26 a pathway for candidates to enter the teaching profession and teach at any level from early  
85.27 childhood to secondary school.

85.28 (d) "Residency program" means a Professional Educator Licensing and Standards  
85.29 Board-approved teacher preparation program established by an eligible district and a  
85.30 board-approved teacher preparation program provider that uses a cohort-based model and  
85.31 includes a yearlong clinical experience integrating coursework and student teaching.

85.32 (e) "Resident" means a teacher candidate participating in a residency program.

86.1 Subd. 3. Grants for residency programs. (a) An eligible district may apply for grants  
86.2 to develop, maintain, or expand effective residency programs. A residency program must  
86.3 pair a resident with a teacher of record who must hold a Tier 3 or 4 license. The residency  
86.4 program must provide the teacher of record with ongoing professional development in  
86.5 co-teaching, mentoring, and coaching skills and must ensure that the resident and teacher  
86.6 of record co-teach and participate in required teacher professional development activities  
86.7 for at least 80 percent of the contracted week for a full academic year.

86.8 (b) A grant recipient must use at least 80 percent of grant funds to provide tuition  
86.9 scholarships or stipends to enable employees or community members seeking a teaching  
86.10 license, who are of color or American Indian, to participate in a residency program. A grant  
86.11 recipient may request permission from the commissioner to use the remaining grant funds  
86.12 to provide tuition scholarships to employees who are not persons of color or American  
86.13 Indian and who seek to teach in a licensure area in which the eligible district has a shortage  
86.14 of Tier 3 or 4 licensed teachers.

86.15 (c) An eligible district using grant funds under this subdivision to provide financial  
86.16 support to teacher candidates may require a commitment from a candidate to teach in the  
86.17 eligible district for a reasonable amount of time not to exceed five years.

86.18 Subd. 4. Grants for programs serving adults. (a) An eligible district or Head Start  
86.19 program under section 119A.50 may apply for grants to provide financial assistance,  
86.20 mentoring, and other experiences to support persons of color or American Indian persons  
86.21 to become licensed teachers or preschool teachers.

86.22 (b) An eligible district or Head Start program must use grant funds awarded under this  
86.23 subdivision for:

86.24 (1) tuition scholarships or stipends to eligible Tier 2 licensed teachers, education  
86.25 assistants, cultural liaisons, or other nonlicensed employees who are of color or American  
86.26 Indian and are enrolled in undergraduate or graduate-level coursework that is part of a  
86.27 board-approved teacher preparation program leading to a Tier 3 teacher license;

86.28 (2) developing and implementing pathway programs with local community-based  
86.29 organizations led by and for communities of color or American Indian communities that  
86.30 provide stipends or tuition scholarships to parents and community members who are of  
86.31 color or American Indian to change careers and obtain a Tier 3 license or other credential  
86.32 needed to teach in a Head Start program; or

86.33 (3) collaborating with a board-approved teacher preparation program provided by a  
86.34 postsecondary institution to develop and implement innovative teacher preparation programs

87.1 that lead to Tier 2 or Tier 3 licensure, involve more intensive and extensive clinical  
87.2 experiences with more professional coaching or mentorship than are typically required in  
87.3 traditional college or university campus-based teacher preparation programs, provide  
87.4 candidates with support that is responsive to the unique needs of candidates who are of  
87.5 color or American Indian, and have more than half of their candidates identify as persons  
87.6 of color or American Indian.

87.7 (c) An eligible district or Head Start program providing financial assistance to individuals  
87.8 under this subdivision may require a commitment from candidates to teach in the eligible  
87.9 school or Head Start program for a reasonable amount of time not to exceed five years.

87.10 Subd. 5. **Grants for programs serving secondary school students.** (a) In addition to  
87.11 grants for developing and offering dual-credit postsecondary course options in schools for  
87.12 "Introduction to Teaching" or "Introduction to Education" courses under section 124D.09,  
87.13 subdivision 10, a school district or charter school may apply for grants under this section  
87.14 to offer other innovative programs that encourage secondary school students, especially  
87.15 students of color and American Indian students, to pursue teaching. To be eligible for a  
87.16 grant under this subdivision, a school district or charter school must ensure that the aggregate  
87.17 percentage of secondary school students of color and American Indian students participating  
87.18 in the program is equal to or greater than the aggregate percentage of students of color and  
87.19 American Indian students in the school district or charter school.

87.20 (b) A grant recipient must use grant funds awarded under this subdivision for:

87.21 (1) supporting future teacher clubs or service-learning opportunities that provide middle  
87.22 and high-school students who are of color or American Indian to have experiential learning  
87.23 supporting the success of younger students or peers and to increase students' interest in  
87.24 pursuing a teaching career;

87.25 (2) providing direct support, including wrap-around services, for students who are of  
87.26 color or American Indian to enroll and be successful in postsecondary enrollment options  
87.27 courses under section 124D.09 that would meet degree requirements for teacher licensure;  
87.28 or

87.29 (3) offering scholarships to graduating high school students who are of color or American  
87.30 Indian to enroll in board-approved undergraduate teacher preparation programs at a college  
87.31 or university in Minnesota.

87.32 Subd. 6. **Grant procedure.** (a) An eligible district or Head Start program must apply  
87.33 for a grant under this section in the form and manner specified by the commissioner. The

88.1 commissioner must give priority to eligible districts or Head Start programs with the highest  
88.2 total number or percentage of students who are of color or American Indian.

88.3 (b) For the 2021-2022 school year and later, grant applications for new and existing  
88.4 programs must be received by the commissioner no later than January 15 of the year prior  
88.5 to the school year in which the grant will be used. The commissioner must review all  
88.6 applications and notify grant recipients by March 15 or as soon as practicable of the  
88.7 anticipated amount awarded. If the commissioner determines that sufficient funding is  
88.8 unavailable for the grants, the commissioner must notify grant applicants by June 30 or as  
88.9 soon as practicable that there are insufficient funds.

88.10 Subd. 7. **Account established.** A Grow Your Own program account is created in the  
88.11 special revenue fund for depositing money appropriated to or received by the department  
88.12 for Grow Your Own programs. Money deposited in the account is appropriated to the  
88.13 commissioner, does not cancel, and is continuously available for grants under this section.  
88.14 Grant recipients may apply to use grant money over a period of up to 24 months.

88.15 Subd. 8. **Report.** Grant recipients must annually report to the commissioner in the form  
88.16 and manner determined by the commissioner on their activities under this section, including  
88.17 the number of participants, the percentage of participants who are of color or American  
88.18 Indian, and an assessment of program effectiveness, including participant feedback, areas  
88.19 for improvement, the percentage of participants continuing to pursue teacher licensure, and  
88.20 where applicable, the number of participants hired in the school or district as teachers after  
88.21 completing preparation programs. The commissioner must publish a report for the public  
88.22 that summarizes the activities and outcomes of grant recipients and what was done to promote  
88.23 sharing of effective practices among grant recipients and potential grant applicants.

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

88.25 Sec. 47. Minnesota Statutes 2020, section 122A.70, is amended to read:

88.26 **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE**  
88.27 **TEACHERS.**

88.28 Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School  
88.29 districts are encouraged to develop teacher mentoring programs for teachers new to the  
88.30 profession or district, including teaching residents, teachers of color, teachers who are  
88.31 American Indian, teachers in license shortage areas, teachers with special needs, or  
88.32 experienced teachers in need of peer coaching.



89.1 (b) Teacher mentoring programs must be included in or aligned with districts' teacher  
89.2 evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41,  
89.3 subdivision 5. A district may use staff development revenue under section 122A.61, special  
89.4 grant programs established by the legislature, or another funding source to pay a stipend to  
89.5 a mentor who may be a current or former teacher who has taught at least three years and is  
89.6 not on an improvement plan. Other initiatives using such funds or funds available under  
89.7 sections 124D.861 and 124D.862 may include:

89.8 (1) additional stipends as incentives to mentors of color or who are American Indian;

89.9 (2) financial supports for professional learning community affinity groups across schools  
89.10 within and between districts for teachers from underrepresented racial and ethnic groups to  
89.11 come together throughout the school year. For purposes of this section, "affinity groups"  
89.12 are groups of educators who share a common racial or ethnic identity in society as persons  
89.13 of color or who are American Indian;

89.14 (3) programs for induction aligned with the district or school mentorship program during  
89.15 the first three years of teaching, especially for teachers from underrepresented racial and  
89.16 ethnic groups; or

89.17 (4) grants supporting licensed and nonlicensed educator participation in professional  
89.18 development, such as workshops and graduate courses, related to increasing student  
89.19 achievement for students of color and American Indian students in order to close opportunity  
89.20 and achievement gaps.

89.21 (c) A school or district that receives a grant must negotiate additional retention strategies  
89.22 or protection from unrequested leave of absences in the beginning years of employment for  
89.23 teachers of color and teachers who are American Indian. Retention strategies may include  
89.24 providing financial incentives for teachers of color and teachers who are American Indian  
89.25 to work in the school or district for at least five years and placing American Indian educators  
89.26 at sites with other American Indian educators and educators of color at sites with other  
89.27 educators of color to reduce isolation and increase opportunity for collegial support.

89.28 Subd. 2. **Applications.** The Professional Educator Licensing and Standards Board must  
89.29 make application forms available to sites interested in developing or expanding a mentorship  
89.30 program. A school district; a or group of school districts; a coalition of districts, teachers,  
89.31 and teacher education institutions; or, a school or coalition of schools, or a coalition of  
89.32 teachers, or nonlicensed educators may apply for a program grant. A higher education  
89.33 institution or nonprofit organization may partner with a grant applicant, but is not eligible  
89.34 as a sole applicant for grant funds. The Professional Educator Licensing and Standards

90.1 Board, in consultation with the teacher mentoring task force, must approve or disapprove  
90.2 the applications. To the extent possible, the approved applications must reflect effective  
90.3 mentoring, professional development, and retention components, and be geographically  
90.4 distributed throughout the state. The Professional Educator Licensing and Standards Board  
90.5 must encourage the selected sites to consider the use of its assessment procedures.

90.6 Subd. 3. **Criteria for selection.** (a) At a minimum, applicants must express commitment  
90.7 to:

90.8 (1) allow staff participation;

90.9 (2) assess skills of both beginning and mentor teachers;

90.10 (3) provide appropriate in-service to needs identified in the assessment;

90.11 (4) provide leadership to the effort;

90.12 (5) cooperate with higher education institutions or teacher educators;

90.13 (6) provide facilities and other resources;

90.14 (7) share findings, materials, and techniques with other school districts; and

90.15 (8) retain teachers of color and teachers who are American Indian.

90.16 (b) Priority for awarding grants must be for efforts to induct, mentor, and retain Tier 2  
90.17 or Tier 3 teachers who are of color or American Indian and Tier 2 or Tier 3 teachers in  
90.18 licensure shortage areas.

90.19 Subd. 4. **Additional funding.** Applicants are required to seek additional funding and  
90.20 assistance from sources such as school districts, postsecondary institutions, foundations,  
90.21 and the private sector.

90.22 Subd. 5. **Program implementation.** Grants may be awarded for implementing activities  
90.23 over a period of time up to 24 months. New and expanding mentorship sites that are funded  
90.24 to design, develop, implement, and evaluate their program must participate in activities that  
90.25 support program development and implementation. The Professional Educator Licensing  
90.26 and Standards Board must provide resources and assistance to support new sites in their  
90.27 program efforts. These activities and services may include, but are not limited to: planning,  
90.28 planning guides, media, training, conferences, institutes, and regional and statewide  
90.29 networking meetings. Nonfunded schools or districts interested in getting started may  
90.30 participate. Fees may be charged for meals, materials, and the like.

90.31 Subd. 5a. **Grant program administration.** The Professional Educator Licensing and  
90.32 Standards Board may enter into an interagency agreement with the Office of Higher

91.1 Education or the Department of Education. The agreement may include a transfer of funds  
 91.2 to the Office of Higher Education or the Department of Education to help administer the  
 91.3 competitive grant process.

91.4 Subd. 6. **Report.** By ~~June~~ September 30 of each year after receiving a grant, recipients  
 91.5 must submit a report to the Professional Educator Licensing and Standards Board on program  
 91.6 efforts that describes mentoring and induction activities and assesses the impact of these  
 91.7 programs on teacher effectiveness and retention.

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

91.9 Sec. 48. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

91.10 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,  
 91.11 and instructional leadership services, under the supervision of the superintendent of schools  
 91.12 of the district and according to the policies, rules, and regulations of the school board, for  
 91.13 the planning, management, operation, and evaluation of the education program of the building  
 91.14 or buildings to which the principal is assigned.

91.15 (b) To enhance a principal's culturally responsive leadership skills and support and  
 91.16 improve teaching practices, school performance, and student achievement for diverse student  
 91.17 populations, including at-risk students, children with disabilities, English learners, and gifted  
 91.18 students, among others, a district must develop and implement a performance-based system  
 91.19 for annually evaluating school principals assigned to supervise a school building within the  
 91.20 district. The evaluation must be designed to improve teaching and learning by supporting  
 91.21 the principal in shaping the school's professional environment and developing teacher  
 91.22 quality, performance, and effectiveness. The annual evaluation must:

91.23 (1) support and improve a principal's instructional leadership, organizational management,  
 91.24 and professional development, and strengthen the principal's capacity in the areas of  
 91.25 instruction, supervision, evaluation, and teacher development;

91.26 (2) support and improve a principal's culturally responsive leadership practices that  
 91.27 create inclusive and respectful teaching and learning environments for all students, families,  
 91.28 and employees;

91.29 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of  
 91.30 student progress toward career and college readiness;

91.31 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and  
 91.32 goals, and the principal's own professional multiyear growth plans and goals, all of which

92.1 must support the principal's leadership behaviors and practices, rigorous curriculum, school  
92.2 performance, and high-quality instruction;

92.3 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

92.4 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and  
92.5 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

92.6 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation  
92.7 and incorporate district achievement goals and targets;

92.8 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and  
92.9 learning, curriculum and instruction, student learning, culturally responsive leadership  
92.10 practices, and a collaborative professional culture; and

92.11 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria  
92.12 under this subdivision, implement a plan to improve the principal's performance and specify  
92.13 the procedure and consequence if the principal's performance is not improved.

92.14 The provisions of this paragraph are intended to provide districts with sufficient flexibility  
92.15 to accommodate district needs and goals related to developing, supporting, and evaluating  
92.16 principals.

92.17 **EFFECTIVE DATE.** This section is effective July 1, 2023.

92.18 Sec. 49. Minnesota Statutes 2020, section 125A.08, is amended to read:

92.19 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

92.20 (a) At the beginning of each school year, each school district shall have in effect, for  
92.21 each child with a disability, an individualized education program.

92.22 (b) As defined in this section, every district must ensure the following:

92.23 (1) all students with disabilities are provided the special instruction and services which  
92.24 are appropriate to their needs. Where the individualized education program team has  
92.25 determined appropriate goals and objectives based on the student's needs, including the  
92.26 extent to which the student can be included in the least restrictive environment, and where  
92.27 there are essentially equivalent and effective instruction, related services, or assistive  
92.28 technology devices available to meet the student's needs, cost to the district may be among  
92.29 the factors considered by the team in choosing how to provide the appropriate services,  
92.30 instruction, or devices that are to be made part of the student's individualized education  
92.31 program. The individualized education program team shall consider and may authorize  
92.32 services covered by medical assistance according to section 256B.0625, subdivision 26.

93.1 Before a school district evaluation team makes a determination of other health disability  
93.2 under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation  
93.3 team must seek written documentation of the student's medically diagnosed chronic or acute  
93.4 health condition signed by a licensed physician or a licensed health care provider acting  
93.5 within the scope of the provider's practice. The student's needs and the special education  
93.6 instruction and services to be provided must be agreed upon through the development of  
93.7 an individualized education program. The program must address the student's need to develop  
93.8 skills to live and work as independently as possible within the community. The individualized  
93.9 education program team must consider positive behavioral interventions, strategies, and  
93.10 supports that address behavior needs for children. During grade 9, the program must address  
93.11 the student's needs for transition from secondary services to postsecondary education and  
93.12 training, employment, community participation, recreation, and leisure and home living. In  
93.13 developing the program, districts must inform parents of the full range of transitional goals  
93.14 and related services that should be considered. The program must include a statement of  
93.15 the needed transition services, including a statement of the interagency responsibilities or  
93.16 linkages or both before secondary services are concluded. If the individualized education  
93.17 program meets the plan components in section 120B.125, the individualized education  
93.18 program satisfies the requirement and no additional transition plan is needed;

93.19 (2) children with a disability under age five and their families are provided special  
93.20 instruction and services appropriate to the child's level of functioning and needs;

93.21 (3) children with a disability and their parents or guardians are guaranteed procedural  
93.22 safeguards and the right to participate in decisions involving identification, assessment  
93.23 including assistive technology assessment, and educational placement of children with a  
93.24 disability;

93.25 (4) eligibility and needs of children with a disability are determined by an initial  
93.26 evaluation or reevaluation, which may be completed using existing data under United States  
93.27 Code, title 20, section 33, et seq.;

93.28 (5) to the maximum extent appropriate, children with a disability, including those in  
93.29 public or private institutions or other care facilities, are educated with children who are not  
93.30 disabled, and that special classes, separate schooling, or other removal of children with a  
93.31 disability from the regular educational environment occurs only when and to the extent that  
93.32 the nature or severity of the disability is such that education in regular classes with the use  
93.33 of supplementary services cannot be achieved satisfactorily;

94.1 (6) in accordance with recognized professional standards, testing and evaluation materials,  
94.2 and procedures used for the purposes of classification and placement of children with a  
94.3 disability are selected and administered so as not to be racially or culturally discriminatory;  
94.4 and

94.5 (7) the rights of the child are protected when the parents or guardians are not known or  
94.6 not available, or the child is a ward of the state.

94.7 (c) For all paraprofessionals employed to work in programs whose role in part is to  
94.8 provide direct support to students with disabilities, the school board in each district shall  
94.9 ensure that:

94.10 (1) before or beginning at the time of employment, each paraprofessional must develop  
94.11 sufficient knowledge and skills in emergency procedures, building orientation, roles and  
94.12 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin  
94.13 meeting the needs, especially disability-specific and behavioral needs, of the students with  
94.14 whom the paraprofessional works;

94.15 (2) before beginning work alone with an individual student with a disability, the assigned  
94.16 paraprofessional must be either given paid time, or time during the school day, to review a  
94.17 student's individualized education program or be briefed on the student's specific needs by  
94.18 appropriate staff;

94.19 ~~(2)~~ (3) annual training opportunities are required to enable the paraprofessional to  
94.20 continue to further develop the knowledge and skills that are specific to the students with  
94.21 whom the paraprofessional works, including understanding disabilities, the unique and  
94.22 individual needs of each student according to the student's disability and how the disability  
94.23 affects the student's education and behavior, following lesson plans, and implementing  
94.24 follow-up instructional procedures and activities; and

94.25 (4) a minimum of 16 hours of paid orientation or professional development must be  
94.26 provided annually to all paraprofessionals, Title I aides, and other instructional support  
94.27 staff. Eight of the 16 hours must be completed before the first instructional day of the school  
94.28 year or within 30 days of hire. The orientation or professional development must be relevant  
94.29 to the employee's occupation and may include collaboration time with classroom teachers  
94.30 and planning for the school year. For paraprofessionals who provide direct support to  
94.31 students, at least 50 percent of the professional development or orientation must be dedicated  
94.32 to meeting the requirements of this section. Professional development for paraprofessionals  
94.33 may also address the requirements of section 120B.363, subdivision 3. A school administrator

95.1 must provide an annual certification of compliance with this requirement to the commissioner;  
 95.2 and

95.3 ~~(3)~~ (5) a districtwide process obligates each paraprofessional to work under the ongoing  
 95.4 direction of a licensed teacher and, where appropriate and possible, the supervision of a  
 95.5 school nurse.

95.6 (d) A school district may conduct a functional behavior assessment as defined in  
 95.7 Minnesota Rules, part 3525.0210, subpart 22, as a stand-alone evaluation without conducting  
 95.8 a comprehensive evaluation of the student in accordance with prior written notice provisions  
 95.9 in section 125A.091, subdivision 3a. A parent or guardian may request that a school district  
 95.10 conduct a comprehensive evaluation of the parent's or guardian's student.

95.11 Sec. 50. Minnesota Statutes 2020, section 179A.03, subdivision 19, is amended to read:

95.12 Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment"  
 95.13 means the hours of employment, the compensation therefor including fringe benefits except  
 95.14 retirement contributions or benefits other than employer payment of, or contributions to,  
 95.15 premiums for group insurance coverage of retired employees or severance pay, class sizes  
 95.16 in Minnesota school districts and charter schools, student testing, student to personnel ratios  
 95.17 in Minnesota school districts, and the employer's personnel policies affecting the working  
 95.18 conditions of the employees. In the case of professional employees the term does not mean  
 95.19 educational policies of a school district. "Terms and conditions of employment" is subject  
 95.20 to section 179A.07.

95.21 Sec. 51. **REPEALER.**

95.22 Minnesota Statutes 2020, sections 122A.091, subdivisions 3 and 6; 122A.092; 122A.18,  
 95.23 subdivision 7c; 122A.184, subdivision 3; 122A.23, subdivision 3; and 122A.2451, are  
 95.24 repealed.

## 95.25 ARTICLE 4

### 95.26 CHARTER SCHOOLS

95.27 Section 1. Minnesota Statutes 2020, section 124E.02, is amended to read:

95.28 **124E.02 DEFINITIONS.**

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

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

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

96.6 (d) "Charter management organization" means any nonprofit entity that contracts with  
96.7 a charter school board of directors to provide, manage, or oversee all or substantially all of  
96.8 a charter school's educational design or implementation, or a charter school's administrative,  
96.9 financial, business, or operational functions.

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

96.12 (f) "Education management organization" means any for-profit entity that provides,  
96.13 manages, or oversees all or substantially all of the educational design or implementation  
96.14 for a charter school, or a charter school's administrative, financial, business, or operational  
96.15 functions.

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

96.18 (h) "Online education service provider" means an organization that provides an online  
96.19 learning management system, virtual learning environment, or online student management  
96.20 system for a charter school and services for the implementation and operation of an online  
96.21 education program for the charter school.

96.22 ~~(f)~~ (i) "Person" means an individual or entity of any kind.

96.23 ~~(g)~~ (j) "Related party" means an affiliate or immediate relative of the other interested  
96.24 party, an affiliate of an immediate relative who is the other interested party, or an immediate  
96.25 relative of an affiliate who is the other interested party.

96.26 ~~(h)~~ (k) For purposes of this chapter, the terms defined in section 120A.05 have the same  
96.27 meanings.

96.28 Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:

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

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



97.1 (c) A charter school must comply with the Minnesota Public School Fee Law, sections  
97.2 123B.34 to 123B.39.

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

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

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

97.8 (g) A charter school must comply with continuing truant notification under section  
97.9 260A.03.

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

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

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

97.20 (k) A charter school is subject to and must comply with the uniform municipal contracting  
97.21 law according to section 471.345 in the same manner as school districts.

97.22 Sec. 3. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to  
97.23 read:

97.24 Subd. 8. **English learners.** A charter school is subject to and must comply with the  
97.25 Education for English Learners Act, sections 124D.58 to 124D.64, as though it were a  
97.26 district.

97.27 Sec. 4. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to  
97.28 read:

97.29 Subd. 9. **Corporal punishment.** A charter school is subject to and must comply with  
97.30 section 121A.58 as though it were a district.

98.1 Sec. 5. Minnesota Statutes 2020, section 124E.05, subdivision 4, is amended to read:

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

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

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

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

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

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

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

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

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

98.25 (b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the  
98.26 requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict  
98.27 of interest between an authorizer and its charter schools or ongoing evaluation or continuing  
98.28 education of an administrator or other professional support staff by submitting to the  
98.29 commissioner a written promise to comply with the requirements.

98.30 Sec. 6. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

98.31 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw  
98.32 as an approved authorizer for a reason unrelated to any cause under section ~~124E.10~~,

99.1 ~~subdivision 4~~ 124E.07, subdivision 6, the authorizer must notify all its chartered schools  
 99.2 and the commissioner in writing by March 1 of its intent to withdraw as an authorizer on  
 99.3 June 30 in the next calendar year, ~~regardless of when the authorizer's five-year term of~~  
 99.4 ~~approval ends~~. Upon notification of the schools and commissioner, the authorizer must  
 99.5 provide a letter to the school for distribution to families of students enrolled in the school  
 99.6 that explains the decision to withdraw as an authorizer. The commissioner may approve the  
 99.7 transfer of a charter school to a new authorizer under section 124E.10, subdivision 5.

99.8 Sec. 7. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

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

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

99.17 (1) the school developer's:

99.18 (i) mission statement;

99.19 (ii) school purposes;

99.20 (iii) program design;

99.21 (iv) financial plan;

99.22 (v) market need and demand study;

99.23 ~~(v)~~ (vi) governance and management structure; and

99.24 ~~(vi)~~ (vii) background and experience;

99.25 (2) any other information the authorizer requests; and

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

99.27 (c) "Market need and demand study" means a study that includes the following for any  
 99.28 proposed location of a new school, grade or site expansion, or preschool program:

99.29 (1) current and projected demographic information;

99.30 (2) student enrollment patterns;

- 100.1 (3) information on existing schools and types of educational programs currently available;  
100.2 (4) characteristics of proposed students and families;  
100.3 (5) availability of properly zoned and classified facilities; and  
100.4 (6) quantification of existing demand for the new school, grade or site expansion, or  
100.5 preschool program.

100.6 ~~(e)~~ (d) An authorizer shall not approve an application submitted by a charter school  
100.7 developer under paragraph (a) if the application does not comply with subdivision 3,  
100.8 paragraph (e), and section 124E.01, subdivision 1. The commissioner shall not approve an  
100.9 affidavit submitted by an authorizer under subdivision 4 if the affidavit does not comply  
100.10 with subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

100.11 Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:

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

100.17 (1) the terms and conditions under which the authorizer would charter a school, including  
100.18 market research that addresses the need, demand, and potential market for the proposed  
100.19 charter school in the community where the school intends to locate; and

100.20 (2) how the authorizer intends to oversee:

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

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

100.24 (b) The commissioner must approve or disapprove the authorizer's affidavit within 60  
100.25 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the  
100.26 commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer  
100.27 then has 20 business days to address the deficiencies. The commissioner must notify the  
100.28 authorizer of the commissioner's final approval or final disapproval within 15 business days  
100.29 after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer  
100.30 does not address deficiencies to the commissioner's satisfaction, the commissioner's  
100.31 disapproval is final. An authorizer who fails to obtain the commissioner's approval is  
100.32 precluded from chartering the school that is the subject of this affidavit.

101.1 Sec. 9. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

101.2 Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to  
101.3 amend the school charter to add grades or primary enrollment sites beyond those defined  
101.4 in the original affidavit approved by the commissioner. After approving the school's  
101.5 application, the authorizer shall submit a supplemental affidavit in the form and manner  
101.6 prescribed by the commissioner. The authorizer must file a supplemental affidavit to the  
101.7 commissioner by October 1 to be eligible to add grades or sites in the next school year. The  
101.8 supplemental affidavit must document to the authorizer's satisfaction:

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

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

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

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

101.18 (5) market need and demand study.

101.19 (b) The commissioner shall have 30 business days to review and comment on the  
101.20 supplemental affidavit. The commissioner shall notify the authorizer in writing of any  
101.21 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to  
101.22 address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.  
101.23 The commissioner must notify the authorizer of final approval or final disapproval within  
101.24 15 business days after receiving the authorizer's response to the deficiencies in the affidavit.  
101.25 The school may not add grades or sites until the commissioner has approved the supplemental  
101.26 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

101.27 Sec. 10. Minnesota Statutes 2020, section 124E.11, is amended to read:

101.28 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

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

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

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

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

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

102.11 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil  
102.12 and to a foster child of that pupil's parents and may give preference for enrolling children  
102.13 of the school's staff before accepting other pupils by lot. A charter school that is located in  
102.14 Duluth township in St. Louis County and admits students in kindergarten through grade 6  
102.15 must give enrollment preference to students residing within a five-mile radius of the school  
102.16 and to the siblings of enrolled children. A charter school may give enrollment preference  
102.17 to children currently enrolled in the school's free preschool or prekindergarten program  
102.18 under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten  
102.19 in the next school year.

102.20 (d) Admission to a charter school is free to any person who resides within the state of  
102.21 Minnesota and Minnesota students have preference over out-of-state residents. A person  
102.22 shall not be admitted to a charter school (1) as a kindergarten pupil, unless the pupil is at  
102.23 least five years of age on September 1 of the calendar year in which the school year for  
102.24 which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil  
102.25 is at least six years of age on September 1 of the calendar year in which the school year for  
102.26 which the pupil seeks admission commences or has completed kindergarten; except that a  
102.27 charter school may establish and publish on its website a policy for admission of selected  
102.28 pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).

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

103.1 (f) The charter school shall not distribute any services or goods of value to students,  
103.2 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter  
103.3 school.

103.4 (g) Once a student is enrolled in the school, the student is considered enrolled in the  
103.5 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal  
103.6 Act in sections 121A.40 to 121A.56.

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

103.13 Sec. 11. Minnesota Statutes 2020, section 124E.12, subdivision 1, is amended to read:

103.14 Subdivision 1. **Teachers.** A charter school must employ necessary teachers or contract  
103.15 with a cooperative formed under chapter 308A to provide necessary teachers, as defined  
103.16 by section ~~122A.15, subdivision 1~~ 122A.06, subdivision 2, who hold valid licenses to  
103.17 perform the particular service for which they are employed in the school. The commissioner  
103.18 may reduce the charter school's state aid under section 127A.43 if the school employs a  
103.19 teacher who is not appropriately licensed or approved by the Professional Educator Licensing  
103.20 and Standards Board. The school may employ necessary employees who are not required  
103.21 to hold teaching licenses to perform duties other than teaching and may contract for other  
103.22 services. The school may discharge teachers and nonlicensed employees. The charter school  
103.23 board is subject to section 181.932 governing whistle-blowers. When offering employment  
103.24 to a prospective employee, a charter school must give that employee a written description  
103.25 of the terms and conditions of employment and the school's personnel policies.

103.26 Sec. 12. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

103.27 Subdivision 1. **Leased space.** A charter school may lease space from: an independent  
103.28 or special school board; other public organization; private, nonprofit, nonsectarian  
103.29 organization; private property owner; or a sectarian organization; and if the leased space is  
103.30 owned by the lessor and is constructed as a school facility. The commissioner must review  
103.31 and approve or disapprove leases in a timely manner to determine eligibility for lease aid  
103.32 under section 124E.22.

104.1 Sec. 13. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

104.2 Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits,  
104.3 audit procedures, and audit requirements as a district, except as required under this  
104.4 subdivision. Audits must be conducted in compliance with generally accepted governmental  
104.5 auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing  
104.6 auditing procedures. A charter school is subject to and must comply with sections 15.054;  
104.7 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property  
104.8 and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing  
104.9 municipal contracting. The audit must comply with the requirements of sections 123B.75  
104.10 to 123B.83 governing school district finance, except when the commissioner and authorizer  
104.11 approve a deviation made necessary because of school program finances. The commissioner,  
104.12 state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance  
104.13 audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must  
104.14 submit a plan under section 123B.81, subdivision 4.

104.15 (b) The charter school must submit an audit report to the commissioner and its authorizer  
104.16 annually by December 31. The charter school's charter management organization or  
104.17 educational management organization must submit an audit report to the commissioner  
104.18 annually by December 31.

104.19 (c) The charter school, with the assistance of the auditor conducting the audit, must  
104.20 include with the report, as supplemental information: (1) a copy of management agreements  
104.21 with a charter management organization or an educational management organization and  
104.22 (2) service agreements or contracts over the lesser of \$100,000 or ten percent of the school's  
104.23 most recent annual audited expenditures. The agreements must detail the terms of the  
104.24 agreement, including the services provided and the annual costs for those services. If the  
104.25 entity that provides the professional services to the charter school is exempt from taxation  
104.26 under section 501 of the Internal Revenue Code of 1986, that entity must file with the  
104.27 commissioner by February 15 a copy of the annual return required under section 6033 of  
104.28 the Internal Revenue Code of 1986.

104.29 (d) A charter school independent audit report shall include audited financial data of an  
104.30 affiliated building corporation under section 124E.13, subdivision 3, or other component  
104.31 unit.

104.32 (e) If the audit report finds that a material weakness exists in the financial reporting  
104.33 systems of a charter school, the charter school must submit a written report to the  
104.34 commissioner explaining how the charter school will resolve that material weakness. An



105.1 auditor, as a condition of providing financial services to a charter school, must agree to  
105.2 make available information about a charter school's financial audit to the commissioner and  
105.3 authorizer upon request.

105.4 Sec. 14. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

105.5 Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section  
105.6 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods  
105.7 occurring after the school ceases serving students, the commissioner shall withhold the  
105.8 estimated state aid owed the school. The charter school board of directors and authorizer  
105.9 must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial  
105.10 information about the school's liabilities and assets. After receiving the closure plan, financial  
105.11 information, an audit of pupil counts, and documented lease expenditures from the charter  
105.12 school and monitoring special education expenditures, the commissioner may release cash  
105.13 withheld and may continue regular payments up to the current year payment percentages  
105.14 if further amounts are owed. If, based on audits and monitoring, the school received state  
105.15 aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to  
105.16 eliminate the aid overpayment.

105.17 (b) For a charter school ceasing operations before or at the end of a school year,  
105.18 notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary  
105.19 final payments after the school submits the closure plan, an audit of pupil counts, documented  
105.20 lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS)  
105.21 financial data and the commissioner monitors special education expenditures for the final  
105.22 year of operation. The commissioner may make the final payment after receiving audited  
105.23 financial statements under section 123B.77, subdivision 3.

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

## 105.27 ARTICLE 5

### 105.28 SPECIAL EDUCATION

105.29 Section 1. Minnesota Statutes 2020, section 122A.31, subdivision 1, is amended to read:

105.30 Subdivision 1. **Requirements for American sign language/English interpreters.** (a)  
105.31 In addition to any other requirements that a school district establishes, any person employed  
105.32 to provide American sign language/English interpreting or sign transliterating services on  
105.33 a full-time or part-time basis for a school district after July 1, 2000, must:

106.1 (1) hold current interpreter ~~and~~ or transliterator certificates awarded by the Registry of  
106.2 Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded  
106.3 by the National Association of the Deaf (NAD), or a comparable state certification from  
106.4 the commissioner of education; and

106.5 ~~(2)~~ satisfactorily complete an interpreter/transliterator training program affiliated with  
106.6 an accredited educational institution; or

106.7 (2) hold a certified deaf interpreter certification issued by RID.

106.8 (b) New graduates of an interpreter/transliterator program affiliated with an accredited  
106.9 education institution or certified deaf interpreters who hold a certification issued by RID  
106.10 shall be granted a two-year provisional certificate by the commissioner. During the two-year  
106.11 provisional period, the interpreter/transliterator must develop and implement an education  
106.12 plan in collaboration with a mentor under paragraph (c).

106.13 (c) A mentor of a provisionally certified interpreter/transliterator must be an  
106.14 interpreter/transliterator who has either NAD level IV or V certification or RID certified  
106.15 interpreter and certified transliterator certification and have at least three years of  
106.16 interpreting/transliterating experience in any educational setting. The mentor, in collaboration  
106.17 with the provisionally certified interpreter/transliterator, shall develop and implement an  
106.18 education plan designed to meet the requirements of paragraph (a), clause (1), and include  
106.19 a weekly on-site mentoring process.

106.20 (d) Consistent with the requirements of this paragraph, a person holding a provisional  
106.21 certificate may apply to the commissioner for one time-limited extension. The commissioner,  
106.22 in consultation with the Commission of the Deaf, DeafBlind and Hard of Hearing, must  
106.23 grant the person a time-limited extension of the provisional certificate based on the following  
106.24 documentation:

106.25 (1) letters of support from the person's mentor, a parent of a pupil the person serves, the  
106.26 special education director of the district in which the person is employed, and a representative  
106.27 from the regional service center of the deaf and hard-of-hearing;

106.28 (2) records of the person's formal education, training, experience, and progress on the  
106.29 person's education plan; and

106.30 (3) an explanation of why the extension is needed.

106.31 As a condition of receiving the extension, the person must comply with a plan and the  
106.32 accompanying ~~time-line~~ timeline for meeting the requirements of this subdivision. A  
106.33 committee composed of the deaf and hard-of-hearing state specialist, a representative of

107.1 the Minnesota Association of Deaf Citizens, a representative of the Minnesota Registry of  
107.2 Interpreters ~~of~~ for the Deaf, and other appropriate ~~persons~~ committee members selected by  
107.3 the commissioner must develop the plan and ~~time line~~ timeline for the person receiving the  
107.4 extension.

107.5 (e) A school district may employ only an interpreter/transliterater who has been certified  
107.6 under paragraph (a) or (b), or for whom a time-limited extension has been granted under  
107.7 paragraph (d).

107.8 (f) An interpreter who meets the requirements of paragraph (a) is "essential personnel"  
107.9 as defined in section 125A.76, subdivision 1.

107.10 Sec. 2. **STUDENTS WITH DISABILITIES.**

107.11 Subdivision 1. **On-site instruction.** A school board developing or updating a plan to  
107.12 provide on-site instruction to students must prioritize on-site instruction for a student whose  
107.13 individualized education program requires instruction in a federal level three or four setting  
107.14 or who is not demonstrating progress on an individualized education program while not  
107.15 receiving on-site instruction, and a student with a disability who is also identified as an  
107.16 English learner in accordance with Minnesota Statutes, section 124D.59.

107.17 Subd. 2. **Home visits.** A school district may provide services required by an  
107.18 individualized education program to a student at the student's home. If a district chooses to  
107.19 provide services at a student's home under this subdivision, the services provided by district  
107.20 staff under this subdivision are determined necessary and essential to meet the district's  
107.21 obligation to provide special instruction and services to a student with a disability and qualify  
107.22 for funding in accordance with Minnesota Statutes, chapter 125A. A district choosing to  
107.23 provide the home visit services must meet and negotiate the terms and conditions of  
107.24 employment with the exclusive representative, if any, of the staff providing the services in  
107.25 accordance with Minnesota Statutes, chapter 179A.

107.26 Subd. 3. **Truancy.** A school district must consider how a student's disability may affect  
107.27 the student's ability to engage in distance instruction when determining whether to refer a  
107.28 student for truancy programs and services under Minnesota Statutes, section 260A.02,  
107.29 subdivision 3, or reporting students for educational neglect under Laws 2020, First Special  
107.30 Session chapter 2, article 7. School districts are encouraged to connect families with available  
107.31 county-based services, not including services under chapter 260A, to meet families' needs  
107.32 if a student is struggling with attendance.

108.1 Subd. 4. **Transition program.** A school district must allow a student participating in a  
 108.2 special education secondary transition program for a student with a disability and age 18  
 108.3 through 21, who was expected to participate in employment, in-person job training, or  
 108.4 independent life skills training during the 2020-2021 school year in accordance with the  
 108.5 student's individualized education program, to participate during the 2021-2022 school year  
 108.6 notwithstanding the student's age if the student's individualized education program team  
 108.7 determines participation in the transition program would be appropriate.

108.8 **EFFECTIVE DATE.** This section is effective the day following final enactment, and  
 108.9 sunsets at the end of the 2021-2022 school year.

## 108.10 **ARTICLE 6**

### 108.11 **HEALTH AND SAFETY**

108.12 Section 1. Minnesota Statutes 2020, section 120B.21, is amended to read:

#### 108.13 **120B.21 MENTAL HEALTH EDUCATION.**

108.14 School districts and charter schools ~~are encouraged to~~ must provide mental health  
 108.15 instruction for students in grades 4 through 12 aligned with local health education standards  
 108.16 and integrated into existing programs, curriculum, or the general school environment  
 108.17 activities of a district or charter school. The commissioner, in consultation with the  
 108.18 commissioner of human services, commissioner of health, and mental health organizations,  
 108.19 ~~must, by July 1, 2020, and July 1 of each even-numbered year thereafter,~~ provide districts  
 108.20 and charter schools with resources gathered by Minnesota mental health advocates, including:

108.21 (1) age-appropriate model learning activities for grades 4 through 12 that encompass  
 108.22 the mental health components of the National Health Education Standards and the  
 108.23 benchmarks developed by the department's quality teaching network in health and best  
 108.24 practices in mental health education; and

108.25 (2) a directory of resources for planning and implementing age-appropriate mental health  
 108.26 curriculum and instruction in grades 4 through 12 that includes resources on suicide and  
 108.27 self-harm prevention.

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

108.29 Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

108.30 Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools ~~are~~  
 108.31 ~~encouraged to~~ must provide developmentally appropriate programmatic instruction to help  
 108.32 students identify, prevent, and reduce prohibited conduct; ~~value diversity in school and~~

109.1 ~~society; develop and improve students' knowledge and skills for solving problems, managing~~  
109.2 ~~conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited~~  
109.3 ~~conduct; and make effective prevention and intervention programs available to students.~~  
109.4 ~~Upon request, the school safety technical assistance center under section 127A.052 must~~  
109.5 ~~assist a district or school in helping students understand social media and cyberbullying.~~  
109.6 ~~Districts and schools must establish~~ by establishing strategies for creating a positive school  
109.7 climate and use evidence-based social-emotional learning to prevent and reduce  
109.8 discrimination and other improper conduct.

109.9 (b) Districts and schools ~~are encouraged to~~ must:

109.10 (1) engage all students in creating a safe and supportive school environment;

109.11 (2) partner with parents and other community members to develop and implement  
109.12 prevention and intervention programs;

109.13 (3) engage all students and adults in integrating education, intervention, and other  
109.14 remedial responses into the school environment;

109.15 (4) train student bystanders to intervene in and report incidents of prohibited conduct to  
109.16 the school's primary contact person;

109.17 (5) teach students to advocate for themselves and others;

109.18 (6) prevent inappropriate referrals to special education of students who may engage in  
109.19 prohibited conduct; and

109.20 (7) foster student collaborations that foster a safe and supportive school climate.

109.21 Sec. 3. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

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

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

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

109.30 (3) for a child with a disability, whenever an evaluation by an individualized education  
109.31 program team or a section 504 team indicates that the child's disability affects the child's

110.1 social skills development or the child is vulnerable to prohibited conduct because of the  
110.2 child's disability, the child's individualized education program or section 504 plan may  
110.3 address the skills and proficiencies the child needs to not engage in and respond to such  
110.4 conduct; and

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

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

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

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

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

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

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

110.22 (e) The commissioner shall develop and adopt state-level social-emotional learning  
110.23 standards.

110.24 Sec. 4. **[121A.20] SCHOOL MENTAL HEALTH SYSTEMS.**

110.25 Mental health is defined as the social, emotional, and behavioral well-being of students.  
110.26 Comprehensive school mental health systems provide an array of supports and services that  
110.27 promote positive school climate, social-emotional learning, and mental health and well-being,  
110.28 while reducing the prevalence and severity of mental illness. School mental health systems  
110.29 are built on a strong foundation of district and school professionals, including administrators,  
110.30 educators, and specialized instructional support personnel including school psychologists,  
110.31 school social workers, school counselors, school nurses, and other school health professionals,  
110.32 all in strategic partnership with students and families, as well as community health and

111.1 mental health partners. School mental health systems also assess and address the social and  
111.2 environmental factors that impact mental health, including public policies and social norms  
111.3 that shape mental health outcomes.

111.4 **Sec. 5. [121A.201] MULTI-TIERED SYSTEM OF SUPPORTS.**

111.5 The Minnesota Multi-Tiered System of Supports is a systemic, continuous improvement  
111.6 framework for ensuring positive social, emotional, behavioral, developmental, and academic  
111.7 outcomes for every student. Multi-Tiered System of Supports provides access to layered  
111.8 tiers of culturally and linguistically responsive, evidence-based practices. The Multi-Tiered  
111.9 System of Supports framework relies on the understanding and belief that every student  
111.10 can learn and thrive, and it engages an anti-racist approach to examining policies and  
111.11 practices and ensuring equitable distribution of resources and opportunity. This systemic  
111.12 framework requires:

111.13 (1) design and delivery of culturally and linguistically responsive, effective,  
111.14 standards-based core instruction in safe, supportive environments inclusive of every student  
111.15 as a necessary foundation for tiered supports;

111.16 (2) layered tiers of culturally and linguistically responsive supplemental and intensive  
111.17 supports to meet each student's needs;

111.18 (3) developing collective knowledge and experience through engagement in representative  
111.19 partnerships with students, education professionals, families, and communities;

111.20 (4) multidisciplinary teams of education professionals that review and use data to prevent  
111.21 and solve problems, inform instruction and supports, and ensure effective implementation  
111.22 in partnership with students and families;

111.23 (5) effective and timely use of meaningful, culturally relevant data disaggregated by  
111.24 student groups identified in section 121A.031 that includes but is not limited to universal  
111.25 screening, frequent progress monitoring, implementation fidelity, and multiple qualitative  
111.26 and quantitative sources; and

111.27 (6) ongoing professional learning on the Multi-Tiered System of Supports systemic  
111.28 framework using anti-racist approaches to training and coaching.

111.29 **Sec. 6. [121A.24] SEIZURE TRAINING AND ACTION PLAN.**

111.30 Subdivision 1. **Seizure action plan.** (a) For purposes of this section, "seizure action  
111.31 plan" means a written individualized health plan designed to acknowledge and prepare for

112.1 the health care needs of a student with a seizure disorder diagnosed by the student's treating  
112.2 licensed health care provider.

112.3 (b) The requirements of this subdivision apply to a school district or charter school where  
112.4 an enrolled student's parent or guardian has notified the school district or charter school that  
112.5 the student has a diagnosed seizure disorder and has seizure rescue medication or medication  
112.6 prescribed by the student's licensed health care provider to treat seizure disorder symptoms  
112.7 approved by the United States Food and Drug Administration. The parent or guardian of a  
112.8 student with a diagnosed seizure disorder must collaborate with school personnel to  
112.9 implement the seizure action plan.

112.10 (c) A seizure action plan must:

112.11 (1) identify at least one employee at each school site who is on duty during the entire  
112.12 school day and can administer or assist with the administration of seizure rescue medication  
112.13 or medication prescribed to treat seizure disorder symptoms approved by the United States  
112.14 Food and Drug Administration;

112.15 (2) require training on seizure medications for an employee identified under clause (1),  
112.16 recognition of signs and symptoms of seizures, and appropriate steps to respond to seizures;  
112.17 and

112.18 (3) be filed in the office of the school principal or licensed school nurse or, in the absence  
112.19 of a licensed school nurse, a professional nurse or designated individual.

112.20 (d) A school district or charter school employee or volunteer responsible for the  
112.21 supervision or care of a student with a diagnosed seizure disorder must be given notice and  
112.22 a copy of the seizure action plan, the name of the employee identified under paragraph (c),  
112.23 clause (1), and the method by which the trained school employee may be contacted in an  
112.24 emergency.

112.25 Subd. 2. **Training requirements.** A school district or charter school must provide all  
112.26 licensed school nurses or, in the absence of a licensed school nurse, a professional nurse or  
112.27 designated individual, and other school staff working with students with self-study materials  
112.28 on seizure disorder signs, symptoms, medications, and appropriate responses.

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



113.1 Sec. 7. [127A.20] COMPREHENSIVE SCHOOL MENTAL HEALTH SERVICES

113.2 LEAD.

113.3 Subdivision 1. Lead position established. The department must employ a lead to serve  
113.4 as a source of information and support for schools in addressing students' mental health  
113.5 needs and developing comprehensive school mental health systems.

113.6 Subd. 2. Assistance to districts. (a) The lead must assist schools in assessing the quality  
113.7 of their comprehensive school mental health systems and developing improvement plans  
113.8 to implement evidence-based mental health resources, tools, and practices in school districts  
113.9 throughout Minnesota.

113.10 (b) The comprehensive school mental health services lead must work with school districts  
113.11 to improve mental health infrastructure support by:

113.12 (1) developing guidance and sharing resources on improving the quality of comprehensive  
113.13 school mental health systems;

113.14 (2) developing and sharing resources on evidence-based strategies, behavioral  
113.15 interventions, and practices or techniques for addressing students' mental health needs,  
113.16 including implementing a comprehensive approach to suicide prevention;

113.17 (3) maintaining a list of local, state, and national mental health resources for school  
113.18 districts, including public and private funding opportunities, community-based prevention  
113.19 and intervention services, model policies, training for teachers and other district staff, and  
113.20 other resources for mental health education under section 120B.21;

113.21 (4) providing advice, upon request, to school districts on implementing trauma-informed  
113.22 and culturally responsive school-based programs that provide prevention or intervention  
113.23 services to students;

113.24 (5) posting resources on the Department of Education website that school districts may  
113.25 use to address students' mental health needs; and

113.26 (6) maintaining a comprehensive list of school district best practices to address students'  
113.27 mental health needs.

113.28 (c) The lead may report to the legislature as necessary regarding students' mental health  
113.29 needs, challenges in developing comprehensive school mental health services, successful  
113.30 strategies and outcomes, and recommendations for integrating mental health services and  
113.31 supports in schools.

114.1 Subd. 3. Coordination with other agencies. The comprehensive school mental health  
114.2 services lead must consult with the Regional Centers of Excellence, the Department of  
114.3 Health, the Department of Human Services, the Minnesota School Safety Center, and other  
114.4 federal, state, and local agencies as necessary to identify or develop information, training,  
114.5 and resources to help school districts support students' mental health needs.

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

## 114.7 ARTICLE 7

### 114.8 NUTRITION AND LIBRARIES

114.9 Section 1. Minnesota Statutes 2020, section 124D.111, is amended to read:

114.10 **124D.111 SCHOOL MEAL POLICY; LUNCH AID; FOOD SERVICE**  
114.11 **ACCOUNTING.**

114.12 Subdivision 1. ~~School lunch aid computation~~ meal policy. (a) Each Minnesota sponsor  
114.13 of the national school lunch program or school breakfast program must adopt and post to  
114.14 its website, or the website of the organization where the meal is served, a school meal policy.  
114.15 The policy must:

114.16 (1) be in writing, accessible in multiple languages, and clearly communicate student  
114.17 meal charges when payment cannot be collected at the point of service;

114.18 (2) be reasonable and well-defined and maintain the dignity of students by prohibiting  
114.19 lunch shaming or otherwise ostracizing any student;

114.20 (3) address whether the sponsor uses a collection agency to collect unpaid school meal  
114.21 debt;

114.22 (4) require any communication to collect unpaid school meal debt be done by school  
114.23 staff trained on the school district's policy on collecting student meal debt;

114.24 (5) require that all communication relating to school meal debt be delivered only to a  
114.25 student's parent or guardian and not directly to the student;

114.26 (6) ensure that once a sponsor has placed a meal on a tray or otherwise served a  
114.27 reimbursable meal to a student, the meal may not be subsequently withdrawn from the  
114.28 student by the cashier or other school official, because the student has outstanding meal  
114.29 debt;

114.30 (7) ensure that a student who has been determined eligible for free and reduced-price  
114.31 lunch must always be served a reimbursable meal even if the student has outstanding debt;

115.1 (8) provide the third-party provider with its school meal policy if the school contracts  
115.2 with a third-party provider for its meal services; and

115.3 (9) require school nutrition staff be trained on the policy.

115.4 (b) Any contract between a school and a third-party provider of meal services entered  
115.5 into or modified on or after July 1, 2021, must ensure that the third-party provider adheres  
115.6 to the sponsor's school meal policy.

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

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

115.13 Subd. 2a. **Federal Child and Adult Care Food Program; criteria and notice.** The  
115.14 commissioner must post on the department's website eligibility criteria and application  
115.15 information for nonprofit organizations interested in applying to the commissioner for  
115.16 approval as a multisite sponsoring organization under the federal Child and Adult Care  
115.17 Food Program. The posted criteria and information must inform interested nonprofit  
115.18 organizations about:

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

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

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

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

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

116.1 (c) Revenues and expenditures for food service activities must be recorded in the food  
116.2 service fund. The costs of processing applications, accounting for meals, preparing and  
116.3 serving food, providing kitchen custodial services, and other expenses involving the preparing  
116.4 of meals or the kitchen section of the lunchroom may be charged to the food service fund  
116.5 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial  
116.6 services, lunchroom utilities, and other administrative costs of the food service program  
116.7 must be charged to the general fund.

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

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

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

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

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

116.31 (h) If a surplus in the food service fund exists at the end of a fiscal year for three  
116.32 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,  
116.33 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food  
116.34 service program charged to the general fund according to paragraph (c) and charge those

117.1 costs to the food service fund in a total amount not to exceed the amount of surplus in the  
117.2 food service fund.

117.3 Subd. 4. **No fees.** A participant sponsor that receives school lunch aid under this section  
117.4 must make lunch meals available without charge and must not deny a school lunch or  
117.5 breakfast to all participating students who qualify for free or reduced-price meals, whether  
117.6 or not that student has an outstanding balance in the student's meal account attributable to  
117.7 a la carte purchases or for any other reason. The participant sponsor must also ensure that  
117.8 any reminders for payment of outstanding student meal balances do not demean or stigmatize  
117.9 any child participating in the school lunch program or school breakfast program.

117.10 Subd. 5. **Respectful treatment.** (a) The sponsor must also provide meals to students in  
117.11 a respectful manner according to the policy adopted under subdivision 1. The sponsor must  
117.12 not impose any other restriction prohibited under section 123B.37 due to unpaid student  
117.13 meal debt. The sponsor must not limit a student's participation in any school activities,  
117.14 graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities  
117.15 or access to materials, technology, or other items provided to students due to an unpaid  
117.16 student meal debt.

117.17 (b) If the commissioner or the commissioner's designee determines a sponsor has violated  
117.18 the requirement to provide meals to participating students in a respectful manner, the  
117.19 commissioner or the commissioner's designee must send a letter of noncompliance to the  
117.20 sponsor. The sponsor is required to respond and, if applicable, remedy the practice within  
117.21 60 days.

117.22 Subd. 6. **Definitions.** (a) For the purposes of this section, the terms defined in this  
117.23 subdivision have the meanings given.

117.24 (b) "A la carte" means a food item ordered separately from the school meal.

117.25 (c) "School meal" means a meal provided to students during the school day.

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

117.27 Sec. 2. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

117.28 Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall  
117.29 be provided to any regional public library system where there are at least three participating  
117.30 counties and where each participating city and county is providing for public library service  
117.31 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted  
117.32 net tax capacity of the taxable property of that city or county, as determined by the  
117.33 commissioner of revenue for the second, third, and fourth year preceding that calendar year

118.1 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita  
118.2 amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the  
118.3 per capita amount shall be increased by a percentage equal to one-half of the percentage by  
118.4 which the total state adjusted net tax capacity of property as determined by the commissioner  
118.5 of revenue for the second year preceding that calendar year increases over that total adjusted  
118.6 net tax capacity for the third year preceding that calendar year.

118.7 (b) The minimum level of support specified under this subdivision or subdivision 4 shall  
118.8 be certified annually to the participating cities and counties by the Department of Education.  
118.9 If a city or county chooses to reduce its local support in accordance with subdivision 4,  
118.10 paragraph (b) or (c), it shall notify its regional public library system. The regional public  
118.11 library system shall notify the Department of Education that a revised certification is required.  
118.12 The revised minimum level of support shall be certified to the city or county by the  
118.13 Department of Education.

118.14 (c) A city which is a part of a regional public library system shall not be required to  
118.15 provide this level of support if the property of that city is already taxable by the county for  
118.16 the support of that regional public library system. In no event shall the Department of  
118.17 Education require any city or county to provide a higher level of support than the level of  
118.18 support specified in this section in order for a system to qualify for regional library basic  
118.19 system support aid. This section shall not be construed to prohibit a city or county from  
118.20 providing a higher level of support for public libraries than the level of support specified  
118.21 in this section.

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

## 118.24 ARTICLE 8

## 118.25 FACILITIES

118.26 Section 1. [121A.336] NOTIFICATION OF ENVIRONMENTAL HAZARDS.

118.27 Upon notification by the Department of Health or Pollution Control Agency to a school  
118.28 district, charter school, or nonpublic school of environmental hazards that may affect the  
118.29 health of students or school staff, the school must notify school staff, students, and parents  
118.30 of the hazards as soon as practicable. The notice must include direction on how to obtain  
118.31 additional information about the hazard, including any actions that may reduce potential  
118.32 harm to those affected by the hazard.

119.1 **ARTICLE 9**

119.2 **STATE AGENCIES**

119.3 Section 1. Minnesota Statutes 2020, section 122A.07, subdivision 1, is amended to read:

119.4 Subdivision 1. **Appointment of members.** The Professional Educator Licensing and  
 119.5 Standards Board consists of ~~11~~ 13 members appointed by the governor, with the advice and  
 119.6 consent of the senate. Membership terms, compensation of members, removal of members,  
 119.7 the filling of membership vacancies, and fiscal year and reporting requirements are as  
 119.8 provided in sections 214.07 to 214.09. ~~No member may be reappointed for more than one~~  
 119.9 ~~additional term~~ A member must not serve more than two consecutive terms.

119.10 Sec. 2. Minnesota Statutes 2020, section 122A.07, subdivision 2, is amended to read:

119.11 Subd. 2. **Eligibility; board composition.** Each ~~nominee~~ appointee, other than a public  
 119.12 nominee, must be selected on the basis of professional experience and knowledge of teacher  
 119.13 education, accreditation, and licensure. The board must be composed of:

119.14 (1) ~~six~~ seven teachers who are currently teaching in a Minnesota school ~~or who were~~  
 119.15 ~~teaching at the time of the appointment~~, have at least five years of teaching experience, and  
 119.16 ~~were~~ are not serving in ~~an administrative function at a school district or school when~~  
 119.17 ~~appointed~~ a position requiring an administrative license, pursuant to section 122A.14. The  
 119.18 ~~six~~ seven teachers must include the following:

119.19 (i) one teacher in a charter school;

119.20 (ii) one teacher from a school located in the seven-county metropolitan area, as defined  
 119.21 in section 473.121, subdivision 2;

119.22 (iii) one teacher from a school located outside the seven-county metropolitan area;

119.23 (iv) one teacher from a related service category licensed by the board;

119.24 (v) one special education teacher; and

119.25 (vi) ~~one teacher from a teacher preparation program~~ two teachers licensed in licensure  
 119.26 areas that represent current or emerging trends in education;

119.27 (2) one educator currently teaching in a Minnesota-approved teacher preparation program;

119.28 ~~(2)~~ (3) one superintendent ~~that alternates~~, alternating each term between a superintendent  
 119.29 from a school district in the seven-county metropolitan area, as defined in section 473.121,  
 119.30 subdivision 2, and a superintendent from a school district outside the metropolitan area;

119.31 ~~(3)~~ (4) one school district human resources director;

120.1 ~~(4)~~ (5) one administrator of a cooperative unit under section 123A.24, subdivision 2,  
120.2 educator who oversees a special education program and who works closely with a cooperative  
120.3 unit under section 123A.24, subdivision 2;

120.4 ~~(5)~~ (6) one principal ~~that alternates,~~ alternating each term between an elementary and a  
120.5 secondary school principal; and

120.6 ~~(6)~~ (7) one member of the public that may be a current or former school board member.

120.7 Sec. 3. Minnesota Statutes 2020, section 122A.07, subdivision 4a, is amended to read:

120.8 Subd. 4a. **Administration.** (a) The executive director of the board shall be the chief  
120.9 administrative officer for the board but shall not be a member of the board. The executive  
120.10 director shall maintain the records of the board, account for all fees received by the board,  
120.11 supervise and direct employees servicing the board, and perform other services as directed  
120.12 by the board.

120.13 (b) The Department of Administration must provide administrative support in accordance  
120.14 with section 16B.371. The commissioner of administration must assess the board for services  
120.15 it provides under this section.

120.16 ~~(c) The Department of Education must provide suitable offices and other space to the~~  
120.17 ~~board at reasonable cost until January 1, 2020. Thereafter, the board may contract with~~  
120.18 ~~either the Department of Education or the Department of Administration for the provision~~  
120.19 ~~of suitable offices and other space, joint conference and hearing facilities, and examination~~  
120.20 ~~rooms.~~

120.21 Sec. 4. Minnesota Statutes 2020, section 122A.09, subdivision 4, is amended to read:

120.22 Subd. 4. **Licensing.** (a) The Professional Educator Licensing and Standards Board must  
120.23 license teachers, as defined in section 122A.15, subdivision 1, except for supervisory  
120.24 personnel, as defined in section 122A.15, subdivision 2. The board must not delegate its  
120.25 authority to make all licensing decisions with respect to candidates for teacher licensure.  
120.26 The board must evaluate candidates for compliance with statutory or rule requirements for  
120.27 licensure and develop licensure verification requirements.

120.28 (b) The Professional Educator Licensing and Standards Board must approve teacher  
120.29 preparation providers seeking to prepare candidates for teacher licensure in Minnesota.



121.1 Sec. 5. Minnesota Statutes 2020, section 122A.09, subdivision 6, is amended to read:

121.2 Subd. 6. **Register of persons licensed.** The ~~executive director of the~~ Professional  
 121.3 Educator Licensing and Standards Board must keep a record of the proceedings of and a  
 121.4 register of all persons licensed pursuant to the provisions of this chapter. The register must  
 121.5 show the name, ~~address,~~ licenses and permissions held, including renewals, and license  
 121.6 number ~~and the renewal of the license. The board must on July 1, of each year or as soon~~  
 121.7 ~~thereafter as is practicable, compile a list of such duly licensed teachers. A copy of the~~  
 121.8 ~~register~~ This list must be available during business hours at the office of the board to any  
 121.9 ~~interested person on the board's website.~~

121.10 Sec. 6. Minnesota Statutes 2020, section 122A.09, subdivision 9, is amended to read:

121.11 Subd. 9. **Professional Educator Licensing and Standards Board must adopt and**  
 121.12 **revise rules.** (a) The Professional Educator Licensing and Standards Board must adopt and  
 121.13 revise rules subject to the provisions of chapter 14 to implement sections 120B.363, 122A.05  
 121.14 to 122A.09, ~~122A.092~~ 122A.094, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182,  
 121.15 122A.183, 122A.184, 122A.185, 122A.187, 122A.188, 122A.19, 122A.20, 122A.21,  
 121.16 122A.23, 122A.26, 122A.28, and 122A.29.

121.17 (b) The board must adopt and revise rules relating to fields of licensure and grade levels  
 121.18 that a licensed teacher may teach, including a process for granting permission to a licensed  
 121.19 teacher to teach in a field that is different from the teacher's field of licensure without change  
 121.20 to the teacher's license tier level.

121.21 ~~(e) The board must adopt rules relating to the grade levels that a licensed teacher may~~  
 121.22 ~~teach.~~

121.23 ~~(d)~~ (c) If a rule adopted by the board is in conflict with a session law or statute, the law  
 121.24 or statute prevails. Terms adopted in rule must be clearly defined and must not be construed  
 121.25 to conflict with terms adopted in statute or session law.

121.26 ~~(e)~~ (d) The board must include a description of a proposed rule's probable effect on  
 121.27 teacher supply and demand in the board's statement of need and reasonableness under section  
 121.28 14.131.

121.29 ~~(f)~~ (e) The board must adopt rules only under the specific statutory authority.

121.30 Sec. 7. Minnesota Statutes 2020, section 122A.09, subdivision 10, is amended to read:

121.31 Subd. 10. **Permissions.** (a) Notwithstanding subdivision 9 and sections 14.055 and  
 121.32 14.056, the Professional Educator Licensing and Standards Board may grant waivers to its

122.1 rules upon application by a school district or a charter school for purposes of implementing  
122.2 experimental programs in learning or management.

122.3 (b) To enable a school district or a charter school to meet the needs of students enrolled  
122.4 in an alternative education program and to enable licensed teachers instructing those students  
122.5 to satisfy content area licensure requirements, the Professional Educator Licensing and  
122.6 Standards Board ~~annually~~ may permit a licensed teacher teaching in an alternative education  
122.7 program to instruct students in a content area for which the teacher is not licensed, consistent  
122.8 with paragraph (a).

122.9 (c) A special education license permission issued by the Professional Educator Licensing  
122.10 and Standards Board for a primary employer's low-incidence region is valid in all  
122.11 low-incidence regions.

122.12 (d) A candidate that has obtained career and technical education certification may apply  
122.13 for a Tier 1 license under section 122A.181. Consistent with section 136F.361, the  
122.14 Professional Educator Licensing and Standards Board must strongly encourage approved  
122.15 college or university-based teacher preparation programs throughout Minnesota to develop  
122.16 alternative pathways for certifying and licensing high school career and technical education  
122.17 instructors and teachers, allowing such candidates to meet certification and licensure  
122.18 standards that demonstrate their content knowledge, classroom experience, and pedagogical  
122.19 practices and their qualifications based on a combination of occupational testing, professional  
122.20 certification or licensure, and long-standing work experience.

122.21 Sec. 8. Minnesota Statutes 2020, section 122A.091, subdivision 1, is amended to read:

122.22 Subdivision 1. **Teacher and administrator preparation and performance data;**  
122.23 **report.** (a) The Professional Educator Licensing and Standards Board and the Board of  
122.24 School Administrators, in cooperation with ~~board-adopted~~ board-approved teacher or  
122.25 administrator preparation programs, annually must collect and report summary data on  
122.26 teacher and administrator preparation and performance outcomes, consistent with this  
122.27 subdivision. The Professional Educator Licensing and Standards Board and the Board of  
122.28 School Administrators annually by ~~June~~ July 1 must update and post the reported summary  
122.29 preparation and performance data on teachers and administrators from the preceding school  
122.30 years on a ~~website hosted jointly by the boards~~ their respective websites.

122.31 (b) Publicly reported summary data on teacher preparation ~~programs~~ providers must  
122.32 include:

123.1 ~~(1) student entrance requirements for each Professional Educator Licensing and Standards~~  
 123.2 ~~Board-approved program, including grade point average for enrolling students in the~~  
 123.3 ~~preceding year;~~

123.4 ~~(2) the average board-adopted skills examination or ACT or SAT scores of students~~  
 123.5 ~~entering the program in the preceding year;~~

123.6 ~~(3) (1) summary data on faculty~~ all full-time, part-time, and adjunct teacher educator  
 123.7 qualifications, including at least the content areas of faculty teacher educator undergraduate  
 123.8 and graduate degrees and their years of experience either as kindergarten birth through grade  
 123.9 12 classroom teachers or school administrators;

123.10 ~~(4) the average time resident and nonresident program graduates in the preceding year~~  
 123.11 ~~needed to complete the program;~~

123.12 (2) the current number and percentage of enrolled candidates who entered the program  
 123.13 through a transfer pathway disaggregated by race, except when disaggregation would not  
 123.14 yield statistically reliable results or would reveal personally identifiable information about  
 123.15 an individual;

123.16 ~~(5) (3) the current number and percentage of students~~ program completers by program  
 123.17 who graduated, received a standard Minnesota teaching license, and Tier 3 or Tier 4 license  
 123.18 disaggregated by race, except when disaggregation would not yield statistically reliable  
 123.19 results or would reveal personally identifiable information about an individual;

123.20 (4) the current number and percentage of program completers who entered the program  
 123.21 through a transfer pathway and received a Tier 3 or Tier 4 license disaggregated by race,  
 123.22 except when disaggregation would not yield statistically reliable results or would reveal  
 123.23 personally identifiable information about an individual;

123.24 (5) the current number and percentage of program completers who were hired to teach  
 123.25 full time in their licensure field in a Minnesota district or school in the preceding year  
 123.26 disaggregated by race, except when disaggregation would not yield statistically reliable  
 123.27 results or would reveal personally identifiable information about an individual;

123.28 ~~(6) the number of content area credits and other credits by undergraduate program that~~  
 123.29 ~~students in the preceding school year needed to complete to graduate;~~ the current number  
 123.30 and percentage of program completers who entered the program through a transfer pathway  
 123.31 and who were hired to teach full time in their licensure field in a Minnesota district or school  
 123.32 in the preceding year disaggregated by race, except when disaggregation would not yield

124.1 statistically reliable results or would reveal personally identifiable information about an  
124.2 individual;

124.3 (7) ~~students'~~ pass rates on skills pedagogy and subject matter exams required ~~for~~  
124.4 ~~graduation~~ in each ~~program and~~ licensure area for program completers in the preceding  
124.5 school year;

124.6 (8) survey results measuring ~~student and graduate satisfaction with the program~~ how  
124.7 prepared program completers felt during their first year of teaching in the preceding school  
124.8 year disaggregated by race, except when disaggregation would not yield statistically reliable  
124.9 results or would reveal personally identifiable information about an individual;

124.10 (9) ~~a standard measure of the satisfaction of~~ survey results from school principals or  
124.11 ~~supervising teachers with the student teachers assigned to a school or supervising teacher~~  
124.12 supervisors on how prepared they felt their first-year teachers were in the preceding school  
124.13 year; and

124.14 (10) ~~information under subdivision 3, paragraphs (a) and (b)~~ the number and percentage  
124.15 of program completers who met or exceed the state threshold score on the board-adopted  
124.16 teacher performance assessment.

124.17 Program reporting must be consistent with subdivision 2.

124.18 (c) Publicly reported summary data on administrator preparation programs approved by  
124.19 the Board of School Administrators must include:

124.20 (1) summary data on faculty qualifications, including at least the content areas of faculty  
124.21 undergraduate and graduate degrees and the years of experience either as kindergarten  
124.22 through grade 12 classroom teachers or school administrators;

124.23 (2) the average time program graduates in the preceding year needed to complete the  
124.24 program;

124.25 (3) the current number and percentage of students who graduated, received a standard  
124.26 Minnesota administrator license, and were employed as an administrator in a Minnesota  
124.27 school district or school in the preceding year disaggregated by race, except when  
124.28 disaggregation would not yield statistically reliable results or would reveal personally  
124.29 identifiable information about an individual;

124.30 (4) the number of credits by graduate program that students in the preceding school year  
124.31 needed to complete to graduate;

125.1 (5) survey results measuring student, graduate, and employer satisfaction with the  
125.2 program in the preceding school year disaggregated by race, except when disaggregation  
125.3 would not yield statistically reliable results or would reveal personally identifiable  
125.4 information about an individual; and

125.5 (6) information under subdivision 3, paragraphs (c) and (d).

125.6 Program reporting must be consistent with section 122A.14, subdivision 10.

125.7 Sec. 9. Minnesota Statutes 2020, section 122A.091, subdivision 2, is amended to read:

125.8 Subd. 2. **Teacher preparation program reporting.** (a) By December 31, 2018, and  
125.9 annually thereafter, the Professional Educator Licensing and Standards Board shall report  
125.10 and publish on its website the cumulative summary results of at least three consecutive  
125.11 years of data reported to the board under subdivision 1, paragraph (b). Where the data are  
125.12 sufficient to yield statistically reliable information and the results would not reveal personally  
125.13 identifiable information about an individual teacher, the board shall report the data by teacher  
125.14 preparation program.

125.15 (b) The Professional Educator Licensing and Standards Board must report annually to  
125.16 the chairs and ranking minority members of the legislative committees with jurisdiction  
125.17 over kindergarten through grade 12 education, the following information:

125.18 (1) the total number of teacher candidates during the most recent school year taking a  
125.19 board-adopted skills examination;

125.20 (2) the number who achieve a qualifying score on the examination;

125.21 (3) the number who do not achieve a qualifying score on the examination; and

125.22 (4) the number of candidates who have not passed a content or pedagogy exam.

125.23 The information reported under this paragraph must be disaggregated by categories of race,  
125.24 ethnicity, and, if applicable, eligibility for financial aid. The report must be submitted in  
125.25 accordance with section 3.195.

125.26 Sec. 10. Minnesota Statutes 2020, section 609A.03, subdivision 7a, is amended to read:

125.27 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance  
125.28 of an expungement order related to a charge supported by probable cause, the DNA samples  
125.29 and DNA records held by the Bureau of Criminal Apprehension and collected under authority  
125.30 other than section 299C.105 shall not be sealed, returned to the subject of the record, or  
125.31 destroyed.

126.1 (b) Notwithstanding the issuance of an expungement order:

126.2 (1) except as provided in clause (2), an expunged record may be opened, used, or  
126.3 exchanged between criminal justice agencies without a court order for the purposes of  
126.4 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing  
126.5 purposes or providing probation or other correctional services;

126.6 (2) when a criminal justice agency seeks access to a record that was sealed under section  
126.7 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing  
126.8 for lack of probable cause, for purposes of a criminal investigation, prosecution, or  
126.9 sentencing, the requesting agency must obtain an ex parte court order after stating a  
126.10 good-faith basis to believe that opening the record may lead to relevant information;

126.11 (3) an expunged record of a conviction may be opened for purposes of evaluating a  
126.12 prospective employee in a criminal justice agency without a court order;

126.13 (4) an expunged record of a conviction may be opened for purposes of a background  
126.14 study under section 245C.08 unless the commissioner had been properly served with notice  
126.15 of the petition for expungement and the court order for expungement is directed specifically  
126.16 to the commissioner of human services;

126.17 (5) an expunged record of a conviction may be opened for purposes of a background  
126.18 check required under section 122A.18, subdivision 8, unless the court order for expungement  
126.19 is directed specifically to the Professional Educator Licensing and Standards Board ~~or the~~  
126.20 ~~licensing division of the Department of Education~~; and

126.21 (6) the court may order an expunged record opened upon request by the victim of the  
126.22 underlying offense if the court determines that the record is substantially related to a matter  
126.23 for which the victim is before the court.

126.24 (c) An agency or jurisdiction subject to an expungement order shall maintain the record  
126.25 in a manner that provides access to the record by a criminal justice agency under paragraph  
126.26 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau  
126.27 of Criminal Apprehension shall notify the commissioner of human services, or the  
126.28 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~  
126.29 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access  
126.30 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to  
126.31 the expungement order shall provide access to the record to the commissioner of human  
126.32 services, or the Professional Educator Licensing and Standards Board, ~~or the licensing~~  
126.33 ~~division of the Department of Education~~ under paragraph (b), clause (4) or (5).

127.1 (d) An expunged record that is opened or exchanged under this subdivision remains  
127.2 subject to the expungement order in the hands of the person receiving the record.

127.3 (e) A criminal justice agency that receives an expunged record under paragraph (b),  
127.4 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the  
127.5 record to the investigation, prosecution, or sentencing for which it was obtained.

127.6 (f) For purposes of this section, a "criminal justice agency" means a court or government  
127.7 agency that performs the administration of criminal justice under statutory authority.

127.8 (g) This subdivision applies to expungement orders subject to its limitations and effective  
127.9 on or after January 1, 2015."