

1.1 moves to amend H.F. No. 3401 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 EDUCATION INNOVATION AND LOCAL CONTROL

1.5 Section 1. Minnesota Statutes 2020, section 123B.86, subdivision 3, is amended to read:

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

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

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

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

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

2.4 Sec. 2. Laws 2017, First Special Session chapter 5, article 2, section 52, is amended to
 2.5 read:

2.6 Sec. 52. **EDUCATION INNOVATION RESEARCH ZONES PILOT PROGRAM.**

2.7 Subdivision 1. **Establishment; requirements for participation; ~~research~~ innovation**
 2.8 **zone plans.** (a) The innovation ~~research~~ zone ~~pilot~~ program is established to improve student
 2.9 and school outcomes consistent with the world's best workforce requirements under
 2.10 Minnesota Statutes, section 120B.11. Innovation zone partnerships allow school districts
 2.11 and charter schools to research and implement innovative education programming models
 2.12 designed to better prepare students for the world of the 21st century.

2.13 (b) One or more school districts or charter schools may join together to form an innovation
 2.14 zone partnership. The partnership may include other nonschool partners, including
 2.15 postsecondary institutions, other units of local government, nonprofit organizations, and
 2.16 for-profit organizations. An innovation zone plan must be collaboratively developed in
 2.17 concert with the school's instructional staff.

2.18 (c) An innovation ~~research~~ zone partnership ~~must research and~~ may implement innovative
 2.19 education programs and models that ~~are based on proposed hypotheses. An innovation zone~~
 2.20 ~~plan may include an emerging practice not yet supported by peer-reviewed research.~~
 2.21 ~~Examples of innovation zone research~~ may include, but are not limited to:

2.22 (1) personalized learning, allowing students to excel at their own pace and according to
 2.23 their interests, aspirations, and unique needs;

2.24 (2) the use of competency outcomes rather than seat time and course completion to fulfill
 2.25 standards, credits, and other graduation requirements;

2.26 (3) multidisciplinary, real-world, inquiry-based, and student-directed models designed
 2.27 to make learning more engaging and relevant, including documenting and validating learning
 2.28 that takes place beyond the school day and school walls;

2.29 (4) models of instruction designed to close the achievement gap, including new models
 2.30 for age three to grade 3 models, English as a second language models, early identification
 2.31 and prevention of mental health issues, and others;

3.1 (5) new partnerships between secondary schools and postsecondary institutions,
3.2 employers, or career training institutions enabling students to complete industry certifications,
3.3 postsecondary education credits, and other credentials;

3.4 (6) new methods of collaborative leadership including the expansion of schools where
3.5 teachers have larger professional roles;

3.6 (7) new ways to enhance parental and community involvement in learning;

3.7 (8) new models of professional development for educators, including embedded
3.8 professional development; ~~or~~

3.9 (9) new models in other areas such as whole child instruction, social-emotional skill
3.10 development, technology-based or blended learning, parent and community involvement,
3.11 professional development and mentoring, and models that increase the return on investment;

3.12 (10) new models of evaluation, assessment, and accountability using multiple indicators,
3.13 including models that demonstrate alternative ways to validate a student's academic
3.14 attainment that have predictive validity to the state tests, and also include other variables
3.15 such as problem solving, creativity, analytical thinking, collaboration, respecting others,
3.16 global understanding, postgraduation student performance, and other information;

3.17 (11) improving teacher and principal mentoring and evaluation;

3.18 (12) granting a high school diploma to a student who meets the graduation requirements
3.19 under section 120B.02, subdivision 2, who demonstrates preparation for postsecondary
3.20 education or a career consistent with the world's best workforce goals under section 120B.11,
3.21 and who completes:

3.22 (i) four years of high school; and

3.23 (ii)(A) at least one year of postsecondary education at a two- or four-year college or
3.24 university through concurrent enrollment, advanced placement, or international baccalaureate
3.25 courses; or

3.26 (B) the requirements for a career certification up to the apprenticeship program level if
3.27 one is required for that certification;

3.28 (13) the use of the provisions in sections 124D.085 governing experiential and applied
3.29 learning opportunities; 124D.52, subdivision 9, governing standard adult high school diploma
3.30 requirements; and 126C.05, subdivision 15, paragraph (b), item (i), governing the use of
3.31 independent study;

4.1 (14) the use of the provisions of a learning year in section 124D.128 for a student in
 4.2 grade 10, 11, or 12 to participate in career and technical programs after school, on weekends,
 4.3 and during school breaks, including summers, and be included in the general education
 4.4 revenue computation. The classes must generate both high school and postsecondary credit
 4.5 and lead to either a career certification, technical college degree, or an apprenticeship
 4.6 program. A student participating in a learning year program may attend school year round,
 4.7 and the student's continual learning plan must provide for the student to meet the high school
 4.8 graduation standards no later than the end of the fall semester of grade 12;

4.9 (15) methods to initiate prevention models to reduce student needs for special education
 4.10 and to reduce teacher time devoted to the required special education documentation; or

4.11 (16) other innovations as determined by the local boards.

4.12 (d) An innovation zone plan submitted to the commissioner of education must describe:

4.13 (1) how the plan will improve student and school outcomes consistent with the world's
 4.14 best workforce requirements under Minnesota Statutes, section 120B.11;

4.15 (2) the role of each partner in the zone;

4.16 ~~(3) the research methodology used for each proposed action in the plan;~~

4.17 ~~(4)~~ (3) the exemptions from statutes and rules in subdivision 2 that the ~~research~~ innovation
 4.18 zone partnership will use;

4.19 ~~(5)~~ (4) a description of how teachers and other educational staff from the affected school
 4.20 sites will be included in the planning and implementation process;

4.21 ~~(6)~~ (5) a detailed description of expected outcomes and graduation standards;

4.22 ~~(7)~~ (6) a timeline for implementing the plan and assessing the outcomes; and

4.23 ~~(8)~~ (7) how results of the plan will be disseminated.

4.24 The governing board for each partner must approve the innovation zone plan.

4.25 (e) Upon unanimous approval of the initial innovation zone partners ~~and approval of the~~
 4.26 ~~commissioner of education~~, the innovation zone partnership may extend membership to
 4.27 other partners. A new partner's membership is effective 30 days after the innovation zone
 4.28 partnership notifies the commissioner of the proposed change in membership ~~unless the~~
 4.29 ~~commissioner disapproves the new partner's membership~~ and updates the plan.

4.30 (f) Notwithstanding any other law to the contrary, a school district or charter school
 4.31 participating in an innovation zone partnership under this section continues to receive all

5.1 revenue and maintains its taxation authority in the same manner as before its participation
5.2 in the innovation zone partnership. The innovation zone school district and charter school
5.3 partners remain organized and governed by their respective school boards with general
5.4 powers under Minnesota Statutes, chapter 123B or 124E, and remain subject to any
5.5 employment agreements under Minnesota Statutes, chapters 122A and 179A. School district
5.6 and charter school employees participating in an innovation zone partnership remain
5.7 employees of their respective school district or charter school.

5.8 (g) An innovation zone partnership may submit its plan at any time to the commissioner
5.9 in the form and manner specified by the commissioner. ~~The commissioner must approve~~
5.10 ~~or reject the plan after reviewing the recommendation of the Innovation Research Zone~~
5.11 ~~Advisory Panel. An initial innovation zone plan that has been rejected by the commissioner~~
5.12 ~~may be resubmitted to the commissioner after the innovation zone partnership has modified~~
5.13 ~~the plan to meet each individually identified objection.~~

5.14 (h) An innovation zone plan must not cause an increase in state aid or levies for partners.

5.15 Subd. 2. **Exemptions from laws and rules.** (a) Notwithstanding any other law to the
5.16 contrary, an innovation zone partner with ~~an approved~~ a plan filed with the commissioner
5.17 is exempt from each of the following state education laws and rules specifically identified
5.18 in its plan:

5.19 (1) any law or rule from which a district-created, site-governed school under Minnesota
5.20 Statutes, section 123B.045, is exempt;

5.21 (2) any statute or rule from which the commissioner has exempted another district or
5.22 charter school, as identified in the list published on the Department of Education's Web site
5.23 under subdivision 4, paragraph (b);

5.24 (3) online learning program approval under Minnesota Statutes, section 124D.095,
5.25 subdivision 7, if the school district or charter school offers a course or program online
5.26 combined with direct access to a teacher for a portion of that course or program;

5.27 (4) restrictions on extended time revenue under Minnesota Statutes, section 126C.10,
5.28 subdivision 2a, for a student who meets the criteria of Minnesota Statutes, section 124D.68,
5.29 subdivision 2; and

5.30 (5) any required hours of instruction in any class or subject area for a student who is
5.31 meeting all competencies consistent with the graduation standards described in the innovation
5.32 zone plan.

6.1 (b) The exemptions under this subdivision must not be construed as exempting an
 6.2 innovation zone partner from the Minnesota Comprehensive Assessments or as increasing
 6.3 any state aid or levy.

6.4 ~~Subd. 3. **Innovation Research Zone Advisory Panel.** (a) The commissioner must~~
 6.5 ~~establish and convene an Innovation Research Zone Advisory Panel to review all innovation~~
 6.6 ~~zone plans submitted for approval.~~

6.7 ~~(b) The panel must be composed of nine members. One member must be appointed by~~
 6.8 ~~each of the following organizations: Educators for Excellence, Education Minnesota,~~
 6.9 ~~Minnesota Association of Secondary School Principals, Minnesota Elementary School~~
 6.10 ~~Principals' Association, Minnesota Association of School Administrators, Minnesota School~~
 6.11 ~~Boards Association, Minnesota Association of Charter Schools, and the Office of Higher~~
 6.12 ~~Education. The commissioner must appoint one member with expertise in evaluation and~~
 6.13 ~~research.~~

6.14 ~~Subd. 4. Role of the commissioner approval. (a) Upon recommendation of the~~
 6.15 ~~Innovation Research Zone Advisory Panel, the commissioner may approve up to three~~
 6.16 ~~innovation zone plans in the seven-county metropolitan area and up to three in greater~~
 6.17 ~~Minnesota. If an innovation zone partnership fails to implement its innovation zone plan as~~
 6.18 ~~described in its application and according to the stated timeline, upon recommendation of~~
 6.19 ~~the Innovation Research Zone Advisory Panel, the commissioner ~~must~~ may alert the~~
 6.20 ~~partnership members and provide the opportunity to remediate. If implementation continues~~
 6.21 ~~to fail, the commissioner ~~must~~ may suspend or terminate the innovation zone plan.~~

6.22 (b) The commissioner must publish a list of the exemptions the commissioner has granted
 6.23 to a district or charter school on the Department of Education's Web site by July 1, 2017.
 6.24 The list must be updated annually.

6.25 ~~Subd. 5. **Project evaluation, dissemination, and report to legislature.** Each ~~research~~~~
 6.26 ~~innovation zone partnership must submit project data to the commissioner in the form and~~
 6.27 ~~manner ~~provided for in the approved application~~ specified by the commissioner. At least~~
 6.28 ~~once every two years, the commissioner ~~must~~ may analyze each innovation zone's progress~~
 6.29 ~~in realizing the objectives of the innovation zone partnership's plan. To the extent practicable,~~
 6.30 ~~and using existing resources, the commissioner ~~must~~ may summarize and categorize~~
 6.31 ~~innovation zone plans and submit a report to the legislative committees having jurisdiction~~
 6.32 ~~over education by February 1 of each odd-numbered year in accordance with Minnesota~~
 6.33 ~~Statutes, section 3.195.~~

7.1 Sec. 3. **SUMMER SCHOOL TEACHERS.**

7.2 Notwithstanding any law to the contrary, a school district or charter school may employ
 7.3 staff that does not have a teaching license issued by the Professional Educator Licensing
 7.4 and Standards Board to provide instruction in a summer program outside of the regular
 7.5 school year if the district or charter school verifies that a staff person providing instruction
 7.6 satisfies the requirements in Minnesota Statutes, section 122A.181, subdivisions 1 and 2.
 7.7 The district or charter school must report to the Professional Educator Licensing and
 7.8 Standards Board the names of the persons providing instruction in a summer school program
 7.9 without a teaching license by September 1, 2022.

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

7.11 **ARTICLE 2**
 7.12 **EMPOWERING PARENTS AND STUDENTS**

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

7.14 Subdivision 1. **Definitions.** As used in this section:

7.15 (a) "Educational data" means data on individuals maintained by a public educational
 7.16 agency or institution or by a person acting for the agency or institution which relates to a
 7.17 student.

7.18 Records of instructional personnel which are in the sole possession of the maker thereof
 7.19 and are not accessible or revealed to any other individual except a substitute teacher, and
 7.20 are destroyed at the end of the school year, shall not be deemed to be government data.

7.21 Records of a law enforcement unit of a public educational agency or institution which
 7.22 are maintained apart from education data and are maintained solely for law enforcement
 7.23 purposes, and are not disclosed to individuals other than law enforcement officials of the
 7.24 jurisdiction are not educational data; provided, that education records maintained by the
 7.25 educational agency or institution are not disclosed to the personnel of the law enforcement
 7.26 unit. The University of Minnesota police department is a law enforcement agency for
 7.27 purposes of section 13.82 and other sections of Minnesota Statutes dealing with law
 7.28 enforcement records. Records of organizations providing security services to a public
 7.29 educational agency or institution must be administered consistent with section 13.861.

7.30 Records relating to a student who is employed by a public educational agency or
 7.31 institution which are made and maintained in the normal course of business, relate exclusively

8.1 to the individual in that individual's capacity as an employee, and are not available for use
8.2 for any other purpose are classified pursuant to section 13.43.

8.3 (b) "Juvenile justice system" includes criminal justice agencies and the judiciary when
8.4 involved in juvenile justice activities.

8.5 (c) "Parent" means a parent of a student and includes a natural parent, a guardian, or an
8.6 individual acting as a parent in the absence of a parent or a guardian.

8.7 (d) "School-issued device" means hardware or software that a public educational agency
8.8 or institution, acting independently or with a technology provider, provides to an individual
8.9 student for that student's dedicated personal use. A school-issued device includes a device
8.10 issued through a one-to-one program.

8.11 ~~(e)~~ (e) "Student" means an individual currently or formerly enrolled or registered,
8.12 applicants for enrollment or registration at a public educational agency or institution, or
8.13 individuals who receive shared time educational services from a public agency or institution.

8.14 ~~(d)~~ (f) "Substitute teacher" means an individual who performs on a temporary basis the
8.15 duties of the individual who made the record, but does not include an individual who
8.16 permanently succeeds to the position of the maker of the record.

8.17 (g) "Technology provider" means a person who:

8.18 (1) contracts with a public educational agency or institution, as part of a one-to-one
8.19 program or otherwise, to provide a school-issued device for student use; and

8.20 (2) creates, receives, or maintains educational data pursuant or incidental to a contract
8.21 with a public educational agency or institution.

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

8.23 Sec. 2. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
8.24 read:

8.25 Subd. 3a. **Commercial use prohibition.** A public educational agency or institution must
8.26 not use educational data for any commercial purpose, including but not limited to marketing
8.27 or advertising to a student or parent.

8.28 Sec. 3. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
8.29 read:

8.30 Subd. 13. **Technology providers.** (a) A technology provider is subject to the provisions
8.31 of section 13.05, subdivision 11.

9.1 (b) All educational data created, received, maintained, or disseminated by a technology
9.2 provider pursuant or incidental to a contract with a public educational agency or institution
9.3 are not the technology provider's property.

9.4 (c) If educational data maintained by the technology provider are subject to a breach of
9.5 the security of the data, as defined in section 13.055, the technology provider must, following
9.6 discovery of the breach, disclose to the public educational agency or institution all
9.7 information necessary to fulfill the requirements of section 13.055.

9.8 (d) Unless renewal of the contract is reasonably anticipated, within 30 days of the
9.9 expiration of the contract, a technology provider must destroy or return to the appropriate
9.10 public educational agency or institution all educational data created, received, or maintained
9.11 pursuant or incidental to the contract.

9.12 (e) A technology provider must not sell, share, or disseminate educational data, except
9.13 as provided by this section or as part of a valid delegation or assignment of its contract with
9.14 a public educational agency or institution. An assignee or delegee that creates, receives, or
9.15 maintains educational data is subject to the same restrictions and obligations under this
9.16 section as the technology provider.

9.17 (f) A technology provider must not use educational data for any commercial purpose,
9.18 including but not limited to marketing or advertising to a student or parent.

9.19 (g) A technology provider must establish written procedures to ensure appropriate
9.20 security safeguards for educational data. These procedures must require that:

9.21 (1) the technology provider's employees or contractors have access to educational data
9.22 only if authorized; and

9.23 (2) the technology provider's employees or contractors may be authorized to access
9.24 educational data only if access is necessary to fulfill the official duties of the employee or
9.25 contractor.

9.26 These written procedures are public data.

9.27 (h) Within 30 days of the start of each school year, a public educational agency or
9.28 institution must give parents and students direct, timely notice, by United States mail, e-mail,
9.29 or other direct form of communication, of any curriculum, testing, or assessment technology
9.30 provider contract affecting a student's educational data. The notice must:

9.31 (1) identify each curriculum, testing, or assessment technology provider with access to
9.32 educational data;

10.1 (2) identify the educational data affected by the curriculum, testing, or assessment
10.2 technology provider contract; and

10.3 (3) include information about the contract inspection and, consistent with current statutory
10.4 provisions, the parent or student's ability to opt out of any curriculum, testing, or student
10.5 surveys that might be offered through a technology provider.

10.6 (i) A public educational agency or institution must provide parents and students an
10.7 opportunity to inspect a complete copy of any contract with a technology provider.

10.8 (j) A public educational agency or institution must not penalize or withhold an educational
10.9 benefit from a parent or student who opts out of any activity that allows a technology provider
10.10 to access a student's educational data.

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

10.12 Sec. 4. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
10.13 read:

10.14 Subd. 14. **School-issued devices.** (a) Except as provided in paragraph (b), a government
10.15 entity or technology provider must not electronically access or monitor:

10.16 (1) any location-tracking feature of a school-issued device;

10.17 (2) any audio or visual receiving, transmitting, or recording feature of a school-issued
10.18 device; or

10.19 (3) student interactions with a school-issued device, including but not limited to
10.20 keystrokes and web-browsing activity.

10.21 (b) A government entity or technology provider may only engage in activities prohibited
10.22 by paragraph (a) if:

10.23 (1) the activity is limited to a noncommercial educational purpose for instruction by
10.24 district employees, or technical support by district employees, and notice is provided in
10.25 advance;

10.26 (2) the activity is permitted under a judicial warrant;

10.27 (3) the public educational agency or institution is notified or becomes aware that the
10.28 device is missing or stolen;

10.29 (4) the activity is necessary to respond to an imminent threat to life or safety and the
10.30 access is limited to that purpose;

10.31 (5) the activity is necessary to comply with federal or state law; or

11.1 (6) the activity is necessary to participate in federal or state funding programs, including
11.2 but not limited to the E-Rate program.

11.3 (c) If a government entity or technology provider interacts with a school-issued device
11.4 as provided in paragraph (b), clause (4), it must, within 72 hours of the access, notify the
11.5 student to whom the school-issued device was issued or that student's parent and provide a
11.6 written description of the interaction, including which features of the device were accessed
11.7 and a description of the threat. This notice is not required at any time when the notice itself
11.8 would pose an imminent threat to life or safety, but must instead be given within 72 hours
11.9 after that imminent threat has ceased.

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

11.11 Sec. 5. Minnesota Statutes 2020, section 13.32, is amended by adding a subdivision to
11.12 read:

11.13 Subd. 15. **Application to postsecondary institutions; exemption.** (a) A postsecondary
11.14 institution is exempt from subdivisions 13 and 14. This exemption extends to a technology
11.15 provider for purposes of a contract with a postsecondary institution.

11.16 (b) Subdivisions 13 and 14 shall not apply to a nonprofit national assessment provider
11.17 solely for purposes of providing access to employment, educational scholarships and
11.18 programs, financial aid, or postsecondary educational opportunities, if the provider secures
11.19 express digital or written consent of the student or the student's parent or guardian, in
11.20 response to clear and conspicuous notice.

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

11.22 Sec. 6. Minnesota Statutes 2020, section 120A.36, is amended to read:

11.23 **120A.36 SCHOOL ATTENDANCE.**

11.24 (a) Attendance at a particular public school is a privilege not a right for a pupil.

11.25 (b) Notwithstanding paragraph (a), parents have the right to choose a high-quality,
11.26 culturally affirming education for their children, regardless of their zoned public school.

11.27 Sec. 7. Minnesota Statutes 2020, section 120A.38, is amended to read:

11.28 **120A.38 CLASSROOM PLACEMENT; PARENT DISCRETION.**

11.29 Subdivision 1. **Twins; higher order multiples.** (a) A parent or guardian of twins or
11.30 higher order multiples may request that the children be placed in the same classroom or in

12.1 separate classrooms if the children are in the same grade level at the same school. The school
12.2 may recommend classroom placement to the parents and provide professional education
12.3 advice to the parents to assist them in making the best decision for their children's education.
12.4 A school must provide the placement requested by the children's parent or guardian, unless
12.5 the school board makes a classroom placement determination following the school principal's
12.6 request according to this section. The parent or guardian must request the classroom
12.7 placement no later than 14 days after the first day of each school year or 14 days after the
12.8 first day of attendance of the children during a school year if the children are enrolled in
12.9 the school after the school year commences. At the end of the initial grading period, if the
12.10 school principal, in consultation with the children's classroom teacher, determines that the
12.11 requested classroom placement is disruptive to the school, the school principal may request
12.12 that the school board determine the children's classroom placement.

12.13 (b) For purposes of this section, "higher order multiples" means triplets, quadruplets,
12.14 quintuplets, or more.

12.15 Subd. 2. **Change of teacher.** A parent or guardian has the right to request a change of
12.16 teacher for their child in public school unless no other teacher is available.

12.17 Sec. 8. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

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

12.21 (1) clearly defined district and school site goals and benchmarks to meet statewide goals
12.22 for instruction and student achievement for all student subgroups identified in section
12.23 120B.35, subdivision 3, paragraph (b), clause (2);

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

12.30 (3) a system to periodically review and evaluate the effectiveness of all instruction and
12.31 curriculum, taking into account strategies and best practices, student outcomes, school
12.32 principal evaluations under section 123B.147, subdivision 3, students' access to effective
12.33 teachers who are members of populations underrepresented among the licensed teachers in

13.1 the district or school and who reflect the diversity of enrolled students under section 120B.35,
 13.2 subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40,
 13.3 subdivision 8, or 122A.41, subdivision 5;

13.4 (4) strategies for improving instruction, curriculum, and student achievement, including
 13.5 the English and, where practicable, the native language development and the academic
 13.6 achievement of English learners;

13.7 (5) strategies for identifying and reducing disparities in student discipline;

13.8 (6) strategies for integrating or improving character education, consistent with section
 13.9 120B.232, and citizenship education;

13.10 ~~(5)~~ (7) a process to examine the equitable distribution of teachers and strategies to ensure
 13.11 low-income and minority children are not taught at higher rates than other children by
 13.12 inexperienced, ineffective, or out-of-field teachers;

13.13 ~~(6)~~ (8) education effectiveness practices that integrate high-quality instruction, rigorous
 13.14 curriculum, technology, and a collaborative professional culture that develops and supports
 13.15 teacher quality, performance, and effectiveness; and

13.16 ~~(7)~~ (9) an annual budget for continuing to implement the district plan.

13.17 Sec. 9. Minnesota Statutes 2020, section 121A.55, is amended to read:

13.18 **121A.55 POLICIES TO BE ESTABLISHED.**

13.19 (a) The commissioner of education shall promulgate guidelines to assist each school
 13.20 board. Each school board shall establish uniform criteria for dismissal and adopt written
 13.21 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
 13.22 shall emphasize preventing dismissals through early detection of problems and shall be
 13.23 designed to address students' inappropriate behavior from recurring. The policies shall
 13.24 recognize the continuing responsibility of the school for the education of the pupil during
 13.25 the dismissal period. The alternative educational services, if the pupil wishes to take
 13.26 advantage of them, must be adequate to allow the pupil to make progress ~~towards~~ toward
 13.27 meeting the graduation standards adopted under section 120B.02 and help prepare the pupil
 13.28 for readmission. In addition to other requirements under this paragraph, a policy adopted
 13.29 by a school board under this paragraph must include:

13.30 (1) a requirement that a school must notify any student facing possible dismissal of their
 13.31 rights, including the right against self-incrimination;

14.1 (2) a requirement that a school must allow any student facing possible dismissal to have
14.2 a parent present if the student is questioned by school employees; and

14.3 (3) a requirement that a school and school district must keep a record of the school
14.4 employee who made each discipline referral.

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

14.9 (c) Each school district shall develop a policy and report it to the commissioner on the
14.10 appropriate use of peace officers and crisis teams to remove students who have an
14.11 individualized education program from school grounds.

14.12 Sec. 10. [121A.80] FACE COVERING OPT OUT.

14.13 A school district or charter school that requires students to wear face coverings in school
14.14 buildings or on school grounds must allow a parent to opt their child out of the face covering
14.15 requirement. A parent may opt their child out of a face covering requirement by notifying
14.16 the school board, principal, or a person having administrative control of a school site. A
14.17 school district or charter school must not require a parent to provide a reason for the parent's
14.18 election or to provide any evidence regarding any fact related to the child's health or education
14.19 status. A school district or charter school must not discipline or otherwise treat differently
14.20 any child whose parent has opted their child out of a face covering requirement.

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

14.22 Sec. 11. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

14.23 Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an
14.24 application from a charter school developer, may charter ~~either~~ a licensed teacher under
14.25 section 122A.18, subdivision 1, ~~or~~ a group of individuals that includes one or more licensed
14.26 teachers under section 122A.18, subdivision 1, or a group of parents with children from
14.27 birth to age 18 to operate a school subject to the commissioner's approval of the authorizer's
14.28 affidavit under subdivision 4.

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

14.32 (1) the school developer's:

- 15.1 (i) mission statement;
- 15.2 (ii) school purposes;
- 15.3 (iii) program design;
- 15.4 (iv) financial plan;
- 15.5 (v) governance and management structure; and
- 15.6 (vi) background and experience;
- 15.7 (2) any other information the authorizer requests; and
- 15.8 (3) a "statement of assurances" of legal compliance prescribed by the commissioner.
- 15.9 (c) An authorizer shall not approve an application submitted by a charter school developer
- 15.10 under paragraph (a) if the application does not comply with subdivision 3, paragraph (e),
- 15.11 and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit
- 15.12 submitted by an authorizer under subdivision 4 if the affidavit does not comply with
- 15.13 subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

15.14 ARTICLE 3

15.15 INSTRUCTION AND LEARNING

15.16 Section 1. Minnesota Statutes 2020, section 120B.02, subdivision 3, is amended to read:

15.17 Subd. 3. **Required knowledge and understanding of civics.** (a) For purposes of this

15.18 subdivision, "civics test questions" means 50 of the 100 questions that, as of January 1,

15.19 2015, United States Citizenship and Immigration Services officers use to select the questions

15.20 they pose to applicants for naturalization so the applicants can demonstrate their knowledge

15.21 and understanding of the fundamentals of United States history and government, as required

15.22 by United States Code, title 8, section 1423. The Learning Law and Democracy Foundation,

15.23 in consultation with Minnesota civics teachers, must select by July 1 each year 50 of the

15.24 100 questions under this paragraph to serve as the state's civics test questions for the

15.25 proximate school year and immediately transmit the 50 selected civics test questions to the

15.26 department and to the Legislative Coordinating Commission, which must post the 50

15.27 questions it receives on the Minnesota's Legacy website by August 1 of that year.

15.28 (b) A student enrolled in a public school must correctly answer at least 30 of the 50

15.29 civics test questions. A school or district may record on a student's transcript that the student

15.30 answered at least 30 of 50 civics test questions correctly. A school or district may exempt

15.31 a student with disabilities from this requirement if the student's individualized education

16.1 program team determines the requirement is inappropriate and establishes an alternative
 16.2 requirement. A school or district may administer the civics test questions in a language
 16.3 other than English to students who qualify for English learner services.

16.4 (c) Schools and districts may administer civics test questions as part of the social studies
 16.5 curriculum. A district must not prevent a student from graduating or deny a student a high
 16.6 school diploma for failing to correctly answer at least 30 of 50 civics test questions.

16.7 (d) The commissioner and public schools and school districts must not charge students
 16.8 any fees related to this subdivision.

16.9 (e) The results of a civics test administered under this section must not be used for the
 16.10 following purposes:

16.11 (1) to assess a student's career and college readiness;

16.12 (2) to identify a school or district for improvement under section 120B.11, or under the
 16.13 state plan adopted under the most recent reauthorization of the Elementary and Secondary
 16.14 Education Act;

16.15 (3) to determine a school or district's eligibility for state aid;

16.16 (4) as part of a teacher evaluation under section 122A.40, subdivision 8, or 122A.41,
 16.17 subdivision 5, or a principal evaluation under section 123B.147;

16.18 (5) to determine grade retention or promotion; or

16.19 (6) to determine a student's need for postsecondary remediation.

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

16.21 Sec. 2. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

16.22 Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the~~
 16.23 ~~2011-2012 school year and later~~ must successfully complete the following high school level
 16.24 credits for graduation:

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

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

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

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

17.5 (5) three and one-half credits of social studies, including credit for a course in government
17.6 and citizenship in either 11th or 12th grade for students beginning 9th grade in the 2023-2024
17.7 school year and later or an advanced placement, international baccalaureate, or other rigorous
17.8 course on government and citizenship under section 120B.021, subdivision 1a, and a
17.9 combination of other credits encompassing at least United States history, geography,
17.10 government and citizenship, world history, and economics sufficient to satisfy all of the
17.11 academic standards in social studies;

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

17.14 (7) a minimum of seven elective credits.

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

17.19 (c) Students beginning 9th grade in the 2023-2024 school year and later may satisfy a
17.20 social studies credit requirement for economics by successfully completing a personal
17.21 finance course for credit during their senior year of high school. The course must include
17.22 but is not limited to the following topics:

17.23 (1) creating a household budget;

17.24 (2) taking out loans and accruing debt, including how interest works;

17.25 (3) home mortgages;

17.26 (4) how to file taxes;

17.27 (5) the impact of student loan debt; and

17.28 (6) how to read a paycheck and payroll deductions.

17.29 A district may provide a personal finance course through in-person instruction, distance
17.30 instruction, or a combination of in-person and distance instruction.

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

18.1 **Sec. 3. [120B.239] SUBSTANCE MISUSE AWARENESS AND PREVENTION.**

18.2 **Subdivision 1. Definitions.** (a) For the purposes of this section, the words defined in
18.3 this subdivision have the meanings given.

18.4 (b) "Public school" means a school district or charter school.

18.5 (c) "Substance misuse" has the meaning given in section 254A.02, subdivision 6a.

18.6 **Subd. 2. School instruction requirements.** (a) A public school is strongly encouraged
18.7 to provide substance misuse awareness and prevention instruction at least once to students
18.8 in grades 6 through 8. A public school must use age-appropriate substance misuse prevention
18.9 instructional materials. Substance misuse awareness and prevention instruction must include
18.10 the role of social media in substance misuse and in the distribution of illegal drugs. The
18.11 instruction may be provided as part of a public school's locally developed health standards
18.12 and curriculum.

18.13 (b) A public school is strongly encouraged to provide substance misuse awareness and
18.14 prevention instruction to students in grades 9 through 12.

18.15 (c) A public school is encouraged to use a peer-to-peer education program to provide
18.16 substance misuse awareness and prevention instruction.

18.17 (d) Instruction provided under this section, including a peer-to-peer education program,
18.18 must be evidence-based.

18.19 **Sec. 4. Minnesota Statutes 2020, section 120B.35, is amended by adding a subdivision to**
18.20 **read:**

18.21 **Subd. 6. Civics test.** Using existing resources, the commissioner must report an aggregate
18.22 state score based on student performance on the civics test administered under section
18.23 120B.02, subdivision 3.

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

18.25 **Sec. 5. Minnesota Statutes 2020, section 120B.36, subdivision 1, is amended to read:**

18.26 **Subdivision 1. School performance reports and public reporting.** (a) The commissioner
18.27 shall report:

18.28 (1) student academic performance data under section 120B.35, subdivisions 2 and 3;

18.29 (2) academic progress consistent with federal expectations;

- 19.1 (3) school safety and student engagement and connection under section 120B.35,
19.2 subdivision 3, paragraph (d);
- 19.3 (4) rigorous coursework under section 120B.35, subdivision 3, paragraph (c);
- 19.4 (5) the percentage of students under section 120B.35, subdivision 3, paragraph (b), clause
19.5 (2), whose progress and performance levels are meeting career and college readiness
19.6 benchmarks under sections 120B.30, subdivision 1, and 120B.35, subdivision 3, paragraph
19.7 (e);
- 19.8 (6) longitudinal data on the progress of eligible districts in reducing disparities in students'
19.9 academic achievement and realizing racial and economic integration under section 124D.861;
- 19.10 (7) the acquisition of English, and where practicable, native language academic literacy,
19.11 including oral academic language, and the academic progress of all English learners enrolled
19.12 in a Minnesota public school course or program who are currently or were previously counted
19.13 as English learners under section 124D.59;
- 19.14 (8) using existing resources, the percentage of students who graduated in the previous
19.15 school year who correctly answered at least 30 of 50 civics test questions in accordance
19.16 with section 120B.02, subdivision 3;
- 19.17 (9) two separate student-to-teacher ratios that clearly indicate the definition of teacher
19.18 consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios;
- 19.19 ~~(9)~~ (10) staff characteristics excluding salaries;
- 19.20 ~~(10)~~ (11) student enrollment demographics;
- 19.21 ~~(11)~~ (12) foster care status, including all students enrolled in a Minnesota public school
19.22 course or program who are currently or were previously in foster care, student homelessness,
19.23 and district mobility; and
- 19.24 ~~(12)~~ (13) extracurricular activities.
- 19.25 (b) The school performance report for a school site and a school district must include
19.26 school performance reporting information and calculate proficiency rates as required by the
19.27 most recently reauthorized Elementary and Secondary Education Act.
- 19.28 (c) The commissioner shall develop, annually update, and post on the department website
19.29 school performance reports consistent with paragraph (a) and section 120B.11.
- 19.30 (d) The commissioner must make available performance reports by the beginning of
19.31 each school year.

20.1 (e) A school or district may appeal its results in a form and manner determined by the
20.2 commissioner and consistent with federal law. The commissioner's decision to uphold or
20.3 deny an appeal is final.

20.4 (f) School performance data are nonpublic data under section 13.02, subdivision 9, until
20.5 the commissioner publicly releases the data. The commissioner shall annually post school
20.6 performance reports to the department's public website no later than September 1, except
20.7 that in years when the reports reflect new performance standards, the commissioner shall
20.8 post the school performance reports no later than October 1.

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

20.10 Sec. 6. Minnesota Statutes 2020, section 124D.09, subdivision 9, is amended to read:

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

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

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

20.30 (d) If a postsecondary institution enrolls a secondary school pupil in a course under this
20.31 section, the postsecondary institution also must enroll in the same course an otherwise
20.32 enrolled and qualified postsecondary student who qualifies as a veteran under section

21.1 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's
21.2 established enrollment timelines were not practicable for that student.

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

21.6 Sec. 7. Minnesota Statutes 2020, section 124D.09, subdivision 10, is amended to read:

21.7 Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according to
21.8 subdivision 5, may enroll in a nonsectarian course taught by a secondary teacher or a
21.9 postsecondary faculty member and offered at a secondary school, or another location,
21.10 according to an agreement between a public school board and the governing body of an
21.11 eligible public postsecondary system or an eligible private postsecondary institution, as
21.12 defined in subdivision 3. All provisions of this section apply to a pupil, public school board,
21.13 district, and the governing body of a postsecondary institution, except as otherwise provided.
21.14 Consistent with section 120B.11, subdivision 5, a secondary school and a postsecondary
21.15 institution who enroll eligible pupils in courses according to agreements must annually
21.16 report to the commissioner the participation rates of pupils enrolled in courses according
21.17 to agreements, including the number of pupils enrolled and the number of courses taken for
21.18 postsecondary credit.

21.19 (b) To encourage students, especially American Indian students and students of color,
21.20 to consider teaching as a profession, participating schools, school districts, and postsecondary
21.21 institutions are encouraged to develop and offer an "Introduction to Teaching" or
21.22 "Introduction to Education" course under this subdivision. For the purpose of applying for
21.23 grants under this paragraph, "eligible institution" includes schools and districts that partner
21.24 with an accredited college or university in addition to postsecondary institutions identified
21.25 in subdivision 3, paragraph (a). Grant recipients under this paragraph must annually report
21.26 to the commissioner in a form and manner determined by the commissioner on the
21.27 participation rates of students in courses under this paragraph, including the number of
21.28 students who apply for admission to colleges or universities with teacher preparation
21.29 programs and the number of students of color and American Indian students who earned
21.30 postsecondary credit. Grant recipients must also describe recruiting efforts intended to
21.31 ensure that the percentage of participating students who are of color or American Indian
21.32 meets or exceeds the overall percentage of students of color or American Indian students
21.33 in the school.

22.1 Sec. 8. Minnesota Statutes 2020, section 124D.09, subdivision 12, is amended to read:

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

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

22.16 (c) A school board must adopt a policy regarding weighted grade point averages for any
22.17 high school or dual enrollment course, including assigning equal weighted grade point
22.18 averages for credits earned via postsecondary coursework as it gives to credits earned via
22.19 concurrent enrollment coursework. The policy must state whether the district offers weighted
22.20 grades. A school board must annually publish on its website a list of courses for which a
22.21 student may earn a weighted grade.

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

22.30 (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the
22.31 postsecondary institution must award postsecondary credit for any course successfully
22.32 completed for secondary credit at that institution. Other postsecondary institutions may
22.33 award, after a pupil leaves secondary school, postsecondary credit for any courses

23.1 successfully completed under this section. An institution may not charge a pupil for the
23.2 award of credit.

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

23.15 ARTICLE 4

23.16 TEACHERS

23.17 Section 1. Minnesota Statutes 2020, section 121A.53, subdivision 2, is amended to read:

23.18 Subd. 2. **Report.** (a) The school board must include state student identification numbers
23.19 of affected pupils on all dismissal and other disciplinary reports required by the department.
23.20 The department must report annually to the commissioner summary data on the number of
23.21 dismissals and physical assaults of district employees by a student by age, grade, gender,
23.22 race, and special education status of the affected pupils. All dismissal and other disciplinary
23.23 reports must be submitted through the department electronic reporting system.

23.24 (b) The commissioner must aggregate the district data reported under this section and
23.25 include the aggregated data, including aggregated data on physical assaults of a district
23.26 employee by a student, in the annual school performance reports under section 120B.36.

23.27 (c) A teacher that is physically assaulted by a student must receive a copy of the report
23.28 to the commissioner submitted according to subdivision 1.

23.29 Sec. 2. Minnesota Statutes 2020, section 121A.61, subdivision 3, is amended to read:

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

- 23.31 (a) rules governing student conduct and procedures for informing students of the rules;
23.32 (b) the grounds for removal of a student from a class;

- 24.1 (c) the authority of the classroom teacher to remove students from the classroom pursuant
24.2 to procedures and rules established in the district's policy;
- 24.3 (d) the procedures for removal of a student from a class by a teacher, school administrator,
24.4 or other school district employee;
- 24.5 (e) the period of time for which a student may be removed from a class, which may not
24.6 exceed five class periods for a violation of a rule of conduct;
- 24.7 (f) provisions relating to the responsibility for and custody of a student removed from
24.8 a class;
- 24.9 (g) the procedures for return of a student to the specified class from which the student
24.10 has been removed;
- 24.11 (h) the procedures for notifying a student and the student's parents or guardian of
24.12 violations of the rules of conduct and of resulting disciplinary actions;
- 24.13 (i) any procedures determined appropriate for encouraging early involvement of parents
24.14 or guardians in attempts to improve a student's behavior;
- 24.15 (j) any procedures determined appropriate for encouraging early detection of behavioral
24.16 problems;
- 24.17 (k) any procedures determined appropriate for referring a student in need of special
24.18 education services to those services;
- 24.19 (l) the procedures for consideration of whether there is a need for a further assessment
24.20 or of whether there is a need for a review of the adequacy of a current individualized
24.21 education program of a student with a disability who is removed from class;
- 24.22 (m) procedures for detecting and addressing chemical abuse problems of a student while
24.23 on the school premises;
- 24.24 (n) the minimum consequences for violations of the code of conduct;
- 24.25 (o) procedures for immediate and appropriate interventions tied to violations of the code;
- 24.26 (p) a provision that states that a teacher, school employee, school bus driver, or other
24.27 agent of a district may use reasonable force in compliance with section 121A.582 and other
24.28 laws;
- 24.29 (q) an agreement regarding procedures to coordinate crisis services to the extent funds
24.30 are available with the county board responsible for implementing sections 245.487 to
24.31 245.4889 for students with a serious emotional disturbance or other students who have an

25.1 individualized education program whose behavior may be addressed by crisis intervention;
25.2 and

25.3 (r) a provision that states a student must be removed from class immediately if the student
25.4 engages in assault or violent behavior. For purposes of this paragraph, "assault" has the
25.5 meaning given it in section 609.02, subdivision 10. The removal shall be for a period of
25.6 time deemed appropriate by the principal, in consultation with the teacher. The principal
25.7 must remove the student from class for at least three school days following the day of the
25.8 incident. A student may only return to the class from which they were removed after the
25.9 student has been given assistance to prevent the inappropriate behavior from recurring. A
25.10 teacher who disagrees with the period of time determined by the principal may appeal the
25.11 principal's decision, in writing, to the superintendent or charter school director for a different
25.12 period of time for the removal from class. The student must not return to the classroom until
25.13 the teacher and principal receive notice of the superintendent's decision. The superintendent's
25.14 decision is final.

25.15 Sec. 3. Minnesota Statutes 2020, section 121A.64, is amended to read:

25.16 **121A.64 NOTIFICATION; TEACHERS' AND PARAPROFESSIONALS'**
25.17 **LEGITIMATE EDUCATIONAL INTEREST.**

25.18 (a) A classroom teacher has a legitimate educational interest in knowing which students
25.19 placed in the teacher's classroom have a history of violent behavior, including any
25.20 documented physical assault of a district employee by the student, and must be notified
25.21 before such students are placed in the teacher's classroom.

25.22 (b) A paraprofessional assigned to work alone or on a regular basis with a student with
25.23 a disability has a legitimate educational interest in knowing whether the student has a history
25.24 of violent behavior, including any documented physical assault of a district employee by
25.25 the student, and must be notified before being assigned to work with the student.

25.26 ~~(b)~~ (c) Representatives of the school board and the exclusive representative of the teachers
25.27 shall discuss issues related to the model policy on student records adopted under Laws 1999,
25.28 chapter 241, article 9, section 50, and any modifications adopted under Laws 2003, First
25.29 Special Session chapter 9, for notifying classroom teachers and other school district
25.30 employees having a legitimate educational interest in knowing about students with a history
25.31 of violent behavior, including any documented physical assault of a district employee by
25.32 students placed in classrooms. The representatives of the school board and the exclusive
25.33 representative of the teachers also may discuss the need for intervention services or conflict

26.1 resolution or training for staff related to placing students with a history of violent behavior
26.2 in teachers' classrooms.

26.3 **Sec. 4. [122A.051] CODE OF ETHICS.**

26.4 Subdivision 1. **Scope.** Each teacher, upon entering the teaching profession, assumes a
26.5 number of obligations, one of which is to adhere to a set of principles that defines professional
26.6 conduct. These principles are reflected in the code of ethics, which sets forth to the education
26.7 profession and the public it serves standards of professional conduct. This code applies to
26.8 all persons licensed according to rules established by the Professional Educator Licensing
26.9 and Standards Board.

26.10 Subd. 2. **Standards of professional conduct.** (a) A teacher must provide professional
26.11 education services in a nondiscriminatory manner, including not discriminating on the basis
26.12 of political, ideological, or religious beliefs.

26.13 (b) A teacher must make a reasonable effort to protect students from conditions harmful
26.14 to health and safety.

26.15 (c) In accordance with state and federal laws, a teacher must disclose confidential
26.16 information about individuals only when a compelling professional purpose is served or
26.17 when required by law.

26.18 (d) A teacher must take reasonable disciplinary action in exercising the authority to
26.19 provide an atmosphere conducive to learning.

26.20 (e) A teacher must not use professional relationships with students, parents, and
26.21 colleagues to personal advantage.

26.22 (f) A teacher must delegate authority for teaching responsibilities only to licensed
26.23 personnel or as otherwise provided by law.

26.24 (g) A teacher must not deliberately suppress or distort subject matter.

26.25 (h) A teacher must not knowingly falsify or misrepresent records or facts relating to that
26.26 teacher's own qualifications or to other teachers' qualifications.

26.27 (i) A teacher must not knowingly make false or malicious statements about students or
26.28 colleagues.

26.29 (j) A teacher must only accept a contract for a teaching position that requires licensing
26.30 if properly or provisionally licensed for that position.

26.31 (k) A teacher must not engage in any sexual contact with a student.

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

27.2 Sec. 5. Minnesota Statutes 2020, section 122A.06, is amended by adding a subdivision to
27.3 read:

27.4 Subd. 9. **Professional license.** A "professional license" means a Tier 1, Tier 2, Tier 3,
27.5 or Tier 4 teacher license issued by the Professional Educators Licensing and Standards
27.6 Board in accordance with sections 122A.18 to 122A.184.

27.7 Sec. 6. Minnesota Statutes 2020, section 122A.09, subdivision 2, is amended to read:

27.8 Subd. 2. **Advise members of profession.** (a) The Professional Educator Licensing and
27.9 Standards Board must act in an advisory capacity to members of the profession in matters
27.10 of interpretation of the code of ethics in section 122A.051.

27.11 (b) The board must develop a process for a school district to receive a written complaint
27.12 about a teacher under the code of ethics and forward the complaint to the board. A school
27.13 board must inform parents and guardians in the school district of their ability to submit a
27.14 complaint to the school board under this section.

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

27.16 Sec. 7. Minnesota Statutes 2020, section 122A.181, subdivision 1, is amended to read:

27.17 Subdivision 1. **Application requirements.** The Professional Educator Licensing and
27.18 Standards Board must approve a request from a district or charter school to issue a Tier 1
27.19 license in a specified content area to a candidate if:

27.20 (1) the candidate meets the professional requirement in subdivision 2;

27.21 (2) the district or charter school affirms that the candidate has the necessary skills and
27.22 knowledge to teach in the specified content area; and

27.23 (3) the district or charter school demonstrates that:

27.24 ~~(i) a criminal background check under section 122A.18, subdivision 8, has been completed~~
27.25 ~~on the candidate; and~~

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

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

28.1 Sec. 8. Minnesota Statutes 2020, section 122A.181, subdivision 3, is amended to read:

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

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

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

28.11 ~~(2)~~ (1) the teacher holding the Tier 1 license took a content examination in accordance
 28.12 with section 122A.185 and submitted the examination results to the teacher's employing
 28.13 district or charter school within one year of the board approving the request for the initial
 28.14 Tier 1 license;

28.15 ~~(3)~~ (2) the teacher holding the Tier 1 license participated in cultural competency training
 28.16 consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the board
 28.17 approving the request for the initial Tier 1 license; and

28.18 ~~(4)~~ (3) the teacher holding the Tier 1 license met the mental illness training renewal
 28.19 requirement under section 122A.187, subdivision 6.

28.20 The requirement in clause ~~(2)~~ (1) does not apply to a teacher that teaches a class in a career
 28.21 and technical education or career pathways course of study.

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

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

28.28 Sec. 9. Minnesota Statutes 2020, section 122A.182, subdivision 1, is amended to read:

28.29 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards
 28.30 Board must ~~approve a request from a district or charter school to~~ issue a Tier 2 license in a
 28.31 specified content area to a candidate if who provides information sufficient to demonstrate
 28.32 all of the following:

29.1 (1) the candidate meets the educational or professional requirements in paragraph (b)
29.2 or (c); and

29.3 (2) the candidate:

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

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

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

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

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

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

29.14 (1) an associate's degree;

29.15 (2) a professional certification; or

29.16 (3) five years of relevant work experience.

29.17 Sec. 10. Minnesota Statutes 2020, section 122A.182, subdivision 5, is amended to read:

29.18 Subd. 5. **Limitations on license.** (a) A Tier 2 license is limited to the content matter
29.19 indicated on the application for the initial Tier 2 license under subdivision 1, paragraph (a);
29.20 ~~and limited to the district or charter school that requested the initial Tier 2 license.~~

29.21 (b) A Tier 2 license shall not be construed to bring an individual within the definition
29.22 of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1,
29.23 clause (a).

29.24 Sec. 11. Minnesota Statutes 2020, section 122A.20, subdivision 1, is amended to read:

29.25 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Professional
29.26 Educator Licensing and Standards Board or Board of School Administrators, whichever
29.27 has jurisdiction over a teacher's licensure, may, on the written complaint of the school board
29.28 employing a teacher, a teacher organization, or any other interested person, refuse to issue,
29.29 refuse to renew, suspend, or revoke a teacher's license to teach for any of the following
29.30 causes:

- 30.1 (1) immoral character or conduct;
- 30.2 (2) failure, without justifiable cause, to teach for the term of the teacher's contract;
- 30.3 (3) gross inefficiency or willful neglect of duty;
- 30.4 (4) failure to meet licensure requirements; ~~or~~
- 30.5 (5) fraud or misrepresentation in obtaining a license; or
- 30.6 (6) malicious and sadistic conduct, defined as conduct that creates a hostile learning
- 30.7 environment by acting with the intent to cause harm by intentionally injuring another without
- 30.8 just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

30.9 The written complaint must specify the nature and character of the charges.

30.10 (b) The Professional Educator Licensing and Standards Board or Board of School

30.11 Administrators, whichever has jurisdiction over a teacher's licensure, shall refuse to issue,

30.12 refuse to renew, or automatically revoke a teacher's license to teach without the right to a

30.13 hearing upon receiving a certified copy of a conviction showing that the teacher has been

30.14 convicted of child abuse, as defined in section 609.185, sex trafficking in the first degree

30.15 under section 609.322, subdivision 1, sex trafficking in the second degree under section

30.16 609.322, subdivision 1a, engaging in hiring, or agreeing to hire a minor to engage in

30.17 prostitution under section 609.324, subdivision 1, sexual abuse under section 609.342,

30.18 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, solicitation

30.19 of children to engage in sexual conduct or communication of sexually explicit materials to

30.20 children under section 609.352, interference with privacy under section 609.746 or

30.21 harassment or stalking under section 609.749 and the victim was a minor, using minors in

30.22 a sexual performance under section 617.246, possessing pornographic works involving a

30.23 minor under section 617.247, or any other offense not listed in this paragraph that requires

30.24 the person to register as a predatory offender under section 243.166, or a crime under a

30.25 similar law of another state or the United States. The board shall send notice of this licensing

30.26 action to the district in which the teacher is currently employed.

30.27 (c) A person whose license to teach has been revoked, not issued, or not renewed under

30.28 paragraph (b), may petition the board to reconsider the licensing action if the person's

30.29 conviction for child abuse or sexual abuse is reversed by a final decision of the court of

30.30 appeals or the supreme court or if the person has received a pardon for the offense. The

30.31 petitioner shall attach a certified copy of the appellate court's final decision or the pardon

30.32 to the petition. Upon receiving the petition and its attachment, the board shall schedule and

30.33 hold a disciplinary hearing on the matter under section 214.10, subdivision 2, unless the

31.1 petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal
31.2 of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified
31.3 from teaching under paragraph (a), clause (1), the board shall affirm its previous licensing
31.4 action. If the board finds that the petitioner is not disqualified from teaching under paragraph
31.5 (a), clause (1), it shall reverse its previous licensing action.

31.6 (d) For purposes of this subdivision, the Professional Educator Licensing and Standards
31.7 Board is delegated the authority to suspend or revoke coaching licenses.

31.8 Sec. 12. Minnesota Statutes 2020, section 122A.40, subdivision 3, is amended to read:

31.9 Subd. 3. **Hiring, dismissing.** (a) School boards must hire or dismiss teachers at duly
31.10 called meetings. Where a husband and wife, brother and sister, or two brothers or sisters,
31.11 constitute a quorum, no contract employing a teacher shall be made or authorized except
31.12 upon the unanimous vote of the full board. A teacher related by blood or marriage, within
31.13 the fourth degree, computed by the civil law, to a board member shall not be employed
31.14 except by a unanimous vote of the full board. The initial employment of the teacher in the
31.15 district must be by written contract, signed by the teacher and by the chair and clerk. All
31.16 subsequent employment of the teacher in the district must be by written contract, signed by
31.17 the teacher and by the chair and clerk, except where there is a master agreement covering
31.18 the employment of the teacher. Contracts for teaching or supervision of teaching can be
31.19 made only with qualified teachers. A teacher shall not be required to reside within the
31.20 employing district as a condition to teaching employment or continued teaching employment.

31.21 (b) A school district must not give preference in the hiring or dismissal of a teacher
31.22 based on the teacher's seniority.

31.23 (c) A school district must report all new teacher hires and terminations, including layoffs,
31.24 by race and ethnicity annually to the Department of Education. The report must not include
31.25 data that would personally identify individuals.

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

31.27 Sec. 13. Minnesota Statutes 2020, section 122A.40, subdivision 10, is amended to read:

31.28 Subd. 10. **Negotiated unrequested leave of absence.** (a) The school board and the
31.29 exclusive bargaining representative of the teachers must negotiate a plan providing for
31.30 unrequested leave of absence without pay or fringe benefits for as many teachers as may
31.31 be necessary because of discontinuance of position, lack of pupils, financial limitations, or
31.32 merger of classes caused by consolidation of districts.

32.1 (b) The plan for unrequested leave of absence must not require the school board to place
 32.2 teachers with a Tier 1 or Tier 2 license on unrequested leave of absence first based on their
 32.3 tier of licensure.

32.4 Sec. 14. Minnesota Statutes 2020, section 122A.41, subdivision 14a, is amended to read:

32.5 Subd. 14a. **Negotiated unrequested leave of absence.** (a) The school board and the
 32.6 exclusive bargaining representative of the teachers must negotiate a plan providing for
 32.7 unrequested leave of absence without pay or fringe benefits for as many teachers as may
 32.8 be necessary because of discontinuance of position, lack of pupils, financial limitations, or
 32.9 merger of classes caused by consolidation of districts.

32.10 (b) The plan for unrequested leave of absence must not require the school board to place
 32.11 teachers with a Tier 1 or Tier 2 license on unrequested leave of absence first based on their
 32.12 tier of licensure.

32.13 Sec. 15. Minnesota Statutes 2020, section 122A.41, is amended by adding a subdivision
 32.14 to read:

32.15 Subd. 16. **Hiring and dismissal.** (a) A school district must not give preference in the
 32.16 hiring or dismissal of a teacher based on the teacher's seniority.

32.17 (b) A school district must report all new teacher hires and terminations, including layoffs,
 32.18 by race and ethnicity annually to the Department of Education. The report must not include
 32.19 data that would personally identify individuals.

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

32.21 Sec. 16. Minnesota Statutes 2020, section 122A.635, subdivision 1, is amended to read:

32.22 Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards
 32.23 Board must award competitive grants to increase the number of teacher candidates of color
 32.24 or who are American Indian, and meet the requirements for a Tier 1, 2, or 3 license under
 32.25 section 122A.181, 122A.182, or 122A.183. Eligibility for a grant under this section is limited
 32.26 to ~~public or private higher education institutions that offer a teacher preparation program~~
 32.27 ~~approved by the Professional Educator Licensing and Standards Board~~ programs, including
 32.28 alternative teacher preparation programs, located in Minnesota.

33.1 Sec. 17. Minnesota Statutes 2020, section 122A.635, subdivision 2, is amended to read:

33.2 Subd. 2. **Competitive grants.** (a) The Professional Educator Licensing and Standards
33.3 Board must award competitive grants under this section based on the following criteria:

33.4 (1) the number or percentage of teacher candidates being supported in the program who
33.5 are of color or who are American Indian;

33.6 (2) program outcomes, including graduation or program completion rates, licensure
33.7 rates, and placement rates and, for each outcome measure, the number of those teacher
33.8 candidates of color or who are American Indian; and

33.9 (3) the percent of racially and ethnically diverse teacher candidates enrolled in the
33.10 institution compared to:

33.11 (i) the total percent of students of color and American Indian students enrolled at the
33.12 institution, regardless of major; and

33.13 (ii) the percent of underrepresented racially and ethnically diverse teachers in the
33.14 economic development region of the state where the institution is located and where a
33.15 shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.

33.16 ~~(b) The board must give priority in awarding grants under this section to institutions that~~
33.17 ~~received grants under Laws 2017, First Special Session chapter 5, article 2, section 57,~~
33.18 ~~subdivision 27, and have demonstrated continuing success at recruiting, retaining, graduating,~~
33.19 ~~and inducting teacher candidates of color or who are American Indian. If the board awards~~
33.20 ~~a competitive grant based on the criteria in paragraph (a) to a program that has not previously~~
33.21 ~~received funding, the board must thereafter give priority to the program equivalent to other~~
33.22 ~~programs given priority under this paragraph.~~

33.23 ~~(e)~~ (b) The board must determine award amounts for maintenance and expansion of
33.24 programs based on the number of candidates supported by an applicant program, sustaining
33.25 support for those candidates, and funds available.

33.26 Sec. 18. Minnesota Statutes 2021 Supplement, section 122A.73, subdivision 2, is amended
33.27 to read:

33.28 Subd. 2. **Grow Your Own district programs.** (a) A school district may apply for a
33.29 grant for a Professional Educator Licensing and Standards Board-approved teacher
33.30 preparation program. The grant recipient must use at least 80 percent of grant funds to
33.31 provide tuition scholarships or stipends to enable school district employees or community

34.1 members affiliated with a school district, who are of color or American Indian and who
34.2 seek a teaching license, to participate in the teacher preparation program.

34.3 (b) A district may apply for a grant to provide supports to teachers with a Tier 1 or Tier
34.4 2 license to obtain the qualifications necessary to be eligible for a higher tier license.

34.5 ~~(b)~~ (c) A district using grant funds under this subdivision to provide financial support
34.6 to teacher candidates may require a commitment as determined by the district to teach in
34.7 the district for a reasonable amount of time that does not exceed five years.

34.8 **Sec. 19. RESTRICTION ON CONTRACTS WITH SCHOOL EMPLOYEES.**

34.9 Notwithstanding any law to the contrary, employment contracts and collective bargaining
34.10 agreements with school employees must not contain protections against discipline or
34.11 termination for school employees who engage in immoral, unethical, or illegal actions.

34.12 **EFFECTIVE DATE.** This section is effective the day following final enactment and
34.13 applies to all contracts entered into on or after that date.

34.14 **Sec. 20. SHORT-CALL SUBSTITUTE TEACHER PERMISSION.**

34.15 (a) Notwithstanding any other teacher licensing requirement, a school district or charter
34.16 school may employ a person as a short-call substitute teacher if the person:

34.17 (1) meets the professional requirements under Minnesota Statutes, section 122A.181,
34.18 subdivision 2; or

34.19 (2) has been employed as an education support person or paraprofessional with the
34.20 school district or charter school for at least one school year.

34.21 (b) A school district or charter school employing a substitute teacher under this section
34.22 must report to the Professional Educator Licensing and Standards Board all persons it
34.23 employs under this section and, for each person, must affirm that:

34.24 (1) a criminal background check consistent with Minnesota Statutes, section 122A.18,
34.25 subdivision 8, has been completed;

34.26 (2) the person meets the professional requirements in paragraph (a); and

34.27 (3) the person has the knowledge and skills to provide instruction in the content area the
34.28 person is teaching.

34.29 (c) A school district or charter school must report any complaints against a substitute
34.30 teacher hired under this section to the board which may consider the substance of the

35.1 complaint when reviewing the person's application for a license under Minnesota Statutes,
 35.2 chapter 122A.

35.3 (d) This section is effective for the 2021-2022, 2022-2023, and 2023-2024 school years
 35.4 only. This section expires June 30, 2024.

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

35.6 Sec. 21. **REPEALER.**

35.7 (a) Minnesota Rules, part 8710.2100, subparts 1 and 2, are repealed.

35.8 (b) Minnesota Statutes 2020, section 122A.09, subdivision 1, is repealed.

35.9 **ARTICLE 5**

35.10 **STATE AGENCIES - ACCOUNTABILITY AND COMPLIANCE**

35.11 Section 1. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

35.12 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section
 35.13 and section 120B.022, must adopt statewide rules under ~~section 14.389~~ chapter 14 for
 35.14 implementing statewide rigorous core academic standards and benchmarks under section
 35.15 120B.023 in language arts, mathematics, science, social studies, physical education, and
 35.16 the arts. After the rules authorized under this subdivision are initially adopted, the
 35.17 commissioner may not amend or repeal these rules nor adopt new rules on the same topic
 35.18 without specific legislative authorization.

35.19 Sec. 2. Minnesota Statutes 2020, section 120B.023, is amended to read:

35.20 **120B.023 BENCHMARKS.**

35.21 Subdivision 1. **Benchmarks implement, supplement statewide academic standards.** (a)
 35.22 The commissioner must supplement required state academic standards with grade-level
 35.23 benchmarks. High school career and college-ready benchmarks may cover more than one
 35.24 grade. Schools must offer and students must achieve all benchmarks for an academic standard
 35.25 to satisfactorily complete that state standard.

35.26 (b) ~~The commissioner shall publish benchmarks in the State Register and transmit the~~
 35.27 ~~benchmarks in any other manner that informs and guides parents, teachers, school districts,~~
 35.28 ~~and other interested persons and makes them accessible to the general public. The~~
 35.29 commissioner must use benchmarks in developing career and college readiness assessments
 35.30 under section 120B.30. ~~The commissioner may charge a reasonable fee for publications.~~

36.1 (c) Once established, the commissioner may change the benchmarks only with specific
 36.2 legislative authorization and ~~after completing a review~~ as part of the standards reviews and
 36.3 revisions required under section 120B.021, subdivision 4.

36.4 ~~(d) The benchmarks are not subject to chapter 14 and section 14.386 does not apply.~~

36.5 Sec. 3. [120B.025] SOCIAL STUDIES.

36.6 In adopting the social studies standards and benchmarks under sections 120B.021 and
 36.7 120B.023, the commissioner must include essential knowledge and skills that develop each
 36.8 student's civic knowledge, including an understanding of:

36.9 (1) the fundamental moral, political, and intellectual foundations of the American
 36.10 experiment in self-government, as well as the history, qualities, traditions, and features of
 36.11 civic engagement in the United States;

36.12 (2) the structure, function, and processes of government institutions at the federal, state,
 36.13 and local levels; and

36.14 (3) the founding documents of the United States, including the Declaration of
 36.15 Independence, the United States Constitution, the Federalist Papers, including but not limited
 36.16 to essays 10 and 51, excerpts from Alexis de Tocqueville's *Democracy in America*, the first
 36.17 Lincoln-Douglas debate, and the writings of the founding fathers of the United States.

36.18 Sec. 4. Minnesota Statutes 2020, section 122A.06, subdivision 6, is amended to read:

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

36.20 (1) licensure fields and economic development regions reported by the commissioner
 36.21 of education or the Professional Educator Licensing and Standards Board as experiencing
 36.22 a teacher shortage based on the number of assignments a school district is unable to fill with
 36.23 a licensed teacher; and

36.24 (2) economic development regions where there is a shortage of licensed teachers who
 36.25 reflect the racial or ethnic diversity of students in the region.

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

36.27 Sec. 5. Minnesota Statutes 2020, section 122A.091, subdivision 5, is amended to read:

36.28 Subd. 5. **Survey of districts.** (a) The Professional Educator Licensing and Standards
 36.29 Board must survey the state's school districts and teacher preparation programs and report
 36.30 to the education committees of the legislature by February 1, 2019, and each odd-numbered

37.1 year thereafter, on the status of teacher early retirement patterns, the access to effective and
37.2 more diverse teachers who reflect the students under section 120B.35, subdivision 3,
37.3 paragraph (b), clause (2), enrolled in a district or school, the teacher shortage, and the
37.4 substitute teacher shortage, including patterns and shortages in licensure field areas and the
37.5 economic development regions of the state.

37.6 (b) The report must also include:

37.7 (1) aggregate data on teachers' self-reported race and ethnicity;

37.8 (2) data on how districts are making progress in hiring teachers and substitute teachers
37.9 in the areas of shortage, including the number of teachers hired in the preceding two years,
37.10 the number of teachers hired holding a license at each tier level, and the number of
37.11 assignments the school district was unable to fill with a licensed teacher; and

37.12 (3) a five-year projection of teacher demand for each district, taking into account the
37.13 students under section 120B.35, subdivision 3, paragraph (b), clause (2), expected to enroll
37.14 in the district during that five-year period.

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

37.16 Sec. 6. **ACADEMIC STANDARDS REVIEW SUSPENSION.**

37.17 Notwithstanding Minnesota Statutes, section 120B.021, the commissioner of education
37.18 must suspend any ongoing review or revision of academic standards, or implementation of
37.19 revised academic standards under Minnesota Statutes, section 120B.021, until June 1, 2024.

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

37.21 Sec. 7. **DEPARTMENT OF EDUCATION; IDENTIFICATION OF LEARNING**
37.22 **LOSS.**

37.23 The Department of Education must assist school districts and charter schools in
37.24 developing a process for the schools to measure student learning loss. The process must
37.25 rely on evidence-based, data-driven means to identify students with learning loss. The
37.26 process must specify best practices for school districts and charter schools to implement to
37.27 remediate the learning loss.

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

38.1 **Sec. 8. SCIENCE OF READING COMPLIANCE REVIEW.**

38.2 (a) The Professional Educator Licensing and Standards Board must conduct the
38.3 compliance reviews required under this section and report on its findings to the chairs and
38.4 ranking minority members of the legislative committees having jurisdiction over kindergarten
38.5 through grade 12 education. The report must be submitted by January 1, 2023, in accordance
38.6 with Minnesota Statutes, section 3.195.

38.7 (b) The board must review board-approved teacher preparation programs to determine
38.8 whether programs are aligned with the requirements relating to research-based best practices
38.9 in reading under Minnesota Statutes, section 122A.092, subdivision 5.

38.10 (c) The board must review whether teachers are completing renewal requirements relating
38.11 to teacher preparation under Minnesota Statutes, section 122A.187, subdivision 5.

38.12 (d) The board must review the teacher license test items on reading instruction to
38.13 determine whether the test items reliably assess candidates' knowledge, skill, and ability in
38.14 reading instruction as required in Minnesota Statutes, section 122A.185, subdivision 1,
38.15 paragraph (c).

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

38.17 **Sec. 9. DEPARTMENT OF EDUCATION STAFF SELF-AUDIT.**

38.18 (a) The Department of Education must conduct an internal review and report its findings
38.19 to the chairs and ranking minority members of the legislative committees having jurisdiction
38.20 over kindergarten through grade 12 education. The report must be submitted by January 1,
38.21 2023, in accordance with Minnesota Statutes, section 3.195.

38.22 (b) The report must:

38.23 (1) identify each office, program, and function within the department, and its alignment
38.24 to a state or federal requirement or authorization; and

38.25 (2) identify each staff position within the department, and state whether the position is
38.26 filled or vacant, the state or federal requirement or authorization for the position, and the
38.27 source of funding for the position.

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

38.29 **Sec. 10. TEACHER SUPPLY AND DEMAND REPORT.**

38.30 (a) The Professional Educator Licensing and Standards Board must include in the report
38.31 required under Minnesota Statutes, section 122A.091, subdivision 5, by February 1, 2023,

39.1 the number of teacher openings, by school district, for teachers with licenses in the following
39.2 fields:

39.3 (1) English as a second language;

39.4 (2) early childhood;

39.5 (3) special education;

39.6 (4) career and technical education;

39.7 (5) science, technology, engineering, arts, and math; and

39.8 (6) world languages.

39.9 (b) For each field listed in paragraph (a), the report must also include the number of
39.10 teachers hired, by school district, at each license tier level, and the number of teacher
39.11 assignments the school district was unable to fill with a licensed teacher.

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

39.13 Amend the title accordingly