

Subject Omnibus Education Finance and Policy Bill

Authors Davnie and others

Analyst Tim Strom
Cristina Parra
Annie Mach

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Overview

H.F. 4300, as amended by H4300DE1, is the House Education Finance Committee's supplemental prekindergarten through grade 12 education funding and policy bill. The bill provides increases in funding in various education funding formulas and makes changes to a number of education programs.

Article 1: General Education

Increases funding for English learner revenue. Increases funding for Career and Technical Education revenue by adding a separate aid category for certain Career and Technical Education pupil transportation. Links other formulas to any future increases in the general education basic revenue allowance. Requires 80 percent of compensatory revenue to be spent at the site where the revenue was calculated and makes other changes to school funding programs.

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- 1 Conduct of school on certain holidays.**
Replaces Columbus Day with Indigenous Peoples' Day on list of holidays that a school district may conduct school. Requires at least one hour of the school program on Indigenous Peoples' Day to be devoted to observance of the day, and lists topics on which the district may provide professional development to teachers and staff, or instruction to students.
- 2 Access to menstrual products. [School health services]**
Requires a school district or charter school to provide students in grades 4 to 12 with access to menstrual products at no charge. Defines "menstrual products."
- 3 Consolidation transition aid.**
Increases consolidation transition aid from \$200 to \$400 per pupil for the first year following consolidation and increases the second year's consolidation transition aid

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- amount from \$100 to \$300 per pupil. Makes the change effective for consolidations occurring on or after July 1, 2020.
- 4 **Definition. [Site decision-making; individualized learning agreement; other agreements]**
Allows a school board to designate a facility or program within a facility or district as an “education site.”
- 5 **Board members’ right to employment.**
This section increases the maximum amount a school board member who is employed by the school district may earn from that employment. The current limit is \$8,000 and the bill raises it to \$20,000. The school board member must be approved by a majority of the school board to be employed by the school district.
- 6 **Provided services. [Nonpublic pupil aid]**
Authorizes nonpublic pupil aid for elementary school guidance and counseling services. Extends the authority to pupils attending American Indian Tribal contract schools.
- 7 **Guidance and counseling services; allotment.**
The nonpublic pupil aid amount for guidance and counseling is referred to as an allotment. Increases the allotment for guidance and counseling aid to include the average per pupil expenditures in the public school system for elementary school guidance and counseling services.
- 8 **Computation of maximum amounts. [Nonpublic pupil aid]**
Includes the per pupil expenditures for elementary counseling services in the nonpublic pupil aid calculation.
- 9 **Board control. [pupil transportation]**
Allows the board of a school district and a nonpublic school to mutually agree to a written plan for transportation of nonpublic students.

Authorizes a school board that provides pupil transportation through its own employees to transport the nonpublic pupils according to the plan. Authorizes the nonpublic school to pay an additional amount to the school district for pupil transportation beyond the transportation required in statute. Authorizes a similar arrangement for a school district that contracts for transportation services from a private provider of transportation services.

Requires the school district to report the number of nonpublic students transported, including the nonpublic students transported under a contract, to the Department of Education in the form and manner specified by the commissioner so that the

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district’s nonpublic pupil transportation aid remains unaffected by the nonpublic pupil transportation provided under the plan.

10 Definitions. [Online learning option]

Modifies definitions related to online learning. Distinguishes “supplemental online learning” from other types of online learning. Allows Tribal contract schools to offer online learning, and students in Tribal contract schools to participate in online learning. Establishes additional requirements for teachers providing online instruction.

Effective date: This section is effective for the 2023-2024 school year and later.

11 Authorization; notice; limitations on enrollment. [Online learning option]

Allows districts to offer digital learning to enrolled students without the review and reporting requirements that apply to other online learning providers. These districts would not generate online learning funds. Requires online learning courses to be reported and identified in the Minnesota Common Course catalog.

Distinguishes supplemental online learning from other online learning. Modifies supplemental online learning requirements. Makes technical changes.

Effective date: This section is effective for the 2023-2024 school year and later.

12 Online learning parameters. [Online learning option]

Modifies requirements relating to accessing online learning, including those relating to computer hardware and locations where the student may participate. Requires online learning curriculum to be aligned with state standards. Makes technical changes.

Effective date: This section is effective for the 2023-2024 school year and later.

13 Department of Education. [Online learning option]

Requires a supplemental online learning provider to notify the commissioner that it is delivering online learning and report the number of online learning students it accepts and online learning courses and programs it delivers. Requires a district providing online learning to enrolled students to create an online learning site and report student enrollment in the site. Requires online and blended learning courses to be reported in the Minnesota Common Course Catalog.

Effective date: This section is effective for the 2023-2024 school year and later.

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- 14 **Financial arrangements. [Online learning]**
Includes students attending Tribal contract schools who enroll in online learning programs in the average daily membership used to calculate the online learning aid payments to the online learning program providers.
- 15 **Crisis online learning. [Online learning option]**
Defines “crisis online learning,” “crisis learning period,” and “crisis online learning plan.” The plan must describe how crisis online learning and critical components of education will be provided, and meet certain other requirements. Critical components include nutrition services and teacher accessibility.

Effective date: This section is effective the day following final enactment. For the school year 2021-2022, the student and family notification requirement does not apply.
- 16 **Asynchronous learning.**
Authorizes existing supplemental online learning programs to continue to offer asynchronous online learning courses if the supplemental online learning provider was offering these courses in that manner prior to the COVID-19 pandemic.
- 17 **Career and technical revenue.**
Increases the portion of career and technical revenue that is reimbursable under the Career and Technical Education revenue formula from 35 percent to 50 percent of a school district’s qualifying career and technical expenditures for the previous year. Includes student travel to and from state-approved work-based learning programs as an eligible expense. Removes obsolete language.
- 18 **Career and technical levy.**
Removes obsolete language.
- 19 **Career and technical aid.**
Removes obsolete language.
- 20 **Career and technical student transportation aid.**
Establishes a new state aid for the costs of student transportation between instructional and placement sites for state-approved work-based learning programs. Sets the aid equal to the costs for the transportation during the previous year.
- 21 **English learner.**
Includes in the definition of “English learner” early childhood special education students.

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- 22 English learner; limited or interrupted formal education. [Definitions]**
Modifies description of students who qualify as English learners with limited or interrupted formal education (SLIFE students) based on the amount of formal education they have when they enter school in the United States.
- 23 School district English learner revenue.**
(a) Increases English learner basic revenue from \$704 per qualifying pupil to \$755 per qualifying pupil for fiscal year 2023 and links the English learner basic allowance to the growth in the general education basic formula allowance for fiscal year 2024 and later.

(b) Links the concentration allowance of \$250 per EL pupil to the growth in the general education basic formula allowance for fiscal year 2024 and later.

Creates a new component called English Learner Cross subsidy aid. Sets the aid equal to 40 percent of the district’s cross subsidy in fiscal year 2023, 50 percent in 2024, 75 percent in 2025, and funds 100 percent of the district’s cross subsidy for fiscal year 2026 and later.
- 24 Eligible pupils. [Graduation incentives program]**
Allows a student with a limited or interrupted formal education (SLIFE students) to continue to qualify for an early middle college program. The change in section 9 modifies the definition of SLIFE students; this section ensures that students who previously qualified for the program as SLIFE students will continue to do so.
- 25 American Indian student. [Definitions]**
Modifies definition of “American Indian” student for purposes of the American Indian Education Act; uses the state definition, which differs from the federal definition. The state definition primarily differs from the federal definition because the state definition allows students who would otherwise be counted in the two more races category to continue to be counted as “American Indian.” The state count of American Indian students is much larger than the federal count of American Indian students.
- 26 Technical assistance. [Community and commissioner participation in American Indian education.]**
Requires the commissioner to use an annual report of American Indian student data that uses the state count when providing technical assistance.
- 27 Procedures. [American Indian education aid]**
Requires the state count to be used to determine whether a district, charter school, or Tribal contract school is eligible for American Indian aid. Clarifying the definition of

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- American Indian students does not impact funding for the American Indian education aid program because the state has continued to use the state count of American Indian students since the federal definition changed.
- 28 **State-identified American Indian. [American Indian education aid.]**
Specifies how state determines the state-identified American Indian student counts.
- 29 **Supplemental online learning.**
Authorizes a student attending a Tribal contract school under Minnesota Statutes, section 124D.83 to enroll in approved supplemental online learning courses offered by school districts, charter schools, and cooperative units.
- 30 **Placement in another district; responsibility.**
Allows a district or charter school to use an online learning program to fulfill its duties to provide special education services to a child placed in a care and treatment facility if the child or child’s parents agree to that form of instruction.
- 31 **Placement of children without disabilities; education and transportation.**
Allows a serving school district or charter school to use an online learning program to fulfill its duties to provide education services to a child placed in a care and treatment facility if the child or child’s parents agree to that form of instruction.
- 32 **Responsibilities for providing education.**
Allows a district to use its state-approved online learning program to fulfill its duties to provide special education services to a child placed in a care and treatment facility. If the child is enrolled in a charter school that operates a state-approved online learning provider, the district may also use that program to fulfill its duties.
- 33 **Online learning students.**
Includes students attending Tribal contract schools participating in Minnesota’s online learning program in the definition of average daily membership for purposes of calculating online learning aid.
- 34 **Extended time revenue.**
Links the extended time revenue allowance of \$5,117 per pupil to increases in the general education basic formula allowance for fiscal year 2024 and later. Beginning in fiscal year 2023, creates a new subcategory of extended time revenue for programs providing summer school to students in summer residential care and treatment programs. Caps the summer residential care and treatment extended time revenue at no more than \$1,000,000 per year statewide.

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- 35 **Basic skills revenue.**
Clarifies the calculation of basic skills revenue to match the new English learner formula amounts.
- 36 **Total operating revenue. [General education revenue]**
Adds \$2 per adjusted pupil unit to a district’s operating capital revenue. The increased revenue is to supply menstrual products.
- 37 **Operating capital levy.**
Increases the equalizing factor for the operating capital revenue program by an amount sufficient to keep overall school levies unchanged from the forecast base levels of total school levies.
- 38 **Uses of total operating capital revenue. [General education revenue]**
Adds the costs of supplies and equipment necessary to provide students free access to menstrual products to the use of total operating capital revenue.
- 39 **Pupil transportation adjustment.**
Increases the portion of a school district’s unfunded pupil transportation expenses that are funded through state aid from 18.2 percent to 60 percent of the unfunded amount.
- 40 **Use of revenue. [Basic skills]**
Clarifies the uses of basic skills revenue and removes obsolete references.
- 41 **Building allocation. [Compensatory revenue]**
Increases the portion of compensatory revenue (which is calculated at the school site level) that must stay at the school site from 50 percent to 80 percent of the site’s compensatory revenue.
- 42 **Supplemental online learning. [Shared time.]**
Authorizes a shared time student to participate in an approved supplemental online learning course in the same manner as the student participates in other shared time programming.
- 43 **Forward shifted aid payments.**
Adds the new state aid for career and technical pupil transportation to the list of school aids that are 100 percent forward shifted into the previous school year (forward shifting means that the full amount of the aid, paid entirely on August 30, must be recognized as aid for the previous school year which ended June 30).

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- 44 **General education aid.**
Modifies the general education aid appropriation to correct for February 2022 forecast changes and then increases the new lower base amounts by the changes to general education aid authorized in this article (the base was lower primarily due to fewer estimated pupil units).
- 45 **Consolidation transition aid.**
Increases consolidation transition aid to pay for the inclusion of higher aid payments for the Rock Ridge and Ada-Borup-West school districts.
- 46 **Nonpublic pupil education aid.**
Modifies the nonpublic pupil education aid appropriation to correct for February 2022 forecast changes and adds the amounts necessary to include the costs of elementary counseling for nonpublic pupils.
- 47 **Nonpublic pupil transportation aid.**
Modifies the nonpublic pupil transportation aid appropriation to correct for February 2022 forecast changes.
- 48 **Career and technical aid.**
Modifies career and technical aid appropriations to correct for February 2022 forecast changes.
- 49 **English learner cross subsidy aid.**
Eliminates the appropriation for English learner cross subsidy aid for fiscal year 2023 and later.
- 50 **Legislative working group on identifying the appropriate student eligibility metric for calculating compensatory revenue.**
Creates an eight-member legislative work group (four House and four Senate members) to study requirements and practices to identify qualifying students. Requires the work group to seek input from state demographer, the Children’s Cabinet, state agencies, school districts and charter schools, county program managers implementing MNBenefits, and other interested stakeholders.

Requires the Department of Education to provide technical support for the legislative work group. Requires the work group to report its results to the Governor and Legislature by June 30, 2023.

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51 Appropriation; Declining pupil aid.

Appropriates \$25,000,000 in fiscal year 2023 for payment of additional one time declining pupil aid to school districts that had a decline in enrollment between the fall of 2020 and the fall of 2021.

52 Repealer.

Repeals:

- Section 124D.4531, subdivision 3a - obsolete career and technical subdivision.
- Section 124D.4531, subdivision 3a - obsolete language adjusting career and technical education revenue amounts.

Article 2: Education Excellence

Modifies early literacy requirements. Emphasizes science-based reading. Modifies compulsory education and graduation requirements, and the world’s best workforce provisions. Modifies student discipline provisions, gifted and talented programming, and achievement and integration plan requirements, among others.

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1 Private data; when disclosure is permitted. [Educational data]

Allows educational data to be disclosed to Tribal Nations about Tribally enrolled or descendant students.

2 Education records. [Compulsory instruction]

Requires student records transmitted when a student transfers schools to include pupil withdrawals and services a student needs to prevent inappropriate behavior from recurring.

3 Knowledge and skills. [Compulsory instruction]

Adds ethnic studies to the list of subject areas in which all students must receive instruction.

4 Required standard. [Definitions]

Adds art to list of required statewide standards. Currently, arts standards are adopted at the district level.

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5 Required academic standards.

Requires arts standards to be adopted at the state level, rather than the district level, and adds a fifth art area, media arts. Schools must offer at least three and require at least two arts areas for elementary and middle school students and offer at least three and require at least one arts area for high school students.

6 Standards development. [Required academic standards]

Requires the commissioner to consider advice from the following stakeholders, in addition to those already listed in statute: representatives from the Tribal Nations Education Committee and Minnesota’s Tribal Nations and communities; district and charter school students in kindergarten through grade 12; and other stakeholders representing the ethnic, racial, and geographic diversity of Minnesota, including diversity of gender and sexual orientation, immigrant status, and religious and linguistic background.

7 Rulemaking. [Required academic standards]

Clarifies commissioner’s authority to amend rules on academic standards.

8 Revisions and reviews required. [Required academic standards]

Requires Indigenous education standards that include the contributions of American Indian Tribes and communities to be embedded into the state’s academic standards and graduation requirements. Requires the commissioner to embed ethnic studies into state academic standards. Delays review of physical education standards by four years.

9 Elective standards. [Elective standards]

Requires a district to regularly review its career and technical education standards. Requires standards to align with Minnesota career and technical education Frameworks, standards developed by national career and technical education organizations, or recognized industry standards.

10 Graduation requirements. [Credits]

Requires arts credit to satisfy state rather than local standards. Requires the 3.5 social studies credits needed for graduation to include credit for a course in government and citizenship in grade 11 or 12 for students beginning 9th grade in the 2023-2024 school year and later; students beginning 9th grade in the 2024-2025 school year must also study ethnic studies within the social studies credits. Requires students beginning 9th grade in the 2023-2024 school year and later to complete a personal finance course for credit during their senior year of high school. Allows the credit to satisfy a social studies credit, career and technical education credit, or credit requirement, as determined by the school board.

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11 Credit equivalencies. [Credits]

Modifies reference to a school’s agriculture program to include food and natural resources education. Changes reference to administrative rule setting standards for awarding science, mathematics, or arts credit through career and technical education from subpart on ability to grant credit, to subpart on minimum standards for granting credit. The rule subpart being waived requires an instructor to have passed licensure exams for which the credit is to be granted.

12 Ethnic studies curriculum.

Defines “ethnic studies.”

13 Ethnic studies.

Subd. 1. Definition. Defines “ethnic studies.”

Subd. 2. Requirements. Requires a student beginning grade 9 in the 2024-2025 school year and later to complete a semester-long ethnic studies course to graduate from high school. Requires a district or charter school to offer an ethnic studies course without increasing the number of credits required for graduation.

Requires districts and charter schools to provide ethnic studies instruction in elementary and middle schools by the 2025-2026 school year.

Subd. 3. Rulemaking. Requires the commissioner to adopt rules for statewide standards for ethnic studies curriculum to be required for all kindergarten through grade 12 students.

Subd. 4. School needs assessment. Requires a district or charter school to conduct an ethnic studies needs assessment with students, parents, and community members. Requires a district or charter school to annually evaluate implementation of ethnic studies instruction, and report to the commissioner on plans to modify implementation.

Subd. 5. Department of Education. Requires the department to hire sufficient staff to carry out specified duties, including monitoring school districts and charter schools implementation of ethnic studies courses. Requires the commissioner to review and revise the ethnic studies standards every ten years.

Subd. 6. Model curriculum. Requires the department to encourage districts and charter schools to use the model ethnic studies curriculum that the Ethnic Studies Task Force identifies. Lists required elements and topics of model curriculum.

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Effective date: This section is effective July 1, 2022, except subdivision 3, which is effective the day following final enactment.

14 Physical education; excusal from class.

Strikes language encouraging schools not to exclude students in kindergarten through grade 5 from recess as punishment or discipline.

Effective date: This section is effective July 1, 2022.

15 Definitions. [World’s best workforce]

Adds definitions for “ethnic studies,” “antiracist,” “culturally sustaining,” “institutional racism,” and “on track for graduation.”

16 Performance measures. [World’s best workforce]

Adds performance measures in a district’s world’s best workforce plan to include (1) participation in honors or gifted and talented programming, and (2) students on track for graduation. Requires districts, beginning with the 2023-2024 school year, to report on participation and performance on advanced placement, international baccalaureate, and dual enrollment programs. Requires reporting on performance measures for student subgroups.

This section is effective July 1, 2022.

17 Adopting plans and budgets. [World’s best workforce]

Requires districts’ world’s best workforce plans to include ethnic studies curriculum, and anti-racist and culturally sustaining curriculum; modifies other plan requirements.

Effective date: This section is effective for all strategic plans reviewed and updated after June 30, 2023.

18 District advisory committee. [World’s best workforce]

Requires district advisory committee to recommend strategies regarding curriculum and learning and work environments.

19 Closing educational opportunity gaps grants.

Subd. 1. Grant program established. Establishes a grant program to support world’s best workforce strategies and collaborative efforts that address opportunity gaps.

Subd. 2. Definitions. Defines terms, including “antiracist,” “equitable,” “institutional racism,” “opportunity gap,” and “structural.”

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Subd. 3. Applications and grant awards. Requires the commissioner of education to determine application procedures and deadlines, select schools to receive grants, and determine award amounts.

Subd. 4. Description. Requires grants to be used to support efforts that close opportunity gaps in specified ways.

Subd. 5. Report. Requires grant recipients to report to the commissioner.

Effective date: This section is effective July 1, 2022.

20 **Reading proficiently no later than the end of grade 3.**

Modifies the goal of the literacy aid program to require evidence-based reading instruction through a multitiered system of support by 2027. Requires the instruction to focus on reading skills of phonemic awareness, phonics, fluency, oral language, and vocabulary and reading comprehension skills.

Requires schools to assess students in kindergarten through grade 2 who have not yet demonstrated mastery of foundational reading skills using an MDE-approved screening tool and share the data from the screening with MDE in the form and manner approved by the commissioner. Requires the screening tool schools use to assess children in grade 3 or higher to be approved by MDE. Requires the screening tool schools use to assess English learner students to be approved by MDE.

Requires districts to report their screening data to MDE twice a year (instead of just once a year). Requires schools to notify parents of students not reading at grade level on a quarterly basis about their student's progress (current law requires an annual notification).

Requires reading intervention methods to be taught by a certified or licensed reading specialist. Requires schools to develop a personal learning plan for each kindergarten through grade 3 student who is not reading at grade level proficiency. Strikes language allowing learning plan to include grade retention.

Makes clear that districts must provide appropriate, necessary staff development to early childhood educators (currently the staff development mandate applies to elementary school teachers) based in the science of reading.

Requires schools, through their literacy incentive aid, to offer training and provide ongoing coaching in the science of reading using an MDE-approved program to all kindergarten through grade 3 teachers and support staff by July 1, 2027.

Requires local literacy plan to use the MDE template, include multitiered systems of support, include a process to screen students for dyslexia, and other components.

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- Requires the commissioner to provide a menu of state-approved assessment tools, and provide opportunities for teachers to be trained in the science of reading.
- 21 **Gifted and talented students program and services.**
Requires “services” in addition to “programs” in the gifted and talented statute. Requires identification assessments and procedures to be sensitive and equitable to underrepresented groups, and to be coordinated for optimal identification of programs and services for underrepresented groups.
- 22 **Statewide testing. [Statewide testing and reporting system]**
Modifies attendance measure used in statewide reporting system from average daily attendance to consistent attendance. Substitutes ACT for the American College Test.
- 23 **Statewide and local assessments; results. [Statewide testing and reporting system]**
Strikes definitions related to adaptive assessments and above grade level or below grade level questions.
- 24 **Limits on local testing.**
Modifies date by which a district or charter school must publish its testing calendar.
- 25 **State growth measures; other state measures. [Student academic achievement and growth]**
Modifies use of growth measures. Modifies demographic categories for student data reporting. Requires groups to be determined by a ten-year cycle using the American Community Survey, using five-year datasets. Requires the commissioner to implement an appropriate growth model for identifying schools and districts that demonstrate progress toward English language proficiency.
Effective date: This section is effective the day following final enactment. The next update to the data used to determine the most populous groups must be implemented in 2026 using the 2021-2025 dataset.
- 26 **Student progress and other data. [School accountability]**
Strikes growth targets from list of actions the department undertakes.
- 27 **American Indian mascots prohibited.**
Subd. 1. Prohibition. Prohibits a district from adopting a name, symbol, or image of an American Indian tribe, custom, or tradition as a mascot, nickname, logo, letterhead, or team name of the district or school. Allows a district to seek an exemption from the Tribal Nations Education Committee and the Indian Affairs Council.

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Subd. 2. Definitions. Defines terms including “American Indian” and “mascot.”

28 Multi-tiered system of support.

Defines the Minnesota Multi-Tiered System of Support (MnMTSS) as a system, continuous improvement framework for ensuring positive social, emotional, behavioral, developmental, and academic outcomes for every student. Lists required components of framework.

29 Dismissal. [Definitions]

Modifies definition of “dismissal” to include out-of-school suspensions, not in-school suspensions.

30 Suspension.

Defines “in-school suspension” and “out-of-school suspension.”

Effective date: This section is effective for the 2022-2023 school year and later.

31 Nonexclusionary disciplinary policies and practices; alternatives to pupil removal and dismissal.

Defines nonexclusionary disciplinary policies and practices as alternatives to removal or dismissal that require school officials to intervene in, redirect, and support a student’s behavior before removal or dismissal.

Effective date: This section is effective for the 2022-2023 school year and later.

32 Pupil withdrawal agreement.

Defines a pupil withdrawal agreement as a verbal or written agreement between a school and a parent to withdraw the student to avoid expulsion or exclusion dismissal proceedings; limits a pupil withdrawal agreement to 12 months.

Effective date: This section is effective for the 2022-2023 school year and later.

33 Full and equitable participation in early learning.

Prohibits dismissal of a student in kindergarten through grade three unless nonexclusionary discipline measures have been exhausted and there is an ongoing serious safety threat to the child or others.

“Dismissal” is defined in the Pupil Fair Dismissal Act as the denial of the current educational program to a pupil, including exclusion, expulsion, and suspension. Dismissal does not include removal from class.

Effective date: This section is effective July 1, 2022.

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- 34 **Provision of alternative programs. [Grounds for dismissal]**
Requires a school to use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements.
Effective date: This section is effective for the 2022-2023 school year and later.
- 35 **Provision of alternative education services; suspension pending expulsion or exclusion hearing. [Suspension procedures]**
Requires schools to provide alternative education services to students who are suspended more than five consecutive school days.
Effective date: This section is effective for the 2022-2023 school year and later.
- 36 **Minimum education services. [Suspension procedures]**
Requires school officials to give suspended students the opportunity to complete all school work assigned during the suspension and receive full credit for the assignments. Encourages a principal to designate a school employee as a liaison to work with the student’s teachers to allow the student to receive timely course materials and complete assignments and receive feedback.
Effective date: This section is effective for the 2022-2023 school year and later.
- 37 **Written notice. [Exclusion and expulsion procedures]**
Requires written notice of intent to impose an expulsion to describe the nonexclusionary disciplinary policies and practices offered the student to avoid the expulsion. Requires a district inform parents that the department’s list of legal resources is posted on the department’s website.
Effective date: This section is effective for the 2022-2023 school year and later.
- 38 **Admission or readmission plan. [Exclusion and expulsion procedures]**
Requires an admission or readmission plan to include measures to improve the student’s behavior and lists optional elements of the plan. Requires the plan to include parental involvement in the admission or readmission process.
Effective date: This section is effective for the 2022-2023 school year and later.
- 39 **Exclusions and expulsions; student withdrawals; and physical assaults. [Report to the commissioner]**
Requires districts to report on pupil withdrawal agreements and nonexclusionary disciplinary practices to the commissioner.

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Effective date: This section is effective for the 2022-2023 school year and later.

40 Policies to be established.

Requires school discipline policies to include nonexclusionary disciplinary policies and practices.

Requires schools to make sure students who have been expelled or excluded, or withdrawn, are on track for readmission with peers, remain eligible for school-based or school-linked mental health services, and have information on accessing mental health services.

Effective date: This section is effective for the 2022-2023 school year and later.

41 Required policy. [Discipline and removal of students from class]

Requires a discipline policy to contain a procedure to file a complaint regarding the application of discipline policies and seek corrective action.

42 Policy components. [Discipline and removal of students from class]

Requires policy to include procedures to ensure victims of bullying who respond with behavior not allowed under the school’s behavior policies have access to a remedial response, consistent with the bullying statute; prohibit the use of exclusionary practices for early learners; and prohibit the use of exclusionary practices to address attendance and truancy issues.

43 Discipline complaint procedure. [Discipline and removal of students from class]

Requires the discipline policy to have procedures for students, parents and other guardians, and school staff to file a complaint and seek corrective action when student discipline statutes are not being implemented appropriately. Requires policy to contain specific components.

44 Recess and other breaks.

Defines “recess detention.” Encourages districts and charter schools to ensure student access to structured breaks, and limits when recess detention may be used. Requires parent notification when recess detention is used, and requires districts and charter schools to compile information on recess detention use. Prohibits withholding or excessively delaying student participation in scheduled mealtimes.

45 Comprehensive, scientifically based reading instruction.

Replaces the term “balanced instruction” in regard to scientifically based reading instruction with “explicit systematic instruction.” States that scientifically based instruction occurs within a multitiered system of support framework.

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Defines “phonics instruction” as the explicit, systematic, and direct instruction of the relationships between letter and the sounds they represent and the application of this knowledge in reading and spelling. Defines “foundational reading skills” as phonological and phonemic awareness, phonics or decoding and fluency. Requires grade level mastery of foundational readings skills for students in kindergarten through grade 2. States that struggling readers in grade 3 and higher who demonstrate deficits in foundational reading may require explicit systematic instruction.

Defines “multitiered system of support” as a systematic, preventative approach that addresses academic, behavioral, and social-emotional needs of all students.

Requires school districts and charter schools to transition away from reading instruction that uses either visual memory as the primary basis for teaching word recognition, or that uses a meaning, structure and syntax, and visual cueing system.

46 Definitions. [Postsecondary enrollment options act (PSEO)]

Prohibits a postsecondary institution participating in PSEO from requiring a faith statement for a PSEO student during the application process or basing an admissions decision on a PSEO student’s race, creed, ethnicity, disability, gender, or sexual orientation or religious beliefs or affiliations.

47 Enrollment priority. [Postsecondary Enrollment Options Act]

Eliminates limits on when postsecondary institutions may provide information to high school students and parents, advertise, recruit, or solicit high school students to enroll in the institution’s courses.

48 Courses according to agreements. [Postsecondary Enrollment Options Act]

Requires a high school and a postsecondary institution that enroll students in concurrent enrollment courses to report to the commissioner the participation rates of students in the courses.

49 Credits; grade point average weighting policy. [Postsecondary Enrollment Options Act]

Requires a school board to adopt the same weighted grade point average policy for credits earned through PSEO as it does for credits earned through concurrent enrollment courses.

50 Financial arrangements. [PSEO Act]

Reduces the withdrawal and absence periods from first 14 to first ten business days of quarter or semester, accelerating the time that the department stops payments to a postsecondary institution when a student withdraws or stops attending a class.

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- 51 **Department of Education. [Online learning fees]**
Establishes an online learning program fee administration account in the special revenue fund in the state treasury. Requires the current online learning program approval fees to be placed in this account and annually appropriates the money from this account to the commissioner of education for agency costs associated with administering and monitoring online and digital learning programs.
- 52 **Program established. [Learning year program to provide instruction throughout year]**
Eliminates provision permitting student to participate in program and accelerate attainment of grade level or graduation requirements.
- 53 **After-school community learning program.**
Modifies the existing after-school community learning program grant language. Removes eligibility for child care centers. Requires grant programs to offer a broad array of academic enrichment activities. Authorizes the commissioner to award grants to community or nonprofit organizations, American Indian organizations, Tribal nations, political subdivisions, libraries, or school-based programs operating during nonschool hours. Refines the program objectives. Requires grant applicants to include an assessment of needs and resources, a description of the programs partnership between a school and another entity, and a description and explanation of the plan to provide services.

Requires the commissioner to prioritize grants to applicants intending to serve low-income and underserved students by providing opportunities for academic enrichment and added services. Requires the commissioner to equitably award grants to programs in rural, suburban, and urban communities. Requires the commissioner to provide technical assistance and evaluate the performance of the programs.
- 54 **Program described. [American Indian education programs]**
Clarifies that American Indian education programs are designed to support American Indian students. Modifies description of instruction in American Indian language, literature, history, and culture.
- 55 **Enrollment of other children; shared time enrollment. [American Indian education programs]**
Limits enrollment in American Indian education programs on a shared time basis to American Indian children.

Section Description – Article 2: Education Excellence

- 56 **Location of programs. [American Indian education programs]**
Modifies the settings where American Indian education programs may be offered on a daily basis.
- 57 **American Indian culture and language classes. [American Indian education programs]**
Requires a district or Tribal contract school that conducts American Indian education programs under the American Indian Education Act and serves 100 or more state-identified American Indian students enrolled in the district to provide American Indian culture and language classes.
- 58 **American Indian Education program coordinators, paraprofessionals.**
Requires districts and Tribal contract schools to employ dedicated American Indian education program coordinators, rather than community coordinators or Indian home/school liaisons.
- 59 **Parent and community participation.**
 Subd. 1. Parent committee. Includes districts, charter schools, and Tribal contract schools in requirements relating to parent committees.
 Subd. 2. Annual compliance. Modifies requirements relating to American Indian parent advisory committee’s vote of concurrence or nonconcurrence with offerings extended to American Indian students.
 Subd. 3. Membership. Modifies eligibility for membership in American Indian parent advisory committee.
 Subd. 4. Alternate committee. Replaces reference to American Indian school with reference to Tribal contract school.
 Subd. 5. State-identified American Indian. Establishes how count of state-identified American Indian students is determined.
- 60 **Duties; powers. [Indian education director]**
Modifies duties of the American Indian education director and references to parties with whom the director must work collaboratively and in conjunction with.
- 61 **Graduation ceremonies; tribal regalia and objects of cultural significance.**
Requires a district or charter school to allow an American Indian student to wear American Indian regalia, Tribal regalia, or objects of cultural significance at graduation ceremonies.

Section Description – Article 2: Education Excellence

Effective date: This section is effective the day following final enactment.

62 Procedures. [American Indian education aid program]

Clarifies a reference.

63 Plans. [American Indian education aid program]

Clarifies an eligible school receives American Indian education aid.

64 American Indian education aid.

Increases the minimum amount of American Indian education aid for each district with an American Indian education program from \$20,000 to \$40,000 for fiscal year 2023 and later. Links the American Indian education formula allowance of \$358 per qualifying student and the minimum aid amount to the growth in the general education basic formula allowance for fiscal year 2024 and later.

65 Records. [American Indian education aid.]

Strikes “pilot” from description of American Indian education programs.

66 Revenue amount. [State revenue for American Indian Tribal contract or grant schools.]

Increases the amount of aid to Tribal contract or grant schools by increasing the percentage of formula allowance for fiscal years 2023 and later from 51.17 to 52 percent.

Effective date: This section is effective for fiscal year 2023 and later.

67 Achievement and integration; plan implementation; components.

Modifies achievement and integration plan requirements. Requires plans to include strategies to validate, affirm, embrace, and integrate cultural and community strengths; and to address institutional racism. Requires districts to use local data to the extent practicable to develop plan components and strategies. Requires districts to implement interventions to eliminate academic disparities for students impacted by racial, gender, linguistic, and economic inequities.

Effective date: This section is effective for all plans reviewed and updated after the day following final enactment.

68 Literacy incentive aid uses.

Requires literacy incentive aid to be used to:

1. train prekindergarten through grade 3 teachers and support staff in the science of reading by July 1, 2027;

Section Description – Article 2: Education Excellence

2. hire, no later than July 1, 2027, a licensed reading and dyslexia specialist who is trained in the science of reading to oversee the school district or charter school’s implementation of science-based reading instruction;
 3. for an identified underperforming school, hire a literacy coach trained in the science of reading to support teachers and implement multitiered systems of support; and
 4. provide materials, training, and coaching to ensure alternate instruction is based in the science of reading.
- 69 **Restrictive procedures.**
Broadens application of restrictive procedures statutes from only students with disabilities to all students.
- 70 **Restrictive procedures plan. [Standards for restrictive procedure]**
Broadens the role of the oversight committee to review the use of restrictive procedures for disproportionality, racial disparities, usage of restrictive procedures, involvement of school resource officers, student documentation of whether staff followed the appropriate standards, and whether restrictive procedures are contraindicated for the student.
- 71 **Restrictive procedures. [Standards for restrictive procedures]**
Modifies requirement for IEP meeting, depending on whether student is a student with a disability.
- 72 **Physical holding or seclusion. [Standards for restrictive procedures]**
Requires a debriefing process following the use of a restrictive procedure.
- 73 **Tobacco products prohibited in public schools.**
Allows an American Indian student to carry a medicine pouch containing loose tobacco intended in observance of traditional spiritual or cultural practices. Defines an American Indian as a person having origins in any of the original peoples of North America who maintain cultural identification through Tribal affiliation or community recognition.
- 74 **Achievement and integration aid appropriation.**
Modifies the Achievement and Integration in Minnesota appropriation to correct for February 2022 forecast changes.

Section Description – Article 2: Education Excellence

- 75 **American Indian education aid.**
Adjusts the American Indian education aid appropriation to correct for February 2022 forecast changes and increases the fiscal year 2023 appropriation to fund the enhanced site-minimum level of funding required in this article.
- 76 **Charter school building lease aid.**
Adjusts the charter school building lease aid appropriation to correct for February 2022 forecast changes.
- 77 **Concurrent enrollment aid.**
Increases the fiscal year 2023 appropriation for concurrent enrollment aid and the base for fiscal years 2024 and 2025.
- 78 **Minnesota math corps.**
Increases the base for fiscal year 2024 and later.
- 79 **Tribal contract school aid.**
Adjusts the tribal contract school aid for fiscal years 2022 and 2023.
- 80 **National and international education comparisons. [Statewide testing and reporting]**
Requires districts and schools selected to participate in the national assessment of educational progress or similar assessments to do so.
- 81 **Ethnic Studies Task Force.**
 Subd. 1. Task force established. Establishes a task force to advise the commissioner on ethnic studies standards, curriculum, and resources necessary to implement ethnic studies requirements. Lists required members of task force.

 Subd. 2. Duties. Establishes duties of the task force, including developing ethnic studies standards to propose for adoption into statewide standards. Requires the task force to submit the standards and recommendations to the commissioner by October 31, 2023, and the model curriculum by July 1, 2024.

 Subd. 3. Meetings and compensation. Establishes meeting and compensation requirements for task force.

 Subd. 4. Administration. Requires the commissioner to provide meeting space and technical assistance for the task force.

Section Description – Article 2: Education Excellence

Subd. 5. Statewide academic standards. Requires the commissioner to adopt the ethnic studies standards developed by the task force using the expedited rulemaking process under section 14.389.

Effective date: This section is effective the day following final enactment.

82 Computer science education foundational blueprint.

Subd. 1. Foundational blueprint. Requires the commissioner to develop a foundational blueprint for a statewide computer science program for elementary and secondary schools, in consultation with the Computer Science Education Task Force. Lists required components of blueprint. Requires the commissioner to submit the blueprint to the legislature by January 31, 2023.

Subd. 2. Task force. Requires the commissioner to convene a task force to advise the commissioner on the development of the blueprint. Lists required members of the task force.

Effective date: This section is effective the day following final enactment.

83 Appropriations.

See fiscal tracking sheet.

84 Revisor instruction.

Instructs the Revisor to renumber statutory provisions relating to statewide assessments and reporting requirements.

85 Repealer.

Repeals Minnesota Statutes, section 120B.35, subdivision 5, which requires districts to develop strategies to keep students with emotional or behavioral disorders in school and increase their graduation rates.

Article 3: Teachers

Increases Grow Your Own programming and funding. Requires teachers to demonstrate professional development in the cultural heritage and contributions of American Indians when seeking license renewal. Temporarily doubles the limit on the amount of salary a teacher may earn once collecting retirement before a portion of the teacher pension is deferred. Sets a goal for increasing the percentage of teachers of color and American Indian teachers, and modifies other provisions aimed at recruiting teachers of color and American Indian teachers. Requires time to complete due process forms and procedures.

Section Description – Article 3: Teachers

1 Increasing the percentage of teachers of color and American Indian teachers in Minnesota.

Subd. 1. Purpose. Establishes purpose of statute is to set state goals for increasing the percentage of teachers of color and American Indian teachers, and ensure all students have access to effective and diverse teachers who reflect the diversity of students.

Subd. 2. Equitable access to racially and ethnically diverse teachers. States goal that the percentage of teachers who are of color or American Indian should increase at least two percentage points per year to have a teaching workforce that more closely reflects the student population and ensure students have equitable access to effective and diverse teachers by 2040.

Subd. 3. Rights not created. States that goal in this section does not exclude other goals or confer a right or create a claim.

Subd. 4. Reporting. Requires the Professional Educator Licensing and Standards Board (PELSB) to report on aggregate outcomes of state programs related to the preparation or retention of diverse teachers.

Effective date: This section is effective the day following final enactment.

2 Curriculum policy.

Requires a school board to adopt a written policy that prohibits discrimination or discipline for a teacher or principal for incorporating into curriculum contributions by persons in a protected class.

3 Shortage area.

Requires PELSB to identify teacher shortage areas based on the number of assignments a district is unable to fill with a licensed teacher by November 1 of every even-numbered year, the number of out of field permissions issued, and the number of Tier 1 licenses issued in license fields with board-approved preparation programs.

Effective date: This section is effective July 1, 2022.

4 Survey of districts.

Requires the teacher supply and demand report to include district data on the number of teachers hired in the preceding two years, the number of teachers hired holding a license at each tier level, and the number of assignments the district was unable to fill with a licensed teacher, and licenses and permissions for license fields with a board-approved preparation program by economic development regions.

Effective date: This section is effective July 1, 2022.

Section Description – Article 3: Teachers

- 5 Mental illness. [Duties of Board of School Administrators]**
Requires the board to adopt rules that require school administrators renewing a license to have at least two hours of mental illness training, including at least one hour of suicide prevention training and one additional hour on specified topics.
- 6 Limitations on license. [Tier 1 license]**
Eliminates exclusion of Tier 1 teachers from definition of “teacher,” allowing Tier 1 teachers to be in the same bargaining unit as other teachers for purposes of collective bargaining.
- 7 Requirements. [Tier 3 license]**
Requires PELSB to issue a Tier 3 license to a candidate who either: (1) completed a teacher preparation program from a culturally specific minority serving institution and is eligible for a teacher license in another state; or (2) completed a university teacher preparation program in another country and has taught at least two years. Requires candidate to have completed student teaching comparable to Minnesota requirements.
- 8 Requirements. [Tier 4 license]**
Allows candidate for Tier 4 license to meet teaching experience requirement with experience in another state.
- 9 Tests. [Teacher licensure assessment]**
Paragraphs (a) and (b) strike the skill test requirements for Tier 4 license. Eliminates Tier 3 and Tier 4 pedagogy and content exam requirements for candidates who have completed board-approved preparation programs, and candidates who have completed preparation programs in other states where they have passed licensure examinations. Requires PELSB to adopt rules allowing for a performance assessment to be used in place of an examination.

Paragraph (c) requires testing centers to provide monthly opportunities for untimed content and pedagogy exams. Requires a candidate who has not passed a required exam after two attempts to be allowed to retake the exam for free.
- 10 American Indian history and culture.**
Requires the Professional Educator Licensing and Standards Board (PELSB) to adopt rules requiring any teacher renewing a teaching license to demonstrate professional development in the cultural heritage and contemporary contributions of American Indians, with emphasis on Minnesota Tribal Nations.

Effective date: This section is effective July 1, 2023.

Section Description – Article 3: Teachers

- 11 Hiring, dismissing. [Employment contracts; terms and conditions (districts in cities outside the first class)]**
Requires a district to report all new teacher hires and terminations by race and ethnicity annually to PELSB.
Effective date: This section is effective the day following final enactment.
- 12 Probationary period. [Employment contracts; terms and conditions (districts in cities outside the first class)]**
Modifies probationary period for a teacher who has taught for three consecutive years in a single district or charter school in Minnesota or another state by allowing the teacher to obtain continuing contract status after serving a one-year probationary period rather than a three-year period.
Effective date: This section is effective for collective bargaining agreements effective July 1, 2023, and later.
- 13 Development, evaluation, and peer coaching for continuing contract teachers. [Employment contracts; terms and conditions (districts in cities outside the first class)]**
Requires districts to use a rubric or performance standards for teacher practice that includes teachers’ cultural responsiveness, and to have common descriptions of effectiveness using at least three levels of performance.
Effective date: This section is effective July 1, 2023.
- 14 Probationary period; discharge or demotion. [Teacher Tenure Act; cities of the first class]**
Modifies probationary period for a teacher who has taught for three consecutive years in a single district or charter school in Minnesota or another state by allowing the teacher to obtain tenure with a one-year probationary period rather than a three-year period.
Effective date: This section is effective for collective bargaining agreements effective July 1, 2023, and later.
- 15 Development, evaluation, and peer coaching for continuing contract teachers.**
Requires districts to use a rubric or performance standards for teacher practice that includes teachers’ cultural responsiveness, and to have common descriptions of effectiveness using at least three levels of performance.
Effective date: This section is effective July 1, 2023.

Section Description – Article 3: Teachers

- 16 **Hiring and dismissal. [Teacher tenure act; cities of the first class]**
Requires a district to report all new teacher hires and terminations by race and ethnicity annually to PELSB.
Effective date: This section is effective the day following final enactment.
- 17 **Basic alternative teacher compensation aid. [Qcomp aid]**
Increases the statewide basic alternative teacher compensation aid cap such that all sites currently participating in the program are funded at the full formula amount.
- 18 **Revenue uses. [Qcomp]**
Requires alternative teacher compensation revenue to be used for the purposes outlined in the school’s Qcomp plan. Requires that no more than 5 percent of a school’s Qcomp revenue may be spent by the school on administrative costs.
- 19 **Revenue reserved. [Qcomp]**
Requires a school district or charter school to place its Qcomp revenue in a reserved account that may be used only for Qcomp programming.
- 20 **Preparation time.**
Requires collective bargaining agreements for teachers to include provisions for due process forms and procedures for teachers working with students receiving special education services, and establishes additional per pupil revenue for this time. Sets the initial aid amount for districts and charter schools at \$19 per pupil units for the current fiscal year, and for intermediate districts and cooperative units at \$3.75 per pupil unit. If the parties cannot agree on the language, the agreement must by default include a provision giving teachers providing direct special education services an additional 20 hours of paid time for due process forms and procedures in addition to the required preparation time. The requirement would begin to apply in the 2022-2023 school year. Charter schools are eligible for the revenue if the teachers have an exclusive representative for purposes of collective bargaining.
Effective date: This section is effective the day following final enactment.
- 21 **Collaborative urban and greater Minnesota educators of color grant program.**
 Subd. 1. Establishment. Modifies purpose of grant.

 Subd. 2. Competitive grants. Requires applicants to submit a plan describing how it will use grant funds, and modifies priority order for criteria.

Section Description – Article 3: Teachers

Subd. 3. Grant program administration. Requires PELSB to establish a standard allowable dollar range for the amount of direct financial assistance an institution may provide to a candidate, and describes how range must be established.

Subd. 4. Report. Modifies reporting requirement for institutions awarded grants.

22 Teacher mentorship and retention of effective teachers.

Modifies uses of grant funds. Requires PELSB to prioritize grants for efforts to induct, mentor, and retain Tier 2 or 3 teachers who are of color or American Indian, and Tier 2 or 3 teachers in licensure shortage areas. Allows grants to be awarded for up to 24 months. Modifies reporting deadline.

Effective date: This section is effective July 1, 2022.

23 Concurrent enrollment teacher partnership.

Clarifies the language of the concurrent enrollment teacher partnership and consolidates the language of the Northwest partnership program and the statewide program. Establishes the Lakes Country Service Cooperative as the fiscal host for the voluntary partnership among Lakes Country Service Cooperative, the Northwest Service Cooperative, the Metro Service Cooperative, and the Minnesota State College and University system.

Declares, going forward, that the concurrent enrollment teacher partnership may: (1) provide funding for course development in applicable postsecondary subject areas; (2) work with school districts to develop incentives for teachers to participate in the program; and (3) enroll college faculty, as space permits, and provide financial assistance if state aid remains available.

Removes obsolete language.

24 Principals; duties, evaluation.

Requires principal evaluations to support and improve principal's culturally responsive leadership practices.

Effective date: This section is effective July 1, 2023.

25 Terms and conditions of employment. [PELRA]

Requires collective bargaining over class sizes in school districts and charter schools, student testing, and student to personnel ratios in school districts.

Section Description – Article 3: Teachers

- 26 **Concurrent enrollment teacher training program.**
Increases the fiscal year 2023 appropriation for the concurrent enrollment teacher training program.
- 27 **Grow Your Own.**
Increases the fiscal year 2023 appropriation for the Grow Your Own new teacher program.
- 28 **Nonexclusionary discipline.**
Adds funding for fiscal year 2023 for nonexclusionary discipline training for school staff, and sets the base funding at \$5,000,000. The 2021 legislature funded the training for fiscal year 2022 only.
- 29 **Expanded concurrent enrollment grants.**
Increases the fiscal year 2023 funding for grants for “Introduction to Teaching” or “Introduction to Education” college in the schools courses.
- 30 **Alternative teacher compensation aid.**
Adjusts the appropriation for alternative teacher compensation aid (QComp) for fiscal years 2022 and 2023.
- 31 **Collaborative urban and greater Minnesota educators of color grants.**
Increases the fiscal year 2023 appropriation for the collaborative urban and greater Minnesota educators of color grant program.
- 32 **Teacher supply and demand report.**
Requires the Professional Educator Licensing and Standards Board to include in the 2023 supply and demand report the number of teacher openings, by school district, for teachers with licenses in specified fields. For each field, the report must include the number of teachers hired, by district, at each license level, and the number of teacher assignments the district was unable to fill with a licensed teacher.

Effective date: This section is effective the day following final enactment.
- 33 **Temporary increase in Teachers Retirement Association (TRA) earnings limitation.**
Temporarily Increases the earnings limit maximum prior to deferral for a retired teacher collecting a TRA pension from its current level of \$46,000 per year to \$92,000 per year for fiscal years 2023, 2024, and 2025 only.
- 34 **Appropriations.**
See fiscal tracking sheet.

Article 4: Charter Schools

This article defines new terms, requires market need and demand studies, modifies admissions requirements, and makes other changes.

Section Description – Article 4: Charter Schools

- 1 Definitions.**
Defines “charter management organization,” “education management organization,” “market need and demand study,” and “online education service provider.”
Effective date: This section is effective July 1, 2022.
- 2 Certain federal, state, and local requirements. [Applicable law]**
Requires charter schools to comply with statute on alternatives to suspension.
- 3 English learners. [Applicable law]**
Requires charter schools to comply with the Education for English Learners Act.
- 4 Application content. [Authorizers]**
Makes term of a charter school authorizer open-ended instead of being limited to five years.
- 5 Withdrawal. [Authorizers]**
Amends authorizer withdrawal requirements.
- 6 Individuals eligible to organize. [Forming a school]**
Requires an authorizer application to include a market need and demand study; strikes requirement that application include a statement of assurances of legal compliance.
- 7 Authorizer’s affidavit; approval process. [Forming a school]**
Requires an authorizer affidavit to include a market need and demand study.
- 8 Adding grades or sites. [Forming a school]**
Requires an authorizer approving a school’s application to add grades or primary enrollment sites to include a market need and demand study in the supplemental affidavit filed with the commissioner.
- 9 Membership criteria. [Board of directors]**
Requires teachers serving on a charter school board of directors to meet the definition of licensed teacher under section 122A.06, subdivision 2.

Section Description – Article 4: Charter Schools

10 Admission requirements and enrollment.

Requires charter school admission to be free to a resident of Minnesota, and gives enrollment preference to Minnesota residents over out-of-state residents. Requires students enrolled in a charter school’s prekindergarten program to apply for entry into kindergarten without receiving an enrollment preference.

Modifies admissions preferences for charter schools that serve at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf, hard-of-hearing, or deafblind. The charter school would be able to give an enrollment preference to students who are eligible for special education services and have that same primary disability. The school would not be able to limit admission based on the child’s eligibility for other special education services.

11 Leased space. [Facilities]

Requires a charter school to lease space from the owner of the space instead of subleasing the space.

12 Affiliated nonprofit building corporation. [Facilities]

Prohibits an affiliated building corporation from supporting more than one charter school.

13 Audit report. [Reports]

Requires a charter management organization or educational management organization to submit an audit report to the commissioner annually by December 31.

14 School closures; payments. [Payment of aids to charter schools]

Strikes an obsolete reference to chapter on cooperatives.

Article 5: Special Education

Increases special education funding by raising the portion of the unreimbursed special education costs that are funded. Creates a new special education funding category for certain high cost programs. Requires MDE to adopt a new rule for students with the disability category “specific learning disability.”

Section Description – Article 5: Special Education

1 Requirements for American sign language/English interpreters.

A person employed by a school district to provide American sign language/English interpretation or transliteration must hold one of two statutorily required

Section Description – Article 5: Special Education

certifications or have completed certain accredited training programs. This section adds Certified Deaf Interpreter (CDI) to the allowed types of certifications. CDI certifications are for individuals who are deaf or hard of hearing, have demonstrated understanding of interpreting and the Deaf community and culture, have special training in various communication methods, and are native or near-native fluent in American sign language.

Includes employees with the required certifications or credentials for American sign language/English interpreters as “essential personnel” under the section of statute governing special education aid.

2 Special instruction for children with a disability.

Modifies the maximum age for student participating in a special education transition program from July 1 after the student with a disability becomes 21 to when the student becomes 22 years of age. Increases the age of service to 23 years of age for the 2022-2023 school year only.

3 Individualized education programs.

Requires a paraprofessional assigned to work alone with a student with a disability to be given paid time or time during the school day to review the student’s individualized education program or be briefed on the student’s specific needs.

Requires a paraprofessional and certain other district staff employed to support students with disabilities to be provided at least 20 hours of paid orientation or professional development annually.

4 Paraprofessional training aid.

Establishes a formula to provide revenue for paraprofessional training aid. Sets the aid equal to \$196 times the number of paraprofessionals employed by the school district, charter school, or cooperative unit in the previous school year. Requires the money to be reserved and used only for the purposes of section 2.

5 Cross subsidy reduction aid.

Increases the amount of each school district’s special education cross subsidy that is paid by the state from 6.43 percent of the cross subsidy to 55 percent of the adjusted cross subsidy for fiscal year 2023 and later.

6 Aid payment percentage. (Special Education Aid)

Eliminates the additional shift of special education aid paid to school districts (the effect of eliminating this shift is to speed up the special education cash flow to school districts).

Section Description – Article 5: Special Education

7 Special education aid; regular.

Adjusts special education aid to match the February 2022 forecast and increases the fiscal year 2023 aid amount to fund the higher special education cross subsidy aid authorized under this article.

8 Legislative working group on special education tuition billing.

Subd. 1. Membership; chair. Requires the working group to have four house members and four senators. Appointments must be made by June 15, 2022, and the chair must convene the first meeting by June 30, 2022.

Subd. 2. Duties. Requires the working group to study tuition billing for special education and general education services provided to a student with a disability by a nonresident district, cooperative, or charter school. The group must seek input from the Department of Education and stakeholders, and recommend statutory changes to special education billing.

Subd. 3. Assistance. Requires the Department of Education to provide the working group with data to analyze special education billing costs and the effect of potential changes. Requires the Legislative Coordinating Commission to provide technical and administrative assistance to the working group upon request.

Subd. 4. Recommendations; report. Requires the working group to issue a report by January 31, 2023.

Subd. 5. Expiration. Sets the working group expiration date at February 1, 2023.

Effective date: This section is effective the day following final enactment.

9 Specific learning disability; rulemaking.

Requires the commissioner of education to amend Minnesota’s rules for the category of special education services called “specific learning disability.”

Prior to proceeding to rulemaking, requires the commissioner to appoint a stakeholder workgroup from a broad cross-section of interested parties to make recommendations and consider alignment of state and federal requirements. Requires the workgroup to evaluate intended and unintended results, including over-identification and under-identification of diverse student groups. Requires the work group to address paperwork and process issues.

Requires MDE to begin rulemaking after considering the recommendations of the workgroup and to complete rulemaking by June 30, 2024.

Section Description – Article 5: Special Education

Requires MDE, concurrent with rulemaking, to establish a process to provide technical assistance and training capacity through June 30, 2029.

Requires the amended rule to go into full effect no later than five years after the proposed revised rule is adopted by the administrative law judge.

10 Appropriation.

Appropriates funds for paid orientation and professional development for paraprofessionals under this article.

11 Legislative work group; appropriation.

Appropriates \$23,000 to the Legislative Coordinating Commission for the costs of the legislative working group examining special education tuition payments.

Article 6: Health and Safety

This article encourages schools to provide substance misuse awareness and prevention instruction, modifies the student bullying statute, requires school boards to address malicious and sadistic conduct, and requires districts and charter schools to maintain a supply of opiate antagonists. It also establishes student support personnel aid, and two lead comprehensive mental health services leads at the Department of Education.

Section Description – Article 6: Health and Safety

1 Substance misuse awareness and prevention.

Strongly encourages school districts and charter schools to provide substance misuse awareness and prevention instruction. Instruction must include the role of social media in substance misuse and in the distribution of illegal drugs. Encourages schools to provide instruction to students in higher grades, and to use peer-to-peer education programs to provide the instruction. Requires instruction to be evidence-based.

2 Safe and supportive schools programming. [School student bullying policy]

Strikes language encouraging districts and schools to provide instruction to reduce prohibited conduct, and take other actions. Replaces encouragement with requirement that districts engage students in creating a safe and supportive school environment, and take other actions.

3 State model policy. [School student bullying policy]

Requires the commissioner to develop procedures for reviewing district and school programs and policies on evidence-based social-emotional learning; and maintain

Section Description – Article 6: Health and Safety

resources to help schools implement strategies to create a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct. Requires the commissioner to develop and adopt state-level social-emotional learning standards.

4 Malicious and sadistic conduct.

Defines “malicious and sadistic conduct,” and requires school boards to prohibit malicious and sadistic conduct involving race, religion, disability, sexual harassment, sexual orientation, and sexual exploitation by a district or school staff member or student against another staff member or student. The new statute references the student bullying statute, which requires public schools to adopt a policy that addresses bullying. “Malicious and sadistic conduct” means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

5 Child abuse hotline number.

To the extent a school board or charter school receives nonpublic funds or in-kind contributions for posters with the national child abuse hotline number, it must display the posters in each school building or otherwise provide students notice of the hotline number.

6 Opiate antagonists.

Allows school districts and charter schools to maintain a supply of opiate antagonists at each site. The district or charter school can enter into an arrangement with suppliers to obtain the opiate antagonists at fair market, free, or reduced prices; a third party may also pay for the supply.

An “opiate antagonist” is defined as naloxone hydrochloride or any similarly acting drug approved by the Federal Drug Administration for the treatment of a drug overdose. An opiate antagonist may be administered by the persons authorized in Minnesota Statutes, section 151.37, subdivision 12. This statute allows a licensed physician, licensed advanced practice registered nurse, or licensed physician assistant to authorize certain individuals, including a licensed school nurse or certified public health nurse, to administer an opiate antagonist under certain circumstances.

Effective date: This section is effective July 1, 2022.

7 Mental health screening

Subd. 1. Screening required. Requires a district or charter school that receives student support personnel aid to hire student support staff to conduct mental health screenings on students in kindergarten through grade 12. Defines

Section Description – Article 6: Health and Safety

“student mental health support staff” as school psychologists, school social workers, school counselors, and chemical dependency counselors.

Subd. 2. Parent notice. Requires a district or charter school to give parents notice before a student participates in mental health screening and requires parental consent to conduct the screening. Requires notice to parents if a student’s screening indicates a potential mental health condition.

Subd. 3. Commissioner assistance. Allows the commissioner to provide districts and charter schools with sample mental health screenings and other resources.

Subd. 4. Screening data. Prohibits districts from using results of mental health screenings to make decisions relating to the student’s instruction or academic opportunities, or student discipline. Requires records to be maintained in accordance with state and federal law, and to be destroyed within a certain time frame.

Subd. 5. Intermediate school districts. Includes intermediate school districts and other cooperative units in the definition of “district” for purposes of this section.

Effective date: This section is effective July 1, 2022.

8 Student support personnel aid.

Creates a new ongoing state aid program to help fund additional school support personnel. Defines school support personnel as school counselors, school psychologists, school social workers, school nurses, and chemical dependency counselors.

Sets the initial aid amount at \$100 times the number of students enrolled in the school district or charter school during the current year. For small school districts, guarantees a minimum aid amount of \$50,000 for the school district. Creates a separate category of aid for intermediate school districts and other cooperative units serving students equal to \$6 per enrollee in the member school districts.

Allows a school district to contract for services with the money if the district is unable to hire a new full-time employee with the student support personnel aid.

Establishes an account in the special revenue fund to develop a student support personnel workforce pipeline.

Requires each school district to report annually to the commissioner of education on the impact of the funds and how the money has affected at least two of the following measures: (1) school climate; (2) attendance rates; (3) academic achievement; (4) career and college readiness; and (5) postsecondary completion rates.

Section Description – Article 6: Health and Safety

- 9 **Comprehensive school mental health services leads.**
Establishes two comprehensive school mental health services leads and duties of the leads.
- Subd. 1. Lead position established.** Requires the department to employ two school mental health services leads to address mental health needs in schools: one for students, and one for teachers and other school staff.
- Subd. 2. Assistance to districts.** Requires the leads to: help schools, upon request, to assess their comprehensive school mental health systems and develop improvement plans to implement evidence-based mental health resources, tools, and practices in school districts; establish a clearinghouse with information and resources; and work with schools to improve mental health infrastructure support. Allows the leads to report to the legislature as necessary.
- Subd. 3. Coordination with other agencies.** Requires the leads to consult with named state agencies or offices, and other federal, state, and local agencies as necessary to identify or develop information, training, and resources to help districts support students', teachers' and school staff's mental health needs.
- 10 **Appropriations.**
See fiscal tracking sheets.

Article 7: Facilities

Links the long-term facilities maintenance revenue formula allowance for school districts and charter schools to the growth in the general education basic formula allowance for fiscal year 2024 and later.

Section Description – Article 7: Facilities

- 1 **Long-term facilities maintenance revenue.**
Eliminates the age index from the Long-term Facilities Maintenance (LTFM) program. Authorizes a school board, by board resolution, to transfer any balance in its LTFM account to its reserved account for operating capital. Adjusts the LTFM program equalizing factor so that the full amount of the LTFM revenue increase is provided in state aid. Eliminates obsolete language.
- 2 **Long-term facilities maintenance equalized aid; appropriation.**
Adjusts long-term facilities maintenance equalized aid to match the February 2022 forecast.

Section Description – Article 7: Facilities

- 3 **Fund transfer; Burnsville-Eagan-Savage school district.**
Authorizes Independent School District No. 191, Burnsville-Eagan-Savage, to transfer the net proceeds from building lease payments, and the net proceeds from the sale of a facility, after bond obligations for that facility have been satisfied (or a sufficient amount to cover future bond payments has been deposited in the debt redemption fund), to the unreserved general fund.
- 4 **Lease levy for transportation hub; Eastern Carver County school district.**
Authorizes Independent School District No. 112, Eastern Carver County, to levy for the costs of a pupil transportation hub provided the district can show significant financial savings resulting from the transportation hub and provided the district's overall lease levy does not exceed the current statutory cap of \$212 per pupil unit.

Article 8: Nutrition and Libraries

Requires all schools eligible to participate in the Community Eligibility Provision (CEP) program to do so. Provides state funding to fully cover the cost of free school meals for all Minnesota children participating in the CEP designated site. Authorizes grants for funding other sites that offer free school meals to all students.

Section Description – Article 8: Nutrition and Libraries

- 1 **School lunch aid computation.**
Creates a new state category of school lunch aid for sites participating in the CEP program. Sets the aid amount as the difference between the total federal nutrition funding for lunches for that site and the amount necessary to fully reimburse each student meal served at that site.
- 2 **Summer Food Service Program and Child and Adult Care Food Program.**
Subd. 1. Summer Food Service Program replacement aid. Makes technical change.
Subd. 2. Child and Adult Care Food Program and Summer Food Service Program sponsor organizations. Limits how often legally distinct Child and Adult Care Food Program and Summer Food Service Program sites can transfer sponsoring organizations to once per year.
Subd. 3. Child and Adult Care Food Program and Summer Food Service Program training. Requires a nongovernmental organization to provide documentation to the Department of Education verifying that staff members have completed

Section Description – Article 8: Nutrition and Libraries

program-specific training before applying to sponsor a Child and Adult Care Food Program and Summer Food Service Program site.

Subd. 4. Summer Food Service Program locations. Prohibits the Department of Education from approving a new Summer Food Service Program open site that is within a half-mile of an existing Summer Food Service Program site, unless the new program will not serve the same group of children for the same meal type.

3 School libraries and media centers.

Lists characteristics of a school library or school library media center.

4 Compensation revenue pupil units.

Creates an alternative calculation of compensatory revenue for schools that participate in the CEP program. Authorizes MDE to recalculate the aid for each district based on the free and reduced-price meal eligible students from the previous fall and the greatest of the percentages of eligible students from:

- 1) the preceding fall;
- 2) the fall of 2019; or
- 3) the fall of the year preceding the district's entry into the CEP program.

5 Library service. [Department of Education; library responsibilities]

Substitutes "resident" for "citizen" in provision regarding the responsibility of the state to provide library services.

6 Services to people with visual and physical disabilities. [Department of Education; library responsibilities]

Makes technical change to name of National Library Service.

7 Special project grants. [Department of Education; library responsibilities]

Substitutes "English language learners" for "Spanish-speaking" in list of examples of innovative and experimental library programs.

8 Local support levels. [Regional library basic system support aid; requirements]

Requires regional library basic system support aid recipients to comply with reduced maintenance of effort requirements.

9 Basic aid distribution.

Increases the percentage of the total regional public library aid paid equally to each system from five to 15 percent.

Section Description – Article 8: Nutrition and Libraries

- 10 **Adjusted net tax capacity distribution.**
Decreases the portion of regional public library system aid based upon the region’s relative tax base from 25 to 15 percent of the total allocation. Lags by one more year, the measure of tax base used so that the ratios are final when the aid is calculated.
- 11 **Population determination.**
Clarifies that the population used to compute population aid is the most recently available population count.
- 12 **School lunch aid appropriation.**
Adjusts the school lunch aid appropriation to match the February 2022 forecast and to accommodate the additional VPK students.
- 13 **School breakfast aid appropriation.**
Adjusts the school breakfast aid appropriation to match the February 2022 forecast and increases school breakfast aid for fiscal year 2023 to accommodate the additional VPK students.
- 14 **Regional library basic system support grants.**
Increases the appropriation for the regional library basic system support grants to accommodate the new formula. The aid entitlement is increased by \$2,000,000 per year which has an appropriations impact of \$1,800,000 for fiscal year 2023.
- 15 **Appropriation; Community Eligibility Provision.**
Appropriates \$18,456,000 in fiscal year 2023 from the general fund to the Department of Education to fully fund school meals for all schools required to participate in the CEP program. Authorizes grants to other school sites that provide free meals to all students participating in the school meals program at that school site.
- 16 **Revisor instruction.**
Requests the revisor of statutes to replace all references related to free and reduced-price lunch and breakfast with the phrase “free and reduced-price meals.”

Article 9: Early Education

Establishes a voluntary prekindergarten (VPK) program for eligible four-year-old children and allows school districts, charter schools, Head Start programs, and licensed child care providers to offer the program. Increases the amount of state aid paid to school districts for children that receive developmental screening.

Section Description – Article 9: Early Education

1 Age limitations; pupils.

Provides that a child cannot be admitted to a VPK program unless the child is at least four years old as of September 1 of the year in which the child seeks admission.

2 Length of school year; hours of instruction.

Provides that the school calendar must include 850 hours of instruction in a school year for a VPK student who does not have a disability.

3 Developmental screening aid.

Increases the amount of state aid paid to school districts for each child who is screened prior to or within 30 days of enrolling in public school kindergarten.

4 Voluntary prekindergarten program for eligible four-year-old children.

Subd. 1. Establishment; purpose. Allows a school district, charter school, licensed child care center, licensed family child care provider, or Head Start agency that meets specified requirements to establish a VPK program for eligible four-year-old children.

Subd. 1a. Definition. Defines a “lead teacher” as an individual with primary responsibility for the children in a VPK classroom. Provides that a lead teacher employed by a school district is a teacher for specified employment, tenure, and bargaining unit requirements.

Subd. 2. Program requirements. Specifies the requirements a VPK program provider must meet.

Subd. 3. Mixed delivery program plan. Requires school districts and charter schools that receive funding under this section to annually submit to the Department of Education a mixed delivery program plan that ensures alignment of all VPK program providers within the school district boundary in meeting the program requirements.

Subd. 3a. Funding. Provides that school district and charter school VPK programs are funded based on the number of eligible pupils enrolled. Provides that Head Start and licensed child care VPK programs receive \$11,000 per child served per year. Directs the commissioner to establish a process for allocating seats for Head Start and licensed child care VPK programs that match community strengths, capacity, and needs. Up to 2.5 percent of amounts appropriated for Head Start and licensed child care VPK programs may be used for distribution of funds.

Subd. 4. Eligibility. Defines an “eligible child” for purposes of a VPK program as a child who: (1) is four years old as of September 1 in the calendar year in which

Section Description – Article 9: Early Education

the student will enroll; and (2) meets one or more of the specified criteria. Provides that an eligible child can participate in a VPK program free of charge. Allows VPK programs to charge a sliding fee for instructional hours that exceed the 850 hours required during the school year, any hours provided before or after school, or any hours for child care provided in the summer. Provides that a child who is not eligible may participate in the same classroom as eligible children and may be charged a sliding fee as long as state funding is not awarded for the child.

Subd. 5. Application process; priority for high poverty schools. This subdivision is repealed.

Subd. 6. Participation limits. This subdivision is repealed.

Subd. 7. Financial accounting. Directs school district and charter schools to record expenditures attributable to VPK pupils according to the guidelines prepared by the commissioner of education for a uniform system of records. Directs Head Start and licensed child care programs to record expenditures for VPK pupils according to guidelines developed by the commissioner of education.

5 Pupil unit.

Provides that a kindergarten student with a disability counts as 1.0 pupil units, which is the same as a kindergarten student without a disability.

Counts a student who does not have a disability and is enrolled in a VPK program as 1.0 pupil unit.

Deletes language made obsolete by establishing the VPK program.

6 Compensation revenue pupil units.

Deletes language made obsolete by establishing the VPK program.

7 Declining enrollment revenue.

Excludes VPK pupil units from the calculation of declining enrollment revenue in fiscal year 2023 only.

8 Early learning scholarships.

Allows MDE, in fiscal year 2023 only, to allocate scholarship money to Head Start programs, licensed child care centers, and licensed family child care providers to implement the transition year for the VPK program.

Section Description – Article 9: Early Education

- 9 **Developmental screening aid.**
Increases the appropriation for developmental screening aid.
- 10 **Transition year in 2023.**
Provides that fiscal year 2023 may serve as a transition year for current voluntary prekindergarten, school readiness plus, and early learning scholarships Pathway II programs to transition to the new VPK program for eligible four-year-old children.

Allows school districts, for fiscal year 2023 only, to apply to MDE to continue to operate their VPK and school readiness plus programs as they existed prior to enactment of this bill.
- 11 **Appropriations.**
Subd. 1. Department of Education. Appropriates funding from the general fund to the Department of Education for the purposes and years specified.

Subd. 2. Voluntary prekindergarten through mixed delivery. Appropriates \$96,920,000 in fiscal year 2023 for VPK programs provided by Head Start and licensed child care providers.
- 12 **Repealer.**
Repeals two subdivisions made obsolete by the new VPK program.

Article 10: Community Education and Lifelong Learning

Modifies the after-school community learning program, increases funding for adult basic education aid, and funds the full cost of high school equivalency tests.

Section Description – Article 10: Community Education and Lifelong Learning

- 1 **State total adult basic education aid.**
Rebases and increases the statutory statewide ABE aid amount by \$1,000,000 for fiscal year 2023 and later. Adds an additional option to grow Adult basic education (ABE) revenue by the growth in the general education basic revenue allowance, but not more than 3 percent per year.
- 2 **Adult basic education program aid limit.**
Increases the maximum contact hour rate from \$22 to \$28 per year.

Section Description – Article 10: Community Education and Lifelong Learning

- 3 Commissioner-selected high school equivalency test fees.**
Requires the state to pay for 100 percent of the fee charged to an individual for the full battery of high school equivalency test (like the GED) taken by adult learners (current law limits the state payment to the lesser of \$40 or 60 percent of the total fee cost).
- 4 Adult basic education aid appropriation.**
Conforms the ABE base aid appropriation to the February 2022 Forecast amounts and increases the aid for fiscal year 2023 and later by \$1,000,000.
- 5 High school equivalency tests; appropriation.**
Increases the appropriation to pay the fee charged to take the commissioner-selected high school equivalency test from \$125,000 to \$470,000.

Article 11: State Agencies

Increases the budget for the Minnesota Department of Education and the Professional Educator and Licensing Standards Board for the purposes specified below.

Section Description – Article 11: State Agencies

- 1 Rental income; appropriation.**
Authorizes rental income from land and for living residences received by the Minnesota State Academies to be deposited in the revolving fund for the Minnesota State Academies. The money in the revolving fund is statutorily appropriated for the activities of the Minnesota State Academies.
- 2 Qualifications. [School trust lands director]**
Strikes language stating that director’s first term ended on December 31, 2020.
- 3 Duties; powers. [School trust lands director]**
Modifies duties of the school trust lands director including requiring the director to act in a fiduciary capacity for trust beneficiaries, and eliminating duty to submit annual budget and management plan to the Legislative Permanent School Fund Commission. Modifies powers of the director, including allowing the director to employ an unlimited number of staff within the limitations of money appropriated to the director, and striking the requirement that employees be in the unclassified service.

Section Description – Article 11: State Agencies

4 Department of Education; appropriation.

Increases the MDE appropriation by \$3,462,000 for fiscal year 2023. Designates additional funds as follows:

- \$2,584,000 for administration and monitoring of voluntary prekindergarten programs; and
- \$540,000 for costs associated with implementing the specific learning disability criteria change.

5 Professional Educator Licensing and Standards Board.

Increases the appropriation for PELSB by \$660,000 for fiscal year 2023 for enhancements to the educator licensing system to ensure PELSB can review and approve educator licensing applications in a timely and effective manner.

Article 12: Forecast Adjustments

Makes adjustments to fiscal year 2022 and 2023 appropriations to match the February 2022 Forecast data to match the best estimates of the state aid required for each K12 appropriation. Generally, a change in the estimated pupil counts, or a change in program participation is the most likely cause of a forecast adjustment. The changes in the appropriations are real, but they have no fiscal impact when measured against the K12 budget because the changes are built into the forecast estimate of the budget base.



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