

File Number: H.F. 3315 **Date:** March 19, 2018
Version: The delete everything amendment (H3315DE1)

Authors: Erickson

Subject: Education Policy Omnibus

Analyst: Cristina Parra
Tim Strom

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Article 1: General Education

Overview

Modifies definitions of “textbook” and “instructional materials.” Strikes obsolete language.

- 1** **Textbook.** Expands the definition of textbooks to include a teacher’s edition or teacher’s guide that accompanies the textbook used by a pupil. To the extent that state funds are available, Minnesota Statutes require districts to provide nonpublic schools pupils with textbooks, individualized instructional materials, and standardized tests, all of which must be secular in nature and cannot be used for religious instruction or worship. The state reimburses districts for the costs of providing these materials to nonpublic pupils up to the dollar cap set in statute. The current definition of textbook that governs provision of these materials to nonpublic pupils is limited to texts used by a pupil and excludes textbooks or textbook orders that include a teacher’s guide.
- 2** **Individualized instructional or cooperative learning materials.** Expands definition of individualized instructional or cooperative learning materials to include a teacher’s guide that accompanies the materials used by a pupil.
- 3** **Payment of aids and credits to school districts; reimbursement aids.** Strikes aid for special education litigation costs from the list of aids to districts as special education litigation aid was repealed about ten years ago.

Section

- 4** **Payment of aids and credits to school districts; payments to third parties.** Eliminates references to obsolete payments procedures as special education and other state aid may now be paid directly to intermediate school districts and other cooperative units.

Article 2: Education Excellence

Overview

Modifies requirements relating to student transportation, student discipline, World's Best Workforce, health curriculum, charter schools, and student learning plans. Adopts academic achievement rating system. Eliminates obsolete language.

- 1** **Education, residence, and transportation of homeless students.** Requires the initial serving school district to continue to provide transportation services to and from a cooperative program for a homeless student with an IEP who changes serving school districts during the school year. Allows the initial and current serving school district to mutually agree to an alternative transportation arrangement.
- 2** **Education records.** Requires a school transmitting a transferring student's educational records to a new school to include information about a pupil withdrawal and services a pupil needs to prevent inappropriate behavior from recurring.
- 3** **Legitimate exemptions.** Allows a student to be excused from school for up to three days to participate in any activity necessary to join a branch of the United States armed forces.
- 4** **Required academic standards.** Requires school districts to include substance misuse prevention instruction in a health curriculum in grades 5, 6, 8, 10, and 12. Requires school districts to include sexual exploitation prevention instruction in a health curriculum. A school district may consult with other government and community-based organizations to identify relevant tools, curricula, and programs.
- 5** **World's Best Workforce; definitions.** Defines certain terms.
- (e) "State plan" means the plan submitted by the commissioner of education under ESSA and approved by the U.S. Department of Education.
- (f) "Ineffective teacher" means a teacher whose most recent summative teacher evaluation resulted in placing or otherwise keeping the teacher on an improvement process.
- (g) "Inexperienced teacher" means a licensed teacher who has been employed as a teacher for three years or less.
- (h) "Out-of-field teacher" means a licensed teacher who is providing instruction in an area in which the teacher is not licensed.
- 6** **World's Best Workforce; performance measures.** Amends performance measures by basing the academic achievement gap on the Minnesota Comprehensive Assessments (MCA), specifies that student performance is based on the reading and math MCAs, and measures college and career readiness by student performance on the high school MCAs in

Section

reading and math. Adds performance measures from state plan to World's Best Workforce performance measures.

- 7 World's Best Workforce; adopting plans and budgets.** Adds statewide goals in reference to benchmarks required in district plan.
- 8 World's Best Workforce; report.** Eliminates requirement that school board publish a school performance report in the local newspaper. Requires the commissioner to include student performance on performance measures in school performance reports. A school board must publish the school performance report for the district and each school site on the district's website or link to the reports on the Department of Education website.
- 9 World's Best Workforce; annual evaluation.** Amends requirement that the commissioner identify districts not making sufficient progress by requiring the commissioner to use performance measures for identification, requiring identification of school sites in addition to school districts, modifying the three-year performance period reviewed, and substituting performance goals for teaching and learning.
- Requires the commissioner to review the curricula of identified districts for alignment with state standards.
- Requires identified districts to implement evidence-based strategies and best practices.
- Modifies the commissioner's report to the legislature by substituting progress toward meeting World's Best Workforce goals for the district's performance goals.
- 10 Identification; report.** Requires a school district to screen all students for dyslexia between the beginning of kindergarten and the beginning of second grade, as well as any student who exhibits characteristics associated with dyslexia from second grade on.
- 11 Duties.** Requires the dyslexia specialist to provide guidance to school districts and charter schools on accessing screening tools, implementing screening, and participating in professional development opportunities on intervention strategies and accommodations for students with dyslexia.
- 12 Secondary students personal learning plans.** Amends the secondary student personal learning plan statute to:
- require that plans help students access armed forces career options;
 - require school districts to grant military recruiters (this provision duplicated Federal law) and representatives of careers in skilled trades the same access to students that they grant to colleges and employers; and
 - encourage school districts to sponsor an Armed Forces Career Opportunity Day each fall.
- 13 Substance misuse prevention.** Encourages school districts to integrate substance misuse prevention instruction into existing programs, curriculum, or school environment.
- 14 Statewide testing.** Requires the commissioner of education to administer the MCAs as late as possible each school year. Currently, students take the MCAs in March, April, and May.

Section

Requires commissioner to publish testing schedule at least two years in advance. Eliminates obsolete language.

- 15** **Statewide and local assessments; results.** Clarifies that MCA student performance data and achievement reports must be available to school districts and teachers within three school days of test.

- 16** **Reporting.** Requires school district to disseminate preliminary individual student performance data and achievement report to parent and teacher of student within 30 days of test.

Requires school district to disseminate testing report to teacher and parent with achievement level and performance history before beginning of next school year.

- 17** **State growth target; other state measures.** Eliminates districtwide assessments as indicators of achievement. Eliminates requirement that the commissioner use value-added growth indicator, and identify schools as medium- and high-growth, when reporting student growth. Requires commissioner to report academic growth rate.

Requires the commissioner to consult with the state demographer to identify student categories used to report student academic achievement and growth.

Modifies graduation rate reporting requirements by striking reference to four- and six-year rates.

- 18** **Academic achievement rating system.**

Subd. 1. Commissioner duties. Requires the commissioner to develop an academic achievement rating system that assigns to each school and district a star rating, and an academic achievement score based on measures used to determine the star rating. The star rating and score must be reported annually on school performance reports.

Subd. 2. Definitions. Defines the following terms.

(a) “Academic growth rate” means the average level of improvement in statewide test results for the current year over the previous year across all student groups in a school.

(b) “Low-income student achievement rate” means 100 minus the average of (1) the difference between the statewide percentages of non-low-income students and low-income students who are rated proficient on the statewide reading test, and (2) the difference between the percentages of non-low-income students and low-income students who are rated proficient on the statewide math test.

(c) “Student of color achievement gap score” means 100 minus the average of (1) the difference between the statewide percentages of white students and students of color who are rated proficient on the statewide reading test, and (2) the difference between the statewide percentages of white students and students of color who are rated proficient on the statewide math tests.

(d) “Four-year graduation rate gap score” means 100 minus the difference between the statewide four-year high school graduation rate for non-low-income students and a school’s four-year high school graduation rate for low-income students.

Section

- (e) “Low-income students” means students who qualify for free or reduced-price lunch.
- (f) “Proficient” means a student meets or exceeds federal accountability standards on statewide assessments in reading and math consistent with the approved ESSA plan.
- (g) “Statewide reading test” means the reading assessments developed under section 120B.30, which is the Minnesota Comprehensive Assessment in reading.
- (h) “Statewide math test” means the math assessments developed under section 120B.30, which is the Minnesota Comprehensive Assessment in math.
- (i) “Students of color” means students who are American Indian, Asian, Pacific Islander, Hispanic, Black, or two or more races consistent with section 120B.35, subdivision 3, paragraph (a), clause (2), which requires the commissioner to use the statewide categories under ESSA, in addition to a number of other categories.

Subd. 3. Primary school rating components. Requires the commissioner to base elementary and middle school star ratings on: the percentage of students rated proficient on the statewide reading and math tests, the academic growth rate for the statewide reading and math tests, the low-income student achievement gap score, the students of color achievement gap score, the English learner proficiency rate, and the consistent attendance rate.

Subd. 4. Secondary school ratings components. Requires the commissioner to base high school star ratings on: the percentage of students rated proficient on the statewide reading and math tests, the four-year graduation rate gap score, the low-income student achievement gap score, the students of color achievement gap score, the English learner proficiency rate, and the consistent attendance rate.

Subd. 5. District rating components. Requires the commissioner to base district star ratings on: the percentage of third-grade students rated proficient on the statewide reading tests, the low-income student achievement gap score at the district level, the student of color achievement gap score at the district level, the percentage of high school students rated proficient on the statewide reading and math tests, and the district’s four-year high school graduation rate.

- 19 **School performance reports and public reporting.** Requires the commissioner to report the school academic star and academic achievement ratings, and to calculate growth rates as required by ESSA.
- 20 **Student progress and other data.** Includes data used to set goals for federal expectations in category of nonpublic data until the commissioner publicly releases the data.
- 21 **Nonexclusionary disciplinary policies and practices; alternatives to pupil dismissal.** Defines term as policies and practices that require school officials to intervene in, redirect, and support a pupil’s behavior before dismissal, and provides examples of these policies and practices.

Section

- 22 Pupil withdrawal agreements.** Defines term as a verbal or written agreement between an administration and parent to withdraw a student to avoid expulsion or exclusion dismissal proceedings. Limits a withdrawal agreement to 12 months.
- 23 Provision of alternative programs.** Requires a school to use nonexclusionary disciplinary policies and practices before dismissal proceedings or pupil withdrawal agreements.
- 24 Suspensions exceeding five consecutive school days.** Requires alternative education services when a pupil is suspended for more than five consecutive school days.
- 25 Minimum education services.** Requires school officials to allow suspended pupil to complete school work during suspension and receive full academic credit. Encourages school principal to designate employee as a liaison to allow pupil to receive course materials and complete assignments.
- 26 Exclusion and expulsion procedures; written notice.** Substitutes nonexclusionary disciplinary policies and practices description for description of alternative educational services in written notice of intent to take action. Requires notice that legal assistance resource list to be posted on department website.
- 27 Admission or readmission plan.** Requires admission or readmission plan to include measures to improve pupil behavior and parental involvement in process.
- 28 Student withdrawals.** Requires school boards to report student withdrawals through electronic reporting system and include a statement on nonexclusionary disciplinary policies and practices given the pupil.
- 29 Policies to be established.** Requires districts to adopt policies that include nonexclusionary disciplinary policies and practices. Requires school to ensure alternative educational services are provided. Requires districts to review pupil's school work and grades to ensure pupil is on track for readmission and provide pupil a list of mental health and counseling services. Pupils receiving mental health services in the district remain eligible for services until enrolled in a new district. Requires district to notify parents of reporting requirements associated with pupil withdrawal agreements.
- 30 PELSB duties; essential data.** Requires the Professional Educator Licensing and Standards Board to maintain a list of essential data elements that school districts must provide to the board about licensed and nonlicensed staff members.
- 31 Officers of independent school districts; clerk records.** Eliminates requirement that clerk report to the commissioner the district's revenues and expenditures; length of school term, enrollment, and attendance; and other information required by the commissioner. (This information is separately reported to the Minnesota Department of Education (MDE) by the school district.)
- 32 Alternative pupil.** Allows nonpublic tenth-grade students to take a career and technical education course offered by a Minnesota state college or university through the postsecondary enrollment options program. Tenth-grade students enrolled in school districts have this option under Minnesota Statutes, section 124D.09, subdivision 5a.
- 33 Program established.** Eliminates language that became obsolete with 2013 amendments to graduation incentives program.

Section

- 34 Parent and community participation; resolution of concurrence.** Modifies submission of American Indian education parent advisory committee's reasons for not concurring with the educational programs for American Indian students offered by the school board or American Indian school.
- 35 Authorizer; application content.** Eliminates requirement that an organization applicant provide an assurance that the organization is committed to serving as an authorizer for the full five-year term.
- 36 Ongoing board of directors.** Accelerates by one year the election for an ongoing board of directors. Provides that term of office for initial ongoing board members begins July 1.
- 37 Membership criteria.** Modifies charter school board of directors membership criteria. Requires board structure to be stated in the school corporation's bylaws.
- 38 Training.** Modifies training requirements for charter school board of directors. Prohibits an individual from being seated on the board until certain training is completed, and allows an individual to complete other training within 12 months of being seated. Makes technical changes.
- 39 Causes for nonrenewal or termination of charter school contract.** Requires a hearing on nonrenewal or termination of charter school contract to be recorded at the authorizer's expense. The recording must be preserved for three years and made available to the public.
- 40 Admissions requirements and enrollment.** Adds an agent of school to prohibition on charter school distributing services or goods to students or parents, and adds prohibition on distributing payments or other incentives to students or parents.
- Modifies conditions in which a student is no longer considered enrolled in the district.
- Modifies lottery exceptions by requiring (1) a charter elementary school in the city of Nerstrand in Rice County to give enrollment preference to students residing within a five-mile radius of the school and to the siblings of enrolled children; and (2) a charter school in Castle Rock Township in Dakota County to give enrollment preference to students that live within a two-mile radius of the school and to the siblings of enrolled children.
- The section also makes technical changes, converting paragraphs into subdivisions.
- 41 Charter school information.** Requires a charter school to document its efforts to disseminate required information in its annual report.
- 42 Department duties; essential data.** Eliminates requirement that Department of Education maintain essential data on school district licensed and nonlicensed staff members. PELSB will maintain the essential data.
- 43 Basic skills revenue; annual expenditure report.** Requires the basic skills annual expenditure report to be reported under the World's Best Workforce statute.
- 44 Minneapolis school district's annual report.** Eliminates obsolete reporting requirements for the Minneapolis school district.

Section

- 45** **Petition to expunge criminal records.** Eliminates reference to licensing division of the Department of Education. The licensing division was eliminated in 2017 and its functions were transferred to PELSB, which is included in the list.
- 46** **Maltreatment of minors; definitions.** Includes solicitation of children to engage in sexual conduct and communication of sexually explicit materials to children in definition of “sexual abuse.
- 47** **Paraprofessional pathway to licensure.** Makes charter schools eligible for grants for nonconventional teacher residency pilot programs. Replaces reference to Board of Teaching with PELSB.
- 48** **Revisor’s instruction.** Recodifies sections on intermediate school districts in chapter 123c.
- 49** **Repealer.** Repeals the following sections:
- 120B.35, subd. 4: requires commissioner to report on best practices implemented in schools that are high performing under federal expectations;
 - 120B.35, subd. 5: requires districts to develop plans and strategies to improve the graduation rates for students with emotional or behavioral disorders;
 - 123A.26, subd. 3: allows a district to request the department to make a payment to a third party;
 - 125A.72, subd. 9: school districts must report special education litigation costs to the commissioner, and commissioner must report to the legislature; and
 - 128D.06, subd. 3: requires the Minneapolis school board to adopt and publish an operating budget and a capital budget for the subsequent fiscal year.

Article 3: Teachers

Overview

Amends school counselor requirements. Allows some licensed school employees to use certain training to satisfy professional continuing education requirement.

- 1** **School counselors.** Amends the school counselor statute to require school counselors to present and explain armed forces career options and benefits to students and inform parents and students of the military enlistment exam. Allows counselors to consult with the Department of Labor and Industry on resources for students interested in careers in the skilled trades. Prohibits a counselor from interfering with a student’s enlistment in the armed forces.
- 2** **Continuing education in armed forces career options.** Authorizes school employees who provide career advice to students to satisfy their professional continuing education requirements by attending training in armed forces career options or careers in the skilled trades.

Section

- 3** **Responsibility.** Substitutes PELSB for Board of Teaching in statute relating to evaluating programs to prepare teachers.

Article 4: Special Education

Overview

Establishes working group to review special education delivery and costs.

1 **Special education working group.**

Subd. 1. Duties. Requires the special education working group to review special education delivery and costs and make recommendations to reduce costs if warranted. Specifies issues the report must address, including relevant laws, trends, and the 2013 evaluation report by the Office of the Legislative Auditor.

Subd. 2. Members. Names the organizations that may appoint a representative to the working group, and representatives that the commissioner of education must designate through an application process.

Subd. 3. Meetings. Requires the commissioner to convene the first meeting by July 15, 2018. Requires working group to meet periodically and hold open meetings.

Subd. 4. Compensation. Prohibits compensation to working group members.

Subd. 5. Administrative support. Requires the commissioner to provide administrative support to the working group upon request.

Subd. 6. Report. Requires the working group to report to the legislature by January 15, 2019. Encourages the legislature convening in January 2019 to convene a legislative study group to review the working group's recommendations and strategic plan to develop its own recommendations for legislative changes.

Subd. 7. Expiration. Sets an expiration date of January 16, 2019, for the working group.

Article 5: Facilities and Technology

Overview

Creates new protections for student data.

- 1** **Records and data requirements.** Requires charter schools to comply with sections 125B.27 to 125B.29.
- 2** **Technology providers.** Imposes new requirements on technology providers and on schools that contract with technology providers.

Section

Subd. 1. Defines a technology provider as a person who contracts with a school district to provide technological devices for student use, and creates, receives, or maintains student data under the contract.

Subd. 2. Educational data. (a) Makes explicit that technology providers are subject to the Minnesota Government Data Practices Act (GDPA) under the privatization subdivision of section 13.05 (sometimes referred to as the “Timberjay” subdivision).

(b) Provides that all educational data which a technology provider creates, receives, or maintains as part of its contract with a school do not become the technology provider’s property.

(c) Makes technology providers subject to the GDPA’s existing data breach notification law at section 13.055.

(d) Requires a technology provider to destroy or return to the school all educational data created, received, or maintained under its contract.

(e) Prohibits a technology provider from selling, sharing, or disseminating education data except as part of a valid delegation or assignment of its contract with the school (e.g., if the technology provider’s business is sold to another company). Prohibits a technology provider from using educational data for any commercial purpose, such as advertising.

Subd. 3. Procedures. Requires a technology provider to establish procedures that secure educational data and permit only authorized individuals to access the data. The technology provider must also maintain a log-of-use that records information regarding when an individual accesses student data.

3 School district requirements.

Subd. 1. Requires a school district to notify parents and students of its technology provider contracts at the start of each school year. Specifies content of the notice. Requires a school district to post technology provider contracts on the district website.

Subd. 2. Prohibits a school from penalizing a student who opts out of a technology provider program. Requires opt out request to be written and submitted annually.

Subd. 3. Audit trail required for electronic student data. Requires a school district to establish procedures that secure electronic student data and permit only authorized individuals to access the data. The district must also maintain a log-of-use that records information regarding when an individual accesses electronic student data. Exempts currently-used systems that cannot automatically generate a log-of-use.

Subd. 4. Training required. Requires a school district to provide training on student privacy law for new school personnel with access to student data, and provide written training materials to personnel and independent contractors.

4 School-issued devices. Gives students privacy rights in school-issued devices.

Subd. 1. Definition. Defines school-issued device as any technological device that a school issues to a student for the student’s dedicated personal use.

Section

Subd. 2. Prohibition. Subject to the exceptions on access in subdivision 3, prohibits a government entity (schools, law enforcement, etc.) or technology provider from location-tracking a device; accessing the device's camera or microphone; or monitoring student interaction with the device.

Subd. 3. Exceptions. Allows a government entity or technology provider to engage in activities prohibited under subdivision 2 if: it is done for an educational purpose and the student consents; it is permitted by a judicial warrant; the device is missing or stolen; it is necessary to protect the health or safety of a student; or it is necessary to investigate compliance with a school's acceptable use policy.

Subd. 4. Notice. If a government entity or technology provider monitors the device to protect a student's health or safety, it must provide notice and an explanation of the rationale for its action to the student or parent. This notice is not required if it would also post a threat to health or safety.

- 5 **Application to nonpublic schools; exemption.** Makes the provisions of sections 2, 3, and 4 apply to nonpublic K-12 schools.

Article 6: Nutrition

Overview

Allows some food service contracts to be renewed for up to four years. Amends requirements for school districts participating in school lunch program.

- 1 **Food service contracts.** Clarifies a cross-reference that allows a contract between a school board and a food service management company that complies with federal regulations governing summer food service programs and the Child and Adult Care Food Program to be renewed for up to four years.
- 2 **Respectful school meals policy.** Clarifies that a school district may collect unpaid meal debt as long as reminders do not demean or stigmatize a child participating in the school lunch program and meet other requirements. Prohibits school district from denying a school lunch to participating students, even if they have an outstanding meals balance. Requires district to provide meals to participating students in a respectful manner and prohibits withdrawing meal from student after it has been served, whether or not the student has an outstanding meal balance.

Section

Article 7: Early Childhood and Family Support

Overview

Modifies requirements for families receiving early learning scholarships.

- 1** **Early learning scholarships; family eligibility.** Exempts parents or guardians of children who are in protective services or homeless from requirement to provide income verification to qualify for early learning scholarships.
- 2** **Early learning scholarships; administration.** Extends the time for a child under the age of three who receives an early learning scholarship to complete a development screening.
- 3** **Early learning scholarships; program eligibility.** Strikes provision that allowed a pilot site to qualify to accept an early learning scholarship before becoming rated through the quality rating and improvement system.

Article 8: Self-Sufficiency and Lifelong Learning

Overview

Clarifies language regarding high school equivalency tests.

- 1 to 3** **High school equivalency tests.** Clarify that the commissioner may select more than one high school equivalency test.