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Overview

This summary describes the K12 articles in the conference committee on S.F. 3656, the 2018 omnibus spending bill. It reflects provisions adopted as of May 17, 2018 (although the conference committee report is not finalized).

Section

Article 33: School Safety

1 School safety assessment.

Subd. 1. School safety assessment. Defines “school safety assessment.”

Subd. 2. Policy. Requires a school board to adopt a policy to establish safety assessment teams consistent with district policies on student bullying and crisis management and with guidance from the school safety center. Requires policy to include procedures for referrals to community mental health centers or health care providers for evaluation or treatment and notice to the parent of a student that is the subject of an assessment.

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Subd. 3. Oversight committees. Requires a superintendent to establish a committee or individual to oversee the safety assessment teams.

Subd. 4. Safety assessment teams. (a) Requires a superintendent to establish a safety assessment team for each school. Requires team to include school officials with certain expertise.

(b) Specifies duties of safety assessment team.

(c) Requires safety assessment team to report determination that a student poses a threat of violence or physical harm to self or others to the superintendent or superintendent's designee, who must immediately attempt to notify the student's parent or legal guardian. Requires safety assessment team to consider services for student.

(d) Requires safety assessment team to follow suicide prevention policy or protocol, or make referral when student exhibits suicidal ideation or self-harm.

(e) Affirms that school district personnel may act immediately to address an imminent threat.

Subd. 5. Redisclosure. Prohibits safety assessment team or school district employee member from redisclosing educational records or using the record of an individual beyond the purpose for which the disclosure was made to the safety assessment team. Affirms that educational records may be disclosed in health, including mental health, and safety emergencies in accordance with state and federal law.

Effective date. This section is effective for the 2019-2020 school year and later.

- 2 **Expulsion for making a threat of violence.** Allows a school board to expel a student who threatens gun violence or intends to cause evacuation for at least one year. Allows board to modify expulsion on case-by-case basis.

Effective date. This section is effective for the 2018-2019 school year and later.

- 3 **Long-term facilities maintenance revenue.** Authorizes a school district to amend its ten year facilities plan to include provisions enhancing school safety through security modifications to the building, including remodeling and new construction for fiscal years 2020 and 2021 only. Projects authorized by July 1, 2021, may be included until they are complete.

- 4 **Purchase of certain equipment.** School districts may issue bonds backed by operating capital revenue and safe schools revenue for certain equipment purchases. Clarifies that the allowable equipment purchases include communications systems and other equipment designed to increase student and staff security.

- 5 **Safe schools revenue.** Provides state aid for student and staff safety through the safe schools revenue program. For fiscal year 2019 only, establishes aid payments of \$18 per pupil unit for school districts and charter schools, \$7.50 for school districts that are members of cooperative units other than intermediate school districts, and \$6 for school district members of intermediate school districts.

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For fiscal year 2020 and later, sets the ongoing additional aid amounts at \$5.50 for school districts and charter schools and \$3.50 for districts that are members of cooperative units other than intermediate school districts.

For fiscal year 2019 and later, all school districts are eligible for a minimum of \$30,000 per year in safe schools revenue.

For fiscal year 2020 and 2021 only, equalizes the existing safe schools revenue of \$36 per pupil unit. Sets the equalizing factor equal to 68.5 percent of the statewide adjusted net tax capacity per pupil unit.

Allows a school district to transfer its safe schools revenue into the debt redemption fund so that certain school safety physical improvements can be made through local bonding. Requires school districts and charter schools to report safe schools expenditures by functional area and any new staff positions hired. Requires a school that receives safe schools revenue to report its expenditures by functional area such that the spending aligns with the statutorily specified uses.

- 6 **Mental health grants, establishment, and authority.** Requires grantee to obtain all available third-party reimbursement sources. Conformity changes.
- 7 **School-linked mental health services grants.** Establishes eligibility for grants. Allows grant expenses to include transportation, and certain costs associated with telemedicine.
- 8 **Sanneh Foundation.** Appropriates an additional \$250,000 in fiscal year 2019 for grants to the Sanneh Foundation.
- 9 **Appropriations.** Appropriates funds for safe schools aid, school-linked mental health grants, physical security audits, school resource officer training, safety assessment grants, suicide prevention training, and character development grants. See fiscal worksheet for details.

Article 34: General Education

- 1 **Textbook.** Expands the definition of textbooks to include teacher materials that accompany materials 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 teacher materials that accompany the materials used by a pupil.
- 3 **Cost; limitation.** Strikes obsolete language related to the calculation of nonpublic aids for fiscal years 2015 and 2016 only.

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- 4** **Definitions.** Strikes an obsolete reference to a defunct accrediting agency and allows opportunities industrialization centers accredited by the Council on Occupational Education or Accreditation Commission of Career Schools and Colleges to continue to provide postsecondary enrollment options courses.
- 5** **Alternative pupil; PSEO.** Authorizes 10th grade nonpublic pupils to participate in career and technical PSEO coursework in the same manner as public school pupils.
- 6** **Eligible pupils.** Extends, for fiscal year 2019 only, the eligibility of certain English learner students with an interrupted formal education to participate in the graduation incentives program and in concurrent enrollment courses. Makes the section effective July 1, 2018.
- 7 - 9** **Local optional revenue and referendum revenue.** Simplifies the calculation of referendum and local optional revenue and makes the calculations more transparent by eliminating the annual recalculation of referendum allowances based on the amount of LOR a district receives, and moving the \$300 per pupil of referendum revenue available to districts by board resolution to LOR, so that all of the \$724 available to districts by board action is in LOR and all of the referendum revenue is voter approved. To ensure that all districts receive the same amount of aid and levy as under current law, establishes a two-tiered equalization formula for LOR, reduces the number of tiers for referendum equalization from 3 to 2, and reduces the referendum cap by \$300.
- 10** **Annual expenditure report.** Requires school districts to submit to the commissioner of education a functional description of how the school is spending its compensatory revenue. Adds the requirement that the report must address whether the increased expenditures raised student achievement levels and includes the report in the district's World's Best Workforce plan.
- 11** **Commissioner's report.** Requires the commissioner to compile and summarize district compensatory revenue reports and submit the consolidated report to the Legislature by February 15th of each year.
- 12 - 17** **Local optional revenue and referendum revenue.** Simplifies the calculation of referendum and local optional revenue and makes the calculations more transparent by eliminating the annual recalculation of referendum allowances based on the amount of LOR a district receives, and moving the \$300 per pupil of referendum revenue available to districts by board resolution to LOR, so that all of the \$724 available to districts by board action is in LOR and all of the referendum revenue is voter approved. To ensure that all districts receive the same amount of aid and levy as under current law, establishes a two-tiered equalization formula for LOR, reduces the number of tiers for referendum equalization from 3 to 2, and reduces the referendum cap by \$300.
- 18** **Distribution of school aids.** Requires the Department of Education's pupil auditors to examine whether funds have been spent contrary to statutorily established revenue uses. Increases the number of pupil audits conducted each year from 25 to 50 school districts.
- 19** **Payment percentage for reimbursement aids.** Strikes an obsolete reference to a repealed aid program for special education litigation costs. This program was repealed by Laws 2005.

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- 20 Payment of aids and credits to school districts; payments to third parties.** Eliminates references to payments procedures for certain cooperative units repealed in this article.
- 21 Agreement; joint powers.** Includes a service cooperative as a “governmental unit” in the list of governmental units authorized to participate in joint powers agreements.
- 22 General education appropriation.** Increases the general education appropriation to pay for provisions in this article and adjusts the aid to match the February 2018 Forecast. See fiscal worksheet for details.
- 23 Consolidation transition aid appropriation.** Redirects unneeded consolidation transition aid for fiscal year 2019 to grants for character development education and a grant to the Waconia school district for a vocational education pilot program.
- 24 Fund transfer; Minnetonka school district.** Authorizes the Minnetonka school district to transfer up to \$2.4 million from its community education reserve account to its reserved for operating capital account for the construction costs associated with the district’s early childhood spaces.
- 25 School revenue generation and spending; legislative auditor study.** Requests that the legislative auditor conduct a program evaluation of how school districts and charter schools allocate revenue and expenditures across school sites.
- 26 Pupil transportation working group.** Establishes a pupil transportation working group. Defines members, requires a report.
- 27 Appropriation.** Appropriates \$300,000 in fiscal year 2019 from the general fund to the commissioner of education for a grant to the St. Cloud school district for an English language academy operated in the summer. Makes the one-time funding available for three years. Requires a report. Appropriates \$41,000 in fiscal year 2019 for a school bus safety campaign. See fiscal worksheet for details.
- 28 Appropriation; Office of the Legislative Auditor.** Appropriates \$200,000 in fiscal year 2019 from the general fund to the Office of the Legislative Auditor the for the program evaluation required in section 13. See fiscal worksheet for details.
- 29 Repealer.** (a) July 1, 2018:
- section 123A.26, subdivision 3 – Repeals authority for a district to request payment of certain aids to a cooperative unit; this payment authority has never been requested by a district.
 - section 125A.75, subdivision 9 – Repeals an annual district and department report of district special education litigation costs; these costs are already reported and available in district and agency accounting systems.
- (b) July 1, 2018:
- section 126C.16, subdivisions 1 and 3 – Referendum revenue conversion procedures now obsolete.
- (c) July 1, 2020:

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- section 126C.17, subdivision 9a – Outlining the process for board-approved referendum allowance, now “first-tier local optional revenue.”

Article 35: Education Excellence

- 1 Education records.** Includes pupil withdrawal records in the records sent when a student is transferring to another district, charter school, or nonpublic school. Requires the student’s records to include a list of the services a pupil needs.
Effective Date. Makes the section effective for the 2018-2019 school year and later.
- 2 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.
- 3 Required academic standards.** Allows a district to include child sexual exploitation prevention instruction in the health curriculum.
(e) Allows a district to include instruction on substance misuse prevention in the health curriculum starting in grade 5.
Effective Date. Makes the section effective immediately.
- 4 Graduation requirements.** Requires a student beginning 9th grade in the 2020-2021 school year and later to take a government and citizenship course for credit in 11th or 12th grade.
- 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 reading and math and successful completion of rigorous coursework that is part of a well-rounded education. 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 the requirement that school boards publish a school performance report in the local newspaper. Requires the commissioner to include

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student performance on performance measures under subdivision 1a 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 the 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 three to five identified school sites 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 Reading proficiently no later than end of grade 3.** Requires a school district to screen for dyslexia in students in kindergarten and first and second grade who are not reading at grade level, as well as any student who demonstrates reading difficulty in grade three or higher. Includes dyslexia training in staff development needs and allows district to use literacy aid for staff development needs.

- 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. Requires the specialist to give guidance to the Professional Educator Licensing and Standards Board (PELSB) on developing license renewal requirements on 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 is duplicated Federal law) 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 Jake's Law; substance misuse prevention.** Encourages school districts to integrate substance misuse prevention instruction into existing programs, curriculum, or school environment.

- 14 Proficiency.** Amends the definition of proficiency by eliminating references to low, medium, and high growth.

- 15 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.

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Requires commissioner to publish testing schedule at least two years in advance. Eliminates obsolete language. Eliminates benchmarks for career and college readiness for students in grades 3 through 5 on MCAs.

16 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 the test.

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

Requires a school district to disseminate a testing report to the teacher and each parent with a student's achievement level and performance history before the beginning of the next school year.

18 State growth target; other state measures. Corrects a reference to "Asian and Pacific Islander" to align with the federal race definitions. Strikes the requirement that the commissioner implement a value-added growth model and requires the commissioner to report on academic growth, as defined in the state plan. Clarifies graduation rate reporting requirements.

19 Academic achievement rating system.

Subd. 1. Rating system. Requires the commissioner to develop a rating system that assigns to each school and district a summative rating based on a score of zero to 100. The summative rating must be based on the accountability indicators used in the state ESSA plan. The rating and score must be reported annually on school performance reports, starting by September 1, 2020.

Subd. 2. Report. Requires the commissioner to report to the legislature on progress toward developing the rating system by February 1, 2020.

20 School performance reports and public reporting. Requires the commissioner to report the school and district ratings, growth rates as required by ESSA, and civics test performance. Requires school performance report to include summative ratings and scores, achievement rates, and progress toward statewide goals.

21 Student progress and other data. Includes data used to set goals for expectations under the state plan in the category of nonpublic data until the commissioner publicly releases the data.

22 National motto. Allows a school district or charter school to display a copy of the national motto "In God We Trust" in each school.

23 Applicability. Requires a parent to inform the school if their student's drugs or medication that is stored and administered at school is a controlled substance. For drugs or medications that are not controlled substances, requires the written permission to administer the medication to include a provision authorizing the school district to transport the medication for purposes of destruction if any unused medication is left at the school. When the district requests, the parent is required to retrieve the medication if it's a controlled substance.

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- 24 Unclaimed drugs or medications.** Requires a school district to adopt a procedure for the collection and transport of any unclaimed or abandoned prescription drugs or over-the-counter medication left with school personnel. Allows the school district to designate an individual to transport over-the-counter medications and prescription drugs that are not a controlled substance to a designated drop-off box or collection bin. The district may request a law enforcement agency to transport the drugs or medication. Prohibits school districts or school personnel from transporting unclaimed or abandoned prescription drugs that are controlled substances.
- 25 School counselors.** Encourages 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 and manufacturing. Prohibits a counselor from interfering with a student's enlistment in the armed forces.
- 26 Nonexclusionary disciplinary policies and practices; alternatives to pupil dismissal.** Defines the term as policies and practices that are alternatives to removing a pupil from class or dismissing pupil from school. Affirms that definition does not diminish teacher's authority to remove a student from class.
- 27 Grounds for dismissal.**
- Subd. 1. Provision of alternative programs.** Requires a school to consider using nonexclusionary disciplinary practices before dismissal proceedings.
 - Subd. 2. Grounds for dismissal.** Provides technical changes.
 - Subd. 3.** Strikes the subdivision.
- Effective Date.** Makes the section effective for the 2018-2019 school year and later.
- 28 Administrator notifies pupil of grounds for suspension.** Clarifies that the administrator must inform the pupil that they are not required to present their version of the facts and ask questions at the informal administrative conference before a suspension.
- Effective Date.** Makes the section effective for the 2018-2019 school year and later.
- 29 Written notice of grounds for suspension.** Clarifies what is contained in a written notice of grounds for suspension and how it is to be served on the pupil and their parents or guardian. Requires the notice include documents indicated the nonexclusionary disciplinary policies and practices used with the pupil, the length of the suspension, and a request for a meeting with the pupil's parent or guardian consistent with subdivision 3a.
- Effective Date.** Makes the section effective for the 2018-2019 school year and later.
- 30 Parent notification and meeting; suspension; mental health screening.** (a) Requires a school official to make reasonable attempts to convene a meeting with the pupil and their parent or guardian within 30 days of a suspension. States the purpose of the meeting as engaging the pupil's parent or guardian in developing a plan to help the pupil succeed in school by addressing the behavior that led to the dismissal.

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(b) If a pupil's total days of removal from school exceeds ten cumulative days, the school district must attempt to convene a meeting with the pupil and their parent or guardian to arrange for a mental health screening for the pupil if the parent consents.

Effective Date. Makes the section effective for the 2018-2019 school year and later.

- 31 Minimum education services.** Requires a school official to give a suspended pupil the opportunity to complete all school work assigned during the pupil's suspension and to receive credit for satisfactorily completing the assignments. Encourages the school principal to designate a liaison to work with the pupil's teachers to allow the suspended pupil to receive timely course materials and complete daily and weekly assignments and receive teachers' feedback.

Effective Date. Makes the section effective for the 2018-2019 school year and later.

- 32 Written notice.** Makes technical changes and requires the written notice of expulsion to explain the grounds for expelling the pupil instead of imposing nonexclusionary disciplinary policies and practices.

Effective Date. Makes the section effective for the 2018-2019 school year and later.

- 33 Admission or readmission plan.** Requires an admission or readmission plan to include measures to improve pupil behavior and parental involvement in process.

- 34 Exclusions and expulsions; physical assaults.** Requires a report on an exclusion or expulsion and physical assault of an employee to the commissioner to identify:

- (1) the pupil's behavior leading to the discipline;
- (2) the nonexclusionary disciplinary policies and practices used, if applicable;
- (3) any attempts to provide the pupil with alternative education services before excluding or expelling the pupil;
- (4) the effective date of the disciplinary action; and
- (5) the duration of the exclusion or expulsion.

Effective Date. Makes the section effective for the 2018-2019 school year and later.

- 35 Policies to be established.** Makes technical changes. Requires a district to review the expelled or excluded pupil's school work and grades on a quarterly basis to ensure they are on track for readmission. Requires a district to continue to provide school-linked mental health services to an expelled or excluded student in the manner determined by the district until the pupil is enrolled in a new district. Requires the district to provide the pupil's parent with a list of mental health and counseling services available to the pupil after expulsion. Requires the district to report on its policy on the appropriate use of school resource officers.

Effective Date. Makes the section effective for the 2018-2019 school year and later.

- 36 Discipline and removal of pupils from class.** Makes technical changes. Amends the requirement that the district discipline policy includes potential consequences for violations of the rules to require that potential consequences are included in the policy. Requires the policy to include parental notification requirements. Requires a meeting with a pupil's parent

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or guardian to discuss the problem causing the pupil's removal from class after the pupil has been removed from class more than five, instead of ten, times in one school year.

Effective Date. Makes the section effective for the 2018-2019 school year and later.

- 37 **Parent notification.** Requires a school administrator to make and document efforts to immediately contact the parent or guardian of a pupil removed from a school building or school grounds by a peace or school resource officer unless the notice is specifically prohibited by law. Requires school administrator to make reasonable efforts to notify a parent if a student is secluded.

Effective Date. Makes the section effective for the 2018-2019 school year and later.

- 38 **Essential data.** Reassigns a requirement that the Minnesota Department of Education maintain a list of licensed and non-licensed staff members for each school district to PELSB. This data is collected through Staff Automated Report (STAR), which was transferred to PELSB last session.

- 39 **Prohibiting school employees from using public resources for advocacy.** Requires a school district to adopt a district policy that prohibits employees from using district funds or other publicly funded district resources to advocate for electing or defeating a candidate, or passing or defeating a ballot question. The policy applies when the employee performs the duties assigned to them under the employment contract. The policy doesn't apply when an employee disseminates factual information consistent with the employee's contractual duties.
- Effective date.** This section is effective July 1, 2018.

- 40 **Clerk records.** Deletes a report required under section 123B.14, subdivision 7.

- 41 **Resolution of concurrence.** Clarifies that a resolution of non-concurrence by the American Indian education parent advisory committee and recommendations on educational programs for American Indian students must be submitted directly to the school board.

- 42 **Literacy incentive aid.** Amends the measure of growth for purposes of growth aid.

- 43 **Department duties; essential data.** Eliminates the requirement that Department of Education maintain essential data on school district licensed and nonlicensed staff members. PELSB will maintain the essential data.

- 44 **Limitations of order.** Eliminates reference to MDE licensing division.

- 45 **Definitions.** Adds a cross-reference to the definition of "sexual abuse" under the Maltreatment of Minors Act to allow the Department of Education to investigate behaviors that fall under that statute for maltreatment.

- 46 **Certification incentive revenue.** Reduces incentive funding from \$1,000,000 to \$400,000, clarifies time when funding may be used, and extends reporting requirement.

- 47 **Certification incentive funding.** Reduces appropriation. See fiscal worksheet.

- 48 **Museums and education centers.** Appropriates \$31,000 in fiscal year 2019 only for the Judy Garland Museum for the Children's Discovery Museum of Grand Rapids.

- 49 **Singing-based pilot program.** Allows fiscal year 2018 funding for the singing-based pilot program to carry over to fiscal year 2019.

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- 50 Paraprofessional pathway to teacher licensure.** Allows charter schools to receive grants for Grow Your Own programs. Clarifies eligibility for grants.
- 51 Appropriations.** See fiscal worksheet for details.
- 52 Revisor’s instruction.** Recodifies intermediate school district provisions within K-12 education code.
- 53 Repealer.** Repeals definitions of low growth, medium growth, high growth, and growth toward proficiency. Repeals vision therapy pilot project.

Article 36: Teachers

- 1 Code of ethics.** Codifies the code of ethics, which is currently in rule, in statute. Adds prohibition on discriminating on basis of political, ideological, or religious beliefs, and engaging in sexual contact with a student.
- 2 Public employer compensation reduction prohibited.** Prohibits a public employer of a PELSB member from reducing the member’s compensation or benefits for their absence from employment due to engaging in the business of the board.
- 3 PELSB and code of ethics.** Adds reference to new statute codifying code of ethics. Requires board to develop a process for school districts to receive complaints about teacher code of ethics violations, and forward complaints to board. Requires school board to inform parents of ability to submit complaint to school board.
- 4 Teacher background checks.** Eliminates the option for PELSB to issue a teacher license while a background check is pending.
- 5 “Professional growth;” continuing education in armed forces career options.** Authorizes school employees who provide career advice to students to partly satisfy their professional continuing education requirements by attending training in armed forces career options or careers in the skilled trades and manufacturing.
- 6 Teacher background check.** Requires PELSB to request a background check from the Bureau of Criminal Apprehension (BCA) on a licensed teacher applying for a renewal license if the teacher has not had a background check within the last five years. Allows the board to request payment from a teacher renewing a license to cover the cost of the background check.
- 7 Grounds for revocation, suspension, or denial.** Adds to the list of grounds on which PELSB and Board of School Administrators (BOSA) must refuse to issue, refuse to renew, or automatically revoke a teacher’s license without the right to a hearing. Allows board to take licensing action when there is a stay of adjudication for any offense.
- Requires PELSB or BOSA to refuse to issue, refuse to renew, or revoke a teacher’s license to teach if the teacher has engaged in sexual penetration with a student.

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Requires reversal of licensing decision based on background check if applicant is not subject of background check. Provides that a licensing action under this subdivision is not subject to review.

Requires PELSB or BOSA to review, allows board to renew, or revoke a teacher's license to teach if the teacher is convicted of certain offenses. Allows a teacher to initiate a contested case under chapter 14 if license is revoked, not renewed or not issued.

Allows PELSB or BOSA to suspend a license while an investigation into grounds for revocation is pending.

- 8 **PELSB; mandatory reporting.** Clarifies responsibilities of BOSA for reporting maltreatment. Requires PELSB and BOSA to report maltreatment to a welfare agency and law enforcement authorities.
- 9 **Immediate discharge.** Adds cross-reference to section 122A.20, subdivision 1, paragraph (b), in list of grounds on which a school board must immediately discharge a teacher and adds to list of grounds to match list in section 122A.20.
- 10 **Immediate discharge; first class city schools.** Adds cross-reference to section 122A.20, subdivision 1, paragraph (b), in list of grounds on which a school board must immediately discharge a teacher and adds to list of grounds to match list in section 122A.20.
- 11 **General control of schools.** Requires school district to notify teachers of authority to remove students from class.
- 12 **Responsibility.** Substitutes PELSB for Board of Teaching in statute relating to evaluating programs to prepare teachers.
- 13 **Background check required.** Requires the school hiring authority to request a new criminal history background check on all employees every five years. Allows the school hiring authority to decide not to request a criminal background check on an employee who provides a copy of a background check conducted within the previous 60 months. Allows a school hiring authority to pay the costs of conducting the background check.
- 14 **Effect of background check or PELSB action.** Eliminates the option for a district to hire an individual while a background check is pending.
- 15 **Report by court administrator.** Requires the superintendent of the BCA to require court administrators to report stays of adjudication for an offense that would require predatory offender registration if convicted.
- 16 **Background checks; additional disclosure.** Requires the superintendent of the BCA to disclose stays of adjudication granted to the subject of a statutorily required or authorized background check.
- 17 **Limits of sentences.** Requires that a stay of adjudication be reported to the superintendent of the Bureau of Criminal Apprehension.
- 18 **Persons mandated to report; persons voluntarily reporting.** Adds the member of a board whose licensees perform work within a school facility to the list of mandated reporters.

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- 19 Law enforcement duties.** Requires law enforcement to notify PELSB or BOSA of a report of maltreatment by a licensee.
- 20 Determinations.** Requires the commissioner of education to inform an appropriate licensing entity that a report of maltreatment was received, the subject of the report, the date of the initial report, the category of maltreatment, the fact that maltreatment was not determined, and a summary of the reasons for the determination.
- 21 Certified copy of disqualifying offense convictions sent to public safety and school districts.** Requires a court administrator to send a copy of a school bus driver's stay of adjudication for offenses requiring predatory offender registration to the Department of Public Safety and to the school districts in which the offender drives a school bus within ten days of the stay of adjudication.
- 22 – 36 Effective Date.** Extends the effective date for the teacher licensure rules and the repeal of the current licensure rules from July 1, 2018, to September 1, 2018.
- 37 Survey of teacher preparation programs.** Requires PELSB to survey board-approved teacher preparation programs on programs' dyslexia instruction offerings.
PELSB may consult with the dyslexia specialist at MDE. PELSB must report to the legislature on survey findings.
- 38 Tiered licensure rules.** Requires PELSB to adopt in rule sections 39 to 56 as temporary rules that must expire on the adoption of new rules if the board has not adopted tiered licensure rules by September 1, 2018.
- 39 Definitions and general rules for teaching licenses.**
- Subd. 1. Definitions.** Defines terms.
 - Subd. 2. Teaching licenses, in general.** Requires licenses to be granted to applicants that meet all requirements. Provides expiration dates. Requires criminal history background checks.
 - Subd. 3. Addition to Tier 3 or 4 license.** Sets expiration date when licensure area is added.
 - Subd. 4. Movement between tiers.** Allows teachers to obtain higher tier license. Limits when teacher may obtain license in lower tier.
 - Subd. 5. Multiple expiration dates.** Allows consolidation of expiration dates.
 - Subd. 6. Appeal.** Allows applicant denied a license to appeal.
 - Subd. 7. Licenses issued in error.** Requires license issued in error to be corrected without change and without a hearing.
 - Subd. 8. Report.** Requires annual report by September 1.
 - Subd. 9. Fees.** Requires applicants to pay fees.
- 40 Tier 1 license.** Provides requirements for a tier 1 license.
- 41 Tier 2 license.** Provides requirements for a tier 2 license.

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- 42 Tier 3 license.** Provides requirements for a tier 3 license.
- 43 Tier 4 license.** Provides requirements for a tier 4 license.
- 44 Out-of-field permission.** Provides requirements for a teacher with a tier 3 or 4 license to teach out of field.
- 45 Innovative program permissions.** Provides requirements for innovative program permissions.
- 46 Short-call substitute license.** Provides requirements for substitute license for holder to replace teacher of record for up to 15 consecutive school days.
- 47 Lifetime substitute license.** Provides requirements for lifetime substitute license issued to retired teacher, who can replace teacher of record on approved leave of absence.
- 48 Teachers of reading.** Requires candidate for reading teacher license to hold or qualify for license to teach elementary, middle, or secondary school.
- 49 Reading leader.** Requires candidate for reading teacher license to hold or qualify for license to teach elementary, middle, or secondary school.
- 50 Speech-language pathologist.** Provides requirements for speech-language pathologist license.
- 51 School nurse.** Provides requirements for school nurse license.
- 52 School psychologist.** Provides requirements for school psychologist license.
- 53 School social worker.** Provides requirements for school social worker license.
- 54 School counselor.** Provides requirements for school counselor license.
- 55 Duty of license to renew.** Requires person seeking to renew tier 3 or 4 license to comply with renewal requirements and submit required application and materials.
- 56 Career pathways teacher.** Provides requirements for career pathways teacher.
- 57 Repealer.** (a) Repeals PELSB rules replaced by rule adopted under section 38.
(b) Repeals statute requiring PELSB to adopt a code of ethics, and the rule with the code of ethics.

Article 37: Special Education

- 1 Education, residence, and transportation of homeless.** Provides that, for homeless pupils with an individualized education program (IEP) enrolled in a program authorized by an intermediate district or other cooperative unit, the serving district at the time of the pupil's enrollment in the program remains responsible for transporting the pupil for the remainder of the school year, unless the initial serving district and current serving district mutually agree that the current serving district will be responsible for providing transportation.
- Effective date.** This section is effective July 1, 2018.

Section

- 2 Intermediate school district mental health innovation grant program; appropriation.** Clarifies that a mental health provider that is in enrolled as a mental health or substance use disorder provider in Minnesota's medical assistance program and that employs at least two full-time equivalent mental health professionals is eligible to receive a grant under this section.
- 3 Special education adjustment; Monticello school district.** Converts a one-year delay in repayment due to an adjustment to the Monticello school district's special education revenue amounts to forgiveness of \$800,000 of the outstanding adjustment. Makes this a one-time adjustment in fiscal year 2019 only.
- 4 Appropriation; special education aid.** Matches the fiscal years 2018 and 2019 special education aid appropriations to the February 2018 forecast. Increases special education aid by \$800,000 in for fiscal year 2019 for the Monticello adjustment. See fiscal worksheet for details.
- 5 Special Education Legislative Working Group.**
- Subd. 1. Duties.** Establishes a special education legislative working group to review special education delivery and cost in Minnesota, to consult with stakeholders, and to submit a written report and recommendations to the legislature. Requires the working group to examine certain aspects of the special education system.
- Subd. 2. Membership.** Provides that the working group consists of twelve members, including three members appointed by the speaker of the house, three appointed by the house minority leader, three appointed by the senate majority leader, and three appointed by the senate minority leader. Requires that the chairs of the house and senate committees with jurisdiction over education finance and policy be appointed to the working group. Requires that only duly elected and currently serving members of the house or senate be members of the working group.
- Subd. 3. Organization; process; administrative and technical support.** Requires that working group appointments be made by July 1, 2018. Requires caucus leaders to fill vacancies in working group membership. Requires that the senate education policy chair convene the first meeting and serve as a co-chair of the working group together with the house education policy chair. Requires that working group meetings be held periodically be open to the public. Directs the Legislative Coordinating Commission to provide administrative assistance. Requires the Department of Education to provide technical assistance.
- Subd. 4. Consultation with stakeholders.** Requires the working group to consult with stakeholders in developing its recommendations.
- Subd. 5. Report.** Requires the working group to submit its report the legislature no later than January 15, 2019.
- Subd. 6. Expiration.** Provides that the working group expires on January 16, 2019, unless extended by law.

Section

Article 38: Facilities, Technology, Libraries, and Nutrition

- 1** **Frequency of testing; lead in school drinking water.** Requires the commissioner of education, in consultation with the commissioner of health, to set the maximum acceptable level of lead in school drinking water. Requires any water source that exceeds this level to be immediately shut off until lead levels are remediated.
- 2** **Reporting; lead in school drinking water.** Requires a school to immediately notify parents any time that lead is detected at a level exceeding the standard established by the commissioner. The school must also notify parents of the test results and any remediation activities.
- 3** **Disposing of surplus school computers.** Allows a school district to sell or give used computers or tablets to students.
- 4** **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.
- 5** **Allocation from districts participating in agreements for secondary education or interdistrict cooperation.** Allows districts participating in a pairing agreement to allocate long-term facilities maintenance revenue for large indoor air quality, fire safety and asbestos projects among the participating district to provide an equitable distribution of the levy impact of the projects.
- 6** **School meals policies; lunch aid; food service accounting.**
 - Subd. 1. School meals policies.** Requires each Minnesota participant in the national school lunch program to adopt and publish a written school meals policy. Requires certain policy components. Requires the policy to apply to contracts with third-party meal service providers.
 - Subd. 5. Respectful treatment.** Requires the participant to provide meals to students in a respectful manner. Prohibits the participant from dumping meals, withdrawing served meals, publicly listing the names of students with meal debt, identifying students with meal debt with stickers, stamps, or pins, or other demeaning actions. Prohibits participants from restricting students with outstanding debt from participation in any school activity for which a fee is otherwise prohibited under section 123B.37. Prohibits participants from limiting a student from participating in graduation ceremonies because of outstanding debt. Requires the commissioner to communicate with noncompliant participants. Requires noncompliant participants to respond to commissioner communications and to remedy noncompliant practices.
- 7** **District aid.** For a district that is not a member of an organized telecommunications access cluster, eliminates the \$16 per pupil local effort required before the district is eligible for state aid.

Effective date. This section is effective for revenue in fiscal year 2019 and later.

Section

- 8** **Award of funds; regional library telecommunications access aid.** Redirects unspent regional library telecommunications aid to grants to regional public library systems for equipment and other uses designed to expand access to high speed Internet, including providing portable hot spots to library patrons for fiscal years 2019 through 2021. Requires the commissioner to report to the legislature regarding the effectiveness and fiscal need of the regional library telecommunications access aid program.
- 9** **Sample ballot, posting.** For proposed capital projects requiring review and comment, requires that the summary of the commissioner's review and comment and other supplemental information be posted in the school district's administrative office four days before an election to issue bonds to finance the project. Requires that the same be posted in the polling place on Election Day.
- Effective date.** This section is effective for elections held on or after August 1, 2018.
- 10** **Duties of fire marshal.** Requires that, of the five school fire drills required each year, at least three drills must require an evacuation.
- 11** **Fire drill.** Authorizes a public or private school or educational institution to implement an alternative fire drill that does not require evacuation. Requires a school or educational institution to work with the local fire chief and law enforcement chief or their designees in developing and implementing the alternative drills. Requires a school to keep records of fire drills, including information about the type of drill and evacuation.
- 12** **Proper use of bond proceeds.** Clarifies that bond elections issued after approval of the electors must be used for the purposes stated on the ballot.
- 13** **Generally; notice.** Requires that the ballot language for a school district bond issue state the name of the plan or plans being proposed by the district as submitted to the commissioner for review and comment.
- Effective date.** This section is effective for elections held on or after August 1, 2018.
- 14** **Equity in telecommunication access; appropriation.** Appropriates an additional \$200,000 in fiscal year 2019 only for equity in telecommunications access aid.
- 15** **Regional library telecommunications aid.** Authorizes carry forward authority from fiscal year 2018 to fiscal year 2019 for any balance in the regional library telecommunications aid program.
- 16** **Appropriations.** Appropriates \$362,000 in fiscal year 2019 only for the additional telecommunications access aid.

Article 39: Early Education, Self-Sufficiency, and Lifelong Learning

- 1** **Voluntary prekindergarten; program requirements.** Clarifies that the cognitive and social skills formative measure administered to prekindergarten pupils must be age-appropriate.

Section

- 2 **Voluntary prekindergarten; application process; priority for high poverty schools.** Splits the Minneapolis and St. Paul school districts into two separate regions for purposes of allocating voluntary prekindergarten funds.
- 3 **Participation limits.** Removes obsolete language.
- 4 **Kindergarten readiness assessment.**
 - Subd. 1. Purpose.** States that the purpose of kindergarten readiness assessment is to determine readiness to enter school, understand the connection between readiness and later academic achievement, and produce data that can inform the effectiveness of early childhood programs.
 - Subd. 2. Commissioner duties.** Requires the commissioner to provide districts with a process for measuring kindergarten readiness of incoming kindergarten students. Requires measurements to be valid and reliable and aligned to state early childhood indicators and kindergarten standards. Requires districts to report results of kindergarten entry assessments to the commissioner and requires the commissioner to summarize and report this information as part of the performance reporting.
- 5 **Family eligibility; early learning scholarships.** Eliminates the need for parents to verify income for homeless children or children in need of protective services.
- 6 **Administration; early learning scholarships.** Clarifies that children receiving early learning scholarships are required to receive an early learning developmental screening within 90 days of their third birthday, but not before, for those children who receive a scholarship at an earlier age.
- 7 **Early childhood program eligibility.** Strikes an obsolete provision that allowed the early learning scholarship pilot sites to participate in the statewide program prior to becoming rated through the state's quality rating and improvement system.
- 8 **Commissioner-selected high school equivalency tests.** Clarifies that the commissioner may select more than one high school equivalency test.
- 9 **Administration; design.** Requires that the commissioner's education partnership program requirements align with programs that collect and utilize data to improve student outcomes; share disaggregated performance data with the community to set community-level outcomes; employ continuous improvement processes; have an anchor entity to manage the partnership; convene a cross-sector leadership group and have a documented accountability structure; and demonstrate use of non-state funds, from multiple sources, including in-kind contributions, among other requirements. Requires a grant recipient's supportive services programming also address middle school mathematics and postsecondary enrollment and completion.
- 10 **Grants.** Requires that, for Education Partnership Tier 2 grants authorized in fiscal year 2020 and later, priority must be given to past grant recipients. (As of fiscal year 2018, past Tier 2 grant recipients include the Northfield Healthy Community Initiative in Northfield; the Jones Family Foundation for the Every Hand Joined program in Red Wing; and the United Way of Central Minnesota for the Partners for Student Success program.)
- 11 **Application; high school equivalency tests.** Clarifies that the commissioner may select more than one high school equivalency test.

Section

- 12 Minnesota state authorization; high school equivalency tests.** Clarifies a reference to high school equivalency tests in the cosmetology license statute.
- 13 National criminal history record check.** Defines the term “national criminal history record check” to mean a fingerprint-based check of records conducted by the BCA through the databases maintained by the Federal Bureau of Investigation.
- 14 Background study; tribal organizations.** Authorizes tribal organizations to contract with the commissioner of human services to conduct background studies of individuals affiliated with a child care program sponsored, managed, or licensed by a tribal organization.
- 15 Background study; Head Start programs.** Authorizes Head Start programs to contract with the commissioner of human services for background studies. Exempts a Head Start program that does not contract with the commissioner, is not licensed, and is not registered for funding under chapter 119B from chapter 245C.
- 16 School readiness plus; program requirements.** Clarifies that the cognitive and social skills formative measure administered to school readiness plus prekindergarten pupils must be age-appropriate and clarifies the criteria for school readiness plus instructors.
- 17 Tier 2 Implementing grants; appropriation.** Increase the fiscal year 2019 appropriation for the Education Partnership Tier 2 implementing grants by \$73,000 and awards this amount as a grant to the Promise Neighborhood of Central Minnesota.

Article 40: State Agencies

1 Minnesota State High School League eligibility bylaws, policies, and procedures.

Subd. 1. Public input and access to proposed eligibility bylaws, policies, and procedures. Clarifies the requirements for public notice and public hearings of proposed changes to league eligibility bylaws, policies, and procedures. Reduces the number of parent/guardian requests necessary to require that a hearing be conducted by an administrative law judge or a person contracted by the Office of Administrative Hearings. Requires the league to maintain a public docket of historical and proposed changes to eligibility bylaws, policies, and procedures. Requires the league to post notice and proposed changes to eligibility bylaws, policies, and procedures no later than 30 days prior to board meetings. Requires the league to indicate publication dates on the league handbook and other advisory documents concerning eligibility and remove duplicate policies and procedures.

Subd. 2. Eligibility review process. Requires the league to establish a process for student eligibility review that provides students and parents an opportunity to present information. Requires the league to publish general criteria by which a request for a review may qualify for a review by the league’s eligibility committee or further review by an independent hearing officer and the conditions, timelines, and procedures for such reviews. Requires the league to provide specific reasons for denying a request for review when a request is denied. Provides that the eligibility review process does not create a property right or liberty interest in extracurricular varsity athletic competition.

Section

- 2 **League information review and report; commissioner recommendations.** Transfers responsibility for annual information review from the commissioner to the league. Requires that the league annually evaluate current and proposed bylaws, procedures, policies, and definitions for compliance with Minnesota Department of Education programs and state and federal law. Requires that the league annually review any recent or proposed changes to eligibility bylaws, policies, and procedures. Requires that the league post its review on the league website and deliver a copy to the commissioner and the legislature.
- 3 **Department.** Increases the Minnesota Department of Education's fiscal year 2019 appropriation by \$185,000 for the Turnaround Arts program. Sets the agency's fiscal year 2020 base budget at \$22,139,000. Provides that any unspent amount from the fiscal year 2018 appropriation for legal fees be reallocated for additional character development incentive grants, a grant to the For Jake's Sake Foundation, and a grant to the Mind Foundry Learning Foundation for fiscal year 2019.
- 4 **Appropriation; PELSB.** Adds \$25,000 to the fiscal year 2019 appropriation to PELSB for developing a process to submit ethics complaints.
- 5 **Appropriation; Perpich Center for Arts Education.** Reduces the portion of the appropriation for the Perpich Center set aside for potential severance costs for Crosswinds employees from \$1.2 million to \$400,000.
- 6 **Crosswinds disposition costs.** Cancels the unspent portion the Crosswinds disposition costs associated with the sale of the Crosswinds facility by reducing the appropriation from \$162,000 to \$21,000.
- 7 **Repealer.** Repeals section 128C.02, subdivision 6, a duplicative annual high school league reporting requirement.

Article 41: Forecast Adjustments

Overview

Article 11 adjusts all appropriations for formula-driven school funding to match the February 2018 forecast. These changes conform the appropriations to the forecast and have no fiscal effect when measured against the forecast.