

Subject Governor's Policy Bill

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Overview

This bill is the Governor's education policy bill. It includes provisions relating to academic standards, student discipline, increasing the number of teachers who are of color or American Indian, charter schools, school meals, and postsecondary enrollment options.

Article 1: General Education

This article modifies provisions relating to required academic and graduation standards; modifies testing requirements; and requires the state count of American Indian students to be used for certain purposes.

Section Description – Article 1: General Education

- 1 Required academic standards.**
Requires school districts to adopt the state arts standards rather than local standards. Adds media arts to list of arts areas that districts must offer and require.
- 2 Rulemaking. [Required academic standards]**
Clarifies commissioner's authority to amend rules on academic standards.
- 3 Graduation requirements. [Credits]**
States that algebra I credit that satisfies 8th grade standards does not bear high school credit. Amends science credit requirements for 9th graders in the class of 2023-2024. Requires one credit of physical education. Reduces number of elective credits from seven to six.
- 4 Statewide local assessments; results. [Statewide testing and reporting system]**
Eliminates requirement that the Minnesota Comprehensive Assessments (MCAs) include below-grade and above-grade test items, and definitions relating to above-grade and below-grade level test items.

Section Description – Article 1: General Education

- 5 **Remote testing. [Statewide testing and reporting system]**
Requires the commissioner to develop and publish security and privacy policies and procedures on remote testing.
- 6 **Definitions. [Online learning option]**
Defines “hybrid learning” as using blended learning in a way that combines scheduled in-person instruction and distance learning.
- 7 **Technical assistance. [Community and commissioner participation in American Indian education]**
Requires the commissioner to provide an annual report of American Indian student data using the state count of American Indian students.
- 8 **Procedures. [American Indian education aid]**
Requires the state count of American Indian students to be used to calculate American Indian education aid.
- 9 **Extension for posting student progress and other data.**
Extends time for commissioner of education to post accountability data for the 2020-2021 school year to October 1, 2021.

Article 2: Education Excellence

This article includes provisions modifying data sharing, home school, gifted and talented programs and services, and American Indian programming requirements.

Section Description – Article 2: Education Excellence

- 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 **Requirements for instructors. [Compulsory instruction]**
Modifies requirements for home school instructors.
- 3 **Reports to superintendent.**
Requires report on child receiving home school instruction to include proof that the testing plan for the previous year was fulfilled, a copy of the test scores, and other information.

Section Description – Article 2: Education Excellence

- 4 **Gifted and talented students programs 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.
- 5 **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.
- 6 **State growth target; other state measures. [Student academic achievement and growth]**
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.
Effective date: This section is effective the day following final enactment. The next update to data used to determine the most populous groups must be implemented in 2026 using the 2021-2025 dataset.
- 7 **Program described. [American Indian education programs]**
Modifies description of instruction in American Indian language, literature, history, and culture.

Article 3: Inclusive and Welcoming Schools

This article amends student discipline requirements, defines school mental health systems and multi-tiered system of support, prohibits American Indian mascots, and requires districts to allow American Indian students to wear American Indian regalia at graduation ceremonies.

Section Description – Article 3: Inclusive and Welcoming Schools

- 1 **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.
Effective date: This section is effective for the 2021-2022 school year and later.

Section Description – Article 3: Inclusive and Welcoming Schools

2 School calendar.

Allows a school board to consider the community’s religious or cultural observances when adopting a school calendar.

3 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.

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

4 School mental health systems.

Defines mental health, and describes comprehensive school mental health systems.

5 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.

6 Suspension.

Defines “in-school suspension” and “out-of-school suspension.” Requires an out-of-school suspension to include a readmission plan.

Effective date: This section is effective for the 2021-2022 school year and later.

7 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 2021-2022 school year and later.

8 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 2021-2022 school year and later.

Section Description – Article 3: Inclusive and Welcoming Schools

- 9 **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 2021-2022 school year and later.
- 10 **Suspension pending expulsion or exclusion hearing. [Suspension procedures]**
States that alternative education services are required when a student is suspended more than five consecutive days.
Effective date: This section is effective for the 2021-2022 school year and later.
- 11 **Student suspensions exceeding five consecutive school days. [Suspension procedures]**
Requires an administrator to ensure alternative education services are provided when a pupil is suspended for more than five consecutive school days.
Effective date: This section is effective for the 2021-2022 school year and later.
- 12 **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 2021-2022 school year and later.
- 13 **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 2021-2022 school year and later.
- 14 **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 2021-2022 school year and later.

Section Description – Article 3: Inclusive and Welcoming Schools

- 15 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.
Effective date: This section is effective for the 2021-2022 school year and later.
- 16 Policies to be established.**
(a) Requires the commissioner to issue guidance on engaging stakeholders to review and revise discipline policies that are restorative and responsive. Requires policies to include nonexclusionary disciplinary policies and practices, and emphasize providing multi-tiered supports to students.

(b) Requires schools to ensure student is getting alternative educational services. 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 2021-2022 school year and later.
- 17 Corporal punishment.**
Defines “prone restraint” and prohibits a district employee or agent, including a school resource officer, from using prone restraints to reform or punish unacceptable conduct. Prohibits a district employee or agent, including a school resource officer, from using some physical holdings.
- 18 Discipline and removal of students from class.**
Subd. 1. Required policy. Requires a school board to annually review and revise the school discipline policy and to include in the policy parameters for when input into discipline decisions is allowed.
Subd. 2. Grounds for removal from class. Eliminates mandatory grounds for removal and requires policy to instead include provisions on addressing willful conduct that endangers other persons or property.
Subd. 3. Policy components. Eliminates requirement that policy include minimum consequences for violations of the code of conduct. Requires policy to prohibit use of exclusionary practices to address attendance and truancy issues.
Effective date: This section is effective July 1, 2022.

Section Description – Article 3: Inclusive and Welcoming Schools

- 19 **Parent committee. [Parent and community participation]**
Defines American Indian students for purposes of the American Indian Parent Advisory Committee (AIPAC).
- 20 **Membership. [Parent and community participation]**
Requires majority of an AIPAC committee to be parents of American Indian children.
- 21 **Duties; powers. [Indian Education Director]**
Clarifies that duties of Director of American Indian Education may be performed by Director’s designee with oversight by Director.
- 22 **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.
- 23 **Restrictive procedures.**
Broadens application of restrictive procedures statutes from only students with disabilities to all students.
- 24 **Standards for restrictive procedures.**
Requires an oversight committee to review additional information regarding use of restrictive procedures. Requires reporting on the use of the debriefing process that follows use of a restrictive procedure. Prohibits using a restrictive procedure on a child younger than five.

Article 4: Health and Wellness

This article requires districts to provide mental health instruction and implement safe and supportive schools programming. It also requires the commissioner to adopt social-emotional learning standards.

Section Description – Article 4: Health and Wellness

- 1 **Mental health education.**
Replaces encouragement for districts to provide mental health instruction with requirement.

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

Section Description – Article 4: Health and Wellness

- 2 Safe and supportive schools programming. [School student bullying policy]**
Requires districts to provide instruction to help students identify, prevent, and reduce prohibited conduct; and take other action to create a safe and supportive school environment.
- 3 State model policy. [School student bullying policy]**
Requires the commissioner to develop and maintain resources to help districts and schools implement strategies for a positive school climate and use social-emotional learning. Requires the commissioner to develop and adopt state-level social-emotional learning standards.

Article 5: Teachers

This article includes provisions relating to increasing the number of teachers who are of color or American Indian, establishes definitions relating to curriculum or school climate, amends teacher licensure, continuing contract, and evaluation requirements, and amends district integration and achievement plan requirements.

Section Description – Article 5: Teachers

- 1 Definitions. [World’s Best Workforce]**
Defines “ethnic studies curriculum,” “rigorous,” “anti-racist,” “culturally sustaining,” and “institutional racism.”
- 2 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 enactment.
- 3 District advisory committee. [World’s Best Workforce]**
Requires district advisory committee to recommend strategies regarding curriculum and learning and work environments.
- 4 Increasing 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

Section Description – Article 5: Teachers

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.

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.

5 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.

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 Coursework. [Tier 3 license]

Eliminates option to use three years of teaching experience under a Tier 2 license to fulfill coursework requirement for a Tier 3 license.

8 Tests. [Teacher licensure assessment]

Eliminates basic skills exam requirement for teacher licensure.

9 Exceptions. [Community education teachers; licensure requirements]

Community education teachers, including teachers in early childhood and family education programs, are required to have teacher licenses. They are not, however, considered “teachers” for purposes of section 122A.40 or 122A.41, which means that they cannot become tenured or have continuing contracts. This bill brings community education teachers that are required to have licenses, except for those that teach driver training courses, within the definition of “teacher” under the continuing contract and tenure statutes.

10, 11 Development, evaluation, and peer coaching for continuing contract teachers.

Requires districts to evaluate teachers on cultural responsiveness.

Section Description – Article 5: Teachers

12 Duties; evaluation. [Principals]

Requires districts to support and evaluate principals’ culturally responsive leadership practices.

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

13 Plan implementation; components. [Achievement and integration for Minnesota]

Modifies achievement and integration plan requirements. Requires plans to include strategies to address institutional racism.

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

Article 6: Charter Schools

This article amends the list of requirements charter schools must comply with, establishes definitions of charter management and education management organizations, amends authorizer requirements, and requires a market demand study for new or expanded charter schools, and modifies other charter school requirements.

Section Description – Article 6: Charter Schools

1 Definitions

Defines “charter management organization,” “education management organization,” and “online education service provider.”

2 Certain federal, state, and local requirements. [Applicable law]

Requires charter schools to comply with statute on alternatives to suspension, and uniform municipal contracting law.

3 English learners. [Applicable law]

Requires charter schools to comply with the Education for English Learners Act.

4 Corporal punishment. [Applicable law]

Requires charter schools to comply with corporal punishment statute.

5 Application content. [Authorizers]

Makes term of a charter school authorizer open-ended instead of being limited to five years.

Section Description – Article 6: Charter Schools

- 6 **Withdrawal. [Authorizers]**
Amends authorizer withdrawal requirements.
- 7 **Individuals eligible to organize. [Forming a school]**
Requires an application to establish a charter school must include a market need and demand study that quantifies demand for the new school, grade or site expansion, or preschool program, and includes other market need and demand information.
- 8 **Authorizer’s affidavit; approval process. [Forming a school]**
Requires an authorizer’s affidavit to include in its affidavit market research on the need, demand, and potential market for a proposed charter school.
- 9 **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.
- 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.
- 11 **Teachers. [Employment]**
Changes statutory definition of “teacher” referenced in requirement to employ necessary teachers, and allows charter schools to contract with a cooperative to provide necessary teachers.
- 12 **Leased space. [Facilities]**
Requires a charter school to lease space from the owner of the space instead of subleasing the space.
- 13 **Affiliated nonprofit building corporation. [Facilities]**
Prohibits an affiliated building corporation from supporting more than one school.
- 14 **Audit report. [Reports]**
Requires a charter management organization or educational management organization to submit an audit report to the commissioner annually by December 31.
- 15 **School closures; payments. [Payment of aids to charter schools]**
Strikes a reference to chapter on cooperatives.

Article 7: Nutrition and Libraries

This article requires sponsors in the meals program to adopt a school meals policy, establishes requirements for school libraries, and amends a library support aid requirement.

Section Description – Article 7: Nutrition and Libraries

1 **School meal policy; lunch aid; food service accounting.**

Subd. 1. School meal policy. Requires sponsors in the school lunch or breakfast program to adopt and post a school meal policy. Lists required elements of policy, including a prohibition on withdrawing a meal from a student's tray.

Subd. 1a. School lunch aid amounts. Makes technical changes.

Subd. 2. Application. Makes a technical change.

Subd. 4. No fees. Prohibits a sponsor that receives lunch aid from denying a school lunch or breakfast to a student who qualifies for free or reduced-price meals even if the student has an outstanding balance in a meal account.

Subd. 5. Respectful treatment. Requires a sponsor to provide meals to students in a respectful manner, and prohibits a sponsor from imposing certain restrictions or limiting a student's participation in certain activities due to an unpaid student meal debt. Requires the commissioner to send a letter of noncompliance to a sponsor violating respectful treatment requirement; sponsor must respond and remedy the practice.

Subd. 6. Definition. Defines "a la carte" and "school meal."

Effective date: This section is effective July 1, 2021.

2 **School libraries and media centers.**

Subd. 1. Definition. Establishes requirements for a school district or charter school library or school library media center.

Subd. 2. Services. Requires a school district or charter school library or school library media center to employ a licensed school library media specialist or licensed school librarian, and establishes duties of the media specialist or librarian.

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

States that library basic system support aid provided to a regional public library system is subject to the reduced maintenance of effort requirements in section 275.761.

Article 8: Early Childhood

This article allows noncustodial providers of child care to participate in early childhood family education (ECFE) programs.

Section	Description – Article 8: Early Childhood
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| 1 | Program requirements. [ECFE programs]
Allows noncustodial providers of child care to participate in ECFE programs. |
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Article 9: Postsecondary Enrollment Options and Graduation

This article amends requirements in postsecondary enrollment options (PSEO) program and modifies the learning year program statute.

Section	Description – Article 9: Postsecondary Enrollment Options and Graduation
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| 1 | Definitions. [PSEO Act]
Prohibits an institution that makes admissions decisions based on a student's race, color, creed, and certain other grounds from enrolling PSEO students. |
| 2 | Notification of intent to enroll. [PSEO Act]
Eliminates requirement that district provide families information about PSEO.
Requires a student participating in PSEO to notify district of intent to enroll for fall term by May 30, and for spring term by October 30. |
| 3 | 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. |
| 4 | Program established. [Learning year program to provide instruction throughout year]
Strikes reference to extended school day calendar. Eliminates provision permitting student to participate in program and accelerate attainment of grade level or graduation requirements. |
| 5 | Student planning. [Learning year program to provide instruction throughout year]
Strikes charter schools from statute. |

Section Description – Article 9: Postsecondary Enrollment Options and Graduation

6 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 10: Technical Corrections

This article amends education-related statutes outside of the education code, renumbers statutory provisions, strikes an obsolete reference, and repeals a rule.

Section Description – Article 10: Technical Corrections

1 Conditions for assignment. [Assignment of refund]

Amends reference to process for appeal of denial of certification.

2 Excess increments. [Limitations]

Amends timeline for reporting on excess tax increment distributed to a school district.

3 Limitations of order effective January 1, 2015, and later. [Petition to expunge criminal records]

Strikes obsolete reference to the licensing division of the Department of Education.

4 Revisor instruction.

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

5 Repealer.

Repeals Minnesota Rules, part 3535.9910, a statement of compliance with state and federal law prohibiting discrimination.



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