

**HOUSE OF REPRESENTATIVES**

NINETY-SECOND SESSION

**H. F. No. 1065**

02/11/2021 Authored by Davnie  
The bill was read for the first time and referred to the Committee on Education Finance

04/09/2021 Adoption of Report: Amended and re-referred to the Committee on Taxes

04/12/2021 Adoption of Report: Re-referred to the Committee on Ways and Means

04/15/2021 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time

04/19/2021 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to education finance; providing funding for prekindergarten through grade

1.3 12 education; modifying provisions for general education, education excellence,

1.4 teachers, charter schools, special education, health and safety, facilities, nutrition

1.5 and libraries, early childhood, community education, and state agencies; making

1.6 forecast adjustments; requiring reports; appropriating money; amending Minnesota

1.7 Statutes 2020, sections 13.32, subdivision 3; 119A.52; 120A.22, subdivisions 7,

1.8 9, 10; 120A.35; 120A.40; 120B.02, subdivision 1; 120B.021, subdivisions 1, 2,

1.9 3, 4; 120B.024, subdivision 1; 120B.11, subdivisions 1, 1a, 2, 3; 120B.132;

1.10 120B.15; 120B.21; 120B.30, subdivision 1a, by adding subdivisions; 120B.35,

1.11 subdivisions 3, 4; 121A.031, subdivisions 5, 6; 121A.41, subdivision 10, by adding

1.12 subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by

1.13 adding subdivisions; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1; 121A.55;

1.14 121A.58; 121A.61; 122A.06, subdivisions 2, 5, 6, 7, 8, by adding a subdivision;

1.15 122A.07, subdivisions 1, 2, 4a; 122A.09, subdivisions 4, 6, 9, 10; 122A.091,

1.16 subdivisions 1, 2; 122A.15, subdivision 1; 122A.16; 122A.18, subdivisions 7a, 8,

1.17 10; 122A.181, subdivisions 1, 2, 3, 4, 5, 6, by adding a subdivision; 122A.182,

1.18 subdivisions 1, 2, 3, 4, 7; 122A.183, subdivisions 1, 2, 3, by adding a subdivision;

1.19 122A.184, subdivisions 1, 2; 122A.185, subdivisions 1, 4; 122A.187; 122A.19,

1.20 subdivision 4; 122A.21; 122A.26, subdivision 2; 122A.40, subdivisions 5, 8, 10,

1.21 by adding a subdivision; 122A.41, subdivisions 2, 5, 14a, by adding a subdivision;

1.22 122A.61, subdivision 1; 122A.63, subdivisions 6, 9; 122A.635, subdivisions 3, 4;

1.23 122A.70; 122A.76; 123B.147, subdivision 3; 123B.595, subdivision 3; 124D.09,

1.24 subdivisions 3, 5, 7, 8, 12, 13; 124D.095, subdivisions 2, 7; 124D.111; 124D.1158;

1.25 124D.128, subdivisions 1, 3; 124D.13, subdivision 2; 124D.142; 124D.151,

1.26 subdivisions 2, 5, 6; 124D.162; 124D.165, subdivisions 2, 3; 124D.531, subdivision

1.27 1; 124D.55; 124D.59, subdivision 2; 124D.65, subdivision 5; 124D.74, subdivisions

1.28 1, 3; 124D.78, subdivisions 1, 3; 124D.79, subdivision 2; 124D.791, subdivision

1.29 4; 124D.81; 124D.861, subdivision 2; 124E.02; 124E.03, subdivision 2, by adding

1.30 subdivisions; 124E.05, subdivisions 4, 6, 7; 124E.06, subdivisions 1, 4, 5; 124E.11;

1.31 124E.12, subdivision 1; 124E.13, subdivision 1; 124E.16, subdivision 1; 124E.21,

1.32 subdivision 1; 124E.25, subdivision 1a; 125A.08; 125A.094; 125A.0942; 125A.21,

1.33 subdivisions 1, 2; 125A.76, subdivision 2e; 126C.05, subdivisions 1, 3, 17;

1.34 126C.10, subdivisions 2, 2a, 2e, 4, 18a; 126C.15, subdivisions 1, 2, 5; 126C.17,

1.35 by adding a subdivision; 126C.40, subdivision 1; 126C.44; 127A.47, subdivision

1.36 7; 127A.49, subdivision 3; 134.34, subdivision 1; 134.355, subdivisions 5, 6, 7;

1.37 144.4165; 179A.03, subdivision 19; 290.0679, subdivision 2; 469.176, subdivision

1.38 2; 609A.03, subdivision 7a; Laws 2019, First Special Session chapter 11, article

2.1 1, section 25, subdivisions 3, as amended, 4, as amended, 6, as amended, 7, as  
 2.2 amended, 9, as amended; article 2, section 33, subdivisions 2, as amended, 3, as  
 2.3 amended, 5, as amended, 6, as amended, 16, as amended, 27; article 3, section 23,  
 2.4 subdivision 3, as amended; article 4, section 11, subdivisions 2, as amended, 3, as  
 2.5 amended, 4, as amended, 5, as amended; article 6, section 7, subdivisions 2, as  
 2.6 amended, 3, as amended; article 7, section 1, subdivisions 2, as amended, 3, as  
 2.7 amended, 4, as amended; article 8, section 13, subdivisions 5, as amended, 14, as  
 2.8 amended; article 9, section 3, subdivision 2, as amended; article 10, section 5,  
 2.9 subdivision 2, as amended; proposing coding for new law in Minnesota Statutes,  
 2.10 chapters 120B; 121A; 122A; 124D; 125A; 127A; 134; repealing Minnesota Statutes  
 2.11 2020, sections 120B.35, subdivision 5; 122A.091, subdivisions 3, 6; 122A.092;  
 2.12 122A.18, subdivision 7c; 122A.184, subdivision 3; 122A.23, subdivision 3;  
 2.13 122A.2451; Laws 2017, First Special Session chapter 5, article 8, section 9.

2.14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.15 **ARTICLE 1**

2.16 **GENERAL EDUCATION**

2.17 Section 1. Minnesota Statutes 2020, section 120A.35, is amended to read:

2.18 **120A.35 ABSENCE FROM SCHOOL FOR RELIGIOUS OBSERVANCE.**

2.19 Reasonable efforts must be made by a school district to accommodate any pupil who  
 2.20 wishes to be excused from a curricular activity for a religious observance. A school board  
 2.21 must provide to parents annual notice of the school district's policy relating to a pupil's  
 2.22 absence from school for religious observance.

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

2.24 Sec. 2. Minnesota Statutes 2020, section 120A.40, is amended to read:

2.25 **120A.40 SCHOOL CALENDAR.**

2.26 (a) Except for learning programs during summer, flexible learning year programs  
 2.27 authorized under sections 124D.12 to 124D.127, and learning year programs under section  
 2.28 124D.128, a district must not commence an elementary or secondary school year before  
 2.29 Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops  
 2.30 may be held before Labor Day. Districts that enter into cooperative agreements are  
 2.31 encouraged to adopt similar school calendars.

2.32 (b) A district may begin the school year on any day before Labor Day:

2.33 (1) to accommodate a construction or remodeling project of \$400,000 or more affecting  
 2.34 a district school facility;

2.35 (2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a  
 2.36 district that qualifies under clause (1); or

3.1 (3) if the district agrees to the same schedule with a school district in an adjoining state.

3.2 (c) A school board may consider the community's religious or cultural observances when  
3.3 adopting an annual school calendar.

3.4 Sec. 3. Minnesota Statutes 2020, section 124D.59, subdivision 2, is amended to read:

3.5 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten through  
3.6 grade 12, an early childhood special education student under Part B, section 619 of IDEA,  
3.7 or a prekindergarten student enrolled in an approved voluntary prekindergarten program  
3.8 under section 124D.151 or a school readiness plus program who meets the requirements  
3.9 under subdivision 2a or the following requirements:

3.10 (1) the pupil, as declared by a parent or guardian first learned a language other than  
3.11 English, comes from a home where the language usually spoken is other than English, or  
3.12 usually speaks a language other than English; and

3.13 (2) the pupil is determined by a valid assessment measuring the pupil's English language  
3.14 proficiency and by developmentally appropriate measures, which might include observations,  
3.15 teacher judgment, parent recommendations, or developmentally appropriate assessment  
3.16 instruments, to lack the necessary English skills to participate fully in academic classes  
3.17 taught in English.

3.18 (b) A pupil enrolled in a Minnesota public school in any grade 4 through 12 who in the  
3.19 previous school year took a commissioner-provided assessment measuring the pupil's  
3.20 emerging academic English, shall be counted as an English learner in calculating English  
3.21 learner pupil units under section 126C.05, subdivision 17, and shall generate state English  
3.22 learner aid under section 124D.65, subdivision 5, if the pupil scored below the state cutoff  
3.23 score or is otherwise counted as a nonproficient participant on the assessment measuring  
3.24 the pupil's emerging academic English, or, in the judgment of the pupil's classroom teachers,  
3.25 consistent with section 124D.61, clause (1), the pupil is unable to demonstrate academic  
3.26 language proficiency in English, including oral academic language, sufficient to successfully  
3.27 and fully participate in the general core curriculum in the regular classroom.

3.28 (c) Notwithstanding paragraphs (a) and (b), a pupil in early childhood special education  
3.29 or prekindergarten under section 124D.151, through grade 12 shall not be counted as an  
3.30 English learner in calculating English learner pupil units under section 126C.05, subdivision  
3.31 17, and shall not generate state English learner aid under section 124D.65, subdivision 5,  
3.32 if:

4.1 (1) the pupil is not enrolled during the current fiscal year in an educational program for  
4.2 English learners under sections 124D.58 to 124D.64; or

4.3 (2) the pupil has generated seven or more years of average daily membership in Minnesota  
4.4 public schools since July 1, 1996.

4.5 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

4.6 Sec. 4. Minnesota Statutes 2020, section 124D.65, subdivision 5, is amended to read:

4.7 Subd. 5. **School district EL revenue.** (a) The English learner programs initial allowance  
4.8 equals \$704 for fiscal year 2021. The English learner programs allowance equals \$755 for  
4.9 fiscal year 2022. The English learner programs initial allowance for fiscal year 2023 and  
4.10 later equals the product of \$755 times the ratio of the formula allowance under section  
4.11 126C.10, subdivision 2, for the current fiscal year to the formula allowance under section  
4.12 126C.10, subdivision 2, for fiscal year 2022.

4.13 (b) The English learner programs concentration allowance equals \$250 for fiscal year  
4.14 2021. The English learner programs concentration allowance equals \$536 for fiscal year  
4.15 2022. The English learner programs concentration allowance for fiscal year 2023 and later  
4.16 equals the product of \$536 times the ratio of the formula allowance under section 126C.10,  
4.17 subdivision 2, for the current fiscal year to the formula allowance under section 126C.10,  
4.18 subdivision 2, for fiscal year 2022.

4.19 ~~(a)~~ (c) A district's English learner programs initial revenue equals the product of (1)  
4.20 \$704 ~~the English learner programs initial allowance~~ times (2) the greater of 20 or the adjusted  
4.21 average daily membership of eligible English learners enrolled in the district during the  
4.22 current fiscal year.

4.23 (d) A district's English learner programs concentration revenue equals the product of  
4.24 the English learner programs concentration allowance times the English learner pupil units  
4.25 under section 126C.05, subdivision 17.

4.26 (e) A district's English learner programs revenue equals the sum of the initial revenue  
4.27 under paragraph (c) and the concentration revenue under paragraph (d).

4.28 ~~(b)~~ (f) A pupil ceases to generate state English learner aid in the school year following  
4.29 the school year in which the pupil attains the state cutoff score on a commissioner-provided  
4.30 assessment that measures the pupil's emerging academic English.

4.31 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

5.1 Sec. 5. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

5.2 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance,  
5.3 which includes an annual report of American Indian student data using the state count, to  
5.4 districts, schools and postsecondary institutions for preservice and in-service training for  
5.5 teachers, American Indian education teachers and paraprofessionals specifically designed  
5.6 to implement culturally responsive teaching methods, culturally based curriculum  
5.7 development, testing and testing mechanisms, and the development of materials for American  
5.8 Indian education programs.

5.9 Sec. 6. Minnesota Statutes 2020, section 124D.81, subdivision 1, is amended to read:

5.10 Subdivision 1. **Procedures.** A school district, charter school, or American  
5.11 Indian-controlled Tribal contract or grant school enrolling at least 20 American Indian  
5.12 students identified by the state count on October 1 of the previous school year and operating  
5.13 an American Indian education program according to section 124D.74 is eligible for Indian  
5.14 education aid if it meets the requirements of this section. Programs may provide for contracts  
5.15 for the provision of program components by nonsectarian nonpublic, community, Tribal,  
5.16 charter, or alternative schools. The commissioner shall prescribe the form and manner of  
5.17 application for aids, and no aid shall be made for a program not complying with the  
5.18 requirements of sections 124D.71 to 124D.82.

5.19 Sec. 7. Minnesota Statutes 2020, section 126C.05, subdivision 1, is amended to read:

5.20 Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the age  
5.21 of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in  
5.22 average daily membership enrolled in the district of residence, in another district under  
5.23 sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under  
5.24 chapter 124E; or for whom the resident district pays tuition under section 123A.18, 123A.22,  
5.25 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03  
5.26 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

5.27 (a) A prekindergarten pupil with a disability who is enrolled in a program approved by  
5.28 the commissioner and has an individualized education program is counted as the ratio of  
5.29 the number of hours of assessment and education service to 825 times 1.0 with a minimum  
5.30 average daily membership of 0.28, but not more than 1.0 pupil unit.

5.31 (b) A prekindergarten pupil who is assessed but determined not to be disabled is counted  
5.32 as the ratio of the number of hours of assessment service to 825 times 1.0.

6.1 (c) A kindergarten pupil with a disability who is enrolled in a program approved by the  
6.2 commissioner is counted as the ratio of the number of hours of assessment and education  
6.3 services required in the fiscal year by the pupil's individualized education program to 875,  
6.4 but not more than one.

6.5 (d) A prekindergarten pupil who is not included in paragraph (a) or (b) and is enrolled  
6.6 in an approved voluntary prekindergarten program under section 124D.151 is counted as  
6.7 the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil  
6.8 units.

6.9 (e) A kindergarten pupil who is not included in paragraph (c) is counted as 1.0 pupil  
6.10 unit if the pupil is enrolled in a free all-day, every day kindergarten program available to  
6.11 all kindergarten pupils at the pupil's school that meets the minimum hours requirement in  
6.12 section 120A.41, or is counted as .55 pupil unit, if the pupil is not enrolled in a free all-day,  
6.13 every day kindergarten program available to all kindergarten pupils at the pupil's school.

6.14 (f) A pupil who is in any of grades 1 to 6 is counted as 1.0 pupil unit.

6.15 (g) A pupil who is in any of grades 7 to 12 is counted as 1.2 pupil units.

6.16 (h) A pupil who is in the postsecondary enrollment options program is counted as 1.2  
6.17 pupil units.

6.18 (i) ~~For fiscal years 2018 through 2021,~~ A prekindergarten pupil who:

6.19 (1) is not included in paragraph (a), (b), or (d);

6.20 (2) is enrolled in a school readiness plus program under Laws 2017, First Special Session  
6.21 chapter 5, article 8, section 9; and

6.22 (3) has one or more of the risk factors specified by the eligibility requirements for a  
6.23 school readiness plus program,

6.24 is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more  
6.25 than 0.6 pupil units. A pupil qualifying under this paragraph must be counted in the same  
6.26 manner as a voluntary prekindergarten student for all general education and other school  
6.27 funding formulas.

6.28 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

6.29 Sec. 8. Minnesota Statutes 2020, section 126C.05, subdivision 3, is amended to read:

6.30 Subd. 3. **Compensation revenue pupil units.** Compensation revenue pupil units ~~for~~  
6.31 ~~fiscal year 1998 and thereafter~~ must be computed according to this subdivision.

7.1 (a) The compensation revenue concentration percentage for each building in a district  
7.2 equals the product of 100 times the ratio of:

7.3 (1) the sum of the number of pupils enrolled in the building eligible to receive free lunch  
7.4 plus one-half of the pupils eligible to receive reduced priced lunch on October 1 of the  
7.5 previous fiscal year; to

7.6 (2) the number of pupils enrolled in the building on October 1 of the previous fiscal  
7.7 year.

7.8 (b) The compensation revenue pupil weighting factor for a building equals the lesser of  
7.9 one or the quotient obtained by dividing the building's compensation revenue concentration  
7.10 percentage by 80.0.

7.11 (c) The compensation revenue pupil units for a building equals the product of:

7.12 (1) the sum of the number of pupils enrolled in the building eligible to receive free lunch  
7.13 and one-half of the pupils eligible to receive reduced priced lunch on October 1 of the  
7.14 previous fiscal year; times

7.15 (2) the compensation revenue pupil weighting factor for the building; times

7.16 (3) .60.

7.17 (d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under  
7.18 section 124D.151, charter schools, and contracted alternative programs in the first year of  
7.19 operation, compensation revenue pupil units shall be computed using data for the current  
7.20 fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative  
7.21 program begins operation after October 1, compensatory revenue pupil units shall be  
7.22 computed based on pupils enrolled on an alternate date determined by the commissioner,  
7.23 and the compensation revenue pupil units shall be prorated based on the ratio of the number  
7.24 of days of student instruction to 170 days.

7.25 ~~(e) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten seats discontinued~~  
7.26 ~~in fiscal year 2022 due to the reduction in the participation limit under section 124D.151,~~  
7.27 ~~subdivision 6, those discontinued seats must not be used to calculate compensation revenue~~  
7.28 ~~pupil units for fiscal year 2022.~~

7.29 ~~(e)~~ (e) The percentages in this subdivision must be based on the count of individual  
7.30 pupils and not on a building average or minimum.

7.31 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

8.1 Sec. 9. Minnesota Statutes 2020, section 126C.05, subdivision 17, is amended to read:

8.2 Subd. 17. **English learner pupil units.** (a) English learner pupil units for fiscal year  
8.3 ~~2004 and thereafter~~ 2022 and later shall be determined according to this subdivision.

8.4 (b) The English learner concentration percentage for a district equals the product of 100  
8.5 times the ratio of:

8.6 (1) the number of eligible English learners in average daily membership enrolled in the  
8.7 district during the current fiscal year; to

8.8 (2) the number of pupils in average daily membership enrolled in the district.

8.9 (c) For fiscal year 2021, the English learner pupil units for each eligible English learner  
8.10 in average daily membership equals the lesser of one or the quotient obtained by dividing  
8.11 the English learner concentration percentage for the pupil's district of enrollment by 11.5.  
8.12 For fiscal year 2022 and later, the English learner pupil units for each eligible English learner  
8.13 in average daily membership equals the lesser of one or the quotient obtained by dividing  
8.14 the English learner concentration percentage for the pupil's district of enrollment by 16.8.

8.15 (d) English learner pupil units shall be counted by the district of enrollment.

8.16 (e) Notwithstanding paragraph (d), for the purposes of this subdivision, pupils enrolled  
8.17 in a cooperative or intermediate school district shall be counted by the district of residence.

8.18 (f) For the purposes of this subdivision, the terms defined in section 124D.59 have the  
8.19 same meaning.

8.20 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

8.21 Sec. 10. Minnesota Statutes 2020, section 126C.10, subdivision 2, is amended to read:

8.22 Subd. 2. **Basic revenue.** (a) The basic revenue for each district equals the formula  
8.23 allowance times the adjusted pupil units for the school year. ~~The formula allowance for~~  
8.24 ~~fiscal year 2019 is \$6,312. The formula allowance for fiscal year 2020 is \$6,438. The formula~~  
8.25 ~~allowance for fiscal year 2021 and later is \$6,567.~~

8.26 (b) The formula allowance for fiscal year 2022 is \$6,698. The formula allowance for  
8.27 fiscal year 2023 is \$6,832. The formula allowance for fiscal year 2024 is \$6,866. The formula  
8.28 allowance for fiscal year 2025 is \$6,900.

8.29 (c) For fiscal year 2026 and later, the formula equals the formula allowance for fiscal  
8.30 year 2025 times the inflationary increase for that year.



9.1 (d) For purposes of this subdivision, "inflationary increase" means one plus the percentage  
9.2 change in the Consumer Price Index for urban consumers, as prepared by the United States  
9.3 Bureau of Labor Standards, from the current fiscal year to fiscal year 2025.

9.4 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

9.5 Sec. 11. Minnesota Statutes 2020, section 126C.10, subdivision 2a, is amended to read:

9.6 Subd. 2a. **Extended time revenue.** (a) The extended time allowance is \$5,117 for fiscal  
9.7 years 2022 and 2023. For fiscal year 2024 and later, the extended time allowance equals  
9.8 the product of \$5,117 times the ratio of the formula allowance under subdivision 2 for the  
9.9 current fiscal year to the formula allowance under subdivision 2 for fiscal year 2023.

9.10 ~~(a)~~ (b) A school district's extended time revenue is equal to the product of ~~\$5,117~~ the  
9.11 extended time allowance and the sum of the adjusted pupil units of the district for each pupil  
9.12 in average daily membership in excess of 1.0 and less than 1.2 according to section 126C.05,  
9.13 subdivision 8.

9.14 ~~(b)~~ (c) Extended time revenue for pupils placed in an on-site education program at the  
9.15 Prairie Lakes Education Center or the Lake Park School, located within the borders of  
9.16 Independent School District No. 347, Willmar, for instruction provided after the end of the  
9.17 preceding regular school year and before the beginning of the following regular school year  
9.18 equals membership hours divided by the minimum annual instructional hours in section  
9.19 126C.05, subdivision 15, not to exceed 0.20, times the pupil unit weighting in section  
9.20 126C.05, subdivision 1, times ~~\$5,117~~ the extended time allowance.

9.21 ~~(c)~~ (d) A school district qualifies for extended time revenue for every pupil placed in a  
9.22 children's residential facility, whether the education services are provided on-site or off-site  
9.23 for instruction provided after the end of the preceding regular school year and before the  
9.24 beginning of the following regular school year. Extended time revenue under this paragraph  
9.25 equals total membership hours in summer instruction divided by the minimum annual  
9.26 instructional hours in section 126C.05, subdivision 15, not to exceed 0.20, times the pupil  
9.27 unit weighting in section 126C.05, subdivision 1, times the extended time allowance.

9.28 (e) For purposes of this subdivision, "children's residential facility" means a residential  
9.29 facility for children, including a psychiatric residential treatment facility, licensed by the  
9.30 Department of Human Services or the Department of Corrections and subject to Minnesota  
9.31 Rules, chapter 2960 or an inpatient hospitalization that includes mental health services.

9.32 (f) A school district's extended time revenue may be used for extended day programs,  
9.33 extended week programs, summer school, vacation break academies such as spring break

10.1 academies and summer term academies, and other programming authorized under the  
10.2 learning year program.

10.3 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

10.4 Sec. 12. Minnesota Statutes 2020, section 126C.10, subdivision 2e, is amended to read:

10.5 Subd. 2e. **Local optional revenue.** (a) ~~For fiscal year 2020, local optional revenue for~~  
10.6 ~~a school district equals \$424 times the adjusted pupil units of the district for that school~~  
10.7 ~~year.~~ For fiscal year 2021 and later, local optional revenue for a school district equals the  
10.8 sum of the district's first tier local optional revenue and second tier local optional revenue.  
10.9 A district's first tier local optional revenue equals \$300 times the adjusted pupil units of the  
10.10 district for that school year. A district's second tier local optional revenue equals \$424 times  
10.11 the adjusted pupil units of the district for that school year.

10.12 ~~(b) For fiscal year 2020, a district's local optional levy equals its local optional revenue~~  
10.13 ~~times the lesser of one or the ratio of its referendum market value per resident pupil unit to~~  
10.14 ~~\$510,000.~~

10.15 (b) For fiscal year 2021 and later, a district's local optional levy equals the sum of the  
10.16 first tier local optional levy and the second tier local optional levy.

10.17 (c) A district's first tier local optional levy equals the district's first tier local optional  
10.18 revenue times the lesser of one or the ratio of the district's referendum market value per  
10.19 resident pupil unit to \$880,000.

10.20 (d) For fiscal year 2022, a district's second tier local optional levy equals the district's  
10.21 second tier local optional revenue times the lesser of one or the ratio of the district's  
10.22 referendum market value per resident pupil unit to \$510,000. For fiscal year 2023, a district's  
10.23 second tier local optional levy equals the district's second tier local optional revenue times  
10.24 the lesser of one or the ratio of the district's referendum market value per resident pupil unit  
10.25 to \$557,256. For fiscal year 2024, a district's second tier local optional levy equals the  
10.26 district's second tier local optional revenue times the lesser of one or the ratio of the district's  
10.27 referendum market value per resident pupil unit to \$545,965. For fiscal year 2025 and later,  
10.28 a district's second tier local optional levy equals the district's second tier local optional  
10.29 revenue times the lesser of one or the ratio of the district's referendum market value per  
10.30 resident pupil unit to \$553,650.

10.31 (e) The local optional levy must be spread on referendum market value. A district may  
10.32 levy less than the permitted amount.

11.1 ~~(e)~~ (f) A district's local optional aid equals its local optional revenue minus its local  
 11.2 optional levy. If a district's actual levy for first or second tier local optional revenue is less  
 11.3 than its maximum levy limit for that tier, its aid must be proportionately reduced.

11.4 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

11.5 Sec. 13. Minnesota Statutes 2020, section 126C.10, subdivision 4, is amended to read:

11.6 Subd. 4. **Basic skills revenue.** A school district's basic skills revenue equals the sum  
 11.7 of:

11.8 (1) compensatory revenue under subdivision 3; plus

11.9 (2) English learner revenue under section 124D.65, subdivision 5; ~~plus,~~ paragraph (e).

11.10 ~~(3) \$250 times the English learner pupil units under section 126C.05, subdivision 17.~~

11.11 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

11.12 Sec. 14. Minnesota Statutes 2020, section 126C.10, subdivision 18a, is amended to read:

11.13 Subd. 18a. **Pupil transportation adjustment.** (a) An independent, common, or special  
 11.14 school district's transportation sparsity revenue under subdivision 18 is increased by the  
 11.15 greater of zero or ~~18.2~~ 30 percent of the difference between:

11.16 (1) the lesser of the district's total cost for regular and excess pupil transportation under  
 11.17 section 123B.92, subdivision 1, paragraph (b), including depreciation, for the previous fiscal  
 11.18 year or 105 percent of the district's total cost for the second previous fiscal year; and

11.19 (2) the sum of:

11.20 (i) 4.66 percent of the district's basic revenue for the previous fiscal year;

11.21 (ii) transportation sparsity revenue under subdivision 18 for the previous fiscal year;

11.22 (iii) the district's charter school transportation adjustment for the previous fiscal year;

11.23 and

11.24 (iv) the district's reimbursement for transportation provided under section 123B.92,  
 11.25 subdivision 1, paragraph (b), clause (1), item (vi).

11.26 (b) A charter school's pupil transportation adjustment equals the school district per pupil  
 11.27 adjustment under paragraph (a).

11.28 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

12.1 Sec. 15. Minnesota Statutes 2020, section 126C.15, subdivision 1, is amended to read:

12.2 Subdivision 1. **Use of revenue.** The basic skills revenue under section 126C.10,  
12.3 subdivision 4, must be reserved and ~~used~~ must be spent on evidence-based practices to meet  
12.4 the educational needs of pupils who enroll under-prepared to learn and whose progress  
12.5 toward meeting state or local content or performance standards is below the level that is  
12.6 appropriate for learners of their age. Basic skills revenue may also be used for programs  
12.7 designed to prepare children and their families for entry into school whether the student  
12.8 first enrolls in kindergarten or first grade. ~~Any of the following may be provided to meet~~  
12.9 ~~these learners' needs~~ Evidence-based practices may be provided in the following areas:

12.10 (1) direct instructional services under the assurance of mastery program according to  
12.11 section 124D.66;

12.12 (2) remedial instruction in reading, language arts, mathematics, other content areas, or  
12.13 study skills to improve the achievement level of these learners;

12.14 (3) additional teachers and teacher aides to provide more individualized instruction to  
12.15 these learners through individual tutoring, lower instructor-to-learner ratios, or team teaching;

12.16 (4) a longer school day or week during the regular school year ~~or through a summer~~  
12.17 ~~program that may be offered directly by the site or under a performance-based contract with~~  
12.18 ~~a community-based organization;~~

12.19 (5) comprehensive and ongoing staff development consistent with district and site plans  
12.20 according to section 122A.60 and to implement plans under section 120B.12, subdivision  
12.21 4a, for teachers, teacher aides, principals, and other personnel to improve their ability to  
12.22 identify the needs of these learners and provide appropriate remediation, intervention,  
12.23 accommodations, or modifications;

12.24 (6) instructional materials, digital learning, and technology appropriate for meeting the  
12.25 individual needs of these learners;

12.26 (7) programs to reduce truancy, encourage completion of high school, enhance  
12.27 self-concept, provide health services, provide nutrition services, provide a safe and secure  
12.28 learning environment, provide coordination for pupils receiving services from other  
12.29 governmental agencies, provide psychological services to determine the level of social,  
12.30 emotional, cognitive, and intellectual development, and provide counseling services, guidance  
12.31 services, and social work services;

12.32 (8) bilingual programs, bicultural programs, and programs for English learners;

12.33 ~~(9) all-day kindergarten;~~

13.1 ~~(10)~~ (9) early education programs, parent-training programs, school readiness programs,  
13.2 ~~kindergarten~~ voluntary prekindergarten and school readiness plus programs for four-year-olds,  
13.3 voluntary home visits under section 124D.13, subdivision 4, and other outreach efforts  
13.4 designed to prepare children for kindergarten;

13.5 ~~(11)~~ (10) extended school day and extended school year programs, including summer  
13.6 programs that may be offered directly by the site or under a performance-based contract  
13.7 with a community-based organization; and

13.8 ~~(12)~~ (11) substantial parent involvement in developing and implementing remedial  
13.9 education or intervention plans for a learner, including learning contracts between the school,  
13.10 the learner, and the parent that establish achievement goals and responsibilities of the learner  
13.11 and the learner's parent or guardian; and

13.12 (12) for transfer to the school nutrition fund for shortfalls for districts participating in  
13.13 the Community Eligibility Provision program.

13.14 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

13.15 Sec. 16. Minnesota Statutes 2020, section 126C.15, subdivision 2, is amended to read:

13.16 Subd. 2. **Building allocation.** (a) A district or cooperative must allocate its compensatory  
13.17 revenue to each school building in the district or cooperative where the children who have  
13.18 generated the revenue are served unless the school district or cooperative has received  
13.19 permission under Laws 2005, First Special Session chapter 5, article 1, section 50, to allocate  
13.20 compensatory revenue according to student performance measures developed by the school  
13.21 board.

13.22 (b) Notwithstanding paragraph (a), a district or cooperative may allocate up to ~~50~~ 20  
13.23 percent of the amount of compensatory revenue that the district receives to school sites  
13.24 according to a plan adopted by the school board. The money reallocated under this paragraph  
13.25 must be spent for the purposes listed in subdivision 1, but may be spent on students in any  
13.26 grade, including students attending school readiness or other prekindergarten programs.

13.27 (c) For the purposes of this section and section 126C.05, subdivision 3, "building" means  
13.28 education site as defined in section 123B.04, subdivision 1.

13.29 (d) Notwithstanding section 123A.26, subdivision 1, compensatory revenue generated  
13.30 by students served at a cooperative unit shall be paid to the cooperative unit.

13.31 (e) A district or cooperative with school building openings, school building closings,  
13.32 changes in attendance area boundaries, or other changes in programs or student demographics

14.1 between the prior year and the current year may reallocate compensatory revenue among  
14.2 sites to reflect these changes. A district or cooperative must report to the department any  
14.3 adjustments it makes according to this paragraph and the department must use the adjusted  
14.4 compensatory revenue allocations in preparing the report required under section 123B.76,  
14.5 subdivision 3, paragraph (c).

14.6 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

14.7 Sec. 17. Minnesota Statutes 2020, section 126C.15, subdivision 5, is amended to read:

14.8 Subd. 5. **Annual expenditure report.** Each year a district that receives basic skills  
14.9 revenue must submit a report identifying the expenditures it incurred to meet the needs of  
14.10 eligible learners under subdivision 1. The report must conform to uniform financial and  
14.11 reporting standards established for this purpose and provide a breakdown by functional  
14.12 area. Using valid and reliable data and measurement criteria, the report also must determine  
14.13 whether increased expenditures raised student achievement levels.

14.14 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

14.15 Sec. 18. Minnesota Statutes 2020, section 126C.17, is amended by adding a subdivision  
14.16 to read:

14.17 Subd. 9b. **Renewal by school board.** (a) Notwithstanding the election requirements of  
14.18 subdivision 9, a school board may renew an expiring referendum by board action if:

14.19 (1) the per-pupil amount of the referendum is the same as the amount expiring, or for  
14.20 an expiring referendum that was adjusted annually by the rate of inflation, the same as the  
14.21 per-pupil amount of the expiring referendum, adjusted annually for inflation in the same  
14.22 manner as if the expiring referendum had continued;

14.23 (2) the term of the renewed referendum is no longer than the initial term approved by  
14.24 the voters; and

14.25 (3) the school board has adopted a written resolution authorizing the renewal after holding  
14.26 a meeting and allowing public testimony on the proposed renewal.

14.27 (b) The resolution must be adopted by the school board by June 15 of any calendar year  
14.28 and becomes effective 60 days after its adoption.

14.29 (c) A referendum expires in the last fiscal year in which the referendum generates revenue  
14.30 for the school district. A school board may renew an expiring referendum under this  
14.31 subdivision not more than two fiscal years before the referendum expires.

15.1 (d) A district renewing an expiring referendum under this subdivision must submit a  
15.2 copy of the adopted resolution to the commissioner and to the county auditor no later than  
15.3 September 1 of the calendar year in which the levy is certified.

15.4 **EFFECTIVE DATE.** This section is effective July 1, 2021.

15.5 Sec. 19. Minnesota Statutes 2020, section 127A.49, subdivision 3, is amended to read:

15.6 Subd. 3. **Excess tax increment.** (a) If a return of excess tax increment is made to a  
15.7 district pursuant to sections 469.176, subdivision 2, and 469.177, subdivision 9, or upon  
15.8 decertification of a tax increment district, the school district's aid and levy limitations must  
15.9 be adjusted for the fiscal year in which the excess tax increment is paid under the provisions  
15.10 of this subdivision.

15.11 (b) An amount must be subtracted from the district's aid for the current fiscal year equal  
15.12 to the product of:

15.13 (1) the amount of the payment of excess tax increment to the district in the preceding  
15.14 year, times

15.15 (2) the ratio of:

15.16 (i) the sum of the amounts of the district's certified levy ~~for the fiscal year in which the~~  
15.17 ~~excess tax increment is paid~~ in the third preceding year according to the following:

15.18 (A) section 123B.57, if the district received health and safety aid according to that section  
15.19 for the second preceding year;

15.20 (B) section 124D.20, if the district received aid for community education programs  
15.21 according to that section for the second preceding year;

15.22 (C) section 124D.135, subdivision 3, if the district received early childhood family  
15.23 education aid according to section 124D.135 for the second preceding year;

15.24 (D) section 126C.17, subdivision 6, if the district received referendum equalization aid  
15.25 according to that section for the second preceding year;

15.26 (E) section 126C.10, subdivision 13a, if the district received operating capital aid  
15.27 according to section 126C.10, subdivision 13b, in the second preceding year;

15.28 (F) section 126C.10, subdivision 29, if the district received equity aid according to  
15.29 section 126C.10, subdivision 30, in the second preceding year;

15.30 (G) section 126C.10, subdivision 32, if the district received transition aid according to  
15.31 section 126C.10, subdivision 33, in the second preceding year;

16.1 (H) section 123B.53, subdivision 5, if the district received debt service equalization aid  
16.2 according to section 123B.53, subdivision 6, in the second preceding year;

16.3 (I) section 123B.535, subdivision 4, if the district received natural disaster debt service  
16.4 equalization aid according to section 123B.535, subdivision 5, in the second preceding year;

16.5 (J) section 124D.22, subdivision 3, if the district received school-age care aid according  
16.6 to section 124D.22, subdivision 4, in the second preceding year; and

16.7 (K) section 122A.415, subdivision 5, if the district received alternative teacher  
16.8 compensation equalization aid according to section 122A.415, subdivision 6, paragraph (a),  
16.9 in the second preceding year; to

16.10 (ii) the total amount of the district's certified levy ~~for the fiscal~~ in the third preceding  
16.11 year, plus or minus auditor's adjustments.

16.12 (c) An amount must be subtracted from the school district's levy limitation for the next  
16.13 levy certified equal to the difference between:

16.14 (1) the amount of the distribution of excess increment; and

16.15 (2) the amount subtracted from aid pursuant to clause (a).

16.16 If the aid and levy reductions required by this subdivision cannot be made to the aid for  
16.17 the fiscal year specified or to the levy specified, the reductions must be made from aid for  
16.18 subsequent fiscal years, and from subsequent levies. The school district must use the payment  
16.19 of excess tax increment to replace the aid and levy revenue reduced under this subdivision.

16.20 (d) This subdivision applies only to the total amount of excess increments received by  
16.21 a district for a calendar year that exceeds \$25,000.

16.22 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

16.23 Sec. 20. Minnesota Statutes 2020, section 290.0679, subdivision 2, is amended to read:

16.24 Subd. 2. **Conditions for assignment.** A qualifying taxpayer may assign all or part of  
16.25 an anticipated refund for the current and future taxable years to a financial institution or a  
16.26 qualifying organization. A financial institution or qualifying organization accepting  
16.27 assignment must pay the amount secured by the assignment to a third-party vendor. The  
16.28 commissioner of education shall, upon request from a third-party vendor, certify that the  
16.29 vendor's products and services qualify for the education credit. A denial of a certification  
16.30 ~~is subject to the contested case procedure under~~ may be appealed to the commissioner of  
16.31 education notwithstanding chapter 14. A financial institution or qualifying organization that  
16.32 accepts assignments under this section must verify as part of the assignment documentation



17.1 that the product or service to be provided by the third-party vendor has been certified by  
17.2 the commissioner of education as qualifying for the education credit. The amount assigned  
17.3 for the current and future taxable years may not exceed the maximum allowable education  
17.4 credit for the current taxable year. Both the taxpayer and spouse must consent to the  
17.5 assignment of a refund from a joint return.

17.6 Sec. 21. Minnesota Statutes 2020, section 469.176, subdivision 2, is amended to read:

17.7 Subd. 2. **Excess increments.** (a) The authority shall annually determine the amount of  
17.8 excess increments for a district, if any. This determination must be based on the tax increment  
17.9 financing plan in effect on December 31 of the year and the increments and other revenues  
17.10 received as of December 31 of the year. The authority must spend or return the excess  
17.11 increments under paragraph (c) within nine months after the end of the year.

17.12 (b) For purposes of this subdivision, "excess increments" equals the excess of:

17.13 (1) total increments collected from the district since its certification, reduced by any  
17.14 excess increments paid under paragraph (c), clause (4), for a prior year, over

17.15 (2) the total costs authorized by the tax increment financing plan to be paid with  
17.16 increments from the district, reduced, but not below zero, by the sum of:

17.17 (i) the amounts of those authorized costs that have been paid from sources other than  
17.18 tax increments from the district;

17.19 (ii) revenues, other than tax increments from the district, that are dedicated for or  
17.20 otherwise required to be used to pay those authorized costs and that the authority has received  
17.21 and that are not included in item (i);

17.22 (iii) the amount of principal and interest obligations due on outstanding bonds after  
17.23 December 31 of the year and not prepaid under paragraph (c) in a prior year; and

17.24 (iv) increased by the sum of the transfers of increments made under section 469.1763,  
17.25 subdivision 6, to reduce deficits in other districts made by December 31 of the year.

17.26 (c) The authority shall use excess increment only to do one or more of the following:

17.27 (1) prepay any outstanding bonds;

17.28 (2) discharge the pledge of tax increment for any outstanding bonds;

17.29 (3) pay into an escrow account dedicated to the payment of any outstanding bonds; or

18.1 (4) return the excess amount to the county auditor who shall distribute the excess amount  
 18.2 to the city or town, county, and school district in which the tax increment financing district  
 18.3 is located in direct proportion to their respective local tax rates.

18.4 (d) For purposes of a district for which the request for certification was made prior to  
 18.5 August 1, 1979, excess increments equal the amount of increments on hand on December  
 18.6 31, less the principal and interest obligations due on outstanding bonds or advances,  
 18.7 qualifying under subdivision 1c, clauses (1), (2), (4), and (5), after December 31 of the year  
 18.8 and not prepaid under paragraph (c).

18.9 (e) The county auditor must, prior to February 1 of each year, report to the commissioner  
 18.10 of education the amount of any excess tax increment distributed to a school district ~~within~~  
 18.11 ~~30 days of the distribution~~ for the preceding taxable year.

18.12 (f) For purposes of this subdivision, "outstanding bonds" means bonds which are secured  
 18.13 by increments from the district.

18.14 (g) The state auditor may exempt an authority from reporting the amounts calculated  
 18.15 under this subdivision for a calendar year, if the authority certifies to the auditor in its report  
 18.16 that the total amount authorized by the tax increment plan to be paid with increments from  
 18.17 the district exceeds the sum of the total increments collected for the district for all years by  
 18.18 20 percent.

18.19 **Sec. 22. APPROPRIATIONS.**

18.20 Subdivision 1. Department of Education. The sums indicated in this section are  
 18.21 appropriated from the general fund to the Department of Education for the fiscal years  
 18.22 designated.

18.23 Subd. 2. General education aid. For general education aid under Minnesota Statutes,  
 18.24 section 126C.13, subdivision 4:

18.25       \$ 7,563,143,000   ..... 2022

18.26       \$ 7,801,734,000   ..... 2023

18.27       The 2022 appropriation includes \$717,326,000 for 2021 and \$6,845,817,000 for 2022.

18.28       The 2023 appropriation includes \$760,646,000 for 2022 and \$7,041,088,000 for 2023.

18.29       Subd. 3. Enrollment options transportation. For transportation of pupils attending  
 18.30 postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation  
 18.31 of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

19.1           \$           12,000   ..... 2022

19.2           \$           13,000   ..... 2023

19.3           Subd. 4. **Abatement aid.** For abatement aid under Minnesota Statutes, section 127A.49:

19.4           \$           2,897,000   ..... 2022

19.5           \$           3,558,000   ..... 2023

19.6           The 2022 appropriation includes \$269,000 for 2021 and \$2,628,000 for 2022.

19.7           The 2023 appropriation includes \$291,000 for 2022 and \$3,267,000 for 2023.

19.8           Subd. 5. **Consolidation transition aid.** For districts consolidating under Minnesota

19.9           Statutes, section 123A.485:

19.10          \$           309,000   ..... 2022

19.11          \$           373,000   ..... 2023

19.12          The 2022 appropriation includes \$30,000 for 2021 and \$279,000 for 2022.

19.13          The 2023 appropriation includes \$31,000 for 2022 and \$342,000 for 2023.

19.14          Subd. 6. **Nonpublic pupil education aid.** For nonpublic pupil education aid under

19.15          Minnesota Statutes, sections 123B.40 to 123B.43 and 123B.87:

19.16          \$           17,173,000   ..... 2022

19.17          \$           17,864,000   ..... 2023

19.18          The 2022 appropriation includes \$1,996,000 for 2021 and \$15,177,000 for 2022.

19.19          The 2023 appropriation includes \$1,686,000 for 2022 and \$16,178,000 for 2023.

19.20          Subd. 7. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid under

19.21          Minnesota Statutes, section 123B.92, subdivision 9:

19.22          \$           19,692,000   ..... 2022

19.23          \$           19,809,000   ..... 2023

19.24          The 2022 appropriation includes \$1,964,000 for 2021 and \$17,728,000 for 2022.

19.25          The 2023 appropriation includes \$1,969,000 for 2022 and \$17,840,000 for 2023.

19.26          Subd. 8. **One-room schoolhouse.** For a grant to Independent School District No. 690,

19.27          Warroad, to operate the Angle Inlet School:

19.28          \$           65,000   ..... 2022

19.29          \$           65,000   ..... 2023

20.1 Subd. 9. Career and technical aid For career and technical aid under Minnesota Statutes,  
 20.2 section 124D.4531, subdivision 1b:

20.3 \$ 2,700,000 ..... 2022

20.4 \$ 2,307,000 ..... 2023

20.5 The 2022 appropriation includes \$323,000 for 2021 and \$2,377,000 for 2022.

20.6 The 2023 appropriation includes \$264,000 for 2022 and \$2,043,000 for 2023.

20.7 Subd. 10. Pregnant and parenting pupil transportation reimbursement. (a) To  
 20.8 reimburse districts for transporting pregnant or parenting pupils under Minnesota Statutes,  
 20.9 section 123B.92, subdivision 1, paragraph (b), clause (1), item (vi):

20.10 \$ 56,000 ..... 2022

20.11 \$ 55,000 ..... 2023

20.12 (b) To receive reimbursement, districts must apply using the form and manner of  
 20.13 application prescribed by the commissioner. If the appropriation is insufficient, the  
 20.14 commissioner must prorate the amount paid to districts seeking reimbursement.

20.15 (c) Any balance in the first year does not cancel but is available in the second year.

20.16 **ARTICLE 2**

20.17 **EDUCATION EXCELLENCE**

20.18 Section 1. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

20.19 **Subd. 3. Private data; when disclosure is permitted.** Except as provided in subdivision  
 20.20 5, educational data is private data on individuals and shall not be disclosed except as follows:

20.21 (a) pursuant to section 13.05;

20.22 (b) pursuant to a valid court order;

20.23 (c) pursuant to a statute specifically authorizing access to the private data;

20.24 (d) to disclose information in health, including mental health, and safety emergencies  
 20.25 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code  
 20.26 of Federal Regulations, title 34, section 99.36;

20.27 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),  
 20.28 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,  
 20.29 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

21.1 (f) to appropriate health authorities to the extent necessary to administer immunization  
21.2 programs and for bona fide epidemiologic investigations which the commissioner of health  
21.3 determines are necessary to prevent disease or disability to individuals in the public  
21.4 educational agency or institution in which the investigation is being conducted;

21.5 (g) when disclosure is required for institutions that participate in a program under title  
21.6 IV of the Higher Education Act, United States Code, title 20, section 1092;

21.7 (h) to the appropriate school district officials to the extent necessary under subdivision  
21.8 6, annually to indicate the extent and content of remedial instruction, including the results  
21.9 of assessment testing and academic performance at a postsecondary institution during the  
21.10 previous academic year by a student who graduated from a Minnesota school district within  
21.11 two years before receiving the remedial instruction;

21.12 (i) to appropriate authorities as provided in United States Code, title 20, section  
21.13 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the  
21.14 system to effectively serve, prior to adjudication, the student whose records are released;  
21.15 provided that the authorities to whom the data are released submit a written request for the  
21.16 data that certifies that the data will not be disclosed to any other person except as authorized  
21.17 by law without the written consent of the parent of the student and the request and a record  
21.18 of the release are maintained in the student's file;

21.19 (j) to volunteers who are determined to have a legitimate educational interest in the data  
21.20 and who are conducting activities and events sponsored by or endorsed by the educational  
21.21 agency or institution for students or former students;

21.22 (k) to provide student recruiting information, from educational data held by colleges  
21.23 and universities, as required by and subject to Code of Federal Regulations, title 32, section  
21.24 216;

21.25 (l) to the juvenile justice system if information about the behavior of a student who poses  
21.26 a risk of harm is reasonably necessary to protect the health or safety of the student or other  
21.27 individuals;

21.28 (m) with respect to Social Security numbers of students in the adult basic education  
21.29 system, to Minnesota State Colleges and Universities and the Department of Employment  
21.30 and Economic Development for the purpose and in the manner described in section 124D.52,  
21.31 subdivision 7;

21.32 (n) to the commissioner of education for purposes of an assessment or investigation of  
21.33 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request

22.1 by the commissioner of education, data that are relevant to a report of maltreatment and are  
 22.2 from charter school and school district investigations of alleged maltreatment of a student  
 22.3 must be disclosed to the commissioner, including, but not limited to, the following:

22.4 (1) information regarding the student alleged to have been maltreated;

22.5 (2) information regarding student and employee witnesses;

22.6 (3) information regarding the alleged perpetrator; and

22.7 (4) what corrective or protective action was taken, if any, by the school facility in response  
 22.8 to a report of maltreatment by an employee or agent of the school or school district;

22.9 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge  
 22.10 of a crime of violence or nonforcible sex offense to the extent authorized under United  
 22.11 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title  
 22.12 34, sections 99.31 (a)(13) and (14);

22.13 (p) when the disclosure is information provided to the institution under United States  
 22.14 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized  
 22.15 under United States Code, title 20, section 1232g(b)(7); ~~or~~

22.16 (q) when the disclosure is to a parent of a student at an institution of postsecondary  
 22.17 education regarding the student's violation of any federal, state, or local law or of any rule  
 22.18 or policy of the institution, governing the use or possession of alcohol or of a controlled  
 22.19 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and  
 22.20 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution  
 22.21 has an information release form signed by the student authorizing disclosure to a parent.  
 22.22 The institution must notify parents and students about the purpose and availability of the  
 22.23 information release forms. At a minimum, the institution must distribute the information  
 22.24 release forms at parent and student orientation meetings; or

22.25 (r) with Tribal Nations about Tribally enrolled or descendant students to the extent  
 22.26 necessary for the Tribal Nation and school district or charter school to support the educational  
 22.27 attainment of the student.

22.28 Sec. 2. Minnesota Statutes 2020, section 120A.22, subdivision 7, is amended to read:

22.29 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that  
 22.30 receives services or aid under sections 123B.40 to 123B.48 from which a student is  
 22.31 transferring must transmit the student's educational records, within ten business days of a  
 22.32 request, to the district, the charter school, or the nonpublic school in which the student is

23.1 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under  
23.2 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the  
23.3 charter school, or the nonpublic school in which a transferring student is next enrolling in  
23.4 order to comply with this subdivision.

23.5 (b) A closed charter school must transfer the student's educational records, within ten  
23.6 business days of the school's closure, to the student's school district of residence where the  
23.7 records must be retained unless the records are otherwise transferred under this subdivision.

23.8 (c) A school district, a charter school, or a nonpublic school that receives services or aid  
23.9 under sections 123B.40 to 123B.48 that transmits a student's educational records to another  
23.10 school district or other educational entity, charter school, or nonpublic school to which the  
23.11 student is transferring must include in the transmitted records information about any formal  
23.12 suspension, expulsion, and exclusion disciplinary action, as well as pupil withdrawals, under  
23.13 sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs  
23.14 to prevent the inappropriate behavior from recurring. The district, the charter school, or the  
23.15 nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must  
23.16 provide notice to a student and the student's parent or guardian that formal disciplinary  
23.17 records will be transferred as part of the student's educational record, in accordance with  
23.18 data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974,  
23.19 United States Code, title 20, section 1232(g).

23.20 (d) Notwithstanding section 138.17, a principal or chief administrative officer must  
23.21 remove from a student's educational record and destroy a probable cause notice received  
23.22 under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the  
23.23 date of the notice and the principal or chief administrative officer has not received a  
23.24 disposition or court order related to the offense described in the notice. This paragraph does  
23.25 not apply if the student no longer attends the school when this one-year period expires.

23.26 (e) A principal or chief administrative officer who receives a probable cause notice under  
23.27 section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that  
23.28 data in the student's educational records if they are transmitted to another school, unless the  
23.29 data are required to be destroyed under paragraph (d) or section 121A.75.

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

23.31 Sec. 3. Minnesota Statutes 2020, section 120A.22, subdivision 9, is amended to read:

23.32 Subd. 9. **Knowledge and skills.** Instruction must be provided in at least the following  
23.33 subject areas:

- 24.1 (1) basic communication skills including reading and writing, literature, and fine arts;
- 24.2 (2) mathematics and science;
- 24.3 (3) social studies including history, geography, economics, government, and citizenship;
- 24.4 ~~and~~
- 24.5 (4) health and physical education; and
- 24.6 (5) indigenous education.

24.7 Instruction, textbooks, and materials must be in the English language. Another language  
24.8 may be used pursuant to sections 124D.59 to 124D.61.

24.9 Sec. 4. Minnesota Statutes 2020, section 120A.22, subdivision 10, is amended to read:

24.10 Subd. 10. **Requirements for instructors.** A person who is providing instruction to a  
24.11 child must meet at least one of the following requirements:

24.12 (1) hold a valid Minnesota teaching license in the field and for the grade level taught;

24.13 (2) be directly supervised by a person holding a valid Minnesota teaching license;

24.14 ~~(3) successfully complete a teacher competency examination;~~

24.15 ~~(4)~~ (3) provide instruction in a school that is accredited by an accrediting agency,  
24.16 recognized according to section 123B.445, or recognized by the commissioner;

24.17 ~~(5)~~ (4) hold a baccalaureate degree; or

24.18 ~~(6)~~ (5) be the parent of a child who is assessed according to the procedures in subdivision  
24.19 11.

24.20 Any person providing instruction in a public school must meet the requirements of clause  
24.21 (1).

24.22 Sec. 5. Minnesota Statutes 2020, section 120B.02, subdivision 1, is amended to read:

24.23 Subdivision 1. **Educational expectations.** (a) The legislature is committed to establishing  
24.24 rigorous academic standards for Minnesota's public school students. To that end, the  
24.25 commissioner shall adopt in rule statewide academic standards. The commissioner shall  
24.26 not prescribe in rule or otherwise the delivery system, classroom assessments, or form of  
24.27 instruction that school sites must use.

24.28 (b) All commissioner actions regarding the rule must be premised on the following:

24.29 (1) the rule is intended to raise academic expectations for students, teachers, and schools;



25.1 (2) the rule must be focused on the experiences and perspectives of all students, including  
25.2 Indigenous people and people of color, within and beyond the United States;

25.3 (3) any state action regarding the rule must evidence consideration of school district  
25.4 autonomy; and

25.5 ~~(3)~~ (4) the Department of Education, with the assistance of school districts, must make  
25.6 available information about all state initiatives related to the rule to students and parents,  
25.7 teachers, and the general public in a timely format that is appropriate, comprehensive, and  
25.8 readily understandable.

25.9 (c) The commissioner shall periodically review and report on the state's assessment  
25.10 process.

25.11 (d) School districts are not required to adopt specific provisions of the federal  
25.12 School-to-Work programs.

25.13 Sec. 6. Minnesota Statutes 2020, section 120B.021, subdivision 1, is amended to read:

25.14 Subdivision 1. **Required academic standards.** (a) The following subject areas are  
25.15 required for statewide accountability:

25.16 (1) language arts;

25.17 (2) mathematics;

25.18 (3) science;

25.19 (4) social studies, including indigenous education, history, geography, economics, and  
25.20 government and citizenship that includes civics consistent with section 120B.02, subdivision  
25.21 3;

25.22 (5) physical education;

25.23 (6) health, for which locally developed academic standards apply; and

25.24 (7) the arts, ~~for which statewide or locally developed academic standards apply, as~~  
25.25 ~~determined by the school district.~~ Public elementary and middle schools must offer at least  
25.26 three and require at least two of the following ~~four~~ five arts areas: dance; media arts; music;  
25.27 theater; and visual arts. Public high schools must offer at least three and require at least one  
25.28 of the following five arts areas: media arts; dance; music; theater; and visual arts.

25.29 (b) For purposes of applicable federal law, the academic standards for language arts,  
25.30 mathematics, and science apply to all public school students, except the very few students  
25.31 with extreme cognitive or physical impairments for whom an individualized education

26.1 program team has determined that the required academic standards are inappropriate. An  
26.2 individualized education program team that makes this determination must establish  
26.3 alternative standards.

26.4 (c) The department must adopt the most recent SHAPE America (Society of Health and  
26.5 Physical Educators) kindergarten through grade 12 standards and benchmarks for physical  
26.6 education as the required physical education academic standards. The department may  
26.7 modify and adapt the national standards to accommodate state interest. The modification  
26.8 and adaptations must maintain the purpose and integrity of the national standards. The  
26.9 department must make available sample assessments, which school districts may use as an  
26.10 alternative to local assessments, to assess students' mastery of the physical education  
26.11 standards beginning in the 2018-2019 school year.

26.12 (d) A school district may include child sexual abuse prevention instruction in a health  
26.13 curriculum, consistent with paragraph (a), clause (6). Child sexual abuse prevention  
26.14 instruction may include age-appropriate instruction on recognizing sexual abuse and assault,  
26.15 boundary violations, and ways offenders groom or desensitize victims, as well as strategies  
26.16 to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may  
26.17 provide instruction under this paragraph in a variety of ways, including at an annual assembly  
26.18 or classroom presentation. A school district may also provide parents information on the  
26.19 warning signs of child sexual abuse and available resources.

26.20 (e) District efforts to develop, implement, or improve instruction or curriculum as a  
26.21 result of the provisions of this section must be consistent with sections 120B.10, 120B.11,  
26.22 and 120B.20.

26.23 (f) The curriculum required for indigenous education must be:

26.24 (1) for students in prekindergarten through grade 12;

26.25 (2) related to the indigenous experience in Minnesota, including Tribal history,  
26.26 sovereignty, culture, treaty rights, government, socioeconomic experiences, contemporary  
26.27 issues, and current events;

26.28 (3) historically accurate, Tribally endorsed, culturally relevant, community based,  
26.29 contemporary, and developmentally appropriate; and

26.30 (4) aligned with the academic content standards, including all yearly revisions that  
26.31 include the contributions of Minnesota's Tribal nations and communities.

27.1 Sec. 7. Minnesota Statutes 2020, section 120B.021, subdivision 2, is amended to read:

27.2 Subd. 2. **Standards development.** (a) The commissioner must consider advice from at  
27.3 least the following stakeholders in developing statewide rigorous core academic standards  
27.4 in language arts, mathematics, science, social studies, including history, geography,  
27.5 economics, government and citizenship, and the arts:

27.6 (1) parents of school-age children and members of the public throughout the state;

27.7 (2) teachers throughout the state currently licensed and providing instruction in language  
27.8 arts, mathematics, science, social studies, or the arts and licensed elementary and secondary  
27.9 school principals throughout the state currently administering a school site;

27.10 (3) currently serving members of local school boards and charter school boards throughout  
27.11 the state;

27.12 (4) faculty teaching core subjects at postsecondary institutions in Minnesota; ~~and~~

27.13 (5) representatives of the Minnesota business community;

27.14 (6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal  
27.15 Nations and communities, including both Anishinaabe and Dakota;

27.16 (7) youth currently enrolled in kindergarten through grade 12 school districts and charter  
27.17 schools in Minnesota; and

27.18 (8) other stakeholders that represent the ethnic, racial, and geographic diversity of  
27.19 Minnesota, including gender and sexual orientation, immigrant status, and religious and  
27.20 linguistic background.

27.21 (b) Academic standards must:

27.22 (1) be clear, concise, objective, measurable, and grade-level appropriate;

27.23 (2) not require a specific teaching methodology or curriculum; and

27.24 (3) be consistent with the Constitutions of the United States and the state of Minnesota.

27.25 Sec. 8. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

27.26 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section  
27.27 and section 120B.022, must adopt statewide rules under section 14.389 for implementing  
27.28 statewide rigorous core academic standards in language arts, mathematics, science, social  
27.29 studies, physical education, and the arts. After the rules authorized under this subdivision  
27.30 are initially adopted, the commissioner may not amend or repeal these rules nor adopt new

28.1 rules on the same topic without specific legislative authorization unless done pursuant to  
28.2 subdivision 4.

28.3 Sec. 9. Minnesota Statutes 2020, section 120B.021, subdivision 4, is amended to read:

28.4 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must  
28.5 revise and appropriately embed indigenous education standards that include the contributions  
28.6 of American Indian Tribes and communities into the state academic standards and graduation  
28.7 requirements. These standards must be consistent with recommendations from the Tribal  
28.8 Nations Education Committee.

28.9 (b) The commissioner of education must revise and appropriately embed technology  
28.10 and information literacy standards consistent with recommendations from school media  
28.11 specialists into the state's academic standards and graduation requirements and implement  
28.12 a ten-year cycle to review and, consistent with the review, revise state academic standards  
28.13 and related benchmarks, consistent with this subdivision. During each ten-year review and  
28.14 revision cycle, the commissioner also must examine the alignment of each required academic  
28.15 standard and related benchmark with the knowledge and skills students need for career and  
28.16 college readiness and advanced work in the particular subject area.

28.17 (c) The commissioner must ~~include the contributions of Minnesota American Indian~~  
28.18 ~~tribes and communities as related to the~~ appropriately embed ethnic studies into all required  
28.19 state academic standards during the review and revision of the ~~required academic~~ standards.

28.20 ~~(b)~~ (d) The commissioner must ensure that the statewide mathematics assessments  
28.21 administered to students in grades 3 through 8 and 11 are aligned with the state academic  
28.22 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b).  
28.23 The commissioner must implement a review of the academic standards and related  
28.24 benchmarks in mathematics beginning in the 2021-2022 school year and every ten years  
28.25 thereafter.

28.26 ~~(e)~~ (e) The commissioner must implement a review of the academic standards and related  
28.27 benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.

28.28 ~~(d)~~ (f) The commissioner must implement a review of the academic standards and related  
28.29 benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.

28.30 ~~(e)~~ (g) The commissioner must implement a review of the academic standards and related  
28.31 benchmarks in language arts beginning in the 2019-2020 school year and every ten years  
28.32 thereafter.

29.1       ~~(f)~~ (h) The commissioner must implement a review of the academic standards and related  
29.2 benchmarks in social studies beginning in the 2020-2021 school year and every ten years  
29.3 thereafter.

29.4       ~~(g)~~ (i) The commissioner must implement a review of the academic standards and related  
29.5 benchmarks in physical education beginning in the ~~2022-2023~~ 2026-2027 school year and  
29.6 every ten years thereafter.

29.7       ~~(h)~~ (j) School districts and charter schools must revise and align local academic standards  
29.8 and high school graduation requirements in health, world languages, and career and technical  
29.9 education to require students to complete the revised standards beginning in a school year  
29.10 determined by the school district or charter school. School districts and charter schools must  
29.11 formally establish a periodic review cycle for the academic standards and related benchmarks  
29.12 in health, world languages, and career and technical education.

29.13       Sec. 10. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

29.14       Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the~~  
29.15 ~~2011-2012 school year and later~~ must successfully complete the following high school level  
29.16 credits for graduation:

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

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

29.21       (3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade  
29.22 standards in mathematics. The credit does not bear high school credit;

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

29.27       (5) three and one-half credits of social studies, including credit for a course in government  
29.28 and citizenship in either 11th or 12th grade for students beginning 9th grade in the 2022-2023  
29.29 school year and later or an advanced placement, international baccalaureate, or other rigorous  
29.30 course on government and citizenship under section 120B.021, subdivision 1a, and a  
29.31 combination of other credits encompassing at least indigenous education, United States  
29.32 history, geography, government and citizenship, world history, and economics sufficient  
29.33 to satisfy all of the academic standards in social studies;

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

30.3 (7) one-half credit of physical education sufficient to satisfy all of the academic standards  
 30.4 in physical education; and

30.5 ~~(7)~~ (8) a minimum of seven six and one-half elective credits.

30.6 (b) A school district is encouraged to offer a course for credit in government and  
 30.7 citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year  
 30.8 and later, that satisfies the government and citizenship requirement in paragraph (a), clause  
 30.9 (5). A school district must offer the course starting in the 2022-2023 school year.

30.10 Sec. 11. [120B.025] ETHNIC STUDIES.

30.11 Subdivision 1. **Definition.** "Ethnic studies" means the critical and interdisciplinary study  
 30.12 of race, ethnicity, and indigeneity with a focus on the experiences and perspectives of people  
 30.13 of color within and beyond the United States. Ethnic studies analyzes the ways in which  
 30.14 race and racism have been and continue to be powerful social, cultural, and political forces,  
 30.15 and race and racism's connections to the stratification of other groups, including stratification  
 30.16 based on gender, class, sexual orientation, gender identity, and legal status.

30.17 Subd. 2. **Department of Education.** The Department of Education must employ  
 30.18 dedicated ethnic studies staff to provide expertise for adopting ethnic studies standards into  
 30.19 academic standards and providing assistance to school districts and charter schools in  
 30.20 implementing ethnic studies standards. Duties of ethnic studies staff may include:

30.21 (1) supporting a school district or charter school in implementing ethnic studies courses  
 30.22 and curriculum that fulfill ethnic studies standards;

30.23 (2) providing training for teachers and school district staff to successfully implement  
 30.24 ethnic studies standards;

30.25 (3) assisting school districts and charter schools to annually evaluate the implementation  
 30.26 of the ethnic studies curriculum by seeking feedback from students, parents or guardians,  
 30.27 and community members; and

30.28 (4) making available to school districts and charter schools the following:

30.29 (i) an ethnic studies school survey for each school district and charter school to use as  
 30.30 part of a school needs assessment;

31.1 (ii) a list of recommended materials, resources, sample curricula, and pedagogical skills  
31.2 for use in kindergarten through grade 12 that accurately reflect the diversity of the state of  
31.3 Minnesota;

31.4 (iii) training materials for teachers and district and school staff, including an ethnic  
31.5 studies coordinator, to implement ethnic studies requirements, including a school needs  
31.6 assessment; and

31.7 (iv) other resources to assist districts and charter schools in successfully implementing  
31.8 ethnic studies standards.

31.9 **EFFECTIVE DATE.** This section is effective July 1, 2021.

31.10 Sec. 12. Minnesota Statutes 2020, section 120B.11, subdivision 1, is amended to read:

31.11 Subdivision 1. **Definitions.** For the purposes of this section and section 120B.10, the  
31.12 following terms have the meanings given them.

31.13 (a) "Instruction" means methods of providing learning experiences that enable a student  
31.14 to meet state and district academic standards and graduation requirements including applied  
31.15 and experiential learning.

31.16 (b) "Curriculum" means district or school adopted programs and written plans for  
31.17 providing students with learning experiences that lead to expected knowledge and skills  
31.18 and career and college readiness.

31.19 (c) "World's best workforce" means striving to: meet school readiness goals; have all  
31.20 third grade students achieve grade-level literacy; close the academic achievement gap among  
31.21 all racial and ethnic groups of students and between students living in poverty and students  
31.22 not living in poverty; have all students attain career and college readiness before graduating  
31.23 from high school; and have all students graduate from high school.

31.24 (d) "Experiential learning" means learning for students that includes career exploration  
31.25 through a specific class or course or through work-based experiences such as job shadowing,  
31.26 mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative  
31.27 work experience, youth apprenticeship, or employment.

31.28 (e) "Ethnic studies curriculum" means the critical and interdisciplinary study of race,  
31.29 ethnicity, and indigeneity with a focus on the experiences and perspectives of people of  
31.30 color within and beyond the United States. Ethnic studies analyzes the ways in which race  
31.31 and racism have been and continue to be powerful social, cultural, and political forces, and  
31.32 race and racism's connections to the stratification of other groups, including stratification

32.1 based on gender, class, sexual orientation, gender identity, and legal status. The ethnic  
 32.2 studies curriculum may be integrated in existing curricular opportunities or provided through  
 32.3 additional curricular offerings.

32.4 (f) "Anti-racist" means the active process of identifying and eliminating racism by  
 32.5 changing systems, organizational structures, policies, practices, attitudes, and dispositions  
 32.6 so that power and resources are redistributed and shared equitably.

32.7 (g) "Culturally sustaining" means integrating content and practices that infuse the culture  
 32.8 and language of Black, Indigenous, and People of Color communities who have been and  
 32.9 continue to be harmed and erased through schooling.

32.10 (h) "Institutional racism" means policies and practices within and across institutions that  
 32.11 produce outcomes that chronically favor white people and predictably disadvantage those  
 32.12 who are Black, Indigenous, and People of Color.

32.13 (i) "On track for graduation" means that at the end of grade 9, a student has earned at  
 32.14 least five credits and has received no more than one failing grade in a term in a language  
 32.15 arts, mathematics, science, or social studies course that fulfills a credit requirement under  
 32.16 section 120B.024. A student is off track for graduation if the student fails to meet either of  
 32.17 these criteria.

32.18 Sec. 13. Minnesota Statutes 2020, section 120B.11, subdivision 1a, is amended to read:

32.19 Subd. 1a. **Performance measures.** (a) Measures to determine school district and school  
 32.20 site progress in striving to create the world's best workforce must include at least:

32.21 (1) the size of the academic achievement gap, rigorous course taking under section  
 32.22 120B.35, subdivision 3, paragraph (c), clause (2), participation in honors or gifted and  
 32.23 talented programming, and enrichment experiences by student subgroup;

32.24 (2) student performance on the Minnesota Comprehensive Assessments;

32.25 (3) high school graduation rates; ~~and~~

32.26 (4) career and college readiness under section 120B.30, subdivision 1-; and

32.27 (5) the number and percentage of students, by student subgroup, who are on track for  
 32.28 graduation.

32.29 (b) A school district that offers advanced placement, international baccalaureate, or dual  
 32.30 enrollment programs must report on the following performance measures starting in the  
 32.31 2023-2024 school year:



33.1 (1) participation in postsecondary enrollment options and concurrent enrollment programs;

33.2 (2) the number of students who took an advanced placement exam and the number of  
33.3 students who passed the exam; and

33.4 (3) the number of students who took the international baccalaureate exam and the number  
33.5 of students who passed the exam.

33.6 (c) Performance measures under this subdivision must be reported for all student  
33.7 subgroups identified in section 120B.35, subdivision 3, paragraph (b), clause (2).

33.8 **EFFECTIVE DATE.** This section is effective July 1, 2021.

33.9 Sec. 14. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

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

33.13 (1) clearly defined district and school site goals and benchmarks for instruction and  
33.14 student achievement for all student subgroups identified in section 120B.35, subdivision 3,  
33.15 paragraph (b), clause (2);

33.16 (2) a process to assess and evaluate each student's progress toward meeting state and  
33.17 local academic standards, assess and identify students to participate in gifted and talented  
33.18 programs and accelerate their instruction, and adopt early-admission procedures consistent  
33.19 with section 120B.15, assess ethnic studies curriculum needs to determine priorities for  
33.20 integrating ethnic studies into existing courses or developing new courses, and identifying  
33.21 the strengths and weaknesses of instruction in pursuit of student and school success and  
33.22 curriculum affecting students' progress and growth toward career and college readiness and  
33.23 leading to the world's best workforce;

33.24 (3) a system to periodically review and evaluate the effectiveness of all instruction and  
33.25 curriculum, including ethnic studies curriculum, taking into account strategies and best  
33.26 practices, student outcomes, school principal evaluations under section 123B.147, subdivision  
33.27 3, students' access to effective teachers who are members of populations underrepresented  
33.28 among the licensed teachers in the district or school and who reflect the diversity of enrolled  
33.29 students under section 120B.35, subdivision 3, paragraph (b), clause (2), and teacher  
33.30 evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

33.31 (4) strategies for improving instruction, curriculum, and student achievement, including:  
33.32 (i) the English and, where practicable, the native language development and the academic

34.1 achievement of English learners; and (ii) access to ethnic studies curriculum using culturally  
 34.2 responsive methodologies for all learners;

34.3 (5) a process to examine the equitable distribution of teachers and strategies to ensure  
 34.4 children from low-income and minority children families, families of color, and American  
 34.5 Indian families are not taught at higher rates than other children by inexperienced, ineffective,  
 34.6 or out-of-field teachers;

34.7 (6) education effectiveness practices that:

34.8 (i) integrate high-quality instruction, rigorous curriculum, technology, and curriculum  
 34.9 that is rigorous, accurate, anti-racist, and culturally sustaining;

34.10 (ii) ensure learning and work environments validate, affirm, embrace, and integrate  
 34.11 cultural and community strengths for all students, families, and employees; and

34.12 (iii) provide a collaborative professional culture that develops and supports seeks to  
 34.13 retain qualified, racially and ethnically diverse staff effective at working with diverse students  
 34.14 while developing and supporting teacher quality, performance, and effectiveness; and

34.15 (7) an annual budget for continuing to implement the district plan; and

34.16 (8) identifying a list of suggested and required materials, resources, sample curricula,  
 34.17 and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the  
 34.18 diversity of the state of Minnesota.

34.19 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and  
 34.20 updated after the day following final enactment.

34.21 Sec. 15. Minnesota Statutes 2020, section 120B.11, subdivision 3, is amended to read:

34.22 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory  
 34.23 committee to ensure active community participation in all phases of planning and improving  
 34.24 the instruction and curriculum affecting state and district academic standards, consistent  
 34.25 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect  
 34.26 the diversity of the district and its school sites, include teachers, parents, support staff,  
 34.27 students, and other community residents, and provide translation to the extent appropriate  
 34.28 and practicable. The district advisory committee ~~shall~~ must pursue community support to  
 34.29 accelerate the academic and native literacy and achievement of English learners with varied  
 34.30 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and  
 34.31 2a. The district may establish site teams as subcommittees of the district advisory committee  
 34.32 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school

35.1 board; rigorous academic standards; student achievement goals and measures consistent  
35.2 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district  
35.3 assessments; means to improve students' equitable access to effective and more diverse  
35.4 teachers; strategies to ensure the curriculum is rigorous, accurate, anti-racist, and culturally  
35.5 sustaining; strategies to ensure that curriculum and learning and work environments validate,  
35.6 affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic  
35.7 groups; and program evaluations. School sites may expand upon district evaluations of  
35.8 instruction, curriculum, assessments, or programs. Whenever possible, parents and other  
35.9 community residents shall ~~shall~~ must comprise at least two-thirds of advisory committee members.

35.10 Sec. 16. **[120B.113] EQUITABLE SCHOOL ENHANCEMENT GRANTS.**

35.11 Subdivision 1. **Grant program established.** The commissioner of education must  
35.12 establish a grant program to support implementation of world's best workforce strategies  
35.13 under section 120B.11, subdivision 2, clauses (4) and (6), to support collaborative efforts  
35.14 that address issues of curricular, environmental, and structural inequities in schools that  
35.15 create opportunity and achievement gaps for students, families, and staff who are of color  
35.16 or who are American Indian.

35.17 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the  
35.18 meanings given.

35.19 (b) "Anti-racist" means the active process of identifying and eliminating racism by  
35.20 changing systems, organizational structures, policies, practices, attitudes, and dispositions  
35.21 so that power and resources are redistributed and shared equitably.

35.22 (c) "Curricular" means curriculum resources used and content taught as well as access  
35.23 to levels of coursework or types of learning opportunities.

35.24 (d) "Environmental" means relating to the climate and culture of a school.

35.25 (e) "Equitable" means fairness by providing curriculum, instruction, support, and other  
35.26 resources for learning based on the needs of individual students and groups of students to  
35.27 succeed at school rather than treating all students the same. Equitable schools close  
35.28 opportunity and achievement gaps.

35.29 (f) "Institutional racism" means policies and practices within and across institutions that  
35.30 produce outcomes that chronically favor white people and predictably disadvantage those  
35.31 who are Black, Indigenous, and People of Color.

35.32 (g) "Structural" means relating to the organization and systems of a school that have  
35.33 been created to manage a school.

36.1 Subd. 3. **Applications and grant awards.** The commissioner must determine application  
36.2 procedures and deadlines, select schools to participate in the grant program, and determine  
36.3 the award amount and payment process of the grants. To the extent that there are sufficient  
36.4 applications, the commissioner must award an approximately equal number of grants between  
36.5 districts in greater Minnesota and those in the Twin Cities metropolitan area. If there are  
36.6 an insufficient number of applications received for either geographic area, the commissioner  
36.7 may award grants to meet the requests for funds wherever a district is located.

36.8 Subd. 4. **Description.** The grant program must provide funding that supports collaborative  
36.9 efforts that ensure school climate and curriculum incorporate equitable, anti-racist educational  
36.10 practices that:

36.11 (1) validate, affirm, embrace, and integrate cultural and community strengths of students,  
36.12 families, and employees from all racial and ethnic backgrounds; and

36.13 (2) address institutional racism with equitable school policies, structures, and practices,  
36.14 consistent with the requirements for long-term plans under section 124D.861, subdivision  
36.15 2, paragraph (c).

36.16 Subd. 5. **Report.** Grant recipients must annually report to the commissioner by a date  
36.17 and in a form and manner determined by the commissioner on efforts planned and  
36.18 implemented that engaged students, families, educators, and community members of diverse  
36.19 racial and ethnic backgrounds in making improvements to school climate and curriculum.  
36.20 The report must assess the impact of those efforts as perceived by racially and ethnically  
36.21 diverse stakeholders, and must identify any areas needed for further continuous improvement.  
36.22 The commissioner must publish a report for the public summarizing the activities of grant  
36.23 recipients and what was done to promote sharing of effective practices among grant recipients  
36.24 and potential grant applicants.

36.25 **EFFECTIVE DATE.** This section is effective July 1, 2021.

36.26 Sec. 17. Minnesota Statutes 2020, section 120B.132, is amended to read:

36.27 **120B.132 RAISED ACADEMIC ACHIEVEMENT; ADVANCED PLACEMENT**  
36.28 **AND INTERNATIONAL BACCALAUREATE PROGRAMS.**

36.29 Subdivision 1. **Establishment; eligibility.** (a) A program is established to raise  
36.30 kindergarten through grade 12 academic achievement through increased student participation  
36.31 in preadvanced placement, advanced placement, and international baccalaureate programs,  
36.32 consistent with section 120B.13. Schools and charter schools eligible to participate under  
36.33 this section:

37.1 ~~(1) must have a three-year plan approved by the local school board to establish a new~~  
37.2 ~~international baccalaureate program leading to international baccalaureate authorization,~~  
37.3 ~~expand an existing program that leads to international baccalaureate authorization, or expand~~  
37.4 ~~an existing authorized international baccalaureate program; or~~

37.5 ~~(2) must have a three-year plan approved by the local school board to create a new or~~  
37.6 ~~expand an existing program to implement the college board advanced placement courses~~  
37.7 ~~and exams or preadvanced placement initiative; and~~

37.8 ~~(3) must propose to further raise students' academic achievement by:~~

37.9 ~~(i) (1) increasing the availability of and all students' access to advanced placement or~~  
37.10 ~~international baccalaureate courses or programs;~~

37.11 ~~(ii) (2) expanding the breadth of advanced placement or international baccalaureate~~  
37.12 ~~courses or programs that are available to students;~~

37.13 ~~(iii) (3) increasing the number and the diversity of the students who participate in~~  
37.14 ~~advanced placement or international baccalaureate courses or programs and succeed;~~

37.15 ~~(iv) (4) providing low-income and other disadvantaged students with increased access~~  
37.16 ~~to advanced placement or international baccalaureate courses and programs; or~~

37.17 ~~(v) (5) increasing the number of high school students, including low-income and other~~  
37.18 ~~disadvantaged students, who receive college credit by successfully completing advanced~~  
37.19 ~~placement or international baccalaureate courses or programs and achieving satisfactory~~  
37.20 ~~scores on related exams.~~

37.21 (b) Within 90 days of receiving a grant under this section, a school district or charter  
37.22 school must:

37.23 (1) adopt a three-year plan approved by the local school board to establish a new  
37.24 international baccalaureate program leading to international baccalaureate authorization,  
37.25 expand an existing program that leads to international baccalaureate authorization, or expand  
37.26 an existing authorized international baccalaureate program; or

37.27 (2) adopt a three-year plan approved by the local school board to create a new program  
37.28 or expand an existing program to implement the college board advanced placement courses  
37.29 and exams or preadvanced placement initiative.

37.30 **Subd. 2. Application and review process; funding priority.** (a) Charter schools and  
37.31 school districts in which eligible schools under subdivision 1 are located may apply to the  
37.32 commissioner, in the form and manner the commissioner determines, for competitive funding

38.1 to further raise students' academic achievement. The application must detail the specific  
38.2 efforts the applicant intends to undertake in further raising students' academic achievement,  
38.3 consistent with subdivision 1, and a proposed budget detailing the district or charter school's  
38.4 current and proposed expenditures for advanced placement, preadvanced placement, and  
38.5 international baccalaureate courses and programs. The proposed budget must demonstrate  
38.6 that the applicant's efforts will support implementation of advanced placement, preadvanced  
38.7 placement, and international baccalaureate courses and programs. Expenditures for  
38.8 administration must not exceed five percent of the proposed budget. Priority for advanced  
38.9 placement grants must be given to grantees who add or expand offerings of advanced  
38.10 placement computer science principles. The commissioner may require an applicant to  
38.11 provide additional information.

38.12 (b) When reviewing applications, the commissioner must determine whether the applicant  
38.13 satisfied all the requirements in this subdivision and subdivision 1. The commissioner may  
38.14 give funding priority to an otherwise qualified applicant that demonstrates:

38.15 (1) a focus on developing or expanding preadvanced placement, advanced placement,  
38.16 or international baccalaureate courses or programs or increasing students' participation in,  
38.17 access to, or success with the courses or programs, including the participation, access, or  
38.18 success of low-income and other disadvantaged students;

38.19 (2) a compelling need for access to preadvanced placement, advanced placement, or  
38.20 international baccalaureate courses or programs;

38.21 (3) an effective ability to actively involve local business and community organizations  
38.22 in student activities that are integral to preadvanced placement, advanced placement, or  
38.23 international baccalaureate courses or programs;

38.24 (4) access to additional public or nonpublic funds or in-kind contributions that are  
38.25 available for preadvanced placement, advanced placement, or international baccalaureate  
38.26 courses or programs;

38.27 (5) an intent to implement activities that target low-income and other disadvantaged  
38.28 students; or

38.29 (6) an intent to increase the advanced placement and international baccalaureate course  
38.30 offerings in science, technology, engineering, and math to low-income and other  
38.31 disadvantaged students.

38.32 Subd. 3. **Funding; permissible funding uses.** (a) The commissioner shall award grants  
38.33 to applicant school districts and charter schools that meet the requirements of subdivisions

39.1 1 and 2. The commissioner must award grants on an equitable geographical basis to the  
39.2 extent feasible and consistent with this section. Grant awards must not exceed ~~the lesser of:~~

39.3 ~~(1) \$85 times the number of pupils enrolled at the participating sites on October 1 of the~~  
39.4 ~~previous fiscal year;~~

39.5 ~~(2) the approved supplemental expenditures based on the budget submitted under~~  
39.6 ~~subdivision 2. For charter schools in their first year of operation, the maximum funding~~  
39.7 ~~award must be calculated using the number of pupils enrolled on October 1 of the current~~  
39.8 ~~fiscal year. The commissioner may adjust the maximum funding award computed using~~  
39.9 ~~prior year data for changes in enrollment attributable to school closings, school openings,~~  
39.10 ~~grade level reconfigurations, or school district reorganizations between the prior fiscal year~~  
39.11 ~~and the current fiscal year; or~~

39.12 ~~(3) \$150,000~~ \$75,000 per district or charter school.

39.13 (b) School districts and charter schools that submit an application and receive funding  
39.14 under this section must use the funding, consistent with the application, to:

39.15 (1) provide teacher training and instruction to more effectively serve students, including  
39.16 low-income and other disadvantaged students, who participate in preadvanced placement,  
39.17 advanced placement, or international baccalaureate courses or programs;

39.18 (2) further develop preadvanced placement, advanced placement, or international  
39.19 baccalaureate courses or programs;

39.20 (3) improve the transition between grade levels to better prepare students, including  
39.21 low-income and other disadvantaged students, for succeeding in preadvanced placement,  
39.22 advanced placement, or international baccalaureate courses or programs;

39.23 (4) purchase books and supplies;

39.24 (5) pay course or program fees;

39.25 (6) increase students' participation in and success with preadvanced placement, advanced  
39.26 placement, or international baccalaureate courses or programs;

39.27 (7) expand students' access to preadvanced placement, advanced placement, or  
39.28 international baccalaureate courses or programs through online learning;

39.29 (8) hire appropriately licensed personnel to teach additional advanced placement or  
39.30 international baccalaureate courses or programs; or

39.31 (9) engage in other activities to expand low-income or disadvantaged students' access  
39.32 to, participation in, and success with preadvanced placement, advanced placement, or

40.1 international baccalaureate courses or programs. Other activities may include but are not  
40.2 limited to preparing and disseminating promotional materials to low-income and other  
40.3 disadvantaged students and their families.

40.4 Subd. 4. **Grants; annual reports.** (a) Each school district and charter school that receives  
40.5 a grant under this section annually must collect demographic and other student data to  
40.6 demonstrate and measure the extent to which the district or charter school raised students'  
40.7 academic achievement under this program and must report the data to the commissioner in  
40.8 the form and manner the commissioner determines. The commissioner annually by February  
40.9 15 must make summary data about this program available to the education policy and finance  
40.10 committees of the legislature.

40.11 (b) Each school district and charter school that receives a grant under this section annually  
40.12 must report to the commissioner, consistent with the Uniform Financial Accounting and  
40.13 Reporting Standards, its actual expenditures for advanced placement, preadvanced placement,  
40.14 and international baccalaureate courses and programs. The report must demonstrate that  
40.15 the school district or charter school has maintained its effort from other sources for advanced  
40.16 placement, preadvanced placement, and international baccalaureate courses and programs  
40.17 compared with the previous fiscal year, and the district or charter school has expended all  
40.18 grant funds, consistent with its approved budget.

40.19 (c) Notwithstanding any law to the contrary, a grant under this section is available for  
40.20 three years from the date of the grant if the district or charter school meets the annual  
40.21 benchmarks in its plan under subdivision 1.

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

40.23 Sec. 18. Minnesota Statutes 2020, section 120B.15, is amended to read:

40.24 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

40.25 (a) School districts may identify students, locally develop programs and services  
40.26 addressing instructional and affective needs, provide staff development, and evaluate  
40.27 programs and services to provide gifted and talented students with challenging and  
40.28 appropriate educational programs and services.

40.29 (b) School districts must adopt guidelines for assessing and identifying students for  
40.30 participation in gifted and talented programs and services consistent with section 120B.11,  
40.31 subdivision 2, clause (2). The guidelines should include the use of:

40.32 (1) multiple and objective criteria; and



41.1 (2) assessments and procedures that are valid and reliable, fair, and based on current  
41.2 theory and research. Assessments and procedures ~~should~~ must be sensitive and equitable  
41.3 to underrepresented groups, including, but not limited to, low-income students, ~~minority~~  
41.4 students of color and American Indian students, twice-exceptional students, students with  
41.5 section 504 plans, and English learners. Assessments and procedures must be coordinated  
41.6 to allow for optimal identification of programs and services for underrepresented groups.

41.7 (c) School districts must adopt procedures for the academic acceleration of gifted and  
41.8 talented students consistent with section 120B.11, subdivision 2, clause (2). These procedures  
41.9 must include how the district will:

41.10 (1) assess a student's readiness and motivation for acceleration; and

41.11 (2) match the level, complexity, and pace of the curriculum to a student to achieve the  
41.12 best type of academic acceleration for that student.

41.13 (d) School districts must adopt procedures consistent with section 124D.02, subdivision  
41.14 1, for early admission to kindergarten or first grade of gifted and talented learners consistent  
41.15 with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to  
41.16 underrepresented groups.

41.17 **Sec. 19. [120B.17] IMPLEMENTATION OF INDIGENOUS EDUCATION FOR**  
41.18 **ALL CURRICULUM.**

41.19 (a) Any district with a school identified for support under the federal Elementary and  
41.20 Secondary Education Act, and any district identified under World's Best Workforce as  
41.21 needing support and improvement, must:

41.22 (1) as a part of their needs assessment, assess the quality of implementation of indigenous  
41.23 education for all in the school or district;

41.24 (2) include any proposed changes, additions, or enhancements to the implementation of  
41.25 indigenous education for all in their school or district improvement plan;

41.26 (3) ensure that indigenous curriculum is included in plans and activities in years two  
41.27 and three for schools and districts identified for improvement plans;

41.28 (4) engage Tribal Nations and Indigenous families in the planning and implementation  
41.29 of improvement plans in schools and districts when a school or district has ten or more  
41.30 American Indian students; and

41.31 (5) provide evidence that implementation factors have been completed.

41.32 (b) The Department of Education must:

42.1 (1) provide monitoring and auditing personnel to coordinate within the department and  
42.2 with all indigenous education for all programs in districts and schools;

42.3 (2) provide professional development to teachers instituting indigenous curriculum;

42.4 (3) provide monitoring of high-quality curriculum materials and teaching practices  
42.5 regarding Tribal history, culture, and government of local Tribes for mutual awareness  
42.6 between Tribes and districts and understanding the importance of accurate and Tribally  
42.7 endorsed curriculum;

42.8 (4) provide ongoing support to all schools and districts on curricula and best teaching  
42.9 practices and to school boards to identify and adopt curriculum that includes Tribal  
42.10 experiences and perspectives to engage Indigenous students and ensure that all students  
42.11 learn about the history, culture, government, and experiences of their Indigenous peers and  
42.12 neighbors;

42.13 (5) refer noncompliance with indigenous curriculum requirements to the Department of  
42.14 Human Rights;

42.15 (6) by December 1, 2022, and every two years thereafter, report to the commissioner of  
42.16 education regarding the progress made in the development of effective  
42.17 government-to-government relations, narrowing of the achievement gap, and identification  
42.18 and adoption of curriculum including Tribal history, culture, and government. The report  
42.19 must include information about the adoption of curriculum regarding Tribal history, culture,  
42.20 and government, and must address any obstacles encountered and any strategies being  
42.21 developed to overcome the obstacles; and

42.22 (7) publicly submit the report to the chairs and ranking minority members of the  
42.23 legislative committees with jurisdiction over education and to Minnesota's Tribal leaders,  
42.24 including the Tribal National Education Committee, the Minnesota Chippewa Tribe, and  
42.25 the Minnesota Indian Affairs Council.

42.26 Sec. 20. Minnesota Statutes 2020, section 120B.30, subdivision 1a, is amended to read:

42.27 Subd. 1a. **Statewide and local assessments; results.** ~~(a) For purposes of this section,~~  
42.28 ~~the following definitions have the meanings given them.~~

42.29 ~~(1) "Computer adaptive assessments" means fully adaptive assessments.~~

42.30 ~~(2) "Fully adaptive assessments" include test items that are on-grade level and items that~~  
42.31 ~~may be above or below a student's grade level.~~

43.1 ~~(3) "On-grade level" test items contain subject area content that is aligned to state~~  
43.2 ~~academic standards for the grade level of the student taking the assessment.~~

43.3 ~~(4) "Above-grade level" test items contain subject area content that is above the grade~~  
43.4 ~~level of the student taking the assessment and is considered aligned with state academic~~  
43.5 ~~standards to the extent it is aligned with content represented in state academic standards~~  
43.6 ~~above the grade level of the student taking the assessment. Notwithstanding the student's~~  
43.7 ~~grade level, administering above-grade level test items to a student does not violate the~~  
43.8 ~~requirement that state assessments must be aligned with state standards.~~

43.9 ~~(5) "Below-grade level" test items contain subject area content that is below the grade~~  
43.10 ~~level of the student taking the test and is considered aligned with state academic standards~~  
43.11 ~~to the extent it is aligned with content represented in state academic standards below the~~  
43.12 ~~student's current grade level. Notwithstanding the student's grade level, administering~~  
43.13 ~~below-grade level test items to a student does not violate the requirement that state~~  
43.14 ~~assessments must be aligned with state standards.~~

43.15 ~~(b) The commissioner must use fully adaptive mathematics and reading assessments for~~  
43.16 ~~grades 3 through 8.~~

43.17 ~~(e) (a)~~ For purposes of conforming with existing federal educational accountability  
43.18 requirements, the commissioner must develop and implement computer-adaptive reading  
43.19 and mathematics assessments for grades 3 through 8, state-developed high school reading  
43.20 and mathematics tests aligned with state academic standards, a high school writing test  
43.21 aligned with state standards when it becomes available, and science assessments under  
43.22 clause (2) that districts and sites must use to monitor student growth toward achieving those  
43.23 standards. The commissioner must not develop statewide assessments for academic standards  
43.24 in social studies, health and physical education, and the arts. The commissioner must require:

43.25 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through  
43.26 8, and high school reading, writing, and mathematics tests; and

43.27 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades  
43.28 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the  
43.29 commissioner must not require students to achieve a passing score on high school science  
43.30 assessments as a condition of receiving a high school diploma.

43.31 ~~(d) (b)~~ The commissioner must ensure that for annual computer-adaptive assessments:

44.1 (1) individual student performance data and achievement reports are available within  
44.2 three school days of when students take an assessment except in a year when an assessment  
44.3 reflects new performance standards;

44.4 (2) growth information is available for each student from the student's first assessment  
44.5 to each proximate assessment using a constant measurement scale;

44.6 (3) parents, teachers, and school administrators are able to use elementary and middle  
44.7 school student performance data to project students' secondary and postsecondary  
44.8 achievement; and

44.9 (4) useful diagnostic information about areas of students' academic strengths and  
44.10 weaknesses is available to teachers and school administrators for improving student  
44.11 instruction and indicating the specific skills and concepts that should be introduced and  
44.12 developed for students at given performance levels, organized by strands within subject  
44.13 areas, and aligned to state academic standards.

44.14 ~~(e)~~ (c) The commissioner must ensure that all state tests administered to elementary and  
44.15 secondary students measure students' academic knowledge and skills and not students'  
44.16 values, attitudes, and beliefs.

44.17 ~~(f)~~ (d) Reporting of state assessment results must:

44.18 (1) provide timely, useful, and understandable information on the performance of  
44.19 individual students, schools, school districts, and the state;

44.20 (2) include a growth indicator of student achievement; and

44.21 (3) determine whether students have met the state's academic standards.

44.22 ~~(g)~~ (e) Consistent with applicable federal law, the commissioner must include appropriate,  
44.23 technically sound accommodations or alternative assessments for the very few students with  
44.24 disabilities for whom statewide assessments are inappropriate and for English learners.

44.25 ~~(h)~~ (f) A school, school district, and charter school must administer statewide assessments  
44.26 under this section, as the assessments become available, to evaluate student progress toward  
44.27 career and college readiness in the context of the state's academic standards. A school,  
44.28 school district, or charter school may use a student's performance on a statewide assessment  
44.29 as one of multiple criteria to determine grade promotion or retention. A school, school  
44.30 district, or charter school may use a high school student's performance on a statewide  
44.31 assessment as a percentage of the student's final grade in a course, or place a student's  
44.32 assessment score on the student's transcript.

45.1 Sec. 21. Minnesota Statutes 2020, section 120B.30, is amended by adding a subdivision  
45.2 to read:

45.3 Subd. 7. **Remote testing.** The commissioner must develop and publish security and  
45.4 privacy policies and procedures for students and educators to support remote testing.

45.5 Sec. 22. Minnesota Statutes 2020, section 120B.30, is amended by adding a subdivision  
45.6 to read:

45.7 Subd. 8. **National and international education comparisons.** Each public district and  
45.8 school selected to participate in the national assessment of educational progress must do so  
45.9 pursuant to United States Code, title 20, section 6312(c)(2), as in effect on December 10,  
45.10 2015, or similar national or international assessments, both for the national sample and for  
45.11 any state-by-state comparison programs that may be initiated, as directed by the  
45.12 commissioner. The assessments must be conducted using the data collection procedures,  
45.13 student surveys, educator surveys, and other instruments included in the National Assessment  
45.14 of Educational Progress or similar national or international assessments being administered  
45.15 in Minnesota. The administration of the assessments must be in addition to and separate  
45.16 from the administration of the statewide, standardized assessments.

45.17 Sec. 23. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

45.18 Subd. 3. **State growth target; other state measures.** (a)(1) The state's educational  
45.19 assessment system measuring individual students' educational growth is based on indicators  
45.20 of achievement growth that show an individual student's prior achievement. Indicators of  
45.21 achievement and prior achievement must be based on highly reliable statewide or districtwide  
45.22 assessments.

45.23 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and  
45.24 report, as soon as practicable, separate categories of information using the student categories  
45.25 identified under the federal Elementary and Secondary Education Act, as most recently  
45.26 reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen  
45.27 community, seven of the most populous Asian and Pacific Islander groups, three of the most  
45.28 populous Native groups, seven of the most populous Hispanic/Latino groups, and five of  
45.29 the most populous Black and African Heritage groups ~~as determined by the total Minnesota~~  
45.30 ~~population based on the most recent American Community Survey;~~ These groups must be  
45.31 determined by a ten-year cycle using the American Community Survey of the total Minnesota  
45.32 population. The determination must be based on the most recent five-year dataset starting  
45.33 with the 2021-2025 dataset. Additional categories must include English learners under

46.1 section 124D.59; home language; free or reduced-price lunch; and all students enrolled in  
46.2 a Minnesota public school who are currently or were previously in foster care, except that  
46.3 such disaggregation and cross tabulation is not required if the number of students in a  
46.4 category is insufficient to yield statistically reliable information or the results would reveal  
46.5 personally identifiable information about an individual student.

46.6 (b) The commissioner, in consultation with a stakeholder group that includes assessment  
46.7 and evaluation directors, district staff, experts in culturally responsive teaching, and  
46.8 researchers, must implement a growth model that compares the difference in students'  
46.9 achievement scores over time, and includes criteria for identifying schools and school  
46.10 districts that demonstrate academic progress. The model may be used to advance educators'  
46.11 professional development and replicate programs that succeed in meeting students' diverse  
46.12 learning needs. Data on individual teachers generated under the model are personnel data  
46.13 under section 13.43. The model must allow users to:

46.14 (1) report student growth consistent with this paragraph; and

46.15 (2) for all student categories, report and compare aggregated and disaggregated state  
46.16 student growth and, under section 120B.11, subdivision 2, clause (2), student learning and  
46.17 outcome data using the student categories identified under the federal Elementary and  
46.18 Secondary Education Act, as most recently reauthorized, and other student categories under  
46.19 paragraph (a), clause (2).

46.20 The commissioner must report measures of student growth and, under section 120B.11,  
46.21 subdivision 2, clause (2), student learning and outcome data, consistent with this paragraph,  
46.22 including the English language development, academic progress, and oral academic  
46.23 development of English learners and their native language development if the native language  
46.24 is used as a language of instruction, and include data on all pupils enrolled in a Minnesota  
46.25 public school course or program who are currently or were previously counted as an English  
46.26 learner under section 124D.59.

46.27 (c) When reporting student performance under section 120B.36, subdivision 1, the  
46.28 commissioner annually, beginning July 1, 2011, must report two core measures indicating  
46.29 the extent to which current high school graduates are being prepared for postsecondary  
46.30 academic and career opportunities:

46.31 (1) a preparation measure indicating the number and percentage of high school graduates  
46.32 in the most recent school year who completed course work important to preparing them for  
46.33 postsecondary academic and career opportunities, consistent with the core academic subjects

47.1 required for admission to Minnesota's public colleges and universities as determined by the  
47.2 Office of Higher Education under chapter 136A; and

47.3 (2) a rigorous coursework measure indicating the number and percentage of high school  
47.4 graduates in the most recent school year who successfully completed one or more  
47.5 college-level advanced placement, international baccalaureate, postsecondary enrollment  
47.6 options including concurrent enrollment, other rigorous courses of study under section  
47.7 120B.021, subdivision 1a, or industry certification courses or programs.

47.8 When reporting the core measures under clauses (1) and (2), the commissioner must also  
47.9 analyze and report separate categories of information using the student categories identified  
47.10 under the federal Elementary and Secondary Education Act, as most recently reauthorized,  
47.11 and other student categories under paragraph (a), clause (2).

47.12 (d) When reporting student performance under section 120B.36, subdivision 1, the  
47.13 commissioner annually, beginning July 1, 2014, must report summary data on school safety  
47.14 and students' engagement and connection at school, consistent with the student categories  
47.15 identified under paragraph (a), clause (2). The summary data under this paragraph are  
47.16 separate from and must not be used for any purpose related to measuring or evaluating the  
47.17 performance of classroom teachers. The commissioner, in consultation with qualified experts  
47.18 on student engagement and connection and classroom teachers, must identify highly reliable  
47.19 variables that generate summary data under this paragraph. The summary data may be used  
47.20 at school, district, and state levels only. Any data on individuals received, collected, or  
47.21 created that are used to generate the summary data under this paragraph are nonpublic data  
47.22 under section 13.02, subdivision 9.

47.23 (e) For purposes of statewide educational accountability, the commissioner must identify  
47.24 and report measures that demonstrate the success of learning year program providers under  
47.25 sections 123A.05 and 124D.68, among other such providers, in improving students'  
47.26 graduation outcomes. The commissioner, beginning July 1, 2015, must annually report  
47.27 summary data on:

47.28 (1) the four- and six-year graduation rates of students under this paragraph;

47.29 (2) the percent of students under this paragraph whose progress and performance levels  
47.30 are meeting career and college readiness benchmarks under section 120B.30, subdivision  
47.31 1; and

47.32 (3) the success that learning year program providers experience in:

47.33 (i) identifying at-risk and off-track student populations by grade;

- 48.1 (ii) providing successful prevention and intervention strategies for at-risk students;
- 48.2 (iii) providing successful recuperative and recovery or reenrollment strategies for off-track
- 48.3 students; and
- 48.4 (iv) improving the graduation outcomes of at-risk and off-track students.

48.5 The commissioner may include in the annual report summary data on other education

48.6 providers serving a majority of students eligible to participate in a learning year program.

48.7 (f) The commissioner, in consultation with recognized experts with knowledge and

48.8 experience in assessing the language proficiency and academic performance of all English

48.9 learners enrolled in a Minnesota public school course or program who are currently or were

48.10 previously counted as an English learner under section 124D.59, must identify and report

48.11 appropriate and effective measures to improve current categories of language difficulty and

48.12 assessments, and monitor and report data on students' English proficiency levels, program

48.13 placement, and academic language development, including oral academic language.

48.14 (g) When reporting four- and six-year graduation rates, the commissioner or school

48.15 district must disaggregate the data by student categories according to paragraph (a), clause

48.16 (2).

48.17 (h) A school district must inform parents and guardians that volunteering information

48.18 on student categories not required by the most recent reauthorization of the Elementary and

48.19 Secondary Education Act is optional and will not violate the privacy of students or their

48.20 families, parents, or guardians. The notice must state the purpose for collecting the student

48.21 data.

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

48.23 next update to the data used to determine the most populous groups must be implemented

48.24 in 2026 using the 2021-2025 dataset.

48.25 Sec. 24. Minnesota Statutes 2020, section 120B.35, subdivision 4, is amended to read:

48.26 Subd. 4. **Improving schools.** Consistent with the requirements of this section, ~~beginning~~

48.27 ~~June 20, 2012,~~ the commissioner of education must annually report to the public and the

48.28 legislature best practices implemented in those schools that are identified as high performing

48.29 ~~under federal expectations.~~



49.1 Sec. 25. **[121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

49.2 **Subdivision 1. Prohibition.** (a) A public school may not have or adopt a name, symbol,  
49.3 or image that depicts or refers to an American Indian Tribe, individual, custom, or tradition  
49.4 to be used as a mascot, nickname, logo, letterhead, or team name of the district or school  
49.5 within the district.

49.6 (b) A public school may seek an exemption to paragraph (a) by submitting a request in  
49.7 writing to the Tribal Nations Education Committee and the Indian Affairs Council, which  
49.8 jointly shall have discretion to grant such an exemption. A public school that has a mascot  
49.9 prohibited by this section must request an exemption by January 1, 2022.

49.10 **Subd. 2. Definitions.** (a) For purposes of this section, the following terms have the  
49.11 meanings given.

49.12 (b) "American Indian" means an individual who is:

49.13 (1) a member of an Indian Tribe or band, as membership is defined by the Tribe or band,  
49.14 including:

49.15 (i) any Tribe or band terminated since 1940; and

49.16 (ii) any Tribe or band recognized by the state in which the Tribe or band resides;

49.17 (2) a descendant, in the first or second degree, of an individual described in clause (1);

49.18 (3) considered by the Secretary of the Interior to be an Indian for any purpose;

49.19 (4) an Eskimo, Aleut, or other Alaska Native; or

49.20 (5) a member of an organized Indian group that received a grant under the Indian  
49.21 Education Act of 1988 as in effect the day preceding October 20, 1994.

49.22 (c) "District" means a district under section 120A.05, subdivision 8.

49.23 (d) "Mascot" means any human, nonhuman animal, or object used to represent a school  
49.24 and its population.

49.25 (e) "Public school" or "school" means a public school under section 120A.05, subdivisions  
49.26 9, 11, 13, and 17, and a charter school under chapter 124E.

49.27 Sec. 26. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

49.28 **Subd. 10. Suspension.** (a) "In-school suspension" means an instance in which a pupil  
49.29 is temporarily removed from the pupil's regular classroom for at least half a day for  
49.30 disciplinary purposes but remains under the direct supervision of school personnel. Direct

50.1 supervision means school personnel are physically present in the same location as the pupil  
50.2 under supervision.

50.3 (b) "Out-of-school suspension" means an action by the school administration, under  
50.4 rules promulgated by the school board, prohibiting a pupil from attending school for a period  
50.5 of no more than ten school days. If a suspension is longer than five days, the suspending  
50.6 administrator must provide the superintendent with a reason for the longer suspension. This  
50.7 definition does not apply to dismissal from school for ~~one school day or less~~ than one school  
50.8 day, except as provided in federal law for a student with a disability. Each suspension action  
50.9 may ~~may~~ must include a readmission plan. The readmission plan shall include, where appropriate,  
50.10 a provision for implementing alternative educational services upon readmission and may  
50.11 not be used to extend the current suspension. Consistent with section 125A.091, subdivision  
50.12 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication  
50.13 for the parent's child as a condition of readmission. The school administration may not  
50.14 impose consecutive suspensions against the same pupil for the same course of conduct, or  
50.15 incident of misconduct, except where the pupil will create an immediate and substantial  
50.16 danger to self or to surrounding persons or property, or where the district is in the process  
50.17 of initiating an expulsion, in which case the school administration may extend the suspension  
50.18 to a total of 15 school days.

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

50.20 Sec. 27. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision  
50.21 to read:

50.22 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**  
50.23 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means  
50.24 policies and practices that are alternatives to removing a pupil from class or dismissing a  
50.25 pupil from school, including evidence-based positive behavior interventions and supports,  
50.26 social and emotional services, school-linked mental health services, counseling services,  
50.27 social work services, referrals for special education or section 504 evaluations, academic  
50.28 screening for title one services or reading interventions, and alternative education services.  
50.29 Nonexclusionary disciplinary policies and practices require school officials to intervene in,  
50.30 redirect, and support a pupil's behavior before removing a pupil from class or beginning  
50.31 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are  
50.32 not limited to the policies and practices under sections 120B.12; 121A.031, subdivision 4,  
50.33 paragraph (a), clause (1); 121A.575, clauses (1) and (2); 121A.61, subdivision 3, paragraph  
50.34 (p); and 122A.627, clause (3).

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

51.2 Sec. 28. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision  
51.3 to read:

51.4 **Subd. 13. Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal  
51.5 or written agreement between a school or district administrator and a pupil's parent to  
51.6 withdraw a student from the school district to avoid expulsion or exclusion dismissal  
51.7 proceedings. A pupil withdrawal agreement expires at the end of a 12-month period.

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

51.9 Sec. 29. Minnesota Statutes 2020, section 121A.425, is amended to read:

51.10 **121A.425 FULL AND EQUITABLE PARTICIPATION IN ~~PRESCHOOL AND~~**  
51.11 **~~PREKINDERGARTEN~~ EARLY LEARNING.**

51.12 Subdivision 1. **Disciplinary dismissals prohibited.** (a) A pupil enrolled in the following  
51.13 is not subject to dismissals under this chapter:

51.14 (1) a preschool or prekindergarten program, including ~~a child participating in early~~  
51.15 childhood family education, school readiness, school readiness plus, voluntary  
51.16 prekindergarten, Head Start, or other school-based preschool or prekindergarten program;  
51.17 ~~may not be subject to dismissals under this chapter; or~~

51.18 (2) kindergarten through grade 3.

51.19 (b) Notwithstanding this subdivision, expulsions and exclusions may be used only after  
51.20 resources outlined in subdivision 2 have been exhausted, and only in circumstances where  
51.21 there is an ongoing serious safety threat to the child or others.

51.22 Subd. 2. **Nonexclusionary discipline.** For purposes of this section, nonexclusionary  
51.23 discipline must include at least one of the following:

51.24 (1) collaborating with the pupil's family or guardian, child mental health consultant or  
51.25 provider, education specialist, or other community-based support;

51.26 (2) creating a plan, written with the parent or guardian, that details the action and support  
51.27 needed for the pupil to fully participate in the current educational program, including a  
51.28 preschool or prekindergarten program; or

51.29 (3) providing a referral for needed support services, including parenting education, home  
51.30 visits, other supportive education interventions, or, where appropriate, an evaluation to  
51.31 determine if the pupil is eligible for special education services or section 504 services.

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

52.2 Sec. 30. Minnesota Statutes 2020, section 121A.45, subdivision 1, is amended to read:

52.3 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil  
52.4 without attempting to ~~provide alternative educational services~~ use nonexclusionary  
52.5 disciplinary policies and practices before dismissal proceedings or pupil withdrawal  
52.6 agreements, except where it appears that the pupil will create an immediate and substantial  
52.7 danger to self or to surrounding persons or property.

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

52.9 Sec. 31. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

52.10 Subd. 4. **Suspension pending expulsion or exclusion hearing.** Notwithstanding the  
52.11 provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's  
52.12 decision in the expulsion or exclusion hearing; provided that alternative educational services  
52.13 are implemented to the extent that suspension exceeds five consecutive school days.

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

52.15 Sec. 32. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision  
52.16 to read:

52.17 Subd. 5. **Student suspensions exceeding five consecutive school days.** A school  
52.18 administrator must ensure that alternative educational services are provided when a pupil  
52.19 is suspended for more than five consecutive school days.

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

52.21 Sec. 33. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision  
52.22 to read:

52.23 Subd. 6. **Minimum education services.** School officials must give a suspended pupil  
52.24 the opportunity to complete all school work assigned during the period of the pupil's  
52.25 suspension and to receive full credit for satisfactorily completing the assignments. The  
52.26 school principal or other person having administrative control of the school building or  
52.27 program is encouraged to designate a district or school employee as a liaison to work with  
52.28 the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and  
52.29 other information, and (2) complete all school work assignments and receive teachers'  
52.30 feedback.

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

53.2 Sec. 34. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

53.3 Subd. 2. **Written notice.** Written notice of intent to take action shall:

53.4 (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;

53.5 (b) contain a complete statement of the facts, a list of the witnesses and a description of  
53.6 their testimony;

53.7 (c) state the date, time, and place of the hearing;

53.8 (d) be accompanied by a copy of sections 121A.40 to 121A.56;

53.9 (e) describe ~~alternative educational services~~ the nonexclusionary disciplinary policies  
53.10 and practices accorded the pupil in an attempt to avoid the expulsion proceedings; and

53.11 (f) inform the pupil and parent or guardian of the right to:

53.12 (1) have a representative of the pupil's own choosing, including legal counsel, at the  
53.13 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost  
53.14 legal assistance may be available and that a legal assistance resource list is available from  
53.15 the Department of Education and is posted on the department's website;

53.16 (2) examine the pupil's records before the hearing;

53.17 (3) present evidence; and

53.18 (4) confront and cross-examine witnesses.

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

53.20 Sec. 35. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

53.21 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare  
53.22 and enforce an admission or readmission plan for any pupil who is excluded or expelled  
53.23 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~  
53.24 which may include completing a character education program; consistent with section  
53.25 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,  
53.26 mental health services, referrals for special education or section 504 evaluation, and  
53.27 evidence-based academic interventions. The plan must require parental involvement in the  
53.28 admission or readmission process, and may indicate the consequences to the pupil of not  
53.29 improving the pupil's behavior.

54.1 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply  
 54.2 to a student's dismissal from school for ~~one school day or less~~ than one school day, except  
 54.3 as provided under federal law for a student with a disability. Each suspension action may  
 54.4 include a readmission plan. A readmission plan must provide, where appropriate, alternative  
 54.5 education services, which must not be used to extend the student's current suspension period.  
 54.6 Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a  
 54.7 parent or guardian to provide psychotropic drugs to their student as a condition of  
 54.8 readmission. School officials must not use the refusal of a parent or guardian to consent to  
 54.9 the administration of psychotropic drugs to their student or to consent to a psychiatric  
 54.10 evaluation, screening or examination of the student as a ground, by itself, to prohibit the  
 54.11 student from attending class or participating in a school-related activity, or as a basis of a  
 54.12 charge of child abuse, child neglect or medical or educational neglect.

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

54.14 Sec. 36. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

54.15 Subdivision 1. **Exclusions and expulsions; student withdrawals; and physical**  
 54.16 **assaults.** Consistent with subdivision 2, the school board must report through the department  
 54.17 electronic reporting system each exclusion or expulsion ~~and,~~ each physical assault of a  
 54.18 district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days  
 54.19 of the effective date of the dismissal action, pupil withdrawal, or assault to the commissioner  
 54.20 of education. This report must include a statement of ~~alternative educational services~~  
 54.21 nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in  
 54.22 response to the assault given the pupil and the reason for, the effective date, and the duration  
 54.23 of the exclusion or expulsion or other sanction, intervention, or resolution. The report must  
 54.24 also include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

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

54.26 Sec. 37. Minnesota Statutes 2020, section 121A.55, is amended to read:

54.27 **121A.55 POLICIES TO BE ESTABLISHED.**

54.28 (a) The commissioner of education shall promulgate guidelines including guidance on  
 54.29 how to appropriately and equitably engage stakeholders to review and revise discipline  
 54.30 policies that are restorative and responsive to assist each school board. Each school board  
 54.31 ~~shall~~ must establish uniform criteria for dismissal and adopt written policies and rules to  
 54.32 effectuate the purposes of sections 121A.40 to 121A.56. The policies ~~shall~~ must include  
 54.33 nonexclusionary disciplinary policies and practices consistent with section 121A.41,

55.1 subdivision 12, and emphasize preventing dismissals through early and individual detection  
55.2 of problems and shall needs and providing the necessary multitiered supports to meet  
55.3 students' needs. The policies must be designed to address prevent students' inappropriate  
55.4 behavior from recurring.

55.5 (b) The policies shall must recognize the school's continuing responsibility of the school  
55.6 for the education of the pupil during the dismissal period.

55.7 (1) A school is responsible for ensuring that the alternative educational services, if the  
55.8 pupil wishes to take advantage of them, provided to a pupil must be adequate to allow the  
55.9 pupil to make progress towards toward meeting the graduation standards adopted under  
55.10 section 120B.02 and help prepare the pupil for readmission, and are in accordance with  
55.11 section 121A.46, subdivision 5.

55.12 (2) For expulsions and exclusionary dismissals, as well as for pupil withdrawal  
55.13 agreements as defined in section 121A.41, subdivision 13:

55.14 (i) A school district's continuing responsibility includes reviewing the pupil's school  
55.15 work and grades on a quarterly basis to ensure the pupil is on track for readmission with  
55.16 the pupil's peers. A school district must communicate on a regular basis with the pupil's  
55.17 parent to ensure the pupil is completing the work assigned through the alternative educational  
55.18 services.

55.19 (ii) Nothing in this section prohibits a school-linked mental health provider from  
55.20 continuing to provide services after the student enrolls in a new school district.

55.21 (iii) A school district must provide to the pupil's parent or guardian information on how  
55.22 to access mental health services, including a list of any free or sliding fee providers in the  
55.23 community. The information must also be posted on the district or charter school website.

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

55.28 ~~(e)~~ (d) Each school district shall develop a policy and report it to the commissioner on  
55.29 the appropriate use of peace officers and crisis teams to remove students who have an  
55.30 individualized education program from school grounds.

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

56.1 Sec. 38. Minnesota Statutes 2020, section 121A.58, is amended to read:

56.2 **121A.58 CORPORAL PUNISHMENT.**

56.3 Subdivision 1. **Definition.** (a) For the purpose of this section, "corporal punishment"  
56.4 means conduct involving:

56.5 (1) hitting or spanking a person with or without an object; or

56.6 (2) unreasonable physical force that causes bodily harm or substantial emotional harm.

56.7 (b) For the purposes of this section, "prone restraint" means placing a pupil in a face-down  
56.8 position.

56.9 Subd. 2. **Corporal punishment not allowed.** An employee or agent of a district shall  
56.10 not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil  
56.11 to reform unacceptable conduct or as a penalty for unacceptable conduct.

56.12 Subd. 2a. **Prone restraint not allowed.** An employee or agent of a district, including a  
56.13 school resource officer or police officer contracted with the district, must not inflict prone  
56.14 restraint or cause prone restraint to be inflicted upon a pupil to reform unacceptable conduct  
56.15 or as a penalty for unacceptable conduct. Further, an employee or agent of a district, including  
56.16 a school resource officer or police officer contracted with the district, must not inflict any  
56.17 form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or  
56.18 impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's  
56.19 head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in  
56.20 straddling a pupil's torso.

56.21 Subd. 3. **Violation.** Conduct that violates subdivision 2 or 2a is not a crime under section  
56.22 645.241, but may be a crime under chapter 609 if the conduct violates a provision of chapter  
56.23 609.

56.24 Sec. 39. Minnesota Statutes 2020, section 121A.61, is amended to read:

56.25 **121A.61 DISCIPLINE AND REMOVAL OF STUDENTS FROM CLASS.**

56.26 Subdivision 1. **Required policy.** Each school board must adopt, and annually review  
56.27 and revise, a written districtwide school discipline policy which includes ~~written rules~~ a  
56.28 student code of conduct for students, ~~minimum consequences for violations of the rules,~~  
56.29 ~~and grounds and procedures for removal of a student from class~~ and parameters for when  
56.30 input into discipline decisions by all those involved in an incident is allowed. The policy  
56.31 must be developed in consultation with administrators, teachers, employees, pupils, parents,  
56.32 community members, law enforcement agencies, county attorney offices, social service



57.1 agencies, and such other individuals or organizations as the board determines appropriate.  
57.2 A school site council may adopt additional provisions to the policy subject to the approval  
57.3 of the school board.

57.4 Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds  
57.5 for which a student may be removed from a class in the district for a period of time under  
57.6 the procedures specified in the policy. The policy must include a procedure for notifying  
57.7 and meeting with a student's parent or guardian to discuss the problem that is causing the  
57.8 student to be removed from class after the student has been removed from class more than  
57.9 ten times in one school year. The grounds in the policy must ~~include at least the following~~  
57.10 ~~provisions as well as other grounds determined appropriate by the board:~~ at least include  
57.11 provisions pertaining to addressing

57.12 ~~(a) willful conduct that significantly disrupts the rights of others to an education, including~~  
57.13 ~~conduct that interferes with a teacher's ability to teach or communicate effectively with~~  
57.14 ~~students in a class or with the ability of other students to learn;~~

57.15 ~~(b) willful conduct that endangers surrounding persons, including school district~~  
57.16 ~~employees, the student or other students, or the property of the school; and~~

57.17 ~~(c) willful violation of any rule of conduct specified in the discipline policy adopted by~~  
57.18 ~~the board.~~

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

57.20 (a) rules governing student conduct and procedures for informing students of the rules;

57.21 (b) the grounds for removal of a student from a class;

57.22 (c) the authority of the classroom teacher to remove students from the classroom pursuant  
57.23 to procedures and rules established in the district's policy;

57.24 (d) the procedures for removal of a student from a class by a teacher, school administrator,  
57.25 or other school district employee;

57.26 (e) the period of time for which a student may be removed from a class, which may not  
57.27 exceed five class periods for a violation of a rule of conduct;

57.28 (f) provisions relating to the responsibility for and custody of a student removed from  
57.29 a class;

57.30 (g) the procedures for return of a student to the specified class from which the student  
57.31 has been removed;

58.1 (h) the procedures for notifying a student and the student's parents or guardian of  
58.2 violations of the rules of conduct and of resulting disciplinary actions;

58.3 (i) any procedures determined appropriate for encouraging early involvement of parents  
58.4 or guardians in attempts to improve a student's behavior;

58.5 (j) any procedures determined appropriate for encouraging early detection of behavioral  
58.6 problems;

58.7 (k) any procedures determined appropriate for referring a student in need of special  
58.8 education services to those services;

58.9 (l) the procedures for consideration of whether there is a need for a further assessment  
58.10 or of whether there is a need for a review of the adequacy of a current individualized  
58.11 education program of a student with a disability who is removed from class;

58.12 (m) procedures for detecting and addressing chemical abuse problems of a student while  
58.13 on the school premises;

58.14 ~~(n) the minimum consequences for violations of the code of conduct;~~

58.15 ~~(o)~~ (n) procedures for ~~immediate~~ timely and appropriate interventions tied to violations  
58.16 of the code;

58.17 ~~(p)~~ (o) a provision that states that a teacher, school employee, school bus driver, or other  
58.18 agent of a district may use reasonable force in compliance with section 121A.582 and other  
58.19 laws;

58.20 ~~(q)~~ (p) an agreement regarding procedures to coordinate crisis services to the extent  
58.21 funds are available with the county board responsible for implementing sections 245.487  
58.22 to 245.4889 for students with a serious emotional disturbance or other students who have  
58.23 an individualized education program whose behavior may be addressed by crisis intervention;  
58.24 ~~and~~

58.25 ~~(r)~~ (q) a provision that states a student must be removed from class immediately if the  
58.26 student engages in assault or violent behavior. For purposes of this paragraph, "assault" has  
58.27 the meaning given it in section 609.02, subdivision 10. The removal shall be for a period  
58.28 of time deemed appropriate by the principal, in consultation with the teacher; and

58.29 (r) a prohibition on the use of exclusionary practices to address attendance and truancy  
58.30 issues.

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

59.1 Sec. 40. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

59.2 Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings  
59.3 given to them.

59.4 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,  
59.5 nonprofit two-year trade and technical school granting associate degrees, an opportunities  
59.6 industrialization center accredited by an accreditor recognized by the United States  
59.7 Department of Education, or a private, residential, two-year or four-year, liberal arts,  
59.8 degree-granting college or university located in Minnesota. An eligible institution cannot  
59.9 require or base any part of the admission decision on a student's race, color, creed, religion,  
59.10 national origin, sex, age, marital status, status with regard to public assistance, sexual  
59.11 orientation, disability, or gender.

59.12 (b) "Course" means a course or program.

59.13 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under  
59.14 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by  
59.15 a secondary teacher or a postsecondary faculty member, and are offered at a high school  
59.16 for which the district is eligible to receive concurrent enrollment program aid under section  
59.17 124D.091.

59.18 Sec. 41. Minnesota Statutes 2020, section 124D.09, subdivision 5, is amended to read:

59.19 Subd. 5. **Authorization; notification.** Notwithstanding any other law to the contrary,  
59.20 an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal  
59.21 contract or grant school eligible for aid under section 124D.83, except a foreign exchange  
59.22 pupil enrolled in a district under a cultural exchange program, may apply to an eligible  
59.23 institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that  
59.24 postsecondary institution. If an institution accepts a secondary pupil for enrollment under  
59.25 this section, the institution shall send written notice to the pupil, the pupil's school or school  
59.26 district, and the commissioner. The notice must indicate the course and hours of enrollment  
59.27 of that pupil. If the pupil enrolls in a course for postsecondary credit, the institution must  
59.28 notify:

59.29 (1) the pupil about payment in the customary manner used by the institution; and

59.30 (2) the pupil's school as soon as practicable if the student withdraws from the course or  
59.31 stops attending the course.

59.32 **EFFECTIVE DATE.** This section is effective July 1, 2021.

60.1 Sec. 42. Minnesota Statutes 2020, section 124D.09, subdivision 7, is amended to read:

60.2 Subd. 7. **Dissemination of information; Notification of intent to enroll.** By the earlier  
60.3 of (1) three weeks prior to the date by which a student must register for district courses for  
60.4 the following school year, or (2) March 1 of each year, a district must provide up-to-date  
60.5 information on the district's website and in materials that are distributed to parents and  
60.6 students about the program, including information about enrollment requirements and the  
60.7 ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11. To assist the  
60.8 district in planning, a pupil must inform the district ~~by May 30 of each year~~ of the pupil's  
60.9 intent to enroll in postsecondary courses during the following school year. ~~A pupil is bound~~  
60.10 ~~by notifying or not notifying the district by May 30~~ term. A pupil who does not notify the  
60.11 district of their intent to enroll by May 30 for the fall term or October 30 for the spring term  
60.12 may not enroll in postsecondary courses under this section.

60.13 Sec. 43. Minnesota Statutes 2020, section 124D.09, subdivision 8, is amended to read:

60.14 Subd. 8. **Limit on participation.** A pupil who first enrolls in grade 9 may not enroll in  
60.15 postsecondary courses under this section for secondary credit for more than the equivalent  
60.16 of four academic years. A pupil who first enrolls in grade 10 may not enroll in postsecondary  
60.17 courses under this section for secondary credit for more than the equivalent of three academic  
60.18 years. A pupil who first enrolls in grade 11 may not enroll in postsecondary courses under  
60.19 this section for secondary credit for more than the equivalent of two academic years. A  
60.20 pupil who first enrolls in grade 12 may not enroll in postsecondary courses under this section  
60.21 for secondary credit for more than the equivalent of one academic year. If a pupil in grade  
60.22 9, 10, 11, or 12 first enrolls in a postsecondary course for secondary credit during the school  
60.23 year, the time of participation shall be reduced proportionately. If a pupil is in a learning  
60.24 year or other year-round program and begins each grade in the summer session, summer  
60.25 sessions shall not be counted against the time of participation. If a school district determines  
60.26 a pupil is not on track to graduate, the limit on participation does not apply to that pupil. ~~A~~  
60.27 ~~pupil who has graduated from high school cannot participate in a program under this section.~~  
60.28 ~~A pupil who has completed course requirements for graduation but who has not received a~~  
60.29 ~~diploma may participate in the program under this section~~ may only participate in the  
60.30 program under this section until the earlier of the end of the school year in which those  
60.31 requirements are met or the school year in which the pupil's peers graduated.

61.1 Sec. 44. Minnesota Statutes 2020, section 124D.09, subdivision 12, is amended to read:

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

61.4 (b) A district ~~shall~~ must grant academic credit to a pupil enrolled in a course for secondary  
61.5 credit if the pupil successfully completes the course. Seven quarter or four semester college  
61.6 credits equal at least one full year of high school credit. Fewer college credits may be  
61.7 prorated. A district must also grant academic credit to a pupil enrolled in a course for  
61.8 postsecondary credit if secondary credit is requested by a pupil. If no comparable course is  
61.9 offered by the district, the district must, as soon as possible, notify the commissioner, who  
61.10 ~~shall~~ must determine the number of credits that ~~shall~~ must be granted to a pupil who  
61.11 successfully completes a course. If a comparable course is offered by the district, the school  
61.12 board ~~shall~~ must grant a comparable number of credits to the pupil. If there is a dispute  
61.13 between the district and the pupil regarding the number of credits granted for a particular  
61.14 course, the pupil may appeal the board's decision to the commissioner. The commissioner's  
61.15 decision regarding the number of credits ~~shall be~~ is final.

61.16 (c) A school board must adopt a policy regarding weighted grade point averages for any  
61.17 high school or dual enrollment course. The policy must state whether the district offers  
61.18 weighted grades. A school board must annually publish on its website a list of courses for  
61.19 which a student may earn a weighted grade.

61.20 (d) The secondary credits granted to a pupil must be counted toward the graduation  
61.21 requirements and subject area requirements of the district. Evidence of successful completion  
61.22 of each course and secondary credits granted must be included in the pupil's secondary  
61.23 school record. A pupil ~~shall~~ must provide the school with a copy of the pupil's grade grades  
61.24 in each course taken for secondary credit under this section, including interim or nonfinal  
61.25 grades earned during the academic term. Upon the request of a pupil, the pupil's secondary  
61.26 school record must also include evidence of successful completion and credits granted for  
61.27 a course taken for postsecondary credit. In either case, the record must indicate that the  
61.28 credits were earned at a postsecondary institution.

61.29 (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the  
61.30 postsecondary institution must award postsecondary credit for any course successfully  
61.31 completed for secondary credit at that institution. Other postsecondary institutions may  
61.32 award, after a pupil leaves secondary school, postsecondary credit for any courses  
61.33 successfully completed under this section. An institution may not charge a pupil for the  
61.34 award of credit.

62.1 (f) The Board of Trustees of the Minnesota State Colleges and Universities and the  
62.2 Board of Regents of the University of Minnesota must, and private nonprofit and proprietary  
62.3 postsecondary institutions should, award postsecondary credit for any successfully completed  
62.4 courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships  
62.5 offered according to an agreement under subdivision 10. Consistent with section 135A.101,  
62.6 subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who  
62.7 completes for postsecondary credit a postsecondary course or program that is part or all of  
62.8 a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a  
62.9 MnSCU institution after leaving secondary school. Once one MnSCU institution certifies  
62.10 as completed a secondary student's postsecondary course or program that is part or all of a  
62.11 goal area or a transfer curriculum, every MnSCU institution must consider the student's  
62.12 course or program for that goal area or the transfer curriculum as completed.

62.13 **EFFECTIVE DATE.** This section is effective July 1, 2021.

62.14 Sec. 45. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

62.15 Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this section,  
62.16 the department must make payments according to this subdivision for courses that were  
62.17 taken for secondary credit.

62.18 The department must not make payments to a school district or postsecondary institution  
62.19 for a course taken for postsecondary credit only. The department must not make payments  
62.20 to a postsecondary institution for a course from which a student officially withdraws during  
62.21 the first ~~14~~ ten business days of the postsecondary institution's quarter or semester or who  
62.22 has been absent from the postsecondary institution for the first ~~15 consecutive school~~ ten  
62.23 business days of the postsecondary institution's quarter or semester and is not receiving  
62.24 instruction in the home or hospital.

62.25 A postsecondary institution shall receive the following:

62.26 (1) for an institution granting quarter credit, the reimbursement per credit hour shall be  
62.27 an amount equal to 88 percent of the product of the formula allowance minus \$425, multiplied  
62.28 by 1.2, and divided by 45; or

62.29 (2) for an institution granting semester credit, the reimbursement per credit hour shall  
62.30 be an amount equal to 88 percent of the product of the general revenue formula allowance  
62.31 minus \$425, multiplied by 1.2, and divided by 30.

62.32 The department must pay to each postsecondary institution 100 percent of the amount  
62.33 in clause (1) or (2) within 45 days of receiving initial enrollment information each quarter

63.1 or semester. If changes in enrollment occur during a quarter or semester, the change shall  
63.2 be reported by the postsecondary institution at the time the enrollment information for the  
63.3 succeeding quarter or semester is submitted. At any time the department notifies a  
63.4 postsecondary institution that an overpayment has been made, the institution shall promptly  
63.5 remit the amount due.

63.6 Sec. 46. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

63.7 Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings  
63.8 given them.

63.9 (a) "Digital learning" is learning facilitated by technology that offers students an element  
63.10 of control over the time, place, path, or pace of their learning and includes blended and  
63.11 online learning.

63.12 (b) "Blended learning" is a form of digital learning that occurs when a student learns  
63.13 part time in a supervised physical setting and part time through digital delivery of instruction,  
63.14 or a student learns in a supervised physical setting where technology is used as a primary  
63.15 method to deliver instruction.

63.16 (c) "Online learning" is a form of digital learning delivered by an approved online  
63.17 learning provider under paragraph ~~(d)~~ (e).

63.18 (d) "Hybrid learning" uses blended learning in a way that combines scheduled in-person  
63.19 instruction and distance learning.

63.20 (e) "Online learning provider" is a school district, an intermediate school district, an  
63.21 organization of two or more school districts operating under a joint powers agreement, or  
63.22 a charter school located in Minnesota that provides online learning to students and is approved  
63.23 by the department to provide online learning courses.

63.24 ~~(e)~~ (f) "Student" is a Minnesota resident enrolled in a school under section 120A.22,  
63.25 subdivision 4, in kindergarten through grade 12.

63.26 ~~(f)~~ (g) "Online learning student" is a student enrolled in an online learning course or  
63.27 program delivered by an online learning provider under paragraph ~~(d)~~ (e).

63.28 ~~(g)~~ (h) "Enrolling district" means the school district or charter school in which a student  
63.29 is enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

63.30 ~~(h)~~ (i) "Supplemental online learning" means an online learning course taken in place  
63.31 of a course period at a local district school.

64.1        ~~(i)~~ (j) "Full-time online learning provider" means an enrolling school authorized by the  
64.2 department to deliver comprehensive public education at any or all of the elementary, middle,  
64.3 or high school levels.

64.4        ~~(j)~~ (k) "Online learning course syllabus" is a written document that an online learning  
64.5 provider transmits to the enrolling district using a format prescribed by the commissioner  
64.6 to identify the state academic standards embedded in an online course, the course content  
64.7 outline, required course assessments, expectations for actual teacher contact time and other  
64.8 student-to-teacher communications, and the academic support available to the online learning  
64.9 student.

64.10      Sec. 47. Minnesota Statutes 2020, section 124D.095, subdivision 7, is amended to read:

64.11      Subd. 7. **Department of Education.** (a) The department must review and approve or  
64.12 disapprove online learning providers within 90 calendar days of receiving an online learning  
64.13 provider's completed application. The commissioner, using research-based standards of  
64.14 quality for online learning programs, must review all approved online learning providers  
64.15 on a cyclical three-year basis. Approved online learning providers annually must submit  
64.16 program data to, confirm statements of assurances for, and provide program updates including  
64.17 a current course list to the commissioner.

64.18      (b) The online learning courses and programs must be rigorous, aligned with state  
64.19 academic standards, and contribute to grade progression in a single subject. The online  
64.20 learning provider, other than a digital learning provider offering digital learning to its enrolled  
64.21 students only under subdivision 4, paragraph (d), must give the commissioner written  
64.22 assurance that: (1) all courses meet state academic standards; and (2) the online learning  
64.23 curriculum, instruction, and assessment, expectations for actual teacher-contact time or  
64.24 other student-to-teacher communication, and academic support meet nationally recognized  
64.25 professional standards and are described as such in an online learning course syllabus that  
64.26 meets the commissioner's requirements. Once an online learning provider is approved under  
64.27 this paragraph, all of its online learning course offerings are eligible for payment under this  
64.28 section unless a course is successfully challenged by an enrolling district or the department  
64.29 under paragraph (c).

64.30      (c) An enrolling district may challenge the validity of a course offered by an online  
64.31 learning provider. The department must review such challenges based on the approval  
64.32 procedures under paragraph (b). The department may initiate its own review of the validity  
64.33 of an online learning course offered by an online learning provider.



65.1 (d) The department may collect a fee not to exceed \$250 for approving online learning  
65.2 providers or \$50 per course for reviewing a challenge by an enrolling district.

65.3 (e) The department must develop, publish, and maintain a list of online learning providers  
65.4 that it has reviewed and approved.

65.5 (f) The department may review a complaint about an online learning provider, or a  
65.6 complaint about a provider based on the provider's response to notice of a violation. If the  
65.7 department determines that an online learning provider violated a law or rule, the department  
65.8 may:

65.9 (1) create a compliance plan for the provider; or

65.10 (2) withhold funds from the provider under sections 124D.095, 124E.25, and 127A.42.  
65.11 The department must notify an online learning provider in writing about withholding funds  
65.12 and provide detailed calculations.

65.13 (g) An online learning program fee administration account is created in the special  
65.14 revenue fund. Funds retained under paragraph (d) shall be deposited in the account. Money  
65.15 in the account is appropriated to the commissioner for costs associated with administering  
65.16 and monitoring online and digital learning programs.

65.17 Sec. 48. Minnesota Statutes 2020, section 124D.128, subdivision 1, is amended to read:

65.18 Subdivision 1. **Program established.** A learning year program provides instruction  
65.19 throughout the year on an extended year calendar, ~~extended school day calendar, or both.~~  
65.20 ~~A pupil may participate in the program and accelerate attainment of grade level requirements~~  
65.21 ~~or graduation requirements.~~ A learning year program may begin after the close of the regular  
65.22 school year in June. The program may be for students in one or more grade levels from  
65.23 kindergarten through grade 12.

65.24 Sec. 49. Minnesota Statutes 2020, section 124D.128, subdivision 3, is amended to read:

65.25 Subd. 3. **Student planning.** A district, ~~charter school,~~ or state-approved alternative  
65.26 program must inform all pupils and their parents about the learning year program and that  
65.27 participation in the program is optional. A continual learning plan must be developed at  
65.28 least annually for each pupil with the participation of the pupil, parent or guardian, teachers,  
65.29 and other staff; each participant must sign and date the plan. The plan must specify the  
65.30 learning experiences that must occur during the entire fiscal year and are necessary for grade  
65.31 progression or, for secondary students, graduation. The plan must include:

66.1 (1) the pupil's learning objectives and experiences, including courses or credits the pupil  
66.2 plans to complete each year and, for a secondary pupil, the graduation requirements the  
66.3 student must complete;

66.4 (2) the assessment measurements used to evaluate a pupil's objectives;

66.5 (3) requirements for grade level or other appropriate progression; and

66.6 (4) for pupils generating more than one average daily membership in a given grade, an  
66.7 indication of which objectives were unmet.

66.8 The plan may be modified to conform to district schedule changes. The district may not  
66.9 modify the plan if the modification would result in delaying the student's time of graduation.

66.10 Sec. 50. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

66.11 Subdivision 1. **Program described.** American Indian education programs are programs  
66.12 in public elementary and secondary schools, nonsectarian nonpublic, community, Tribal,  
66.13 charter, or alternative schools enrolling American Indian children designed to:

66.14 (1) support postsecondary preparation for pupils;

66.15 (2) support the academic achievement of American Indian students;

66.16 (3) make the curriculum relevant to the needs, interests, and cultural heritage of American  
66.17 Indian pupils;

66.18 (4) provide positive reinforcement of the self-image of American Indian pupils;

66.19 (5) develop intercultural awareness among pupils, parents, and staff; and

66.20 (6) supplement, not supplant, state and federal educational and cocurricular programs.

66.21 Program services designed to increase completion and graduation rates of American Indian  
66.22 students must emphasize academic achievement, retention, and attendance; development  
66.23 of support services for staff, including in-service training and technical assistance in methods  
66.24 of teaching American Indian pupils; research projects, including innovative teaching  
66.25 approaches and evaluation of methods of relating to American Indian pupils; provision of  
66.26 career counseling to American Indian pupils; modification of curriculum, instructional  
66.27 methods, and administrative procedures to meet the needs of American Indian pupils; and  
66.28 ~~supplemental~~ instruction in American Indian language, literature, history, and culture.

66.29 Districts offering programs may make contracts for the provision of program services by  
66.30 establishing cooperative liaisons with Tribal programs and American Indian social service

67.1 agencies. These programs may also be provided as components of early childhood and  
67.2 family education programs.

67.3 Sec. 51. Minnesota Statutes 2020, section 124D.74, subdivision 3, is amended to read:

67.4 Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent ~~it is~~  
67.5 ~~economically feasible~~ that the unique educational and culturally related academic needs of  
67.6 American Indian people are met and American Indian student accountability factors are the  
67.7 same or higher than their non-Indian peers, a district or participating school may make  
67.8 provision for the voluntary enrollment of non-American Indian children in the instructional  
67.9 components of an American Indian education program in order that they may acquire an  
67.10 understanding of the cultural heritage of the American Indian children for whom that  
67.11 particular program is designed. However, in determining eligibility to participate in a  
67.12 program, priority must be given to American Indian children. American Indian children  
67.13 and other children enrolled in an existing nonpublic school system may be enrolled on a  
67.14 shared time basis in American Indian education programs.

67.15 Sec. 52. Minnesota Statutes 2020, section 124D.78, subdivision 1, is amended to read:

67.16 Subdivision 1. **Parent committee.** School boards and American Indian schools must  
67.17 provide for the maximum involvement of parents of children enrolled in education programs,  
67.18 programs for elementary and secondary grades, special education programs, and support  
67.19 services. Accordingly, the board of a school district in which there are ten or more American  
67.20 Indian students enrolled and each American Indian school must establish an American  
67.21 Indian education parent advisory committee. For purposes of this section, American Indian  
67.22 students are defined as persons having origins in any of the original peoples of North America  
67.23 who maintain cultural identification through Tribal affiliation or community recognition.  
67.24 If a committee whose membership consists of a majority of parents of American Indian  
67.25 children has been or is established according to federal, Tribal, or other state law, that  
67.26 committee may serve as the committee required by this section and is subject to, at least,  
67.27 the requirements of this subdivision and subdivision 2.

67.28 The American Indian education parent advisory committee must develop its  
67.29 recommendations in consultation with the curriculum advisory committee required by  
67.30 section 120B.11, subdivision 3. This committee must afford parents the necessary information  
67.31 and the opportunity effectively to express their views concerning all aspects of American  
67.32 Indian education and the educational needs of the American Indian children enrolled in the  
67.33 school or program. The school board or American Indian school must ensure that programs

68.1 are planned, operated, and evaluated with the involvement of and in consultation with parents  
68.2 of students served by the programs.

68.3 Sec. 53. Minnesota Statutes 2020, section 124D.78, subdivision 3, is amended to read:

68.4 Subd. 3. **Membership.** The American Indian education parent advisory committee must  
68.5 be composed of parents of children eligible to be enrolled in American Indian education  
68.6 programs; secondary students eligible to be served; American Indian language and culture  
68.7 education teachers and paraprofessionals; American Indian teachers; counselors; adult  
68.8 American Indian people enrolled in educational programs; and representatives from  
68.9 community groups. A majority of each committee must be parents of American Indian  
68.10 children enrolled or eligible to be enrolled in the programs. ~~The number of parents of~~  
68.11 ~~American Indian and non-American Indian children shall reflect approximately the proportion~~  
68.12 ~~of children of those groups enrolled in the programs.~~

68.13 Sec. 54. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

68.14 Subd. 4. **Duties; powers.** The Indian education director shall oversee:

68.15 (1) ~~serve as the liaison for the~~ department relations with the Tribal Nations Education  
68.16 Committee, the 11 Tribal communities in Minnesota, the Minnesota Chippewa Tribe, and  
68.17 the Minnesota Indian Affairs Council;

68.18 (2) ~~evaluate~~ the evaluation of the state of American Indian education in Minnesota;

68.19 (3) ~~engage~~ the engagement of Tribal bodies, community groups, parents of children  
68.20 eligible to be served by American Indian education programs, American Indian administrators  
68.21 and teachers, persons experienced in the training of teachers for American Indian education  
68.22 programs, the Tribally controlled schools, and other persons knowledgeable in the field of  
68.23 American Indian education and seek their advice on policies that can improve the quality  
68.24 of American Indian education;

68.25 (4) ~~advise~~ advice to the commissioner on American Indian education issues, including:

68.26 (i) issues facing American Indian students;

68.27 (ii) policies for American Indian education;

68.28 (iii) awarding scholarships to eligible American Indian students and in administering  
68.29 the commissioner's duties regarding awarding of American Indian education grants to school  
68.30 districts; and

69.1 (iv) administration of the commissioner's duties under sections 124D.71 to 124D.82 and  
69.2 other programs for the education of American Indian people;

69.3 (5) ~~propose~~ propose proposals to the commissioner on legislative changes that will improve the  
69.4 quality of American Indian education;

69.5 (6) ~~develop~~ development of a strategic plan and a long-term framework for American  
69.6 Indian education, in conjunction with the Minnesota Indian Affairs Council, that is updated  
69.7 every five years and implemented by the commissioner, with goals to:

69.8 (i) increase American Indian student achievement, including increased levels of  
69.9 proficiency and growth on statewide accountability assessments;

69.10 (ii) increase the number of American Indian teachers in public schools;

69.11 (iii) close the achievement gap between American Indian students and their more  
69.12 advantaged peers;

69.13 (iv) increase the statewide graduation rate for American Indian students; and

69.14 (v) increase American Indian student placement in postsecondary programs and the  
69.15 workforce; and

69.16 (7) ~~keep~~ keeping the American Indian community informed about the work of the  
69.17 department by reporting to the Tribal Nations Education Committee at each committee  
69.18 meeting.

69.19 Sec. 55. **[124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND**  
69.20 **OBJECTS OF CULTURAL SIGNIFICANCE.**

69.21 A school district or charter school must not prohibit an American Indian student from  
69.22 wearing American Indian regalia, Tribal regalia, or objects of cultural significance at  
69.23 graduation ceremonies.

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

69.25 Sec. 56. Minnesota Statutes 2020, section 124D.81, is amended to read:

69.26 **124D.81 AMERICAN INDIAN EDUCATION AID.**

69.27 Subdivision 1. **Procedures.** A school district, charter school, cooperative unit as defined  
69.28 in section 123A.24, subdivision 2, or American Indian-controlled tribal contract or grant  
69.29 school enrolling at least 20 American Indian students on October 1 of the previous school  
69.30 year and operating an American Indian education program according to section 124D.74 is

70.1 eligible for Indian education aid if it meets the requirements of this section. Programs may  
70.2 provide for contracts for the provision of program components by nonsectarian nonpublic,  
70.3 community, tribal, charter, or alternative schools. The commissioner shall prescribe the  
70.4 form and manner of application for aids, and no aid shall be made for a program not  
70.5 complying with the requirements of sections 124D.71 to 124D.82.

70.6 Subd. 2. **Plans.** To qualify for aid, an eligible district, charter school, cooperative unit  
70.7 as defined in section 123A.24, subdivision 2, or tribal contract school must develop and  
70.8 submit a plan for approval by the Indian education director that shall:

70.9 (a) Identify the measures to be used to meet the requirements of sections 124D.71 to  
70.10 124D.82;

70.11 (b) Identify the activities, methods and programs to meet the identified educational needs  
70.12 of the children to be enrolled in the program;

70.13 (c) Describe how district goals and objectives as well as the objectives of sections  
70.14 124D.71 to 124D.82 are to be achieved;

70.15 (d) Demonstrate that required and elective courses as structured do not have a  
70.16 discriminatory effect within the meaning of section 124D.74, subdivision 5;

70.17 (e) Describe how each school program will be organized, staffed, coordinated, and  
70.18 monitored; and

70.19 (f) Project expenditures for programs under sections 124D.71 to 124D.82.

70.20 Subd. 2a. **American Indian education aid.** (a) The American Indian education aid  
70.21 allowance equals \$358 for fiscal years 2022 and 2023. The American Indian education aid  
70.22 allowance for fiscal year 2024 and later equals the product of \$358 times the ratio of the  
70.23 formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the  
70.24 formula allowance under section 126C.10, subdivision 2, for fiscal year 2023.

70.25 (b) The American Indian education aid minimum equals \$20,000 for fiscal years 2022  
70.26 and 2023. The American Indian education aid minimum for fiscal year 2024 and later equals  
70.27 the product of \$20,000 times the ratio of the formula allowance under section 126C.10,  
70.28 subdivision 2, for the current fiscal year to the formula allowance under section 126C.10,  
70.29 subdivision 2, for fiscal year 2023.

70.30 ~~(a)~~ (c) The American Indian education aid for an eligible district, cooperative unit, or  
70.31 tribal contract school equals the greater of (1) the sum of \$20,000 the American Indian  
70.32 education aid minimum plus the product of \$358 the American Indian education aid  
70.33 allowance times the difference between the number of American Indian students enrolled

71.1 on October 1 of the previous school year and 20; or (2) if the district or school received a  
71.2 grant under this section for fiscal year 2015, the amount of the grant for fiscal year 2015.

71.3 ~~(b)~~ (d) Notwithstanding paragraph ~~(a)~~ (c), the American Indian education aid must not  
71.4 exceed the district, cooperative unit, or tribal contract school's actual expenditure according  
71.5 to the approved plan under subdivision 2.

71.6 Subd. 3. **Additional requirements.** Each district or cooperative unit receiving aid under  
71.7 this section must each year conduct a count of American Indian children in the schools of  
71.8 the district; test for achievement; identify the extent of other educational needs of the children  
71.9 to be enrolled in the American Indian education program; and classify the American Indian  
71.10 children by grade, level of educational attainment, age and achievement. Participating  
71.11 schools must maintain records concerning the needs and achievements of American Indian  
71.12 children served.

71.13 Subd. 4. **Nondiscrimination; testing.** In accordance with recognized professional  
71.14 standards, all testing and evaluation materials and procedures utilized for the identification,  
71.15 testing, assessment, and classification of American Indian children must be selected and  
71.16 administered so as not to be racially or culturally discriminatory and must be valid for the  
71.17 purpose of identifying, testing, assessing, and classifying American Indian children.

71.18 Subd. 5. **Records.** Participating schools ~~and~~ districts, and cooperative units must keep  
71.19 records and afford access to them as the commissioner finds necessary to ensure that  
71.20 American Indian education programs are implemented in conformity with sections 124D.71  
71.21 to 124D.82. Each school district, cooperative unit, or participating school must keep accurate,  
71.22 detailed, and separate revenue and expenditure accounts for pilot American Indian education  
71.23 programs funded under this section.

71.24 Subd. 6. **Money from other sources.** A district, cooperative unit, or participating school  
71.25 providing American Indian education programs shall be eligible to receive moneys for these  
71.26 programs from other government agencies and from private sources when the moneys are  
71.27 available.

71.28 Subd. 7. **Exceptions.** Nothing in sections 124D.71 to 124D.82 shall be construed as  
71.29 prohibiting a district, cooperative unit, or school from implementing an American Indian  
71.30 education program which is not in compliance with sections 124D.71 to 124D.82 if the  
71.31 proposal and plan for that program is not funded pursuant to this section.

71.32 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

72.1 Sec. 57. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

72.2 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible  
72.3 district must formally develop and implement a long-term plan under this section. The plan  
72.4 must be incorporated into the district's comprehensive strategic plan under section 120B.11.  
72.5 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~  
72.6 ~~learning environments that offer students school enrollment choices; family engagement~~  
72.7 ~~initiatives that involve families in their students' academic life and success; professional~~  
72.8 ~~development opportunities for teachers and administrators focused on improving the academic~~  
72.9 ~~achievement of all students, including teachers and administrators who are members of~~  
72.10 ~~populations underrepresented among the licensed teachers or administrators in the district~~  
72.11 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~  
72.12 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~  
72.13 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~  
72.14 ~~career readiness for underserved students, including students enrolled in alternative learning~~  
72.15 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~  
72.16 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~  
72.17 ~~underserved students; or recruitment and retention of teachers and administrators with~~  
72.18 ~~diverse racial and ethnic backgrounds.~~

72.19 (b) The plan must contain goals for:

72.20 (1) reducing the disparities in academic achievement and in equitable access to effective  
72.21 and more diverse teachers among all students and specific categories of students under  
72.22 section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender,  
72.23 disability, and English learners; and

72.24 (2) increasing racial and economic diversity and integration in schools and districts.

72.25 (c) The plan must include strategies to validate, affirm, embrace, and integrate cultural  
72.26 and community strengths of all students, families, and employees in the district's curriculum  
72.27 as well as learning and work environments, and to address issues of institutional racism as  
72.28 defined in section 120B.11, subdivision 1, in schools that create opportunity and achievement  
72.29 gaps for students, families, and staff who are of color or American Indian. Examples of  
72.30 institutional racism experienced by students who are of color or American Indian include  
72.31 policies and practices that intentionally or unintentionally result in disparate discipline  
72.32 referrals and suspension, inequitable access to advanced coursework, overrepresentation in  
72.33 lower-level coursework, inequitable participation in cocurricular activities, inequitable  
72.34 parent involvement, and lack of equitable access to racially and ethnically diverse teachers



73.1 who reflect the racial or ethnic diversity of students because it has not been a priority to  
73.2 hire or retain such teachers.

73.3 (d) School districts must use local data, to the extent practicable, to develop plan  
73.4 components and strategies. Plans may include:

73.5 (1) innovative and integrated prekindergarten through grade 12 learning environments  
73.6 that offer students school enrollment choices;

73.7 (2) family engagement initiatives that involve families in their students' academic life  
73.8 and success and improve relations between home and school;

73.9 (3) opportunities for students, families, staff, and community members who are of color  
73.10 or American Indian to share their experiences in the school setting with school staff and  
73.11 administration and to inform development of specific proposals for making school  
73.12 environments more validating, affirming, embracing, and integrating of their cultural and  
73.13 community strengths;

73.14 (4) professional development opportunities for teachers and administrators focused on  
73.15 improving the academic achievement of all students, including knowledge, skills, and  
73.16 dispositions needed to be anti-racist and culturally sustaining as defined in section 120B.11,  
73.17 subdivision 1, for serving students who are from racially and ethnically diverse backgrounds;

73.18 (5) recruitment and retention of teachers, administrators, cultural and family liaisons,  
73.19 paraprofessionals, and other staff from racial, ethnic, and linguistic backgrounds represented  
73.20 in the student population to strengthen relationships with all students, families, and other  
73.21 members of the community;

73.22 (6) collection, examination, and evaluation of academic and discipline data for  
73.23 institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and  
73.24 practices that result in the education disparities, in order to propose anti-racist changes as  
73.25 defined in section 120B.11, subdivision 1, that increase access, meaningful participation,  
73.26 representation, and positive outcomes for students of color and American Indian students;

73.27 (7) increased programmatic opportunities and effective and more diverse instructors  
73.28 focused on rigor and college and career readiness for students who are impacted by racial,  
73.29 gender, linguistic, and economic disparities, including students enrolled in area learning  
73.30 centers or alternative learning programs under section 123A.05, state-approved alternative  
73.31 programs under section 126C.05, subdivision 15, and contract alternative programs under  
73.32 section 124D.69, among other underserved students;

74.1 (8) ethnic studies curriculum as defined in section 120B.11, subdivision 1, to provide  
 74.2 all students with opportunities to learn about their own and others' cultures and historical  
 74.3 experiences; or

74.4 (9) examination and revision of district curricula in all subjects to be inclusive of diverse  
 74.5 racial and ethnic groups while meeting state academic standards and being culturally  
 74.6 sustaining as defined in section 120B.11, subdivision 1, ensuring content being studied  
 74.7 about any group is accurate and based in knowledge from that group.

74.8 ~~(b)~~ (e) Among other requirements, an eligible district must implement effective,  
 74.9 research-based interventions that include ~~formative~~ multiple measures of assessment practices  
 74.10 and engagement in order to reduce the eliminate academic disparities in student academic  
 74.11 performance among the specific categories of students as measured by student progress and  
 74.12 growth on state reading and math assessments and for students impacted by racial, gender,  
 74.13 linguistic, and economic inequities as aligned with section 120B.11.

74.14 ~~(e)~~ (f) Eligible districts must create efficiencies and eliminate duplicative programs and  
 74.15 services under this section, which may include forming collaborations or a single,  
 74.16 seven-county metropolitan areawide partnership of eligible districts for this purpose.

74.17 **EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after  
 74.18 the day following final enactment.

74.19 Sec. 58. Minnesota Statutes 2020, section 125A.094, is amended to read:

74.20 **125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH**  
 74.21 **DISABILITIES.**

74.22 The use of restrictive procedures ~~for children with disabilities~~ for all pupils attending  
 74.23 public school is governed by sections 125A.0941 and 125A.0942.

74.24 Sec. 59. Minnesota Statutes 2020, section 125A.0942, is amended to read:

74.25 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

74.26 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use restrictive  
 74.27 procedures shall maintain and make publicly accessible in an electronic format on a school  
 74.28 or district website or make a paper copy available upon request describing a restrictive  
 74.29 procedures plan for children with disabilities that at least:

74.30 (1) lists the restrictive procedures the school intends to use;

75.1 (2) describes how the school will implement a range of positive behavior strategies and  
75.2 provide links to mental health services;

75.3 (3) describes how the school will provide training on de-escalation techniques, consistent  
75.4 with section 122A.187, subdivision 4;

75.5 (4) describes how the school will monitor and review the use of restrictive procedures,  
75.6 including:

75.7 (i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a), clause  
75.8 (5); and

75.9 (ii) convening an oversight committee to undertake a quarterly review of the use of  
75.10 restrictive procedures based on patterns or problems indicated by similarities in the time of  
75.11 day, day of the week, duration of the use of a procedure, the individuals involved, or other  
75.12 factors associated with the use of restrictive procedures; the number of times a restrictive  
75.13 procedure is used schoolwide and for individual children; the number and types of injuries,  
75.14 if any, resulting from the use of restrictive procedures; whether restrictive procedures are  
75.15 used in nonemergency situations; the need for additional staff training; disproportionality  
75.16 or racial disparities in the usage of restrictive procedures; the usage of school resource  
75.17 officer's handling of the behaviors; student documentation to determine if the staff followed  
75.18 the standards for using restrictive procedures and if there is updated information about  
75.19 whether the restrictive procedures are contraindicated for the particular student; and proposed  
75.20 actions to minimize the use of restrictive procedures; and

75.21 (5) includes a written description and documentation of the training staff completed  
75.22 under subdivision 5.

75.23 (b) Schools annually must publicly identify oversight committee members who must at  
75.24 least include:

75.25 (1) a mental health professional, school psychologist, or school social worker;

75.26 (2) an expert in positive behavior strategies;

75.27 (3) a special education administrator; and

75.28 (4) a general education administrator.

75.29 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a  
75.30 licensed special education teacher, school social worker, school psychologist, behavior  
75.31 analyst certified by the National Behavior Analyst Certification Board, a person with a  
75.32 master's degree in behavior analysis, other licensed education professional, paraprofessional

76.1 under section 120B.363, or mental health professional under section 245.4871, subdivision  
76.2 27, who has completed the training program under subdivision 5.

76.3 (b) A school shall make reasonable efforts to notify the parent on the same day a  
76.4 restrictive procedure is used on the child, or if the school is unable to provide same-day  
76.5 notice, notice is sent within two days by written or electronic means or as otherwise indicated  
76.6 by the child's parent under paragraph (f).

76.7 (c) The district must hold a meeting of the individualized education program team, if  
76.8 the student is a student with a disability, or a meeting of relevant members of the student's  
76.9 team including a parent, if the student is not a student with a disability, conduct or review  
76.10 a functional behavioral analysis, review data, consider developing additional or revised  
76.11 positive behavioral interventions and supports, consider actions to reduce the use of restrictive  
76.12 procedures, and modify the individualized education program or behavior intervention plan  
76.13 as appropriate. The district must hold the meeting: within ten calendar days after district  
76.14 staff use restrictive procedures on two separate school days within 30 calendar days or a  
76.15 pattern of use emerges and the child's individualized education program or behavior  
76.16 intervention plan does not provide for using restrictive procedures in an emergency; or at  
76.17 the request of a parent or the district after restrictive procedures are used. The district must  
76.18 review use of restrictive procedures at a child's annual individualized education program  
76.19 meeting when the child's individualized education program provides for using restrictive  
76.20 procedures in an emergency.

76.21 (d) If the ~~individualized education program~~ meeting team under paragraph (c) determines  
76.22 that existing interventions and supports are ineffective in reducing the use of restrictive  
76.23 procedures or the district uses restrictive procedures on a child on ten or more school days  
76.24 during the same school year, the team, as appropriate, either must consult with other  
76.25 professionals working with the child; consult with experts in behavior analysis, mental  
76.26 health, communication, or autism; consult with culturally competent professionals; review  
76.27 existing evaluations, resources, and successful strategies; or consider whether to reevaluate  
76.28 the child.

76.29 (e) At the ~~individualized education program~~ meeting under paragraph (c), the team must  
76.30 review any known medical or psychological limitations, including any medical information  
76.31 the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider  
76.32 whether to prohibit that restrictive procedure, and document any prohibition in the  
76.33 individualized education program or behavior intervention plan.

77.1 (f) An individualized education program team may plan for using restrictive procedures  
77.2 and may include these procedures in a child's individualized education program or behavior  
77.3 intervention plan; however, the restrictive procedures may be used only in response to  
77.4 behavior that constitutes an emergency, consistent with this section. The individualized  
77.5 education program or behavior intervention plan shall indicate how the parent wants to be  
77.6 notified when a restrictive procedure is used.

77.7 Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be used  
77.8 only in an emergency. A school that uses physical holding or seclusion shall meet the  
77.9 following requirements:

77.10 (1) physical holding or seclusion is the least intrusive intervention that effectively  
77.11 responds to the emergency;

77.12 (2) physical holding or seclusion is not used to discipline a noncompliant child;

77.13 (3) physical holding or seclusion ends when the threat of harm ends and the staff  
77.14 determines the child can safely return to the classroom or activity;

77.15 (4) staff directly observes the child while physical holding or seclusion is being used;

77.16 (5) each time physical holding or seclusion is used, the staff person who implements or  
77.17 oversees the physical holding or seclusion documents, as soon as possible after the incident  
77.18 concludes, the following information:

77.19 (i) a description of the incident that led to the physical holding or seclusion;

77.20 (ii) why a less restrictive measure failed or was determined by staff to be inappropriate  
77.21 or impractical;

77.22 (iii) the time the physical holding or seclusion began and the time the child was released;  
77.23 ~~and~~

77.24 (iv) a brief record of the child's behavioral and physical status; and

77.25 (v) a brief description of the post-use debriefing process that occurred following the use  
77.26 of the restrictive procedure;

77.27 (6) the room used for seclusion must:

77.28 (i) be at least six feet by five feet;

77.29 (ii) be well lit, well ventilated, adequately heated, and clean;

77.30 (iii) have a window that allows staff to directly observe a child in seclusion;

78.1 (iv) have tamperproof fixtures, electrical switches located immediately outside the door,  
78.2 and secure ceilings;

78.3 (v) have doors that open out and are unlocked, locked with keyless locks that have  
78.4 immediate release mechanisms, or locked with locks that have immediate release mechanisms  
78.5 connected with a fire and emergency system; and

78.6 (vi) not contain objects that a child may use to injure the child or others; and

78.7 (7) before using a room for seclusion, a school must:

78.8 (i) receive written notice from local authorities that the room and the locking mechanisms  
78.9 comply with applicable building, fire, and safety codes; and

78.10 (ii) register the room with the commissioner, who may view that room.

78.11 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,  
78.12 recommend to the commissioner specific and measurable implementation and outcome  
78.13 goals for reducing the use of restrictive procedures and the commissioner must submit to  
78.14 the legislature a report on districts' progress in reducing the use of restrictive procedures  
78.15 that recommends how to further reduce these procedures and eliminate the use of seclusion.  
78.16 The statewide plan includes the following components: measurable goals; the resources,  
78.17 training, technical assistance, mental health services, and collaborative efforts needed to  
78.18 significantly reduce districts' use of seclusion; and recommendations to clarify and improve  
78.19 the law governing districts' use of restrictive procedures. The commissioner must consult  
78.20 with interested stakeholders when preparing the report, including representatives of advocacy  
78.21 organizations, special education directors, teachers, paraprofessionals, intermediate school  
78.22 districts, school boards, day treatment providers, county social services, state human services  
78.23 department staff, mental health professionals, and autism experts. Beginning with the  
78.24 2016-2017 school year, in a form and manner determined by the commissioner, districts  
78.25 must report data quarterly to the department by January 15, April 15, July 15, and October  
78.26 15 about individual students who have been secluded. By July 15 each year, districts must  
78.27 report summary data on their use of restrictive procedures to the department for the prior  
78.28 school year, July 1 through June 30, in a form and manner determined by the commissioner.  
78.29 The summary data must include information about the use of restrictive procedures, including  
78.30 use of reasonable force under section 121A.582.

78.31 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

78.32 (1) engaging in conduct prohibited under section 121A.58;

79.1 (2) requiring a child to assume and maintain a specified physical position, activity, or  
79.2 posture that induces physical pain;

79.3 (3) totally or partially restricting a child's senses as punishment;

79.4 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,  
79.5 substance, or spray as punishment;

79.6 (5) denying or restricting a child's access to equipment and devices such as walkers,  
79.7 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,  
79.8 except when temporarily removing the equipment or device is needed to prevent injury to  
79.9 the child or others or serious damage to the equipment or device, in which case the equipment  
79.10 or device shall be returned to the child as soon as possible;

79.11 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical  
79.12 abuse under chapter 260E;

79.13 (7) withholding regularly scheduled meals or water;

79.14 (8) denying access to bathroom facilities;

79.15 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs  
79.16 a child's ability to communicate distress, places pressure or weight on a child's head, throat,  
79.17 neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's  
79.18 torso; ~~and~~

79.19 (10) prone restraint; and

79.20 (11) utilizing a restrictive procedure on any child under the age of five.

79.21 Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1, staff who  
79.22 use restrictive procedures, including paraprofessionals, shall complete training in the  
79.23 following skills and knowledge areas:

79.24 (1) positive behavioral interventions;

79.25 (2) communicative intent of behaviors;

79.26 (3) relationship building;

79.27 (4) alternatives to restrictive procedures, including techniques to identify events and  
79.28 environmental factors that may escalate behavior;

79.29 (5) de-escalation methods;

79.30 (6) standards for using restrictive procedures only in an emergency;

- 80.1 (7) obtaining emergency medical assistance;
- 80.2 (8) the physiological and psychological impact of physical holding and seclusion;
- 80.3 (9) monitoring and responding to a child's physical signs of distress when physical  
80.4 holding is being used;
- 80.5 (10) recognizing the symptoms of and interventions that may cause positional asphyxia  
80.6 when physical holding is used;
- 80.7 (11) district policies and procedures for timely reporting and documenting each incident  
80.8 involving use of a restricted procedure; and
- 80.9 (12) schoolwide programs on positive behavior strategies.

80.10 (b) The commissioner, after consulting with the commissioner of human services, must  
80.11 develop and maintain a list of training programs that satisfy the requirements of paragraph  
80.12 (a). The commissioner also must develop and maintain a list of experts to help individualized  
80.13 education program teams reduce the use of restrictive procedures. The district shall maintain  
80.14 records of staff who have been trained and the organization or professional that conducted  
80.15 the training. The district may collaborate with children's community mental health providers  
80.16 to coordinate trainings.

80.17 **Subd. 6. Behavior supports; reasonable force.** (a) School districts are encouraged to  
80.18 establish effective schoolwide systems of positive behavior interventions and supports.

80.19 (b) Nothing in this section or section 125A.0941 precludes the use of reasonable force  
80.20 under sections 121A.582; 609.06, subdivision 1; and 609.379. For the 2014-2015 school  
80.21 year and later, districts must collect and submit to the commissioner summary data, consistent  
80.22 with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with  
80.23 the definition of physical holding or seclusion for a child with a disability under this section.

80.24 Sec. 60. Minnesota Statutes 2020, section 144.4165, is amended to read:

80.25 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

80.26 (a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or  
80.27 use an activated electronic delivery device as defined in section 609.685, subdivision 1, in  
80.28 a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter  
80.29 school governed by chapter 124E. This prohibition extends to all facilities, whether owned,  
80.30 rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or  
80.31 controls.



81.1 (b) Nothing in this section shall prohibit the lighting of tobacco ~~by an adult~~ as a part of  
 81.2 a traditional Indian spiritual or cultural ceremony. An American Indian may carry a medicine  
 81.3 pouch containing loose tobacco intended in observance of traditional spiritual or cultural  
 81.4 practices. For purposes of this section, an Indian is a person who is a member of an Indian  
 81.5 Tribe as defined in section 260.755, subdivision 12, or a person who maintains cultural  
 81.6 identification through Tribal affiliation or community recognition.

81.7 Sec. 61. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 5,  
 81.8 as amended by Laws 2020, chapter 116, article 6, section 9, is amended to read:

81.9 Subd. 5. **Tribal contract school aid.** For tribal contract school aid under Minnesota  
 81.10 Statutes, section 124D.83:

|       |    |                      |       |      |
|-------|----|----------------------|-------|------|
| 81.11 | \$ | 2,766,000            | ..... | 2020 |
| 81.12 |    | <del>3,106,000</del> |       |      |
| 81.13 | \$ | <u>2,319,000</u>     | ..... | 2021 |

81.14 The 2020 appropriation includes \$299,000 for 2019 and \$2,467,000 for 2020.

81.15 The 2021 appropriation includes \$274,000 for 2020 and ~~\$2,832,000~~ \$2,045,000 for  
 81.16 2021.

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

81.18 Sec. 62. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision  
 81.19 27, is amended to read:

81.20 Subd. 27. **Singing-based pilot program to improve student reading.** (a) For a grant  
 81.21 to pilot a research-supported, computer-based educational program that uses singing to  
 81.22 improve the reading ability of students in grades 2 through 5:

|       |    |                    |       |      |
|-------|----|--------------------|-------|------|
| 81.23 |    | <del>230,000</del> |       |      |
| 81.24 | \$ | <u>155,000</u>     | ..... | 2020 |

81.25 (b) The commissioner of education shall award a grant to the Rock 'n' Read Project to  
 81.26 implement a research-supported, computer-based educational program that uses singing to  
 81.27 improve the reading ability of students in grades 2 through 5. The grantee shall be responsible  
 81.28 for selecting participating school sites; providing any required hardware and software,  
 81.29 including software licenses, for the duration of the grant period; providing technical support,  
 81.30 training, and staff to install required project hardware and software; providing on-site  
 81.31 professional development and instructional monitoring and support for school staff and  
 81.32 students; administering preintervention and postintervention reading assessments; evaluating  
 81.33 the impact of the intervention; and other project management services as required. To the

82.1 extent practicable, the grantee must select participating schools in urban, suburban, and  
82.2 greater Minnesota, and give priority to schools in which a high proportion of students do  
82.3 not read proficiently at grade level and are eligible for free or reduced-price lunch.

82.4 (c) By February 15, 2021, the grantee must submit a report detailing expenditures and  
82.5 outcomes of the grant to the commissioner of education and the chairs and ranking minority  
82.6 members of the legislative committees with primary jurisdiction over kindergarten through  
82.7 grade 12 education policy and finance.

82.8 (d) Any balance in the first year does not cancel but is available in the second year.

82.9 (e) This is a onetime appropriation. \$75,000 of the initial fiscal year 2020 appropriation  
82.10 is canceled to the general fund on June 29, 2021.

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

82.12 **Sec. 63. ONETIME AMERICAN INDIAN TRIBAL CONTRACT COMPENSATORY**  
82.13 **AID; FISCAL YEAR 2022.**

82.14 Notwithstanding Minnesota Statutes, section 124D.83, for fiscal year 2022 only,  
82.15 American Indian Tribal contract aid shall be increased by an amount equal to the greater  
82.16 of zero or the product of:

82.17 (1) the number of pupils enrolled at the school on October 1, 2020; and

82.18 (2) the difference between the amount generated for fiscal year 2021 by compensation  
82.19 revenue pupil units divided by the pupils enrolled on October 1, 2019, and the amount  
82.20 generated for fiscal year 2022 by compensation revenue pupil units divided by the pupils  
82.21 enrolled on October 1, 2020.

82.22 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022.

82.23 **Sec. 64. EXTENSION FOR POSTING STUDENT PROGRESS AND OTHER DATA.**

82.24 Notwithstanding Minnesota Statutes, section 120B.36, subdivision 2, for the 2020-2021  
82.25 school year only, the commissioner must post federal expectations and state student, learning,  
82.26 and outcome data to the department's public website no later than October 1, 2021.

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

82.28 **Sec. 65. INSTRUCTION MODEL WORKING GROUP.**

82.29 Subdivision 1. **Working group.** A working group is established to review how school  
82.30 districts and charter schools implemented distance and hybrid instruction due to disruptions

83.1 to on-site instruction caused by COVID-19 and make recommendations to increase flexibility  
83.2 for school districts and charter schools to implement instruction models that meet students'  
83.3 diverse learning needs.

83.4 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the  
83.5 meanings given them.

83.6 (b) "Distance instruction" means instruction provided to students remotely, with students  
83.7 and teachers interacting through synchronous and other online interactions, and students  
83.8 being provided appropriate education materials.

83.9 (c) "Hybrid instruction" means a manner of instruction that includes both on-site  
83.10 instruction and distance instruction.

83.11 (d) "On-site instruction" means instruction delivered in person by a teacher at a school  
83.12 facility.

83.13 Subd. 3. **Duties.** (a) The working group must study the outcomes, challenges, and  
83.14 successes of distance instruction during the 2019-2020 and 2020-2021 school years. In  
83.15 particular, the group must consider:

83.16 (1) the impact of lower class sizes on student engagement and academic growth;

83.17 (2) how modifications to the school calendar would affect learning retention and student  
83.18 engagement;

83.19 (3) the impact of distance instruction on students requiring special education services  
83.20 and supports, students identified as English learners, and students experiencing homelessness  
83.21 or who are highly mobile;

83.22 (4) the effect of distance instruction on students' social and emotional growth, student  
83.23 discipline, and bullying;

83.24 (5) how students' educational needs vary by age group; and

83.25 (6) students' access to technology.

83.26 (b) The working group must report its findings and recommendations to the chairs and  
83.27 ranking minority members of the legislative committees with jurisdiction over kindergarten  
83.28 through grade 12 education by January 17, 2022. The report must be submitted in accordance  
83.29 with Minnesota Statutes, section 3.195.

83.30 (c) The commissioner of education must provide technical assistance and public data  
83.31 on student academic needs and performance, to the extent it is available, to help the working  
83.32 group make evidence-based recommendations.

84.1 (d) The working group expires January 18, 2022.

84.2 Subd. 4. **Members.** (a) The commissioner of education or the commissioner's designee  
84.3 must serve as a member of the working group. In addition, by July 1, 2021, the commissioner  
84.4 of education must review applications to be named to the group and appoint the following  
84.5 group members:

84.6 (1) two superintendents;

84.7 (2) two elementary school teachers;

84.8 (3) two secondary school teachers;

84.9 (4) one special education teacher;

84.10 (5) one teacher in a state-approved alternative program;

84.11 (6) one school counselor;

84.12 (7) two school board members;

84.13 (8) two students;

84.14 (9) one curriculum director;

84.15 (10) one assessment coordinator;

84.16 (11) one technology director;

84.17 (12) one technology coordinator;

84.18 (13) one parent of a student enrolled in a school district or charter school;

84.19 (14) one special education director; and

84.20 (15) one teacher and one administrator from an online learning provider approved under  
84.21 Minnesota Statutes, section 124D.095.

84.22 (b) When appointing members to the working group, the commissioner must consider  
84.23 whether the working group represents communities of color, American Indian communities,  
84.24 and communities from throughout Minnesota.

84.25 Subd. 5. **Meetings.** (a) The commissioner of education must convene the first meeting  
84.26 of the working group no later than August 30, 2021. The working group must select a chair  
84.27 or cochairs from among its members at the first meeting. The working group must meet  
84.28 periodically.

84.29 (b) The commissioner must provide technical and administrative assistance to the working  
84.30 group upon request.

85.1 (c) Working group members are not eligible to receive expenses or per diem payments  
85.2 for serving on the working group.

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

85.4 Sec. 66. **DISTANCE AND HYBRID LEARNING.**

85.5 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
85.6 the meanings given them.

85.7 (b) "Distance learning" means learning in which a student has access to appropriate  
85.8 educational materials and interacts with a licensed teacher.

85.9 (c) "Hybrid learning" means learning that combines distance learning with scheduled  
85.10 in-person instruction by a licensed teacher in a supervised physical setting.

85.11 Subd. 2. **Distance and hybrid learning options.** (a) In response to the COVID-19  
85.12 pandemic, a school district or charter school may offer distance and hybrid learning options  
85.13 to enrolled students. A student may participate in distance or hybrid learning options only  
85.14 if the student and family so choose. Districts and charter schools must provide students  
85.15 participating in distance or hybrid learning options the option to participate in in-person  
85.16 instruction on the same basis as other enrolled students subject to reasonable limits on  
85.17 students changing between in-person and distance or hybrid learning options. Districts and  
85.18 charter schools must not prevent students from enrolling in courses offered by online learning  
85.19 providers approved under Minnesota Statutes, section 124D.095.

85.20 (b) A school district or charter school offering distance or hybrid learning options must:

85.21 (1) ensure that students and families in a distance or hybrid learning options program  
85.22 have access to digital devices, in-home broadband that meets or exceeds Federal  
85.23 Communications Commission's recommendations of 25 megabytes to download and three  
85.24 megabytes to upload, and digital literacy skills support;

85.25 (2) employ or contract with another district or a cooperative unit for licensed teachers  
85.26 to provide online instruction to no more than 40 students in an online learning course. The  
85.27 contract of a teacher employed by a district must meet the requirements of Minnesota  
85.28 Statutes, section 122A.40 or 122A.41, and a charter school must employ or contract with  
85.29 a teacher in accordance with Minnesota Statutes, section 124E.12, subdivision 1;

85.30 (3) provide direct supervision and control of the education program by an administrator  
85.31 holding an appropriate license;

86.1 (4) provide a curriculum that meets state academic standards under Minnesota Statutes,  
86.2 section 120B.021, and locally established learning goals consistent with those provided in  
86.3 the in-person school settings;

86.4 (5) provide instruction that meets the school calendar's instructional days and hours  
86.5 requirements;

86.6 (6) provide a student with a disability with special instruction and services as defined  
86.7 in Minnesota Statutes, section 125A.03, in accordance with Minnesota Statutes, chapter  
86.8 125A, Minnesota Rules, chapter 3525, and the Individuals with Disabilities Education Act,  
86.9 including special education evaluation and development of individualized education programs  
86.10 under Minnesota Statutes, section 125A.08. A district offering distance or hybrid learning  
86.11 options must develop systems designed to identify pupils with disabilities under Minnesota  
86.12 Rules, part 3525.0750;

86.13 (7) provide students identified as English learners with instruction by a teacher licensed  
86.14 to teach bilingual education or English as a second language, and differentiated instruction  
86.15 in all courses consistent with state and federal law, and communicate with the families of  
86.16 students identified as English learners and encourage their involvement in the students'  
86.17 educational program; and

86.18 (8) provide meals for students participating in distance learning, including an option for  
86.19 delivery of weekly meals.

86.20 (c) A school district or charter school that offers distance learning does not generate  
86.21 revenue as an online learning provider and is not subject to application approval under  
86.22 Minnesota Statutes, section 124D.095.

86.23 (d) A school district or charter school offering distance or hybrid learning options must  
86.24 not require a teacher to provide simultaneous instruction to students in person and doing  
86.25 online learning at the same time.

86.26 (e) A district or charter school must provide an additional 30 minutes of daily preparation  
86.27 time to a teacher providing instruction to students in person and to students doing online  
86.28 learning at different times in one day. The district or charter school must provide the  
86.29 additional preparation time in one or two uninterrupted blocks of time during the regular  
86.30 school day. A district or charter school and the exclusive representative of teachers may  
86.31 agree to waive, limit, or modify the additional preparation time requirement.

86.32 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year only.

87.1 **Sec. 67. PROFESSIONAL DEVELOPMENT ON LITERACY INSTRUCTION.**

87.2 Notwithstanding any law to the contrary, a district must use up to 0.5 percent of its staff  
87.3 development revenue under Minnesota Statutes, section 122A.61, or its literacy incentive  
87.4 aid under Minnesota Statutes, section 124D.98, on rigorous professional development for  
87.5 teachers based on the science of reading that includes:

87.6 (1) explicit, systematic, and sequential instruction in foundational reading skills and  
87.7 higher-order literacy skills;

87.8 (2) instruction on using structured, phonemic, phonetic multisensory methods to teach  
87.9 students to read; and

87.10 (3) instruction on assessing student needs and interpreting student assessment data.

87.11 **EFFECTIVE DATE.** This section is effective for the 2021-2022 and 2022-2023 school  
87.12 years only.

87.13 **Sec. 68. ONETIME AMERICAN INDIAN TRIBAL CONTRACT DECLINING**  
87.14 **ENROLLMENT AID; FISCAL YEAR 2021.**

87.15 Notwithstanding Minnesota Statutes, section 124D.83, for fiscal year 2021 only,  
87.16 American Indian Tribal contract aid shall be increased by an amount equal to the greater  
87.17 of zero or the product of:

87.18 (1) 20.5 percent of the formula allowance for fiscal year 2021; and

87.19 (2) the difference between the adjusted pupil units for fiscal year 2020 and the adjusted  
87.20 pupil units for fiscal year 2021.

87.21 **EFFECTIVE DATE.** This section is effective the day following final enactment for  
87.22 fiscal year 2021.

87.23 **Sec. 69. ACADEMIC STANDARDS.**

87.24 **Subdivision 1. Social studies standards.** (a) The commissioner of education must ensure  
87.25 that the revised social studies standards adopted as a result of the review beginning in the  
87.26 2020-2021 school year include personal finance standards that improve students' financial  
87.27 literacy. The related benchmarks must address creating a household budget, taking out loans  
87.28 and accruing debt, how interest works, home mortgages, how to file taxes, the impact of  
87.29 student loan debt, and how to read a paycheck and payroll deductions. In developing the  
87.30 standards and benchmarks, the commissioner must consider the needs of young adults,  
87.31 low-income individuals, immigrants, and American Indian students or students of color.

88.1 The commissioner is encouraged to consult with the Minnesota Council on Economic  
 88.2 Education, the University of Minnesota Extension, and community-based organizations  
 88.3 that promote financial literacy in underserved communities.

88.4 (b) The commissioner of education must ensure that the revised social studies standards  
 88.5 adopted as a result of the review beginning in the 2020-2021 school year include benchmarks  
 88.6 in government and citizenship in 11th or 12th grade.

88.7 Subd. 2. **Other standards.** Notwithstanding Minnesota Statutes, section 120B.021, the  
 88.8 commissioner of education must suspend the review and revision of academic standards  
 88.9 and related benchmarks in mathematics and the implementation of revised physical education  
 88.10 and arts academic standards under Minnesota Statutes, section 120B.021, until June 1, 2022.  
 88.11 This suspension does not prevent the commissioner from supporting schools and districts  
 88.12 with future implementation, continuing with current rulemaking activities, or developing  
 88.13 future statewide assessments in science or reading. The commissioner must implement a  
 88.14 review and revision of the academic standards and related benchmarks in mathematics  
 88.15 beginning in the 2022-2023 school year.

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

88.17 Sec. 70. **APPROPRIATIONS.**

88.18 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 88.19 appropriated from the general fund to the Department of Education for the fiscal years  
 88.20 designated.

88.21 Subd. 2. **Achievement and integration aid.** For achievement and integration aid under  
 88.22 Minnesota Statutes, section 124D.862:

88.23 \$ 84,057,000 ..... 2022

88.24 \$ 83,431,000 ..... 2023

88.25 The 2022 appropriation includes \$7,912,000 for 2021 and \$76,145,000 for 2022.

88.26 The 2023 appropriation includes \$8,460,000 for 2022 and \$74,971,000 for 2023.

88.27 Subd. 3. **American Indian education aid.** For American Indian education aid under  
 88.28 Minnesota Statutes, section 124D.81, subdivision 2a:

88.29 \$ 11,351,000 ..... 2022

88.30 \$ 11,775,000 ..... 2023

88.31 The 2022 appropriation includes \$1,087,000 for 2021 and \$10,264,000 for 2022.



89.1 The 2023 appropriation includes \$1,140,000 for 2022 and \$10,635,000 for 2023.

89.2 Subd. 4. Charter school building lease aid. For building lease aid under Minnesota  
 89.3 Statutes, section 124E.22:

89.4 \$ 93,547,000 ..... 2022

89.5 \$ 99,819,000 ..... 2023

89.6 The 2022 appropriation includes \$8,806,000 for 2021 and \$84,741,000 for 2022.

89.7 The 2023 appropriation includes \$9,415,000 for 2022 and \$90,404,000 for 2023.

89.8 Subd. 5. Civic education grants. (a) For the Minnesota Civic Education Coalition for  
 89.9 grants to Youth in Government, the Learning Law and Democracy Foundation, and the  
 89.10 YMCA Center for Youth Voice to support civic education programs for youth age 18 and  
 89.11 under to provide teacher professional development, educational resources, and program  
 89.12 support:

89.13 \$ 75,000 ..... 2022

89.14 \$ 75,000 ..... 2023

89.15 (b) The programs must instruct students in:

89.16 (1) the constitutional principles and the democratic foundation of our national, state,  
 89.17 and local institutions; and

89.18 (2) the political processes and structures of government, grounded in the understanding  
 89.19 of constitutional government and individual rights.

89.20 (c) Any balance in the first year does not cancel but is available in the second year.

89.21 (d) The base for fiscal year 2024 is \$0.

89.22 Subd. 6. College entrance examination reimbursement. (a) To reimburse districts for  
 89.23 the costs of college entrance examination fees of free or reduced-price meal eligible students  
 89.24 who take the ACT or SAT test under Minnesota Statutes, section 120B.30, subdivision 1,  
 89.25 paragraph (e):

89.26 \$ 1,011,000 ..... 2022

89.27 \$ 1,011,000 ..... 2023

89.28 (b) Any balance in the first year does not cancel but is available in the second year.

89.29 Subd. 7. Concurrent enrollment aid. (a) For concurrent enrollment aid under Minnesota  
 89.30 Statutes, section 124D.091:

90.1           \$        5,000,000     ..... 2022

90.2           \$        5,000,000     ..... 2023

90.3           (b) If the appropriation is insufficient, the commissioner must proportionately reduce  
 90.4 the aid payment to each school district.

90.5           (c) Any balance in the first year does not cancel but is available in the second year.

90.6           Subd. 8. **Early childhood literacy programs.** (a) For early childhood literacy programs  
 90.7 under Minnesota Statutes, section 119A.50, subdivision 3:

90.8           \$        7,950,000     ..... 2022

90.9           \$        7,950,000     ..... 2023

90.10          (b) Up to \$7,950,000 each year is for leveraging federal and private funding to support  
 90.11 AmeriCorps members serving in the Minnesota reading corps program established by  
 90.12 ServeMinnesota, including costs associated with training and teaching early literacy skills  
 90.13 to children ages three through grade 3 and evaluating the impact of the program under  
 90.14 Minnesota Statutes, sections 124D.38, subdivision 2, and 124D.42, subdivision 6.

90.15          (c) Any balance in the first year does not cancel but is available in the second year.

90.16          Subd. 9. **Equitable school enhancement grants.** (a) To support schools in their efforts  
 90.17 to close opportunity and achievement gaps under Minnesota Statutes, section 120B.113:

90.18          \$        3,000,000     ..... 2022

90.19          \$        3,000,000     ..... 2023

90.20          (b) The department may use up to five percent of this appropriation to administer the  
 90.21 grant program.

90.22          (c) Any balance in the first year does not cancel but is available in the second year.

90.23          Subd. 10. **Examination fees; teacher training and support programs.** (a) For students'  
 90.24 advanced placement and international baccalaureate examination fees under Minnesota  
 90.25 Statutes, section 120B.13, subdivision 3, and the training and related costs for teachers and  
 90.26 other interested educators under Minnesota Statutes, section 120B.13, subdivision 1:

90.27          \$        4,500,000     ..... 2022

90.28          \$        4,500,000     ..... 2023

90.29          (b) The advanced placement program shall receive 75 percent of the appropriation each  
 90.30 year and the international baccalaureate program shall receive 25 percent of the appropriation  
 90.31 each year. The department, in consultation with representatives of the advanced placement  
 90.32 and international baccalaureate programs selected by the Advanced Placement Advisory

91.1 Council and International Baccalaureate Minnesota, respectively, shall determine the amounts  
 91.2 of the expenditures each year for examination fees and training and support programs for  
 91.3 each program.

91.4 (c) Notwithstanding Minnesota Statutes, section 120B.13, subdivision 1, at least \$500,000  
 91.5 each year is for teachers to attend subject matter summer training programs and follow-up  
 91.6 support workshops approved by the advanced placement or international baccalaureate  
 91.7 programs. The amount of the subsidy for each teacher attending an advanced placement or  
 91.8 international baccalaureate summer training program or workshop shall be the same. The  
 91.9 commissioner shall determine the payment process and the amount of the subsidy.

91.10 (d) The commissioner shall pay all examination fees for all students of low-income  
 91.11 families under Minnesota Statutes, section 120B.13, subdivision 3, and to the extent of  
 91.12 available appropriations, shall also pay examination fees for students sitting for an advanced  
 91.13 placement examination, international baccalaureate examination, or both.

91.14 (e) Any balance in the first year does not cancel but is available in the second year.

91.15 Subd. 11. **Expand rigorous coursework for Black students, Indigenous students,**  
 91.16 **students of color, and students in greater Minnesota.** (a) For grants to expand rigorous  
 91.17 coursework primarily for but not limited to disadvantaged and underrepresented students  
 91.18 and students in greater Minnesota, such as through advanced placement courses, international  
 91.19 baccalaureate programs, career and technical education, and concurrent enrollment courses:

91.20     \$        3,730,000    .....  2022

91.21     \$        3,730,000    .....  2023

91.22 (b) Eligible recipients include school districts, charter schools, intermediate school  
 91.23 districts, and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision  
 91.24 2.

91.25 (c) Of this amount, \$1,300,000 each year is for grants to support professional development  
 91.26 and incentives for high school teachers to develop and expand course offerings approved  
 91.27 by the state. An eligible recipient must offer the professional development or course through  
 91.28 a regional partnership or statewide program. Compensation for teachers to teach courses  
 91.29 beyond the contract day or year is an allowable expenditure. Funds may supplement, but  
 91.30 not replace, current state and federal program funds. Grants are limited to \$50,000 per  
 91.31 recipient.

91.32 (d) Of this amount, \$2,430,000 each year is for matching grants to support rigorous  
 91.33 course expansion and statewide career and technical education program quality

92.1 improvements. The department must provide technical support and guidance. Funds may  
 92.2 supplement, but not replace, current state and federal program funds. Grants are limited to  
 92.3 \$100,000 per recipient.

92.4 (e) The department must require an applicant for grant funds to submit a plan that  
 92.5 describes how the applicant would use grant funds to increase participation by disadvantaged  
 92.6 and underrepresented students in rigorous coursework. The department must consider an  
 92.7 applicant's goals, strategies, and capacity to increase participation by disadvantaged and  
 92.8 underrepresented students when awarding funds.

92.9 (f) At least 50 percent of the funds in this subdivision must be appropriated to grant  
 92.10 recipients in greater Minnesota.

92.11 (g) Up to five percent of this appropriation is available for program and grant  
 92.12 administration.

92.13 (h) Any balance in the first year does not cancel but is available in the second year.

92.14 (i) The base for fiscal year 2024 and later is \$3,530,000.

92.15 Subd. 12. Full-service community schools. (a) For comprehensive program support  
 92.16 for full-service community schools:

92.17 \$ 5,000,000 ..... 2022

92.18 \$ 5,000,000 ..... 2023

92.19 (b) Of this amount, priority must be given to programs in the following order:

92.20 (1) current grant recipients issued under Minnesota Statutes, section 124D.231;

92.21 (2) schools identified as low-performing under the federal Every Student Succeeds Act;  
 92.22 and

92.23 (3) any other applicants.

92.24 (c) Any balance in the first year does not cancel but is available in the second year.

92.25 Subd. 13. Girls in Action grant. (a) For a grant to the Girls in Action program to enable  
 92.26 Girls in Action to continue to provide and expand Twin Cities metropolitan area school and  
 92.27 community-based programs that encourage and support low-income girls of color:

92.28 \$ 1,500,000 ..... 2022

92.29 \$ 0 ..... 2023

93.1 (b) Of the appropriated funds, \$1,000,000 must be used to sustain 16 current Girls in  
 93.2 Action program sites and expand to reach an additional four sites in inner ring suburban  
 93.3 communities with growing ethnic diversity among students.

93.4 (c) Of the appropriated funds, \$500,000 must be used to sustain three community-based  
 93.5 Girls in Action programs for Asian, East African, and Latina girls in Hennepin, Ramsey,  
 93.6 and Dakota Counties, and to expand an additional two community-based programs in these  
 93.7 counties to reach Native American and African American girls.

93.8 (d) Girls in Action programs supported by these funds must include programs focused  
 93.9 on:

93.10 (1) increasing academic performance, high school graduation rates, and enrollment in  
 93.11 postsecondary education for girls faced with social, demographic, racial, and economic  
 93.12 barriers and challenges;

93.13 (2) increasing mentoring, literacy, career development, positive community engagement,  
 93.14 and number of qualified female employees of color in the workforce pipeline, particularly  
 93.15 in the science, technology, engineering, and mathematics fields;

93.16 (3) providing coaching, mentoring, health and wellness counseling, resources to girls  
 93.17 whose experience with sexual assault has negatively impacted their academics and behavior,  
 93.18 and culturally sensitive therapy resources and counseling services to sexual assault victims;  
 93.19 and

93.20 (4) increasing financial literacy and knowledge of options for financing college or  
 93.21 postsecondary education.

93.22 (e) This is a onetime appropriation.

93.23 (f) Any balance in the first year does not cancel but is available until June 30, 2024.

93.24 **Subd. 14. Grants to increase science, technology, engineering, and math course**  
 93.25 **offerings.** (a) For grants to schools to encourage low-income and other underserved students  
 93.26 to participate in advanced placement and international baccalaureate programs according  
 93.27 to Minnesota Statutes, section 120B.132:

93.28 \$ 250,000 ..... 2022

93.29 \$ 250,000 ..... 2023

93.30 (b) The commissioner must consider grant applications from schools located in greater  
 93.31 Minnesota and from schools located in the seven-county metropolitan area.

93.32 (c) Any balance in the first year does not cancel but is available in the second year.

94.1 Subd. 15. **Indigenous education for all.** (a) For the implementation of indigenous  
 94.2 education for all legislation based on the standards and benchmarks in place with the  
 94.3 contributions of Minnesota's Tribal Nations and communities under Minnesota Statutes,  
 94.4 section 120B.17:

94.5           \$        887,000     ..... 2022

94.6           \$        437,000     ..... 2023

94.7           (b) Of this amount, \$450,000 in 2022 is for onetime competitive grants to provide  
 94.8 curricular resources to schools.

94.9           (c) Of this amount, \$150,000 annually is for a grant to the Tribal Nations Education  
 94.10 Committee.

94.11          (d) Of this amount, \$287,000 annually is for department administration and  
 94.12 implementation of the standards.

94.13          Subd. 16. **Interdistrict desegregation or integration transportation grants.** For  
 94.14 interdistrict desegregation or integration transportation grants under Minnesota Statutes,  
 94.15 section 124D.87:

94.16           \$        12,310,000   ..... 2022

94.17           \$        14,823,000   ..... 2023

94.18          Subd. 17. **Literacy incentive aid.** For literacy incentive aid under Minnesota Statutes,  
 94.19 section 124D.98:

94.20           \$        45,075,000   ..... 2022

94.21           \$        45,968,000   ..... 2023

94.22          The 2022 appropriation includes \$4,463,000 for 2021 and \$40,612,000 for 2022.

94.23          The 2023 appropriation includes \$4,512,000 for 2022 and \$41,456,000 for 2023.

94.24          Subd. 18. **Minnesota Council on Economic Education.** (a) For a grant to the Minnesota  
 94.25 Council on Economic Education:

94.26           \$        250,000     ..... 2022

94.27           \$        250,000     ..... 2023

94.28          (b) The grant must be used to:

94.29          (1) provide professional development to Minnesota's kindergarten through grade 12  
 94.30 teachers implementing state graduation standards in learning areas related to economic  
 94.31 education;

95.1 (2) support the direct-to-student ancillary economic and personal finance programs that  
 95.2 Minnesota teachers supervise and coach; and

95.3 (3) provide support to geographically diverse affiliated higher education-based centers  
 95.4 for economic education, including those based at Minnesota State University Mankato,  
 95.5 Minnesota State University Moorhead, St. Cloud State University, St. Catherine University,  
 95.6 and the University of St. Thomas, as their work relates to activities in clauses (1) and (2).

95.7 (c) By February 15 of each year following the receipt of a grant, the Minnesota Council  
 95.8 on Economic Education must report to the commissioner of education on the number and  
 95.9 type of in-person and online teacher professional development opportunities provided by  
 95.10 the Minnesota Council on Economic Education or its affiliated state centers for economic  
 95.11 education. The report must include a description of the content, length, and location of the  
 95.12 programs; the number of preservice and licensed teachers receiving professional development  
 95.13 through each of these opportunities; and a summary of evaluations of teacher professional  
 95.14 opportunities.

95.15 (d) On August 15, 2021, the Department of Education must pay the full amount of the  
 95.16 grant for fiscal year 2022 to the Minnesota Council on Economic Education. On August  
 95.17 15, 2022, the Department of Education must pay the full amount of the grant for fiscal year  
 95.18 2023 to the Minnesota Council on Economic Education. The Minnesota Council on Economic  
 95.19 Education must submit its fiscal reporting in the form and manner specified by the  
 95.20 commissioner. The commissioner may request additional information as necessary.

95.21 (e) Any balance in the first year does not cancel but is available in the second year.

95.22 (f) The base for fiscal year 2024 is \$0.

95.23 Subd. 19. **Minnesota Independence College and Community.** (a) For transfer to the  
 95.24 Office of Higher Education for grants to Minnesota Independence College and Community  
 95.25 for tuition reduction and institutional support:

95.26 \$ 625,000 ..... 2022

95.27 \$ 625,000 ..... 2023

95.28 (b) Any balance in the first year does not cancel but is available in the second year.

95.29 Subd. 20. **Minnesota math corps program.** (a) For the Minnesota math corps program  
 95.30 under Minnesota Statutes, section 124D.42, subdivision 9:

95.31 \$ 2,500,000 ..... 2022

95.32 \$ 2,500,000 ..... 2023

95.33 (b) Any balance in the first year does not cancel but is available in the second year.

96.1 Subd. 21. **Minnesota Principals Academy.** (a) For grants to the University of Minnesota  
 96.2 College of Education and Human Development for the operation of the Minnesota Principals  
 96.3 Academy:

96.4 \$ 200,000 ..... 2022

96.5 \$ 200,000 ..... 2023

96.6 (b) Of these amounts, \$50,000 must be used to pay the costs of attendance for principals  
 96.7 and school leaders from schools identified for intervention under the state's accountability  
 96.8 system as implemented to comply with the federal Every Student Succeeds Act. To the  
 96.9 extent funds are available, the Department of Education is encouraged to use up to \$200,000  
 96.10 of federal Title II funds to support additional participation in the Principals Academy by  
 96.11 principals and school leaders from schools identified for intervention under the state's  
 96.12 accountability system as implemented to comply with the federal Every Student Succeeds  
 96.13 Act.

96.14 (c) Any balance in the first year does not cancel but is available in the second year.

96.15 Subd. 22. **Minnesota Youth Council.** (a) For grants to the Minnesota Alliance With  
 96.16 Youth for the activities of the Minnesota Youth Council:

96.17 \$ 187,000 ..... 2022

96.18 \$ 187,000 ..... 2023

96.19 (b) Any balance in the first year does not cancel but is available in the second year.

96.20 Subd. 23. **Multitiered systems of support.** (a) For the Minnesota Department of  
 96.21 Education to support schools in reinforcing systemic approaches to meet the needs of  
 96.22 individual students and ensure effective implementation of multitiered systems of support  
 96.23 in the areas of academics, social and emotional learning, and physical health services:

96.24 \$ 5,000,000 ..... 2022

96.25 \$ 5,000,000 ..... 2023

96.26 (b) Of this amount, \$3,200,000 is for regional centers of excellence under the Minnesota  
 96.27 service cooperatives to fund staff to support the implementation of multitiered systems of  
 96.28 support, ensuring research-validated models are supported for prekindergarten through  
 96.29 grade 12 in school districts and charter schools.

96.30 (c) Of this amount, \$1,800,000 is reserved for grants to school districts and charter  
 96.31 schools to partner with community-based organizations and programs.

96.32 (d) Grant funds must be used for implementation of evidence-based policies, procedures,  
 96.33 and practices within the multitiered systems of support prioritizing before and after school



97.1 programming for historically underserved students and access to mental health services for  
 97.2 students.

97.3 (e) Eligible grantees include school districts, charter schools, intermediate school districts,  
 97.4 and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2.

97.5 (f) Up to five percent of this appropriation is available for program and grant  
 97.6 administration.

97.7 (g) Any balance in the first year does not cancel but is available in the second year.

97.8 Subd. 24. **Museums and education centers.** (a) For grants to museums and education  
 97.9 centers:

97.10 \$ 610,000 ..... 2022

97.11 \$ 610,000 ..... 2023

97.12 (b) \$269,000 each year is for the Minnesota Children's Museum.

97.13 (c) \$50,000 each year is for the Minnesota Children's Museum, Rochester.

97.14 (d) \$50,000 each year is for the Duluth Children's Museum.

97.15 (e) \$41,000 each year is for the Minnesota Academy of Science.

97.16 (f) \$50,000 each year is for the Headwaters Science Center.

97.17 (g) \$50,000 each year is for the Children's Museum of Southern Minnesota.

97.18 (h) \$50,000 each year is for the Works Museum in Bloomington.

97.19 (i) \$50,000 each year is for the Children's Discovery Museum of Grand Rapids.

97.20 (j) A recipient of a grant under this subdivision must use the funds to encourage and  
 97.21 increase access for historically underserved communities.

97.22 (k) Any balance in the first year does not cancel but is available in the second year.

97.23 Subd. 25. **P-TECH schools.** (a) For P-TECH support grants under Minnesota Statutes,  
 97.24 section 124D.093, subdivision 5:

97.25 \$ 791,000 ..... 2022

97.26 \$ 791,000 ..... 2023

97.27 (b) The amounts in this subdivision are for grants to a public-private partnership that  
 97.28 includes Independent School District No. 535, Rochester.

97.29 (c) Any balance in the first year does not cancel but is available in the second year.

98.1 Subd. 26. Recovery program grants. (a) For recovery program grants under Minnesota  
 98.2 Statutes, section 124D.695:

98.3 \$ 750,000 ..... 2022

98.4 \$ 750,000 ..... 2023

98.5 (b) Any balance in the first year does not cancel but is available in the second year.

98.6 Subd. 27. Rural career and technical education consortium. (a) For rural career and  
 98.7 technical education consortium grants:

98.8 \$ 3,000,000 ..... 2022

98.9 \$ 3,000,000 ..... 2023

98.10 (b) Any balance in the first year does not cancel but is available in the second year.

98.11 Subd. 28. Sanneh Foundation. (a) For grants to the Sanneh Foundation for purposes  
 98.12 of subdivision 3:

98.13 \$ 2,000,000 ..... 2022

98.14 \$ 2,000,000 ..... 2023

98.15 (b) The grants to the Sanneh Foundation must be directed toward programs for  
 98.16 low-performing and chronically absent students with a focus on low-income students and  
 98.17 students of color. The goals of the grants include decreasing absenteeism, encouraging  
 98.18 school engagement, improving grades, and improving graduation rates. The grants may be  
 98.19 used to:

98.20 (1) provide all-day, in-school academic and behavioral interventions and social and  
 98.21 emotional learning throughout the school year;

98.22 (2) provide year-round, out-of-school behavioral, social, and emotional learning  
 98.23 interventions and enrichment activities;

98.24 (3) enhance career exploration opportunities, including exposure to businesses and  
 98.25 business activities; and

98.26 (4) develop pathways in cooperation with businesses or higher education partners for  
 98.27 participants to pursue careers in education and youth development.

98.28 (c) Any balance in the first year does not cancel but is available in the second year.

98.29 (d) The base for fiscal year 2024 is \$1,000,000.

98.30 Subd. 29. ServeMinnesota program. (a) For funding ServeMinnesota programs under  
 98.31 Minnesota Statutes, sections 124D.37 to 124D.45:

99.1           \$           900,000   ..... 2022

99.2           \$           900,000   ..... 2023

99.3           (b) A grantee organization may provide health and child care coverage to the dependents  
 99.4 of each participant enrolled in a full-time ServeMinnesota program to the extent such  
 99.5 coverage is not otherwise available.

99.6           (c) Any balance in the first year does not cancel but is available in the second year.

99.7           Subd. 30. **Singing-based pilot program to improve student reading.** (a) For a grant  
 99.8 to pilot a research-supported, computer-based educational program that uses singing to  
 99.9 improve the reading ability of students in grades 2 through 5:

99.10          \$           75,000   ..... 2022

99.11          (b) The commissioner of education shall award a grant to the Rock 'n' Read Project to  
 99.12 implement a research-supported, computer-based educational program that uses singing to  
 99.13 improve the reading ability of students in grades 2 through 5. The grantee shall be responsible  
 99.14 for selecting participating school sites; providing any required hardware and software,  
 99.15 including software licenses, for the duration of the grant period; providing technical support,  
 99.16 training, and staff to install required project hardware and software; providing on-site  
 99.17 professional development and instructional monitoring and support for school staff and  
 99.18 students; administering preintervention and postintervention reading assessments; evaluating  
 99.19 the impact of the intervention; and other project management services as required. To the  
 99.20 extent practicable, the grantee must select participating schools in urban, suburban, and  
 99.21 greater Minnesota, and give priority to schools in which a high proportion of students do  
 99.22 not read proficiently at grade level and are eligible for free or reduced-price lunch.

99.23          (c) By February 15, 2023, the grantee must submit a report detailing expenditures and  
 99.24 outcomes of the grant to the commissioner of education and the chairs and ranking minority  
 99.25 members of the legislative committees with jurisdiction over kindergarten through grade  
 99.26 12 education policy and finance.

99.27          (d) Any balance in the first year does not cancel but is available in the second year.

99.28          (e) This is a onetime appropriation.

99.29          Subd. 31. **Starbase MN.** (a) For a grant to Starbase MN for a rigorous science,  
 99.30 technology, engineering, and math (STEM) program providing students in grades 4 through  
 99.31 6 with a multisensory learning experience and a hands-on curriculum in an aerospace  
 99.32 environment using state-of-the-art technology:

100.1           \$           500,000   ..... 2022

100.2           \$           500,000   ..... 2023

100.3           (b) Any balance in the first year does not cancel but is available in the second year.

100.4           Subd. 32. Statewide testing and reporting system. (a) For the statewide testing and  
100.5 reporting system under Minnesota Statutes, section 120B.30:

100.6           \$           9,692,000   ..... 2022

100.7           \$           9,692,000   ..... 2023

100.8           (b) Any balance in the first year does not cancel but is available in the second year.

100.9           (c) The base in 2024 and 2025 is \$10,892,000 per year.

100.10          Subd. 33. Student organizations. (a) For student organizations:

100.11          \$           768,000   ..... 2022

100.12          \$           768,000   ..... 2023

100.13          (b) \$46,000 each year is for student organizations serving health occupations (HOSA).

100.14          (c) \$100,000 each year is for student organizations serving trade and industry occupations  
100.15 (Skills USA, secondary and postsecondary).

100.16          (d) \$95,000 each year is for student organizations serving business occupations (BPA,  
100.17 secondary and postsecondary).

100.18          (e) \$193,000 each year is for student organizations serving agriculture occupations (FFA,  
100.19 PAS).

100.20          (f) \$185,000 each year is for student organizations serving family and consumer science  
100.21 occupations (FCCLA). Notwithstanding Minnesota Rules, part 3505.1000, subparts 28 and  
100.22 31, the student organizations serving FCCLA shall continue to serve students younger than  
100.23 grade 9.

100.24          (g) \$109,000 each year is for student organizations serving marketing occupations (DECA  
100.25 and DECA collegiate).

100.26          (h) \$40,000 each year is for the Minnesota Foundation for Student Organizations.

100.27          (i) Any balance in the first year does not cancel but is available in the second year.

100.28          Subd. 34. Tribal contract school aid. For Tribal contract school aid under Minnesota  
100.29 Statutes, section 124D.83, and Tribal contract onetime compensatory aid:

100.30          \$           2,775,000   ..... 2022

100.31          \$           3,138,000   ..... 2023

101.1 The 2022 appropriation includes \$227,000 for 2021 and \$2,548,000 for 2022.

101.2 The 2023 appropriation includes \$283,000 for 2022 and \$2,855,000 for 2023.

101.3 Sec. 71. **REVISOR INSTRUCTION.**

101.4 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column  
 101.5 A with the number listed in column B. The revisor shall also make necessary cross-reference  
 101.6 changes consistent with the renumbering. The revisor shall also make any technical language  
 101.7 and other changes necessitated by the renumbering and cross-reference changes in this act.

| <u>Column A</u>  | <u>Column B</u>                               |
|--|---|
| <u>General Requirements Statewide Assessments</u>                            |   |
| <u>120B.30, subdivision 1a, paragraph (h)</u>                                | <u>120B.30, subdivision 1</u>                 |
| <u>120B.30, subdivision 1, paragraph (q)</u>                                 | <u>120B.30, subdivision 2</u>                 |
| <u>120B.30, subdivision 1a, paragraph (g)</u>                                | <u>120B.30, subdivision 3</u>                 |
| <u>120B.30, subdivision 1b</u>   | <u>120B.30, subdivision 4</u>                 |
| <u>120B.30, subdivision 1, paragraph (n)</u>                                 | <u>120B.30, subdivision 5, paragraph (a)</u>  |
| <u>120B.30, subdivision 1, paragraph (a)</u>                                 | <u>120B.30, subdivision 5, paragraph (b)</u>  |
| <u>120B.30, subdivision 1a, paragraph (e)</u>                                | <u>120B.30, subdivision 6, paragraph (a)</u>  |
| <u>120B.30, subdivision 2, paragraph (a)</u>                                 | <u>120B.30, subdivision 6, paragraph (b)</u>  |
| <u>120B.30, subdivision 2, paragraph (b),</u><br><u>clauses (1) and (2)</u>  | <u>120B.30, subdivision 6, paragraph (c)</u>  |
| <u>120B.30, subdivision 2</u>  | <u>120B.30, subdivision 6, paragraph (d)</u>  |
| <u>120B.30, subdivision 4</u>  | <u>120B.30, subdivision 7</u>                 |
| <u>120B.30, subdivision 5</u>  | <u>120B.30, subdivision 8</u>                 |
| <u>120B.30, subdivision 6</u>  | <u>120B.30, subdivision 9</u>                 |
| <u>120B.30, subdivision 1, paragraph (e)</u>                                 | <u>120B.30, subdivision 10</u>                |
| <u>General Requirements Test Design</u>                                      |   |
| <u>120B.30, subdivision 1a, paragraph (a),</u><br><u>clauses (1) to (5)</u>  | <u>120B.301, subdivision 1</u>                |
| <u>120B.30, subdivision 1, paragraph (a)</u>                                 | <u>120B.301, subdivision 2</u>                |
| <u>120B.30, subdivision 1, paragraph (b)</u>                                 | <u>120B.301, subdivision 3, paragraph (a)</u> |
| <u>120B.30, subdivision 1, paragraph (n)</u>                                 | <u>120B.301, subdivision 3, paragraph (b)</u> |
| <u>120B.30, subdivision 1a, paragraph (b)</u>                                | <u>120B.301, subdivision 3, paragraph (c)</u> |
| <u>120B.30, subdivision 1a, paragraph (c),</u><br><u>clauses (1) and (2)</u> | <u>120B.301, subdivision 3, paragraph (d)</u> |
| <u>Assessment Graduation Requirements</u>                                    |   |
| <u>120B.30, subdivision 1, paragraph (c),</u><br><u>clauses (1) and (2)</u>  | <u>120B.304, subdivision 1</u>                |
| <u>120B.30, subdivision 1, paragraph (d)</u>                                 | <u>120B.304, subdivision 2</u>                |

- 102.1 120B.30, subdivision 1, paragraph (i) 120B.304, subdivision 3
- 102.2 Assessment Reporting Requirements
- 102.3 120B.30, subdivision 1a, paragraph (f), 120B.305, subdivision 1
- 102.4 clauses (1) to (3)
- 102.5 120B.30, subdivision 1a, paragraph (d), 120B.305, subdivision 2, paragraph (a)
- 102.6 clauses (1) to (4)
- 102.7 120B.30, subdivision 1, paragraph (m) 120B.305, subdivision 2, paragraph (b)
- 102.8 120B.30, subdivision 1, paragraph (n) 120B.305, subdivision 2, paragraph (c)
- 102.9 120B.30, subdivision 1, paragraph (o), 120B.305, subdivision 3, paragraph (a)
- 102.10 clauses (1) to (4)
- 102.11 120B.30, subdivision 3 120B.305, subdivision 3, paragraph (b)

District Assessment Requirements

- 102.13 120B.301, paragraphs (a) to (c) 120B.306, subdivision 1
- 102.14 120B.304, paragraphs (a) and (b) 120B.306, subdivision 2

College and Career Readiness

- 102.16 120B.30, subdivision 1, paragraph (p) 120B.307, subdivision 1
- 102.17 120B.30, subdivision 1, paragraph (d) 120B.307, subdivision 2
- 102.18 120B.30, subdivision 1, paragraph (f) 120B.307, subdivision 3
- 102.19 120B.30, subdivision 1, paragraph (g) 120B.307, subdivision 4, paragraph (a)
- 102.20 120B.30, subdivision 1, paragraph (h) 120B.307, subdivision 4, paragraph (b)
- 102.21 120B.30, subdivision 1, paragraph (j) 120B.307, subdivision 4, paragraph (c)
- 102.22 120B.30, subdivision 1, paragraph (k) 120B.307, subdivision 4, paragraph (d)
- 102.23 120B.30, subdivision 1, paragraph (l) 120B.307, subdivision 4, paragraph (e)

102.24 **Sec. 72. REPEALER.**

102.25 Minnesota Statutes 2020, section 120B.35, subdivision 5, is repealed.

**ARTICLE 3**

**TEACHERS**

102.28 **Section 1. [120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR**

102.29 **AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

102.30 Subdivision 1. **Purpose.** This section sets short-term and long-term state goals for

102.31 increasing the percentage of teachers of color and American Indian teachers in Minnesota

102.32 and for ensuring all students have equitable access to effective and racially and ethnically

102.33 diverse teachers who reflect the diversity of students. The goals and report required under

102.34 this section are also important for meeting state goals for the world's best workforce under

102.35 section 120B.11, achievement and integration under section 124D.861, and higher education

103.1 attainment under section 135A.012, all of which have been established to close persistent  
103.2 opportunity and achievement gaps that limit students' success in school and life and impede  
103.3 the state's economic growth.

103.4 Subd. 2. **Equitable access to racially and ethnically diverse teachers.** The percentage  
103.5 of teachers who are of color or American Indian in Minnesota should increase at least two  
103.6 percentage points per year to have a teaching workforce that more closely reflects the state's  
103.7 increasingly diverse student population and to ensure all students have equitable access to  
103.8 effective and diverse teachers by 2040.

103.9 Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion  
103.10 of any other goals and does not confer a right or create a claim for any person.

103.11 Subd. 4. **Reporting.** Beginning in 2022 and every even-numbered year thereafter, the  
103.12 Professional Educator Licensing and Standards Board must collaborate with the Department  
103.13 of Education and the Office of Higher Education to publish a summary report of each of  
103.14 the programs they administer and any other programs receiving state appropriations that  
103.15 have or include an explicit purpose of increasing the racial and ethnic diversity of the state's  
103.16 teacher workforce to more closely reflect the diversity of students. The report must include  
103.17 programs under sections 122A.094, 122A.63, 122A.635, 122A.70, 124D.09, 124D.861,  
103.18 136A.1275, and 136A.1791, along with any other programs or initiatives that receive state  
103.19 appropriations to address the shortage of teachers of color and American Indian teachers.  
103.20 The board must, in coordination with the Office of Higher Education and Department of  
103.21 Education, provide policy and funding recommendations related to state-funded programs  
103.22 to increase the recruitment, preparation, licensing, hiring, and retention of racially and  
103.23 ethnically diverse teachers and the state's progress toward meeting or exceeding the goals  
103.24 of this section. The report must also include recommendations for state policy and funding  
103.25 needed to achieve the goals of this section, as well as plans for sharing the report and  
103.26 activities of grant recipients, and opportunities among grant recipients of various programs  
103.27 to share effective practices with each other. The 2022 report must include a recommendation  
103.28 of whether a state advisory council should be established to address the shortage of racially  
103.29 and ethnically diverse teachers and what the composition and charge of such an advisory  
103.30 council would be if established. The board must consult with the Indian Affairs Council  
103.31 and other ethnic councils along with other community partners, including students of color  
103.32 and American Indian students, in developing the report. By November 1 of each  
103.33 even-numbered year, the board must submit the report to the chairs and ranking minority  
103.34 members of the legislative committees with jurisdiction over education and higher education  
103.35 policy and finance. The report must be available to the public on the board's website.

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

104.2 Sec. 2. **[120B.25] CURRICULUM POLICY.**

104.3 A school board must adopt a written policy that prohibits discrimination or discipline  
104.4 for a teacher or principal on the basis of incorporating into curriculum contributions by  
104.5 persons in a federally protected class or protected class under section 363A.13, consistent  
104.6 with local collective bargaining agreements.

104.7 Sec. 3. **[122A.04] LICENSE REQUIRED.**

104.8 Pursuant to section 120A.22, subdivision 10, a teacher must hold a license or a permission  
104.9 aligned to the content area and scope of the teacher's assignment to provide instruction in  
104.10 a public school or a charter school.

104.11 Sec. 4. Minnesota Statutes 2020, section 122A.06, subdivision 2, is amended to read:

104.12 Subd. 2. **Teacher.** "Teacher" means a classroom teacher or other similar professional  
104.13 employee required by law to hold a license or permission from the Professional Educator  
104.14 Licensing and Standards Board.

104.15 Sec. 5. Minnesota Statutes 2020, section 122A.06, subdivision 5, is amended to read:

104.16 Subd. 5. **Field.** A "field," "licensure area," or "subject area" means the content area in  
104.17 which a teacher may become licensed to teach.

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

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

104.20 (1) licensure fields and economic development regions reported by the ~~commissioner~~  
104.21 ~~of education~~ Office of Higher Education or the Professional Educator Licensing and  
104.22 Standards Board as experiencing a teacher shortage; and

104.23 (2) economic development regions where ~~there is a shortage of licensed teachers who~~  
104.24 ~~reflect the racial or ethnic diversity of students in the region.~~ the aggregate percentage of  
104.25 Indigenous teachers and teachers of color in the region is lower than the aggregate percentage  
104.26 of kindergarten through grade 12 Indigenous students and students of color in that region.  
104.27 Only individuals who close the gap between these percentages qualify as filling a shortage  
104.28 by this definition.



105.1 Sec. 7. Minnesota Statutes 2020, section 122A.06, subdivision 7, is amended to read:

105.2 Subd. 7. **Teacher preparation program.** "Teacher preparation program" means a  
105.3 program approved by the Professional Educator Licensing and Standards Board for the  
105.4 purpose of preparing individuals for a specific teacher licensure field in Minnesota. ~~Teacher~~  
105.5 ~~preparation programs include traditional programs delivered by postsecondary institutions,~~  
105.6 ~~alternative teacher preparation programs, and nonconventional teacher preparation programs.~~

105.7 Sec. 8. Minnesota Statutes 2020, section 122A.06, subdivision 8, is amended to read:

105.8 Subd. 8. **Teacher preparation program provider.** "Teacher preparation program  
105.9 provider" or "unit" means an entity that has primary responsibility for overseeing and  
105.10 delivering a teacher preparation program. Teacher preparation program providers include  
105.11 postsecondary institutions and alternative teacher preparation providers aligned to section  
105.12 122A.094.

105.13 Sec. 9. Minnesota Statutes 2020, section 122A.06, is amended by adding a subdivision to  
105.14 read:

105.15 Subd. 9. **District.** "District" means a public school district or charter school.

105.16 Sec. 10. **[122A.094] TEACHER PREPARATION PROVIDERS.**

105.17 Subdivision 1. **Purpose.** Teacher preparation providers must be approved by the  
105.18 Professional Educator Licensing and Standards Board to prepare candidates for teacher  
105.19 licensure in Minnesota. To provide alternative pathways toward Minnesota teacher licensure  
105.20 outside of the traditional means, improve ethnic and cultural diversity in the classroom, and  
105.21 to close the achievement gap, the Professional Educator Licensing and Standards Board  
105.22 must approve qualified teacher preparation providers and programs under this section that  
105.23 are a means to acquire a Tier 2 license under section 122A.182 and prepare for acquiring a  
105.24 Tier 3 license under section 122A.183.

105.25 Subd. 2. **Eligibility.** The following organizations are eligible to seek approval to be a  
105.26 teacher preparation provider:

105.27 (1) Minnesota institutions of higher education;

105.28 (2) school districts;

105.29 (3) charter schools; and

105.30 (4) nonprofit corporations organized under chapter 317A for an education-related purpose.

106.1 Subd. 3. Requirements for provider approval. An eligible entity must be approved  
106.2 as a provider before being approved to provide programs toward licensure. The Professional  
106.3 Educator Licensing and Standards Board must approve an eligible entity under subdivision  
106.4 3 that meets the following requirements:

106.5 (1) has evidence and history of fiscal solvency, capacity, and operation;

106.6 (2) possesses necessary infrastructure to provide accurate, timely, and secure data for  
106.7 the purposes of admission, candidate monitoring, testing, and program completion  
106.8 requirements;

106.9 (3) has policies and procedures in place ensuring the security of candidate records under  
106.10 the federal Family Educational Rights and Privacy Act;

106.11 (4) has developed a research-based, results-oriented curriculum that focuses on the skills  
106.12 teachers need to be effective;

106.13 (5) provides a clinical experience that meets criteria set in rule for initial and additional  
106.14 licensure programs;

106.15 (6) includes a common core of teaching knowledge and skills. The Professional Educator  
106.16 Licensing and Standards Board must adopt and revise rules to maintain a common core of  
106.17 teaching knowledge and skills;

106.18 (7) includes instruction on the knowledge and skills needed to provide appropriate  
106.19 instruction to English learners to support and accelerate their academic literacy, including  
106.20 oral academic language and achievement in content areas in a regular classroom setting;  
106.21 and

106.22 (8) includes culturally competent training on instructional strategies consistent with  
106.23 section 120B.30, subdivision 1, paragraph (q), and Minnesota Rules, part 8710.0310, subpart  
106.24 1, item D.

106.25 Subd. 4. Program approval. The board must adopt and revise rules outlining the criteria  
106.26 by which programs offered by approved providers may be approved. If the board determines  
106.27 that a teacher preparation provider or licensure program fails to meet or is deficient in any  
106.28 of the requirements in rule, it may suspend or revoke the approval of the provider or program  
106.29 after it notifies the provider of the deficiencies and gives the provider an opportunity to  
106.30 remedy the deficiencies.

106.31 Subd. 5. Specialized credentials. The board may adopt and revise rules creating flexible,  
106.32 specialized teaching licenses, credentials, and other endorsement forms.

107.1 Subd. 6. **Teacher educators.** (a) The board must adopt and revise rules requiring teacher  
107.2 educators to work directly with elementary or secondary school teachers in elementary or  
107.3 secondary schools to obtain periodic exposure to the elementary and secondary teaching  
107.4 environments.

107.5 (b) The board must adopt and revise rules for the qualifications for teacher educators.  
107.6 The board may use nontraditional criteria to determine qualifications of teacher educators,  
107.7 including permitting instructors to hold a baccalaureate degree only. Nontraditional criteria  
107.8 may include previous work experiences, teaching experiences, educator evaluations,  
107.9 industry-recognized certifications, and other equivalent demonstrations of qualifications.

107.10 Subd. 7. **Reading strategies.** (a) A teacher preparation provider approved by the  
107.11 Professional Educator Licensing and Standards Board to prepare persons for classroom  
107.12 teacher licensure must include in its teacher preparation programs research-based best  
107.13 practices in reading, consistent with section 122A.06, subdivision 4, that enable the licensure  
107.14 candidate to teach reading in the candidate's content areas. Teacher candidates must be  
107.15 instructed in using students' native languages as a resource in creating effective differentiated  
107.16 instructional strategies for English learners developing literacy skills. A teacher preparation  
107.17 provider must also prepare early childhood and elementary teacher candidates for Tier 3  
107.18 and Tier 4 teaching licenses under sections 122A.183 and 122A.184, respectively, for the  
107.19 portion of the examination under section 122A.185, subdivision 1, paragraph (c), covering  
107.20 assessment of reading instruction.

107.21 (b) Board-approved teacher preparation programs for teachers of elementary education  
107.22 must require instruction in applying comprehensive, scientifically based or evidence-based,  
107.23 and structured reading instruction programs that:

107.24 (1) teach students to read using foundational knowledge, practices, and strategies  
107.25 consistent with section 122A.06, subdivision 4, so that all students achieve continuous  
107.26 progress in reading; and

107.27 (2) teach specialized instruction in reading strategies, interventions, and remediations  
107.28 that enable students of all ages and proficiency levels to become proficient readers.

107.29 (c) Board-approved teacher preparation programs for teachers of elementary education,  
107.30 early childhood education, special education, and reading intervention must include  
107.31 instruction on dyslexia, as defined in section 125A.01, subdivision 2. Teacher preparation  
107.32 programs may consult with the Department of Education, including the dyslexia specialist  
107.33 under section 120B.122, to develop instruction under this paragraph. Instruction on dyslexia

108.1 must be modeled on practice standards of the International Dyslexia Association and must  
 108.2 address:

108.3 (1) the nature and symptoms of dyslexia;

108.4 (2) resources available for students who show characteristics of dyslexia;

108.5 (3) evidence-based instructional strategies for students who show characteristics of  
 108.6 dyslexia, including the structured literacy approach; and

108.7 (4) outcomes of intervention and lack of intervention for students who show  
 108.8 characteristics of dyslexia.

108.9 (d) Nothing in this section limits the authority of a school district to select a school's  
 108.10 reading program or curriculum.

108.11 Subd. 8. **Technology strategies.** All preparation providers approved by the Professional  
 108.12 Educator Licensing and Standards Board to prepare persons for classroom teacher licensure  
 108.13 must include in their teacher preparation programs the knowledge and skills teacher  
 108.14 candidates need to engage students with technology and deliver digital and blended learning  
 108.15 and curriculum.

108.16 Subd. 9. **Reports.** (a) The Professional Educator Licensing and Standards Board must  
 108.17 report annually to the education committees of the legislature on the performance of teacher  
 108.18 candidates aligned to section 122A.091, subdivision 1.

108.19 (b) The board must also submit a biennial report on the alternative teacher preparation  
 108.20 providers to legislative committees with jurisdiction over kindergarten through grade 12  
 108.21 education policy and finance by January 15 of each odd-numbered year.

108.22 Sec. 11. Minnesota Statutes 2020, section 122A.15, subdivision 1, is amended to read:

108.23 Subdivision 1. **Teachers.** The term "teachers" for the purpose of licensure, means all  
 108.24 persons employed in a public school or education district or by a service cooperative as  
 108.25 members of the instructional, supervisory, and support staff including superintendents,  
 108.26 principals, supervisors, secondary vocational and other classroom teachers, librarians, school  
 108.27 counselors, school psychologists, school nurses, school social workers, audio-visual directors  
 108.28 and coordinators, recreation personnel, media generalists, media supervisors, and ~~speech~~  
 108.29 ~~therapists~~ school speech-language pathologists. This definition does not apply to sections  
 108.30 122A.05 to 122A.093.

109.1 Sec. 12. Minnesota Statutes 2020, section 122A.16, is amended to read:

109.2 **122A.16 QUALIFIED TEACHER DEFINED.**

109.3 A qualified teacher is one holding a valid license, or permission under this chapter, to  
109.4 perform the particular service for which the teacher is employed in a public school.

109.5 Sec. 13. Minnesota Statutes 2020, section 122A.18, subdivision 7a, is amended to read:

109.6 Subd. 7a. ~~Permission~~ License to substitute teach. (a) The Professional Educator  
109.7 Licensing and Standards Board must issue licenses to substitute teach to applicants who  
109.8 meet the qualifications prescribed in this subdivision and in Minnesota Rules.

109.9 ~~(a)~~ (b) The Professional Educator Licensing and Standards Board may ~~allow a person~~  
109.10 issue a short-call substitute teaching license to an applicant who otherwise qualifies for a  
109.11 Tier 1 license in accordance with section 122A.181, subdivision 2, or is enrolled in and  
109.12 making satisfactory progress in a ~~board-approved~~ state-approved teacher program and who  
109.13 has successfully completed student teaching ~~to be employed as a short-call substitute teacher.~~

109.14 ~~(b)~~ (c) The Professional Educator Licensing and Standards Board may issue a lifetime  
109.15 qualified short-call or long-call substitute teaching license to ~~a person~~ an applicant who:

109.16 (1) was a qualified teacher under section 122A.16 while holding a Tier 3 or Tier 4  
109.17 teaching license issued by the board, under sections 122A.183 and 122A.184, respectively,  
109.18 and receives a retirement annuity from the Teachers Retirement Association or the St. Paul  
109.19 Teachers Retirement Fund Association;

109.20 (2) holds an out-of-state teaching license and receives a retirement annuity as a result  
109.21 of the person's teaching experience; or

109.22 (3) held a Tier 3 or Tier 4 teaching license issued by the board, under sections 122A.183  
109.23 and 122A.184, respectively, taught at least three school years in an accredited nonpublic  
109.24 school in Minnesota, and receives a retirement annuity as a result of the person's teaching  
109.25 experience.

109.26 A person holding a lifetime qualified short-call or long-call substitute teaching license is  
109.27 not required to complete continuing education clock hours. A person holding this license  
109.28 may reapply to the board for either:

109.29 (i) a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184,  
109.30 respectively, and must again complete ~~continuing education clock hours~~ renewal requirements  
109.31 pursuant to section 122A.187 one school year after receiving the Tier 3 or Tier 4 teaching  
109.32 license; or

110.1 (ii) a Tier 1 license under section 122A.181, provided that the ~~candidate~~ applicant has  
110.2 a bachelor's degree, an associate's degree, or an appropriate professional credential in the  
110.3 content area the ~~candidate~~ applicant will teach, in accordance with section 122A.181,  
110.4 subdivision 2.

110.5 Sec. 14. Minnesota Statutes 2020, section 122A.18, subdivision 8, is amended to read:

110.6 Subd. 8. **Background ~~checks~~ studies.** (a) The Professional Educator Licensing and  
110.7 Standards Board and the Board of School Administrators must ~~obtain~~ initiate a criminal  
110.8 history background ~~check~~ study on all first-time ~~teaching~~ applicants for educator licenses  
110.9 under their jurisdiction. Applicants must include with their licensure applications:

110.10 (1) an executed criminal history consent form, including fingerprints; and

110.11 (2) payment to conduct the background check. The Professional Educator Licensing and  
110.12 Standards Board must deposit payments received under this subdivision in an account in  
110.13 the special revenue fund. Amounts in the account are annually appropriated to the  
110.14 Professional Educator Licensing and Standards Board to pay for the costs of background  
110.15 checks on applicants for licensure.

110.16 (b) The background check for all first-time teaching applicants for licenses must include  
110.17 a review of information from the Bureau of Criminal Apprehension, including criminal  
110.18 history data as defined in section 13.87, and must also include a review of the national  
110.19 criminal records repository. The superintendent of the Bureau of Criminal Apprehension  
110.20 is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes  
110.21 of the criminal history check. The superintendent shall recover the cost to the bureau of a  
110.22 background check through the fee charged to the applicant under paragraph (a).

110.23 (c) The Professional Educator Licensing and Standards Board ~~must contract with~~ and  
110.24 the Board of School Administrators may initiate criminal background studies through the  
110.25 commissioner of human services to ~~conduct background checks and~~ obtain background  
110.26 check data required under this chapter.

110.27 Sec. 15. Minnesota Statutes 2020, section 122A.18, subdivision 10, is amended to read:

110.28 Subd. 10. **Licensure via portfolio.** (a) The Professional Educator Licensing and Standards  
110.29 Board must adopt and revise rules establishing a process for an eligible ~~candidate~~ applicant  
110.30 to obtain ~~any teacher~~ an initial Tier 3 license ~~under subdivision 1,~~  
110.31 to a Tier 3 or Tier 4 license via portfolio. The portfolio licensure application process must  
110.32 be consistent with the requirements in this subdivision.

111.1 (b) ~~A candidate~~ An applicant for a an initial Tier 3 license via portfolio must submit to  
 111.2 the board one portfolio demonstrating pedagogical competence and one portfolio  
 111.3 demonstrating content competence.

111.4 (c) ~~A candidate~~ An applicant seeking to add a licensure field via portfolio must submit  
 111.5 to the board one portfolio demonstrating content competence for each licensure field the  
 111.6 candidate seeks to add.

111.7 (d) The board must notify a ~~candidate~~ applicant who submits a portfolio under  
 111.8 paragraph (b) or (c) within ~~90~~ 120 calendar days after the portfolio is received whether or  
 111.9 not the portfolio is approved. If the portfolio is not approved, the board must ~~immediately~~  
 111.10 inform the ~~candidate~~ applicant how to revise the portfolio to successfully demonstrate the  
 111.11 requisite competence. The ~~candidate~~ applicant may resubmit a revised portfolio ~~at any time~~  
 111.12 within two years and the board must approve or disapprove the revised portfolio within ~~60~~  
 111.13 90 calendar days of receiving it.

111.14 (e) ~~A candidate~~ An applicant must pay a fee for a portfolio in accordance with section  
 111.15 122A.21, subdivision 4.

111.16 Sec. 16. Minnesota Statutes 2020, section 122A.181, subdivision 1, is amended to read:

111.17 Subdivision 1. **Application requirements.** The Professional Educator Licensing and  
 111.18 Standards Board must approve ~~a request from a district or charter school to issue a Tier 1~~  
 111.19 ~~license in a specified content area to a candidate~~ an application for a Tier 1 license in a  
 111.20 specified content area if:

111.21 (1) the application has been submitted jointly by the applicant and the district;

111.22 (2) the application has been paid for by the district or the applicant;

111.23 (3) the ~~candidate~~ applicant meets the professional requirement in subdivision 2;

111.24 ~~(2)~~ (4) the district or charter school affirms that the ~~candidate~~ applicant has the necessary  
 111.25 skills and knowledge to teach in the specified content area; and

111.26 ~~(3)~~ (5) the district or charter school demonstrates that: (i) a criminal background check  
 111.27 under section 122A.18, subdivision 8, has been completed on the ~~candidate~~ applicant; and

111.28 ~~(ii)~~ (6) the district or charter school has posted the teacher position but was unable to  
 111.29 hire an acceptable teacher with a Tier 2, 3, or 4 license for the position.

112.1 Sec. 17. Minnesota Statutes 2020, section 122A.181, subdivision 2, is amended to read:

112.2 Subd. 2. **Professional requirements.** ~~(a) A candidate~~ An applicant for a Tier 1 license  
112.3 must have a bachelor's degree to teach a class or course ~~outside a career and technical~~  
112.4 ~~education or career pathways course of study, unless specifically exempt by state statute or~~  
112.5 rule.

112.6 ~~(b) A candidate for a Tier 1 license must have one of the following credentials in a~~  
112.7 ~~relevant content area to teach a class in a career and technical education or career pathways~~  
112.8 ~~course of study:~~

112.9 ~~(1) an associate's degree;~~

112.10 ~~(2) a professional certification; or~~

112.11 ~~(3) five years of relevant work experience.~~

112.12 Sec. 18. Minnesota Statutes 2020, section 122A.181, is amended by adding a subdivision  
112.13 to read:

112.14 Subd. 2a. **Exemptions from a bachelor's degree.** (a) The following applicants for a  
112.15 Tier 1 license are exempt from the requirement to hold a bachelor's degree in subdivision  
112.16 2:

112.17 (1) an applicant for a Tier 1 license to teach career and technical education or career  
112.18 pathways courses of study if the applicant has:

112.19 (i) an associate's degree;

112.20 (ii) a professional certification; or

112.21 (iii) five years of relevant work experience;

112.22 (2) an applicant for a Tier 1 license to teach world languages and culture pursuant to  
112.23 Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language;

112.24 (3) an applicant for a Tier 1 license in the performing or visual arts pursuant to Minnesota  
112.25 Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater),  
112.26 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), if the applicant  
112.27 has at least five years of relevant work experience; and

112.28 (4) an applicant for a Tier 1 license who is enrolled in a state-approved teacher preparation  
112.29 program classified as a residency model aligned to the scope and field of the assignment.  
112.30 The residency program must lead to a bachelor's degree unless the program is aligned to  
112.31 one of the licensure areas outlined in this subdivision.



113.1 (b) The Professional Educator Licensing and Standards Board must adopt and revise  
113.2 rules regarding the qualifications and determinations for applicants exempt from paragraph  
113.3 (a).

113.4 Sec. 19. Minnesota Statutes 2020, section 122A.181, subdivision 3, is amended to read:

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

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

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

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

113.18 ~~(3)~~ (2) the teacher holding the Tier 1 license participated in cultural competency training  
113.19 consistent with section 120B.30, subdivision 1, paragraph (q), ~~within one year of the board~~  
113.20 ~~approving the request for the initial Tier 1 license; and~~

113.21 ~~(4)~~ (3) the teacher holding the Tier 1 license met the mental illness training renewal  
113.22 requirement under section 122A.187, subdivision 6; and

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

113.25 (4) the district demonstrates professional development opportunities and other supports  
113.26 provided to move the teacher from a Tier 1 license to a higher tier.

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

114.1 Sec. 20. Minnesota Statutes 2020, section 122A.181, subdivision 4, is amended to read:

114.2 Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must  
 114.3 accept and review applications for a Tier 1 teaching license beginning July 1 of the school  
 114.4 year for which the license is requested ~~and must issue or deny the Tier 1 teaching license~~  
 114.5 ~~within 30 days of receiving the completed application,~~ unless permitted by the board to  
 114.6 accept and review applications earlier.

114.7 Sec. 21. Minnesota Statutes 2020, section 122A.181, subdivision 5, is amended to read:

114.8 Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter  
 114.9 indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and  
 114.10 limited to the district or charter school that requested the initial Tier 1 license.

114.11 (b) A Tier 1 license does not bring an individual within the definition of a teacher for  
 114.12 purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

114.13 ~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under~~  
 114.14 ~~section 179A.03, subdivision 18.~~

114.15 Sec. 22. Minnesota Statutes 2020, section 122A.181, subdivision 6, is amended to read:

114.16 Subd. 6. **Mentorship and evaluation.** (a) ~~A teacher holding a Tier 1 license must~~  
 114.17 ~~participate in the employing district or charter school's mentorship program and professional~~  
 114.18 ~~development.~~ A district that hires a Tier 1 teacher must provide mentorship aligned to  
 114.19 board-adopted criteria and professional development opportunities to that teacher.

114.20 (b) A teacher holding a Tier 1 license must participate in an evaluation aligned, to the  
 114.21 extent practicable, with the evaluation under section 122A.40, subdivision 8, or 122A.41,  
 114.22 subdivision 5.

114.23 Sec. 23. Minnesota Statutes 2020, section 122A.182, subdivision 1, is amended to read:

114.24 Subdivision 1. **Requirements.** ~~(a)~~ The Professional Educator Licensing and Standards  
 114.25 Board must approve ~~a request from a district or charter school to issue~~ an application for a  
 114.26 Tier 2 license in a specified content area ~~to a candidate~~ if:

114.27 ~~(1) the candidate meets the educational or professional requirements in paragraph (b)~~  
 114.28 ~~or (c)~~ the application has been submitted jointly by the applicant and the district;

114.29 ~~(2) the candidate:~~

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

- 115.1 ~~(ii) is enrolled in a Minnesota-approved teacher preparation program; or~~
- 115.2 ~~(iii) has a master's degree in the specified content area; and~~
- 115.3 ~~(3) the district or charter school demonstrates that a criminal background check under~~
- 115.4 ~~section 122A.18, subdivision 8, has been completed on the candidate.~~
- 115.5 ~~(b) A candidate for a Tier 2 license must have a bachelor's degree to teach a class outside~~
- 115.6 ~~a career and technical education or career pathways course of study.~~
- 115.7 ~~(c) A candidate for a Tier 2 license must have one of the following credentials in a~~
- 115.8 ~~relevant content area to teach a class or course in a career and technical education or career~~
- 115.9 ~~pathways course of study:~~
- 115.10 ~~(1) an associate's degree;~~
- 115.11 ~~(2) a professional certification; or~~
- 115.12 ~~(3) five years of relevant work experience.~~
- 115.13 (2) the application has been paid for by the district or the applicant;
- 115.14 (3) the applicant holds a bachelor's degree, unless specifically exempt by statute or rule;
- 115.15 (4) the district demonstrates that a criminal background check under section 122A.18,
- 115.16 subdivision 8, has been completed for the applicant; and
- 115.17 (5) the applicant:
- 115.18 (i) has a master's degree in the specified content area;
- 115.19 (ii) is enrolled in a state-approved teacher preparation program; or
- 115.20 (iii) for a license to teach career and technical education and career pathways, has
- 115.21 completed two years of field-specific teaching experience on a Tier 1 license and completed
- 115.22 training in classroom management, cultural competency, and teacher ethics.
- 115.23 Sec. 24. Minnesota Statutes 2020, section 122A.182, subdivision 2, is amended to read:
- 115.24 Subd. 2. **Coursework Exemptions from a bachelor's degree.** ~~(a) A candidate for a~~
- 115.25 ~~Tier 2 license must meet the coursework requirement by demonstrating completion of two~~
- 115.26 ~~of the following:~~
- 115.27 ~~(1) at least eight upper division or graduate-level credits in the relevant content area;~~
- 115.28 ~~(2) field-specific methods of training, including coursework;~~

116.1 ~~(3) at least two years of teaching experience in a similar content area in any state, as~~  
116.2 ~~determined by the board;~~

116.3 ~~(4) a passing score on the pedagogy and content exams under section 122A.185; or~~

116.4 ~~(5) completion of a state-approved teacher preparation program.~~

116.5 ~~(b) For purposes of paragraph (a), "upper division" means classes normally taken at the~~  
116.6 ~~junior or senior level of college which require substantial knowledge and skill in the field.~~  
116.7 ~~Candidates must identify the upper division credits that fulfill the requirement in paragraph~~  
116.8 ~~(a), clause (1).~~

116.9 (a) The following applicants for a Tier 2 license are exempt from the requirement to  
116.10 hold a bachelor's degree in subdivision 1:

116.11 (1) an applicant for a Tier 2 license to teach career and technical education or career  
116.12 pathways courses of study when the applicant has:

116.13 (i) an associate's degree;

116.14 (ii) a professional certification; or

116.15 (iii) five years of relevant work experience;

116.16 (2) an applicant for a Tier 2 license to teach world languages and culture pursuant to  
116.17 Minnesota Rules, part 8710.4950, when the applicant is a native speaker of the language.

116.18 (3) an applicant for a Tier 2 license in the performing or visual arts pursuant to Minnesota  
116.19 Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater),  
116.20 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), when the  
116.21 applicant has at least five years of relevant work experience.

116.22 (b) The Professional Educator Licensing and Standards Board must adopt and revise  
116.23 rules regarding the qualifications and determinations for applicants exempt from the  
116.24 requirement to hold a bachelor's degree in subdivision 1.

116.25 Sec. 25. Minnesota Statutes 2020, section 122A.182, subdivision 3, is amended to read:

116.26 Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and  
116.27 Standards Board must issue an initial Tier 2 license for a term of two years. A Tier 2 license  
116.28 may be renewed ~~three~~ two times. The board must adopt rules establishing good cause  
116.29 justifications for additional renewals after the initial license has been renewed two times.

116.30 (b) A teacher holding a Tier 2 license in career and technical education or career pathways  
116.31 course of study may receive unlimited renewals.

117.1 (c) Before a Tier 2 license is renewed for the first time, a teacher holding a Tier 2 license  
117.2 must participate in cultural competency training consistent with section 120B.30, subdivision  
117.3 1, paragraph (q), and; mental illness training under section 122A.187, subdivision 6. The  
117.4 board must issue rules setting forth the conditions for additional renewals after the initial  
117.5 license has been renewed three times; and the district demonstrates professional development  
117.6 opportunities and other supports provided to move the teacher to a higher tier.

117.7 Sec. 26. Minnesota Statutes 2020, section 122A.182, subdivision 4, is amended to read:

117.8 Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must  
117.9 accept and review applications for a Tier 2 teaching license beginning July 1 of the school  
117.10 year for which the license is requested ~~and must issue or deny the Tier 2 teaching license~~  
117.11 ~~within 30 days of receiving the completed application,~~ unless permitted by the board to  
117.12 accept and review applications earlier.

117.13 Sec. 27. Minnesota Statutes 2020, section 122A.182, subdivision 7, is amended to read:

117.14 Subd. 7. **Mentorship and evaluation.** (a) ~~A teacher holding a Tier 2 license must~~  
117.15 ~~participate in the employing district or charter school's mentorship and evaluation program,~~  
117.16 ~~including an individual growth and development plan that includes cultural competency~~  
117.17 ~~under section 120B.30, subdivision 1, paragraph (q).~~ A district that hires a teacher holding  
117.18 a Tier 2 license must provide mentorship aligned to board-adopted criteria to that teacher  
117.19 and professional development opportunities.

117.20 (b) A teacher holding a Tier 2 license must participate in an evaluation aligned, to the  
117.21 extent practicable, with the evaluation under section 122A.40, subdivision 8, or section  
117.22 122A.41, subdivision 5.

117.23 Sec. 28. Minnesota Statutes 2020, section 122A.183, subdivision 1, is amended to read:

117.24 Subdivision 1. **Requirements.** ~~(a)~~ The Professional Educator Licensing and Standards  
117.25 Board must issue a Tier 3 license to ~~a candidate~~ an applicant who provides information  
117.26 sufficient to demonstrate all of the following:

117.27 ~~(1) the candidate meets the educational or professional requirements in paragraphs (b)~~  
117.28 ~~and (c);~~

117.29 ~~(2) the candidate has obtained a passing score on the required licensure exams under~~  
117.30 ~~section 122A.185; and~~

118.1 (1) the applicant for a Tier 3 license must have a bachelor's degree to teach a class or  
 118.2 course, unless specifically exempt by state statute or rule; and

118.3 ~~(3)~~ (2) the candidate applicant has completed the coursework required under subdivision  
 118.4 2.

118.5 ~~(b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or~~  
 118.6 ~~course outside a career and technical education or career pathways course of study.~~

118.7 ~~(c) A candidate for a Tier 3 license must have one of the following credentials in a~~  
 118.8 ~~relevant content area to teach a class or course in a career and technical education or career~~  
 118.9 ~~pathways course of study:~~

118.10 ~~(1) an associate's degree;~~

118.11 ~~(2) a professional certification; or~~

118.12 ~~(3) five years of relevant work experience.~~

118.13 ~~In consultation with the governor's Workforce Development Board established under section~~  
 118.14 ~~116L.665, the board must establish a list of qualifying certifications, and may add additional~~  
 118.15 ~~professional certifications in consultation with school administrators, teachers, and other~~  
 118.16 ~~stakeholders.~~

118.17 Sec. 29. Minnesota Statutes 2020, section 122A.183, subdivision 2, is amended to read:

118.18 Subd. 2. **Coursework.** ~~A candidate~~ An applicant for a Tier 3 license must meet the  
 118.19 coursework requirement by demonstrating one of the following:

118.20 (1) completion of a Minnesota-approved teacher preparation program;

118.21 (2) completion of a ~~state-approved~~ teacher preparation program approved by another  
 118.22 state, territory, or country, including culturally specific Minority Serving Institutions in the  
 118.23 United States, such as Historically Black Colleges and Universities, Tribal Colleges, or  
 118.24 Hispanic-Serving Institutions including those in Puerto Rico, that includes field-specific  
 118.25 student teaching equivalent to field-specific student teaching in Minnesota-approved teacher  
 118.26 preparation programs. The field-specific student teaching requirement does not apply to a  
 118.27 ~~candidate~~ an applicant that has two years of field-specific teaching experience;

118.28 (3) submission of a content-specific licensure portfolio;

118.29 (4) a professional teaching license from another state, evidence that the ~~candidate's~~  
 118.30 applicant's license is in good standing, and two years of field-specific teaching experience;  
 118.31 or

119.1 (5) the applicant fills a shortage area under section 122A.06, subdivision 6, clause (2),  
119.2 and has three years of teaching experience under a Tier 2 license and evidence of summative  
119.3 teacher evaluations that did not result in placing or otherwise keeping the teacher on an  
119.4 improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41,  
119.5 subdivision 5.

119.6 Sec. 30. Minnesota Statutes 2020, section 122A.183, is amended by adding a subdivision  
119.7 to read:

119.8 Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a  
119.9 Tier 3 license are exempt from the requirement to hold a bachelor's degree in subdivision  
119.10 1:

119.11 (1) an applicant for a Tier 3 license to teach career and technical education or career  
119.12 pathways courses of study when the applicant has:

119.13 (i) an associate's degree;

119.14 (ii) a professional certification; or

119.15 (iii) five years of relevant work experience;

119.16 (2) an applicant for a Tier 3 license to teach world languages and culture pursuant to  
119.17 Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language; and

119.18 (3) an applicant for a Tier 3 license in the performing or visual arts pursuant to Minnesota  
119.19 Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater),  
119.20 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), if the applicant  
119.21 has at least five years of relevant work experience.

119.22 (b) The Professional Educator Licensing and Standards Board must adopt and revise  
119.23 rules regarding the qualifications and determinations for applicants exempt from subdivision  
119.24 1.

119.25 Sec. 31. Minnesota Statutes 2020, section 122A.183, subdivision 3, is amended to read:

119.26 **Subd. 3. Term of license and renewal.** The Professional Educator Licensing and  
119.27 Standards Board must issue an initial Tier 3 license for a term of three years. Before a Tier  
119.28 3 license is renewed for the first time, the applicant must meet initial teacher renewal  
119.29 requirements in section 122A.187. A Tier 3 license may be renewed every three years  
119.30 without limitation.

120.1 Sec. 32. Minnesota Statutes 2020, section 122A.184, subdivision 1, is amended to read:

120.2 Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards  
120.3 Board must issue a Tier 4 license to ~~a candidate~~ an applicant who provides information  
120.4 sufficient to demonstrate all of the following:

120.5 (1) the ~~candidate~~ applicant meets all requirements for a Tier 3 license under section  
120.6 122A.183, and has completed a teacher preparation program under section 122A.183,  
120.7 subdivision 2, clause (1) or (2);

120.8 (2) the ~~candidate~~ applicant has at least three years of field-specific teaching experience  
120.9 ~~in Minnesota~~ as a teacher of record;

120.10 (3) the ~~candidate~~ applicant has obtained a passing score on all required licensure exams  
120.11 under section 122A.185; and

120.12 (4) ~~the candidate's most recent summative teacher evaluation did not result in placing~~  
120.13 ~~or otherwise keeping the teacher in an improvement process pursuant to section 122A.40,~~  
120.14 ~~subdivision 8, or 122A.41, subdivision 5 if the applicant previously held a Tier 3 license~~  
120.15 under section 122A.183, the applicant has completed the initial teacher renewal requirements  
120.16 in section 122A.187.

120.17 Sec. 33. Minnesota Statutes 2020, section 122A.184, subdivision 2, is amended to read:

120.18 Subd. 2. **Term of license and renewal.** The Professional Educator Licensing and  
120.19 Standards Board must issue an initial Tier 4 license for a term of five years. A Tier 4 license  
120.20 may be renewed every five years without limitation if the applicant meets the continuing  
120.21 teacher renewal requirements in section 122A.187.

120.22 Sec. 34. Minnesota Statutes 2020, section 122A.185, subdivision 1, is amended to read:

120.23 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~  
120.24 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~  
120.25 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~  
120.26 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~  
120.27 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~  
120.28 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~  
120.29 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~  
120.30 ~~122A.183, respectively.~~

120.31 ~~(b)~~ (a) The board must adopt and revise rules requiring candidates applicants for Tier 3  
120.32 ~~and~~ Tier 4 licenses to pass an examination or performance assessment of general pedagogical



121.1 knowledge and examinations of licensure field specific content, including an examination  
121.2 taken in another state, if the applicant has not completed a board-approved preparation  
121.3 program assuring candidates from the program recommended for licensure meet content  
121.4 and pedagogy licensure standards in Minnesota. The content examination requirement does  
121.5 not apply if no relevant content exam exists. Applicants who have satisfactorily completed  
121.6 a preparation program in another state and passed licensure examinations in that state are  
121.7 not additionally required to pass similar examinations required in Minnesota.

121.8 ~~(e) Candidates~~ (b) Applicants for initial ~~Tier 3 and~~ Tier 4 licenses to teach elementary  
121.9 students must pass test items assessing the ~~candidates'~~ applicants' knowledge, skill, and  
121.10 ability in comprehensive, scientifically based reading instruction under section 122A.06,  
121.11 subdivision 4, knowledge and understanding of the foundations of reading development,  
121.12 development of reading comprehension and reading assessment and instruction, and the  
121.13 ability to integrate that knowledge and understanding into instruction strategies under section  
121.14 122A.06, subdivision 4.

121.15 ~~(d) The requirement to pass a board-adopted reading, writing, and mathematics skills~~  
121.16 ~~examination does not apply to nonnative English speakers, as verified by qualified Minnesota~~  
121.17 ~~school district personnel or Minnesota higher education faculty, who, after meeting the~~  
121.18 ~~content and pedagogy requirements under this subdivision, apply for a teaching license to~~  
121.19 ~~provide direct instruction in their native language or world language instruction under section~~  
121.20 ~~120B.022, subdivision 1.~~

121.21 (c) All testing centers in the state must provide regular opportunities for extended time  
121.22 content and pedagogy examinations. These opportunities must be advertised on the test  
121.23 registration website. The board must require the exam vendor to provide other equitable  
121.24 opportunities to pass exams, including providing financial assistance for test takers who  
121.25 qualify for federal grants; providing free, multiple, full-length practice tests for each exam  
121.26 and free, comprehensive study guides on the test registration website; making content and  
121.27 pedagogy exams available in languages other than English for teachers seeking licensure  
121.28 to teach in language immersion programs; and providing a free, detailed exam results analysis  
121.29 by test objective to assist candidates who do not pass an exam in identifying areas for  
121.30 improvement. Any candidate who has not passed a required exam after two attempts must  
121.31 be allowed to retake the exam, including new versions of the exam, without being charged  
121.32 an additional fee.

122.1 Sec. 35. Minnesota Statutes 2020, section 122A.185, subdivision 4, is amended to read:

122.2 Subd. 4. **Remedial assistance.** (a) A board-approved teacher preparation program must  
122.3 make available upon request remedial assistance that includes a formal diagnostic component  
122.4 to persons enrolled in their ~~institution~~ teacher preparation program who did not achieve a  
122.5 qualifying score on a board-adopted ~~skills~~ examination, including those for whom English  
122.6 is a second language. The teacher preparation programs must make available assistance in  
122.7 the specific academic areas of candidates' deficiency. Teacher preparation providers must  
122.8 report annually on supports provided, number of candidates supported, and demographic  
122.9 data of those candidates.

122.10 (b) School districts may make available upon request similar, appropriate, and timely  
122.11 remedial assistance that includes a formal diagnostic component to those persons employed  
122.12 by the district who completed their teacher education program, who did not achieve a  
122.13 qualifying score on a board-adopted ~~skills~~ examination, and who received a Tier 1, Tier 2,  
122.14 or Tier 3 license under section 122A.181, 122A.182, or 122A.183, respectively, to teach in  
122.15 Minnesota.

122.16 Sec. 36. Minnesota Statutes 2020, section 122A.187, is amended to read:

122.17 **122A.187 EXPIRATION AND RENEWAL.**

122.18 Subdivision 1. **License form requirements.** Each license issued under this chapter must  
122.19 bear the date of issue and the name of the state-approved teacher training provider or  
122.20 alternative teaching program, as applicable. Licenses must expire and be renewed according  
122.21 to rules adopted by the Professional Educator Licensing and Standards Board or the Board  
122.22 of School Administrators. ~~The rules adopted by the Professional Educator Licensing and~~  
122.23 ~~Standards Board for renewing a Tier 3 or Tier 4 license under sections 122A.183 and~~  
122.24 ~~122A.184, respectively, must include showing satisfactory evidence of successful teaching~~  
122.25 ~~or administrative experience for at least one school year during the period covered by the~~  
122.26 ~~license in grades or subjects for which the license is valid or completing such additional~~  
122.27 ~~preparation as required under this section, or as the Professional Educator Licensing and~~  
122.28 ~~Standards Board prescribes.~~ The Board of School Administrators shall establish requirements  
122.29 for renewing the licenses of supervisory personnel except athletic coaches. The Professional  
122.30 Educator Licensing and Standards Board shall establish requirements for renewing the  
122.31 licenses of athletic coaches.

122.32 Subd. 2. **Local committees.** The Professional Educator Licensing and Standards Board  
122.33 must receive recommendations from local committees as established by the board for the  
122.34 renewal of teaching licenses.

123.1 Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4  
123.2 license under sections 122A.183 and 122A.184, respectively, who have been employed as  
123.3 a teacher during the renewal period of the expiring license, as a condition of license renewal,  
123.4 must present to their local continuing education and relicensure committee or other local  
123.5 relicensure committee evidence of work that demonstrates professional reflection and growth  
123.6 in best teaching practices, ~~including among other things, cultural competence in accordance~~  
123.7 ~~with section 120B.30, subdivision 1, paragraph (c), and practices in meeting the varied~~  
123.8 ~~needs of English learners, from young children to adults under section 124D.59, subdivisions~~  
123.9 ~~2 and 2a. A teacher may satisfy the requirements of this paragraph by submitting the teacher's~~  
123.10 ~~most recent summative evaluation or improvement plan under section 122A.40, subdivision~~  
123.11 ~~8, or 122A.41, subdivision 5.~~

123.12 (b) The Professional Educator Licensing and Standards Board must ensure that its teacher  
123.13 relicensing requirements include paragraph (a).

123.14 (c) The board may adopt and revise rule setting criteria for initial Tier 3 license renewal  
123.15 requirements that must be completed before a teacher may move to a Tier 4 license.

123.16 Subd. 4. **Behavior interventions.** The Professional Educator Licensing and Standards  
123.17 Board must adopt and revise rules that require all licensed teachers who are renewing a Tier  
123.18 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include  
123.19 in the renewal requirements further preparation in the areas of using positive behavior  
123.20 interventions and in accommodating, modifying, and adapting curricula, materials, and  
123.21 strategies to appropriately meet the needs of individual students and ensure adequate progress  
123.22 toward the state's graduation rule.

123.23 Subd. 5. **Reading preparation.** The Professional Educator Licensing and Standards  
123.24 Board must adopt and revise rules that require all licensed teachers who are renewing a Tier  
123.25 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include  
123.26 in the renewal requirements further reading preparation, consistent with section 122A.06,  
123.27 subdivision 4. ~~The rules do not take effect until they are approved by law.~~ Teachers who  
123.28 do not provide direct instruction including, at least, counselors, school psychologists, school  
123.29 nurses, school social workers, audiovisual directors and coordinators, and recreation  
123.30 personnel are exempt from this section.

123.31 Subd. 6. **Mental ~~illness~~ health.** The Professional Educator Licensing and Standards  
123.32 Board must adopt and revise rules that require all licensed teachers renewing a teaching  
123.33 license under sections 122A.181 to 122A.184 to include in the renewal requirements at least  
123.34 one hour of suicide prevention best practices training in each licensure renewal period based

124.1 on nationally recognized evidence-based programs and practices, among the continuing  
124.2 education credits required to renew a license under this subdivision. Initial training must  
124.3 include understanding the key warning signs of early-onset mental illness in children and  
124.4 adolescents, and during subsequent licensure renewal periods, training must include a more  
124.5 in-depth understanding of students' mental illness trauma, accommodations for students'  
124.6 mental illness, parents' roles in addressing students' mental illness, Fetal Alcohol Spectrum  
124.7 Disorders, autism, the requirements of section 125A.0942 governing restrictive procedures,  
124.8 and de-escalation methods, among other similar topics.

124.9 Subd. 7. **Cultural competency.** The Professional Educator Licensing and Standards  
124.10 Board must adopt and revise rules that require all licensed teachers renewing a Tier 3 or  
124.11 Tier 4 license under sections 122A.183 and 122A.184, respectively, to include cultural  
124.12 competency training.

124.13 Subd. 8. **Meeting needs of multilingual learners.** The Professional Educator Licensing  
124.14 and Standards Board must adopt and revise rules requiring all licensed teachers renewing  
124.15 a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, to include  
124.16 a training on meeting the varied needs of multilingual learners from young children to adults  
124.17 under section 124D.59, subdivisions 2 and 2a.

124.18 Subd. 9. **Mandatory renewal requirements.** The board must adopt and revise rules  
124.19 setting forth standards that meet all mandatory renewal requirements. All trainings meeting  
124.20 the renewal requirements for subdivisions 4 to 8 must align to board-adopted criteria. Any  
124.21 training provided outside of a district, charter school, cooperative unit, or state agency must  
124.22 be approved by the board to be accepted to meet this renewal requirement.

124.23 Sec. 37. Minnesota Statutes 2020, section 122A.19, subdivision 4, is amended to read:

124.24 **Subd. 4. **Teacher preparation programs.**** (a) For the purpose of licensing bilingual  
124.25 and English as a second language teachers, the board may approve teacher preparation  
124.26 programs at colleges or universities designed for their training.

124.27 (b) Programs that prepare English as a second language teachers must provide instruction  
124.28 in implementing research-based practices designed specifically for English learners. The  
124.29 programs must focus on developing English learners' academic language proficiency in  
124.30 English, including oral academic language, giving English learners meaningful access to  
124.31 the full school curriculum, developing culturally relevant teaching practices appropriate for  
124.32 immigrant students, and providing more intensive instruction and resources to English  
124.33 learners with lower levels of academic English proficiency and varied needs, consistent  
124.34 with section 124D.59, subdivisions 2 and 2a.

125.1 Sec. 38. Minnesota Statutes 2020, section 122A.26, subdivision 2, is amended to read:

125.2 Subd. 2. **Exceptions.** (a) A person who teaches in a community education program  
125.3 ~~which that~~ qualifies for aid pursuant to section 124D.52 shall continue to meet licensure  
125.4 requirements as a teacher. A person who teaches in an early childhood and family education  
125.5 program ~~which that~~ is offered through a community education program and ~~which that~~  
125.6 qualifies for community education aid pursuant to section 124D.20 or early childhood and  
125.7 family education aid pursuant to section 124D.135 shall continue to meet licensure  
125.8 requirements as a teacher. A person who teaches in a community education course ~~which~~  
125.9 that is offered for credit for graduation to persons under 18 years of age shall continue to  
125.10 meet licensure requirements as a teacher.

125.11 (b) A person who teaches a driver training course ~~which that~~ is offered through a  
125.12 community education program to persons under 18 years of age shall be licensed by the  
125.13 Professional Educator Licensing and Standards Board or be subject to section 171.35. A  
125.14 license which is required for an instructor in a community education program pursuant to  
125.15 ~~this subdivision paragraph~~ shall not be construed to bring an individual within the definition  
125.16 of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1,  
125.17 ~~clause paragraph~~ (a).

125.18 Sec. 39. Minnesota Statutes 2020, section 122A.40, subdivision 5, is amended to read:

125.19 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first  
125.20 teaching experience in Minnesota in a single district is deemed to be a probationary period  
125.21 of employment, and, the probationary period in each district in which the teacher is thereafter  
125.22 employed shall be one year. The school board must adopt a plan for written evaluation of  
125.23 teachers during the probationary period that is consistent with subdivision 8. Evaluation  
125.24 must occur at least three times periodically throughout each school year for a teacher  
125.25 performing services during that school year; the first evaluation must occur within the first  
125.26 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
125.27 and other staff development opportunities and days on which a teacher is absent from school  
125.28 must not be included in determining the number of school days on which a teacher performs  
125.29 services. Except as otherwise provided in paragraph (b), during the probationary period any  
125.30 annual contract with any teacher may or may not be renewed as the school board shall see  
125.31 fit. However, the board must give any such teacher whose contract it declines to renew for  
125.32 the following school year written notice to that effect before July 1. If the teacher requests  
125.33 reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason  
125.34 in writing, including a statement that appropriate supervision was furnished describing the

126.1 nature and the extent of such supervision furnished the teacher during the employment by  
126.2 the board, within ten days after receiving such request. The school board may, after a hearing  
126.3 held upon due notice, discharge a teacher during the probationary period for cause, effective  
126.4 immediately, under section 122A.44.

126.5 (b) A board must discharge a probationary teacher, effective immediately, upon receipt  
126.6 of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has  
126.7 been revoked due to a conviction for child abuse or sexual abuse.

126.8 (c) A probationary teacher whose first three years of consecutive employment are  
126.9 interrupted for active military service and who promptly resumes teaching consistent with  
126.10 federal reemployment timelines for uniformed service personnel under United States Code,  
126.11 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes  
126.12 of paragraph (a).

126.13 (d) A probationary teacher whose first three years of consecutive employment are  
126.14 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
126.15 months of when the leave began is considered to have a consecutive teaching experience  
126.16 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
126.17 three years of teaching service immediately before and after the leave.

126.18 (e) A probationary teacher must complete at least 120 days of teaching service each year  
126.19 during the probationary period. Days devoted to parent-teacher conferences, teachers'  
126.20 workshops, and other staff development opportunities and days on which a teacher is absent  
126.21 from school do not count as days of teaching service under this paragraph.

126.22 (f) Notwithstanding any law to the contrary, a teacher who has taught for three  
126.23 consecutive years in a single school district or charter school in Minnesota or another state  
126.24 must serve a one-year probationary period in a Minnesota school district.

126.25 (g) A board may renew a probationary teacher while placing teachers with continuing  
126.26 contract on unrequested leave of absence pursuant to a plan adopted under subdivisions 10  
126.27 and 10a.

126.28 **EFFECTIVE DATE.** Paragraph (f) is effective for collective bargaining agreements  
126.29 effective July 1, 2021, and thereafter. Paragraph (g) is effective the day following final  
126.30 enactment.

126.31 Sec. 40. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

126.32 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
126.33 **teachers.** (a) To improve student learning and success, a school board and an exclusive

127.1 representative of the teachers in the district, consistent with paragraph (b), may develop a  
127.2 teacher evaluation and peer review process for probationary and continuing contract teachers  
127.3 through joint agreement. If a school board and the exclusive representative of the teachers  
127.4 do not agree to an annual teacher evaluation and peer review process, then the school board  
127.5 and the exclusive representative of the teachers must implement the state teacher evaluation  
127.6 plan under paragraph (c). The process must include having trained observers serve as peer  
127.7 coaches or having teachers participate in professional learning communities, consistent with  
127.8 paragraph (b).

127.9 (b) To develop, improve, and support qualified teachers and effective teaching practices,  
127.10 improve student learning and success, and provide all enrolled students in a district or school  
127.11 with improved and equitable access to more effective and diverse teachers, the annual  
127.12 evaluation process for teachers:

127.13 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
127.14 5;

127.15 (2) must establish a three-year professional review cycle for each teacher that includes  
127.16 an individual growth and development plan, a peer review process, and at least one  
127.17 summative evaluation performed by a qualified and trained evaluator such as a school  
127.18 administrator. For the years when a tenured teacher is not evaluated by a qualified and  
127.19 trained evaluator, the teacher must be evaluated by a peer review;

127.20 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,  
127.21 or revise a rubric of performance standards for teacher practice that (i) is based on  
127.22 professional teaching standards established in rule, (ii) includes culturally responsive  
127.23 methodologies, and (iii) provides common descriptions of effectiveness using at least three  
127.24 levels of performance;

127.25 (4) must coordinate staff development activities under sections 122A.60 and 122A.61  
127.26 with this evaluation process and teachers' evaluation outcomes;

127.27 (5) may provide time during the school day and school year for peer coaching and teacher  
127.28 collaboration;

127.29 (6) may include job-embedded learning opportunities such as professional learning  
127.30 communities;

127.31 (7) may include mentoring and induction programs for teachers, including teachers who  
127.32 are members of populations underrepresented among the licensed teachers in the district or

128.1 school and who reflect the diversity of students under section 120B.35, subdivision 3,  
128.2 paragraph (b), clause (2), who are enrolled in the district or school;

128.3 (8) must include an option for teachers to develop and present a portfolio demonstrating  
128.4 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
128.5 3, and include teachers' own performance assessment based on student work samples and  
128.6 examples of teachers' work, which may include video among other activities for the  
128.7 summative evaluation;

128.8 (9) must use data from valid and reliable assessments aligned to state and local academic  
128.9 standards and must use state and local measures of student growth and literacy that may  
128.10 include value-added models or student learning goals to determine 35 percent of teacher  
128.11 evaluation results;

128.12 (10) must use longitudinal data on student engagement and connection, and other student  
128.13 outcome measures explicitly aligned with the elements of curriculum for which teachers  
128.14 are responsible, including academic literacy, oral academic language, and achievement of  
128.15 content areas of English learners;

128.16 (11) must require qualified and trained evaluators such as school administrators to  
128.17 perform summative evaluations and ensure school districts and charter schools provide for  
128.18 effective evaluator training specific to teacher development and evaluation;

128.19 (12) must give teachers not meeting professional teaching standards under clauses (3)  
128.20 through (11) support to improve through a teacher improvement process that includes  
128.21 established goals and timelines; and

128.22 (13) must discipline a teacher for not making adequate progress in the teacher  
128.23 improvement process under clause (12) that may include a last chance warning, termination,  
128.24 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline  
128.25 a school administrator determines is appropriate.

128.26 Data on individual teachers generated under this subdivision are personnel data under  
128.27 section 13.43. The observation and interview notes of peer coaches may only be disclosed  
128.28 to other school officials with the consent of the teacher being coached.

128.29 (c) The department, in consultation with parents who may represent parent organizations  
128.30 and teacher and administrator representatives appointed by their respective organizations,  
128.31 representing the Professional Educator Licensing and Standards Board, the Minnesota  
128.32 Association of School Administrators, the Minnesota School Boards Association, the  
128.33 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and



129.1 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
129.2 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
129.3 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
129.4 that complies with the requirements in paragraph (b) and applies to all teachers under this  
129.5 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual  
129.6 teacher evaluation and peer review process. The teacher evaluation process created under  
129.7 this subdivision does not create additional due process rights for probationary teachers under  
129.8 subdivision 5.

129.9 (d) Consistent with the measures of teacher effectiveness under this subdivision:

129.10 (1) for students in kindergarten through grade 4, a school administrator must not place  
129.11 or approve the placement of a student in the classroom of a teacher who is in the improvement  
129.12 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,  
129.13 in the prior year, that student was in the classroom of a teacher who received discipline  
129.14 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that  
129.15 grade; and

129.16 (2) for students in grades 5 through 12, a school administrator must not place or approve  
129.17 the placement of a student in the classroom of a teacher who is in the improvement process  
129.18 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the  
129.19 prior year, that student was in the classroom of a teacher who received discipline pursuant  
129.20 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area  
129.21 and grade.

129.22 All data created and used under this paragraph retains its classification under chapter 13.

129.23 **EFFECTIVE DATE.** This section is effective July 1, 2023.

129.24 Sec. 41. Minnesota Statutes 2020, section 122A.40, subdivision 10, is amended to read:

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

129.30 (b) A plan may include a process to exempt up to five percent of the teachers in the  
129.31 district from unrequested leave of absence or nonrenewal regardless of a teacher's  
129.32 probationary status or seniority if the plan meets the requirements of subdivision 10a, and

130.1 if the board and the exclusive representative of the teachers agree in writing to the process  
130.2 by October 1 of each school year.

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

130.4 Sec. 42. Minnesota Statutes 2020, section 122A.40, is amended by adding a subdivision  
130.5 to read:

130.6 **Subd. 10a. Unrequested leave of absence exemption process.** (a) A plan to exempt  
130.7 up to five percent of the teachers in the district from unrequested leave of absence or  
130.8 nonrenewal must establish a committee to select teachers to receive the exemption. The  
130.9 committee must have an equal number of representatives selected by the superintendent  
130.10 and the exclusive representative, and must have at least three representatives appointed by  
130.11 the superintendent and three representatives appointed by the exclusive representative.  
130.12 School districts and exclusive representatives are strongly encouraged to include members  
130.13 of underrepresented communities as their committee representatives. The committee must  
130.14 complete comprehensive anti-racism training by a training provider approved by the  
130.15 Professional Educator Licensing and Standards Board before beginning the selection process.

130.16 (b) A teacher selected for exemption from unrequested leave of absence or nonrenewal  
130.17 must have demonstrated excellent teaching or professional performance, as determined by  
130.18 colleagues, mentors, and administrators. In addition, the teacher must be a member of a  
130.19 protected class that:

130.20 (1) is underrepresented among either (i) teachers in the district relative to the percentage  
130.21 of students in the protected class enrolled in the district, or (ii) licensed teachers in Minnesota;  
130.22 and

130.23 (2) has experienced systemic barriers to entering and remaining in the teaching profession,  
130.24 as determined by the committee.

130.25 (c) The district and exclusive representative may negotiate additional criteria for the  
130.26 committee to consider, including licensure tier. The committee may annually determine by  
130.27 majority vote the percentage of teachers eligible for the exemption, not to exceed five percent  
130.28 of teachers in the district.

130.29 (d) The committee must make final decisions and notify affected teachers no later than  
130.30 February 1 of each school year. The exemption is valid for the school year in which the  
130.31 exemption is granted unless the committee renews the exemption in a subsequent year. The  
130.32 committee may, by majority vote, grant a teacher a two-year exemption from nonrenewal.

131.1 (e) If the committee is unable to reach a consensus regarding its selections, the committee  
131.2 must vote on each candidate for the exemption. The candidates receiving the most votes  
131.3 must be granted the exemption until the number of teachers receiving the exemption reaches  
131.4 the lower of five percent of the teachers in the district or the percentage determined by  
131.5 majority vote of the committee.

131.6 (f) Data on individual teachers collected, created, received, maintained, or disseminated  
131.7 by the committee are private personnel data pursuant to section 13.43.

131.8 (g) A dispute over violations of procedures under this section is subject to the grievance  
131.9 procedure in the applicable collective bargaining agreement.

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

131.11 Sec. 43. Minnesota Statutes 2020, section 122A.41, subdivision 2, is amended to read:

131.12 **Subd. 2. Probationary period; discharge or demotion.** (a) All teachers in the public  
131.13 schools in cities of the first class during the first three years of consecutive employment  
131.14 shall be deemed to be in a probationary period of employment during which period any  
131.15 annual contract with any teacher may, or may not, be renewed as the school board, after  
131.16 consulting with the peer review committee charged with evaluating the probationary teachers  
131.17 under subdivision 3, shall see fit. The school site management team or the school board if  
131.18 there is no school site management team, shall adopt a plan for a written evaluation of  
131.19 teachers during the probationary period according to subdivisions 3 and 5. Evaluation by  
131.20 the peer review committee charged with evaluating probationary teachers under subdivision  
131.21 3 shall occur at least three times periodically throughout each school year for a teacher  
131.22 performing services during that school year; the first evaluation must occur within the first  
131.23 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
131.24 and other staff development opportunities and days on which a teacher is absent from school  
131.25 shall not be included in determining the number of school days on which a teacher performs  
131.26 services. The school board may, during such probationary period, discharge or demote a  
131.27 teacher for any of the causes as specified in this code. A written statement of the cause of  
131.28 such discharge or demotion shall be given to the teacher by the school board at least 30  
131.29 days before such removal or demotion shall become effective, and the teacher so notified  
131.30 shall have no right of appeal therefrom.

131.31 (b) A probationary teacher whose first three years of consecutive employment are  
131.32 interrupted for active military service and who promptly resumes teaching consistent with  
131.33 federal reemployment timelines for uniformed service personnel under United States Code,

132.1 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes  
132.2 of paragraph (a).

132.3 (c) A probationary teacher whose first three years of consecutive employment are  
132.4 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
132.5 months of when the leave began is considered to have a consecutive teaching experience  
132.6 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
132.7 three years of teaching service immediately before and after the leave.

132.8 (d) A probationary teacher must complete at least 120 days of teaching service each year  
132.9 during the probationary period. Days devoted to parent-teacher conferences, teachers'  
132.10 workshops, and other staff development opportunities and days on which a teacher is absent  
132.11 from school do not count as days of teaching service under this paragraph.

132.12 (e) Notwithstanding any law to the contrary, a teacher who has taught for three  
132.13 consecutive years in a single school district or charter school in Minnesota or another state  
132.14 must serve a one-year probationary period in a Minnesota school district.

132.15 (f) A board may renew a probationary teacher while placing teachers with continuing  
132.16 contract on unrequested leave of absence pursuant to a plan adopted under subdivisions 14a  
132.17 and 14b.

132.18 **EFFECTIVE DATE.** Paragraph (e) is effective for collective bargaining agreements  
132.19 effective July 1, 2021, and thereafter. Paragraph (f) is effective the day following final  
132.20 enactment.

132.21 Sec. 44. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

132.22 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**  
132.23 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
132.24 representative of the teachers in the district, consistent with paragraph (b), may develop an  
132.25 annual teacher evaluation and peer review process for probationary and nonprobationary  
132.26 teachers through joint agreement. If a school board and the exclusive representative of the  
132.27 teachers in the district do not agree to an annual teacher evaluation and peer review process,  
132.28 then the school board and the exclusive representative of the teachers must implement the  
132.29 state teacher evaluation plan developed under paragraph (c). The process must include  
132.30 having trained observers serve as peer coaches or having teachers participate in professional  
132.31 learning communities, consistent with paragraph (b).

132.32 (b) To develop, improve, and support qualified teachers and effective teaching practices  
132.33 and improve student learning and success, and provide all enrolled students in a district or

133.1 school with improved and equitable access to more effective and diverse teachers, the annual  
133.2 evaluation process for teachers:

133.3 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
133.4 2;

133.5 (2) must establish a three-year professional review cycle for each teacher that includes  
133.6 an individual growth and development plan, a peer review process, and at least one  
133.7 summative evaluation performed by a qualified and trained evaluator such as a school  
133.8 administrator;

133.9 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,  
133.10 or revise a rubric of performance standards for teacher practice that (i) is based on  
133.11 professional teaching standards established in rule, (ii) includes culturally responsive  
133.12 methodologies, and (iii) provides common descriptions of effectiveness using at least three  
133.13 levels of performance;

133.14 (4) must coordinate staff development activities under sections 122A.60 and 122A.61  
133.15 with this evaluation process and teachers' evaluation outcomes;

133.16 (5) may provide time during the school day and school year for peer coaching and teacher  
133.17 collaboration;

133.18 (6) may include job-embedded learning opportunities such as professional learning  
133.19 communities;

133.20 (7) may include mentoring and induction programs for teachers, including teachers who  
133.21 are members of populations underrepresented among the licensed teachers in the district or  
133.22 school and who reflect the diversity of students under section 120B.35, subdivision 3,  
133.23 paragraph (b), clause (2), who are enrolled in the district or school;

133.24 (8) must include an option for teachers to develop and present a portfolio demonstrating  
133.25 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
133.26 3, and include teachers' own performance assessment based on student work samples and  
133.27 examples of teachers' work, which may include video among other activities for the  
133.28 summative evaluation;

133.29 (9) must use data from valid and reliable assessments aligned to state and local academic  
133.30 standards and must use state and local measures of student growth and literacy that may  
133.31 include value-added models or student learning goals to determine 35 percent of teacher  
133.32 evaluation results;

134.1 (10) must use longitudinal data on student engagement and connection and other student  
134.2 outcome measures explicitly aligned with the elements of curriculum for which teachers  
134.3 are responsible, including academic literacy, oral academic language, and achievement of  
134.4 English learners;

134.5 (11) must require qualified and trained evaluators such as school administrators to  
134.6 perform summative evaluations and ensure school districts and charter schools provide for  
134.7 effective evaluator training specific to teacher development and evaluation;

134.8 (12) must give teachers not meeting professional teaching standards under clauses (3)  
134.9 through (11) support to improve through a teacher improvement process that includes  
134.10 established goals and timelines; and

134.11 (13) must discipline a teacher for not making adequate progress in the teacher  
134.12 improvement process under clause (12) that may include a last chance warning, termination,  
134.13 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline  
134.14 a school administrator determines is appropriate.

134.15 Data on individual teachers generated under this subdivision are personnel data under  
134.16 section 13.43. The observation and interview notes of peer coaches may only be disclosed  
134.17 to other school officials with the consent of the teacher being coached.

134.18 (c) The department, in consultation with parents who may represent parent organizations  
134.19 and teacher and administrator representatives appointed by their respective organizations,  
134.20 representing the Professional Educator Licensing and Standards Board, the Minnesota  
134.21 Association of School Administrators, the Minnesota School Boards Association, the  
134.22 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
134.23 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
134.24 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
134.25 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
134.26 that complies with the requirements in paragraph (b) and applies to all teachers under this  
134.27 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual  
134.28 teacher evaluation and peer review process. The teacher evaluation process created under  
134.29 this subdivision does not create additional due process rights for probationary teachers under  
134.30 subdivision 2.

134.31 (d) Consistent with the measures of teacher effectiveness under this subdivision:

134.32 (1) for students in kindergarten through grade 4, a school administrator must not place  
134.33 or approve the placement of a student in the classroom of a teacher who is in the improvement  
134.34 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,

135.1 in the prior year, that student was in the classroom of a teacher who received discipline  
135.2 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that  
135.3 grade; and

135.4 (2) for students in grades 5 through 12, a school administrator must not place or approve  
135.5 the placement of a student in the classroom of a teacher who is in the improvement process  
135.6 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the  
135.7 prior year, that student was in the classroom of a teacher who received discipline pursuant  
135.8 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area  
135.9 and grade.

135.10 All data created and used under this paragraph retains its classification under chapter 13.

135.11 **EFFECTIVE DATE.** This section is effective July 1, 2023.

135.12 Sec. 45. Minnesota Statutes 2020, section 122A.41, subdivision 14a, is amended to read:

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

135.18 (b) A plan may include a process to exempt up to five percent of the teachers in the  
135.19 district from unrequested leave of absence or nonrenewal regardless of a teacher's  
135.20 probationary status or seniority if the plan meets the requirements of subdivision 10a, and  
135.21 if the board and the exclusive representative of the teachers agree in writing to the process  
135.22 by October 1 of each school year.

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

135.24 Sec. 46. Minnesota Statutes 2020, section 122A.41, is amended by adding a subdivision  
135.25 to read:

135.26 Subd. 14b. **Unrequested leave of absence exemption process.** (a) A plan to exempt  
135.27 up to five percent of the teachers in the district from unrequested leave of absence or  
135.28 nonrenewal must establish a committee to select teachers to receive the exemption. The  
135.29 committee must have an equal number of representatives selected by the superintendent  
135.30 and the exclusive representative, and must have at least three representatives appointed by  
135.31 the superintendent and three representatives appointed by the exclusive representative.  
135.32 School districts and exclusive representatives are strongly encouraged to include members

136.1 of underrepresented communities as their committee representatives. The committee must  
136.2 complete comprehensive anti-racism training by a training provider approved by the  
136.3 Professional Educator Licensing and Standards Board before beginning the selection process.

136.4 (b) A teacher selected for exemption from unrequested leave of absence or nonrenewal  
136.5 must have demonstrated excellent teaching or professional performance, as determined by  
136.6 colleagues, mentors, and administrators. In addition, the teacher must be a member of a  
136.7 protected class that:

136.8 (1) is underrepresented among either (i) teachers in the district relative to the percentage  
136.9 of students in the protected class enrolled in the district, or (ii) licensed teachers in Minnesota;  
136.10 and

136.11 (2) has experienced systemic barriers to entering and remaining in the teaching profession,  
136.12 as determined by the committee.

136.13 (c) The district and exclusive representative may negotiate additional criteria for the  
136.14 committee to consider, including licensure tier. The committee may annually determine by  
136.15 majority vote the percentage of teachers eligible for the exemption, not to exceed five percent  
136.16 of teachers in the district.

136.17 (d) The committee must make final decisions and notify affected teachers no later than  
136.18 February 1 of each school year. The exemption is valid for the school year in which the  
136.19 exemption is granted unless the committee renews the exemption in a subsequent year. The  
136.20 committee may, by majority vote, grant a teacher a two-year exemption from nonrenewal.

136.21 (e) If the committee is unable to reach a consensus regarding its selections, the committee  
136.22 must vote on each candidate for the exemption. The candidates receiving the most votes  
136.23 must be granted the exemption until the number of teachers receiving the exemption reaches  
136.24 the lower of five percent of the teachers in the district or the percentage determined by  
136.25 majority vote of the committee.

136.26 (f) Data on individual teachers collected, created, received, maintained, or disseminated  
136.27 by the committee are private personnel data pursuant to section 13.43.

136.28 (g) A dispute over violations of procedures under this section is subject to the grievance  
136.29 procedure in the applicable collective bargaining agreement.

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



137.1 **Sec. 47. [122A.59] COME TEACH IN MINNESOTA HIRING BONUSES.**

137.2 Subdivision 1. **Purpose.** This section establishes a program to support districts and  
137.3 schools recruiting and offering hiring bonuses for licensed teachers who are American  
137.4 Indian or a person of color from another state or country in order to meet staffing needs in  
137.5 shortage areas in economic development regions in Minnesota.

137.6 Subd. 2. **Eligibility.** A district or school must verify that the hiring bonus is given to  
137.7 teachers licensed in another state who:

137.8 (1) qualify for a Tier 3 or Tier 4 Minnesota license;

137.9 (2) have moved to the economic development region in Minnesota where they were  
137.10 hired; and

137.11 (3) belong to a racial or ethnic group that is underrepresented among teachers compared  
137.12 to students in the district or school under section 120B.35, subdivision 3, paragraph (b),  
137.13 clause (2).

137.14 Subd. 3. **Bonus amount.** A district or school may offer a signing and retention bonus  
137.15 of a minimum of \$2,500 and a maximum of \$5,000 to a teacher who meets the eligibility  
137.16 requirements. A teacher who meets the eligibility requirements and meets a licensure shortage  
137.17 area in the economic development region of the state where the school is located may be  
137.18 offered a signing bonus of a minimum of \$4,000 and a maximum of \$8,000. A teacher must  
137.19 be paid half of the bonus when starting employment and half after completing four years  
137.20 of service in the hiring district or school if the teacher has demonstrated teaching effectiveness  
137.21 and is not on a professional improvement plan under section 122A.40, subdivision 8,  
137.22 paragraph (b), clause (12) or (13), or section 122A.41, subdivision 5, paragraph (b), clause  
137.23 (12) or (13), or is not being considered for termination under section 122A.40, subdivision  
137.24 9. A teacher who does not complete their first school year upon receiving a hiring bonus  
137.25 must repay the hiring bonus.

137.26 Subd. 4. **Administration.** The commissioner must establish a process for districts or  
137.27 schools to seek reimbursement for hiring bonuses given to teachers in shortage areas moving  
137.28 to and working in Minnesota schools experiencing specific shortages. The commissioner  
137.29 must provide guidance for districts to seek repayment of a hiring bonus from a teacher who  
137.30 does not complete the first year of employment. The department may conduct a pilot program  
137.31 with a small number of teachers during the 2022-2023 biennium to establish feasibility.  
137.32 The department must submit a report by December 1, 2022, to the chairs and ranking minority  
137.33 members of the legislative committees with jurisdiction over kindergarten through grade

138.1 12 education detailing the effectiveness of the program and recommendations for  
138.2 improvement in future years.

138.3 Subd. 5. **Account established.** A Come Teach in Minnesota Hiring Bonus program  
138.4 account is created in the special revenue fund for depositing money appropriated to or  
138.5 received by the department for this program. Money deposited in the account is appropriated  
138.6 to the commissioner, does not cancel, and is continuously available for reimbursements to  
138.7 districts under this section.

138.8 **EFFECTIVE DATE.** This section applies to teacher contracts entered into on or after  
138.9 July 1, 2021.

138.10 Sec. 48. Minnesota Statutes 2020, section 122A.61, subdivision 1, is amended to read:

138.11 Subdivision 1. **Staff development revenue.** (a) A district is required to reserve an amount  
138.12 equal to at least two percent of the basic revenue under section 126C.10, subdivision 2, for:

138.13 (1) teacher development and evaluation under section 122A.40, subdivision 8, or 122A.41,  
138.14 subdivision 5;

138.15 (2) principal development and evaluation under section 123B.147, subdivision 3;

138.16 (3) professional development under section 122A.60; ~~and~~

138.17 (4) in-service education for programs under section 120B.22, subdivision 2; and

138.18 (5) teacher mentorship under section 122A.70, subdivision 1.

138.19 (b) To the extent extra funds remain, staff development revenue may be used for staff  
138.20 development plans, including plans for challenging instructional activities and experiences  
138.21 under section 122A.60, and for curriculum development and programs, other in-service  
138.22 education, ~~teachers' mentoring under section 122A.70 and evaluation,~~ teachers' workshops,  
138.23 teacher conferences, the cost of substitute teachers for staff development purposes, preservice  
138.24 and in-service education for special education professionals and paraprofessionals, and  
138.25 other related costs for staff development efforts.

138.26 (c) A district may annually waive the requirement to reserve their basic revenue under  
138.27 this section if a majority vote of the licensed teachers in the district and a majority vote of  
138.28 the school board agree to a resolution to waive the requirement. A district in statutory  
138.29 operating debt is exempt from reserving basic revenue according to this section. Districts  
138.30 may expend an additional amount of unreserved revenue for staff development based on  
138.31 their needs.

138.32 **EFFECTIVE DATE.** This section is effective July 1, 2021.

139.1 Sec. 49. Minnesota Statutes 2020, section 122A.63, subdivision 6, is amended to read:

139.2 Subd. 6. **Eligibility for scholarships Eligible students.** (a) ~~The following American~~  
139.3 ~~Indian people are eligible for scholarships~~ An eligible student is a person who:

139.4 (1) ~~a student having~~ has origins in any of the original peoples of North America and  
139.5 ~~maintaining~~ maintains cultural identification through tribal affiliation or community  
139.6 recognition; and

139.7 (2) is:

139.8 (i) a student, including a teacher aide employed by a district receiving a joint grant or  
139.9 their contracted partner school, who intends to become a teacher or ~~who~~ is interested in the  
139.10 field of education, and ~~who~~ is enrolled in a postsecondary institution ~~or their contracted~~  
139.11 ~~partner institutions receiving a joint grant;~~

139.12 ~~(3)~~ (ii) a licensed employee of a district receiving a joint grant or a contracted partner  
139.13 institution, who is enrolled in a master of education program; ~~and~~ or

139.14 ~~(4)~~ (iii) a student who, after applying for federal and state financial aid and an American  
139.15 Indian scholarship according to section 136A.126, has financial needs that remain unmet.  
139.16 Financial need must be determined according to the congressional methodology for needs  
139.17 determination or as otherwise set in federal law.

139.18 (b) Priority must be given first to ~~a student~~ eligible students who ~~is~~ are tribally enrolled  
139.19 in a federally or state recognized Tribe and then to first- and second-generation descendants.

139.20 Sec. 50. Minnesota Statutes 2020, section 122A.63, subdivision 9, is amended to read:

139.21 Subd. 9. **Eligible programming.** (a) The grantee institutions ~~and their contracted partner~~  
139.22 ~~institutions~~ may provide scholarships to eligible students progressing toward educational  
139.23 goals in any area of teacher licensure, including an associate's, bachelor's, master's, or  
139.24 doctoral degree in the following:

139.25 (1) any educational certification necessary for employment;

139.26 (2) early childhood family education or prekindergarten licensure;

139.27 (3) elementary and secondary education;

139.28 (4) school administration; or

139.29 (5) any educational program that provides services to American Indian students in  
139.30 prekindergarten through grade 12.

140.1 (b) Scholarships may be used to cover an eligible student's cost of attendance under  
140.2 section 136A.126, subdivision 3.

140.3 ~~(b)~~ (c) For purposes of recruitment, the grantees or their contracted partner institutions  
140.4 must agree to work with their respective organizations to hire an American Indian work-study  
140.5 student or other American Indian staff to conduct initial information queries and to contact  
140.6 persons working in schools to provide programming regarding education professions to  
140.7 high school students who may be interested in education as a profession.

140.8 ~~(e)~~ (d) At least 80 percent of the grants awarded under this section must be used for  
140.9 student scholarships. No more than 20 percent of the grants awarded under this section may  
140.10 be used for recruitment or administration of the student scholarships.

140.11 Sec. 51. Minnesota Statutes 2020, section 122A.635, subdivision 3, is amended to read:

140.12 Subd. 3. **Grant program administration.** The Professional Educator Licensing and  
140.13 Standards Board may enter into an interagency agreement with the Office of Higher  
140.14 Education. The agreement may include a transfer of funds to the Office of Higher Education  
140.15 to help establish and administer the competitive grant process. The board must award grants  
140.16 to institutions located in various economic development regions throughout the state, but  
140.17 must not predetermine the number of institutions to be awarded grants under this section  
140.18 or set a limit for the amount that any one institution may receive as part of the competitive  
140.19 grant application process. All grants must be awarded by August 15 of the fiscal year in  
140.20 which the grants are to be used ~~except that, for initial competitive grants awarded for fiscal~~  
140.21 ~~year 2020, grants must be awarded by September 15.~~ Grants awarded after fiscal year 2021  
140.22 must be awarded for a two-year grant period. An institution that receives a grant under this  
140.23 section may use the grant funds over a two- to four-year period to support teacher candidates.

140.24 Sec. 52. Minnesota Statutes 2020, section 122A.635, subdivision 4, is amended to read:

140.25 Subd. 4. **Report.** (a) By ~~January 15~~ June 30 of each year, an institution awarded a grant  
140.26 under this section must prepare for the legislature and the board a detailed report regarding  
140.27 the expenditure of grant funds, including the amounts used to recruit, retain, and induct  
140.28 teacher candidates of color or who are American Indian. The report must include the total  
140.29 number of teacher candidates of color, disaggregated by race or ethnic group, who are  
140.30 recruited to the institution, are newly admitted to the licensure program, are enrolled in the  
140.31 licensure program, have completed student teaching, have graduated, are licensed, and are  
140.32 newly employed as Minnesota teachers in their licensure field. A grant recipient must report  
140.33 the total number of teacher candidates of color or who are American Indian at each stage

141.1 from recruitment to licensed teaching as a percentage of total candidates seeking the same  
141.2 licensure at the institution.

141.3 (b) By September 1 of each year, the board must post a report on its website summarizing  
141.4 the activities and outcomes of grant recipients and results that promote sharing of effective  
141.5 practices among grant recipients.

141.6 Sec. 53. Minnesota Statutes 2020, section 122A.70, is amended to read:

141.7 **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE**  
141.8 **TEACHERS.**

141.9 Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School  
141.10 districts ~~are encouraged to~~ must develop teacher mentoring programs for teachers new to  
141.11 the profession or district, including teaching residents, teachers of color, teachers who are  
141.12 American Indian, teachers in license shortage areas, teachers with special needs, or  
141.13 experienced teachers in need of peer coaching.

141.14 (b) Teacher mentoring programs must be included in or aligned with districts' teacher  
141.15 evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41,  
141.16 subdivision 5. A district may use staff development revenue under section 122A.61, special  
141.17 grant programs established by the legislature, or another funding source to pay a stipend to  
141.18 a mentor who may be a current or former teacher who has taught at least three years and is  
141.19 not on an improvement plan. Other initiatives using such funds or funds available under  
141.20 sections 124D.861 and 124D.862 may include:

141.21 (1) additional stipends as incentives to mentors of color or who are American Indian;

141.22 (2) financial supports for professional learning community affinity groups across schools  
141.23 within and between districts for teachers from underrepresented racial and ethnic groups to  
141.24 come together throughout the school year. For purposes of this section, "affinity groups"  
141.25 are groups of educators who share a common racial or ethnic identity in society as persons  
141.26 of color or who are American Indian;

141.27 (3) programs for induction aligned with the district or school mentorship program during  
141.28 the first three years of teaching, especially for teachers from underrepresented racial and  
141.29 ethnic groups; or

141.30 (4) grants supporting licensed and nonlicensed educator participation in professional  
141.31 development, such as workshops and graduate courses, related to increasing student  
141.32 achievement for students of color and American Indian students in order to close opportunity  
141.33 and achievement gaps.

142.1 (c) A school or district that receives a grant must negotiate additional retention strategies  
142.2 or protection from unrequested leave of absences in the beginning years of employment for  
142.3 teachers of color and teachers who are American Indian. Retention strategies may include  
142.4 providing financial incentives for teachers of color and teachers who are American Indian  
142.5 to work in the school or district for at least five years and placing American Indian educators  
142.6 at sites with other American Indian educators and educators of color at sites with other  
142.7 educators of color to reduce isolation and increase opportunity for collegial support.

142.8 Subd. 2. **Applications Board grants.** The Professional Educator Licensing and Standards  
142.9 Board must make grant application forms available to sites interested in developing or  
142.10 expanding a mentorship program. A school district; a group of school districts; a coalition  
142.11 of districts, teachers, and teacher education institutions; or a coalition of schools, teachers,  
142.12 or nonlicensed educators may apply for a program grant. The Professional Educator Licensing  
142.13 and Standards Board, in consultation with the teacher mentoring task force, must approve  
142.14 or disapprove the applications. To the extent possible, the approved applications must reflect  
142.15 effective mentoring, professional development, and retention components, and be  
142.16 geographically distributed throughout the state. The Professional Educator Licensing and  
142.17 Standards Board must encourage the selected sites to consider the use of its assessment  
142.18 procedures.

142.19 Subd. 3. **Criteria for selection.** At a minimum, applicants for grants under subdivision  
142.20 2 must express commitment to:

- 142.21 (1) allow staff participation;
- 142.22 (2) assess skills of both beginning and mentor teachers;
- 142.23 (3) provide appropriate in-service to needs identified in the assessment;
- 142.24 (4) provide leadership to the effort;
- 142.25 (5) cooperate with higher education institutions;
- 142.26 (6) provide facilities and other resources;
- 142.27 (7) share findings, materials, and techniques with other school districts; and
- 142.28 (8) retain teachers of color and teachers who are American Indian.

142.29 Subd. 4. **Additional funding.** Grant applicants ~~are required to~~ must seek additional  
142.30 funding and assistance from sources such as school districts, postsecondary institutions,  
142.31 foundations, and the private sector.

143.1 Subd. 5. **Program implementation.** New and expanding mentorship sites that are funded  
 143.2 receive a board grant under subdivision 2 to design, develop, implement, and evaluate their  
 143.3 program must participate in activities that support program development and implementation.  
 143.4 ~~The Professional Educator Licensing and Standards Board must provide resources and~~  
 143.5 ~~assistance to support new sites in their program efforts. These activities and services may~~  
 143.6 ~~include, but are not limited to: planning, planning guides, media, training, conferences,~~  
 143.7 ~~institutes, and regional and statewide networking meetings. Nonfunded schools or districts~~  
 143.8 ~~interested in getting started may participate. Fees may be charged for meals, materials, and~~  
 143.9 ~~the like.~~

143.10 Subd. 6. **Report.** By June 30 of each year after receiving a grant, recipients must submit  
 143.11 a report to the Professional Educator Licensing and Standards Board on program efforts  
 143.12 that describes mentoring and induction activities and assesses the impact of these programs  
 143.13 on teacher effectiveness and retention.

143.14 **EFFECTIVE DATE.** This section is effective July 1, 2021.

143.15 Sec. 54. Minnesota Statutes 2020, section 122A.76, is amended to read:

143.16 **122A.76 STATEWIDE CONCURRENT ENROLLMENT TEACHER TRAINING**  
 143.17 **PROGRAM PARTNERSHIP.**

143.18 Subdivision 1. **Definition.** (a) For purposes of this section, the following terms have the  
 143.19 meanings given them.

143.20 (b) ~~"Northwest Regional Partnership"~~ "Concurrent Enrollment Teacher Partnership"  
 143.21 means a voluntary association of the Lakes Country Service Cooperative, the Northwest  
 143.22 Service Cooperative, ~~and the Metropolitan Education Cooperative Service Unit,~~ Minnesota  
 143.23 State University-Moorhead, and other interested Minnesota State Colleges and Universities  
 143.24 ~~that works~~ work together to provide coordinated higher learning opportunities for teachers.

143.25 (c) ~~"State Partnership" means a voluntary association of the Northwest Regional~~  
 143.26 ~~Partnership and the Metropolitan Educational Cooperative Service Unit.~~

143.27 ~~(d)~~ "Eligible postsecondary institution" means a public or private postsecondary institution  
 143.28 that awards graduate credits.

143.29 ~~(e)~~ (d) "Eligible teacher" means a licensed teacher of ~~secondary school~~ courses for  
 143.30 postsecondary credit.

143.31 Subd. 1a. **Fiscal host.** Lakes Country Service Cooperative is the fiscal host for the  
 143.32 Concurrent Enrollment Teacher Partnership.

144.1 Subd. 2. **Establishment.** (a) ~~Lakes Country Service Cooperative, in consultation with~~  
 144.2 ~~the Northwest Service Cooperative;~~ The Concurrent Enrollment Teacher Partnership may  
 144.3 develop a continuing education program to allow eligible teachers to attain the requisite  
 144.4 graduate credits necessary to be qualified to teach secondary school courses for postsecondary  
 144.5 credit.

144.6 (b) ~~If established, the State Partnership~~ The Concurrent Enrollment Teacher Partnership  
 144.7 must contract with one or more eligible postsecondary institutions to establish a ~~continuing~~  
 144.8 ~~education credit~~ program to allow eligible teachers to attain sufficient graduate credits to  
 144.9 qualify to teach ~~secondary school~~ courses for postsecondary credit. Members of the ~~State~~  
 144.10 Concurrent Enrollment Teacher Partnership must work to eliminate duplication of service  
 144.11 and develop the ~~continuing education credit~~ program efficiently and cost-effectively.

144.12 Subd. 3. **Curriculum development.** The ~~continuing education~~ program must use flexible  
 144.13 delivery models, such as an online education curriculum, that allow eligible secondary  
 144.14 school teachers to attain graduate credit at a reduced credit rate. Information about the  
 144.15 curriculum, including course length and course requirements, must be posted on the website  
 144.16 of the eligible institution offering the course at least two weeks before eligible teachers are  
 144.17 required to register for courses ~~in the continuing education program.~~

144.18 Subd. 4. **Funding for course participation; course development; scholarships;**  
 144.19 **~~stipends participation incentives.~~** (a) Lakes Country Service Cooperative, in consultation  
 144.20 with the other members of the ~~Northwest Regional~~ Concurrent Enrollment Teacher  
 144.21 Partnership, ~~shall:~~ must

144.22 ~~(1) provide funding for course development~~ eligible teachers to participate in the program  
 144.23 for up to 18 credits in applicable postsecondary subject areas;

144.24 ~~(2) provide scholarships for eligible teachers to enroll in the continuing education~~  
 144.25 ~~program; and~~

144.26 ~~(3) develop criteria for awarding educator stipends on a per-credit basis to incentivize~~  
 144.27 ~~participation in the continuing education program.~~

144.28 (b) If established, the State Partnership must:

144.29 ~~(1) provide funding for course development for up to 18 credits in applicable~~  
 144.30 ~~postsecondary subject areas;~~

144.31 ~~(2) provide scholarships for eligible teachers to enroll in the continuing education~~  
 144.32 ~~program; and~~



145.1 ~~(3) develop criteria for awarding educator stipends on a per-credit basis to incentivize~~  
145.2 ~~participation in the continuing education program.~~

145.3 (b) The Concurrent Enrollment Teacher Partnership may:

145.4 (1) provide funding for course development in applicable postsecondary subject areas;

145.5 (2) work with school districts to develop incentives for teachers to participate in the  
145.6 program; and

145.7 (3) enroll college faculty, as space permits, and provide financial assistance if state aid  
145.8 remains available.

145.9 Subd. 5. **Private funding.** The partnerships may receive private resources to supplement  
145.10 the available public money. ~~All money received in fiscal year 2017 shall be administered~~  
145.11 ~~by the Lakes Country Service Cooperative. All money received in fiscal year 2018 and later~~  
145.12 ~~shall be administered by the State Partnership.~~

145.13 Subd. 6. **Report required.** ~~(a) The Northwest Regional Partnership must submit a report~~  
145.14 ~~by January 15, 2018, on the progress of its activities to the legislature, commissioner of~~  
145.15 ~~education, and Board of Trustees of the Minnesota State Colleges and Universities. The~~  
145.16 ~~report shall contain a financial report for the preceding year.~~

145.17 ~~(b) If established, the State~~ The Concurrent Enrollment Teacher Partnership must submit  
145.18 an annual joint report to the legislature and the Office of Higher Education by January 15  
145.19 of each year on the progress of its activities. The report must include the number of teachers  
145.20 participating in the program, the geographic location of the teachers, the number of credits  
145.21 earned, and the subject areas of the courses in which participants earned credit. The report  
145.22 must include a financial report for the preceding year.

145.23 **EFFECTIVE DATE.** This section is effective July 1, 2021.

145.24 Sec. 55. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

145.25 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,  
145.26 and instructional leadership services, under the supervision of the superintendent of schools  
145.27 of the district and according to the policies, rules, and regulations of the school board, for  
145.28 the planning, management, operation, and evaluation of the education program of the building  
145.29 or buildings to which the principal is assigned.

145.30 (b) To enhance a principal's culturally responsive leadership skills and support and  
145.31 improve teaching practices, school performance, and student achievement for diverse student  
145.32 populations, including at-risk students, children with disabilities, English learners, and gifted

146.1 students, among others, a district must develop and implement a performance-based system  
146.2 for annually evaluating school principals assigned to supervise a school building within the  
146.3 district. The evaluation must be designed to improve teaching and learning by supporting  
146.4 the principal in shaping the school's professional environment and developing teacher  
146.5 quality, performance, and effectiveness. The annual evaluation must:

146.6 (1) support and improve a principal's instructional leadership, organizational management,  
146.7 and professional development, and strengthen the principal's capacity in the areas of  
146.8 instruction, supervision, evaluation, and teacher development;

146.9 (2) support and improve a principal's culturally responsive leadership practices that  
146.10 create inclusive and respectful teaching and learning environments for all students, families,  
146.11 and employees;

146.12 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of  
146.13 student progress toward career and college readiness;

146.14 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and  
146.15 goals, and the principal's own professional multiyear growth plans and goals, all of which  
146.16 must support the principal's leadership behaviors and practices, rigorous curriculum, school  
146.17 performance, and high-quality instruction;

146.18 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

146.19 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and  
146.20 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

146.21 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation  
146.22 and incorporate district achievement goals and targets;

146.23 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and  
146.24 learning, curriculum and instruction, student learning, culturally responsive leadership  
146.25 practices, and a collaborative professional culture; and

146.26 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria  
146.27 under this subdivision, implement a plan to improve the principal's performance and specify  
146.28 the procedure and consequence if the principal's performance is not improved.

146.29 The provisions of this paragraph are intended to provide districts with sufficient flexibility  
146.30 to accommodate district needs and goals related to developing, supporting, and evaluating  
146.31 principals.

146.32 **EFFECTIVE DATE.** This section is effective July 1, 2023.

147.1 Sec. 56. Minnesota Statutes 2020, section 125A.08, is amended to read:

147.2 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

147.3 (a) At the beginning of each school year, each school district shall have in effect, for  
147.4 each child with a disability, an individualized education program.

147.5 (b) As defined in this section, every district must ensure the following:

147.6 (1) all students with disabilities are provided the special instruction and services which  
147.7 are appropriate to their needs. Where the individualized education program team has  
147.8 determined appropriate goals and objectives based on the student's needs, including the  
147.9 extent to which the student can be included in the least restrictive environment, and where  
147.10 there are essentially equivalent and effective instruction, related services, or assistive  
147.11 technology devices available to meet the student's needs, cost to the district may be among  
147.12 the factors considered by the team in choosing how to provide the appropriate services,  
147.13 instruction, or devices that are to be made part of the student's individualized education  
147.14 program. The individualized education program team shall consider and may authorize  
147.15 services covered by medical assistance according to section 256B.0625, subdivision 26.  
147.16 Before a school district evaluation team makes a determination of other health disability  
147.17 under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation  
147.18 team must seek written documentation of the student's medically diagnosed chronic or acute  
147.19 health condition signed by a licensed physician or a licensed health care provider acting  
147.20 within the scope of the provider's practice. The student's needs and the special education  
147.21 instruction and services to be provided must be agreed upon through the development of  
147.22 an individualized education program. The program must address the student's need to develop  
147.23 skills to live and work as independently as possible within the community. The individualized  
147.24 education program team must consider positive behavioral interventions, strategies, and  
147.25 supports that address behavior needs for children. During grade 9, the program must address  
147.26 the student's needs for transition from secondary services to postsecondary education and  
147.27 training, employment, community participation, recreation, and leisure and home living. In  
147.28 developing the program, districts must inform parents of the full range of transitional goals  
147.29 and related services that should be considered. The program must include a statement of  
147.30 the needed transition services, including a statement of the interagency responsibilities or  
147.31 linkages or both before secondary services are concluded. If the individualized education  
147.32 program meets the plan components in section 120B.125, the individualized education  
147.33 program satisfies the requirement and no additional transition plan is needed;

148.1 (2) children with a disability under age five and their families are provided special  
148.2 instruction and services appropriate to the child's level of functioning and needs;

148.3 (3) children with a disability and their parents or guardians are guaranteed procedural  
148.4 safeguards and the right to participate in decisions involving identification, assessment  
148.5 including assistive technology assessment, and educational placement of children with a  
148.6 disability;

148.7 (4) eligibility and needs of children with a disability are determined by an initial  
148.8 evaluation or reevaluation, which may be completed using existing data under United States  
148.9 Code, title 20, section 33, et seq.;

148.10 (5) to the maximum extent appropriate, children with a disability, including those in  
148.11 public or private institutions or other care facilities, are educated with children who are not  
148.12 disabled, and that special classes, separate schooling, or other removal of children with a  
148.13 disability from the regular educational environment occurs only when and to the extent that  
148.14 the nature or severity of the disability is such that education in regular classes with the use  
148.15 of supplementary services cannot be achieved satisfactorily;

148.16 (6) in accordance with recognized professional standards, testing and evaluation materials,  
148.17 and procedures used for the purposes of classification and placement of children with a  
148.18 disability are selected and administered so as not to be racially or culturally discriminatory;  
148.19 and

148.20 (7) the rights of the child are protected when the parents or guardians are not known or  
148.21 not available, or the child is a ward of the state.

148.22 (c) For all paraprofessionals employed to work in programs whose role in part is to  
148.23 provide direct support to students with disabilities, the school board in each district shall  
148.24 ensure that:

148.25 (1) before or beginning at the time of employment, each paraprofessional must develop  
148.26 sufficient knowledge and skills in emergency procedures, building orientation, roles and  
148.27 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin  
148.28 meeting the needs, especially disability-specific and behavioral needs, of the students with  
148.29 whom the paraprofessional works;

148.30 (2) before beginning work alone with an individual student with a disability, the assigned  
148.31 paraprofessional must be either given paid time, or time during the school day, to review a  
148.32 student's individualized education program or be briefed on the student's specific needs by  
148.33 appropriate staff, and in the case of a student transferring into the school during the school

149.1 year, the assigned paraprofessional must be given up to five days after the student's transfer  
149.2 to review the student's individualized education program;

149.3 ~~(2)~~ (3) annual training opportunities are required to enable the paraprofessional to  
149.4 continue to further develop the knowledge and skills that are specific to the students with  
149.5 whom the paraprofessional works, including understanding disabilities, the unique and  
149.6 individual needs of each student according to the student's disability and how the disability  
149.7 affects the student's education and behavior, following lesson plans, and implementing  
149.8 follow-up instructional procedures and activities; and

149.9 (4) a minimum of 16 hours of paid orientation or professional development must be  
149.10 provided annually to all paraprofessionals, Title I aides, and other instructional support  
149.11 staff. Eight of the 16 hours must be completed before the first instructional day of the school  
149.12 year or within 30 days of hire. The orientation or professional development must be relevant  
149.13 to the employee's occupation and may include collaboration time with classroom teachers  
149.14 and planning for the school year. For paraprofessionals who provide direct support to  
149.15 students, at least 50 percent of the professional development or orientation must be dedicated  
149.16 to meeting the requirements of this section. Professional development for paraprofessionals  
149.17 may also address the requirements of section 120B.363, subdivision 3. A school administrator  
149.18 must keep a record of, and provide to each paraprofessional, an annual certification of  
149.19 compliance with this requirement; and

149.20 ~~(3)~~ (5) a districtwide process obligates each paraprofessional to work under the ongoing  
149.21 direction of a licensed teacher and, where appropriate and possible, the supervision of a  
149.22 school nurse.

149.23 (d) A school district may conduct a functional behavior assessment as defined in  
149.24 Minnesota Rules, part 3525.0210, subpart 22, as a stand-alone evaluation without conducting  
149.25 a comprehensive evaluation of the student in accordance with prior written notice provisions  
149.26 in section 125A.091, subdivision 3a. A parent or guardian may request that a school district  
149.27 conduct a comprehensive evaluation of the parent's or guardian's student.

149.28 **Sec. 57. [125A.755] PARAPROFESSIONAL TRAINING AID.**

149.29 Beginning in fiscal year 2022, each school district, charter school, and cooperative  
149.30 organization serving pupils is eligible for paraprofessional training aid. Professional training  
149.31 aid equals \$196 times the number of paraprofessionals, Title I aides, and other instructional  
149.32 support staff employed by the school district, charter school, or cooperative organization  
149.33 during the previous school year. A school district must reserve paraprofessional training  
149.34 aid and spend it only on the training required in section 125A.08.

150.1 **EFFECTIVE DATE.** This section is effective for fiscal year 2022 and later.

150.2 Sec. 58. Minnesota Statutes 2020, section 179A.03, subdivision 19, is amended to read:

150.3 Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment"  
150.4 means the hours of employment, the compensation therefor including fringe benefits except  
150.5 retirement contributions or benefits other than employer payment of, or contributions to,  
150.6 premiums for group insurance coverage of retired employees or severance pay, class sizes  
150.7 in Minnesota school districts and charter schools, student testing, student-to-personnel ratios  
150.8 in Minnesota school districts, and the employer's personnel policies affecting the working  
150.9 conditions of the employees. In the case of professional employees the term does not mean  
150.10 educational policies of a school district. "Terms and conditions of employment" is subject  
150.11 to section 179A.07.

150.12 Sec. 59. **GRANTS FOR GROW YOUR OWN PROGRAMS.**

150.13 **Subdivision 1. Establishment.** The commissioner of education must award grants for  
150.14 the three types of Grow Your Own programs established under this section in order to  
150.15 develop a teaching workforce that more closely reflects the state's increasingly diverse  
150.16 student population and ensure all students have equitable access to effective and diverse  
150.17 teachers.

150.18 **Subd. 2. Definitions.** (a) For purposes of this section, the following terms have the  
150.19 meanings given.

150.20 (b) "Eligible district" means a school district, charter school, or cooperative unit under  
150.21 section 123A.24, subdivision 2.

150.22 (c) "Grow Your Own program" means a program established by an eligible district in  
150.23 partnership with a Professional Educator Licensing and Standards Board-approved teacher  
150.24 preparation program provider or by a Head Start program under section 119A.50 to provide  
150.25 a pathway for candidates to enter the teaching profession and teach at any level from early  
150.26 childhood to secondary school.

150.27 (d) "Residency program" means a Professional Educator Licensing and Standards  
150.28 Board-approved teacher preparation program established by an eligible district and a  
150.29 board-approved teacher preparation program provider that uses a cohort-based model and  
150.30 includes a yearlong clinical experience integrating coursework and student teaching.

150.31 (e) "Resident" means a teacher candidate participating in a residency program.

151.1 Subd. 3. Grants for residency programs. (a) An eligible district may apply for grants  
151.2 to develop, maintain, or expand effective residency programs. A residency program must  
151.3 pair a resident with a teacher of record who must hold a Tier 3 or Tier 4 license. The  
151.4 residency program must provide the teacher of record with ongoing professional development  
151.5 in co-teaching, mentoring, and coaching skills and must ensure that the resident and teacher  
151.6 of record co-teach and participate in required teacher professional development activities  
151.7 for at least 80 percent of the contracted week for a full academic year.

151.8 (b) A grant recipient must use at least 80 percent of grant funds to provide tuition  
151.9 scholarships or stipends to enable employees or community members seeking a teaching  
151.10 license, who are of color or American Indian, to participate in a residency program. A grant  
151.11 recipient may request permission from the commissioner to use the remaining grant funds  
151.12 to provide tuition scholarships to employees who are not persons of color or American  
151.13 Indian and who seek to teach in a licensure area in which the eligible district has a shortage  
151.14 of Tier 3 or Tier 4 licensed teachers.

151.15 (c) An eligible district using grant funds under this subdivision to provide financial  
151.16 support to teacher candidates may require a commitment from a candidate to teach in the  
151.17 eligible district for a reasonable amount of time not to exceed five years.

151.18 Subd. 4. Grants for programs serving adults. (a) An eligible district or Head Start  
151.19 program under section 119A.50 may apply for grants to provide financial assistance,  
151.20 mentoring, and other experiences to support persons of color or American Indian persons  
151.21 to become licensed teachers or preschool teachers.

151.22 (b) An eligible district or Head Start program must use grant funds awarded under this  
151.23 subdivision for:

151.24 (1) tuition scholarships or stipends to eligible Tier 2 licensed teachers, education  
151.25 assistants, cultural liaisons, or other nonlicensed employees who are of color or American  
151.26 Indian and are enrolled in undergraduate or graduate-level coursework that is part of a  
151.27 board-approved teacher preparation program leading to a Tier 3 teacher license;

151.28 (2) developing and implementing pathway programs with local community-based  
151.29 organizations led by and for communities of color or American Indian communities that  
151.30 provide stipends or tuition scholarships to parents and community members who are of  
151.31 color or American Indian to change careers and obtain a Tier 3 license or other credential  
151.32 needed to teach in a Head Start program; or

151.33 (3) collaborating with a board-approved teacher preparation program provided by a  
151.34 postsecondary institution to develop and implement innovative teacher preparation programs

152.1 that lead to Tier 2 or Tier 3 licensure, involve more intensive and extensive clinical  
152.2 experiences with more professional coaching or mentorship than are typically required in  
152.3 traditional college or university campus-based teacher preparation programs, provide  
152.4 candidates with support that is responsive to the unique needs of candidates who are of  
152.5 color or American Indian, and have more than half of their candidates identify as persons  
152.6 of color or American Indian.

152.7 (c) An eligible district or Head Start program providing financial assistance to individuals  
152.8 under this subdivision may require a commitment from candidates to teach in the eligible  
152.9 school or Head Start program for a reasonable amount of time not to exceed five years.

152.10 Subd. 5. **Grants for programs serving secondary school students.** (a) In addition to  
152.11 grants for developing and offering dual-credit postsecondary course options in schools for  
152.12 "Introduction to Teaching" or "Introduction to Education" courses under section 124D.09,  
152.13 subdivision 10, a school district or charter school may apply for grants under this section  
152.14 to offer other innovative programs that encourage secondary school students, especially  
152.15 students of color and American Indian students, to pursue teaching. To be eligible for a  
152.16 grant under this subdivision, a school district or charter school must ensure that the aggregate  
152.17 percentage of secondary school students of color and American Indian students participating  
152.18 in the program is equal to or greater than the aggregate percentage of students of color and  
152.19 American Indian students in the school district or charter school.

152.20 (b) A grant recipient must use grant funds awarded under this subdivision for:

152.21 (1) supporting future teacher clubs or service-learning opportunities that provide middle  
152.22 and high school students who are of color or American Indian with experiential learning  
152.23 that supports the success of younger students or peers and increases students' interest in  
152.24 pursuing a teaching career;

152.25 (2) providing direct support, including wrap-around services, for students who are of  
152.26 color or American Indian to enroll and be successful in postsecondary enrollment options  
152.27 courses under section 124D.09 that would meet degree requirements for teacher licensure;  
152.28 or

152.29 (3) offering scholarships to graduating high school students who are of color or American  
152.30 Indian to enroll in board-approved undergraduate teacher preparation programs at a college  
152.31 or university in Minnesota.

152.32 Subd. 6. **Grant procedure.** (a) An eligible district or Head Start program must apply  
152.33 for a grant under this section in the form and manner specified by the commissioner. The



153.1 commissioner must give priority to eligible districts or Head Start programs with the highest  
153.2 total number or percentage of students who are of color or American Indian.

153.3 (b) For the 2022-2023 school year and later, grant applications for new and existing  
153.4 programs must be received by the commissioner no later than January 15 of the year prior  
153.5 to the school year in which the grant will be used. The commissioner must review all  
153.6 applications and notify grant recipients by March 15 or as soon as practicable of the  
153.7 anticipated amount awarded. If the commissioner determines that sufficient funding is  
153.8 unavailable for the grants, the commissioner must notify grant applicants by June 30 or as  
153.9 soon as practicable that there are insufficient funds.

153.10 (c) For the 2021-2022 school year, the commissioner must set a timetable for awarding  
153.11 grants as soon as practicable.

153.12 Subd. 7. **Account established.** A Grow Your Own program account is created in the  
153.13 special revenue fund for depositing money appropriated to or received by the department  
153.14 for Grow Your Own programs. Money deposited in the account is appropriated to the  
153.15 commissioner, does not cancel, and is continuously available for grants under this section.  
153.16 Grant recipients may apply to use grant money over a period of up to 60 months.

153.17 Subd. 8. **Report.** Grant recipients must annually report to the commissioner in the form  
153.18 and manner determined by the commissioner on their activities under this section, including  
153.19 the number of participants, the percentage of participants who are of color or American  
153.20 Indian, and an assessment of program effectiveness, including participant feedback, areas  
153.21 for improvement, the percentage of participants continuing to pursue teacher licensure, and  
153.22 where applicable, the number of participants hired in the school or district as teachers after  
153.23 completing preparation programs. The commissioner must publish a report for the public  
153.24 that summarizes the activities and outcomes of grant recipients and what was done to promote  
153.25 sharing of effective practices among grant recipients and potential grant applicants.

153.26 **EFFECTIVE DATE.** This section is effective July 1, 2021.

153.27 Sec. 60. **APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

153.28 Subdivision 1. **Department of Education.** The sums indicated in this section are  
153.29 appropriated from the general fund to the Department of Education for the fiscal years  
153.30 designated.

153.31 Subd. 2. **Black Men Teach Twin Cities grant.** (a) For a grant to Black Men Teach  
153.32 Twin Cities:

154.1           \$           750,000   ..... 2022

154.2           (b) Grant funds must be used to establish partnerships with eight school district  
 154.3 elementary schools or elementary charter schools with a goal of increasing the number of  
 154.4 black male teachers to 20 percent of the teachers at each school site.

154.5           (c) The grant recipient must provide a detailed report to the chairs and ranking minority  
 154.6 members of the legislative committees having jurisdiction over kindergarten through grade  
 154.7 12 education and higher education by January 15 of each year until 2027 describing how  
 154.8 the grant funds were used. The report must describe the progress made toward the goal of  
 154.9 increasing the number of black male teachers at each school site and strategies used.

154.10          (d) Any balance does not cancel but is available until June 30, 2024.

154.11          Subd. 3. **Concurrent enrollment teacher partnership.** (a) To the Lakes Country Service  
 154.12 Cooperative for the concurrent enrollment teacher partnership under Minnesota Statutes,  
 154.13 section 122A.76:

154.14           \$           1,000,000   ..... 2022

154.15           \$           1,000,000   ..... 2023

154.16          (b) Any balance in the first year does not cancel but is available in the second year.

154.17          Subd. 4. **Grow Your Own.** (a) For grants to develop, continue, or expand Grow Your  
 154.18 Own new teacher programs:

154.19           \$           8,535,000   ..... 2022

154.20           \$           9,285,000   ..... 2023

154.21          (b) Of this amount in each fiscal year, at least \$3,000,000 is for teacher residency  
 154.22 programs.

154.23          (c) The department may retain up to \$100,000 of the appropriation amount to monitor  
 154.24 and administer the grant program.

154.25          (d) Any balance in the first year does not cancel but is available in the second year.

154.26          Subd. 5. **Equity, diversity, and inclusion anti-bias professional development.** (a) For  
 154.27 grants to districts and charter schools to implement professional development for staff  
 154.28 focused on anti-bias instructional practices:

154.29           \$           4,000,000   ..... 2022

154.30          (b) The department must develop tools and programs on anti-bias instructional practices.

155.1 (c) Eligible grantees include school districts, charter schools, intermediate school districts,  
 155.2 and cooperative units as defined in section 123A.24, subdivision 2.

155.3 (d) The department may retain up to five percent of the appropriation to administer the  
 155.4 program and grants.

155.5 (e) This is a onetime appropriation.

155.6 (f) Any balance in the first year does not cancel but is available in the second year.

155.7 Subd. 6. **Nonexclusionary discipline.** (a) For grants to school districts and charter  
 155.8 schools to provide training for school staff on nonexclusionary disciplinary practices:

155.9 \$ 5,000,000 ..... 2022

155.10 \$ 5,000,000 ..... 2023

155.11 (b) Up to \$475,000 is to develop training and to work with schools to train staff on  
 155.12 nonexclusionary disciplinary practices that maintain the respect, trust, and attention of  
 155.13 students and help keep students in classrooms. These funds may also be used for grant  
 155.14 administration.

155.15 (c) Eligible grantees include school districts, charter schools, intermediate school districts,  
 155.16 and cooperative units as defined in section 123A.24, subdivision 2.

155.17 (d) Any balance in the first year does not cancel but is available in the second year.

155.18 Subd. 7. **Expanded concurrent enrollment grants.** (a) For grants to institutions offering  
 155.19 "Introduction to Teaching" or "Introduction to Education" college in the schools courses  
 155.20 under Minnesota Statutes, section 124D.09, subdivision 10, paragraph (b):

155.21 \$ 500,000 ..... 2022

155.22 \$ 500,000 ..... 2023

155.23 (b) The department may retain up to five percent of the appropriation amount to monitor  
 155.24 and administer the grant program.

155.25 (c) Any balance in the first year does not cancel but is available in the second year.

155.26 Subd. 8. **Alternative teacher compensation aid.** (a) For alternative teacher compensation  
 155.27 aid under Minnesota Statutes, section 122A.415, subdivision 4:

155.28 \$ 88,896,000 ..... 2022

155.29 \$ 88,898,000 ..... 2023

155.30 (b) The 2022 appropriation includes \$8,877,000 for 2021 and \$80,019,000 for 2022.

155.31 (c) The 2023 appropriation includes \$8,891,000 for 2022 and \$80,007,000 for 2023.

156.1 Subd. 9. **Agricultural educator grants.** (a) For agricultural educator grants under Laws  
156.2 2017, First Special Session chapter 5, article 2, section 51:

156.3 \$ 250,000 ..... 2022

156.4 \$ 250,000 ..... 2023

156.5 (b) Any balance in the first year does not cancel but is available in the second year.

156.6 Subd. 10. **American Indian teacher preparation grants.** (a) For joint grants to assist  
156.7 people who are American Indian to become teachers under Minnesota Statutes, section  
156.8 122A.63:

156.9 \$ 600,000 ..... 2022

156.10 \$ 600,000 ..... 2023

156.11 (b) Any balance in the first year does not cancel but is available in the second year.

156.12 Subd. 11. **Come Teach in Minnesota hiring bonuses.** (a) For the Come Teach in  
156.13 Minnesota hiring bonuses pilot program under Minnesota Statutes, section 122A.59:

156.14 \$ 350,000 ..... 2022

156.15 \$ 350,000 ..... 2023

156.16 (b) The department may use up to \$35,000 of the appropriation amount to develop and  
156.17 administer the program under this subdivision.

156.18 (c) Any balance in the first year does not cancel but is available in the second year.

156.19 Subd. 12. **Minnesota Science Teachers Association.** (a) For a grant to the Minnesota  
156.20 Science Teachers Association to provide professional development for up to 1,150 teachers  
156.21 to implement the 2019 revised science standards:

156.22 \$ 611,000 ..... 2022

156.23 (b) Grant funds must be used for current high school teachers to prepare to take the  
156.24 content test for additional licensure in earth science, and to provide pedagogical and content  
156.25 professional development to 6th grade and high school teachers to be effective teachers of  
156.26 earth and space science. Professional development must be offered at multiple locations  
156.27 across the state, including outside the seven-county metropolitan area, and online.

156.28 (c) This appropriation is available until June 30, 2023.

156.29 (d) The department may use up to five percent of this appropriation for administrative  
156.30 costs.

157.1 Subd. 13. **Paraprofessional training.** For costs associated with paid orientation and  
 157.2 professional development for paraprofessionals under Minnesota Statutes, section 125A.08:

157.3 \$ 6,300,000 ..... 2022

157.4 \$ 7,000,000 ..... 2023

157.5 (b) The 2022 appropriation includes \$0 for 2021 and \$6,300,000 for 2022.

157.6 (c) The 2023 appropriation includes \$700,000 for 2022 and \$6,300,000 for 2023.

157.7 Subd. 14. **Tribal relations training.** (a) For grants to school districts and charter schools  
 157.8 to provide Tribal relations training to school leaders:

157.9 \$ 250,000 ..... 2022

157.10 \$ 250,000 ..... 2023

157.11 (b) Eligible grantees include school districts, charter schools, intermediate school districts,  
 157.12 and cooperative units as defined in section 123A.24, subdivision 2.

157.13 (c) Up to five percent of this amount is available to the department for grant and program  
 157.14 administration costs.

157.15 (d) Any balance in the first year does not cancel but is available in the second year.

157.16 Sec. 61. **APPROPRIATIONS; PROFESSIONAL EDUCATOR LICENSING AND**  
 157.17 **STANDARDS BOARD.**

157.18 Subdivision 1. **Professional Educator Licensing and Standards Board.** The sums  
 157.19 indicated in this section are appropriated from the general fund to the Professional Educator  
 157.20 Licensing and Standards Board for the fiscal years designated.

157.21 Subd. 2. **Collaborative urban and greater Minnesota educators of color grants.** (a)  
 157.22 For collaborative urban and greater Minnesota educators of color competitive grants under  
 157.23 Minnesota Statutes, section 122A.635:

157.24 \$ 1,500,000 ..... 2022

157.25 \$ 1,500,000 ..... 2023

157.26 (b) Any balance does not cancel but is available in the following fiscal year.

157.27 (c) The board may retain up to three percent of the appropriation amount to monitor and  
 157.28 administer the grant program.

157.29 Subd. 3. **Mentoring, induction, and retention incentive program grants for teachers**  
 157.30 **of color.** (a) For the development and expansion of mentoring, induction, and retention

158.1 programs designed for teachers of color or American Indian teachers under Minnesota  
 158.2 Statutes, section 122A.70:

158.3        \$        3,000,000    ..... 2022

158.4        \$        3,000,000    ..... 2023

158.5        (b) Any balance does not cancel but is available in the following fiscal year.

158.6        (c) The base appropriation for grants under Minnesota Statutes, section 122A.70, for  
 158.7 fiscal year 2024 and later is \$4,500,000, of which at least \$3,500,000 each fiscal year must  
 158.8 be granted for the development and expansion of mentoring, induction, and retention  
 158.9 programs designed for teachers of color or American Indian teachers.

158.10       (d) The board may retain up to three percent of the appropriation amount to monitor and  
 158.11 administer the grant program.

158.12        Subd. 4. **Reports on increasing percentage of teachers of color and American Indian**  
 158.13 **teachers.** For a report on the efforts and impact of all state-funded programs to increase the  
 158.14 percentage of teachers of color and American Indian teachers in Minnesota schools developed  
 158.15 in consultation with the Department of Education, Office of Higher Education, grant  
 158.16 recipients, and stakeholders:

158.17        \$        15,000    ..... 2022

158.18        The base appropriation for fiscal year 2024 and each even-numbered later fiscal year is  
 158.19 \$15,000.

158.20        Subd. 5. **Teacher recruitment marketing campaign.** (a) To develop two contracts to  
 158.21 develop and implement an outreach and marketing campaign under this subdivision:

158.22        \$        500,000    ..... 2022

158.23        \$        500,000    ..... 2023

158.24        (b) The Professional Educator Licensing and Standards Board must issue a request for  
 158.25 proposals to develop and implement an outreach and marketing campaign to elevate the  
 158.26 profession and recruit teachers, especially teachers of color and American Indian teachers.  
 158.27 Outreach efforts should include and support current and former Teacher of the Year finalists  
 158.28 interested in being recruitment fellows to encourage prospective educators throughout the  
 158.29 state.

158.30        (c) The outreach and marketing campaign must focus on making the following individuals  
 158.31 become interested in teaching in Minnesota public schools:

159.1 (1) high school and college students of color or American Indian students who have not  
159.2 chosen a career path; or

159.3 (2) adults from racial or ethnic groups underrepresented in the teacher workforce who  
159.4 may be seeking to change careers.

159.5 (d) The board must award two \$250,000 grants each year to firms or organizations that  
159.6 demonstrate capacity to reach wide and varied audiences of prospective teachers based on  
159.7 a work plan with quarterly deliverables. Preferences should be given to firms or organizations  
159.8 that are led by people of color and that have people of color working on the campaign with  
159.9 a proven record of success. The grant recipients must recognize current pathways or programs  
159.10 to become a teacher and must partner with educators, schools, institutions, and racially  
159.11 diverse communities. The grant recipients are encouraged to provide in-kind contributions  
159.12 or seek funds from nonstate sources to supplement the grant award.

159.13 (e) The board may use no more than three percent of the appropriation amount to  
159.14 administer the program under this subdivision, and may have an interagency agreement  
159.15 with the Department of Education including transfer of funds to help administer the program.

159.16 (f) Any balance in the first year does not cancel but is available in the second year.

159.17 **EFFECTIVE DATE.** This section is effective July 1, 2021.

159.18 Sec. 62. **REPEALER.**

159.19 Minnesota Statutes 2020, sections 122A.091, subdivisions 3 and 6; 122A.092; 122A.18,  
159.20 subdivision 7c; 122A.184, subdivision 3; 122A.23, subdivision 3; and 122A.2451, are  
159.21 repealed.

159.22

## ARTICLE 4

159.23

### CHARTER SCHOOLS

159.24 Section 1. Minnesota Statutes 2020, section 124E.02, is amended to read:

159.25 **124E.02 DEFINITIONS.**

159.26 (a) For purposes of this chapter, the terms defined in this section have the meanings  
159.27 given them.

159.28 (b) "Affidavit" means a written statement the authorizer submits to the commissioner  
159.29 for approval to establish a charter school under section 124E.06, subdivision 4, attesting to  
159.30 its review and approval process before chartering a school.

160.1 (c) "Affiliate" means a person that directly or indirectly, through one or more  
160.2 intermediaries, controls, is controlled by, or is under common control with another person.

160.3 (d) "Charter management organization" means any nonprofit entity that contracts with  
160.4 a charter school board of directors to provide, manage, or oversee all or substantially all of  
160.5 a charter school's educational design or implementation or a charter school's administrative,  
160.6 financial, business, or operational functions.

160.7 ~~(d)~~ (e) "Control" means the ability to affect the management, operations, or policy actions  
160.8 or decisions of a person, whether by owning voting securities, by contract, or otherwise.

160.9 (f) "Education management organization" means any for-profit entity that provides,  
160.10 manages, or oversees all or substantially all of the educational design or implementation  
160.11 for a charter school or a charter school's administrative, financial, business, or operational  
160.12 functions.

160.13 ~~(e)~~ (g) "Immediate family" means an individual whose relationship by blood, marriage,  
160.14 adoption, or partnership is no more remote than first cousin.

160.15 (h) "Online education service provider" means an organization that provides an online  
160.16 learning management system, virtual learning environment, or online student management  
160.17 system for a charter school and services for the implementation and operation of an online  
160.18 education program for the charter school.

160.19 ~~(f)~~ (i) "Person" means an individual or entity of any kind.

160.20 ~~(g)~~ (j) "Related party" means an affiliate or immediate relative of the other interested  
160.21 party, an affiliate of an immediate relative who is the other interested party, or an immediate  
160.22 relative of an affiliate who is the other interested party.

160.23 ~~(h)~~ (k) For purposes of this chapter, the terms defined in section 120A.05 have the same  
160.24 meanings.

160.25 Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:

160.26 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall  
160.27 meet all federal, state, and local health and safety requirements applicable to school districts.

160.28 (b) A school must comply with statewide accountability requirements governing standards  
160.29 and assessments in chapter 120B.

160.30 (c) A charter school must comply with the Minnesota Public School Fee Law, sections  
160.31 123B.34 to 123B.39.



161.1 (d) A charter school is a district for the purposes of tort liability under chapter 466.

161.2 (e) A charter school must comply with the Pledge of Allegiance requirement under  
161.3 section 121A.11, subdivision 3.

161.4 (f) A charter school and charter school board of directors must comply with chapter 181  
161.5 governing requirements for employment.

161.6 (g) A charter school must comply with continuing truant notification under section  
161.7 260A.03.

161.8 (h) A charter school must develop and implement a teacher evaluation and peer review  
161.9 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place  
161.10 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).  
161.11 The teacher evaluation process in this paragraph does not create any additional employment  
161.12 rights for teachers.

161.13 (i) A charter school must adopt a policy, plan, budget, and process, consistent with  
161.14 section 120B.11, to review curriculum, instruction, and student achievement and strive for  
161.15 the world's best workforce.

161.16 (j) A charter school is subject to and must comply with section 121A.575 and the Pupil  
161.17 Fair Dismissal Act, sections 121A.40 to 121A.56.

161.18 (k) A charter school is subject to and must comply with the uniform municipal contracting  
161.19 law according to section 471.345 in the same manner as school districts.

161.20 Sec. 3. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to  
161.21 read:

161.22 Subd. 8. **English learners.** A charter school is subject to and must comply with the  
161.23 Education for English Learners Act, sections 124D.58 to 124D.64, as though it were a  
161.24 district.

161.25 Sec. 4. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to  
161.26 read:

161.27 Subd. 9. **Corporal punishment.** A charter school is subject to and must comply with  
161.28 section 121A.58 as though it were a district.

162.1 Sec. 5. Minnesota Statutes 2020, section 124E.05, subdivision 4, is amended to read:

162.2 Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must  
162.3 include in its application to the commissioner at least the following:

162.4 (1) how the organization carries out its mission by chartering schools;

162.5 (2) a description of the capacity of the organization to serve as an authorizer, including  
162.6 the positions allocated to authorizing duties, the qualifications for those positions, the  
162.7 full-time equivalencies of those positions, and the financial resources available to fund the  
162.8 positions;

162.9 (3) the application and review process the authorizer uses to decide whether to grant  
162.10 charters;

162.11 (4) the type of contract it arranges with the schools it charters to meet the provisions of  
162.12 section 124E.10;

162.13 (5) the process for overseeing the school, consistent with clause (4), to ensure that the  
162.14 schools chartered comply with applicable law and rules and the contract;

162.15 (6) the criteria and process the authorizer uses to approve applications adding grades or  
162.16 sites under section 124E.06, subdivision 5;

162.17 (7) the process for renewing or terminating the school's charter based on evidence  
162.18 showing the academic, organizational, and financial competency of the school, including  
162.19 its success in increasing student achievement and meeting the goals of the charter school  
162.20 agreement; and

162.21 (8) an assurance specifying that the organization is committed to serving as an authorizer  
162.22 for the full five-year term until the commissioner terminates the organization's ability to  
162.23 authorize charter schools under subdivision 6 or the organization formally withdraws as an  
162.24 approved authorizer under subdivision 7.

162.25 (b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the  
162.26 requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict  
162.27 of interest between an authorizer and its charter schools or ongoing evaluation or continuing  
162.28 education of an administrator or other professional support staff by submitting to the  
162.29 commissioner a written promise to comply with the requirements.

162.30 Sec. 6. Minnesota Statutes 2020, section 124E.05, subdivision 6, is amended to read:

162.31 Subd. 6. **Corrective action.** (a) If, consistent with this chapter, the commissioner finds  
162.32 that an authorizer has not met the requirements of this chapter, the commissioner may subject

163.1 the authorizer to a corrective action plan, which may ~~include terminating the contract with~~  
 163.2 ~~the charter school board of directors of a school it chartered.~~ last no longer than 130 business  
 163.3 days. The commissioner may prohibit an authorizer on a corrective plan from accepting a  
 163.4 transfer application from a charter school and an application to establish a charter school.

163.5 (b) The commissioner must notify the authorizer in writing of that the authorizer has  
 163.6 been placed on a corrective plan. The notice must include any findings that may subject the  
 163.7 authorizer to corrective action at the conclusion of the corrective plan and the authorizer  
 163.8 then has 15 business days to request an informal hearing before the commissioner takes  
 163.9 corrective action. The commissioner must hold an informal hearing within 15 business days  
 163.10 of the request. If the issues identified as the basis for the corrective action are not resolved  
 163.11 at the informal hearing, the authorizer must make the requested improvements and notify  
 163.12 the commissioner of the improvements within 45 business days. Within 20 business days,  
 163.13 the commissioner must review the changes and notify the authorizer of any remaining issues  
 163.14 to be resolved. An authorizer must address the remaining issues as directed by the  
 163.15 commissioner within 20 business days. Within 15 business days, the commissioner must  
 163.16 review the changes and notify the authorizer whether all issues in the corrective plan have  
 163.17 been resolved.

163.18 (c) If the commissioner terminates a contract between an authorizer and a charter school  
 163.19 under this paragraph the authorizer's ability to charter a school, the commissioner may must  
 163.20 assist the affected charter school in acquiring a new authorizer. A charter school board of  
 163.21 directors may submit to the commissioner a request to transfer to a new authorizer without  
 163.22 the approval or consent of the current authorizer if that authorizer has been under a corrective  
 163.23 action plan for more than 130 business days.

163.24 ~~(b)~~ (d) The commissioner may at any time take corrective action against an authorizer,  
 163.25 including terminating an authorizer's ability to charter a school, terminating a contract with  
 163.26 a charter school, and other appropriate sanctions for:

163.27 (1) failing to demonstrate the criteria under subdivision 3 under which the commissioner  
 163.28 approved the authorizer;

163.29 (2) violating a term of the chartering contract between the authorizer and the charter  
 163.30 school board of directors;

163.31 (3) unsatisfactory performance as an approved authorizer; or

163.32 (4) any good cause shown that gives the commissioner a legally sufficient reason to take  
 163.33 corrective action against an authorizer; or

164.1 (5) failing to meet the terms of a corrective action plan by the specified deadline.

164.2 **EFFECTIVE DATE.** This section is effective July 1, 2021.

164.3 Sec. 7. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

164.4 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw  
 164.5 as an approved authorizer for a reason unrelated to any cause under section ~~124E.10,~~  
 164.6 ~~subdivision 4~~ 124E.07, subdivision 6, the authorizer must notify all its chartered schools  
 164.7 and the commissioner in writing by March 1 of its intent to withdraw as an authorizer on  
 164.8 June 30 in the next calendar year, ~~regardless of when the authorizer's five-year term of~~  
 164.9 ~~approval ends.~~ Upon notification of the schools and commissioner, the authorizer must  
 164.10 provide a letter to the school for distribution to families of students enrolled in the school  
 164.11 that explains the decision to withdraw as an authorizer. The commissioner may approve the  
 164.12 transfer of a charter school to a new authorizer under section 124E.10, subdivision 5.

164.13 Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

164.14 Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an  
 164.15 application from a charter school developer, may charter either a licensed teacher under  
 164.16 section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed  
 164.17 teachers under section 122A.18, subdivision 1, to operate a school subject to the  
 164.18 commissioner's approval of the authorizer's affidavit under subdivision 4.

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

164.22 (1) the school developer's:

164.23 (i) mission statement;

164.24 (ii) school purposes;

164.25 (iii) program design;

164.26 (iv) financial plan;

164.27 (v) market need and demand study;

164.28 ~~(v)~~ (vi) governance and management structure; and

164.29 ~~(vi)~~ (vii) background and experience;

164.30 (2) any other information the authorizer requests; and

165.1 (3) a "statement of assurances" of legal compliance prescribed by the commissioner.

165.2 (c) "Market need and demand study" means a study that includes the following for any  
165.3 proposed location of a new school, grade or site expansion, or preschool program:

165.4 (1) current and projected demographic information;

165.5 (2) student enrollment patterns;

165.6 (3) information on existing schools and types of educational programs currently available;

165.7 (4) characteristics of proposed students and families;

165.8 (5) availability of properly zoned and classified facilities; and

165.9 (6) quantification of existing demand for the new school, grade or site expansion, or  
165.10 preschool program.

165.11 ~~(e)~~ (d) An authorizer shall not approve an application submitted by a charter school  
165.12 developer under paragraph (a) if the application does not comply with subdivision 3,  
165.13 paragraph (e), and section 124E.01, subdivision 1. The commissioner shall not approve an  
165.14 affidavit submitted by an authorizer under subdivision 4 if the affidavit does not comply  
165.15 with subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

165.16 Sec. 9. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:

165.17 Subd. 4. **Authorizer's affidavit; approval process.** (a) Before an operator may establish  
165.18 and operate a school, the authorizer must file an affidavit with the commissioner stating its  
165.19 intent to charter a school. An authorizer must file a separate affidavit for each school it  
165.20 intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of  
165.21 the year the new charter school plans to serve students. The affidavit must state:

165.22 (1) the terms and conditions under which the authorizer would charter a school, including  
165.23 market research that addresses the need, demand, and potential market for the proposed  
165.24 charter school in the community where the school intends to locate; and

165.25 (2) how the authorizer intends to oversee:

165.26 (i) the fiscal and student performance of the charter school; and

165.27 (ii) compliance with the terms of the written contract between the authorizer and the  
165.28 charter school board of directors under section 124E.10, subdivision 1.

165.29 (b) The commissioner must approve or disapprove the authorizer's affidavit within 60  
165.30 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the  
165.31 commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer

166.1 then has 20 business days to address the deficiencies. The commissioner must notify the  
166.2 authorizer of the commissioner's final approval or final disapproval within 15 business days  
166.3 after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer  
166.4 does not address deficiencies to the commissioner's satisfaction, the commissioner's  
166.5 disapproval is final. An authorizer who fails to obtain the commissioner's approval is  
166.6 precluded from chartering the school that is the subject of this affidavit.

166.7 Sec. 10. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

166.8 Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to  
166.9 amend the school charter to add grades or primary enrollment sites beyond those defined  
166.10 in the original affidavit approved by the commissioner. After approving the school's  
166.11 application, the authorizer shall submit a supplemental affidavit in the form and manner  
166.12 prescribed by the commissioner. The authorizer must file a supplemental affidavit to the  
166.13 commissioner by October 1 to be eligible to add grades or sites in the next school year. The  
166.14 supplemental affidavit must document to the authorizer's satisfaction:

166.15 (1) the need for the additional grades or sites with supporting long-range enrollment  
166.16 projections;

166.17 (2) a longitudinal record of student academic performance and growth on statewide  
166.18 assessments under chapter 120B or on other academic assessments that measure longitudinal  
166.19 student performance and growth approved by the charter school's board of directors and  
166.20 agreed upon with the authorizer;

166.21 (3) a history of sound school finances and a plan to add grades or sites that sustains the  
166.22 school's finances; ~~and~~

166.23 (4) board capacity to administer and manage the additional grades or sites; and

166.24 (5) market need and demand study.

166.25 (b) The commissioner shall have 30 business days to review and comment on the  
166.26 supplemental affidavit. The commissioner shall notify the authorizer in writing of any  
166.27 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to  
166.28 address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.  
166.29 The commissioner must notify the authorizer of final approval or final disapproval within  
166.30 15 business days after receiving the authorizer's response to the deficiencies in the affidavit.  
166.31 The school may not add grades or sites until the commissioner has approved the supplemental  
166.32 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

167.1 Sec. 11. Minnesota Statutes 2020, section 124E.11, is amended to read:

167.2 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

167.3 (a) A charter school, including its preschool or prekindergarten program established  
167.4 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

167.5 (1) pupils within an age group or grade level;

167.6 (2) pupils who are eligible to participate in the graduation incentives program under  
167.7 section 124D.68; or

167.8 (3) residents of a specific geographic area in which the school is located when the  
167.9 majority of students served by the school are members of underserved populations.

167.10 (b) A charter school, including its preschool or prekindergarten program established  
167.11 under section 124E.06, subdivision 3, paragraph (b), shall enroll an eligible pupil who  
167.12 submits a timely application, unless the number of applications exceeds the capacity of a  
167.13 program, class, grade level, or building. In this case, pupils must be accepted by lot. The  
167.14 charter school must develop and publish, including on its website, a lottery policy and  
167.15 process that it must use when accepting pupils by lot.

167.16 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil  
167.17 and to a foster child of that pupil's parents and may give preference for enrolling children  
167.18 of the school's staff before accepting other pupils by lot. A charter school that is located in  
167.19 Duluth township in St. Louis County and admits students in kindergarten through grade 6  
167.20 must give enrollment preference to students residing within a five-mile radius of the school  
167.21 and to the siblings of enrolled children. A charter school may give enrollment preference  
167.22 to children currently enrolled in the school's free preschool or prekindergarten program  
167.23 under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten  
167.24 in the next school year.

167.25 (d) Admission to a charter school must be free to any person who resides within the state  
167.26 of Minnesota, and Minnesota students have preference over out-of-state residents. A person  
167.27 shall not be admitted to a charter school (1) as a kindergarten pupil, unless the pupil is at  
167.28 least five years of age on September 1 of the calendar year in which the school year for  
167.29 which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil  
167.30 is at least six years of age on September 1 of the calendar year in which the school year for  
167.31 which the pupil seeks admission commences or has completed kindergarten; except that a  
167.32 charter school may establish and publish on its website a policy for admission of selected  
167.33 pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).

168.1 (e) Except as permitted in paragraph (d), a charter school, including its preschool or  
168.2 prekindergarten program established under section 124E.06, subdivision 3, paragraph (b),  
168.3 may not limit admission to pupils on the basis of intellectual ability, measures of achievement  
168.4 or aptitude, or athletic ability and may not establish any criteria or requirements for admission  
168.5 that are inconsistent with this section.

168.6 (f) The charter school shall not distribute any services or goods of value to students,  
168.7 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter  
168.8 school.

168.9 (g) Once a student is enrolled in the school, the student is considered enrolled in the  
168.10 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal  
168.11 Act in sections 121A.40 to 121A.56.

168.12 (h) A charter school with at least 90 percent of enrolled students who are eligible for  
168.13 special education services and have a primary disability of deaf or hard-of-hearing may  
168.14 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,  
168.15 paragraph (a), and must comply with the federal Individuals with Disabilities Education  
168.16 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause  
168.17 (iv).

168.18 Sec. 12. Minnesota Statutes 2020, section 124E.12, subdivision 1, is amended to read:

168.19 Subdivision 1. **Teachers.** A charter school must employ necessary teachers or contract  
168.20 with a cooperative formed under chapter 308A to provide necessary teachers, as defined  
168.21 by section ~~122A.15, subdivision 1~~ 122A.06, subdivision 2, who hold valid licenses to  
168.22 perform the particular service for which they are employed in the school. The commissioner  
168.23 may reduce the charter school's state aid under section 127A.43 if the school employs a  
168.24 teacher who is not appropriately licensed or approved by the Professional Educator Licensing  
168.25 and Standards Board. The school may employ necessary employees who are not required  
168.26 to hold teaching licenses to perform duties other than teaching and may contract for other  
168.27 services. The school may discharge teachers and nonlicensed employees. The charter school  
168.28 board is subject to section 181.932 governing whistle-blowers. When offering employment  
168.29 to a prospective employee, a charter school must give that employee a written description  
168.30 of the terms and conditions of employment and the school's personnel policies.

168.31 Sec. 13. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

168.32 Subdivision 1. **Leased space.** A charter school may lease space from: an independent  
168.33 or special school board; other public organization; private, nonprofit, nonsectarian



169.1 organization; private property owner; or a sectarian organization; and if the leased space is  
169.2 owned by the lessor and is constructed as a school facility. The commissioner must review  
169.3 and approve or disapprove leases in a timely manner to determine eligibility for lease aid  
169.4 under section 124E.22.

169.5 Sec. 14. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

169.6 Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits,  
169.7 audit procedures, and audit requirements as a district, except as required under this  
169.8 subdivision. Audits must be conducted in compliance with generally accepted governmental  
169.9 auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing  
169.10 auditing procedures. A charter school is subject to and must comply with sections 15.054;  
169.11 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property  
169.12 and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing  
169.13 municipal contracting. The audit must comply with the requirements of sections 123B.75  
169.14 to 123B.83 governing school district finance, except when the commissioner and authorizer  
169.15 approve a deviation made necessary because of school program finances. The commissioner,  
169.16 state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance  
169.17 audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must  
169.18 submit a plan under section 123B.81, subdivision 4.

169.19 (b) The charter school must submit an audit report to the commissioner and its authorizer  
169.20 annually by December 31. The charter school's charter management organization or  
169.21 educational management organization must submit an audit report to the commissioner  
169.22 annually by December 31.

169.23 (c) The charter school, with the assistance of the auditor conducting the audit, must  
169.24 include with the report, as supplemental information: (1) a copy of management agreements  
169.25 with a charter management organization or an educational management organization and  
169.26 (2) service agreements or contracts over the lesser of \$100,000 or ten percent of the school's  
169.27 most recent annual audited expenditures. The agreements must detail the terms of the  
169.28 agreement, including the services provided and the annual costs for those services. If the  
169.29 entity that provides the professional services to the charter school is exempt from taxation  
169.30 under section 501 of the Internal Revenue Code of 1986, that entity must file with the  
169.31 commissioner by February 15 a copy of the annual return required under section 6033 of  
169.32 the Internal Revenue Code of 1986.

170.1 (d) A charter school independent audit report shall include audited financial data of an  
170.2 affiliated building corporation under section 124E.13, subdivision 3, or other component  
170.3 unit.

170.4 (e) If the audit report finds that a material weakness exists in the financial reporting  
170.5 systems of a charter school, the charter school must submit a written report to the  
170.6 commissioner explaining how the charter school will resolve that material weakness. An  
170.7 auditor, as a condition of providing financial services to a charter school, must agree to  
170.8 make available information about a charter school's financial audit to the commissioner and  
170.9 authorizer upon request.

170.10 Sec. 15. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

170.11 Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section  
170.12 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods  
170.13 occurring after the school ceases serving students, the commissioner shall withhold the  
170.14 estimated state aid owed the school. The charter school board of directors and authorizer  
170.15 must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial  
170.16 information about the school's liabilities and assets. After receiving the closure plan, financial  
170.17 information, an audit of pupil counts, and documented lease expenditures from the charter  
170.18 school and monitoring special education expenditures, the commissioner may release cash  
170.19 withheld and may continue regular payments up to the current year payment percentages  
170.20 if further amounts are owed. If, based on audits and monitoring, the school received state  
170.21 aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to  
170.22 eliminate the aid overpayment.

170.23 (b) For a charter school ceasing operations before or at the end of a school year,  
170.24 notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary  
170.25 final payments after the school submits the closure plan, an audit of pupil counts, documented  
170.26 lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS)  
170.27 financial data and the commissioner monitors special education expenditures for the final  
170.28 year of operation. The commissioner may make the final payment after receiving audited  
170.29 financial statements under section 123B.77, subdivision 3.

170.30 (c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and  
170.31 satisfying creditors, remaining cash and investment balances shall be returned by the  
170.32 commissioner to the state general fund.

## ARTICLE 5

## SPECIAL EDUCATION

171.1

171.2

171.3 Section 1. Minnesota Statutes 2020, section 124E.21, subdivision 1, is amended to read:

171.4 Subdivision 1. **Special education aid.** (a) Except as provided in section 124E.23, special  
171.5 education aid, excluding cross subsidy reduction aid under section 125A.76, subdivision  
171.6 2e, must be paid to a charter school according to section 125A.76, as though it were a school  
171.7 district.

171.8 (b) ~~For fiscal year 2020 and later,~~ The special education aid paid to the charter school  
171.9 shall be adjusted as follows:

171.10 (1) if the charter school does not receive general education revenue on behalf of the  
171.11 student according to section 124E.20, the aid shall be adjusted as provided in section  
171.12 125A.11; or

171.13 (2) if the charter school receives general education revenue on behalf of the student  
171.14 according to section 124E.20, the aid shall be adjusted as provided in section 127A.47,  
171.15 subdivision 7, paragraphs (b) to (e), and if the tuition adjustment is computed under section  
171.16 127A.47, subdivision 7, paragraph (c), it shall also receive an adjustment equal to ~~five~~  
171.17 ~~percent for fiscal year 2020 or~~ ten percent for fiscal year 2021 and later of the unreimbursed  
171.18 cost of providing special education and services for the student and the amount in paragraph  
171.19 (c).

171.20 (c) A charter school special education tuition adjustment aid equals the difference between  
171.21 the charter school's unreimbursed costs without a rate cap and the district's unreimbursed  
171.22 costs with the rate cap, times the adjustment factor for that year. For fiscal years 2021, 2022,  
171.23 and 2023, the adjustment factor equals 100 percent. For fiscal year 2024, the adjustment  
171.24 factor equals 75 percent. For fiscal year 2025, the adjustment factor equals 50 percent. For  
171.25 fiscal year 2026 and later, the adjustment factor equals 25 percent.

171.26 **EFFECTIVE DATE.** This section is effective July 1, 2021.

171.27 Sec. 2. Minnesota Statutes 2020, section 125A.21, subdivision 1, is amended to read:

171.28 Subdivision 1. **Obligation to pay.** (a) Nothing in sections 125A.03 to 125A.24 and  
171.29 125A.65 relieves an insurer or similar third party from an otherwise valid obligation to pay,  
171.30 or changes the validity of an obligation to pay, for services rendered to a child with a  
171.31 disability, and the child's family.

172.1 (b) For purposes of this section, "school district" and "district" mean a school district,  
172.2 charter school, or cooperative unit defined under section 123A.24, subdivision 2, providing  
172.3 direct special education services to students.

172.4 (c) A school district shall pay the nonfederal share of medical assistance services provided  
172.5 according to section 256B.0625, subdivision 26. Eligible expenditures must not be made  
172.6 from federal funds or funds used to match other federal funds. Any federal disallowances  
172.7 are the responsibility of the school district. A school district may pay or reimburse  
172.8 co-payments, coinsurance, deductibles, and other enrollee cost-sharing amounts, on behalf  
172.9 of the student or family, in connection with health and related services provided under an  
172.10 individual educational plan or individualized family service plan.

172.11 Sec. 3. Minnesota Statutes 2020, section 125A.21, subdivision 2, is amended to read:

172.12 Subd. 2. **Third-party reimbursement.** (a) ~~Beginning July 1, 2000,~~ Districts shall seek  
172.13 reimbursement from insurers and similar third parties for the cost of services provided by  
172.14 the district whenever the services provided by the district are otherwise covered by the  
172.15 child's health coverage. Districts shall request, but may not require, the child's family to  
172.16 provide information about the child's health coverage when a child with a disability begins  
172.17 to receive services from the district of a type that may be reimbursable, and shall request,  
172.18 but may not require, updated information after that as needed.

172.19 (b) For children enrolled in medical assistance under chapter 256B or MinnesotaCare  
172.20 under chapter 256L who have no other health coverage, a district shall provide an initial  
172.21 and annual written notice to the enrolled child's parent or legal representative of its intent  
172.22 to seek reimbursement from medical assistance or MinnesotaCare for:

172.23 (1) the evaluations required as part of the individualized education program process or  
172.24 individualized family service plan process; and

172.25 (2) health-related services provided by the district according to the individualized  
172.26 education program or individualized family service plan.

172.27 The initial notice must give the child's parent or legal representative the right to request a  
172.28 copy of the child's education records on the health-related services that the district provided  
172.29 to the child and disclosed to a third-party payer.

172.30 (c) The district shall give the parent or legal representative annual written notice of:

172.31 (1) the district's intent to seek reimbursement from medical assistance or MinnesotaCare  
172.32 for evaluations required as part of the individualized education program process or  
172.33 individualized family service plan process, and for health-related services provided by the

173.1 district according to the individualized education program or individualized family service  
173.2 plan;

173.3 (2) the right of the parent or legal representative to request a copy of all records  
173.4 concerning individualized education program or individualized family service plan  
173.5 health-related services disclosed by the district to any third party; and

173.6 (3) the right of the parent or legal representative to withdraw consent for disclosure of  
173.7 a child's records at any time without consequence.

173.8 The written notice shall be provided as part of the written notice required by Code of Federal  
173.9 Regulations, title 34, section 300.504 or 303.520. The district must ensure that the parent  
173.10 of a child with a disability is given notice, in understandable language, of federal and state  
173.11 procedural safeguards available to the parent under this paragraph and paragraph (b).

173.12 (d) In order to access the private health care coverage of a child who is covered by private  
173.13 health care coverage in whole or in part, a district must:

173.14 (1) obtain annual written informed consent from the parent or legal representative, in  
173.15 compliance with subdivision 5; and

173.16 (2) inform the parent or legal representative that a refusal to permit the district or state  
173.17 Medicaid agency to access their private health care coverage does not relieve the district of  
173.18 its responsibility to provide all services necessary to provide free and appropriate public  
173.19 education at no cost to the parent or legal representative.

173.20 (e) If the commissioner of human services obtains federal approval to exempt covered  
173.21 individualized education program or individualized family service plan health-related  
173.22 services from the requirement that private health care coverage refuse payment before  
173.23 medical assistance may be billed, paragraphs (b), (c), and (d) shall also apply to students  
173.24 with a combination of private health care coverage and health care coverage through medical  
173.25 assistance or MinnesotaCare.

173.26 (f) In the event that Congress or any federal agency or the Minnesota legislature or any  
173.27 state agency establishes lifetime limits, limits for any health care services, cost-sharing  
173.28 provisions, or otherwise provides that individualized education program or individualized  
173.29 family service plan health-related services impact benefits for persons enrolled in medical  
173.30 assistance or MinnesotaCare, the amendments to this subdivision adopted in 2002 are  
173.31 repealed on the effective date of any federal or state law or regulation that imposes the  
173.32 limits. In that event, districts must obtain informed consent consistent with this subdivision  
173.33 as it existed prior to the 2002 amendments and subdivision 5, before seeking reimbursement

174.1 for children enrolled in medical assistance under chapter 256B or MinnesotaCare under  
174.2 chapter 256L who have no other health care coverage.

174.3 (g) To the extent practicable, a charter school must seek reimbursements under this  
174.4 section in the same manner as school districts. The commissioner may provide training and  
174.5 technical assistance to a charter school seeking third-party reimbursement.

174.6 Sec. 4. Minnesota Statutes 2020, section 125A.76, subdivision 2e, is amended to read:

174.7 Subd. 2e. **Cross subsidy reduction aid.** (a) A school district's annual cross subsidy  
174.8 reduction aid equals the school district's initial special education cross subsidy for the  
174.9 previous fiscal year times the cross subsidy aid factor for that fiscal year.

174.10 (b) The cross subsidy aid factor equals ~~2.6 percent for fiscal year 2020 and~~ 6.43 percent  
174.11 for fiscal year 2021 ~~and later.~~ The cross subsidy aid factor equals 9.33 percent for fiscal  
174.12 year 2022 and 12.11 percent for fiscal year 2023 and later.

174.13 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

174.14 Sec. 5. Minnesota Statutes 2020, section 127A.47, subdivision 7, is amended to read:

174.15 Subd. 7. **Alternative attendance programs.** (a) The general education aid and special  
174.16 education aid for districts must be adjusted for each pupil attending a nonresident district  
174.17 under sections 123A.05 to 123A.08, 124D.03, 124D.08, and 124D.68. The adjustments  
174.18 must be made according to this subdivision.

174.19 (b) For purposes of this subdivision, ~~the~~ "unreimbursed cost of providing special  
174.20 education and services" means the difference between: (1) the actual cost of providing  
174.21 special instruction and services, ~~including special transportation and unreimbursed building~~  
174.22 ~~lease and debt service costs for facilities used primarily for special education,~~ for a pupil  
174.23 with a disability, as defined in section 125A.02, or a pupil, as defined in section 125A.51,  
174.24 who is enrolled in a program listed in this subdivision, including special transportation and  
174.25 unreimbursed building lease and debt service costs for facilities used primarily for special  
174.26 education, minus (2) ~~if the pupil receives special instruction and services outside the regular~~  
174.27 ~~classroom for more than 60 percent of the school day,~~ the amount of general education  
174.28 revenue, if the pupil receives special instruction and services outside the regular classroom  
174.29 for more than 60 percent of the school day, excluding local optional revenue, plus local  
174.30 optional aid and referendum equalization aid as defined in section 125A.11, subdivision 1,  
174.31 paragraph (d), attributable to that pupil for the portion of time the pupil receives special  
174.32 instruction and services outside of the regular classroom, excluding portions attributable to

175.1 district and school administration, district support services, operations and maintenance,  
175.2 capital expenditures, and pupil transportation, minus (3) special education aid under section  
175.3 125A.76, excluding cross subsidy reduction aid under section 125A.76, subdivision 2e,  
175.4 attributable to that pupil, that is received by the district providing special instruction and  
175.5 services. For purposes of this paragraph, general education revenue and referendum  
175.6 equalization aid attributable to a pupil must be calculated using the serving district's average  
175.7 general education revenue and referendum equalization aid per adjusted pupil unit.

175.8 (c) ~~For fiscal year 2020, special education aid paid to a resident district must be reduced~~  
175.9 ~~by an amount equal to 85 percent of the unreimbursed cost of providing special education~~  
175.10 ~~and services. For fiscal year 2021 and later, Special education aid paid to a resident district~~  
175.11 must be reduced by an amount equal to 80 percent of the unreimbursed cost of providing  
175.12 special education and services.

175.13 (d) Notwithstanding paragraph (c), special education aid paid to a resident district must  
175.14 be reduced by an amount equal to 100 percent of the unreimbursed cost of providing special  
175.15 education and services ~~provided~~ to students at an intermediate district, cooperative, or charter  
175.16 school where the percent of students eligible for special education services is at least 70  
175.17 percent of the charter school's total enrollment.

175.18 (e) Notwithstanding paragraph (c), special education aid paid to a resident district must  
175.19 be reduced under paragraph (d) for students at a charter school receiving special education  
175.20 aid under section 124E.21, subdivision 3, calculated as if the charter school received special  
175.21 education aid under section 124E.21, subdivision 1.

175.22 (f) Special education aid paid to the district or cooperative providing special instruction  
175.23 and services for the pupil, or to the fiscal agent district for a cooperative, must be increased  
175.24 by the amount of the reduction in the aid paid to the resident district under paragraphs (c)  
175.25 and (d). If the resident district's special education aid is insufficient to make the full  
175.26 adjustment under paragraphs (c), (d), and (e), the remaining adjustment shall be made to  
175.27 other state aids due to the district.

175.28 (g) Notwithstanding paragraph (a), general education aid paid to the resident district of  
175.29 a nonspecial education student for whom an eligible special education charter school receives  
175.30 general education aid under section 124E.20, subdivision 1, paragraph (c), must be reduced  
175.31 by an amount equal to the difference between the general education aid attributable to the  
175.32 student under section 124E.20, subdivision 1, paragraph (c), and the general education aid  
175.33 that the student would have generated for the charter school under section 124E.20,  
175.34 subdivision 1, paragraph (a). For purposes of this paragraph, "nonspecial education student"

176.1 means a student who does not meet the definition of pupil with a disability as defined in  
176.2 section 125A.02 or the definition of a pupil in section 125A.51.

176.3 (h) An area learning center operated by a service cooperative, intermediate district,  
176.4 education district, or a joint powers cooperative may elect through the action of the  
176.5 constituent boards to charge the resident district tuition for pupils rather than to have the  
176.6 general education revenue paid to a fiscal agent school district. Except as provided in  
176.7 paragraph (f), the district of residence must pay tuition equal to at least 90 and no more than  
176.8 100 percent of the district average general education revenue per pupil unit minus an amount  
176.9 equal to the product of the formula allowance according to section 126C.10, subdivision 2,  
176.10 times .0466, calculated without compensatory revenue, local optional revenue, and  
176.11 transportation sparsity revenue, times the number of pupil units for pupils attending the area  
176.12 learning center.

176.13 (i) For a charter school located outside of Minneapolis or St. Paul, notwithstanding  
176.14 paragraph (b), unreimbursed tuition reimbursement amounts for a charter school, not  
176.15 including a charter school for which the tuition adjustment is calculated under paragraph  
176.16 (d) or (e), must be computed according to this paragraph. For purposes of this paragraph:

176.17 (1) "regular school year statewide district cap rate" means the unreimbursed regular  
176.18 school year cost per service hour, calculated statewide for all districts and averaged across  
176.19 the current year;

176.20 (2) "extended school year statewide district cap rate" means the unreimbursed extended  
176.21 school year cost per service hour, calculated statewide for all districts and averaged across  
176.22 the current year;

176.23 (3) "special education one-to-one paraprofessional statewide district cap rate" means  
176.24 the unreimbursed special education one-to-one paraprofessional cost per hour, calculated  
176.25 statewide for all districts and averaged across the current year; and

176.26 (4) "unreimbursed cost of providing special education and services" means the lesser of  
176.27 (i) the amount calculated under paragraph (b), or (ii) the regular school year statewide district  
176.28 cap rate multiplied by the regular school year service hours, plus the extended school year  
176.29 statewide district cap rate multiplied by the extended school year service hours, plus the  
176.30 special education one-to-one paraprofessional statewide district cap rate times instructional  
176.31 hours.

176.32 (j) For a charter school located in the city of Minneapolis, the commissioner must  
176.33 substitute the Minneapolis school district's cap rates for the statewide cap rates for that year.



177.1 For a charter school located in the city of St. Paul, the commissioner must substitute the St.  
177.2 Paul school district's cap rates for the statewide cap rates for that year.

177.3 (k) For purposes of paragraphs (i) and (j), for each capped rate, the unreimbursed cap  
177.4 rate for the charter school must not exceed 200 percent of the capped rate for fiscal year  
177.5 2024, 175 percent of the capped rate for fiscal year 2025, 150 percent of the capped rate  
177.6 for fiscal year 2026, and 125 percent of the capped rate for fiscal year 2027 and later.

177.7 (l) Notwithstanding paragraph (b), the department may disallow tuition expenses for a  
177.8 charter school if the department determines that the charter school failed to pursue third-party  
177.9 billing for qualifying special education services.

177.10 **EFFECTIVE DATE.** This section is effective for fiscal year 2023 and later.

177.11 Sec. 6. **SPECIAL EDUCATION RECOVERY SERVICES AND SUPPORTS.**

177.12 Subdivision 1. **Special education recovery.** The commissioner of education, school  
177.13 districts, and charter schools must collaborate with families of students with disabilities as  
177.14 provided in this section to address the impact of disruptions to in-person instruction on  
177.15 students' access to a free appropriate public education related to the COVID-19 pandemic.

177.16 Subd. 2. **Special education services and supports.** (a) A school district or charter school  
177.17 that serves one or more students with disabilities must invite the parents of a student with  
177.18 a disability to a meeting of each individualized education program (IEP) team as soon as  
177.19 practicable but no later than December 1, 2021, to determine whether special education  
177.20 services and supports are necessary to address lack of progress on IEP goals or in the general  
177.21 education curriculum or loss of learning or skills due to disruptions related to the COVID-19  
177.22 pandemic. The services and supports may include but are not limited to extended school  
177.23 year services, additional IEP services, compensatory services, or other appropriate services.  
177.24 This meeting may occur in an annual or other regularly scheduled IEP meeting. If the IEP  
177.25 team determines that the services and supports are necessary, the team shall determine what  
177.26 services and supports are appropriate for the student and when and how those services  
177.27 should be provided, in accordance with relevant guidance from the Minnesota Department  
177.28 of Education and the United States Department of Education. The services and supports  
177.29 must be included in the IEP of the student. A district or charter school must report to the  
177.30 commissioner, in the form and manner determined by the commissioner, the services and  
177.31 supports provided to students with disabilities under this section, including the cost of  
177.32 providing the services.

178.1 (b) In determining whether a student is eligible for services and supports described in  
178.2 paragraph (a), and what services and supports are appropriate for the student, the IEP team  
178.3 must consider, in conjunction with any other considerations advised by guidance from the  
178.4 Minnesota Department of Education or the United States Department of Education:

178.5 (1) services and supports provided to the student before the disruptions to in-person  
178.6 instruction related to the COVID-19 pandemic;

178.7 (2) the ability of the student to access services and supports;

178.8 (3) the student's progress toward IEP goals, including the goals in the IEP in effect before  
178.9 disruptions to in-person instruction related to the COVID-19 pandemic, and progress in the  
178.10 general education curriculum;

178.11 (4) the student's regression or lost skills resulting from disruptions to instruction;

178.12 (5) other significant influences on the student's ability to participate in and benefit from  
178.13 instruction related to the COVID-19 pandemic, including family loss, changed family  
178.14 circumstances, other trauma, and illness; and

178.15 (6) the types of services and supports that would benefit the student and improve the  
178.16 student's ability to benefit from school, including academic supports, behavioral supports,  
178.17 mental health supports, related services, and other services and supports.

178.18 (c) When considering how and when the services and supports described in paragraph  
178.19 (a) should be provided, the IEP team must take into account the timing and delivery method  
178.20 most appropriate for the student, such as time of day, day of the week, or time of year, and  
178.21 the availability of other services accessible to the student to address learning loss. The IEP  
178.22 team may determine that providers in addition to school district or charter school staff are  
178.23 most appropriate to provide the services and supports described in paragraph (a).

178.24 (d) A school district or charter school must make available the services and supports  
178.25 included in an IEP, as described in paragraph (a), until the IEP team determines that services  
178.26 and supports are no longer necessary to address lack of progress on IEP goals or in the  
178.27 general education curriculum or loss of learning or skills due to disruptions related to the  
178.28 COVID-19 pandemic.

178.29 (e) A school district providing special education services on a shared time basis to a  
178.30 student enrolled in a nonpublic school must offer the student special education services and  
178.31 supports in accordance with this section.

178.32 (f) The commissioner may identify school district, charter school, and cooperative unit  
178.33 pandemic-related expenses incurred under this section, and if the commissioner determines

179.1 the costs are eligible for funding using the additional funds set aside under the American  
 179.2 Rescue Plan Act, section 2014, for the Individuals with Disabilities Education Act, the  
 179.3 commissioner may allocate the federal funds for 100 percent of the costs of the services  
 179.4 provided under this section and exclude these expenses from state special education aid  
 179.5 under Minnesota Statutes, sections 125A.76 and 125A.79.

179.6 Sec. 7. **THIRD-PARTY REIMBURSEMENT.**

179.7 The commissioner of education and commissioner of human services must consult with  
 179.8 stakeholders to identify strategies to streamline access and reimbursement for behavioral  
 179.9 health services for children who are enrolled in medical assistance and have individualized  
 179.10 education programs or individualized family services plans, and to avoid duplication of  
 179.11 services and procedures to the extent practicable. The commissioners must review models  
 179.12 used in other states and identify strategies to reduce administrative burdens for schools  
 179.13 while ensuring continuity of care for students accessing services when not in school. By  
 179.14 November 1, 2021, the commissioners must report their findings and recommendations for  
 179.15 statutory changes to the chairs and ranking members of the committees with jurisdiction  
 179.16 over early learning through grade 12 education and human services in accordance with  
 179.17 Minnesota Statutes, section 3.195.

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

179.19 Sec. 8. **APPROPRIATIONS.**

179.20 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 179.21 appropriated from the general fund to the Department of Education for the fiscal years  
 179.22 designated.

179.23 Subd. 2. **Special education; regular.** For special education aid under Minnesota Statutes,  
 179.24 section 125A.75:

179.25 \$ 1,844,261,000 ..... 2022

179.26 \$ 1,994,392,000 ..... 2023

179.27 The 2022 appropriation includes \$215,125,000 for 2021 and \$1,629,136,000 for 2022.

179.28 The 2023 appropriation includes \$229,335,000 for 2022 and \$1,765,057,000 for 2023.

179.29 Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section  
 179.30 125A.75, subdivision 3, for children with disabilities placed in residential facilities within  
 179.31 the district boundaries for whom no district of residence can be determined:



181.1 (1) age-appropriate model learning activities for grades 4 through 12 that encompass  
181.2 the mental health components of the National Health Education Standards and the  
181.3 benchmarks developed by the department's quality teaching network in health and best  
181.4 practices in mental health education; and

181.5 (2) a directory of resources for planning and implementing age-appropriate mental health  
181.6 curriculum and instruction in grades 4 through 12 that includes resources on suicide and  
181.7 self-harm prevention. A district or charter school providing instruction or presentations on  
181.8 preventing suicide or self-harm must use either the resources provided by the commissioner  
181.9 or other evidence-based instruction.

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

181.11 Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

181.12 Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools ~~are~~  
181.13 ~~encouraged to~~ must provide developmentally appropriate programmatic instruction to help  
181.14 students identify, prevent, and reduce prohibited conduct; ~~value diversity in school and~~  
181.15 ~~society; develop and improve students' knowledge and skills for solving problems, managing~~  
181.16 ~~conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited~~  
181.17 ~~conduct; and make effective prevention and intervention programs available to students.~~  
181.18 ~~Upon request, the school safety technical assistance center under section 127A.052 must~~  
181.19 ~~assist a district or school in helping students understand social media and cyberbullying.~~  
181.20 ~~Districts and schools must establish~~ by establishing strategies for creating a positive school  
181.21 climate and use evidence-based social-emotional learning to prevent and reduce  
181.22 discrimination and other improper conduct.

181.23 (b) Districts and schools ~~are encouraged to~~ must:

181.24 (1) engage all students in creating a safe and supportive school environment;

181.25 (2) partner with parents and other community members to develop and implement  
181.26 prevention and intervention programs;

181.27 (3) engage all students and adults in integrating education, intervention, and other  
181.28 remedial responses into the school environment;

181.29 (4) train student bystanders to intervene in and report incidents of prohibited conduct to  
181.30 the school's primary contact person;

181.31 (5) teach students to advocate for themselves and others;

182.1 (6) prevent inappropriate referrals to special education of students who may engage in  
182.2 prohibited conduct; and

182.3 (7) foster student collaborations that foster a safe and supportive school climate.

182.4 Sec. 3. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

182.5 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the  
182.6 commissioner of human rights, shall develop and maintain a state model policy. A district  
182.7 or school that does not adopt and implement a local policy under subdivisions 3 to 5 must  
182.8 implement and may supplement the provisions of the state model policy. The commissioner  
182.9 must assist districts and schools under this subdivision to implement the state policy. The  
182.10 state model policy must:

182.11 (1) define prohibited conduct, consistent with this section;

182.12 (2) apply the prohibited conduct policy components in this section;

182.13 (3) for a child with a disability, whenever an evaluation by an individualized education  
182.14 program team or a section 504 team indicates that the child's disability affects the child's  
182.15 social skills development or the child is vulnerable to prohibited conduct because of the  
182.16 child's disability, the child's individualized education program or section 504 plan may  
182.17 address the skills and proficiencies the child needs to not engage in and respond to such  
182.18 conduct; and

182.19 (4) encourage violence prevention and character development education programs under  
182.20 section 120B.232, subdivision 1.

182.21 (b) The commissioner shall develop and post departmental procedures for:

182.22 (1) periodically reviewing district and school programs and policies for compliance with  
182.23 this section;

182.24 (2) investigating, reporting, and responding to noncompliance with this section, which  
182.25 may include an annual review of plans to improve and provide a safe and supportive school  
182.26 climate; and

182.27 (3) allowing students, parents, and educators to file a complaint about noncompliance  
182.28 with the commissioner.

182.29 (c) The commissioner must post on the department's website information indicating that  
182.30 when districts and schools allow non-curriculum-related student groups access to school  
182.31 facilities, the district or school must give all student groups equal access to the school  
182.32 facilities regardless of the content of the group members' speech.

183.1 (d) The commissioner must develop and maintain resources to assist a district or school  
183.2 in implementing strategies for creating a positive school climate and use evidence-based  
183.3 social-emotional learning to prevent and reduce discrimination and other improper conduct.

183.4 (e) The commissioner must develop and adopt state-level social-emotional learning  
183.5 standards.

183.6 **Sec. 4. [121A.20] SCHOOL MENTAL HEALTH SYSTEMS.**

183.7 Mental health is defined as the social, emotional, and behavioral well-being of students.  
183.8 Comprehensive school mental health systems provide an array of supports and services that  
183.9 promote positive school climate, social-emotional learning, and mental health and well-being,  
183.10 while reducing the prevalence and severity of mental illness. School mental health systems  
183.11 are built on a strong foundation of district and school professionals, including administrators,  
183.12 educators, and specialized instructional support personnel including school psychologists,  
183.13 school social workers, school counselors, school nurses, and other school health professionals,  
183.14 all in strategic partnership with students and families, as well as community health and  
183.15 mental health partners. School mental health systems also assess and address the social and  
183.16 environmental factors that impact mental health, including public policies and social norms  
183.17 that shape mental health outcomes.

183.18 **Sec. 5. [121A.201] MULTI-TIERED SYSTEM OF SUPPORTS.**

183.19 The Minnesota Multi-Tiered System of Supports is a systemic, continuous improvement  
183.20 framework for ensuring positive social, emotional, behavioral, developmental, and academic  
183.21 outcomes for every student. The Multi-Tiered System of Supports provides access to layered  
183.22 tiers of culturally and linguistically responsive, evidence-based practices. The Multi-Tiered  
183.23 System of Supports framework relies on the understanding and belief that every student  
183.24 can learn and thrive, and it engages an anti-racist approach to examining policies and  
183.25 practices and ensuring equitable distribution of resources and opportunity. This systemic  
183.26 framework requires:

183.27 (1) design and delivery of culturally and linguistically responsive, effective,  
183.28 standards-based core instruction in safe, supportive environments inclusive of every student  
183.29 as a necessary foundation for tiered supports;

183.30 (2) layered tiers of culturally and linguistically responsive supplemental and intensive  
183.31 supports to meet each student's needs;

184.1 (3) developing collective knowledge and experience through engagement in representative  
184.2 partnerships with students, education professionals, families, and communities;

184.3 (4) multidisciplinary teams of education professionals that review and use data to prevent  
184.4 and solve problems, inform instruction and supports, and ensure effective implementation  
184.5 in partnership with students and families;

184.6 (5) effective and timely use of meaningful, culturally relevant data disaggregated by  
184.7 student groups identified in section 121A.031 that includes but is not limited to universal  
184.8 screening, frequent progress monitoring, implementation fidelity, and multiple qualitative  
184.9 and quantitative sources; and

184.10 (6) ongoing professional learning on the Multi-Tiered System of Supports systemic  
184.11 framework using anti-racist approaches to training and coaching.

184.12 **Sec. 6. [121A.24] SEIZURE TRAINING AND ACTION PLAN.**

184.13 Subdivision 1. **Seizure action plan.** (a) For purposes of this section, "seizure action  
184.14 plan" means a written individualized health plan designed to acknowledge and prepare for  
184.15 the health care needs of a student with a seizure disorder diagnosed by the student's treating  
184.16 licensed health care provider.

184.17 (b) The requirements of this subdivision apply to a school district or charter school where  
184.18 an enrolled student's parent or guardian has notified the school district or charter school that  
184.19 the student has a diagnosed seizure disorder and has seizure rescue medication or medication  
184.20 prescribed by the student's licensed health care provider to treat seizure disorder symptoms  
184.21 approved by the United States Food and Drug Administration. The parent or guardian of a  
184.22 student with a diagnosed seizure disorder must collaborate with school personnel to  
184.23 implement the seizure action plan.

184.24 (c) A seizure action plan must:

184.25 (1) identify a school nurse or a designated individual at each school site who is on duty  
184.26 during the regular school day and can administer or assist with the administration of seizure  
184.27 rescue medication or medication prescribed to treat seizure disorder symptoms approved  
184.28 by the United States Food and Drug Administration;

184.29 (2) require training on seizure medications for an employee identified under clause (1),  
184.30 recognition of signs and symptoms of seizures, and appropriate steps to respond to seizures;

184.31 (3) be provided to the person identified under clause (1); and



185.1 (4) be filed in the office of the school principal or licensed school nurse or, in the absence  
185.2 of a licensed school nurse, a professional nurse or designated individual.

185.3 (d) A school district or charter school employee or volunteer responsible for the  
185.4 supervision or care of a student with a diagnosed seizure disorder must be given notice and  
185.5 a copy of the seizure action plan, the name or position of the employee identified under  
185.6 paragraph (c), clause (1), and the method by which the trained school employee may be  
185.7 contacted in an emergency.

185.8 Subd. 2. **Training requirements.** A school district or charter school must provide all  
185.9 licensed school nurses or, in the absence of a licensed school nurse, a professional nurse or  
185.10 designated individual, and other school staff working with students with self-study materials  
185.11 on seizure disorder signs, symptoms, medications, and appropriate responses.

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

185.13 Sec. 7. **[124D.901] STUDENT SUPPORT PERSONNEL AID.**

185.14 Subdivision 1. **Definitions.** For the purposes of this section, the following terms have  
185.15 the meanings given:

185.16 (1) "new position" means a student support services personnel full-time or part-time  
185.17 position not under contract by a school district, charter school, or cooperative unit at the  
185.18 start of the 2021-2022 school year; and

185.19 (2) "student support services personnel" means an individual licensed to serve as a school  
185.20 counselor, school psychologist, school social worker, school nurse, or chemical dependency  
185.21 counselor in Minnesota.

185.22 Subd. 2. **Purpose.** The purpose of student support personnel aid is to:

185.23 (1) address shortages of student support services personnel within Minnesota schools;

185.24 (2) decrease caseloads for existing student support services personnel to ensure effective  
185.25 services;

185.26 (3) ensure that students receive effective academic guidance and integrated and  
185.27 comprehensive services to improve prekindergarten through grade 12 school outcomes and  
185.28 career and college readiness;

185.29 (4) ensure that student support services personnel serve within the scope and practice  
185.30 of their training and licensure;

186.1 (5) fully integrate learning supports, instruction, and school management within a  
186.2 comprehensive approach that facilitates interdisciplinary collaboration; and

186.3 (6) improve school safety and school climate to support academic success and career  
186.4 and college readiness.

186.5 Subd. 3. **Aid eligibility and application.** A school district, charter school, intermediate  
186.6 school district, or other cooperative unit is eligible to apply for student support personnel  
186.7 aid under this section. The commissioner must prescribe the form and manner of the  
186.8 application, which must include a plan describing how the aid will be used.

186.9 Subd. 4. **Student support personnel aid.** (a) The initial student support personnel aid  
186.10 for a school district equals the greater of \$20 times the number of pupils enrolled at the  
186.11 district on October 1 of the previous fiscal year or \$31,500. The initial student support  
186.12 personnel aid for a charter school equals \$20 times the number of pupils enrolled at the  
186.13 charter school on October 1 of the previous fiscal year.

186.14 (b) The cooperative student support personnel aid for a school district that is a member  
186.15 of an intermediate school district or other cooperative unit that enrolls students equals \$6  
186.16 times the number of pupils enrolled at the district on October 1 of the previous fiscal year.  
186.17 If a district is a member of more than one cooperative unit that enrolls students, the revenue  
186.18 must be allocated among the cooperative units.

186.19 (c) Notwithstanding paragraphs (a) and (b), the student support personnel aid must not  
186.20 exceed the district or cooperative unit's actual expenditure according to the approved plan  
186.21 under subdivision 3.

186.22 Subd. 5. **Allowed uses; match requirements.** (a) Aid under this section must be used  
186.23 to hire new positions for student support services personnel.

186.24 (b) Cooperative student support personnel aid must be transferred to the intermediate  
186.25 district or other cooperative unit of which the district is a member and used to hire new  
186.26 positions for student support services personnel at the intermediate district or cooperative  
186.27 unit.

186.28 (c) If a school district, charter school, or cooperative unit is not able to hire a new full-time  
186.29 equivalent position with student support personnel aid, the aid may be used for contracted  
186.30 services from individuals licensed to serve as a school counselor, school psychologist, school  
186.31 social worker, school nurse, or chemical dependency counselor in Minnesota.

187.1 (d) Student support personnel hired or contracted before the start of the 2021-2022 school  
187.2 year with federal funding related to COVID-19, including the American Rescue Plan, Public  
187.3 Law 117-2, is considered personnel hired for new positions.

187.4 Subd. 6. **Report required.** By February 1 following any fiscal year in which student  
187.5 support personnel aid was received, a school district, charter school, or cooperative unit  
187.6 must submit a written report to the commissioner indicating how the new position affected  
187.7 two or more of the following measures:

187.8 (1) school climate;

187.9 (2) attendance rates;

187.10 (3) academic achievement;

187.11 (4) career and college readiness;

187.12 (5) postsecondary completion rates; and

187.13 (6) student health.

187.14 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2023 and later.

187.15 Sec. 8. **APPROPRIATIONS.**

187.16 Subdivision 1. **Department of Education.** The sums indicated in this section are  
187.17 appropriated from the general fund to the Department of Education in the fiscal years  
187.18 designated.

187.19 Subd. 2. **Student support personnel aid.** For aid to support schools in addressing  
187.20 students' social, emotional, and physical health under Minnesota Statutes, section 124D.901:

187.21 §        17,223,000    ..... 2023

187.22 Subd. 3. **Suicide prevention training for teachers.** (a) For transfer to the commissioner  
187.23 of health for a grant to a nationally recognized provider of evidence-based online training  
187.24 on suicide prevention and engagement of students experiencing mental distress:

187.25 §        265,000    ..... 2022

187.26 (b) Training funded by the grant must be accessible to teachers in every school district,  
187.27 charter school, intermediate school district, service cooperative, and Tribal school in  
187.28 Minnesota.

187.29 (c) The grant recipient must report to the commissioner of health the number of teachers  
187.30 completing the online training, average length of time to complete training, and length of

188.1 average stay using the online training. The commissioner must survey online training users  
 188.2 to determine their perception of the online training. By January 8, 2023, the commissioner  
 188.3 must report the grant recipient's information and the survey results to the chairs and ranking  
 188.4 minority members of the legislative committees with jurisdiction over kindergarten through  
 188.5 grade 12 education and suicide prevention.

188.6 (d) This is a onetime appropriation and is available until June 30, 2023.

188.7 **Subd. 4. Equity diversity and inclusion trauma-informed grants.** (a) For grants to  
 188.8 districts and charter schools to implement professional development for staff focused on  
 188.9 trauma-informed practices:

188.10 \$ 6,000,000 ..... 2022

188.11 \$ 6,000,000 ..... 2023

188.12 (b) The department must develop best practices and other resources for trauma-informed  
 188.13 practices.

188.14 (c) Eligible grantees include school districts, charter schools, intermediate school districts,  
 188.15 and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2.

188.16 (d) The department may retain up to five percent of the appropriation for the  
 188.17 administration of the program and grants.

188.18 (e) This is a onetime appropriation.

188.19 (f) Any balance in the first year does not cancel but is available in the second year.

188.20 **ARTICLE 7**

188.21 **FACILITIES**

188.22 **Section 1. [121A.336] NOTIFICATION OF ENVIRONMENTAL HAZARDS.**

188.23 Upon notification by the Department of Health or Pollution Control Agency to a school  
 188.24 district, charter school, or nonpublic school of environmental hazards that may affect the  
 188.25 health of students or school staff, the school must notify school staff, students, and parents  
 188.26 of the hazards as soon as practicable. The notice must include direction on how to obtain  
 188.27 additional information about the hazard, including any actions that may reduce potential  
 188.28 harm to those affected by the hazard.

188.29 **Sec. 2.** Minnesota Statutes 2020, section 123B.595, subdivision 3, is amended to read:

188.30 **Subd. 3. Intermediate districts and other cooperative units.** (a) Upon approval through  
 188.31 the adoption of a resolution by each member district school board of an intermediate district

189.1 or other cooperative ~~units~~ unit under section 123A.24, subdivision 2, or a joint powers  
189.2 district under section 471.59, and the approval of the commissioner of education, a school  
189.3 district may include in its authority under this section a proportionate share of the long-term  
189.4 maintenance costs of the intermediate district ~~or,~~ cooperative unit, or joint powers district.  
189.5 The cooperative unit or joint powers district may issue bonds to finance the project costs  
189.6 or levy for the costs; using long-term maintenance revenue transferred from member districts  
189.7 to make debt service payments or pay project costs or, for leased facilities, pay the portion  
189.8 of lease costs attributable to the amortized cost of long-term facilities maintenance projects  
189.9 completed by the landlord. Authority under this subdivision is in addition to the authority  
189.10 for individual district projects under subdivision 1.

189.11 (b) The resolution adopted under paragraph (a) may specify which member districts will  
189.12 share the project costs under this subdivision, except that debt service payments for bonds  
189.13 issued by a cooperative unit or joint powers district to finance long-term maintenance project  
189.14 costs must be the responsibility of all member districts.

189.15 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2023 and later.

189.16 Sec. 3. Minnesota Statutes 2020, section 126C.40, subdivision 1, is amended to read:

189.17 Subdivision 1. **To lease building or land.** (a) When an independent or a special school  
189.18 district or a group of independent or special school districts finds it economically  
189.19 advantageous to rent or lease a building or land for any instructional purposes or for school  
189.20 storage or furniture repair, and it determines that the operating capital revenue authorized  
189.21 under section 126C.10, subdivision 13, is insufficient for this purpose, it may apply to the  
189.22 commissioner for permission to make an additional capital expenditure levy for this purpose.  
189.23 An application for permission to levy under this subdivision must contain financial  
189.24 justification for the proposed levy, the terms and conditions of the proposed lease, and a  
189.25 description of the space to be leased and its proposed use.

189.26 (b) The criteria for approval of applications to levy under this subdivision must include:  
189.27 the reasonableness of the price, the appropriateness of the space to the proposed activity,  
189.28 the feasibility of transporting pupils to the leased building or land, conformity of the lease  
189.29 to the laws and rules of the state of Minnesota, and the appropriateness of the proposed  
189.30 lease to the space needs and the financial condition of the district. The commissioner must  
189.31 not authorize a levy under this subdivision in an amount greater than the cost to the district  
189.32 of renting or leasing a building or land for approved purposes. The proceeds of this levy  
189.33 must not be used for custodial or other maintenance services. A district may not levy under

190.1 this subdivision for the purpose of leasing or renting a district-owned building or site to  
190.2 itself.

190.3 (c) For agreements finalized after July 1, 1997, a district may not levy under this  
190.4 subdivision for the purpose of leasing: (1) a newly constructed building used primarily for  
190.5 regular kindergarten, elementary, or secondary instruction; or (2) a newly constructed  
190.6 building addition or additions used primarily for regular kindergarten, elementary, or  
190.7 secondary instruction that contains more than 20 percent of the square footage of the  
190.8 previously existing building.

190.9 (d) Notwithstanding paragraph (b), a district may levy under this subdivision for the  
190.10 purpose of leasing or renting a district-owned building or site to itself only if the amount is  
190.11 needed by the district to make payments required by a lease purchase agreement, installment  
190.12 purchase agreement, or other deferred payments agreement authorized by law, and the levy  
190.13 meets the requirements of paragraph (c). A levy authorized for a district by the commissioner  
190.14 under this paragraph may be in the amount needed by the district to make payments required  
190.15 by a lease purchase agreement, installment purchase agreement, or other deferred payments  
190.16 agreement authorized by law, provided that any agreement include a provision giving the  
190.17 school districts the right to terminate the agreement annually without penalty.

190.18 (e) The total levy under this subdivision for a district for any year must not exceed \$212  
190.19 times the adjusted pupil units for the fiscal year to which the levy is attributable.

190.20 (f) For agreements for which a review and comment have been submitted to the  
190.21 Department of Education after April 1, 1998, the term "instructional purpose" as used in  
190.22 this subdivision excludes expenditures on stadiums.

190.23 (g) The commissioner of education may authorize a school district to exceed the limit  
190.24 in paragraph (e) if the school district petitions the commissioner for approval. The  
190.25 commissioner shall grant approval to a school district to exceed the limit in paragraph (e)  
190.26 for not more than five years if the district meets the following criteria:

190.27 (1) the school district has been experiencing pupil enrollment growth in the preceding  
190.28 five years;

190.29 (2) the purpose of the increased levy is in the long-term public interest;

190.30 (3) the purpose of the increased levy promotes collocation of government services; and

190.31 (4) the purpose of the increased levy is in the long-term interest of the district by avoiding  
190.32 over construction of school facilities.

191.1 (h) A school district that is a member of an intermediate school district or other  
191.2 cooperative unit under section 123A.24, subdivision 2, or a joint powers district under  
191.3 section 471.59 may include in its authority under this section the costs associated with leases  
191.4 of administrative and classroom space for ~~intermediate school district~~ programs of the  
191.5 intermediate school district or other cooperative unit under section 123A.24, subdivision  
191.6 2, or joint powers district under section 471.59. This authority must not exceed \$65 times  
191.7 the adjusted pupil units of the member districts. This authority is in addition to any other  
191.8 authority authorized under this section. The intermediate school district, other cooperative  
191.9 unit, or joint powers district may specify which member districts will levy for lease costs  
191.10 under this paragraph.

191.11 ~~(i) In addition to the allowable capital levies in paragraph (a), for taxes payable in 2012~~  
191.12 ~~to 2023, a district that is a member of the "Technology and Information Education Systems"~~  
191.13 ~~data processing joint board, that finds it economically advantageous to enter into a lease~~  
191.14 ~~agreement to finance improvements to a building and land for a group of school districts~~  
191.15 ~~or special school districts for staff development purposes, may levy for its portion of lease~~  
191.16 ~~costs attributed to the district within the total levy limit in paragraph (e). The total levy~~  
191.17 ~~authority under this paragraph shall not exceed \$632,000.~~

191.18 ~~(j)~~ (i) Notwithstanding paragraph (a), a district may levy under this subdivision for the  
191.19 purpose of leasing administrative space if the district can demonstrate to the satisfaction of  
191.20 the commissioner that the lease cost for the administrative space is no greater than the lease  
191.21 cost for instructional space that the district would otherwise lease. The commissioner must  
191.22 deny this levy authority unless the district passes a resolution stating its intent to lease  
191.23 instructional space under this section if the commissioner does not grant authority under  
191.24 this paragraph. The resolution must also certify that the lease cost for administrative space  
191.25 under this paragraph is no greater than the lease cost for the district's proposed instructional  
191.26 lease.

191.27 (j) Notwithstanding paragraph (a), a district may levy under this subdivision for the  
191.28 district's proportionate share of deferred maintenance expenditures for a district-owned  
191.29 building or site leased to a cooperative unit under section 123A.24, subdivision 2, or a joint  
191.30 powers district under section 471.59 for any instructional purposes or for school storage.

191.31 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2023 and later.

192.1 Sec. 4. Minnesota Statutes 2020, section 126C.44, is amended to read:

192.2 **126C.44 SAFE SCHOOLS LEVY.**

192.3 (a) Each district may make a levy on all taxable property located within the district for  
192.4 the purposes specified in this section. The maximum amount which may be levied for all  
192.5 costs under this section shall be equal to \$36 multiplied by the district's adjusted pupil units  
192.6 for the school year.

192.7 (b) The proceeds of the levy must be reserved and used for directly funding the following  
192.8 purposes or for reimbursing the cities and counties who contract with the district for the  
192.9 following purposes:

192.10 (1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace  
192.11 officers and sheriffs for liaison in services in the district's schools;

192.12 (2) to pay the costs for a drug abuse prevention program as defined in section 609.101,  
192.13 subdivision 3, paragraph (e), in the elementary schools;

192.14 (3) to pay the costs for a gang resistance education training curriculum in the district's  
192.15 schools;

192.16 (4) to pay the costs for security in the district's schools and on school property;

192.17 (5) to pay the costs for other crime prevention, drug abuse, student and staff safety,  
192.18 voluntary opt-in suicide prevention tools, and violence prevention measures taken by the  
192.19 school district;

192.20 (6) to pay costs for licensed school counselors, licensed school nurses, licensed school  
192.21 social workers, licensed school psychologists, and licensed alcohol and chemical dependency  
192.22 counselors to help provide early responses to problems;

192.23 (7) to pay for facility security enhancements including laminated glass, public  
192.24 announcement systems, emergency communications devices, and equipment and facility  
192.25 modifications related to violence prevention and facility security;

192.26 (8) to pay for costs associated with improving the school climate; or

192.27 (9) to pay costs for colocating and collaborating with mental health professionals who  
192.28 are not district employees or contractors.

192.29 ~~(b)~~ (c) For expenditures under paragraph ~~(a)~~ (b), clause (1), the district must initially  
192.30 attempt to contract for services to be provided by peace officers or sheriffs with the police  
192.31 department of each city or the sheriff's department of the county within the district containing  
192.32 the school receiving the services. If a local police department or a county sheriff's department



193.1 does not wish to provide the necessary services, the district may contract for these services  
 193.2 with any other police or sheriff's department located entirely or partially within the school  
 193.3 district's boundaries.

193.4 ~~(e)~~ (d) A school district that is a member of an intermediate school district may include  
 193.5 in its authority under this section the costs associated with safe schools activities authorized  
 193.6 under paragraph ~~(a)~~ (b) for intermediate school district programs. This authority must not  
 193.7 exceed \$15 times the adjusted pupil units of the member districts. This authority is in addition  
 193.8 to any other authority authorized under this section. Revenue raised under this paragraph  
 193.9 must be transferred to the intermediate school district.

193.10 (e) A school district or charter school receiving revenue under this section must annually  
 193.11 report safe schools expenditures to the commissioner, in the form and manner specified by  
 193.12 the commissioner. The report must conform to uniform financial and reporting standards  
 193.13 established for this purpose and provide a breakdown by functional area.

193.14 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

193.15 Sec. 5. **APPROPRIATIONS.**

193.16 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 193.17 appropriated from the general fund to the Department of Education for the fiscal years  
 193.18 designated.

193.19 Subd. 2. **Debt service equalization aid.** For debt service equalization aid under  
 193.20 Minnesota Statutes, section 123B.53, subdivision 6:

|        |    |                   |              |             |
|--------|----|-------------------|--------------|-------------|
| 193.21 | \$ | <u>25,001,000</u> | <u>.....</u> | <u>2022</u> |
| 193.22 | \$ | <u>24,286,000</u> | <u>.....</u> | <u>2023</u> |

193.23 The 2022 appropriation includes \$2,588,000 for 2021 and \$22,413,000 for 2022.

193.24 The 2023 appropriation includes \$2,371,000 for 2022 and \$21,915,000 for 2023.

193.25 Subd. 3. **Long-term facilities maintenance equalized aid.** For long-term facilities  
 193.26 maintenance equalized aid under Minnesota Statutes, section 123B.595, subdivision 9:

|        |    |                    |              |             |
|--------|----|--------------------|--------------|-------------|
| 193.27 | \$ | <u>108,582,000</u> | <u>.....</u> | <u>2022</u> |
| 193.28 | \$ | <u>111,077,000</u> | <u>.....</u> | <u>2023</u> |

193.29 The 2022 appropriation includes \$10,660,000 for 2021 and \$97,922,000 for 2022.

193.30 The 2023 appropriation includes \$10,880,000 for 2022 and \$100,197,000 for 2023.

194.1 Subd. 4. Equity in telecommunications access. (a) For equity in telecommunications  
 194.2 access:

194.3 \$ 3,750,000 ..... 2022

194.4 \$ 3,750,000 ..... 2023

194.5 (b) If the appropriation amount is insufficient, the commissioner shall reduce the  
 194.6 reimbursement rate in Minnesota Statutes, section 125B.26, subdivisions 4 and 5, and the  
 194.7 revenue for fiscal years 2022 and 2023 shall be prorated.

194.8 (c) Any balance in the first year does not cancel but is available in the second year.

194.9 Subd. 5. Maximum effort loan aid. For aid payments to schools under Minnesota  
 194.10 Statutes, section 477A.09.

194.11 \$ 3,288,000 ..... 2022

194.12 \$ 0 ..... 2023

194.13 The base for fiscal year 2024 is \$0.

194.14 **ARTICLE 8**

194.15 **NUTRITION AND LIBRARIES**

194.16 Section 1. Minnesota Statutes 2020, section 124D.111, is amended to read:

194.17 **124D.111 SCHOOL MEAL POLICY; LUNCH AID; FOOD SERVICE**  
 194.18 **ACCOUNTING.**

194.19 Subdivision 1. ~~School lunch aid computation~~ meal policy. (a) Each Minnesota sponsor  
 194.20 of the national school lunch program or school breakfast program must adopt and post to  
 194.21 its website, or the website of the organization where the meal is served, a school meal policy.  
 194.22 The policy must:

194.23 (1) be in writing, accessible in multiple languages, and clearly communicate student  
 194.24 meal charges when payment cannot be collected at the point of service;

194.25 (2) be reasonable and well-defined and maintain the dignity of students by prohibiting  
 194.26 lunch shaming or otherwise ostracizing any student;

194.27 (3) address whether the sponsor uses a collection agency to collect unpaid school meal  
 194.28 debt;

194.29 (4) require any communication to collect unpaid school meal debt be done by school  
 194.30 staff trained on the school district's policy on collecting student meal debt;

195.1 (5) require that all communication relating to school meal debt be delivered only to a  
195.2 student's parent or guardian and not directly to the student;

195.3 (6) ensure that once a sponsor has placed a meal on a tray or otherwise served a  
195.4 reimbursable meal to a student, the meal may not be subsequently withdrawn from the  
195.5 student by the cashier or other school official because the student has outstanding meal  
195.6 debt;

195.7 (7) ensure that a student who has been determined eligible for free and reduced-price  
195.8 lunch must always be served a reimbursable meal even if the student has outstanding debt;

195.9 (8) provide the third-party provider with its school meal policy if the school contracts  
195.10 with a third-party provider for its meal services; and

195.11 (9) require school nutrition staff be trained on the policy.

195.12 (b) Any contract between a school and a third-party provider of meal services entered  
195.13 into or modified on or after July 1, 2021, must ensure that the third-party provider adheres  
195.14 to the sponsor's school meal policy.

195.15 Subd. 1a. **School lunch aid amounts.** Each school year, the state must pay ~~participants~~  
195.16 sponsors in the national school lunch program the amount of 12.5 cents for each full paid  
195.17 and free student lunch and 52.5 cents for each reduced-price lunch served to students.

195.18 Subd. 2. **Application.** A school district, charter school, nonpublic school, or other  
195.19 participant sponsor in the national school lunch program shall apply to the department for  
195.20 this payment on forms provided by the department.

195.21 Subd. 2a. **Federal Child and Adult Care Food Program; criteria and notice.** The  
195.22 commissioner must post on the department's website eligibility criteria and application  
195.23 information for nonprofit organizations interested in applying to the commissioner for  
195.24 approval as a multisite sponsoring organization under the federal Child and Adult Care  
195.25 Food Program. The posted criteria and information must inform interested nonprofit  
195.26 organizations about:

195.27 (1) the criteria the commissioner uses to approve or disapprove an application, including  
195.28 how an applicant demonstrates financial viability for the Minnesota program, among other  
195.29 criteria;

195.30 (2) the commissioner's process and time line for notifying an applicant when its  
195.31 application is approved or disapproved and, if the application is disapproved, the explanation  
195.32 the commissioner provides to the applicant; and

196.1 (3) any appeal or other recourse available to a disapproved applicant.

196.2 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision must  
196.3 be recorded as provided in this subdivision.

196.4 (b) In each district, the expenses for a school food service program for pupils must be  
196.5 attributed to a school food service fund. Under a food service program, the school food  
196.6 service may prepare or serve milk, meals, or snacks in connection with school or community  
196.7 service activities.

196.8 (c) Revenues and expenditures for food service activities must be recorded in the food  
196.9 service fund. The costs of processing applications, accounting for meals, preparing and  
196.10 serving food, providing kitchen custodial services, and other expenses involving the preparing  
196.11 of meals or the kitchen section of the lunchroom may be charged to the food service fund  
196.12 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial  
196.13 services, lunchroom utilities, and other administrative costs of the food service program  
196.14 must be charged to the general fund.

196.15 That portion of superintendent and fiscal manager costs that can be documented as  
196.16 attributable to the food service program may be charged to the food service fund provided  
196.17 that the school district does not employ or contract with a food service director or other  
196.18 individual who manages the food service program, or food service management company.  
196.19 If the cost of the superintendent or fiscal manager is charged to the food service fund, the  
196.20 charge must be at a wage rate not to exceed the statewide average for food service directors  
196.21 as determined by the department.

196.22 (d) Capital expenditures for the purchase of food service equipment must be made from  
196.23 the general fund and not the food service fund, unless the restricted balance in the food  
196.24 service fund at the end of the last fiscal year is greater than the cost of the equipment to be  
196.25 purchased.

196.26 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased  
196.27 from the food service fund.

196.28 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit  
196.29 is not eliminated by revenues from food service operations in the next fiscal year, then the  
196.30 deficit must be eliminated by a permanent fund transfer from the general fund at the end of  
196.31 that second fiscal year. However, if a district contracts with a food service management  
196.32 company during the period in which the deficit has accrued, the deficit must be eliminated  
196.33 by a payment from the food service management company.

197.1 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund  
197.2 for up to three years without making the permanent transfer if the district submits to the  
197.3 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at  
197.4 the end of the third fiscal year.

197.5 (h) If a surplus in the food service fund exists at the end of a fiscal year for three  
197.6 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,  
197.7 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food  
197.8 service program charged to the general fund according to paragraph (c) and charge those  
197.9 costs to the food service fund in a total amount not to exceed the amount of surplus in the  
197.10 food service fund.

197.11 Subd. 4. **No fees.** A participant sponsor that receives school lunch aid under this section  
197.12 must make lunch meals available without charge and must not deny a school lunch or  
197.13 breakfast to all participating students who qualify for free or reduced-price meals, whether  
197.14 or not the student has an outstanding balance in the student's meal account attributable to a  
197.15 la carte purchases or for any other reason. The participant sponsor must also ensure that  
197.16 any reminders for payment of outstanding student meal balances do not demean or stigmatize  
197.17 any child participating in the school lunch program or school breakfast program.

197.18 Subd. 5. **Respectful treatment.** (a) The sponsor must also provide meals to students in  
197.19 a respectful manner according to the policy adopted under subdivision 1. The sponsor must  
197.20 ensure respectful treatment of students, including but not limited to ensuring that: a meal  
197.21 is not dumped in the trash; no meal that has been served is withdrawn from a student; and  
197.22 no students with outstanding meals balances have their names announced or listed in a  
197.23 public manner nor receive a sticker, stamp, or pinned note reminding the students of the  
197.24 outstanding meals balance. The sponsor must not impose any other restriction prohibited  
197.25 under section 123B.37 due to unpaid student meal debt. The sponsor must not limit a student's  
197.26 participation in any school activities, graduation ceremonies, field trips, athletics, activity  
197.27 clubs, or other extracurricular activities or access to materials, technology, or other items  
197.28 provided to students due to an unpaid student meal debt.

197.29 (b) If the commissioner or the commissioner's designee determines a sponsor has violated  
197.30 the requirement to provide meals to participating students in a respectful manner, the  
197.31 commissioner or the commissioner's designee must send a letter of noncompliance to the  
197.32 sponsor. The sponsor is required to respond and, if applicable, remedy the practice within  
197.33 60 days.

198.1 Subd. 6. Definitions. (a) For the purposes of this section, the terms defined in this  
198.2 subdivision have the meanings given.

198.3 (b) "A la carte" means a food item ordered separately from the school meal.

198.4 (c) "School meal" means a meal provided to students during the school day.

198.5 EFFECTIVE DATE. This section is effective July 1, 2021.

198.6 Sec. 2. Minnesota Statutes 2020, section 124D.1158, is amended to read:

198.7 **124D.1158 SCHOOL BREAKFAST PROGRAM.**

198.8 Subdivision 1. **Purpose.** The purpose of the school breakfast program is to provide  
198.9 affordable morning nutrition to children so that they can effectively learn. Public and  
198.10 nonpublic schools that participate in the federal school breakfast program may receive state  
198.11 breakfast aid. Schools shall encourage all children to eat a nutritious breakfast, either at  
198.12 home or at school, and shall work to eliminate barriers to breakfast participation at school  
198.13 such as inadequate facilities and transportation.

198.14 Subd. 2. **Program; eligibility.** Each school year, public and nonpublic schools that  
198.15 participate in the federal school breakfast program are eligible for the state breakfast program.

198.16 Subd. 3. **Program reimbursement.** Each school year, the state must reimburse each  
198.17 participating school 30 cents for each reduced-price breakfast, 55 cents for each fully paid  
198.18 breakfast served to students in grades 1 to 12, and \$1.30 for each fully paid breakfast served  
198.19 to a prekindergarten student enrolled in an approved voluntary prekindergarten program  
198.20 under section 124D.151, early childhood special education students participating in a program  
198.21 authorized under section 124D.151, or a kindergarten student.

198.22 Subd. 4. **No fees.** A school that receives school breakfast aid under this section must  
198.23 make breakfast available without charge to all participating students in grades 1 to 12 who  
198.24 qualify for free or reduced-price meals and to all prekindergarten students enrolled in an  
198.25 approved voluntary prekindergarten program under section 124D.151, early childhood  
198.26 special education students participating in a program authorized under section 124D.151,  
198.27 and all kindergarten students.

198.28 Sec. 3. **[124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

198.29 A school district or charter school library or school library media center provides equitable  
198.30 and free access to students, teachers, and administrators. A school library or school library  
198.31 media center is defined as having the following characteristics:

199.1 (1) ensures every student has equitable access to resources and is able to locate, access,  
199.2 and use on-site resources that are organized and cataloged;

199.3 (2) has a collection development policy that includes but is not limited to materials  
199.4 selection and de-selection, a challenged materials procedure, and an intellectual and academic  
199.5 freedom statement;

199.6 (3) is housed in a central location that provides an environment for expanded learning  
199.7 to meet the unique needs and interests of individual students;

199.8 (4) has technology tools and broadband access; and

199.9 (5) employs a licensed school library media specialist or licensed school librarian.

199.10 **Sec. 4. [134.191] DIGITAL AND ONLINE LIBRARY DATABASE RESOURCES**  
199.11 **FOR K-12 STUDENTS.**

199.12 Subdivision 1. **Digital and online library database resources.** A school district, public  
199.13 charter school, state agency, public library, or university may offer digital or online library  
199.14 database resources to students in kindergarten through grade 12 only if the vendor or other  
199.15 person or entity providing the resources verifies that all the resources will comply with the  
199.16 provisions of subdivision 2.

199.17 Subd. 2. **Safety policies.** Digital or online library database resources offered by school  
199.18 districts, public charter schools, state agencies, public libraries, or universities to students  
199.19 in kindergarten through grade 12 must have safety policies and technology protection  
199.20 measures that:

199.21 (1) prohibit and prevent a user of the resource from sending, receiving, viewing, or  
199.22 downloading materials that are deemed to be harmful to minors, as defined in section  
199.23 617.291; and

199.24 (2) filter or block access to obscene materials, materials harmful to minors, and materials  
199.25 that depict the sexual exploitation of a minor, as defined in section 617.241, subdivision 1.

199.26 Subd. 3. **Payments.** Notwithstanding any contract provision to the contrary, if a provider  
199.27 of digital or online library resources fails to comply with the requirements of subdivision  
199.28 2, the school district, public charter school, state agency, public library, or university shall  
199.29 withhold further payments, if any, to the provider pending verification of compliance.

199.30 Subd. 4. **Noncompliance.** If a provider of digital or online library database resources  
199.31 fails to timely verify that the provider is in compliance with the safety policies and

200.1 requirements of subdivision 2, the school district, public charter school, state agency, public  
200.2 library, or university shall consider the provider's act of noncompliance a breach of contract.

200.3 Subd. 5. **Report.** No later than December 1 of each year, libraries shall submit to the  
200.4 legislative committees with jurisdiction over education an aggregate written report on any  
200.5 issues related to provider compliance with technology protection measures required by  
200.6 subdivision 2.

200.7 Sec. 5. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

200.8 Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall  
200.9 be provided to any regional public library system where there are at least three participating  
200.10 counties and where each participating city and county is providing for public library service  
200.11 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted  
200.12 net tax capacity of the taxable property of that city or county, as determined by the  
200.13 commissioner of revenue for the second, third, and fourth year preceding that calendar year  
200.14 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita  
200.15 amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the  
200.16 per capita amount shall be increased by a percentage equal to one-half of the percentage by  
200.17 which the total state adjusted net tax capacity of property as determined by the commissioner  
200.18 of revenue for the second year preceding that calendar year increases over that total adjusted  
200.19 net tax capacity for the third year preceding that calendar year.

200.20 (b) The minimum level of support specified under this subdivision or subdivision 4 shall  
200.21 be certified annually to the participating cities and counties by the Department of Education.  
200.22 If a city or county chooses to reduce its local support in accordance with subdivision 4,  
200.23 paragraph (b) or (c), it shall notify its regional public library system. The regional public  
200.24 library system shall notify the Department of Education that a revised certification is required.  
200.25 The revised minimum level of support shall be certified to the city or county by the  
200.26 Department of Education.

200.27 (c) A city which is a part of a regional public library system shall not be required to  
200.28 provide this level of support if the property of that city is already taxable by the county for  
200.29 the support of that regional public library system. In no event shall the Department of  
200.30 Education require any city or county to provide a higher level of support than the level of  
200.31 support specified in this section in order for a system to qualify for regional library basic  
200.32 system support aid. This section shall not be construed to prohibit a city or county from  
200.33 providing a higher level of support for public libraries than the level of support specified  
200.34 in this section.



201.1 (d) The amounts required to be expended under this section are subject to the reduced  
201.2 maintenance of effort requirements in section 275.761.

201.3 Sec. 6. Minnesota Statutes 2020, section 134.355, subdivision 5, is amended to read:

201.4 Subd. 5. **Base aid distribution.** ~~Five~~ Fifteen percent of the available aid funds shall be  
201.5 paid to each system as base aid for basic system services.

201.6 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2022 and  
201.7 later.

201.8 Sec. 7. Minnesota Statutes 2020, section 134.355, subdivision 6, is amended to read:

201.9 Subd. 6. **Adjusted net tax capacity per capita distribution.** ~~Twenty-five~~ Fifteen percent  
201.10 of the available aid funds shall be distributed to regional public library systems based upon  
201.11 the adjusted net tax capacity per capita for each member county or participating portion of  
201.12 a county as calculated for the ~~second~~ third year preceding the fiscal year for which aid is  
201.13 provided. Each system's entitlement shall be calculated as follows:

201.14 ~~(a)~~ (1) multiply the adjusted net tax capacity per capita for each county or participating  
201.15 portion of a county by .0082;

201.16 ~~(b)~~ (2) add sufficient aid funds that are available under this subdivision to raise the  
201.17 amount of the county or participating portion of a county with the lowest value calculated  
201.18 according to ~~paragraph (a)~~ clause (1) to the amount of the county or participating portion  
201.19 of a county with the next highest value calculated according to ~~paragraph (a)~~ clause (1).  
201.20 Multiply the amount of the additional aid funds by the population of the county or  
201.21 participating portion of a county;

201.22 ~~(c)~~ (3) continue the process described in ~~paragraph (b)~~ clause (2) by adding sufficient  
201.23 aid funds that are available under this subdivision to the amount of a county or participating  
201.24 portion of a county with the next highest value calculated in ~~paragraph (a)~~ clause (1) to raise  
201.25 it and the amount of counties and participating portions of counties with lower values  
201.26 calculated in ~~paragraph (a)~~ clause (1) up to the amount of the county or participating portion  
201.27 of a county with the next highest value, until reaching an amount where funds available  
201.28 under this subdivision are no longer sufficient to raise the amount of a county or participating  
201.29 portion of a county and the amount of counties and participating portions of counties with  
201.30 lower values up to the amount of the next highest county or participating portion of a county;  
201.31 and

202.1 ~~(d)~~ (4) if the point is reached using the process in ~~paragraphs (b) and (e)~~ clauses (2) and  
202.2 (3) at which the remaining aid funds under this subdivision are not adequate for raising the  
202.3 amount of a county or participating portion of a county and all counties and participating  
202.4 portions of counties with amounts of lower value to the amount of the county or participating  
202.5 portion of a county with the next highest value, those funds are to be divided on a per capita  
202.6 basis for all counties or participating portions of counties that received aid funds under the  
202.7 calculation in ~~paragraphs (b) and (e)~~ clauses (2) and (3).

202.8 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2022 and  
202.9 later.

202.10 Sec. 8. Minnesota Statutes 2020, section 134.355, subdivision 7, is amended to read:

202.11 Subd. 7. **Population determination.** A regional public library system's population shall  
202.12 be determined according to must be calculated using the most recent estimate available  
202.13 under section 477A.011, subdivision 3, at the time the aid amounts are calculated, which  
202.14 must be by April 1 in the year the calculation is made.

202.15 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2022 and  
202.16 later.

202.17 Sec. 9. **COMMUNITY ELIGIBILITY PROVISION SCHOOL SITES;**  
202.18 **SUPPLEMENTAL STATE FUNDING.**

202.19 (a) For fiscal year 2023 only, a school site that participates in the federal community  
202.20 eligibility provision program is eligible for aid under this section.

202.21 (b) A district's community eligibility provision aid equals the greater of zero or the  
202.22 difference between the federal funds under the community eligibility provision program  
202.23 for lunch and breakfast for that site and the amount necessary for full reimbursement for  
202.24 breakfast and lunch for that site times the proration factor.

202.25 (c) The annual community eligibility provision aid entitlement equals \$2,500,000.

202.26 (d) If aid under paragraph (c) is insufficient to cover the full cost of paragraph (b), the  
202.27 amount in paragraph (b) must be proportionately reduced for each school site.

202.28 Sec. 10. **APPROPRIATIONS.**

202.29 Subdivision 1. Department of Education. The sums indicated in this section are  
202.30 appropriated from the general fund to the Department of Education for the fiscal years  
202.31 designated. Any balance in the first year does not cancel but is available in the second year.

203.1 Subd. 2. **School lunch.** For school lunch aid under Minnesota Statutes, section 124D.111,  
 203.2 and Code of Federal Regulations, title 7, section 210.17:

203.3 \$ 16,661,000 ..... 2022

203.4 \$ 16,954,000 ..... 2023

203.5 Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota Statutes,  
 203.6 section 124D.1158:

203.7 \$ 12,133,000 ..... 2022

203.8 \$ 12,485,000 ..... 2023

203.9 Subd. 4. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes,  
 203.10 section 124D.118:

203.11 \$ 656,000 ..... 2022

203.12 \$ 658,000 ..... 2023

203.13 Subd. 5. **Summer school food service replacement.** For summer school food service  
 203.14 replacement aid under Minnesota Statutes, section 124D.119:

203.15 \$ 150,000 ..... 2022

203.16 \$ 150,000 ..... 2023

203.17 Subd. 6. **Community eligibility provision aid.** (a) For community eligibility provision  
 203.18 aid under section 8:

203.19 \$ 2,500,000 ..... 2023

203.20 (b) This is a onetime appropriation.

203.21 Subd. 7. **Basic system support.** For basic system support aid under Minnesota Statutes,  
 203.22 section 134.355:

203.23 \$ 15,370,000 ..... 2022

203.24 \$ 15,570,000 ..... 2023

203.25 The 2022 appropriation includes \$1,357,000 for 2021 and \$14,013,000 for 2022.

203.26 The 2023 appropriation includes \$1,557,000 for 2022 and \$14,013,000 for 2023.

203.27 Subd. 8. **Multicounty, multitype library systems.** For aid under Minnesota Statutes,  
 203.28 sections 134.353 and 134.354, to multicounty, multitype library systems:

203.29 \$ 1,300,000 ..... 2022

203.30 \$ 1,300,000 ..... 2023

203.31 The 2022 appropriation includes \$130,000 for 2021 and \$1,170,000 for 2022.

204.1 The 2023 appropriation includes \$130,000 for 2022 and \$1,170,000 for 2023.

204.2 Subd. 9. **Electronic library for Minnesota.** For statewide licenses to online databases  
 204.3 selected in cooperation with the Minnesota Office of Higher Education for school media  
 204.4 centers, public libraries, state government agency libraries, and public or private college or  
 204.5 university libraries:

204.6 \$ 900,000 ..... 2022

204.7 \$ 900,000 ..... 2023

204.8 Subd. 10. **Regional library telecommunications.** For regional library  
 204.9 telecommunications aid under Minnesota Statutes, section 134.355:

204.10 \$ 2,300,000 ..... 2022

204.11 \$ 2,300,000 ..... 2023

204.12 The 2022 appropriation includes \$230,000 for 2021 and \$2,070,000 for 2022.

204.13 The 2023 appropriation includes \$230,000 for 2022 and \$2,070,000 for 2023.

204.14 **ARTICLE 9**  
 204.15 **EARLY CHILDHOOD**

204.16 Section 1. Minnesota Statutes 2020, section 119A.52, is amended to read:

204.17 **119A.52 DISTRIBUTION OF APPROPRIATION.**

204.18 (a) The commissioner of education must distribute money appropriated for that purpose  
 204.19 to federally designated Head Start programs to expand services and to serve additional  
 204.20 low-income children. ~~Migrant and Indian reservation programs must be initially allocated~~  
 204.21 ~~money based on the programs' share of federal funds.~~ in the following order: (1) 10.72  
 204.22 percent of the total Head Start appropriation shall be allocated to federally designated Tribal  
 204.23 Head Start programs; (2) the Tribal Head Start portion of the appropriation shall be allocated  
 204.24 to Tribal Head Start programs based on the programs' share of federal funds; and (3) migrant  
 204.25 programs must then be initially allocated funding based on the programs' share of federal  
 204.26 funds. The remaining money must be initially allocated to the remaining local agencies  
 204.27 based equally on the agencies' share of federal funds and on the proportion of eligible  
 204.28 children in the agencies' service area who are not currently being served. A Head Start  
 204.29 program must be funded at a per child rate equal to its contracted, federally funded base  
 204.30 level at the start of the fiscal year. For all agencies without a federal Early Head Start rate,  
 204.31 the state average federal cost per child for Early Head Start applies. In allocating funds  
 204.32 under this paragraph, the commissioner of education must assure that each Head Start

205.1 program in existence in 1993 is allocated no less funding in any fiscal year than was allocated  
205.2 to that program in fiscal year 1993. Before paying money to the programs, the commissioner  
205.3 must notify each program of its initial allocation and how the money must be used. Each  
205.4 program must present a plan under section 119A.535. For any program that cannot utilize  
205.5 its full allocation at the beginning of the fiscal year, the commissioner must reduce the  
205.6 allocation proportionately. Money available after the initial allocations are reduced must  
205.7 be redistributed to eligible programs.

205.8 (b) The commissioner must develop procedures to make payments to programs based  
205.9 upon the number of children reported to be enrolled during the required time period of  
205.10 program operations. Enrollment is defined by federal Head Start regulations. The procedures  
205.11 must include a reporting schedule, corrective action plan requirements, and financial  
205.12 consequences to be imposed on programs that do not meet full enrollment after the period  
205.13 of corrective action. Programs reporting chronic underenrollment, as defined by the  
205.14 commissioner, will have their subsequent program year allocation reduced proportionately.  
205.15 Funds made available by prorating payments and allocations to programs with reported  
205.16 underenrollment will be made available to the extent funds exist to fully enrolled Head Start  
205.17 programs through a form and manner prescribed by the department.

205.18 (c) Programs with approved innovative initiatives that target services to high-risk  
205.19 populations, including homeless families and families living in homeless shelters and  
205.20 transitional housing, are exempt from the procedures in paragraph (b). This exemption does  
205.21 not apply to entire programs. The exemption applies only to approved innovative initiatives  
205.22 that target services to high-risk populations, including homeless families and families living  
205.23 in homeless shelters, transitional housing, and permanent supportive housing.

205.24 **Sec. 2. [122A.261] PREKINDERGARTEN, SCHOOL READINESS, PRESCHOOL,**  
205.25 **AND EARLY EDUCATION PROGRAMS; LICENSURE REQUIREMENT.**

205.26 **Subdivision 1. Licensure requirement.** A school district or charter school must employ  
205.27 **a qualified teacher, as defined in section 122A.16, to provide instruction in a preschool,**  
205.28 **school readiness, school readiness plus, prekindergarten, or other school district or charter**  
205.29 **school-based early education program.**

205.30 **Subd. 2. Exemptions.** A person employed by a school district or charter school as a  
205.31 **teacher in an early education program during the 2020-2021 school year who does not have**  
205.32 **a Minnesota teaching license is exempt from the licensure requirement until July 1, 2026,**  
205.33 **or until such time as the teacher is able to obtain a Minnesota teaching license, whichever**

206.1 occurs first. Notwithstanding this exemption from the licensure requirement, these individuals  
206.2 are teachers under section 179A.03, subdivision 18.

206.3 Sec. 3. Minnesota Statutes 2020, section 124D.13, subdivision 2, is amended to read:

206.4 Subd. 2. **Program requirements.** (a) Early childhood family education programs are  
206.5 programs for children in the period of life from birth to kindergarten, for the parents and  
206.6 other relatives of these children, ~~and~~ for expectant parents, and for alloparents. To the extent  
206.7 that funds are insufficient to provide programs for all children, early childhood family  
206.8 education programs should emphasize programming for a child from birth to age three and  
206.9 encourage parents and other relatives to involve four- and five-year-old children in school  
206.10 readiness programs, and other public and nonpublic early learning programs. A district may  
206.11 not limit participation to school district residents. Early childhood family education programs  
206.12 must provide:

206.13 (1) programs to educate parents and other relatives about the physical, cognitive, social,  
206.14 and emotional development of children and to enhance the skills of parents and other relatives  
206.15 in providing for their children's learning and development;

206.16 (2) structured learning activities requiring interaction between children and their parents  
206.17 or relatives;

206.18 (3) structured learning activities for children that promote children's development and  
206.19 positive interaction with peers, which are held while parents or relatives attend parent  
206.20 education classes;

206.21 (4) information on related community resources;

206.22 (5) information, materials, and activities that support the safety of children, including  
206.23 prevention of child abuse and neglect;

206.24 (6) a community needs assessment that identifies new and underserved populations,  
206.25 identifies child and family risk factors, particularly those that impact children's learning and  
206.26 development, and assesses family and parenting education needs in the community;

206.27 (7) programming and services that are tailored to the needs of families and parents  
206.28 prioritized in the community needs assessment; and

206.29 (8) information about and, if needed, assist in making arrangements for an early childhood  
206.30 health and developmental screening under sections 121A.16 and 121A.17, when the child  
206.31 nears the third birthday.

207.1 Early childhood family education programs should prioritize programming and services  
207.2 for families and parents identified in the community needs assessment, particularly those  
207.3 families and parents with children with the most risk factors birth to age three.

207.4 Early childhood family education programs are encouraged to provide parents of English  
207.5 learners with translated oral and written information to monitor the program's impact on  
207.6 their children's English language development, to know whether their children are progressing  
207.7 in developing their English and native language proficiency, and to actively engage with  
207.8 and support their children in developing their English and native language proficiency.

207.9 The programs must include learning experiences for children, parents, and other relatives  
207.10 that promote children's early literacy and, where practicable, their native language skills  
207.11 and activities for children that require substantial involvement of the children's parents or  
207.12 other relatives. The program may provide parenting education programming or services to  
207.13 anyone identified in the community needs assessment. Providers must review the program  
207.14 periodically to assure the instruction and materials are not racially, culturally, or sexually  
207.15 biased. The programs must encourage parents to be aware of practices that may affect  
207.16 equitable development of children.

207.17 (b) For the purposes of this section, "relative" or "relatives" means noncustodial  
207.18 grandparents or other persons related to a child by blood, marriage, adoption, or foster  
207.19 placement, excluding parents.

207.20 Sec. 4. Minnesota Statutes 2020, section 124D.142, is amended to read:

207.21 **124D.142 QUALITY RATING AND IMPROVEMENT SYSTEM.**

207.22 Subdivision 1. System established. ~~(a)~~ There is established a quality rating and  
207.23 improvement system (QRIS) framework, known as Parent Aware, to ensure that Minnesota's  
207.24 children have access to high-quality early learning and care programs in a range of settings  
207.25 so that they are fully ready for kindergarten by 2020. ~~Creation of a standards-based voluntary~~  
207.26 ~~quality rating and improvement system includes:~~

207.27 Subd. 2. System components. The standards-based, voluntary quality rating and  
207.28 improvement system includes:

207.29 (1) quality opportunities in order to improve the educational outcomes of children so  
207.30 that they are ready for school. ~~The;~~

207.31 (2) a framework shall be based on the Minnesota quality rating system rating tool and  
207.32 a common set of child outcome and program standards and informed by evaluation results;

208.1 ~~(2)~~(3) a tool to increase the number of publicly funded and regulated early learning and  
208.2 care services in both public and private market programs that are high quality;

208.3 (4) voluntary participation that ensures that if a program or provider chooses to participate,  
208.4 the program or provider will be rated and may receive public funding associated with the  
208.5 rating. ~~The state shall develop a plan to link future early learning and care state funding to~~  
208.6 ~~the framework in a manner that complies with federal requirements; and~~

208.7 ~~(3)~~(5) tracking progress toward statewide access to high-quality early learning and care  
208.8 programs, progress toward the number of low-income children whose parents can access  
208.9 quality programs, and progress toward increasing the number of children who are fully  
208.10 prepared to enter kindergarten.

208.11 ~~(b) In planning a statewide quality rating and improvement system framework in~~  
208.12 ~~paragraph (a), the state shall use evaluation results of the Minnesota quality rating system~~  
208.13 ~~rating tool in use in fiscal year 2008 to recommend:~~

208.14 ~~(1) a framework of a common set of child outcome and program standards for a voluntary~~  
208.15 ~~statewide quality rating and improvement system;~~

208.16 ~~(2) a plan to link future funding to the framework described in paragraph (a), clause (2);~~  
208.17 ~~and~~

208.18 ~~(3) a plan for how the state will realign existing state and federal administrative resources~~  
208.19 ~~to implement the voluntary quality rating and improvement system framework. The state~~  
208.20 ~~shall provide the recommendation in this paragraph to the early childhood education finance~~  
208.21 ~~committees of the legislature by March 15, 2011.~~

208.22 ~~(c) Prior to the creation of a statewide quality rating and improvement system in paragraph~~  
208.23 ~~(a), the state shall employ the Minnesota quality rating system rating tool in use in fiscal~~  
208.24 ~~year 2008 in the original Minnesota Early Learning Foundation pilot areas and additional~~  
208.25 ~~pilot areas supported by private or public funds with its modification as a result of the~~  
208.26 ~~evaluation results of the pilot project.~~

208.27 Subd. 3. Evaluation. (a) By February 1, 2022, the commissioner of human services  
208.28 must arrange an independent evaluation of the quality rating and improvement system's  
208.29 effectiveness and impact on:

208.30 (1) children's progress toward school readiness;

208.31 (2) the quality of the early learning and care system supply and workforce;



209.1 (3) parents' ability to access and use meaningful information about early learning and  
209.2 care program quality; and

209.3 (4) providers' ability to serve children and families, particularly those from racially,  
209.4 ethnically, or culturally diverse backgrounds.

209.5 (b) The evaluation must be performed by a staff member from another agency or a  
209.6 consultant. An evaluator must have experience in program evaluation and must not be  
209.7 regularly involved in implementation of the quality rating and improvement system.

209.8 (c) The evaluation findings, along with the commissioner's recommendations for  
209.9 revisions, potential future evaluations, and plans for continuous improvement, must be  
209.10 reported to the chairs and ranking members of the legislative committees with jurisdiction  
209.11 over early childhood programs by December 31, 2024.

209.12 (d) At a minimum, the evaluation must:

209.13 (1) analyze the effectiveness of the quality rating and improvement system, including  
209.14 but not limited to reviewing:

209.15 (i) whether quality indicators and measures used in the quality rating and improvement  
209.16 system are consistent with evidence and research findings on early learning and care program  
209.17 quality; and

209.18 (ii) patterns or differences in observed quality of participating early learning and care  
209.19 programs in comparison to programs at other quality rating and improvement system star  
209.20 rating levels and accounting for other factors;

209.21 (2) perform evidence-based assessments of children's developmental gains in ways that  
209.22 are appropriate for children's linguistic and cultural backgrounds and are aligned with the  
209.23 state early childhood indicators of progress;

209.24 (3) analyze the extent to which differences in developmental gains among children  
209.25 correspond to the star ratings of the early learning and care programs, providing disaggregated  
209.26 findings by:

209.27 (i) children's demographic factors, including geographic area, family income level, and  
209.28 racial and ethnic groups;

209.29 (ii) type of provider, including family child care providers, child care centers, Head Start  
209.30 and Early Head Start, and school-based early childhood providers; and

209.31 (iii) any other categories identified by the commissioner, in consultation with the  
209.32 commissioners of health and education or entity performing the evaluation;

210.1 (4) analyze the accessibility for providers to participate in the quality rating and  
210.2 improvement system, including ease of application and supports for a provider to receive  
210.3 or improve a rating, and provide disaggregated findings by children's demographic factors  
210.4 and type of provider, as each is defined in clause (3);

210.5 (5) analyze the availability of providers participating in the quality rating and  
210.6 improvement system to families, and provide disaggregated findings by children's  
210.7 demographic factors and type of provider, as each is defined in clause (3);

210.8 (6) analyze the degree to which the quality rating and improvement system does or does  
210.9 not account for racial, cultural, linguistic, and ethnic diversity when measuring quality; and

210.10 (7) analyze the impact of financial or administrative requirements of the quality rating  
210.11 and improvement system on family child care providers and child care providers serving  
210.12 racially, ethnically, and culturally diverse communities.

210.13 (e) The evaluation must include a comparison of the quality rating and improvement  
210.14 system with at least three other quality metric systems used in other states. The other metric  
210.15 systems chosen must incorporate methods of assessing and monitoring developmental and  
210.16 achievement benchmarks in early care and education settings to assess kindergarten readiness,  
210.17 including for racially, ethnically, and culturally diverse populations.

210.18 Subd. 4. **Equity report.** The Department of Human Services shall conduct outreach to  
210.19 a racially, ethnically, and geographically diverse group of early learning and care providers  
210.20 to identify any barriers that prevent them from pursuing a Parent Aware rating. The  
210.21 department shall summarize and submit the results of the outreach, along with a plan for  
210.22 reducing those barriers, to the legislative committees with jurisdiction over early learning  
210.23 and care programs by February 1, 2022.

210.24 Sec. 5. Minnesota Statutes 2020, section 124D.151, subdivision 2, is amended to read:

210.25 Subd. 2. **Program requirements.** (a) A voluntary prekindergarten program provider  
210.26 must:

210.27 (1) provide instruction through play-based learning to foster children's social and  
210.28 emotional development, cognitive development, physical and motor development, and  
210.29 language and literacy skills, including the native language and literacy skills of English  
210.30 learners, to the extent practicable;

210.31 (2) measure each child's cognitive and social skills using a formative measure aligned  
210.32 to the state's early learning standards when the child enters and again before the child leaves

- 211.1 the program, screening and progress monitoring measures, and other age-appropriate versions  
211.2 from the state-approved menu of kindergarten entry profile measures;
- 211.3 (3) provide comprehensive program content including the implementation of curriculum,  
211.4 assessment, and instructional strategies aligned with the state early learning standards, and  
211.5 kindergarten through grade 3 academic standards;
- 211.6 (4) provide instructional content and activities that are of sufficient length and intensity  
211.7 to address learning needs including offering a program with at least 350 hours of instruction  
211.8 per school year for a prekindergarten student;
- 211.9 (5) provide voluntary prekindergarten instructional staff salaries comparable to the  
211.10 salaries of local kindergarten through grade 12 instructional staff;
- 211.11 (6) coordinate appropriate kindergarten transition with families, community-based  
211.12 prekindergarten programs, and school district kindergarten programs;
- 211.13 (7) involve parents in program planning and transition planning by implementing parent  
211.14 engagement strategies that include culturally and linguistically responsive activities in  
211.15 prekindergarten through third grade that are aligned with early childhood family education  
211.16 under section 124D.13;
- 211.17 (8) coordinate with relevant community-based services, including health and social  
211.18 service agencies, to ensure children have access to comprehensive services;
- 211.19 (9) coordinate with all relevant school district programs and services including early  
211.20 childhood special education, homeless students, and English learners;
- 211.21 (10) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20 children  
211.22 with at least one licensed teacher;
- 211.23 (11) provide high-quality coordinated professional development, training, and coaching  
211.24 for both school district and community-based early learning providers that is informed by  
211.25 a measure of adult-child interactions and enables teachers to be highly knowledgeable in  
211.26 early childhood curriculum content, assessment, native and English language development  
211.27 programs, and instruction; and
- 211.28 (12) implement strategies that support the alignment of professional development,  
211.29 instruction, assessments, and prekindergarten through grade 3 curricula.
- 211.30 (b) A voluntary prekindergarten program must have teachers knowledgeable in early  
211.31 childhood curriculum content, assessment, native and English language programs, and  
211.32 instruction.

212.1 (c) Districts and charter schools must include their strategy for implementing and  
212.2 measuring the impact of their voluntary prekindergarten program under section 120B.11  
212.3 and provide results in their world's best workforce annual summary to the commissioner of  
212.4 education.

212.5 Sec. 6. Minnesota Statutes 2020, section 124D.151, subdivision 5, is amended to read:

212.6 Subd. 5. **Application process; priority for high poverty schools.** (a) ~~To qualify for~~  
212.7 ~~program approval for fiscal year 2017, a district or charter school must submit an application~~  
212.8 ~~to the commissioner by July 1, 2016.~~ To qualify for program approval for fiscal year 2018  
212.9 ~~and later,~~ a district or charter school must submit an application to the commissioner by  
212.10 January 30 of the fiscal year prior to the fiscal year in which the program will be  
212.11 implemented. The application must include:

212.12 (1) a description of the proposed program, including the number of hours per week the  
212.13 program will be offered at each school site or mixed-delivery location;

212.14 (2) an estimate of the number of eligible children to be served in the program at each  
212.15 school site or mixed-delivery location; and

212.16 (3) a statement of assurances signed by the superintendent or charter school director that  
212.17 the proposed program meets the requirements of subdivision 2.

212.18 (b) The commissioner ~~must review all applications submitted for fiscal year 2017 by~~  
212.19 ~~August 1, 2016, and must review all applications submitted for fiscal year 2018 and later~~  
212.20 ~~by March 1 of the fiscal year in which the applications are received and determine whether~~  
212.21 ~~each application meets the requirements of paragraph (a).~~

212.22 (c) The commissioner must divide all applications for new or expanded voluntary  
212.23 prekindergarten programs under this section meeting the requirements of paragraph (a) ~~and~~  
212.24 ~~school readiness plus programs~~ into four groups as follows: the Minneapolis and St. Paul  
212.25 school districts; other school districts located in the metropolitan equity region as defined  
212.26 in section 126C.10, subdivision 28; school districts located in the rural equity region as  
212.27 defined in section 126C.10, subdivision 28; and charter schools. Within each group, the  
212.28 applications must be ordered by rank using a sliding scale based on the following criteria:

212.29 (1) concentration of kindergarten students eligible for free or reduced-price lunches by  
212.30 school site on October 1 of the previous school year. A school site may contract to partner  
212.31 with a community-based provider or Head Start under subdivision 3 or establish an early  
212.32 childhood center and use the concentration of kindergarten students eligible for free or  
212.33 reduced-price meals from a specific school site as long as those eligible children are

213.1 prioritized and guaranteed services at the mixed-delivery site or early education center. For  
213.2 school district programs to be operated at locations that do not have free and reduced-price  
213.3 lunch concentration data for kindergarten programs for October 1 of the previous school  
213.4 year, including mixed-delivery programs, the school district average concentration of  
213.5 kindergarten students eligible for free or reduced-price lunches must be used for the rank  
213.6 ordering;

213.7 (2) presence or absence of a three- or four-star Parent Aware rated program within the  
213.8 school district or close proximity of the district. School sites with the highest concentration  
213.9 of kindergarten students eligible for free or reduced-price lunches that do not have a three-  
213.10 or four-star Parent Aware program within the district or close proximity of the district shall  
213.11 receive the highest priority, and school sites with the lowest concentration of kindergarten  
213.12 students eligible for free or reduced-price lunches that have a three- or four-star Parent  
213.13 Aware rated program within the district or close proximity of the district shall receive the  
213.14 lowest priority; and

213.15 (3) whether the district has implemented a mixed delivery system.

213.16 (d) The limit on participation for the programs as specified in subdivision 6 must initially  
213.17 be allocated among the four groups based on each group's percentage share of the statewide  
213.18 kindergarten enrollment on October 1 of the previous school year. Within each group, the  
213.19 participation limit for fiscal years 2018 and 2019 must first be allocated to school sites  
213.20 approved for aid in the previous year to ensure that those sites are funded for the same  
213.21 number of participants as approved for the previous year. The remainder of the participation  
213.22 limit for each group must be allocated among school sites in priority order until that region's  
213.23 share of the participation limit is reached. If the participation limit is not reached for all  
213.24 groups, the remaining amount must be allocated to the highest priority school sites, as  
213.25 designated under this section, not funded in the initial allocation on a statewide basis. For  
213.26 fiscal year 2020 and later, the participation limit must first be allocated to school sites  
213.27 approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year  
213.28 2018 based on the statewide rankings under paragraph (c).

213.29 (e) ~~One~~ A school site or a mixed delivery site under subdivision 3 is offering a voluntary  
213.30 prekindergarten or a school readiness plus program approved for aid under this subdivision;  
213.31 ~~it~~ in fiscal year 2021 shall remain eligible for aid if it continues to meet program  
213.32 requirements, regardless of changes in the concentration of students eligible for free or  
213.33 reduced-price lunches.

214.1 (f) If the total number of participants approved based on applications submitted under  
214.2 paragraph (a) is less than the participation limit under subdivision 6, the commissioner must  
214.3 notify all school districts and charter schools of the amount that remains available within  
214.4 30 days of the initial application deadline under paragraph (a), and complete a second round  
214.5 of allocations based on applications received within 60 days of the initial application deadline.

214.6 (g) Procedures for approving applications submitted under paragraph (f) shall be the  
214.7 same as specified in paragraphs (a) to (d), except that the allocations shall be made to the  
214.8 highest priority school sites not funded in the initial allocation on a statewide basis.

214.9 Sec. 7. Minnesota Statutes 2020, section 124D.151, subdivision 6, is amended to read:

214.10 Subd. 6. **Participation limits.** (a) Notwithstanding section 126C.05, subdivision 1,  
214.11 paragraph (d), the pupil units for a voluntary prekindergarten program for an eligible school  
214.12 district or charter school must not exceed 60 percent of the kindergarten pupil units for that  
214.13 school district or charter school under section 126C.05, subdivision 1, paragraph (e).

214.14 (b) In reviewing applications under subdivision 5, the commissioner must limit the total  
214.15 number of participants in the voluntary prekindergarten ~~and school readiness plus programs~~  
214.16 ~~under Laws 2017, First Special Session chapter 5, article 8, section 9, program~~ to not more  
214.17 than 7,160 participants for fiscal years 2019, 2020, and 2021, and 3,160 participants for  
214.18 fiscal years 2022 and later.

214.19 Sec. 8. Minnesota Statutes 2020, section 124D.162, is amended to read:

214.20 **124D.162 KINDERGARTEN READINESS ASSESSMENT.**

214.21 Subdivision 1. Implementation. (a) The commissioner of education ~~may~~ must implement  
214.22 a kindergarten readiness assessment ~~representative of incoming kindergartners:~~ to:

214.23 (1) identify preparedness of a child for success in school;

214.24 (2) inform instructional decision making;

214.25 (3) improve understanding of connections between kindergarten readiness and later  
214.26 academic achievement; and

214.27 (4) produce data that can assist in evaluation of the effectiveness of early childhood  
214.28 programs.

214.29 (b) The commissioner must provide districts and charter schools with a process for  
214.30 measuring the kindergarten readiness of incoming kindergartners on a comparable basis.

215.1 The commissioner must approve one or more measurement tools for district and charter  
215.2 school use.

215.3 Subd. 2. **Assessment development.** The measurement tools used for assessment must  
215.4 be based on the Department of Education Kindergarten Readiness Assessment at kindergarten  
215.5 entrance study research-based, developmentally appropriate, valid and reliable, and aligned  
215.6 to the state early childhood indicators of progress and kindergarten academic standards.

215.7 Subd. 3. **Reporting.** Beginning in the 2022-2023 school year, every district and charter  
215.8 school must use the commissioner-provided process. Every district and charter school must  
215.9 annually report kindergarten readiness results under this section to the department in the  
215.10 form and manner determined by the commissioner concurrent with the district's and charter  
215.11 school's world's best workforce report under section 120B.11. The commissioner must  
215.12 publicly report kindergarten readiness results as part of the performance reports required  
215.13 under section 120B.36 and consistent with section 120B.35, subdivision 3, paragraph (a),  
215.14 clause (2).

215.15 Subd. 4. **Longitudinal data system.** Beginning with data reported on incoming  
215.16 kindergartners in the 2022-2023 school year, the commissioner must integrate kindergarten  
215.17 readiness data under this section into statewide longitudinal educational data systems.

215.18 Sec. 9. Minnesota Statutes 2020, section 124D.165, subdivision 2, is amended to read:

215.19 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,  
215.20 parents or guardians must meet the following eligibility requirements:

215.21 (1) have an eligible child; and

215.22 (2) have income equal to or less than 185 percent of federal poverty level income in the  
215.23 current calendar year, or be able to document their child's current participation in the free  
215.24 and reduced-price lunch program or Child and Adult Care Food Program, National School  
215.25 Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution  
215.26 Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections  
215.27 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act  
215.28 of 2007; Minnesota family investment program under chapter 256J; child care assistance  
215.29 programs under chapter 119B; the supplemental nutrition assistance program; or placement  
215.30 in foster care under section 260C.212.

215.31 (b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:  
215.32 not yet five years of age on September 1 of the current school year.

215.33 ~~(1) at least three but not yet five years of age on September 1 of the current school year;~~

216.1 ~~(2) a sibling from birth to age five of a child who has been awarded a scholarship under~~  
216.2 ~~this section provided the sibling attends the same program as long as funds are available;~~

216.3 ~~(3) the child of a parent under age 21 who is pursuing a high school degree or a course~~  
216.4 ~~of study for a high school equivalency test; or~~

216.5 ~~(4) homeless, in foster care, or in need of child protective services.~~

216.6 (c) Notwithstanding the priorities outlined in subdivision 3 of this section, a child who  
216.7 has received a scholarship under this section must continue to receive a scholarship each  
216.8 year until that child is eligible for kindergarten under section 120A.20 and as long as funds  
216.9 are available.

216.10 (d) Early learning scholarships may not be counted as earned income for the purposes  
216.11 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota  
216.12 family investment program under chapter 256J, child care assistance programs under chapter  
216.13 119B, or Head Start under the federal Improving Head Start for School Readiness Act of  
216.14 2007.

216.15 (e) A child from an adjoining state whose family resides at a Minnesota address as  
216.16 assigned by the United States Postal Service, who has received developmental screening  
216.17 under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district,  
216.18 and whose family meets the criteria of paragraph (a) is eligible for an early learning  
216.19 scholarship under this section.

216.20 Sec. 10. Minnesota Statutes 2020, section 124D.165, subdivision 3, is amended to read:

216.21 Subd. 3. **Administration.** (a) The commissioner shall establish application timelines  
216.22 and determine the schedule for awarding scholarships that meets operational needs of eligible  
216.23 families and programs. The commissioner must ~~give highest priority to~~ prioritize applications  
216.24 from children ~~who~~ as follows:

216.25 (1) first priority is children who have a parent under age 21 who is pursuing a high school  
216.26 diploma or a course of study for a high school equivalency test, are in foster care or otherwise  
216.27 in need of protection or services, or have experienced homelessness in the last 24 months,  
216.28 as defined under the federal McKinney-Vento Homeless Assistance Act, United States  
216.29 Code, title 42, section 11434a;

216.30 (2) ~~are in foster care or otherwise in need of protection or services; or~~ second priority  
216.31 is children who are from birth through age two; and



217.1 (3) ~~have experienced homelessness in the last 24 months, as defined under the federal~~  
217.2 ~~McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a~~  
217.3 third priority is children who are age three or four.

217.4 The commissioner may prioritize applications on additional factors including family  
217.5 income, geographic location, and whether the child's family is on a waiting list for a publicly  
217.6 funded program providing early education or child care services.

217.7 (b) The commissioner shall establish a target for the average scholarship amount per  
217.8 child based on the results of the rate survey conducted under section 119B.02.

217.9 (c) A four-star rated program that has children eligible for a scholarship enrolled in or  
217.10 on a waiting list for a program beginning in July, August, or September may notify the  
217.11 commissioner, in the form and manner prescribed by the commissioner, each year of the  
217.12 program's desire to enhance program services or to serve more children than current funding  
217.13 provides. The commissioner may designate a predetermined number of scholarship slots  
217.14 for that program and notify the program of that number. ~~For fiscal year 2018 and later, the~~  
217.15 ~~statewide amount of funding directly designated by the commissioner must not exceed the~~  
217.16 ~~funding directly designated for fiscal year 2017. Beginning July 1, 2016,~~ A school district  
217.17 or Head Start program qualifying under this paragraph may use its established registration  
217.18 process to enroll scholarship recipients and may verify a scholarship recipient's family  
217.19 income in the same manner as for other program participants.

217.20 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not  
217.21 been accepted and subsequently enrolled in a rated program within ~~ten~~ three months of the  
217.22 awarding of the scholarship, the scholarship cancels and the recipient must reapply in order  
217.23 to be eligible for another scholarship. If a family is unable to enroll in an eligible program  
217.24 within three months, they may request an extension based on an established set of criteria  
217.25 that would be developed under the commissioner's authority. A child may not be awarded  
217.26 more than one scholarship in a 12-month period.

217.27 (e) A child who receives a scholarship who has not completed development screening  
217.28 under sections 121A.16 to 121A.19 must complete that screening within 90 days of first  
217.29 attending an eligible program or within 90 days after the child's third birthday if awarded  
217.30 a scholarship under the age of three.

217.31 (f) For fiscal year 2017 and later, a school district or Head Start program enrolling  
217.32 scholarship recipients under paragraph (c) may apply to the commissioner, in the form and  
217.33 manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of  
217.34 the application, the commissioner must pay each program directly for each approved

218.1 scholarship recipient enrolled under paragraph (c) according to the metered payment system  
218.2 or another schedule established by the commissioner.

218.3 Sec. 11. [124D.166] LIMIT ON SCREEN TIME FOR CHILDREN IN PRESCHOOL  
218.4 AND KINDERGARTEN.

218.5 A child in a publicly funded preschool or kindergarten program may not use an  
218.6 individual-use screen, such as a tablet, smartphone, or other digital media, without  
218.7 engagement from a teacher or other students. This section does not apply to a child for  
218.8 whom the school has in effect an individualized family service plan or an individualized  
218.9 education program.

218.10 Sec. 12. Minnesota Statutes 2020, section 126C.05, subdivision 1, is amended to read:

218.11 Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the age  
218.12 of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in  
218.13 average daily membership enrolled in the district of residence, in another district under  
218.14 sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under  
218.15 chapter 124E; or for whom the resident district pays tuition under section 123A.18, 123A.22,  
218.16 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03  
218.17 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

218.18 (a) A prekindergarten pupil with a disability who is enrolled in a program approved by  
218.19 the commissioner and has an individualized education program is counted as the ratio of  
218.20 the number of hours of assessment and education service to 825 times 1.0 with a minimum  
218.21 average daily membership of 0.28, but not more than 1.0 pupil unit.

218.22 (b) A prekindergarten pupil who is assessed but determined not to be disabled is counted  
218.23 as the ratio of the number of hours of assessment service to 825 times 1.0.

218.24 (c) A kindergarten pupil with a disability who is enrolled in a program approved by the  
218.25 commissioner is counted as the ratio of the number of hours of assessment and education  
218.26 services required in the fiscal year by the pupil's individualized education program to 875,  
218.27 but not more than one.

218.28 (d) A prekindergarten pupil who is not included in paragraph (a) or (b) and is enrolled  
218.29 in an approved voluntary prekindergarten program under section 124D.151 is counted as  
218.30 the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil  
218.31 units.

219.1 (e) A kindergarten pupil who is not included in paragraph (c) is counted as 1.0 pupil  
219.2 unit if the pupil is enrolled in a free all-day, every day kindergarten program available to  
219.3 all kindergarten pupils at the pupil's school that meets the minimum hours requirement in  
219.4 section 120A.41, or is counted as .55 pupil unit, if the pupil is not enrolled in a free all-day,  
219.5 every day kindergarten program available to all kindergarten pupils at the pupil's school.

219.6 (f) A pupil who is in any of grades 1 to 6 is counted as 1.0 pupil unit.

219.7 (g) A pupil who is in any of grades 7 to 12 is counted as 1.2 pupil units.

219.8 (h) A pupil who is in the postsecondary enrollment options program is counted as 1.2  
219.9 pupil units.

219.10 ~~(i) For fiscal years 2018 through 2021, A prekindergarten pupil who:~~

219.11 ~~(1) is not included in paragraph (a), (b), or (d);~~

219.12 ~~(2) is enrolled in a school readiness plus program under Laws 2017, First Special Session~~  
219.13 ~~chapter 5, article 8, section 9; and~~

219.14 ~~(3) has one or more of the risk factors specified by the eligibility requirements for a~~  
219.15 ~~school readiness plus program;~~

219.16 ~~is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more~~  
219.17 ~~than 0.6 pupil units. A pupil qualifying under this paragraph must be counted in the same~~  
219.18 ~~manner as a voluntary prekindergarten student for all general education and other school~~  
219.19 ~~funding formulas.~~

219.20 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

219.21 Sec. 13. Minnesota Statutes 2020, section 126C.05, subdivision 3, is amended to read:

219.22 Subd. 3. **Compensation revenue pupil units.** Compensation revenue pupil units for  
219.23 fiscal year 1998 and thereafter must be computed according to this subdivision.

219.24 (a) The compensation revenue concentration percentage for each building in a district  
219.25 equals the product of 100 times the ratio of:

219.26 (1) the sum of the number of pupils enrolled in the building eligible to receive free lunch  
219.27 plus one-half of the pupils eligible to receive reduced priced lunch on October 1 of the  
219.28 previous fiscal year; to

219.29 (2) the number of pupils enrolled in the building on October 1 of the previous fiscal  
219.30 year.

220.1 (b) The compensation revenue pupil weighting factor for a building equals the lesser of  
220.2 one or the quotient obtained by dividing the building's compensation revenue concentration  
220.3 percentage by 80.0.

220.4 (c) The compensation revenue pupil units for a building equals the product of:

220.5 (1) the sum of the number of pupils enrolled in the building eligible to receive free lunch  
220.6 and one-half of the pupils eligible to receive reduced priced lunch on October 1 of the  
220.7 previous fiscal year; times

220.8 (2) the compensation revenue pupil weighting factor for the building; times

220.9 (3) .60.

220.10 (d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under  
220.11 section 124D.151, charter schools, and contracted alternative programs in the first year of  
220.12 operation, compensation revenue pupil units shall be computed using data for the current  
220.13 fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative  
220.14 program begins operation after October 1, compensatory revenue pupil units shall be  
220.15 computed based on pupils enrolled on an alternate date determined by the commissioner,  
220.16 and the compensation revenue pupil units shall be prorated based on the ratio of the number  
220.17 of days of student instruction to 170 days.

220.18 ~~(e) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten seats discontinued~~  
220.19 ~~in fiscal year 2022 due to the reduction in the participation limit under section 124D.151,~~  
220.20 ~~subdivision 6, those discontinued seats must not be used to calculate compensation revenue~~  
220.21 ~~pupil units for fiscal year 2022.~~

220.22 ~~(f)~~ (e) The percentages in this subdivision must be based on the count of individual  
220.23 pupils and not on a building average or minimum.

220.24 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2022 and later.

220.25 Sec. 14. **AFFORDABLE, HIGH-QUALITY EARLY CARE AND EDUCATION**  
220.26 **FOR ALL FAMILIES.**

220.27 It is the goal of the state for all families to have access to affordable, high-quality early  
220.28 care and education, for children from birth up to age five, that enriches, nurtures, and supports  
220.29 children and their families. The goal will be achieved by:

220.30 (1) creating a system under which no family pays more than seven percent of its income  
220.31 for early care and education;

221.1 (2) ensuring that a child's access to high-quality early care and education is not determined  
221.2 by the child's race, income, or zip code; and

221.3 (3) increasing compensation, credentials, and professional development opportunities  
221.4 for the early care and education workforce.

221.5 **Sec. 15. GREAT START FOR ALL MINNESOTA CHILDREN TASK FORCE.**

221.6 Subdivision 1. **Establishment.** The Great Start for All Minnesota Children Task Force  
221.7 is established to develop strategies that will meet the goal of all families in the state having  
221.8 access to affordable, high-quality early care and education, for children from birth up to  
221.9 age five, that enriches, nurtures, and supports children and their families.

221.10 Subd. 2. **Membership.** (a) The task force shall consist of the following 21 voting  
221.11 members, appointed by the governor or governor's designee, except as otherwise specified:

221.12 (1) two members of the house of representatives, appointed first from the majority party  
221.13 by the speaker of the house and second from the minority party by the minority leader. One  
221.14 of the members must represent a district outside of the seven-county metropolitan area, and  
221.15 one member must represent a district that includes the seven-county metropolitan area. The  
221.16 appointment by the minority leader must ensure that the requirement for geographic diversity  
221.17 in appointments is met;

221.18 (2) two members of the senate, appointed first from the majority party by the majority  
221.19 leader and second from the minority party by the minority leader. One of the members must  
221.20 represent a district outside of the seven-county metropolitan area, and one member must  
221.21 represent a district that includes the seven-county metropolitan area. The appointment by  
221.22 the minority leader must ensure that the requirement for geographic diversity in appointments  
221.23 is met;

221.24 (3) one individual who is the director of a licensed child care center with at least 50  
221.25 percent of its enrolled children eligible for or currently receiving public assistance for early  
221.26 care and education;

221.27 (4) two individuals who are license holders of family child care programs, one from  
221.28 greater Minnesota and one from the seven-county metropolitan area;

221.29 (5) one individual who is both a licensed early childhood teacher and a member of a  
221.30 licensed early childhood educator union;

- 222.1 (6) two parents of children under the age of five who are enrolled in early care and  
222.2 education programs, one parent from greater Minnesota and one parent from the seven-county  
222.3 metropolitan area;
- 222.4 (7) one representative of an organization that organizes licensed child care centers and  
222.5 employees;
- 222.6 (8) one representative from the statewide child care resource and referral network, known  
222.7 as Child Care Aware;
- 222.8 (9) one representative of a trade organization representing the interests of licensed child  
222.9 care centers;
- 222.10 (10) one representative of a federally recognized Tribe;
- 222.11 (11) one representative from the Minnesota Association of County Social Service  
222.12 Administrators;
- 222.13 (12) one nationally recognized expert in early care and education financing;
- 222.14 (13) one representative from an association representing small business interests;
- 222.15 (14) one representative of a statewide advocacy organization that supports and promotes  
222.16 early childhood education and welfare;
- 222.17 (15) one representative from the Minnesota Head Start Association;
- 222.18 (16) one representative from an organization representing community education directors;  
222.19 and
- 222.20 (17) one representative from the Children's Cabinet.
- 222.21 (b) One representative from each of the following state agencies shall serve as a nonvoting  
222.22 member of the task force who participates in meetings and provides data and information  
222.23 to the task force upon request:
- 222.24 (1) the Department of Education;
- 222.25 (2) the Department of Employment and Economic Development;
- 222.26 (3) the Department of Health;
- 222.27 (4) the Department of Human Services;
- 222.28 (5) the Department of Labor and Industry;
- 222.29 (6) the Department of Management and Budget; and
- 222.30 (7) the Department of Revenue.

223.1 Subd. 3. **Administration.** (a) The governor must select a chair or cochair for the task  
223.2 force from among the voting members. The first task force meeting shall be convened by  
223.3 the chair or cochair and held no later than September 1, 2021. Thereafter, the chair or  
223.4 cochair shall convene the task force at least monthly and may convene other meetings as  
223.5 necessary. The chair or cochair shall convene meetings in a manner to allow for access  
223.6 from diverse geographic locations in Minnesota.

223.7 (b) Members of the task force shall serve without compensation.

223.8 (c) The commissioner of management and budget shall provide staff and administrative  
223.9 services for the task force.

223.10 (d) The task force shall expire upon submission of the final report required under  
223.11 subdivision 8.

223.12 (e) The duties of the task force in this section shall be transferred to an applicable state  
223.13 agency if specifically authorized under law to carry out such duties.

223.14 (f) The task force is subject to Minnesota Statutes, chapter 13D.

223.15 Subd. 4. **Plan development.** (a) The task force must develop a plan to achieve the goal  
223.16 outlined in subdivision 1 by 2031. The plan must incorporate strategies that:

223.17 (1) create a system under which no family pays more than seven percent of its income  
223.18 for early care and education;

223.19 (2) ensure that a child's access to high-quality early care and education is not determined  
223.20 by the child's race, income, or zip code; and

223.21 (3) increase compensation to at least a livable wage and increase professional development  
223.22 and credentialing opportunities for the early care and education workforce, which includes  
223.23 but is not limited to early educators working in Head Start, family child care programs,  
223.24 child care centers, school-based programs, and early childhood special education.

223.25 (b) Development of the strategies must incorporate or otherwise take into account the  
223.26 factors identified in subdivisions 5 and 6.

223.27 Subd. 5. **Affordable, high-quality early care and education.** In developing the plan  
223.28 under subdivision 4, the task force must:

223.29 (1) identify the benefit mechanisms, financing mechanisms, and infrastructure under  
223.30 which families will access financial assistance so early care and education is affordable;

223.31 (2) describe how the plan will be administered, including the roles for state agencies,  
223.32 local government agencies, and community-based organizations;

224.1 (3) describe how the plan will maintain and encourage the further development of  
224.2 Minnesota's mixed-delivery system for early care and education;

224.3 (4) consider the recommendations from previous work including the Transforming  
224.4 Minnesota's Early Childhood Workforce project;

224.5 (5) consider how provider payment rates will be determined and updated under a seven  
224.6 percent cap; and

224.7 (6) consider how the state can develop and implement diverse methods of assessing and  
224.8 monitoring developmental and achievement benchmarks in early care and education settings  
224.9 to assess kindergarten readiness.

224.10 Subd. 6. **Workforce compensation.** In developing the plan under subdivision 4, the  
224.11 task force must:

224.12 (1) endeavor to preserve and increase racial and ethnic equity and diversity in the early  
224.13 care and education workforce and recognize the value of cultural competency and  
224.14 multilingualism;

224.15 (2) include a salary floor that supports recruitment and retention of a qualified workforce  
224.16 in every early care and education setting;

224.17 (3) consider the need for and development of a mechanism that ties provider  
224.18 reimbursement rates to employee compensation;

224.19 (4) consider how compensation standards for early educators will apply at both child  
224.20 care centers and family child care programs;

224.21 (5) increase compensation to incentivize advancements in relevant higher education  
224.22 credentials, training, years of experience, and credential equivalencies, including certified  
224.23 demonstrations of competencies developed through apprenticeships, peer learning models,  
224.24 and community-based training; and

224.25 (6) set compensation for the early care and education workforce by reference to  
224.26 compensation for licensed elementary school teachers, and consider differentiating base  
224.27 compensation for:

224.28 (i) varying levels of responsibility, including but not limited to center directors, assistant  
224.29 directors, lead teachers, assistant teachers, paraprofessionals, family child care license  
224.30 holders, second adult caregivers, substitutes, and helpers; and

224.31 (ii) different geographic areas of the state.



225.1 Subd. 7. **Implementation timeline.** The task force must develop an implementation  
225.2 timeline for the plan developed under subdivision 4 that phases in the plan over a period of  
225.3 no more than six years, beginning in July 2025 and finishing no later than July 2031. In  
225.4 developing the implementation timeline, the task force must consider:

225.5 (1) how to simultaneously apply the seven percent cap to as many families as possible  
225.6 while minimizing disruptions in the availability and cost of currently available early care  
225.7 and education arrangements;

225.8 (2) the capacity for the state to increase the availability of different types of early care  
225.9 and education settings from which a family may choose;

225.10 (3) how the inability to afford and access early care and education settings  
225.11 disproportionately affects certain populations; and

225.12 (4) how to provide additional targeted investments for early care and education providers  
225.13 serving a high proportion of families currently eligible for or receiving public assistance  
225.14 for early care and education.

225.15 Subd. 8. **Required reports.** By July 1, 2022, the task force must submit to the governor  
225.16 and legislative committees with jurisdiction over early childhood programs preliminary  
225.17 findings and draft implementation plans pursuant to the plan required under subdivision 4.  
225.18 By February 1, 2023, the task force must submit to the governor and legislative committees  
225.19 with jurisdiction over early childhood programs final recommendations and implementation  
225.20 plans pursuant to subdivision 4.

225.21 Sec. 16. **DIRECTION TO THE CHILDREN'S CABINET; EARLY CHILDHOOD**  
225.22 **GOVERNANCE REPORT.**

225.23 Subdivision 1. **Recommendations.** The Children's Cabinet shall develop  
225.24 recommendations on the governance of programs relating to early childhood development,  
225.25 care, and learning, including how such programs could be consolidated into an existing  
225.26 state agency or a new state Department of Early Childhood. The recommendations shall  
225.27 address the impact of such a consolidation on:

225.28 (1) state efforts to ensure that all Minnesota children are kindergarten-ready, with race,  
225.29 income, and zip code no longer predictors of school readiness;

225.30 (2) coordination and alignment among programs;

225.31 (3) the effort required of families to receive services to which they are entitled;

225.32 (4) the effort required of service providers to participate in childhood programs; and

226.1 (5) the articulation between early care and education programs and the kindergarten  
226.2 through grade 12 system.

226.3 Subd. 2. **Public input.** In developing the recommendations required under subdivision  
226.4 1, the Children's Cabinet must provide for a community engagement process to seek input  
226.5 from the public and stakeholders.

226.6 Subd. 3. **Report.** (a) The Children's Cabinet shall produce a report that includes:

226.7 (1) the recommendations required under subdivision 1;

226.8 (2) the explanations and reasoning behind such recommendations;

226.9 (3) a description of the community engagement process required under subdivision 2;

226.10 and

226.11 (4) a summary of the feedback received from the public and early care and education  
226.12 stakeholders through the community engagement process.

226.13 (b) The Children's Cabinet may arrange for consultants to assist with the development  
226.14 of the report.

226.15 (c) By February 1, 2022, the Children's Cabinet shall submit the report to the governor  
226.16 and the legislative committees with jurisdiction over early childhood programs.

226.17 Sec. 17. **DIRECTION TO THE CHILDREN'S CABINET; EVALUATION OF THE**  
226.18 **USE OF FEDERAL MONEY.**

226.19 (a) The Children's Cabinet, with the assistance of the commissioners of human services,  
226.20 education, and employment and economic development, shall conduct an evaluation of the  
226.21 use of federal money received pursuant to the American Rescue Plan Act of 2021 (Public  
226.22 Law 117-2), the Coronavirus Response and Relief Supplemental Appropriations Act of  
226.23 2020 (Public Law 116-260), and the Coronavirus Aid, Relief, and Economic Security Act  
226.24 (Public Law 116-136) to address the state's needs in the area of early care and education.  
226.25 The Children's Cabinet may arrange for consultants to assist with the evaluation.

226.26 (b) The evaluation shall address at least the following topics with results disaggregated,  
226.27 to the extent practicable, by age, race, ethnicity, and geographic areas of the state:

226.28 (1) changes in the number of children who are able to access early care and education  
226.29 programs, including children from the following categories: those from low-income families;  
226.30 those who have disabilities or developmental delays; those who are English language  
226.31 learners; those who are members of American Indian Tribes; and those who are migrant,  
226.32 homeless, in foster care, or are in need of child protective services;

227.1 (2) changes in the supply of early care and education, particularly in areas of the state  
 227.2 with shortages of early care and education;

227.3 (3) changes in the quality of early care and education programs, as measured pursuant  
 227.4 to the state's quality rating and improvement system under Minnesota Statutes, section  
 227.5 124D.142; and

227.6 (4) changes in the average compensation and credentials of the early care and education  
 227.7 workforce.

227.8 (c) The Children's Cabinet shall submit interim findings of the evaluation to the governor  
 227.9 and the legislative committees with jurisdiction over early childhood programs by February  
 227.10 1 in each of calendar years 2022, 2023, and 2024. The Children's Cabinet shall submit a  
 227.11 final report to the governor and the legislative committees with jurisdiction over early  
 227.12 childhood programs by February 1, 2025.

227.13 Sec. 18. **APPROPRIATIONS; MINNESOTA MANAGEMENT AND BUDGET.**

227.14 (a) \$500,000 in fiscal year 2022 is appropriated from the general fund to the commissioner  
 227.15 of management and budget for the Great Start for All Minnesota Children Task Force. This  
 227.16 is a onetime appropriation.

227.17 (b) \$250,000 in fiscal year 2022 is appropriated from the general fund to the commissioner  
 227.18 of management budget for the early childhood governance report. This is a onetime  
 227.19 appropriation.

227.20 Sec. 19. **APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

227.21 Subdivision 1. Department of Education. The sums indicated in this section are  
 227.22 appropriated from the general fund to the Department of Education for the fiscal years  
 227.23 designated.

227.24 Subd. 2. School readiness. (a) For revenue for school readiness programs under  
 227.25 Minnesota Statutes, sections 124D.15 and 124D.16:

227.26 \$ 33,683,000 ..... 2022

227.27 \$ 33,683,000 ..... 2023

227.28 (b) The 2022 appropriation includes \$3,368,000 for fiscal year 2021 and \$30,315,000  
 227.29 for fiscal year 2022.

227.30 (c) The 2023 appropriation includes \$3,368,000 for fiscal year 2022 and \$30,315,000  
 227.31 for fiscal year 2023.

228.1 Subd. 3. **Early learning scholarships.** (a) For the early learning scholarship program  
 228.2 under Minnesota Statutes, section 124D.165:

228.3 \$ 88,949,000 ..... 2022

228.4 \$ 88,949,000 ..... 2023

228.5 (b) This appropriation is subject to the requirements under Minnesota Statutes, section  
 228.6 124D.165, subdivision 6.

228.7 (c) The base for each of fiscal years 2024 and 2025 is \$89,997,000.

228.8 Subd. 4. **Head Start program.** For Head Start programs under Minnesota Statutes,  
 228.9 section 119A.52:

228.10 \$ 25,100,000 ..... 2022

228.11 \$ 25,100,000 ..... 2023

228.12 Subd. 5. **Early childhood family education aid.** (a) For early childhood family education  
 228.13 aid under Minnesota Statutes, section 124D.135:

228.14 \$ 34,380,000 ..... 2022

228.15 \$ 35,349,000 ..... 2023

228.16 (b) The 2022 appropriation includes \$3,341,000 for fiscal year 2021 and \$31,039,000  
 228.17 for fiscal year 2022.

228.18 (c) The 2023 appropriation includes \$3,448,000 for fiscal year 2022 and \$31,901,000  
 228.19 for fiscal year 2023.

228.20 Subd. 6. **Developmental screening aid.** (a) For developmental screening aid under  
 228.21 Minnesota Statutes, sections 121A.17 and 121A.19:

228.22 \$ 3,582,000 ..... 2022

228.23 \$ 3,476,000 ..... 2023

228.24 (b) The 2022 appropriation includes \$360,000 for fiscal year 2021 and \$3,222,000 for  
 228.25 fiscal year 2022.

228.26 (c) The 2023 appropriation includes \$358,000 for fiscal year 2022 and \$3,118,000 for  
 228.27 fiscal year 2023.

228.28 Subd. 7. **ParentChild+ program.** (a) For a grant to the ParentChild+ program:

228.29 \$ 1,500,000 ..... 2022

228.30 \$ 1,500,000 ..... 2023

229.1 (b) The ParentChild+ program must use the grant to implement its evidence-based and  
 229.2 research-validated early childhood literacy and school readiness program for children ages  
 229.3 16 months to four years. The program must be implemented at existing ParentChild+ program  
 229.4 locations, including Cass County, Hennepin County, and Rice County, and the cities of  
 229.5 Rochester and St. Cloud, or at any new rural, suburban, or urban locations.

229.6 (c) Any balance in the first year does not cancel but is available in the second year.

229.7 Subd. 8. **Kindergarten readiness assessment.** (a) For the kindergarten readiness  
 229.8 assessment under Minnesota Statutes, section 124D.162:

229.9 \$ 2,516,000 ..... 2022

229.10 \$ 2,285,000 ..... 2023

229.11 (b) The base for fiscal year 2024 is \$2,204,000. The base for fiscal year 2025 is  
 229.12 \$2,004,000.

229.13 Subd. 9. **Quality rating and improvement system.** (a) For transfer to the commissioner  
 229.14 of human services for the purposes of expanding the quality rating and improvement system  
 229.15 under Minnesota Statutes, section 124D.142, in greater Minnesota and increasing supports  
 229.16 for providers participating in the quality rating and improvement system:

229.17 \$ 1,750,000 ..... 2022

229.18 \$ 1,750,000 ..... 2023

229.19 (b) The amounts in paragraph (a) must be in addition to any federal funding under the  
 229.20 child care and development block grant authorized under Public Law 101-508 in that year  
 229.21 for the system under Minnesota Statutes, section 124D.142.

229.22 (c) Any balance in the first year does not cancel but is available in the second year.

229.23 Subd. 10. **Early childhood programs at Tribal contract schools.** For early childhood  
 229.24 family education programs at Tribal contract schools under Minnesota Statutes, section  
 229.25 124D.83, subdivision 4:

229.26 \$ 68,000 ..... 2022

229.27 \$ 68,000 ..... 2023

229.28 Subd. 11. **Educate parents partnership.** For the educate parents partnership under  
 229.29 Minnesota Statutes, section 124D.129:

229.30 \$ 49,000 ..... 2022

229.31 \$ 49,000 ..... 2023

230.1 Subd. 12. Home visiting aid. (a) For home visiting aid under Minnesota Statutes, section  
 230.2 124D.135:

230.3 \$ 462,000 ..... 2022

230.4 \$ 444,000 ..... 2023

230.5 (b) The 2022 appropriation includes \$47,000 for fiscal year 2021 and \$415,000 for fiscal  
 230.6 year 2022.

230.7 (c) The 2023 appropriation includes \$46,000 for fiscal year 2022 and \$398,000 for fiscal  
 230.8 year 2023.

230.9 Subd. 13. Reach Out and Read Minnesota. (a) For a grant to support Reach Out and  
 230.10 Read Minnesota to expand its statewide program that encourages early childhood  
 230.11 development through a network of health care clinics:

230.12 \$ 150,000 ..... 2022

230.13 \$ 150,000 ..... 2023

230.14 (b) The grant recipient must implement a plan that includes:

230.15 (1) integrating children's books and parent education into well-child visits;

230.16 (2) creating literacy-rich environments at clinics, including books for visits outside of  
 230.17 Reach Out and Read Minnesota parameters or for waiting room use or volunteer readers to  
 230.18 model read-aloud techniques for parents where possible;

230.19 (3) working with public health clinics, federally qualified health centers, Tribal sites,  
 230.20 community health centers, and clinics that belong to health care systems, as well as  
 230.21 independent clinics in underserved areas; and

230.22 (4) training medical professionals on speaking with parents of infants, toddlers, and  
 230.23 preschoolers on the importance of early literacy.

230.24 (c) Any balance in the first year does not cancel but is available in the second year.

230.25 Subd. 14. Early childhood Tribal education and engagement grants. (a) For grants  
 230.26 to the 11 Tribal Nations located in Minnesota to provide programming and services for  
 230.27 parents and children who are enrolled or eligible for enrollment in a federally recognized  
 230.28 Tribe. Admission may not be limited to those enrolled or eligible for enrollment in a federally  
 230.29 recognized Tribe:

230.30 \$ 3,300,000 ..... 2022

230.31 \$ 3,300,000 ..... 2023

231.1 (b) Grant funds must be used to support programming and services in one or more of  
231.2 three focus areas:

231.3 (1) implementing strategies to support comprehensive, authentic family engagement  
231.4 and education;

231.5 (2) implementing strategies to increase language and literacy outcomes through language  
231.6 revitalization efforts; or

231.7 (3) implementing strategies supporting the recruitment and retention of prospective  
231.8 American Indian teachers and enhancing the practice of current American Indian teachers  
231.9 and adults who work in Tribal communities through deep pedagogical professional  
231.10 development.

231.11 (c) Each Tribal Nation may apply to the department for grants of up to \$100,000 per  
231.12 focus area for a maximum amount of \$285,000. Each Tribal Nation grant recipient must  
231.13 submit an annual proposal to the commissioner that outlines specific strategies for providing  
231.14 early childhood family engagement and education programs and outreach.

231.15 (d) The department will provide technical assistance to the grant recipients by designing,  
231.16 in collaboration with the 11 Tribal Nations, guidance that includes potential strategies and  
231.17 examples of comprehensive, coherent approaches.

231.18 (e) Each Tribe awarded a grant will submit an annual report to the commissioner on July  
231.19 1 on the numbers of families and children participating and measurable outcomes on  
231.20 engagement, language revitalization, and supporting American Indian teachers in Tribal  
231.21 communities.

231.22 (f) Up to five percent is reserved to the department for program and grant administration.

231.23 (g) Any balance in the first year does not cancel but is available in the second year.

231.24 Sec. 20. **REPEALER.**

231.25 Laws 2017, First Special Session chapter 5, article 8, section 9, is repealed.

## 231.26 **ARTICLE 10**

### 231.27 **COMMUNITY EDUCATION AND LIFELONG LEARNING**

231.28 Section 1. Minnesota Statutes 2020, section 124D.531, subdivision 1, is amended to read:

231.29 Subdivision 1. **State total adult basic education aid.** (a) The state total adult basic  
231.30 education aid for fiscal year ~~2011~~ 2022 equals ~~\$44,419,000~~ \$51,781,000, plus any amount  
231.31 that is not paid during the previous fiscal year as a result of adjustments under subdivision

232.1 4, paragraph (a), or section 124D.52, subdivision 3. The state total adult basic education  
232.2 aid for later fiscal years equals:

232.3 (1) the state total adult basic education aid for the preceding fiscal year plus any amount  
232.4 that is not paid for during the previous fiscal year, as a result of adjustments under subdivision  
232.5 4, paragraph (a), or section 124D.52, subdivision 3; times

232.6 (2) the lesser of 1.03, or the greater of:

232.7 (i) ~~1.03~~ one plus the percent change in the formula allowance under section 126C.10,  
232.8 subdivision 2, from the previous fiscal year to the current fiscal year; or

232.9 (ii) the average growth in state total contact hours over the prior ten program years.

232.10 Three percent of the state total adult basic education aid must be set aside for adult basic  
232.11 education supplemental service grants under section 124D.522.

232.12 (b) The state total adult basic education aid, excluding basic population aid, equals the  
232.13 difference between the amount computed in paragraph (a), and the state total basic population  
232.14 aid under subdivision 2.

232.15 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 and later.

232.16 Sec. 2. Minnesota Statutes 2020, section 124D.55, is amended to read:

232.17 **124D.55 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY TEST**  
232.18 **FEES.**

232.19 ~~(a) The commissioner shall pay 60 percent of the fee that is charged to an eligible~~  
232.20 ~~individual for the full battery of the commissioner-selected high school equivalency tests,~~  
232.21 ~~but not more than \$40 for an eligible individual.~~

232.22 ~~(b) Notwithstanding paragraph (a), for fiscal years 2020 and 2021 only,~~ The commissioner  
232.23 shall pay 100 percent of the fee charged to an eligible individual for the full battery of the  
232.24 commissioner-selected high school equivalency tests, but not more than the cost of one full  
232.25 battery of tests per year for any individual.

232.26 Sec. 3. **APPROPRIATIONS.**

232.27 Subdivision 1. Department of Education. The sums indicated in this section are  
232.28 appropriated from the general fund to the Department of Education for the fiscal years  
232.29 designated. Any balances in the first year do not cancel but are available in the second year.



233.1 Subd. 2. **Community education aid.** For community education aid under Minnesota  
 233.2 Statutes, section 124D.20:

233.3 \$ 180,000 ..... 2022

233.4 \$ 155,000 ..... 2023

233.5 The 2022 appropriation includes \$22,000 for 2021 and \$158,000 for 2022.

233.6 The 2023 appropriation includes \$17,000 for 2022 and \$138,000 for 2023.

233.7 Subd. 3. **Adults with disabilities program aid.** For adults with disabilities programs  
 233.8 under Minnesota Statutes, section 124D.56:

233.9 \$ 710,000 ..... 2022

233.10 \$ 710,000 ..... 2023

233.11 The 2022 appropriation includes \$71,000 for 2021 and \$639,000 for 2022.

233.12 The 2023 appropriation includes \$71,000 for 2022 and \$639,000 for 2023.

233.13 Subd. 4. **Hearing-impaired adults.** For programs for hearing-impaired adults under  
 233.14 Minnesota Statutes, section 124D.57:

233.15 \$ 70,000 ..... 2022

233.16 \$ 70,000 ..... 2023

233.17 Subd. 5. **School-age care aid.** For school-age care aid under Minnesota Statutes, section  
 233.18 124D.22:

233.19 \$ 1,000 ..... 2022

233.20 \$ 1,000 ..... 2023

233.21 The 2022 appropriation includes \$0 for 2021 and \$1,000 for 2022.

233.22 The 2023 appropriation includes \$0 for 2022 and \$1,000 for 2023.

233.23 Subd. 6. **Tier 1 grants.** (a) For education partnership program Tier 1 sustaining grants  
 233.24 under Minnesota Statutes, section 124D.99:

233.25 \$ 3,580,000 ..... 2022

233.26 \$ 3,580,000 ..... 2023

233.27 (b) Of the amounts in paragraph (a), \$1,790,000 each year is for the Northside  
 233.28 Achievement Zone and \$1,790,000 each year is for the St. Paul Promise Neighborhood.

233.29 (c) Any balance in the first year does not cancel but is available in the second year.

234.1 Subd. 7. Tier 2 implementing grants. (a) For Tier 2 implementing grants under  
 234.2 Minnesota Statutes, section 124D.99:

234.3 \$ 1,500,000 ..... 2022

234.4 \$ 1,500,000 ..... 2023

234.5 (b) Of the amounts in paragraph (a), \$250,000 each year is for each of the following  
 234.6 programs:

234.7 (1) the Northfield Healthy Community Initiative in Northfield;

234.8 (2) the Jones Family Foundation for the Every Hand Joined program in Red Wing;

234.9 (3) the United Way of Central Minnesota for the Partners for Student Success program;

234.10 (4) Austin Aspires;

234.11 (5) Rochester Area Foundation as fiscal host for the Cradle 2 Career program; and

234.12 (6) Generation Next.

234.13 (c) Any balance in the first year does not cancel but is available in the second year.

234.14 (d) The 2024 base amount for each recipient listed in paragraph (b) is \$250,000.

234.15 Subd. 8. Adult basic education aid. For adult basic education aid under Minnesota  
 234.16 Statutes, section 124D.531:

234.17 \$ 53,191,000 ..... 2022

234.18 \$ 54,768,000 ..... 2023

234.19 The 2022 appropriation includes \$5,177,000 for 2021 and \$48,014,000 for 2022.

234.20 The 2023 appropriation includes \$5,334,000 for 2022 and \$49,434,000 for 2023.

234.21 Subd. 9. High school equivalency tests. For payment of the costs of the  
 234.22 commissioner-selected high school equivalency tests under Minnesota Statutes, section  
 234.23 124D.55:

234.24 \$ 250,000 ..... 2022

234.25 \$ 250,000 ..... 2023

235.1

**ARTICLE 11**

235.2

**STATE AGENCIES**

235.3 Section 1. Minnesota Statutes 2020, section 122A.07, subdivision 1, is amended to read:

235.4 Subdivision 1. **Appointment of members.** The Professional Educator Licensing and  
235.5 Standards Board consists of ~~11~~ 13 members appointed by the governor, with the advice and  
235.6 consent of the senate. Membership terms, compensation of members, removal of members,  
235.7 the filling of membership vacancies, and fiscal year and reporting requirements are as  
235.8 provided in sections 214.07 to 214.09. ~~No member may be reappointed for more than one~~  
235.9 ~~additional term~~ A member must not serve more than two consecutive terms.

235.10 Sec. 2. Minnesota Statutes 2020, section 122A.07, subdivision 2, is amended to read:

235.11 Subd. 2. **Eligibility; board composition.** Each ~~nominee~~ appointee, other than a public  
235.12 nominee, must be selected on the basis of professional experience and knowledge of teacher  
235.13 education, accreditation, and licensure. The board must be composed of:

235.14 (1) ~~six~~ seven teachers who are currently teaching in a Minnesota school ~~or who were~~  
235.15 ~~teaching at the time of the appointment~~, have at least five years of teaching experience, and  
235.16 ~~were~~ are not serving in ~~an administrative function at a school district or school when~~  
235.17 ~~appointed~~ a position requiring an administrative license, pursuant to section 122A.14. The  
235.18 ~~six~~ seven teachers must include the following:

235.19 (i) one teacher in a charter school;

235.20 (ii) one teacher from a school located in the seven-county metropolitan area, as defined  
235.21 in section 473.121, subdivision 2;

235.22 (iii) one teacher from a school located outside the seven-county metropolitan area;

235.23 (iv) one teacher from a related service category licensed by the board;

235.24 (v) one special education teacher; and

235.25 (vi) ~~one teacher from a teacher preparation program~~ two teachers licensed in licensure  
235.26 areas that represent current or emerging trends in education;

235.27 (2) one educator currently teaching in a Minnesota-approved teacher preparation program;

235.28 ~~(2)~~ (3) one superintendent ~~that alternates~~, alternating each term between a superintendent  
235.29 from a school district in the seven-county metropolitan area, as defined in section 473.121,  
235.30 subdivision 2, and a superintendent from a school district outside the metropolitan area;

235.31 ~~(3)~~ (4) one school district human resources director;

236.1 ~~(4)~~ (5) one administrator of a cooperative unit under section 123A.24, subdivision 2,  
 236.2 who oversees a special education program and who works closely with a cooperative unit  
 236.3 under section 123A.24, subdivision 2;

236.4 ~~(5)~~ (6) one principal ~~that alternates,~~ alternating each term between an elementary and a  
 236.5 secondary school principal; and

236.6 ~~(6)~~ (7) one member of the public that may be a current or former school board member.

236.7 Sec. 3. Minnesota Statutes 2020, section 122A.07, subdivision 4a, is amended to read:

236.8 Subd. 4a. **Administration.** (a) The executive director of the board shall be the chief  
 236.9 administrative officer for the board but shall not be a member of the board. The executive  
 236.10 director shall maintain the records of the board, account for all fees received by the board,  
 236.11 supervise and direct employees servicing the board, and perform other services as directed  
 236.12 by the board.

236.13 (b) The Department of Administration must provide administrative support in accordance  
 236.14 with section 16B.371. The commissioner of administration must assess the board for services  
 236.15 it provides under this section.

236.16 ~~(c) The Department of Education must provide suitable offices and other space to the~~  
 236.17 ~~board at reasonable cost until January 1, 2020. Thereafter, the board may contract with~~  
 236.18 ~~either the Department of Education or the Department of Administration for the provision~~  
 236.19 ~~of suitable offices and other space, joint conference and hearing facilities, and examination~~  
 236.20 ~~rooms.~~

236.21 Sec. 4. Minnesota Statutes 2020, section 122A.09, subdivision 4, is amended to read:

236.22 Subd. 4. **Licensing.** (a) The Professional Educator Licensing and Standards Board must  
 236.23 license teachers, as defined in section 122A.15, subdivision 1, except for supervisory  
 236.24 personnel, as defined in section 122A.15, subdivision 2. The board must not delegate its  
 236.25 authority to make all licensing decisions with respect to candidates for teacher licensure.  
 236.26 The board must evaluate candidates for compliance with statutory or rule requirements for  
 236.27 licensure and develop licensure verification requirements.

236.28 (b) The Professional Educator Licensing and Standards Board must approve teacher  
 236.29 preparation providers seeking to prepare candidates for teacher licensure in Minnesota.

237.1 Sec. 5. Minnesota Statutes 2020, section 122A.09, subdivision 6, is amended to read:

237.2 Subd. 6. **Register of persons licensed.** The ~~executive director of the~~ Professional  
237.3 Educator Licensing and Standards Board must keep a record of the proceedings of and a  
237.4 register of all persons licensed pursuant to the provisions of this chapter. The register must  
237.5 show the name, ~~address,~~ licenses and permissions held including renewals, and license  
237.6 number ~~and the renewal of the license. The board must on July 1, of each year or as soon~~  
237.7 ~~thereafter as is practicable, compile a list of such duly licensed teachers. A copy of the~~  
237.8 ~~register~~ This list must be available during business hours at the office of the board to any  
237.9 ~~interested person on the board's website.~~

237.10 Sec. 6. Minnesota Statutes 2020, section 122A.09, subdivision 9, is amended to read:

237.11 Subd. 9. **Professional Educator Licensing and Standards Board must adopt and**  
237.12 **revise rules.** (a) The Professional Educator Licensing and Standards Board must adopt and  
237.13 revise rules subject to the provisions of chapter 14 to implement sections 120B.363, 122A.05  
237.14 to 122A.09, ~~122A.092~~ 122A.094, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182,  
237.15 122A.183, 122A.184, 122A.185, 122A.187, 122A.188, 122A.19, 122A.20, 122A.21,  
237.16 122A.23, 122A.26, 122A.28, and 122A.29.

237.17 (b) The board must adopt and revise rules relating to fields of licensure and grade levels  
237.18 that a licensed teacher may teach, including a process for granting permission to a licensed  
237.19 teacher to teach in a field that is different from the teacher's field of licensure without change  
237.20 to the teacher's license tier level.

237.21 ~~(e) The board must adopt rules relating to the grade levels that a licensed teacher may~~  
237.22 ~~teach.~~

237.23 ~~(d)~~ (c) If a rule adopted by the board is in conflict with a session law or statute, the law  
237.24 or statute prevails. Terms adopted in rule must be clearly defined and must not be construed  
237.25 to conflict with terms adopted in statute or session law.

237.26 ~~(e)~~ (d) The board must include a description of a proposed rule's probable effect on  
237.27 teacher supply and demand in the board's statement of need and reasonableness under section  
237.28 14.131.

237.29 ~~(f)~~ (e) The board must adopt rules only under the specific statutory authority.

237.30 Sec. 7. Minnesota Statutes 2020, section 122A.09, subdivision 10, is amended to read:

237.31 Subd. 10. **Permissions.** (a) Notwithstanding subdivision 9 and sections 14.055 and  
237.32 14.056, the Professional Educator Licensing and Standards Board may grant waivers to its

238.1 rules upon application by a school district or a charter school for purposes of implementing  
238.2 experimental programs in learning or management.

238.3 (b) To enable a school district or a charter school to meet the needs of students enrolled  
238.4 in an alternative education program and to enable licensed teachers instructing those students  
238.5 to satisfy content area licensure requirements, the Professional Educator Licensing and  
238.6 Standards Board ~~annually~~ may permit a licensed teacher teaching in an alternative education  
238.7 program to instruct students in a content area for which the teacher is not licensed, consistent  
238.8 with paragraph (a).

238.9 (c) A special education license permission issued by the Professional Educator Licensing  
238.10 and Standards Board for a primary employer's low-incidence region is valid in all  
238.11 low-incidence regions.

238.12 (d) A candidate that has obtained career and technical education certification may apply  
238.13 for a Tier 1 license under section 122A.181. Consistent with section 136F.361, the  
238.14 Professional Educator Licensing and Standards Board must strongly encourage approved  
238.15 college or university-based teacher preparation programs throughout Minnesota to develop  
238.16 alternative pathways for certifying and licensing high school career and technical education  
238.17 instructors and teachers, allowing such candidates to meet certification and licensure  
238.18 standards that demonstrate their content knowledge, classroom experience, and pedagogical  
238.19 practices and their qualifications based on a combination of occupational testing, professional  
238.20 certification or licensure, and long-standing work experience.

238.21 Sec. 8. Minnesota Statutes 2020, section 122A.091, subdivision 1, is amended to read:

238.22 Subdivision 1. **Teacher and administrator preparation and performance data;**  
238.23 **report.** (a) The Professional Educator Licensing and Standards Board and the Board of  
238.24 School Administrators, in cooperation with ~~board-adopted~~ board-approved teacher or  
238.25 administrator preparation programs, annually must collect and report summary data on  
238.26 teacher and administrator preparation and performance outcomes, consistent with this  
238.27 subdivision. The Professional Educator Licensing and Standards Board and the Board of  
238.28 School Administrators annually by ~~June~~ July 1 must update and post the reported summary  
238.29 preparation and performance data on teachers and administrators from the preceding school  
238.30 years on a ~~website hosted jointly by the boards~~ their respective websites.

238.31 (b) Publicly reported summary data on teacher preparation ~~programs~~ providers must  
238.32 include:

239.1 ~~(1) student entrance requirements for each Professional Educator Licensing and Standards~~  
 239.2 ~~Board-approved program, including grade point average for enrolling students in the~~  
 239.3 ~~preceding year;~~

239.4 ~~(2) the average board-adopted skills examination or ACT or SAT scores of students~~  
 239.5 ~~entering the program in the preceding year;~~

239.6 ~~(3) (1) summary data on faculty~~ all full-time, part-time, and adjunct teacher educator  
 239.7 qualifications, including at least the content areas of faculty teacher educator undergraduate  
 239.8 and graduate degrees and their years of experience either as kindergarten birth through grade  
 239.9 12 classroom teachers or school administrators;

239.10 ~~(4) the average time resident and nonresident program graduates in the preceding year~~  
 239.11 ~~needed to complete the program;~~

239.12 (2) the current number and percentage of enrolled candidates who entered the program  
 239.13 through a transfer pathway disaggregated by race, except when disaggregation would not  
 239.14 yield statistically reliable results or would reveal personally identifiable information about  
 239.15 an individual;

239.16 ~~(5) (3) the current number and percentage of students~~ program completers by program  
 239.17 who graduated, received a standard Minnesota teaching license, and Tier 3 or Tier 4 license  
 239.18 disaggregated by race, except when disaggregation would not yield statistically reliable  
 239.19 results or would reveal personally identifiable information about an individual;

239.20 (4) the current number and percentage of program completers who entered the program  
 239.21 through a transfer pathway and received a Tier 3 or Tier 4 license disaggregated by race,  
 239.22 except when disaggregation would not yield statistically reliable results or would reveal  
 239.23 personally identifiable information about an individual;

239.24 (5) the current number and percentage of program completers who were hired to teach  
 239.25 full time in their licensure field in a Minnesota district or school in the preceding year  
 239.26 disaggregated by race, except when disaggregation would not yield statistically reliable  
 239.27 results or would reveal personally identifiable information about an individual;

239.28 ~~(6) the number of content area credits and other credits by undergraduate program that~~  
 239.29 ~~students in the preceding school year needed to complete to graduate;~~ the current number  
 239.30 and percentage of program completers who entered the program through a transfer pathway  
 239.31 and who were hired to teach full time in their licensure field in a Minnesota district or school  
 239.32 in the preceding year disaggregated by race, except when disaggregation would not yield

240.1 statistically reliable results or would reveal personally identifiable information about an  
240.2 individual;

240.3 (7) ~~students'~~ pass rates on skills pedagogy and subject matter exams required ~~for~~  
240.4 ~~graduation~~ in each ~~program and~~ licensure area for program completers in the preceding  
240.5 school year;

240.6 (8) survey results measuring ~~student and graduate satisfaction with the program~~ how  
240.7 prepared program completers felt during their first year of teaching in the preceding school  
240.8 year disaggregated by race, except when disaggregation would not yield statistically reliable  
240.9 results or would reveal personally identifiable information about an individual;

240.10 (9) ~~a standard measure of the satisfaction of~~ survey results from school principals or  
240.11 ~~supervising teachers with the student teachers assigned to a school or supervising teacher~~  
240.12 supervisors on how prepared they felt their first-year teachers were in the preceding school  
240.13 year; and

240.14 (10) ~~information under subdivision 3, paragraphs (a) and (b)~~ the number and percentage  
240.15 of program completers who met or exceed the state threshold score on the board-adopted  
240.16 teacher performance assessment.

240.17 Program reporting must be consistent with subdivision 2.

240.18 (c) Publicly reported summary data on administrator preparation programs approved by  
240.19 the Board of School Administrators must include:

240.20 (1) summary data on faculty qualifications, including at least the content areas of faculty  
240.21 undergraduate and graduate degrees and the years of experience either as kindergarten  
240.22 through grade 12 classroom teachers or school administrators;

240.23 (2) the average time program graduates in the preceding year needed to complete the  
240.24 program;

240.25 (3) the current number and percentage of students who graduated, received a standard  
240.26 Minnesota administrator license, and were employed as an administrator in a Minnesota  
240.27 school district or school in the preceding year disaggregated by race, except when  
240.28 disaggregation would not yield statistically reliable results or would reveal personally  
240.29 identifiable information about an individual;

240.30 (4) the number of credits by graduate program that students in the preceding school year  
240.31 needed to complete to graduate;



241.1 (5) survey results measuring student, graduate, and employer satisfaction with the  
241.2 program in the preceding school year disaggregated by race, except when disaggregation  
241.3 would not yield statistically reliable results or would reveal personally identifiable  
241.4 information about an individual; and

241.5 (6) information under subdivision 3, paragraphs (c) and (d).

241.6 Program reporting must be consistent with section 122A.14, subdivision 10.

241.7 Sec. 9. Minnesota Statutes 2020, section 122A.091, subdivision 2, is amended to read:

241.8 Subd. 2. **Teacher preparation program reporting.** (a) By December 31, 2018, and  
241.9 annually thereafter, the Professional Educator Licensing and Standards Board shall report  
241.10 and publish on its website the cumulative summary results of at least three consecutive  
241.11 years of data reported to the board under subdivision 1, paragraph (b). Where the data are  
241.12 sufficient to yield statistically reliable information and the results would not reveal personally  
241.13 identifiable information about an individual teacher, the board shall report the data by teacher  
241.14 preparation program.

241.15 (b) The Professional Educator Licensing and Standards Board must report annually to  
241.16 the chairs and ranking minority members of the legislative committees with jurisdiction  
241.17 over kindergarten through grade 12 education, the following information:

241.18 (1) the total number of teacher candidates during the most recent school year taking a  
241.19 board-adopted skills examination;

241.20 (2) the number who achieve a qualifying score on the examination;

241.21 (3) the number who do not achieve a qualifying score on the examination; and

241.22 (4) the number of candidates who have not passed a content or pedagogy exam.

241.23 The information reported under this paragraph must be disaggregated by categories of race,  
241.24 ethnicity, and, if applicable, eligibility for financial aid. The report must be submitted in  
241.25 accordance with section 3.195.

241.26 Sec. 10. Minnesota Statutes 2020, section 122A.21, is amended to read:

241.27 **122A.21 TEACHERS' AND ADMINISTRATORS' LICENSES; FEES.**

241.28 Subdivision 1. **Licensure applications.** Each applicant submitting an application to the  
241.29 Professional Educator Licensing and Standards Board to issue, renew, or extend a teaching  
241.30 license, including applications for licensure via portfolio under subdivision 4, must include  
241.31 a processing fee of ~~\$57~~ \$85. The processing fee for a teacher's license and for the licenses

242.1 of supervisory personnel must be paid to the executive ~~secretary~~ director of the appropriate  
242.2 board and deposited in the state treasury. The fees as set by the board are nonrefundable  
242.3 for applicants not qualifying for a license. However, the commissioner of management and  
242.4 budget must refund a fee in any case in which the applicant already holds a valid unexpired  
242.5 license. The board may waive or reduce fees for applicants who apply at the same time for  
242.6 more than one license.

242.7 Subd. 4. **Licensure via portfolio.** ~~A candidate~~ An applicant must pay to the Professional  
242.8 Educator Licensing and Standards Board a \$300 fee for ~~the first~~ a pedagogical portfolio  
242.9 submitted for review and a \$200 fee for ~~any portfolio submitted subsequently~~ each content  
242.10 portfolio. The Professional Educator Licensing and Standards Board executive ~~secretary~~  
242.11 director must deposit the fee in the education licensure portfolio account in the special  
242.12 revenue fund. The fees are nonrefundable for applicants not qualifying for a license. The  
242.13 Professional Educator Licensing and Standards Board may waive or reduce fees for  
242.14 ~~candidates~~ applicants based on financial need.

242.15 Subd. 5. **Online licensing system and fees.** (a) The Professional Educator Licensing  
242.16 and Standards Board executive director may charge applicants using the online licensing  
242.17 system an \$8 fee per license. The fees are nonrefundable.

242.18 (b) An educator licensing technology account is established in the special revenue fund.

242.19 (c) The Professional Educator Licensing and Standards Board executive director must  
242.20 deposit the fees for using the online licensing system into the educator licensing technology  
242.21 account in the special revenue fund. Funds do not cancel and are available until spent.

242.22 (d) The Professional Educator Licensing and Standards Board executive director may  
242.23 use funds in the educator licensing technology account for information technology projects,  
242.24 services, and support.

242.25 Sec. 11. **[127A.20] EVIDENCE-BASED EDUCATION GRANTS.**

242.26 Subdivision 1. Purpose; applicability. The purpose of this section is to create a process  
242.27 to describe, measure, and report on the effectiveness of any prekindergarten through grade  
242.28 12 education program funded in whole or in part through funds appropriated by the legislature  
242.29 to the commissioner of education for grants to organizations. The evidence-based evaluation  
242.30 required by this section applies to all grants awarded by the commissioner of education on  
242.31 or after July 1, 2022.

242.32 Subd. 2. Goals. Each applicant for a grant awarded by the commissioner of education  
242.33 must include in the grant application a statement of the goals of the education program and

243.1 grant funds. To the extent practicable, the goals must be aligned to the state of Minnesota's  
243.2 world's best workforce and the federally required Every Student Succeeds Act accountability  
243.3 systems.

243.4 Subd. 3. **Strategies; data.** Each applicant must include in the grant application a  
243.5 description of the strategies that will be used to meet the goals specified in the application.  
243.6 The applicant must also include a plan to collect data to measure the effectiveness of the  
243.7 strategies outlined in the grant application.

243.8 Subd. 4. **Reporting.** Within 180 days of the end of the grant period, each grant recipient  
243.9 must compile a report that describes the data that was collected and evaluate the effectiveness  
243.10 of the strategies. The evidence-based report may identify or propose alternative strategies  
243.11 based on the results of the data. The report must be submitted to the commissioner of  
243.12 education and to the chairs and ranking minority members of the legislative committees  
243.13 with jurisdiction over prekindergarten through grade 12 education. The report must be filed  
243.14 with the Legislative Reference Library according to section 3.195.

243.15 Subd. 5. **Grant defined.** For purposes of this section, "grant" means money appropriated  
243.16 from the state general fund to the commissioner of education for distribution to the grant  
243.17 recipients.

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

243.19 Sec. 12. Minnesota Statutes 2020, section 609A.03, subdivision 7a, is amended to read:

243.20 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance  
243.21 of an expungement order related to a charge supported by probable cause, the DNA samples  
243.22 and DNA records held by the Bureau of Criminal Apprehension and collected under authority  
243.23 other than section 299C.105 shall not be sealed, returned to the subject of the record, or  
243.24 destroyed.

243.25 (b) Notwithstanding the issuance of an expungement order:

243.26 (1) except as provided in clause (2), an expunged record may be opened, used, or  
243.27 exchanged between criminal justice agencies without a court order for the purposes of  
243.28 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing  
243.29 purposes or providing probation or other correctional services;

243.30 (2) when a criminal justice agency seeks access to a record that was sealed under section  
243.31 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing  
243.32 for lack of probable cause, for purposes of a criminal investigation, prosecution, or

244.1 sentencing, the requesting agency must obtain an ex parte court order after stating a  
244.2 good-faith basis to believe that opening the record may lead to relevant information;

244.3 (3) an expunged record of a conviction may be opened for purposes of evaluating a  
244.4 prospective employee in a criminal justice agency without a court order;

244.5 (4) an expunged record of a conviction may be opened for purposes of a background  
244.6 study under section 245C.08 unless the commissioner had been properly served with notice  
244.7 of the petition for expungement and the court order for expungement is directed specifically  
244.8 to the commissioner of human services;

244.9 (5) an expunged record of a conviction may be opened for purposes of a background  
244.10 check required under section 122A.18, subdivision 8, unless the court order for expungement  
244.11 is directed specifically to the Professional Educator Licensing and Standards Board ~~or the~~  
244.12 ~~licensing division of the Department of Education~~; and

244.13 (6) the court may order an expunged record opened upon request by the victim of the  
244.14 underlying offense if the court determines that the record is substantially related to a matter  
244.15 for which the victim is before the court.

244.16 (c) An agency or jurisdiction subject to an expungement order shall maintain the record  
244.17 in a manner that provides access to the record by a criminal justice agency under paragraph  
244.18 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau  
244.19 of Criminal Apprehension shall notify the commissioner of human services, or the  
244.20 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~  
244.21 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access  
244.22 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to  
244.23 the expungement order shall provide access to the record to the commissioner of human  
244.24 services, or the Professional Educator Licensing and Standards Board, ~~or the licensing~~  
244.25 ~~division of the Department of Education~~ under paragraph (b), clause (4) or (5).

244.26 (d) An expunged record that is opened or exchanged under this subdivision remains  
244.27 subject to the expungement order in the hands of the person receiving the record.

244.28 (e) A criminal justice agency that receives an expunged record under paragraph (b),  
244.29 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the  
244.30 record to the investigation, prosecution, or sentencing for which it was obtained.

244.31 (f) For purposes of this section, a "criminal justice agency" means a court or government  
244.32 agency that performs the administration of criminal justice under statutory authority.

245.1 (g) This subdivision applies to expungement orders subject to its limitations and effective  
245.2 on or after January 1, 2015.

245.3 Sec. 13. Laws 2019, First Special Session chapter 11, article 10, section 5, subdivision 2,  
245.4 as amended by Laws 2020, chapter 116, article 5, section 4, is amended to read:

245.5 Subd. 2. **Department.** (a) For the Department of Education:

245.6 \$ 29,196,000 ..... 2020

245.7 \$ 24,911,000 ..... 2021

245.8 Of these amounts:

245.9 (1) \$319,000 each year is for the Board of School Administrators;

245.10 (2) \$1,000,000 each year is for regional centers of excellence under Minnesota Statutes,  
245.11 section 120B.115;

245.12 (3) \$250,000 each year is for the School Finance Division to enhance financial data  
245.13 analysis;

245.14 (4) \$720,000 each year is for implementing Minnesota's Learning for English Academic  
245.15 Proficiency and Success Act under Laws 2014, chapter 272, article 1, as amended;

245.16 (5) \$123,000 each year is for a dyslexia specialist;

245.17 (6) \$4,700,000 in fiscal year 2020 only is for legal fees and costs associated with  
245.18 litigation; and

245.19 (7) \$400,000 in fiscal year 2020 and \$480,000 in fiscal year 2021 and later are for the  
245.20 Department of Education's mainframe update.

245.21 (b) None of the amounts appropriated under this subdivision may be used for Minnesota's  
245.22 Washington, D.C. office.

245.23 (c) The expenditures of federal grants and aids as shown in the biennial budget document  
245.24 and its supplements are approved and appropriated and shall be spent as indicated.

245.25 (d) This appropriation includes funds for information technology project services and  
245.26 support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing  
245.27 information technology costs will be incorporated into the service level agreement and will  
245.28 be paid to the Office of MN.IT Services by the Department of Education under the rates  
245.29 and mechanism specified in that agreement.

245.30 (e) To account for the base adjustments provided in Laws 2018, chapter 211, article 21,  
245.31 section 1, paragraph (a), and section 3, paragraph (a), the base for fiscal year 2022 is

246.1 \$24,591,000. The base for fiscal year 2023 is \$24,611,000. The base for fiscal year 2024 is  
 246.2 \$24,629,000.

246.3 (f) On the effective date of this act, the commissioner of the Department of Education  
 246.4 must cancel to the general fund \$2,000,000 from the fiscal year 2020 general fund  
 246.5 appropriations for legal fees and costs associated with litigation.

246.6 (g) On the effective date of this act, the commissioner of the Department of Education  
 246.7 must cancel to the general fund \$1,252,000 from the fiscal year 2021 general fund  
 246.8 appropriations for agency operations.

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

246.10 Sec. 14. **APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

246.11 Subdivision 1. **Department of Education.** Unless otherwise indicated, the sums indicated  
 246.12 in this section are appropriated from the general fund to the Department of Education for  
 246.13 the fiscal years designated. Any balance in the first year does not cancel but is available in  
 246.14 the second year.

246.15 Subd. 2. **Department.** (a) For the Department of Education:

246.16 \$ 36,684,000 ..... 2022

246.17 \$ 33,099,000 ..... 2023

246.18 Of these amounts:

246.19 (1) \$319,000 each year is for the Board of School Administrators;

246.20 (2) \$1,000,000 each year is for regional centers of excellence under Minnesota Statutes,  
 246.21 section 120B.115;

246.22 (3) \$250,000 each year is for the School Finance Division to enhance financial data  
 246.23 analysis;

246.24 (4) \$720,000 each year is for implementing Minnesota's Learning for English Academic  
 246.25 Proficiency and Success Act under Laws 2014, chapter 272, article 1, as amended;

246.26 (5) \$123,000 each year is for a dyslexia specialist;

246.27 (6) \$480,000 each year is for the Department of Education's mainframe update;

246.28 (7) \$4,500,000 in fiscal year 2022 only is for legal fees and costs associated with  
 246.29 litigation;

247.1 (8) \$455,000 in fiscal year 2022 and \$865,000 in fiscal year 2023 are for data analytics  
 247.2 for the state count of American Indian children. The base for this program is \$510,000 in  
 247.3 fiscal year 2024, \$355,000 in fiscal year 2025, and \$133,000 in fiscal year 2026 and later;

247.4 (9) \$3,279,000 in fiscal year 2022 and \$3,384,000 in fiscal year 2023 are for modernizing  
 247.5 district data submission to support students and educators. The base for this program is  
 247.6 \$3,252,000 in fiscal year 2024 and beyond;

247.7 (10) \$340,000 in fiscal year 2022 and \$340,000 in fiscal year 2023 are for voluntary  
 247.8 prekindergarten programs;

247.9 (11) \$3,000,000 each year is for translation services of which \$2,000,000 each year is  
 247.10 for grants to support school districts and charter schools with translation services; and

247.11 (12) \$144,000 in fiscal year 2022 and \$148,000 in fiscal year 2023 are for incorporating  
 247.12 ethnic studies into the curriculum standards.

247.13 (b) None of the amounts appropriated under this subdivision may be used for Minnesota's  
 247.14 Washington, D.C., office.

247.15 (c) The expenditures of federal grants and aids as shown in the biennial budget document  
 247.16 and its supplements are approved and appropriated and must be spent as indicated.

247.17 (d) This appropriation includes funds for information technology project services and  
 247.18 support subject to the provisions of Minnesota Statutes, section 16E.0466. Any ongoing  
 247.19 information technology costs will be incorporated into the service level agreement and will  
 247.20 be paid to the Office of MN.IT Services by the Department of Education under the rates  
 247.21 and mechanisms specified in that agreement.

247.22 (e) Eligible grantees for funds for translation services under clause (11) only include  
 247.23 school districts, charter schools, intermediate school districts, and cooperative units as  
 247.24 defined in Minnesota Statutes, section 123A.24, subdivision 2.

247.25 (f) To account for the base adjustments provided in Laws 2018, chapter 211, article 21,  
 247.26 section 1, paragraph (a), and section 3, paragraph (a), the base for fiscal year 2024 is  
 247.27 \$32,630,000 and the base for fiscal year 2025 is \$32,475,000.

247.28 **Sec. 15. APPROPRIATIONS; MINNESOTA STATE ACADEMIES.**

247.29 (a) The sums indicated in this section are appropriated from the general fund to the  
 247.30 Minnesota State Academies for the Deaf and the Blind for the fiscal years designated:

247.31 \$ 14,056,000 ..... 2022

247.32 \$ 14,317,000 ..... 2023

248.1 (b) Any balance in the first year does not cancel but is available in the second year.

248.2 (c) To account for the base adjustments provided in Laws 2018, chapter 211, article 21,  
 248.3 section 1, paragraph (a), and section 3, paragraph (b), the base for fiscal year 2024 is  
 248.4 \$14,323,000.

248.5 **Sec. 16. APPROPRIATIONS; PERPICH CENTER FOR ARTS EDUCATION.**

248.6 (a) The sums in this section are appropriated from the general fund to the Perpich Center  
 248.7 for Arts Education for the fiscal years designated:

248.8 \$ 7,406,000 ..... 2022

248.9 \$ 7,527,000 ..... 2023

248.10 (b) Any balance in the first year does not cancel but is available in the second year.

248.11 (c) To account for the base adjustments provided in Laws 2018, chapter 211, article 21,  
 248.12 section 1, paragraph (a), and section 3, paragraph (c), the base for fiscal year 2024 is  
 248.13 \$7,532,000.

248.14 **Sec. 17. APPROPRIATIONS; PROFESSIONAL EDUCATOR LICENSING AND**  
 248.15 **STANDARDS BOARD.**

248.16 **Subdivision 1. Professional Educator Licensing and Standards Board.** (a) The sums  
 248.17 indicated in this section are appropriated from the general fund to the Professional Educator  
 248.18 Licensing and Standards Board for the fiscal years designated:

248.19 \$ 2,856,000 ..... 2022

248.20 \$ 2,843,000 ..... 2023

248.21 (b) Any balance in the first year does not cancel but is available in the second year.

248.22 (c) This appropriation includes funds for information technology project services and  
 248.23 support subject to Minnesota Statutes, section 16E.0466. Any ongoing information  
 248.24 technology costs will be incorporated into an interagency agreement and will be paid to the  
 248.25 Office of MN.IT Services by the Professional Educator Licensing and Standards Board  
 248.26 under the mechanism specified in that agreement.

248.27 **Subd. 2. Licensure by portfolio.** For licensure by portfolio:

248.28 \$ 34,000 ..... 2022

248.29 \$ 34,000 ..... 2023

248.30 This appropriation is from the education licensure portfolio account in the special revenue  
 248.31 fund.



**ARTICLE 12**

**FORECAST ADJUSTMENTS**

249.1

249.2

249.3 Section 1. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision  
 249.4 3, as amended by Laws 2020, chapter 116, article 6, section 2, is amended to read:

249.5 Subd. 3. **Enrollment options transportation.** For transportation of pupils attending  
 249.6 postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation  
 249.7 of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

249.8 \$ 19,000 ..... 2020

249.9 ~~20,000~~

249.10 \$ 11,000 ..... 2021

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

249.12 Sec. 2. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 4,  
 249.13 as amended by Laws 2020, chapter 116, article 6, section 3, is amended to read:

249.14 Subd. 4. **Abatement aid.** For abatement aid under Minnesota Statutes, section 127A.49:

249.15 \$ 1,770,000 ..... 2020

249.16 ~~2,827,000~~

249.17 \$ 2,595,000 ..... 2021

249.18 The 2020 appropriation includes \$274,000 for 2019 and \$1,496,000 for 2020.

249.19 The 2021 appropriation includes \$166,000 for 2020 and ~~\$2,661,000~~ \$2,429,000 for  
 249.20 2021.

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

249.22 Sec. 3. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 6,  
 249.23 as amended by Laws 2020, chapter 116, article 6, section 4, is amended to read:

249.24 Subd. 6. **Nonpublic pupil education aid.** For nonpublic pupil education aid under  
 249.25 Minnesota Statutes, sections 123B.40 to 123B.43 and 123B.87:

249.26 \$ 17,925,000 ..... 2020

249.27 ~~18,917,000~~

249.28 \$ 18,918,000 ..... 2021

249.29 The 2020 appropriation includes \$1,806,000 for 2019 and \$16,119,000 for 2020.

250.1 The 2021 appropriation includes \$1,790,000 for 2020 and ~~\$17,127,000~~ \$17,128,000 for  
250.2 2021.

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

250.4 Sec. 4. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 7,  
250.5 as amended by Laws 2020, chapter 116, article 6, section 5, is amended to read:

250.6 Subd. 7. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid under  
250.7 Minnesota Statutes, section 123B.92, subdivision 9:

250.8 \$ 19,168,000 ..... 2020

250.9 ~~20,100,000~~

250.10 \$ 19,106,000 ..... 2021

250.11 The 2020 appropriation includes \$1,961,000 for 2019 and \$17,207,000 for 2020.

250.12 The 2021 appropriation includes \$1,911,000 for 2020 and ~~\$18,189,000~~ \$17,195,000 for  
250.13 2021.

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

250.15 Sec. 5. Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 9,  
250.16 as amended by Laws 2020, chapter 116, article 6, section 6, is amended to read:

250.17 Subd. 9. **Career and technical aid.** For career and technical aid under Minnesota  
250.18 Statutes, section 124D.4531, subdivision 1b:

250.19 \$ 3,857,000 ..... 2020

250.20 ~~3,433,000~~

250.21 \$ 3,288,000 ..... 2021

250.22 The 2020 appropriation includes \$422,000 for 2019 and \$3,435,000 for 2020.

250.23 The 2021 appropriation includes \$378,000 for 2020 and ~~\$3,055,000~~ \$2,910,000 for  
250.24 2021.

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

250.26 Sec. 6. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 2,  
250.27 as amended by Laws 2020, chapter 116, article 3, section 2, is amended to read:

250.28 Subd. 2. **Achievement and integration aid.** For achievement and integration aid under  
250.29 Minnesota Statutes, section 124D.862:

251.1 \$ 77,247,000 ..... 2020  
 251.2 ~~81,233,000~~  
 251.3 \$ 87,574,000 ..... 2021

251.4 The 2020 appropriation includes \$7,058,000 for 2019 and \$70,189,000 for 2020.

251.5 The 2021 appropriation includes \$7,763,000 for 2020 and ~~\$73,470,000~~ \$79,811,000 for  
 251.6 2021.

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

251.8 Sec. 7. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 3,  
 251.9 as amended by Laws 2020, chapter 116, article 6, section 7, is amended to read:

251.10 Subd. 3. **Interdistrict desegregation or integration transportation grants.** For  
 251.11 interdistrict desegregation or integration transportation grants under Minnesota Statutes,  
 251.12 section 124D.87:

251.13 \$ 14,231,000 ..... 2020  
 251.14 ~~14,962,000~~  
 251.15 \$ 15,670,000 ..... 2021

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

251.17 Sec. 8. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 6,  
 251.18 as amended by Laws 2020, chapter 116, article 6, section 10, is amended to read:

251.19 Subd. 6. **American Indian education aid.** For American Indian education aid under  
 251.20 Minnesota Statutes, section 124D.81, subdivision 2a:

251.21 \$ 10,113,000 ..... 2020  
 251.22 ~~10,696,000~~  
 251.23 \$ 10,939,000 ..... 2021

251.24 The 2020 appropriation includes \$960,000 for 2019 and \$9,153,000 for 2020.

251.25 The 2021 appropriation includes \$1,016,000 for 2020 and ~~\$9,680,000~~ \$9,923,000 for  
 251.26 2021.

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

251.28 Sec. 9. Laws 2019, First Special Session chapter 11, article 2, section 33, subdivision 16,  
 251.29 as amended by Laws 2020, chapter 116, article 6, section 11, is amended to read:

251.30 Subd. 16. **Charter school building lease aid.** For building lease aid under Minnesota  
 251.31 Statutes, section 124E.22:

252.1 \$ 83,214,000 ..... 2020

252.2 ~~88,454,000~~

252.3 \$ 85,916,000 ..... 2021

252.4 The 2020 appropriation includes \$8,021,000 for 2019 and \$75,193,000 for 2020.

252.5 The 2021 appropriation includes \$8,354,000 for 2020 and ~~\$80,100,000~~ \$77,562,000 for

252.6 2021.

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

252.8 Sec. 10. Laws 2019, First Special Session chapter 11, article 3, section 23, subdivision 3,

252.9 as amended by Laws 2020, chapter 116, article 6, section 12, is amended to read:

252.10 Subd. 3. **Alternative teacher compensation aid.** (a) For alternative teacher compensation

252.11 aid under Minnesota Statutes, section 122A.415, subdivision 4:

252.12 \$ 89,166,000 ..... 2020

252.13 ~~88,851,000~~

252.14 \$ 88,788,000 ..... 2021

252.15 (b) The 2020 appropriation includes \$8,974,000 for 2019 and \$80,192,000 for 2020.

252.16 (c) The 2021 appropriation includes \$8,887,000 for 2020 and ~~\$79,964,000~~ \$79,901,000

252.17 for 2021.

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

252.19 Sec. 11. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 2,

252.20 as amended by Laws 2020, chapter 116, article 6, section 13, is amended to read:

252.21 Subd. 2. **Special education; regular.** For special education aid under Minnesota Statutes,

252.22 section 125A.75:

252.23 \$ 1,600,889,000 ..... 2020

252.24 ~~1,747,701,000~~

252.25 \$ 1,727,596,000 ..... 2021

252.26 The 2020 appropriation includes \$184,363,000 for 2019 and \$1,416,526,000 for 2020.

252.27 The 2021 appropriation includes \$199,406,000 for 2020 and ~~\$1,548,295,000~~

252.28 \$1,528,190,000 for 2021.

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

253.1 Sec. 12. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 3,  
 253.2 as amended by Laws 2020, chapter 116, article 6, section 14, is amended to read:

253.3 Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section  
 253.4 125A.75, subdivision 3, for children with disabilities placed in residential facilities within  
 253.5 the district boundaries for whom no district of residence can be determined:

253.6 \$ 1,109,000 ..... 2020

253.7 ~~1,267,000~~

253.8 \$ 1,644,000 ..... 2021

253.9 If the appropriation for either year is insufficient, the appropriation for the other year is  
 253.10 available.

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

253.12 Sec. 13. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 4,  
 253.13 as amended by Laws 2020, chapter 116, article 6, section 15, is amended to read:

253.14 Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based  
 253.15 services under Minnesota Statutes, section 125A.75, subdivision 1:

253.16 \$ 445,000 ..... 2020

253.17 ~~467,000~~

253.18 \$ 254,000 ..... 2021

253.19 The 2020 appropriation includes \$40,000 for 2019 and \$405,000 for 2020.

253.20 The 2021 appropriation includes \$44,000 for 2020 and ~~\$423,000~~ \$210,000 for 2021.

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

253.22 Sec. 14. Laws 2019, First Special Session chapter 11, article 4, section 11, subdivision 5,  
 253.23 as amended by Laws 2020, chapter 116, article 6, section 16, is amended to read:

253.24 Subd. 5. **Court-placed special education revenue.** For reimbursing serving school  
 253.25 districts for unreimbursed eligible expenditures attributable to children placed in the serving  
 253.26 school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

253.27 \$ -0- ..... 2020

253.28 ~~23,000~~

253.29 \$ -0- ..... 2021

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

254.1 Sec. 15. Laws 2019, First Special Session chapter 11, article 6, section 7, subdivision 2,  
 254.2 as amended by Laws 2020, chapter 116, article 6, section 17, and Laws 2020, Fifth Special  
 254.3 Session chapter 3, article 5, section 36, is amended to read:

254.4 Subd. 2. **Debt service equalization aid.** For debt service equalization aid under  
 254.5 Minnesota Statutes, section 123B.53, subdivision 6:

254.6 \$ 20,684,000 ..... 2020

254.7 ~~25,380,000~~

254.8 \$ 25,335,000 ..... 2021

254.9 The 2020 appropriation includes \$2,292,000 for 2019 and \$18,392,000 for 2020.

254.10 The 2021 appropriation includes \$2,043,000 for 2020 and ~~\$23,337,000~~ \$23,292,000 for  
 254.11 2021.

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

254.13 Sec. 16. Laws 2019, First Special Session chapter 11, article 6, section 7, subdivision 3,  
 254.14 as amended by Laws 2020, chapter 116, article 6, section 18, is amended to read:

254.15 Subd. 3. **Long-term facilities maintenance equalized aid.** For long-term facilities  
 254.16 maintenance equalized aid under Minnesota Statutes, section 123B.595, subdivision 9:

254.17 \$ 104,690,000 ..... 2020

254.18 ~~107,820,000~~

254.19 \$ 106,356,000 ..... 2021

254.20 The 2020 appropriation includes \$10,464,000 for 2019 and \$94,226,000 for 2020.

254.21 The 2021 appropriation includes \$10,412,000 for 2020 and ~~\$97,408,000~~ \$95,944,000  
 254.22 for 2021.

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

254.24 Sec. 17. Laws 2019, First Special Session chapter 11, article 7, section 1, subdivision 2,  
 254.25 as amended by Laws 2020, chapter 116, article 6, section 20, is amended to read:

254.26 Subd. 2. **School lunch.** For school lunch aid under Minnesota Statutes, section 124D.111,  
 254.27 and Code of Federal Regulations, title 7, section 210.17:

254.28 \$ 16,245,000 ..... 2020

254.29 ~~16,514,000~~

254.30 \$ 4,796,000 ..... 2021

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

255.1 Sec. 18. Laws 2019, First Special Session chapter 11, article 7, section 1, subdivision 3,  
 255.2 as amended by Laws 2020, chapter 116, article 6, section 21, is amended to read:

255.3 Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota Statutes,  
 255.4 section 124D.1158:

|       |    |                       |       |      |
|-------|----|-----------------------|-------|------|
| 255.5 | \$ | 11,428,000            | ..... | 2020 |
| 255.6 |    | <del>11,846,000</del> |       |      |
| 255.7 | \$ | <u>3,242,000</u>      | ..... | 2021 |

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

255.9 Sec. 19. Laws 2019, First Special Session chapter 11, article 7, section 1, subdivision 4,  
 255.10 as amended by Laws 2020, chapter 116, article 6, section 22, is amended to read:

255.11 Subd. 4. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes,  
 255.12 section 124D.118:

|        |    |                    |       |      |
|--------|----|--------------------|-------|------|
| 255.13 | \$ | 658,000            | ..... | 2020 |
| 255.14 |    | <del>658,000</del> |       |      |
| 255.15 | \$ | <u>494,000</u>     | ..... | 2021 |

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

255.17 Sec. 20. Laws 2019, First Special Session chapter 11, article 8, section 13, subdivision 5,  
 255.18 as amended by Laws 2020, chapter 116, article 6, section 23, is amended to read:

255.19 Subd. 5. **Early childhood family education aid.** (a) For early childhood family education  
 255.20 aid under Minnesota Statutes, section 124D.135:

|        |    |                       |       |      |
|--------|----|-----------------------|-------|------|
| 255.21 | \$ | 32,151,000            | ..... | 2020 |
| 255.22 |    | <del>33,540,000</del> |       |      |
| 255.23 | \$ | <u>33,204,000</u>     | ..... | 2021 |

255.24 (b) The 2020 appropriation includes \$3,098,000 for 2019 and \$29,053,000 for 2020.

255.25 (c) The 2021 appropriation includes \$3,133,000 for 2020 and ~~\$30,407,000~~ \$30,071,000  
 255.26 for 2021.

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

255.28 Sec. 21. Laws 2019, First Special Session chapter 11, article 8, section 13, subdivision  
 255.29 14, as amended by Laws 2020, chapter 116, article 6, section 24, is amended to read:

255.30 Subd. 14. **Home visiting aid.** (a) For home visiting aid under Minnesota Statutes, section  
 255.31 124D.135:

256.1           \$        521,000   ..... 2020  
 256.2                        ~~528,000~~  
 256.3           \$        481,000   ..... 2021

256.4           (b) The 2020 appropriation includes \$54,000 for 2019 and \$467,000 for 2020.

256.5           (c) The 2021 appropriation includes \$51,000 for 2020 and ~~\$477,000~~ \$430,000 for 2021.

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

256.7           Sec. 22. Laws 2019, First Special Session chapter 11, article 9, section 3, subdivision 2,  
 256.8 as amended by Laws 2020, chapter 116, article 6, section 25, is amended to read:

256.9           Subd. 2. **Community education aid.** For community education aid under Minnesota  
 256.10 Statutes, section 124D.20:

256.11          \$        327,000   ..... 2020  
 256.12                        ~~249,000~~  
 256.13          \$        236,000   ..... 2021

256.14          The 2020 appropriation includes \$40,000 for 2019 and \$287,000 for 2020.

256.15          The 2021 appropriation includes \$31,000 for 2020 and ~~\$218,000~~ \$205,000 for 2021.

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



### **120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.**

Subd. 5. **Improving graduation rates for students with emotional or behavioral disorders.** (a) A district must develop strategies in conjunction with parents of students with emotional or behavioral disorders and the county board responsible for implementing sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in school, when the district has a drop-out rate for students with an emotional or behavioral disorder in grades 9 through 12 exceeding 25 percent.

(b) A district must develop a plan in conjunction with parents of students with emotional or behavioral disorders and the local mental health authority to increase the graduation rates of students with emotional or behavioral disorders. A district with a drop-out rate for children with an emotional or behavioral disturbance in grades 9 through 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight to the commissioner.

### **122A.091 REPORTS.**

Subd. 3. **School district reports.** (a) School districts annually by October 1 must report to the Professional Educator Licensing and Standards Board the following information for all teachers who finished the probationary period and accepted a continuing contract position with the district from September 1 of the previous year through August 31 of the current year:

(1) the effectiveness category or rating of the teacher on the summative evaluation under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

(2) the licensure area in which the teacher primarily taught during the three-year evaluation cycle; and

(3) the teacher preparation program preparing the teacher in the teacher's primary areas of instruction and licensure.

(b) School districts annually by October 1 must report to the Professional Educator Licensing and Standards Board the following information for all probationary teachers in the district who were released or whose contracts were not renewed from September 1 of the previous year through August 31 of the current year:

(1) the licensure areas in which the probationary teacher taught; and

(2) the teacher preparation program preparing the teacher in the teacher's primary areas of instruction and licensure.

(c) School districts annually by October 1 must report to the Board of School Administrators the following information for all school principals and assistant principals who finished the probationary period and accepted a continuing contract position with the district from September 1 of the previous year through August 31 of the current year:

(1) the effectiveness category or rating of the principal or assistant principal on the summative evaluation under section 123B.147, subdivision 3; and

(2) the principal preparation program providing instruction to the principal or assistant principal.

(d) School districts annually by October 1 must report to the Board of School Administrators all probationary school principals and assistant principals in the district who were released or whose contracts were not renewed from September 1 of the previous year through August 31 of the current year.

Subd. 6. **Implementation report.** By January 1, 2019, the Professional Educator Licensing and Standards Board must prepare a report to the legislature on the implementation of the teacher licensure system established under sections 122A.18 to 122A.184. The report must include the number of applicants for licensure in each tier, the number of applications granted and denied, summary data on the reasons applications were denied, and the status of the board's rulemaking process for all licensure-related rules.

### **122A.092 TEACHER PREPARATION PROGRAMS.**

Subdivision 1. **Rules.** The board must adopt rules to approve teacher preparation programs, including alternative teacher preparation programs under section 122A.2451, nonconventional programs, and Montessori teacher training programs.

Subd. 2. **Requirements for board approval.** Teacher preparation programs must demonstrate the following to obtain board approval:

APPENDIX  
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(1) the program has implemented a research-based, results-oriented curriculum that focuses on the skills teachers need in order to be effective;

(2) the program provides a student teaching program;

(3) the program demonstrates effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes;

(4) the program includes a common core of teaching knowledge and skills. This common core shall meet the standards developed by the Interstate New Teacher Assessment and Support Consortium in its 1992 model standards for beginning teacher licensing and development. Amendments to standards adopted under this clause are subject to chapter 14. The Professional Educator Licensing and Standards Board shall report annually to the education committees of the legislature on the performance of teacher candidates on common core assessments of knowledge and skills under this clause during the most recent school year;

(5) the program includes instruction on the knowledge and skills needed to provide appropriate instruction to English learners to support and accelerate their academic literacy, including oral academic language and achievement in content areas in a regular classroom setting; and

(6) the program includes culturally competent training in instructional strategies consistent with section 120B.30, subdivision 1, paragraph (q).

Subd. 3. **Specialized credentials.** The board must adopt rules creating flexible, specialized teaching licenses, credentials, and other endorsement forms to increase students' participation in language immersion programs, world language instruction, career development opportunities, work-based learning, early college courses and careers, career and technical programs, Montessori schools, and project- and place-based learning, among other career and college readiness learning offerings.

Subd. 4. **Teacher educators.** The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary and secondary teaching environments.

Subd. 5. **Reading strategies.** (a) A teacher preparation provider approved by the Professional Educator Licensing and Standards Board to prepare persons for classroom teacher licensure must include in its teacher preparation programs research-based best practices in reading, consistent with section 122A.06, subdivision 4, that enable the licensure candidate to teach reading in the candidate's content areas. Teacher candidates must be instructed in using students' native languages as a resource in creating effective differentiated instructional strategies for English learners developing literacy skills. A teacher preparation provider also must prepare early childhood and elementary teacher candidates for Tier 3 and Tier 4 teaching licenses under sections 122A.183 and 122A.184, respectively, for the portion of the examination under section 122A.185, subdivision 1, paragraph (c), covering assessment of reading instruction.

(b) Board-approved teacher preparation programs for teachers of elementary education must require instruction in applying comprehensive, scientifically based or evidence-based, and structured reading instruction programs that:

(1) teach students to read using foundational knowledge, practices, and strategies consistent with section 122A.06, subdivision 4, so that all students achieve continuous progress in reading; and

(2) teach specialized instruction in reading strategies, interventions, and remediations that enable students of all ages and proficiency levels to become proficient readers.

(c) Board-approved teacher preparation programs for teachers of elementary education, early childhood education, special education, and reading intervention must include instruction on dyslexia, as defined in section 125A.01, subdivision 2. Teacher preparation programs may consult with the Department of Education, including the dyslexia specialist under section 120B.122, to develop instruction under this paragraph. Instruction on dyslexia must be modeled on practice standards of the International Dyslexia Association, and must address:

(1) the nature and symptoms of dyslexia;

(2) resources available for students who show characteristics of dyslexia;

(3) evidence-based instructional strategies for students who show characteristics of dyslexia, including the structured literacy approach; and

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(4) outcomes of intervention and lack of intervention for students who show characteristics of dyslexia.

(d) Nothing in this section limits the authority of a school district to select a school's reading program or curriculum.

Subd. 6. **Technology strategies.** All preparation providers approved by the Professional Educator Licensing and Standards Board to prepare persons for classroom teacher licensure must include in their teacher preparation programs the knowledge and skills teacher candidates need to engage students with technology and deliver digital and blended learning and curriculum.

Subd. 7. **Student teaching program.** A teacher preparation program may provide a year-long student teaching program that combines clinical opportunities with academic coursework and in-depth student teaching experiences to offer students:

- (1) ongoing mentorship;
- (2) coaching;
- (3) assessment;
- (4) help to prepare a professional development plan; and
- (5) structured learning experiences.

Subd. 8. **Existing programs.** The approval of teacher preparation programs approved by the Board of Teaching before July 1, 2018, must remain in effect unless and until the Professional Educator Licensing and Standards Board denies approval or reapproves the program.

#### **122A.18 BOARD TO ISSUE LICENSES.**

Subd. 7c. **Temporary military license.** The Professional Educator Licensing and Standards Board shall establish a temporary license in accordance with section 197.4552 for teaching. The fee for a temporary license under this subdivision shall be \$57. The board must provide candidates for a license under this subdivision with information regarding the tiered licensure system provided in sections 122A.18 to 122A.184.

#### **122A.184 TIER 4 LICENSE.**

Subd. 3. **Mentorship and evaluation.** A teacher holding a Tier 4 license must participate in the employing district or charter school's mentorship and evaluation program, including an individual growth and development plan.

#### **122A.23 APPLICANTS TRAINED IN OTHER STATES.**

Subd. 3. **Teacher licensure agreements with adjoining states.** (a) Notwithstanding any other law to the contrary, the Professional Educator Licensing and Standards Board must enter into a National Association of State Directors of Teacher Education and Certification (NASDTEC) interstate agreement and other interstate agreements for teacher licensure to allow fully certified teachers from adjoining states to transfer their certification to Minnesota. The board must enter into these interstate agreements only after determining that the rigor of the teacher licensure or certification requirements in the adjoining state is commensurate with the rigor of Minnesota's teacher licensure requirements. The board may limit an interstate agreement to particular content fields or grade levels based on established priorities or identified shortages. This subdivision does not apply to out-of-state applicants holding only a provisional teaching license.

(b) The Professional Educator Licensing and Standards Board must work with designated authorities in adjoining states to establish interstate teacher licensure agreements under this section.

#### **122A.2451 ALTERNATIVE TEACHER PREPARATION PROVIDERS AND PROGRAMS.**

Subdivision 1. **Definitions.** (a) "Provider" or "unit" means an eligible entity that seeks or has obtained approval for an alternative teacher preparation program consistent with this section.

(b) "Program" means content provided by a provider that leads toward licensure in a specific content area.

Subd. 2. **Purpose.** To provide alternative pathways towards Minnesota teacher licensure outside of the traditional means, improve ethnic and cultural diversity in the classroom, and to close the achievement gap, the Professional Educator Licensing and Standards Board must approve qualified

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teacher preparation providers and programs under this section that are a means to acquire a Tier 2 license under section 122A.182 and prepare for acquiring a Tier 3 license under section 122A.183.

Subd. 3. **Eligibility.** A school district, charter school, or nonprofit corporation organized under chapter 317A for an education-related purpose is eligible to participate under this section. An eligible entity may apply for provider and program approval simultaneously.

Subd. 4. **Provider approval.** An eligible entity must be approved as a provider before being approved to provide programs towards licensure. The Professional Educator Licensing and Standards Board must approve eligible entities under subdivision 3 that meet the following requirements:

(1) has evidence and history of fiscal solvency, capacity, and operation;

(2) has evidence of necessary infrastructure to provide accurate, timely, and secure data for the purposes of admission, candidate monitoring, testing, background checks, and license recommendations;

(3) has policies and procedures in place ensuring the security of candidate records under the federal Family Educational Rights and Privacy Act; and

(4) has the instructional capacity or ability to obtain the instructional capacity to provide an adequate instructional phase under subdivision 5.

Subd. 5. **Program approval.** The board must approve programs offered by approved providers based on nontraditional criteria. An approved program must have the following characteristics:

(1) an instructional phase that provides intensive preparation and classroom experience that is commensurate with the scope of licensure standards defined under rule, before the teacher candidate assumes classroom responsibilities;

(2) a research-based and results-oriented approach focused on best teaching practices to increase student proficiency and growth measured against state academic standards;

(3) a strategy to combine pedagogy and best teaching practices to better inform teacher candidates' classroom instruction;

(4) provide assessment, supervision, and evaluation of teacher candidates to determine their specific needs throughout the program, and to support efforts to successfully complete the program;

(5) provide intensive and ongoing professional learning opportunities that accelerate teacher candidates' professional growth, support student learning, and provide a workplace orientation, professional staff development, mentoring and peer review, focused on standards of professional practice and continuous professional growth; and

(6) a process to review a candidate's final proficiency of required licensure content standards that leads to potential candidate recommendation by the provider to the board for a Tier 3 teaching license under subdivision 8.

Subd. 6. **Nontraditional means; program instructors.** (a) The board must permit alternative teacher preparation providers and teacher candidates to demonstrate pedagogy and content standard proficiency in school-based programs and through other nontraditional means. Nontraditional means may include previous work experiences, teaching experiences, educator evaluations, industry-recognized certifications, and other essentially equivalent demonstrations.

(b) The board must use nontraditional criteria to determine qualifications of program instructors, including permitting instructors to hold a baccalaureate degree only.

Subd. 7. **Program disapproval, suspension.** If the board determines that a teacher preparation provider or licensure program fails to meet or is deficient in any of the requirements of subdivision 5, it may suspend or revoke the approval of the provider or program after it notifies the provider of the deficiencies and gives the provider an opportunity to remedy the deficiencies.

Subd. 8. **Candidate program completion; teacher licensure.** (a) A candidate that completes an approved program must apply for a license under the tiered licensure system according to sections 122A.181 to 122A.184.

(b) A person who successfully completes another state's alternative teacher preparation licensure program may apply to the Professional Educator Licensing and Standards Board for a Tier 3 license under section 122A.183.

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Subd. 9. **Reports.** (a) An approved alternative teacher preparation provider must report to the Professional Educator Licensing and Standards Board on items that are defined in statute regarding program candidates, completion, and effectiveness or other items that are required under section 122A.09.

(b) The Professional Educator Licensing and Standards Board must submit a biennial report on the alternative teacher preparation program and providers to legislative committees having jurisdiction over kindergarten through grade 12 education policy and finance by January 15 of each odd-numbered year.

*Laws 2017, First Special Session chapter 5, article 8, section 9*

Sec. 9. **SCHOOL READINESS PLUS PROGRAM.**

Subdivision 1. Establishment; purpose. A district, a charter school, or a group of districts and charter schools may establish a school readiness plus program for children age four to kindergarten entrance. The purpose of a school readiness plus program is to prepare children for success as they enter kindergarten in the following year.

Subd. 2. Program requirements. A school readiness plus program provider must:

(1) assess each child's cognitive and language skills with a comprehensive child assessment instrument when the child enters and again before the child leaves the program to improve program planning and implementation, communicate with parents, and promote kindergarten readiness;

(2) provide comprehensive program content and intentional instructional practice aligned with the state early childhood learning guidelines and kindergarten standards and based on early childhood research and professional practice that is focused on children's cognitive, social, emotional, and physical skills and development and prepares children for the transition to kindergarten, including early literacy and language skills;

(3) coordinate appropriate kindergarten transition with parents and kindergarten teachers;

(4) involve parents in program planning and decision making;

(5) coordinate with relevant community-based services;

(6) cooperate with adult basic education programs and other adult literacy programs;

(7) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20 children with at least one licensed teacher;

(8) have teachers knowledgeable in early childhood curriculum content, assessment, native and English language development programs, and instruction; and

(9) provide instructional content and activities that are of sufficient length and intensity to address learning needs including offering a program with at least 350 hours of instruction per school year.

Subd. 3. Mixed delivery of services. A district or charter school may contract with a charter school, Head Start or child care center, family child care program licensed under Minnesota Statutes, section 245A.03, or a community-based organization to provide eligible children with developmentally appropriate services that meet the program requirements in subdivision 2.

Subd. 4. Eligibility. (a) A child who is four years of age as of September 1 in the calendar year in which the school year commences and has one or more of the risk factors under paragraph (b) is eligible to participate in a school readiness plus program free of charge. A child who is four years of age as of September 1 in the calendar year in which the school year commences and does not have one or more of the risk factors under paragraph (b) may participate on a fee-for-service basis. A district must adopt a sliding fee schedule based on a family's income but must waive a fee for a participant unable to pay. School districts and charter schools must use school readiness plus aid for eligible children. Each eligible child must complete a health and developmental screening within 90 days of program enrollment under Minnesota Statutes, sections 121A.16 to 121A.19, and provide documentation of required immunizations under section 121A.15.

(b) An at-risk four-year-old child may participate in the school readiness plus program free of charge if the child:

(1) qualifies for free or reduced-price lunch;

(2) is an English language learner;

(3) is homeless;

(4) has an individualized education program, or individual interagency intervention plan;

(5) is identified through health and developmental screening under Minnesota Statutes, sections 121A.16 to 121A.19, with a potential risk factor that may influence learning; or

(6) is in foster care.

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Subd. 5. **Application process; priority for high poverty schools.** (a) For 2017-2018 school year, a school district or charter school that did not apply to participate in a voluntary prekindergarten program under Minnesota Statutes, section 124D.151, may apply to the commissioner by July 1, 2017, to participate in a school readiness plus program in the form and manner specified by the commissioner. By June 15, 2017, the commissioner must notify districts and charter schools of the availability of additional money for voluntary prekindergarten and school readiness plus programs. A school district or charter school that previously applied to participate in a voluntary prekindergarten program may amend its application by July 1, 2017, to apply instead for school readiness plus. The commissioner must review all applications for school readiness plus and notify applicant districts and charter schools by August 1, 2017, whether they have been selected for participation.

(b) For the 2018-2019 school year, a school district or charter school may apply to the commissioner by January 30, 2018, to participate in school readiness plus in the form and manner specified by the commissioner.

(c) A district or charter school submitting an application under this section must include: (1) a description of the proposed program, including the number of hours per week the program will be offered at each school site or mixed-delivery location; (2) an estimate of the number of eligible children to be served in the program at each school site or mixed-delivery location; (3) the number of children being served that will be new to the program; and (4) a statement of assurances signed by the superintendent or charter school director that the proposed program meets the requirements of subdivision 2.

(d) The commissioner must award funding for school readiness plus programs across school districts and charter schools in the same manner as for the voluntary prekindergarten program.

(e) A school site or mixed-delivery site approved for aid under this subdivision remains eligible for aid if the site continues to meet program requirements, regardless of changes in the concentration of students eligible for free or reduced-price lunches.

Subd. 6. **No supplanting.** For a site first qualifying in fiscal year 2018 or 2019, mixed delivery revenue, including voluntary prekindergarten and school readiness plus program revenue, must be used to supplement not supplant existing state, federal, and local revenue for prekindergarten activities.

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