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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1081**

02/15/2021 Authored by Richardson
The bill was read for the first time and referred to the Committee on Education Policy
03/15/2021 Adoption of Report: Amended and re-referred to the Committee on Education Finance
By motion, recalled and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

1.2 relating to education; modifying provisions for prekindergarten through grade 12

1.3 including general education, education excellence, teachers, charter schools, special

1.4 education, health, safety, nutrition, libraries, facilities, and state agencies; requiring

1.5 reports; amending Minnesota Statutes 2020, sections 13.32, subdivision 3; 120A.22,

1.6 subdivisions 7, 10; 120A.35; 120A.40; 120B.021, subdivisions 1, 3; 120B.024,

1.7 subdivision 1; 120B.11, subdivisions 1, 1a, 2, 3; 120B.15; 120B.21; 120B.30,

1.8 subdivision 1a, by adding subdivisions; 120B.35, subdivisions 3, 4; 121A.031,

1.9 subdivisions 5, 6; 121A.41, subdivision 10, by adding subdivisions; 121A.425;

1.10 121A.45, subdivision 1; 121A.46, subdivision 4, by adding subdivisions; 121A.47,

1.11 subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 121A.58; 121A.61; 122A.06,

1.12 subdivisions 2, 5, 6, 7, 8, by adding a subdivision; 122A.07, subdivisions 1, 2, 4a;

1.13 122A.09, subdivisions 4, 6, 9, 10; 122A.091, subdivisions 1, 2; 122A.15,

1.14 subdivision 1; 122A.16; 122A.18, subdivisions 7a, 8, 10; 122A.181, subdivisions

1.15 1, 2, 3, 4, 5, 6, by adding a subdivision; 122A.182, subdivisions 1, 2, 3, 4, 7;

1.16 122A.183, subdivisions 1, 2, 3, by adding a subdivision; 122A.184, subdivisions

1.17 1, 2; 122A.185, subdivisions 1, 4; 122A.187; 122A.19, subdivision 4; 122A.26,

1.18 subdivision 2; 122A.31, subdivision 1; 122A.40, subdivisions 5, 8; 122A.41,

1.19 subdivisions 2, 5; 122A.635, subdivisions 3, 4; 122A.70; 123B.147, subdivision

1.20 3; 124D.09, subdivisions 3, 7, 13; 124D.095, subdivision 2; 124D.111; 124D.128,

1.21 subdivisions 1, 3; 124D.74, subdivision 1; 124D.78, subdivisions 1, 3; 124D.79,

1.22 subdivision 2; 124D.791, subdivision 4; 124D.81, subdivision 1; 124D.861,

1.23 subdivision 2; 124E.02; 124E.03, subdivision 2, by adding subdivisions; 124E.05,

1.24 subdivisions 4, 6, 7; 124E.06, subdivisions 1, 4, 5; 124E.11; 124E.12, subdivision

1.25 1; 124E.13, subdivision 1; 124E.16, subdivision 1; 124E.25, subdivision 1a;

1.26 125A.08; 125A.094; 125A.0942; 134.34, subdivision 1; 144.4165; 179A.03,

1.27 subdivision 19; 290.0679, subdivision 2; 469.176, subdivision 2; 609A.03,

1.28 subdivision 7a; proposing coding for new law in Minnesota Statutes, chapters

1.29 120B; 121A; 122A; 124D; 127A; repealing Minnesota Statutes 2020, sections

1.30 120B.35, subdivision 5; 122A.091, subdivisions 3, 6; 122A.092; 122A.18,

1.31 subdivision 7c; 122A.184, subdivision 3; 122A.23, subdivision 3; 122A.2451.

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

2.2

ARTICLE 1

2.3

GENERAL EDUCATION

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

2.5 **120A.35 ABSENCE FROM SCHOOL FOR RELIGIOUS OBSERVANCE.**

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

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

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

2.12 **120A.40 SCHOOL CALENDAR.**

2.13 (a) Except for learning programs during summer, flexible learning year programs
2.14 authorized under sections 124D.12 to 124D.127, and learning year programs under section
2.15 124D.128, a district must not commence an elementary or secondary school year before
2.16 Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops
2.17 may be held before Labor Day. Districts that enter into cooperative agreements are
2.18 encouraged to adopt similar school calendars.

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

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

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

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

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

2.27 Sec. 3. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

2.28 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance,
2.29 which includes an annual report of American Indian student data using the state count, to
2.30 districts, schools and postsecondary institutions for preservice and in-service training for

3.1 teachers, American Indian education teachers and paraprofessionals specifically designed
3.2 to implement culturally responsive teaching methods, culturally based curriculum
3.3 development, testing and testing mechanisms, and the development of materials for American
3.4 Indian education programs.

3.5 Sec. 4. Minnesota Statutes 2020, section 124D.81, subdivision 1, is amended to read:

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

3.15 Sec. 5. Minnesota Statutes 2020, section 290.0679, subdivision 2, is amended to read:

3.16 Subd. 2. **Conditions for assignment.** A qualifying taxpayer may assign all or part of
3.17 an anticipated refund for the current and future taxable years to a financial institution or a
3.18 qualifying organization. A financial institution or qualifying organization accepting
3.19 assignment must pay the amount secured by the assignment to a third-party vendor. The
3.20 commissioner of education shall, upon request from a third-party vendor, certify that the
3.21 vendor's products and services qualify for the education credit. A denial of a certification
3.22 ~~is subject to the contested case procedure under~~ may be appealed to the commissioner of
3.23 education notwithstanding chapter 14. A financial institution or qualifying organization that
3.24 accepts assignments under this section must verify as part of the assignment documentation
3.25 that the product or service to be provided by the third-party vendor has been certified by
3.26 the commissioner of education as qualifying for the education credit. The amount assigned
3.27 for the current and future taxable years may not exceed the maximum allowable education
3.28 credit for the current taxable year. Both the taxpayer and spouse must consent to the
3.29 assignment of a refund from a joint return.

3.30 Sec. 6. Minnesota Statutes 2020, section 469.176, subdivision 2, is amended to read:

3.31 Subd. 2. **Excess increments.** (a) The authority shall annually determine the amount of
3.32 excess increments for a district, if any. This determination must be based on the tax increment
3.33 financing plan in effect on December 31 of the year and the increments and other revenues

4.1 received as of December 31 of the year. The authority must spend or return the excess
4.2 increments under paragraph (c) within nine months after the end of the year.

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

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

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

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

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

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

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

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

4.18 (1) prepay any outstanding bonds;

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

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

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

4.24 (d) For purposes of a district for which the request for certification was made prior to
4.25 August 1, 1979, excess increments equal the amount of increments on hand on December
4.26 31, less the principal and interest obligations due on outstanding bonds or advances,
4.27 qualifying under subdivision 1c, clauses (1), (2), (4), and (5), after December 31 of the year
4.28 and not prepaid under paragraph (c).

4.29 (e) The county auditor must, prior to February 1 of each year, report to the commissioner
4.30 of education the amount of any excess tax increment distributed to a school district ~~within~~
4.31 30 days of the distribution for the preceding taxable year.

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

5.3 (g) The state auditor may exempt an authority from reporting the amounts calculated
5.4 under this subdivision for a calendar year, if the authority certifies to the auditor in its report
5.5 that the total amount authorized by the tax increment plan to be paid with increments from
5.6 the district exceeds the sum of the total increments collected for the district for all years by
5.7 20 percent.

5.8 ARTICLE 2

5.9 EDUCATION EXCELLENCE

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

5.11 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
5.12 5, educational data is private data on individuals and shall not be disclosed except as follows:

5.13 (a) pursuant to section 13.05;

5.14 (b) pursuant to a valid court order;

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

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

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

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

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

5.28 (h) to the appropriate school district officials to the extent necessary under subdivision
5.29 6, annually to indicate the extent and content of remedial instruction, including the results
5.30 of assessment testing and academic performance at a postsecondary institution during the

6.1 previous academic year by a student who graduated from a Minnesota school district within
6.2 two years before receiving the remedial instruction;

6.3 (i) to appropriate authorities as provided in United States Code, title 20, section
6.4 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
6.5 system to effectively serve, prior to adjudication, the student whose records are released;
6.6 provided that the authorities to whom the data are released submit a written request for the
6.7 data that certifies that the data will not be disclosed to any other person except as authorized
6.8 by law without the written consent of the parent of the student and the request and a record
6.9 of the release are maintained in the student's file;

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

6.13 (k) to provide student recruiting information, from educational data held by colleges
6.14 and universities, as required by and subject to Code of Federal Regulations, title 32, section
6.15 216;

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

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

6.23 (n) to the commissioner of education for purposes of an assessment or investigation of
6.24 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request
6.25 by the commissioner of education, data that are relevant to a report of maltreatment and are
6.26 from charter school and school district investigations of alleged maltreatment of a student
6.27 must be disclosed to the commissioner, including, but not limited to, the following:

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

6.29 (2) information regarding student and employee witnesses;

6.30 (3) information regarding the alleged perpetrator; and

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

7.1 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
7.2 of a crime of violence or nonforcible sex offense to the extent authorized under United
7.3 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
7.4 34, sections 99.31 (a)(13) and (14);

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

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

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

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

7.21 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that
7.22 receives services or aid under sections 123B.40 to 123B.48 from which a student is
7.23 transferring must transmit the student's educational records, within ten business days of a
7.24 request, to the district, the charter school, or the nonpublic school in which the student is
7.25 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under
7.26 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the
7.27 charter school, or the nonpublic school in which a transferring student is next enrolling in
7.28 order to comply with this subdivision.

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

7.32 (c) A school district, a charter school, or a nonpublic school that receives services or aid
7.33 under sections 123B.40 to 123B.48 that transmits a student's educational records to another

8.1 school district or other educational entity, charter school, or nonpublic school to which the
 8.2 student is transferring must include in the transmitted records information about any formal
 8.3 suspension, expulsion, and exclusion disciplinary action, as well as pupil withdrawals, under
 8.4 sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs
 8.5 to prevent the inappropriate behavior from recurring. The district, the charter school, or the
 8.6 nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must
 8.7 provide notice to a student and the student's parent or guardian that formal disciplinary
 8.8 records will be transferred as part of the student's educational record, in accordance with
 8.9 data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974,
 8.10 United States Code, title 20, section 1232(g).

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

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

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

8.22 Sec. 3. Minnesota Statutes 2020, section 120A.22, subdivision 10, is amended to read:

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

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

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

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

8.28 ~~(4)~~ (3) provide instruction in a school that is accredited by an accrediting agency,
 8.29 recognized according to section 123B.445, or recognized by the commissioner;

8.30 ~~(5)~~ (4) hold a baccalaureate degree; or

8.31 ~~(6)~~ (5) be the parent of a child who is assessed according to the procedures in subdivision

8.32 11.

9.1 Any person providing instruction in a public school must meet the requirements of clause
9.2 (1).

9.3 Sec. 4. Minnesota Statutes 2020, section 120B.021, subdivision 1, is amended to read:

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

9.6 (1) language arts;

9.7 (2) mathematics;

9.8 (3) science;

9.9 (4) social studies, including history, geography, economics, and government and
9.10 citizenship that includes civics consistent with section 120B.02, subdivision 3;

9.11 (5) physical education;

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

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

9.18 (b) For purposes of applicable federal law, the academic standards for language arts,
9.19 mathematics, and science apply to all public school students, except the very few students
9.20 with extreme cognitive or physical impairments for whom an individualized education
9.21 program team has determined that the required academic standards are inappropriate. An
9.22 individualized education program team that makes this determination must establish
9.23 alternative standards.

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

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

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

10.12 Sec. 5. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

10.13 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section
10.14 and section 120B.022, must adopt statewide rules under section 14.389 for implementing
10.15 statewide rigorous core academic standards in language arts, mathematics, science, social
10.16 studies, physical education, and the arts. After the rules authorized under this subdivision
10.17 are initially adopted, the commissioner may not amend or repeal these rules nor adopt new
10.18 rules on the same topic without specific legislative authorization unless done pursuant to
10.19 subdivision 4.

10.20 Sec. 6. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

10.21 Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the~~
10.22 ~~2011-2012 school year and later~~ must successfully complete the following high school level
10.23 credits for graduation:

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

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

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

10.30 (4) three credits of science, including at least one credit of biology, one credit of chemistry
10.31 or physics, and one elective credit of science. The combination of credits under this clause

11.1 must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics
11.2 and (ii) all other academic standards in science;

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

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

11.12 (7) a minimum of seven elective credits.

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

11.17 (c) Students beginning 9th grade in the 2022-2023 school year and later must successfully
11.18 complete a personal finance course for credit during their senior year of high school. The
11.19 course must include but is not limited to the following topics: creating a household budget;
11.20 taking out loans and accruing debt, including how interest works; home mortgages; how to
11.21 file taxes; the impact of student loan debt; and how to read a paycheck and payroll deductions.
11.22 Notwithstanding section 124D.095, a district may provide a personal finance course through
11.23 online instruction, in-person instruction, or a combination of in-person and online instruction.

11.24 Sec. 7. Minnesota Statutes 2020, section 120B.11, subdivision 1, is amended to read:

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

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

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

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

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

12.10 (e) "Ethnic studies curriculum" means the critical and interdisciplinary study of race,
12.11 ethnicity, and indigeneity with a focus on the experiences and perspectives of people of
12.12 color within and beyond the United States. The ethnic studies curriculum may be integrated
12.13 in existing curricular opportunities or provided through additional curricular offerings.

12.14 (f) "Rigorous" means meeting state K-12 academic standards.

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

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

12.21 (i) "Institutional racism" means policies and practices within and across institutions that
12.22 produce outcomes that chronically favor white people and predictably disadvantage those
12.23 who are Black, Indigenous, and People of Color.

12.24 (j) "On track for graduation" means that at the end of grade 9, a student has earned at
12.25 least five credits and has received no more than one failing grade in a semester in a course
12.26 in language arts, mathematics, science, or social studies. A student is off track for graduation
12.27 if the student fails to meet either of these criteria.

12.28 Sec. 8. Minnesota Statutes 2020, section 120B.11, subdivision 1a, is amended to read:

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

13.1 (1) the size of the academic achievement gap, rigorous course taking under section
 13.2 120B.35, subdivision 3, paragraph (c), clause (2), participation in honors or gifted and
 13.3 talented programming, and enrichment experiences by student subgroup;

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

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

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

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

13.9 (b) A school district that offers advanced placement, international baccalaureate, or dual
 13.10 enrollment programs must report on the following performance measures starting in the
 13.11 2023-2024 school year:

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

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

13.15 (3) the number of students who took the international baccalaureate exam and the number
 13.16 of students who passed the exam.

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

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

13.20 Sec. 9. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

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

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

13.27 (2) a process to assess and evaluate each student's progress toward meeting state and
 13.28 local academic standards, assess and identify students to participate in gifted and talented
 13.29 programs and accelerate their instruction, and adopt early-admission procedures consistent
 13.30 with section 120B.15, and identifying the strengths and weaknesses of instruction in pursuit

14.1 of student and school success and curriculum affecting students' progress and growth toward
 14.2 career and college readiness and leading to the world's best workforce;

14.3 (3) a system to periodically review and evaluate the effectiveness of all instruction and
 14.4 curriculum, taking into account strategies and best practices, student outcomes, school
 14.5 principal evaluations under section 123B.147, subdivision 3, students' access to effective
 14.6 teachers who are members of populations underrepresented among the licensed teachers in
 14.7 the district or school and who reflect the diversity of enrolled students under section 120B.35,
 14.8 subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40,
 14.9 subdivision 8, or 122A.41, subdivision 5;

14.10 (4) strategies for improving instruction, curriculum, and student achievement, including:
 14.11 (i) the English and, where practicable, the native language development and the academic
 14.12 achievement of English learners; and (ii) access to ethnic studies curriculum using culturally
 14.13 responsive methodologies for all learners;

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

14.18 (6) education effectiveness practices that:

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

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

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

14.26 (7) an annual budget for continuing to implement the district plan.

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

14.29 Sec. 10. Minnesota Statutes 2020, section 120B.11, subdivision 3, is amended to read:

14.30 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory
 14.31 committee to ensure active community participation in all phases of planning and improving
 14.32 the instruction and curriculum affecting state and district academic standards, consistent

15.1 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect
15.2 the diversity of the district and its school sites, include teachers, parents, support staff,
15.3 students, and other community residents, and provide translation to the extent appropriate
15.4 and practicable. The district advisory committee ~~shall~~ must pursue community support to
15.5 accelerate the academic and native literacy and achievement of English learners with varied
15.6 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and
15.7 2a. The district may establish site teams as subcommittees of the district advisory committee
15.8 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school
15.9 board: rigorous academic standards; student achievement goals and measures consistent
15.10 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district
15.11 assessments; means to improve students' equitable access to effective and more diverse
15.12 teachers; strategies to ensure the curriculum is rigorous, accurate, anti-racist, and culturally
15.13 sustaining; strategies to ensure that curriculum and learning and work environments validate,
15.14 affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic
15.15 groups; and program evaluations. School sites may expand upon district evaluations of
15.16 instruction, curriculum, assessments, or programs. Whenever possible, parents and other
15.17 community residents ~~shall~~ must comprise at least two-thirds of advisory committee members.

15.18 Sec. 11. **[120B.113] EQUITABLE SCHOOL ENHANCEMENT GRANTS.**

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

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

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

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

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

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

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

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

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

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

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

16.22 (2) address institutional racism with equitable school policies, structures, and practices,
16.23 consistent with the requirements for long-term plans under section 124D.861, subdivision
16.24 2, paragraph (c).

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

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

17.2 Sec. 12. Minnesota Statutes 2020, section 120B.15, is amended to read:

17.3 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

17.4 (a) School districts may identify students, locally develop programs and services
17.5 addressing instructional and affective needs, provide staff development, and evaluate
17.6 programs and services to provide gifted and talented students with challenging and
17.7 appropriate educational programs and services.

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

17.11 (1) multiple and objective criteria; and

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

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

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

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

17.24 (d) School districts must adopt procedures consistent with section 124D.02, subdivision
17.25 1, for early admission to kindergarten or first grade of gifted and talented learners consistent
17.26 with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to
17.27 underrepresented groups.

17.28 Sec. 13. Minnesota Statutes 2020, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

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

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

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

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

18.27 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through
18.28 8, and high school reading, writing, and mathematics tests; and

18.29 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades
18.30 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the
18.31 commissioner must not require students to achieve a passing score on high school science
18.32 assessments as a condition of receiving a high school diploma.

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

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

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

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

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

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

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

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

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

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

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

19.25 ~~(h)~~ (f) A school, school district, and charter school must administer statewide assessments
19.26 under this section, as the assessments become available, to evaluate student progress toward
19.27 career and college readiness in the context of the state's academic standards. A school,
19.28 school district, or charter school may use a student's performance on a statewide assessment
19.29 as one of multiple criteria to determine grade promotion or retention. A school, school
19.30 district, or charter school may use a high school student's performance on a statewide
19.31 assessment as a percentage of the student's final grade in a course, or place a student's
19.32 assessment score on the student's transcript.

20.1 Sec. 14. Minnesota Statutes 2020, section 120B.30, is amended by adding a subdivision
20.2 to read:

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

20.5 Sec. 15. Minnesota Statutes 2020, section 120B.30, is amended by adding a subdivision
20.6 to read:

20.7 Subd. 8. **National and international education comparisons.** Each public district and
20.8 school selected to participate in the national assessment of educational progress must do so
20.9 pursuant to United States Code, title 20, section 6312(c)(2), as in effect on December 10,
20.10 2015, or similar national or international assessments, both for the national sample and for
20.11 any state-by-state comparison programs that may be initiated, as directed by the
20.12 commissioner. The assessments must be conducted using the data collection procedures,
20.13 student surveys, educator surveys, and other instruments included in the National Assessment
20.14 of Educational Progress or similar national or international assessments being administered
20.15 in Minnesota. The administration of the assessments must be in addition to and separate
20.16 from the administration of the statewide, standardized assessments.

20.17 Sec. 16. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

22.3 (2) a rigorous coursework measure indicating the number and percentage of high school
22.4 graduates in the most recent school year who successfully completed one or more
22.5 college-level advanced placement, international baccalaureate, postsecondary enrollment
22.6 options including concurrent enrollment, other rigorous courses of study under section
22.7 120B.021, subdivision 1a, or industry certification courses or programs.

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

22.12 (d) When reporting student performance under section 120B.36, subdivision 1, the
22.13 commissioner annually, beginning July 1, 2014, must report summary data on school safety
22.14 and students' engagement and connection at school, consistent with the student categories
22.15 identified under paragraph (a), clause (2). The summary data under this paragraph are
22.16 separate from and must not be used for any purpose related to measuring or evaluating the
22.17 performance of classroom teachers. The commissioner, in consultation with qualified experts
22.18 on student engagement and connection and classroom teachers, must identify highly reliable
22.19 variables that generate summary data under this paragraph. The summary data may be used
22.20 at school, district, and state levels only. Any data on individuals received, collected, or
22.21 created that are used to generate the summary data under this paragraph are nonpublic data
22.22 under section 13.02, subdivision 9.

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

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

22.29 (2) the percent of students under this paragraph whose progress and performance levels
22.30 are meeting career and college readiness benchmarks under section 120B.30, subdivision
22.31 1; and

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

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

23.1 (ii) providing successful prevention and intervention strategies for at-risk students;

23.2 (iii) providing successful recuperative and recovery or reenrollment strategies for off-track
23.3 students; and

23.4 (iv) improving the graduation outcomes of at-risk and off-track students.

23.5 The commissioner may include in the annual report summary data on other education
23.6 providers serving a majority of students eligible to participate in a learning year program.

23.7 (f) The commissioner, in consultation with recognized experts with knowledge and
23.8 experience in assessing the language proficiency and academic performance of all English
23.9 learners enrolled in a Minnesota public school course or program who are currently or were
23.10 previously counted as an English learner under section 124D.59, must identify and report
23.11 appropriate and effective measures to improve current categories of language difficulty and
23.12 assessments, and monitor and report data on students' English proficiency levels, program
23.13 placement, and academic language development, including oral academic language.

23.14 (g) When reporting four- and six-year graduation rates, the commissioner or school
23.15 district must disaggregate the data by student categories according to paragraph (a), clause
23.16 (2).

23.17 (h) A school district must inform parents and guardians that volunteering information
23.18 on student categories not required by the most recent reauthorization of the Elementary and
23.19 Secondary Education Act is optional and will not violate the privacy of students or their
23.20 families, parents, or guardians. The notice must state the purpose for collecting the student
23.21 data.

23.22 **EFFECTIVE DATE.** This section is effective the day following final enactment. The
23.23 next update to the data used to determine the most populous groups must be implemented
23.24 in 2026 using the 2021-2025 dataset.

23.25 Sec. 17. Minnesota Statutes 2020, section 120B.35, subdivision 4, is amended to read:

23.26 Subd. 4. **Improving schools.** Consistent with the requirements of this section, ~~beginning~~
23.27 ~~June 20, 2012,~~ the commissioner of education must annually report to the public and the
23.28 legislature best practices implemented in those schools that are identified as high performing
23.29 ~~under federal expectations.~~

24.1 Sec. 18. [121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.

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

24.6 (b) A school district may seek an exemption to paragraph (a) by submitting a request in
24.7 writing to the Tribal Nations Education Committee and the Indian Affairs Council, which
24.8 jointly shall have discretion to grant such an exemption.

24.9 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the
24.10 meanings given.

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

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

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

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

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

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

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

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

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

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

24.24 (e) "Public school" or "school" means a public school under section 120A.05, subdivisions
24.25 9, 11, 13, and 17, and a charter school under chapter 124E.

24.26 Sec. 19. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

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

25.1 supervision means school personnel are physically present in the same location as the pupil
25.2 under supervision.

25.3 (b) "Out-of-school suspension" means an action by the school administration, under
25.4 rules promulgated by the school board, prohibiting a pupil from attending school for a period
25.5 of no more than ten school days. If a suspension is longer than five days, the suspending
25.6 administrator must provide the superintendent with a reason for the longer suspension. This
25.7 definition does not apply to dismissal from school for ~~one school day or less~~ than one school
25.8 day, except as provided in federal law for a student with a disability. Each suspension action
25.9 may ~~must~~ include a readmission plan. The readmission plan shall include, where appropriate,
25.10 a provision for implementing alternative educational services upon readmission and may
25.11 not be used to extend the current suspension. Consistent with section 125A.091, subdivision
25.12 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication
25.13 for the parent's child as a condition of readmission. The school administration may not
25.14 impose consecutive suspensions against the same pupil for the same course of conduct, or
25.15 incident of misconduct, except where the pupil will create an immediate and substantial
25.16 danger to self or to surrounding persons or property, or where the district is in the process
25.17 of initiating an expulsion, in which case the school administration may extend the suspension
25.18 to a total of 15 school days.

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

25.20 Sec. 20. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision
25.21 to read:

25.22 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**
25.23 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means
25.24 policies and practices that are alternatives to removing a pupil from class or dismissing a
25.25 pupil from school, including evidence-based positive behavior interventions and supports,
25.26 social and emotional services, school-linked mental health services, counseling services,
25.27 social work services, referrals for special education or section 504 evaluations, academic
25.28 screening for title one services or reading interventions, and alternative education services.
25.29 Nonexclusionary disciplinary policies and practices require school officials to intervene in,
25.30 redirect, and support a pupil's behavior before removing a pupil from class or beginning
25.31 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are
25.32 not limited to the policies and practices under sections 120B.12; 121A.031, subdivision 4,
25.33 paragraph (a), clause (1); 121A.575, clauses (1) and (2); 121A.61, subdivision 3, paragraph
25.34 (q); 122A.627, clause (3); and 123A.56.

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

26.2 Sec. 21. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision
26.3 to read:

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

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

26.9 Sec. 22. Minnesota Statutes 2020, section 121A.425, is amended to read:

26.10 **121A.425 FULL AND EQUITABLE PARTICIPATION IN ~~PRESCHOOL AND~~**
26.11 **~~PREKINDERGARTEN~~ EARLY LEARNING.**

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

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

26.18 (2) kindergarten through grade 3.

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

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

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

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

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

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

27.2 Sec. 23. Minnesota Statutes 2020, section 121A.45, subdivision 1, is amended to read:

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

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

27.9 Sec. 24. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

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

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

27.15 Sec. 25. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision
27.16 to read:

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

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

27.21 Sec. 26. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision
27.22 to read:

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

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

28.2 Sec. 27. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

28.17 (3) present evidence; and

28.18 (4) confront and cross-examine witnesses.

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

28.20 Sec. 28. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

28.21 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare
28.22 and enforce an admission or readmission plan for any pupil who is excluded or expelled
28.23 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~
28.24 which may include completing a character education program; consistent with section
28.25 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,
28.26 mental health services, referrals for special education or section 504 evaluation, and
28.27 evidence-based academic interventions. The plan must require parental involvement in the
28.28 admission or readmission process, and may indicate the consequences to the pupil of not
28.29 improving the pupil's behavior.

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

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

29.14 Sec. 29. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

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

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

29.26 Sec. 30. Minnesota Statutes 2020, section 121A.55, is amended to read:

29.27 **121A.55 POLICIES TO BE ESTABLISHED.**

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

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

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

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

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

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

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

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

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

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

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

31.1 Sec. 31. Minnesota Statutes 2020, section 121A.58, is amended to read:

31.2 **121A.58 CORPORAL PUNISHMENT.**

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

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

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

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

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

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

31.21 Subd. 3. **Violation.** Conduct that violates subdivision 2 or 2a is not a crime under section
31.22 645.241, but may be a crime under chapter 609 if the conduct violates a provision of chapter
31.23 609.

31.24 Sec. 32. Minnesota Statutes 2020, section 121A.61, is amended to read:

31.25 **121A.61 DISCIPLINE AND REMOVAL OF STUDENTS FROM CLASS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33.5 (j) any procedures determined appropriate for encouraging early detection of behavioral
33.6 problems;

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

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

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

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

33.15 ~~(n)~~ (n) procedures for ~~immediate~~ timely and appropriate interventions tied to violations
33.16 of the code;

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

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

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

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

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

34.1 Sec. 33. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

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

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

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

34.13 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under
34.14 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by
34.15 a secondary teacher or a postsecondary faculty member, and are offered at a high school
34.16 for which the district is eligible to receive concurrent enrollment program aid under section
34.17 124D.091.

34.18 Sec. 34. Minnesota Statutes 2020, section 124D.09, subdivision 7, is amended to read:

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

35.1 Sec. 35. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

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

35.5 The department must not make payments to a school district or postsecondary institution
35.6 for a course taken for postsecondary credit only. The department must not make payments
35.7 to a postsecondary institution for a course from which a student officially withdraws during
35.8 the first ~~14~~ ten business days of the postsecondary institution's quarter or semester or who
35.9 has been absent from the postsecondary institution for the first ~~15 consecutive school~~ ten
35.10 business days of the postsecondary institution's quarter or semester and is not receiving
35.11 instruction in the home or hospital.

35.12 A postsecondary institution shall receive the following:

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

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

35.19 The department must pay to each postsecondary institution 100 percent of the amount
35.20 in clause (1) or (2) within 45 days of receiving initial enrollment information each quarter
35.21 or semester. If changes in enrollment occur during a quarter or semester, the change shall
35.22 be reported by the postsecondary institution at the time the enrollment information for the
35.23 succeeding quarter or semester is submitted. At any time the department notifies a
35.24 postsecondary institution that an overpayment has been made, the institution shall promptly
35.25 remit the amount due.

35.26 Sec. 36. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

36.30 Sec. 37. Minnesota Statutes 2020, section 124D.128, subdivision 1, is amended to read:

36.31 Subdivision 1. **Program established.** A learning year program provides instruction
36.32 throughout the year on an extended year calendar, ~~extended school day calendar, or both.~~

37.1 ~~A pupil may participate in the program and accelerate attainment of grade level requirements~~
37.2 ~~or graduation requirements.~~ A learning year program may begin after the close of the regular
37.3 school year in June. The program may be for students in one or more grade levels from
37.4 kindergarten through grade 12.

37.5 Sec. 38. Minnesota Statutes 2020, section 124D.128, subdivision 3, is amended to read:

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

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

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

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

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

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

37.22 Sec. 39. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

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

37.26 (1) support postsecondary preparation for pupils;

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

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

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

38.1 (5) develop intercultural awareness among pupils, parents, and staff; and
38.2 (6) supplement, not supplant, state and federal educational and cocurricular programs.

38.3 Program services designed to increase completion and graduation rates of American Indian
38.4 students must emphasize academic achievement, retention, and attendance; development
38.5 of support services for staff, including in-service training and technical assistance in methods
38.6 of teaching American Indian pupils; research projects, including innovative teaching
38.7 approaches and evaluation of methods of relating to American Indian pupils; provision of
38.8 career counseling to American Indian pupils; modification of curriculum, instructional
38.9 methods, and administrative procedures to meet the needs of American Indian pupils; and
38.10 ~~supplemental~~ instruction in American Indian language, literature, history, and culture.

38.11 Districts offering programs may make contracts for the provision of program services by
38.12 establishing cooperative liaisons with Tribal programs and American Indian social service
38.13 agencies. These programs may also be provided as components of early childhood and
38.14 family education programs.

38.15 Sec. 40. Minnesota Statutes 2020, section 124D.78, subdivision 1, is amended to read:

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

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

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

39.3 Sec. 41. Minnesota Statutes 2020, section 124D.78, subdivision 3, is amended to read:

39.4 Subd. 3. **Membership.** The American Indian education parent advisory committee must
39.5 be composed of parents of children eligible to be enrolled in American Indian education
39.6 programs; secondary students eligible to be served; American Indian language and culture
39.7 education teachers and paraprofessionals; American Indian teachers; counselors; adult
39.8 American Indian people enrolled in educational programs; and representatives from
39.9 community groups. A majority of each committee must be parents of American Indian
39.10 children enrolled or eligible to be enrolled in the programs. ~~The number of parents of~~
39.11 ~~American Indian and non-American Indian children shall reflect approximately the proportion~~
39.12 ~~of children of those groups enrolled in the programs.~~

39.13 Sec. 42. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

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

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

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

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

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

39.26 (i) issues facing American Indian students;

39.27 (ii) policies for American Indian education;

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

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

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

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

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

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

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

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

40.14 (v) increase American Indian student placement in postsecondary programs and the
40.15 workforce; and

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

40.19 Sec. 43. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND
40.20 OBJECTS OF CULTURAL SIGNIFICANCE.

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

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

40.25 Sec. 44. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

40.26 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible
40.27 district must formally develop and implement a long-term plan under this section. The plan
40.28 must be incorporated into the district's comprehensive strategic plan under section 120B.11.
40.29 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~
40.30 ~~learning environments that offer students school enrollment choices; family engagement~~
40.31 ~~initiatives that involve families in their students' academic life and success; professional~~

41.1 ~~development opportunities for teachers and administrators focused on improving the academic~~
41.2 ~~achievement of all students, including teachers and administrators who are members of~~
41.3 ~~populations underrepresented among the licensed teachers or administrators in the district~~
41.4 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~
41.5 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~
41.6 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~
41.7 ~~career readiness for underserved students, including students enrolled in alternative learning~~
41.8 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~
41.9 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~
41.10 ~~underserved students; or recruitment and retention of teachers and administrators with~~
41.11 ~~diverse racial and ethnic backgrounds.~~

41.12 (b) The plan must contain goals for:

41.13 (1) reducing the disparities in academic achievement and in equitable access to effective
41.14 and more diverse teachers among all students and specific categories of students under
41.15 section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender,
41.16 disability, and English learners; and

41.17 (2) increasing racial and economic diversity and integration in schools and districts.

41.18 (c) The plan must include strategies to validate, affirm, embrace, and integrate cultural
41.19 and community strengths of all students, families, and employees in the district's curriculum
41.20 as well as learning and work environments, and to address issues of institutional racism as
41.21 defined in section 120B.11, subdivision 1, in schools that create opportunity and achievement
41.22 gaps for students, families, and staff who are of color or American Indian. Examples of
41.23 institutional racism experienced by students who are of color or American Indian include
41.24 policies and practices that intentionally or unintentionally result in disparate discipline
41.25 referrals and suspension, inequitable access to advanced coursework, overrepresentation in
41.26 lower-level coursework, inequitable participation in cocurricular activities, inequitable
41.27 parent involvement, and lack of equitable access to racially and ethnically diverse teachers
41.28 who reflect the racial or ethnic diversity of students because it has not been a priority to
41.29 hire or retain such teachers.

41.30 (d) School districts must use local data, to the extent practicable, to develop plan
41.31 components and strategies. Plans may include:

41.32 (1) innovative and integrated prekindergarten through grade 12 learning environments
41.33 that offer students school enrollment choices;

42.1 (2) family engagement initiatives that involve families in their students' academic life
42.2 and success and improve relations between home and school;

42.3 (3) opportunities for students, families, staff, and community members who are of color
42.4 or American Indian to share their experiences in the school setting with school staff and
42.5 administration and to inform development of specific proposals for making school
42.6 environments more validating, affirming, embracing, and integrating of their cultural and
42.7 community strengths;

42.8 (4) professional development opportunities for teachers and administrators focused on
42.9 improving the academic achievement of all students, including knowledge, skills, and
42.10 dispositions needed to be anti-racist and culturally sustaining as defined in section 120B.11,
42.11 subdivision 1, for serving students who are from racially and ethnically diverse backgrounds;

42.12 (5) recruitment and retention of teachers, administrators, cultural and family liaisons,
42.13 paraprofessionals, and other staff from racial, ethnic, and linguistic backgrounds represented
42.14 in the student population to strengthen relationships with all students, families, and other
42.15 members of the community;

42.16 (6) collection, examination, and evaluation of academic and discipline data for
42.17 institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and
42.18 practices that result in the education disparities, in order to propose anti-racist changes as
42.19 defined in section 120B.11, subdivision 1, that increase access, meaningful participation,
42.20 representation, and positive outcomes for students of color and American Indian students;

42.21 (7) increased programmatic opportunities and effective and more diverse instructors
42.22 focused on rigor and college and career readiness for students who are impacted by racial,
42.23 gender, linguistic, and economic disparities, including students enrolled in area learning
42.24 centers or alternative learning programs under section 123A.05, state-approved alternative
42.25 programs under section 126C.05, subdivision 15, and contract alternative programs under
42.26 section 124D.69, among other underserved students;

42.27 (8) ethnic studies curriculum as defined in section 120B.11, subdivision 1, to provide
42.28 all students with opportunities to learn about their own and others' cultures and historical
42.29 experiences; or

42.30 (9) examination and revision of district curricula in all subjects to be inclusive of diverse
42.31 racial and ethnic groups while meeting state academic standards and being culturally
42.32 sustaining as defined in section 120B.11, subdivision 1, ensuring content being studied
42.33 about any group is accurate and based in knowledge from that group.

43.1 ~~(b)~~ (e) Among other requirements, an eligible district must implement effective,
 43.2 research-based interventions that include formative multiple measures of assessment practices
 43.3 and engagement in order to reduce the eliminate academic disparities in student academic
 43.4 performance among the specific categories of students as measured by student progress and
 43.5 growth on state reading and math assessments and for students impacted by racial, gender,
 43.6 linguistic, and economic inequities as aligned with section 120B.11.

43.7 ~~(e)~~ (f) Eligible districts must create efficiencies and eliminate duplicative programs and
 43.8 services under this section, which may include forming collaborations or a single,
 43.9 seven-county metropolitan areawide partnership of eligible districts for this purpose.

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

43.12 Sec. 45. Minnesota Statutes 2020, section 125A.094, is amended to read:

43.13 **125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH**
 43.14 **DISABILITIES.**

43.15 The use of restrictive procedures ~~for children with disabilities~~ for all pupils attending
 43.16 public school is governed by sections 125A.0941 and 125A.0942.

43.17 Sec. 46. Minnesota Statutes 2020, section 125A.0942, is amended to read:

43.18 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

43.19 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use restrictive
 43.20 procedures shall maintain and make publicly accessible in an electronic format on a school
 43.21 or district website or make a paper copy available upon request describing a restrictive
 43.22 procedures plan for children with disabilities that at least:

43.23 (1) lists the restrictive procedures the school intends to use;

43.24 (2) describes how the school will implement a range of positive behavior strategies and
 43.25 provide links to mental health services;

43.26 (3) describes how the school will provide training on de-escalation techniques, consistent
 43.27 with section 122A.187, subdivision 4;

43.28 (4) describes how the school will monitor and review the use of restrictive procedures,
 43.29 including:

43.30 (i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a), clause
 43.31 (5); and

44.1 (ii) convening an oversight committee to undertake a quarterly review of the use of
44.2 restrictive procedures based on patterns or problems indicated by similarities in the time of
44.3 day, day of the week, duration of the use of a procedure, the individuals involved, or other
44.4 factors associated with the use of restrictive procedures; the number of times a restrictive
44.5 procedure is used schoolwide and for individual children; the number and types of injuries,
44.6 if any, resulting from the use of restrictive procedures; whether restrictive procedures are
44.7 used in nonemergency situations; the need for additional staff training; disproportionality
44.8 or racial disparities in the usage of restrictive procedures; the usage of school resource
44.9 officer's handling of the behaviors; student documentation to determine if the staff followed
44.10 the standards for using restrictive procedures and if there is updated information about
44.11 whether the restrictive procedures are contraindicated for the particular student; and proposed
44.12 actions to minimize the use of restrictive procedures; and

44.13 (5) includes a written description and documentation of the training staff completed
44.14 under subdivision 5.

44.15 (b) Schools annually must publicly identify oversight committee members who must at
44.16 least include:

44.17 (1) a mental health professional, school psychologist, or school social worker;

44.18 (2) an expert in positive behavior strategies;

44.19 (3) a special education administrator; and

44.20 (4) a general education administrator.

44.21 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a
44.22 licensed special education teacher, school social worker, school psychologist, behavior
44.23 analyst certified by the National Behavior Analyst Certification Board, a person with a
44.24 master's degree in behavior analysis, other licensed education professional, paraprofessional
44.25 under section 120B.363, or mental health professional under section 245.4871, subdivision
44.26 27, who has completed the training program under subdivision 5.

44.27 (b) A school shall make reasonable efforts to notify the parent on the same day a
44.28 restrictive procedure is used on the child, or if the school is unable to provide same-day
44.29 notice, notice is sent within two days by written or electronic means or as otherwise indicated
44.30 by the child's parent under paragraph (f).

44.31 (c) The district must hold a meeting of the individualized education program team, if
44.32 the student is a student with a disability, or a meeting of relevant members of the student's
44.33 team including a parent, if the student is not a student with a disability, conduct or review

45.1 a functional behavioral analysis, review data, consider developing additional or revised
45.2 positive behavioral interventions and supports, consider actions to reduce the use of restrictive
45.3 procedures, and modify the individualized education program or behavior intervention plan
45.4 as appropriate. The district must hold the meeting: within ten calendar days after district
45.5 staff use restrictive procedures on two separate school days within 30 calendar days or a
45.6 pattern of use emerges and the child's individualized education program or behavior
45.7 intervention plan does not provide for using restrictive procedures in an emergency; or at
45.8 the request of a parent or the district after restrictive procedures are used. The district must
45.9 review use of restrictive procedures at a child's annual individualized education program
45.10 meeting when the child's individualized education program provides for using restrictive
45.11 procedures in an emergency.

45.12 (d) If the ~~individualized education program~~ meeting team under paragraph (c) determines
45.13 that existing interventions and supports are ineffective in reducing the use of restrictive
45.14 procedures or the district uses restrictive procedures on a child on ten or more school days
45.15 during the same school year, the team, as appropriate, either must consult with other
45.16 professionals working with the child; consult with experts in behavior analysis, mental
45.17 health, communication, or autism; consult with culturally competent professionals; review
45.18 existing evaluations, resources, and successful strategies; or consider whether to reevaluate
45.19 the child.

45.20 (e) At the ~~individualized education program~~ meeting under paragraph (c), the team must
45.21 review any known medical or psychological limitations, including any medical information
45.22 the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider
45.23 whether to prohibit that restrictive procedure, and document any prohibition in the
45.24 individualized education program or behavior intervention plan.

45.25 (f) An individualized education program team may plan for using restrictive procedures
45.26 and may include these procedures in a child's individualized education program or behavior
45.27 intervention plan; however, the restrictive procedures may be used only in response to
45.28 behavior that constitutes an emergency, consistent with this section. The individualized
45.29 education program or behavior intervention plan shall indicate how the parent wants to be
45.30 notified when a restrictive procedure is used.

45.31 **Subd. 3. Physical holding or seclusion.** (a) Physical holding or seclusion may be used
45.32 only in an emergency. A school that uses physical holding or seclusion shall meet the
45.33 following requirements:

- 46.1 (1) physical holding or seclusion is the least intrusive intervention that effectively
46.2 responds to the emergency;
- 46.3 (2) physical holding or seclusion is not used to discipline a noncompliant child;
- 46.4 (3) physical holding or seclusion ends when the threat of harm ends and the staff
46.5 determines the child can safely return to the classroom or activity;
- 46.6 (4) staff directly observes the child while physical holding or seclusion is being used;
- 46.7 (5) each time physical holding or seclusion is used, the staff person who implements or
46.8 oversees the physical holding or seclusion documents, as soon as possible after the incident
46.9 concludes, the following information:
- 46.10 (i) a description of the incident that led to the physical holding or seclusion;
- 46.11 (ii) why a less restrictive measure failed or was determined by staff to be inappropriate
46.12 or impractical;
- 46.13 (iii) the time the physical holding or seclusion began and the time the child was released;
46.14 ~~and~~
- 46.15 (iv) a brief record of the child's behavioral and physical status; and
- 46.16 (v) a brief description of the post-use debriefing process that occurred following the use
46.17 of the restrictive procedure;
- 46.18 (6) the room used for seclusion must:
- 46.19 (i) be at least six feet by five feet;
- 46.20 (ii) be well lit, well ventilated, adequately heated, and clean;
- 46.21 (iii) have a window that allows staff to directly observe a child in seclusion;
- 46.22 (iv) have tamperproof fixtures, electrical switches located immediately outside the door,
46.23 and secure ceilings;
- 46.24 (v) have doors that open out and are unlocked, locked with keyless locks that have
46.25 immediate release mechanisms, or locked with locks that have immediate release mechanisms
46.26 connected with a fire and emergency system; and
- 46.27 (vi) not contain objects that a child may use to injure the child or others; and
- 46.28 (7) before using a room for seclusion, a school must:
- 46.29 (i) receive written notice from local authorities that the room and the locking mechanisms
46.30 comply with applicable building, fire, and safety codes; and

47.1 (ii) register the room with the commissioner, who may view that room.

47.2 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,
47.3 recommend to the commissioner specific and measurable implementation and outcome
47.4 goals for reducing the use of restrictive procedures and the commissioner must submit to
47.5 the legislature a report on districts' progress in reducing the use of restrictive procedures
47.6 that recommends how to further reduce these procedures and eliminate the use of seclusion.
47.7 The statewide plan includes the following components: measurable goals; the resources,
47.8 training, technical assistance, mental health services, and collaborative efforts needed to
47.9 significantly reduce districts' use of seclusion; and recommendations to clarify and improve
47.10 the law governing districts' use of restrictive procedures. The commissioner must consult
47.11 with interested stakeholders when preparing the report, including representatives of advocacy
47.12 organizations, special education directors, teachers, paraprofessionals, intermediate school
47.13 districts, school boards, day treatment providers, county social services, state human services
47.14 department staff, mental health professionals, and autism experts. Beginning with the
47.15 2016-2017 school year, in a form and manner determined by the commissioner, districts
47.16 must report data quarterly to the department by January 15, April 15, July 15, and October
47.17 15 about individual students who have been secluded. By July 15 each year, districts must
47.18 report summary data on their use of restrictive procedures to the department for the prior
47.19 school year, July 1 through June 30, in a form and manner determined by the commissioner.
47.20 The summary data must include information about the use of restrictive procedures, including
47.21 use of reasonable force under section 121A.582.

47.22 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

47.23 (1) engaging in conduct prohibited under section 121A.58;

47.24 (2) requiring a child to assume and maintain a specified physical position, activity, or
47.25 posture that induces physical pain;

47.26 (3) totally or partially restricting a child's senses as punishment;

47.27 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,
47.28 substance, or spray as punishment;

47.29 (5) denying or restricting a child's access to equipment and devices such as walkers,
47.30 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,
47.31 except when temporarily removing the equipment or device is needed to prevent injury to
47.32 the child or others or serious damage to the equipment or device, in which case the equipment
47.33 or device shall be returned to the child as soon as possible;

48.1 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical
48.2 abuse under chapter 260E;

48.3 (7) withholding regularly scheduled meals or water;

48.4 (8) denying access to bathroom facilities;

48.5 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs
48.6 a child's ability to communicate distress, places pressure or weight on a child's head, throat,
48.7 neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's
48.8 torso; ~~and~~

48.9 (10) prone restraint; and

48.10 (11) utilizing a restrictive procedure on any child under the age of five.

48.11 **Subd. 5. Training for staff.** (a) To meet the requirements of subdivision 1, staff who
48.12 use restrictive procedures, including paraprofessionals, shall complete training in the
48.13 following skills and knowledge areas:

48.14 (1) positive behavioral interventions;

48.15 (2) communicative intent of behaviors;

48.16 (3) relationship building;

48.17 (4) alternatives to restrictive procedures, including techniques to identify events and
48.18 environmental factors that may escalate behavior;

48.19 (5) de-escalation methods;

48.20 (6) standards for using restrictive procedures only in an emergency;

48.21 (7) obtaining emergency medical assistance;

48.22 (8) the physiological and psychological impact of physical holding and seclusion;

48.23 (9) monitoring and responding to a child's physical signs of distress when physical
48.24 holding is being used;

48.25 (10) recognizing the symptoms of and interventions that may cause positional asphyxia
48.26 when physical holding is used;

48.27 (11) district policies and procedures for timely reporting and documenting each incident
48.28 involving use of a restricted procedure; and

48.29 (12) schoolwide programs on positive behavior strategies.

49.1 (b) The commissioner, after consulting with the commissioner of human services, must
49.2 develop and maintain a list of training programs that satisfy the requirements of paragraph
49.3 (a). The commissioner also must develop and maintain a list of experts to help individualized
49.4 education program teams reduce the use of restrictive procedures. The district shall maintain
49.5 records of staff who have been trained and the organization or professional that conducted
49.6 the training. The district may collaborate with children's community mental health providers
49.7 to coordinate trainings.

49.8 Subd. 6. **Behavior supports; reasonable force.** (a) School districts are encouraged to
49.9 establish effective schoolwide systems of positive behavior interventions and supports.

49.10 (b) Nothing in this section or section 125A.0941 precludes the use of reasonable force
49.11 under sections 121A.582; 609.06, subdivision 1; and 609.379. For the 2014-2015 school
49.12 year and later, districts must collect and submit to the commissioner summary data, consistent
49.13 with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with
49.14 the definition of physical holding or seclusion for a child with a disability under this section.

49.15 Sec. 47. Minnesota Statutes 2020, section 144.4165, is amended to read:

49.16 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

49.17 (a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or
49.18 use an activated electronic delivery device as defined in section 609.685, subdivision 1, in
49.19 a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter
49.20 school governed by chapter 124E. This prohibition extends to all facilities, whether owned,
49.21 rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or
49.22 controls.

49.23 (b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of
49.24 a traditional Indian spiritual or cultural ceremony. An American Indian may carry a medicine
49.25 pouch containing loose tobacco intended in observance of traditional spiritual or cultural
49.26 practices. For purposes of this section, an Indian is a person who is a member of an Indian
49.27 Tribe as defined in section 260.755, subdivision 12, or a person who maintains cultural
49.28 identification through Tribal affiliation or community recognition.

49.29 Sec. 48. **EXTENSION FOR POSTING STUDENT PROGRESS AND OTHER DATA.**

49.30 Notwithstanding Minnesota Statutes, section 120B.36, subdivision 2, for the 2020-2021
49.31 school year only, the commissioner must post federal expectations and state student, learning,
49.32 and outcome data to the department's public website no later than October 1, 2021.

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

50.2 Sec. 49. **ACADEMIC STANDARDS REVIEW AND REVISION SUSPENSION.**

50.3 Notwithstanding Minnesota Statutes, section 120B.021, the commissioner of education
 50.4 must suspend the review and revision of academic standards and related benchmarks in
 50.5 mathematics and the implementation of revised physical education and arts academic
 50.6 standards under Minnesota Statutes, section 120B.021, until June 1, 2022. This suspension
 50.7 does not prevent the commissioner from supporting schools and districts with future
 50.8 implementation, continuing with current rulemaking activities, or developing future statewide
 50.9 assessments in science or reading. The commissioner must implement a review and revision
 50.10 of the academic standards and related benchmarks in mathematics beginning in the 2022-2023
 50.11 school year.

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

50.13 Sec. 50. **REVISOR INSTRUCTION.**

50.14 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column
 50.15 A with the number listed in column B. The revisor shall also make necessary cross-reference
 50.16 changes consistent with the renumbering. The revisor shall also make any technical language
 50.17 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> <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>

51.1	<u>General Requirements Test Design</u>	
51.2	<u>120B.30, subdivision 1a, paragraph (a),</u>	<u>120B.301, subdivision 1</u>
51.3	<u>clauses (1) to (5)</u>	
51.4	<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
51.5	<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
51.6	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
51.7	<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
51.8	<u>120B.30, subdivision 1a, paragraph (c),</u>	<u>120B.301, subdivision 3, paragraph (d)</u>
51.9	<u>clauses (1) and (2)</u>	
51.10	<u>Assessment Graduation Requirements</u>	
51.11	<u>120B.30, subdivision 1, paragraph (c),</u>	<u>120B.304, subdivision 1</u>
51.12	<u>clauses (1) and (2)</u>	
51.13	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>
51.14	<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>
51.15	<u>Assessment Reporting Requirements</u>	
51.16	<u>120B.30, subdivision 1a, paragraph (f),</u>	<u>120B.305, subdivision 1</u>
51.17	<u>clauses (1) to (3)</u>	
51.18	<u>120B.30, subdivision 1a, paragraph (d),</u>	<u>120B.305, subdivision 2, paragraph (a)</u>
51.19	<u>clauses (1) to (4)</u>	
51.20	<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
51.21	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
51.22	<u>120B.30, subdivision 1, paragraph (o),</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
51.23	<u>clauses (1) to (4)</u>	
51.24	<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>
51.25	<u>District Assessment Requirements</u>	
51.26	<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>
51.27	<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>
51.28	<u>College and Career Readiness</u>	
51.29	<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
51.30	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
51.31	<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
51.32	<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
51.33	<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>
51.34	<u>120B.30, subdivision 1, paragraph (j)</u>	<u>120B.307, subdivision 4, paragraph (c)</u>
51.35	<u>120B.30, subdivision 1, paragraph (k)</u>	<u>120B.307, subdivision 4, paragraph (d)</u>
51.36	<u>120B.30, subdivision 1, paragraph (l)</u>	<u>120B.307, subdivision 4, paragraph (e)</u>

51.37 **Sec. 51. REPEALER.**

51.38 Minnesota Statutes 2020, section 120B.35, subdivision 5, is repealed.

52.1

ARTICLE 3

52.2

TEACHERS52.3 Section 1. **[120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR**52.4 **AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

52.5 Subdivision 1. **Purpose.** This section sets short-term and long-term state goals for
52.6 increasing the percentage of teachers of color and American Indian teachers in Minnesota
52.7 and for ensuring all students have equitable access to effective and racially and ethnically
52.8 diverse teachers who reflect the diversity of students. The goals and report required under
52.9 this section are also important for meeting state goals for the world's best workforce under
52.10 section 120B.11, achievement and integration under section 124D.861, and higher education
52.11 attainment under section 135A.012, all of which have been established to close persistent
52.12 opportunity and achievement gaps that limit students' success in school and life and impede
52.13 the state's economic growth.

52.14 Subd. 2. **Equitable access to racially and ethnically diverse teachers.** The percentage
52.15 of teachers who are of color or American Indian in Minnesota should increase at least two
52.16 percentage points per year to have a teaching workforce that more closely reflects the state's
52.17 increasingly diverse student population and to ensure all students have equitable access to
52.18 effective and diverse teachers by 2040.

52.19 Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion
52.20 of any other goals and does not confer a right or create a claim for any person.

52.21 Subd. 4. **Reporting.** Beginning in 2022 and every even-numbered year thereafter, the
52.22 Professional Educator Licensing and Standards Board must collaborate with the Department
52.23 of Education and the Office of Higher Education to publish a summary report of each of
52.24 the programs they administer and any other programs receiving state appropriations that
52.25 have or include an explicit purpose of increasing the racial and ethnic diversity of the state's
52.26 teacher workforce to more closely reflect the diversity of students. The report must include
52.27 programs under sections 122A.2451, 122A.63, 122A.635, 122A.70, 124D.09, 124D.861,
52.28 136A.1275, and 136A.1791, along with any other programs or initiatives that receive state
52.29 appropriations to address the shortage of teachers of color and American Indian teachers.
52.30 The board must, in coordination with the Office of Higher Education and Department of
52.31 Education, provide policy and funding recommendations related to state-funded programs
52.32 to increase the recruitment, preparation, licensing, hiring, and retention of racially and
52.33 ethnically diverse teachers and the state's progress toward meeting or exceeding the goals
52.34 of this section. The report must also include recommendations for state policy and funding

53.1 needed to achieve the goals of this section, as well as plans for sharing the report and
53.2 activities of grant recipients, and opportunities among grant recipients of various programs
53.3 to share effective practices with each other. The 2022 report must include a recommendation
53.4 of whether a state advisory council should be established to address the shortage of racially
53.5 and ethnically diverse teachers and what the composition and charge of such an advisory
53.6 council would be if established. The board must consult with the Indian Affairs Council
53.7 and other ethnic councils along with other community partners, including students of color
53.8 and American Indian students, in developing the report. By November 1 of each
53.9 even-numbered year, the board must submit the report to the chairs and ranking minority
53.10 members of the legislative committees with jurisdiction over education and higher education
53.11 policy and finance. The report must be available to the public on the board's website.

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

53.13 **Sec. 2. [120B.25] CURRICULUM POLICY.**

53.14 A school board must adopt a written policy that prohibits discrimination or discipline
53.15 for a teacher or principal on the basis of incorporating into curriculum contributions by
53.16 persons in a federally protected class or protected class under sections 121A.031 and
53.17 363A.13, consistent with local collective bargaining agreements and sections 121A.41 to
53.18 121A.56.

53.19 **Sec. 3. [122A.04] LICENSE REQUIRED.**

53.20 Pursuant to section 120A.22, subdivision 10, a teacher must hold a license or a permission
53.21 aligned to the content area and scope of the teacher's assignment to provide instruction in
53.22 a public school or a charter school.

53.23 **Sec. 4.** Minnesota Statutes 2020, section 122A.06, subdivision 2, is amended to read:

53.24 **Subd. 2. **Teacher.**** "Teacher" means a classroom teacher or other similar professional
53.25 employee required by law to hold a license or permission from the Professional Educator
53.26 Licensing and Standards Board.

53.27 **Sec. 5.** Minnesota Statutes 2020, section 122A.06, subdivision 5, is amended to read:

53.28 **Subd. 5. **Field.**** A "field," "licensure area," or "subject area" means the content area in
53.29 which a teacher may become licensed to teach.

54.1 Sec. 6. Minnesota Statutes 2020, section 122A.06, subdivision 6, is amended to read:

54.2 Subd. 6. **Shortage area.** "Shortage area" means:

54.3 (1) licensure fields and economic development regions reported by the ~~commissioner~~
54.4 ~~of education~~ Office of Higher Education or the Professional Educator Licensing and
54.5 Standards Board as experiencing a teacher shortage; and

54.6 (2) economic development regions where ~~there is a shortage of licensed teachers who~~
54.7 ~~reflect the racial or ethnic diversity of students in the region.~~ the aggregate percentage of
54.8 Indigenous teachers and teachers of color in the region is lower than the aggregate percentage
54.9 of kindergarten through grade 12 Indigenous students and students of color in that region.
54.10 Only individuals who close the gap between these percentages qualify as filling a shortage
54.11 by this definition.

54.12 Sec. 7. Minnesota Statutes 2020, section 122A.06, subdivision 7, is amended to read:

54.13 Subd. 7. **Teacher preparation program.** "Teacher preparation program" means a
54.14 program approved by the Professional Educator Licensing and Standards Board for the
54.15 purpose of preparing individuals for a specific teacher licensure field in Minnesota. ~~Teacher~~
54.16 ~~preparation programs include traditional programs delivered by postsecondary institutions,~~
54.17 ~~alternative teacher preparation programs, and nonconventional teacher preparation programs.~~

54.18 Sec. 8. Minnesota Statutes 2020, section 122A.06, subdivision 8, is amended to read:

54.19 Subd. 8. **Teacher preparation program provider.** "Teacher preparation program
54.20 provider" or "unit" means an entity that has primary responsibility for overseeing and
54.21 delivering a teacher preparation program. Teacher preparation program providers include
54.22 postsecondary institutions and alternative teacher preparation providers aligned to section
54.23 122A.094.

54.24 Sec. 9. Minnesota Statutes 2020, section 122A.06, is amended by adding a subdivision to
54.25 read:

54.26 Subd. 9. **District.** "District" means a public school district or charter school.

54.27 Sec. 10. [122A.094] TEACHER PREPARATION PROVIDERS.

54.28 Subdivision 1. **Purpose.** Teacher preparation providers must be approved by the
54.29 Professional Educator Licensing and Standards Board to prepare candidates for teacher
54.30 licensure in Minnesota. To provide alternative pathways toward Minnesota teacher licensure

55.1 outside of the traditional means, improve ethnic and cultural diversity in the classroom, and
55.2 to close the achievement gap, the Professional Educator Licensing and Standards Board
55.3 must approve qualified teacher preparation providers and programs under this section that
55.4 are a means to acquire a Tier 2 license under section 122A.182 and prepare for acquiring a
55.5 Tier 3 license under section 122A.183.

55.6 Subd. 2. **Eligibility.** The following organizations are eligible to seek approval to be a
55.7 teacher preparation provider:

55.8 (1) Minnesota institutions of higher education;

55.9 (2) school districts;

55.10 (3) charter schools; and

55.11 (4) nonprofit corporations organized under chapter 317A for an education-related purpose.

55.12 Subd. 3. **Requirements for provider approval.** An eligible entity must be approved
55.13 as a provider before being approved to provide programs toward licensure. The Professional
55.14 Educator Licensing and Standards Board must approve an eligible entity under subdivision
55.15 3 that meets the following requirements:

55.16 (1) has evidence and history of fiscal solvency, capacity, and operation;

55.17 (2) possesses necessary infrastructure to provide accurate, timely, and secure data for
55.18 the purposes of admission, candidate monitoring, testing, and program completion
55.19 requirements;

55.20 (3) has policies and procedures in place ensuring the security of candidate records under
55.21 the federal Family Educational Rights and Privacy Act;

55.22 (4) has developed a research-based, results-oriented curriculum that focuses on the skills
55.23 teachers need to be effective;

55.24 (5) provides a clinical experience that meets criteria set in rule for initial and additional
55.25 licensure programs;

55.26 (6) includes a common core of teaching knowledge and skills. The Professional Educator
55.27 Licensing and Standards Board must adopt and revise rules to maintain a common core of
55.28 teaching knowledge and skills;

55.29 (7) includes instruction on the knowledge and skills needed to provide appropriate
55.30 instruction to English learners to support and accelerate their academic literacy, including
55.31 oral academic language and achievement in content areas in a regular classroom setting;
55.32 and

56.1 (8) includes culturally competent training on instructional strategies consistent with
56.2 section 120B.30, subdivision 1, paragraph (q), and Minnesota Rules, part 8710.0310, subpart
56.3 1, item D.

56.4 Subd. 4. **Program approval.** The board must adopt and revise rules outlining the criteria
56.5 by which programs offered by approved providers may be approved. If the board determines
56.6 that a teacher preparation provider or licensure program fails to meet or is deficient in any
56.7 of the requirements in rule, it may suspend or revoke the approval of the provider or program
56.8 after it notifies the provider of the deficiencies and gives the provider an opportunity to
56.9 remedy the deficiencies.

56.10 Subd. 5. **Specialized credentials.** The board may adopt and revise rules creating flexible,
56.11 specialized teaching licenses, credentials, and other endorsement forms.

56.12 Subd. 6. **Teacher educators.** (a) The board must adopt and revise rules requiring teacher
56.13 educators to work directly with elementary or secondary school teachers in elementary or
56.14 secondary schools to obtain periodic exposure to the elementary and secondary teaching
56.15 environments.

56.16 (b) The board must adopt and revise rules for the qualifications for teacher educators.
56.17 The board may use nontraditional criteria to determine qualifications of teacher educators,
56.18 including permitting instructors to hold a baccalaureate degree only. Nontraditional criteria
56.19 may include previous work experiences, teaching experiences, educator evaluations,
56.20 industry-recognized certifications, and other equivalent demonstrations of qualifications.

56.21 Subd. 7. **Reading strategies.** (a) A teacher preparation provider approved by the
56.22 Professional Educator Licensing and Standards Board to prepare persons for classroom
56.23 teacher licensure must include in its teacher preparation programs research-based best
56.24 practices in reading, consistent with section 122A.06, subdivision 4, that enable the licensure
56.25 candidate to teach reading in the candidate's content areas. Teacher candidates must be
56.26 instructed in using students' native languages as a resource in creating effective differentiated
56.27 instructional strategies for English learners developing literacy skills. A teacher preparation
56.28 provider must also prepare early childhood and elementary teacher candidates for Tier 3
56.29 and Tier 4 teaching licenses under sections 122A.183 and 122A.184, respectively, for the
56.30 portion of the examination under section 122A.185, subdivision 1, paragraph (c), covering
56.31 assessment of reading instruction.

56.32 (b) Board-approved teacher preparation programs for teachers of elementary education
56.33 must require instruction in applying comprehensive, scientifically based or evidence-based,
56.34 and structured reading instruction programs that:

57.1 (1) teach students to read using foundational knowledge, practices, and strategies
57.2 consistent with section 122A.06, subdivision 4, so that all students achieve continuous
57.3 progress in reading; and

57.4 (2) teach specialized instruction in reading strategies, interventions, and remediations
57.5 that enable students of all ages and proficiency levels to become proficient readers.

57.6 (c) Board-approved teacher preparation programs for teachers of elementary education,
57.7 early childhood education, special education, and reading intervention must include
57.8 instruction on dyslexia, as defined in section 125A.01, subdivision 2. Teacher preparation
57.9 programs may consult with the Department of Education, including the dyslexia specialist
57.10 under section 120B.122, to develop instruction under this paragraph. Instruction on dyslexia
57.11 must be modeled on practice standards of the International Dyslexia Association and must
57.12 address:

57.13 (1) the nature and symptoms of dyslexia;

57.14 (2) resources available for students who show characteristics of dyslexia;

57.15 (3) evidence-based instructional strategies for students who show characteristics of
57.16 dyslexia, including the structured literacy approach; and

57.17 (4) outcomes of intervention and lack of intervention for students who show
57.18 characteristics of dyslexia.

57.19 (d) Nothing in this section limits the authority of a school district to select a school's
57.20 reading program or curriculum.

57.21 Subd. 8. **Technology strategies.** All preparation providers approved by the Professional
57.22 Educator Licensing and Standards Board to prepare persons for classroom teacher licensure
57.23 must include in their teacher preparation programs the knowledge and skills teacher
57.24 candidates need to engage students with technology and deliver digital and blended learning
57.25 and curriculum.

57.26 Subd. 9. **Reports.** (a) The Professional Educator Licensing and Standards Board must
57.27 report annually to the education committees of the legislature on the performance of teacher
57.28 candidates aligned to section 122A.091, subdivision 1.

57.29 (b) The board must also submit a biennial report on the alternative teacher preparation
57.30 providers to legislative committees having jurisdiction over kindergarten through grade 12
57.31 education policy and finance by January 15 of each odd-numbered year.

58.1 Sec. 11. Minnesota Statutes 2020, section 122A.15, subdivision 1, is amended to read:

58.2 Subdivision 1. **Teachers.** The term "teachers" for the purpose of licensure, means all
58.3 persons employed in a public school or education district or by a service cooperative as
58.4 members of the instructional, supervisory, and support staff including superintendents,
58.5 principals, supervisors, secondary vocational and other classroom teachers, librarians, school
58.6 counselors, school psychologists, school nurses, school social workers, audio-visual directors
58.7 and coordinators, recreation personnel, media generalists, media supervisors, and ~~speech~~
58.8 therapists school speech-language pathologists. This definition does not apply to sections
58.9 122A.05 to 122A.093.

58.10 Sec. 12. Minnesota Statutes 2020, section 122A.16, is amended to read:

58.11 **122A.16 QUALIFIED TEACHER DEFINED.**

58.12 A qualified teacher is one holding a valid license, or permission under this chapter, to
58.13 perform the particular service for which the teacher is employed in a public school.

58.14 Sec. 13. Minnesota Statutes 2020, section 122A.18, subdivision 7a, is amended to read:

58.15 Subd. 7a. ~~Permission~~ **License to substitute teach.** (a) The Professional Educator
58.16 Licensing and Standards Board must issue licenses to substitute teach to applicants who
58.17 meet the qualifications prescribed in this subdivision and in Minnesota Rules.

58.18 ~~(a)~~ (b) The Professional Educator Licensing and Standards Board may allow a person
58.19 issue a short-call substitute teaching license to an applicant who otherwise qualifies for a
58.20 Tier 1 license in accordance with section 122A.181, subdivision 2, or is enrolled in and
58.21 making satisfactory progress in a ~~board-approved~~ state-approved teacher program and who
58.22 has successfully completed student teaching ~~to be employed as a short-call substitute teacher.~~

58.23 ~~(b)~~ (c) The Professional Educator Licensing and Standards Board may issue a lifetime
58.24 qualified short-call or long-call substitute teaching license to a person an applicant who:

58.25 (1) was a qualified teacher under section 122A.16 while holding a Tier 3 or Tier 4
58.26 teaching license issued by the board, under sections 122A.183 and 122A.184, respectively,
58.27 and receives a retirement annuity from the Teachers Retirement Association or the St. Paul
58.28 Teachers Retirement Fund Association;

58.29 (2) holds an out-of-state teaching license and receives a retirement annuity as a result
58.30 of the person's teaching experience; or

59.1 (3) held a Tier 3 or Tier 4 teaching license issued by the board, under sections 122A.183
 59.2 and 122A.184, respectively, taught at least three school years in an accredited nonpublic
 59.3 school in Minnesota, and receives a retirement annuity as a result of the person's teaching
 59.4 experience.

59.5 A person holding a lifetime qualified short-call or long-call substitute teaching license is
 59.6 not required to complete continuing education clock hours. A person holding this license
 59.7 may reapply to the board for either:

59.8 (i) a Tier 3 or Tier 4 teaching license under sections 122A.183 and 122A.184,
 59.9 respectively, and must again complete ~~continuing education clock hours~~ renewal requirements
 59.10 pursuant to section 122A.187 one school year after receiving the Tier 3 or Tier 4 teaching
 59.11 license; or

59.12 (ii) a Tier 1 license under section 122A.181, provided that the ~~candidate~~ applicant has
 59.13 a bachelor's degree, an associate's degree, or an appropriate professional credential in the
 59.14 content area the ~~candidate~~ applicant will teach, in accordance with section 122A.181,
 59.15 subdivision 2.

59.16 Sec. 14. Minnesota Statutes 2020, section 122A.18, subdivision 8, is amended to read:

59.17 Subd. 8. **Background ~~checks~~ studies.** (a) The Professional Educator Licensing and
 59.18 Standards Board and the Board of School Administrators must ~~obtain~~ initiate a criminal
 59.19 history background ~~check~~ study on all first-time ~~teaching~~ applicants for educator licenses
 59.20 under their jurisdiction. Applicants must include with their licensure applications:

59.21 (1) an executed criminal history consent form, including fingerprints; and

59.22 (2) payment to conduct the background check. The Professional Educator Licensing and
 59.23 Standards Board must deposit payments received under this subdivision in an account in
 59.24 the special revenue fund. Amounts in the account are annually appropriated to the
 59.25 Professional Educator Licensing and Standards Board to pay for the costs of background
 59.26 checks on applicants for licensure.

59.27 (b) The background check for all first-time teaching applicants for licenses must include
 59.28 a review of information from the Bureau of Criminal Apprehension, including criminal
 59.29 history data as defined in section 13.87, and must also include a review of the national
 59.30 criminal records repository. The superintendent of the Bureau of Criminal Apprehension
 59.31 is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes
 59.32 of the criminal history check. The superintendent shall recover the cost to the bureau of a
 59.33 background check through the fee charged to the applicant under paragraph (a).

60.1 (c) The Professional Educator Licensing and Standards Board ~~must contract with~~ and
60.2 the Board of School Administrators may initiate criminal background studies through the
60.3 commissioner of human services to ~~conduct background checks and~~ obtain background
60.4 check data required under this chapter.

60.5 Sec. 15. Minnesota Statutes 2020, section 122A.18, subdivision 10, is amended to read:

60.6 Subd. 10. **Licensure via portfolio.** (a) The Professional Educator Licensing and Standards
60.7 Board must adopt and revise rules establishing a process for an eligible ~~candidate~~ applicant
60.8 to obtain ~~any teacher~~ an initial Tier 3 license under subdivision 1, or to add a licensure field,
60.9 to a Tier 3 or Tier 4 license via portfolio. The portfolio licensure application process must
60.10 be consistent with the requirements in this subdivision.

60.11 (b) ~~A candidate~~ An applicant for a an initial Tier 3 license via portfolio must submit to
60.12 the board one portfolio demonstrating pedagogical competence and one portfolio
60.13 demonstrating content competence.

60.14 (c) ~~A candidate~~ An applicant seeking to add a licensure field via portfolio must submit
60.15 to the board one portfolio demonstrating content competence for each licensure field the
60.16 candidate seeks to add.

60.17 (d) The board must notify ~~a candidate~~ an applicant who submits a portfolio under
60.18 paragraph (b) or (c) within ~~90~~ 120 calendar days after the portfolio is received whether or
60.19 not the portfolio is approved. If the portfolio is not approved, the board must ~~immediately~~
60.20 inform the ~~candidate~~ applicant how to revise the portfolio to successfully demonstrate the
60.21 requisite competence. The ~~candidate~~ applicant may resubmit a revised portfolio ~~at any time~~
60.22 within two years and the board must approve or disapprove the revised portfolio within ~~60~~
60.23 90 calendar days of receiving it.

60.24 (e) ~~A candidate~~ An applicant must pay a fee for a portfolio in accordance with section
60.25 122A.21, subdivision 4.

60.26 Sec. 16. Minnesota Statutes 2020, section 122A.181, subdivision 1, is amended to read:

60.27 Subdivision 1. **Application requirements.** The Professional Educator Licensing and
60.28 Standards Board must approve ~~a request from a district or charter school to issue a Tier 1~~
60.29 ~~license in a specified content area to a candidate~~ an application for a Tier 1 license in a
60.30 specified content area if:

60.31 (1) the application has been submitted jointly by the applicant and the district;

60.32 (2) the application has been paid for by the district or the applicant;

61.1 (3) the candidate applicant meets the professional requirement in subdivision 2;

61.2 ~~(2)~~ (4) the district or charter school affirms that the ~~candidate~~ applicant has the necessary
61.3 skills and knowledge to teach in the specified content area; ~~and~~

61.4 ~~(3)~~ (5) the district or charter school demonstrates that: ~~(i)~~ a criminal background check
61.5 under section 122A.18, subdivision 8, has been completed on the ~~candidate~~ applicant; and

61.6 ~~(ii)~~ (6) the district or charter school has posted the teacher position but was unable to
61.7 hire an acceptable teacher with a Tier 2, 3, or 4 license for the position.

61.8 Sec. 17. Minnesota Statutes 2020, section 122A.181, subdivision 2, is amended to read:

61.9 Subd. 2. **Professional requirements.** ~~(a) A candidate~~ An applicant for a Tier 1 license
61.10 must have a bachelor's degree to teach a class or course ~~outside a career and technical~~
61.11 ~~education or career pathways course of study, unless specifically exempt by state statute or~~
61.12 rule.

61.13 ~~(b) A candidate for a Tier 1 license must have one of the following credentials in a~~
61.14 ~~relevant content area to teach a class in a career and technical education or career pathways~~
61.15 ~~course of study:~~

61.16 ~~(1) an associate's degree;~~

61.17 ~~(2) a professional certification; or~~

61.18 ~~(3) five years of relevant work experience.~~

61.19 Sec. 18. Minnesota Statutes 2020, section 122A.181, is amended by adding a subdivision
61.20 to read:

61.21 Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a
61.22 Tier 1 license are exempt from the requirement to hold a bachelor's degree in subdivision
61.23 2:

61.24 (1) an applicant for a Tier 1 license to teach career and technical education or career
61.25 pathways courses of study if the applicant has:

61.26 (i) an associate's degree;

61.27 (ii) a professional certification; or

61.28 (iii) five years of relevant work experience;

61.29 (2) an applicant for a Tier 1 license to teach world languages and culture pursuant to
61.30 Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language;

62.1 (3) an applicant for a Tier 1 license in the performing or visual arts pursuant to Minnesota
62.2 Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater),
62.3 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), if the applicant
62.4 has at least five years of relevant work experience; and

62.5 (4) an applicant for a Tier 1 license who is enrolled in a state-approved teacher preparation
62.6 program classified as a residency model aligned to the scope and field of the assignment.
62.7 The residency program must lead to a bachelor's degree unless the program is aligned to
62.8 one of the licensure areas outlined in this subdivision.

62.9 (b) The Professional Educator Licensing and Standards Board must adopt and revise
62.10 rules regarding the qualifications and determinations for applicants exempt from paragraph
62.11 (a).

62.12 Sec. 19. Minnesota Statutes 2020, section 122A.181, subdivision 3, is amended to read:

62.13 **Subd. 3. Term of license and renewal.** (a) The Professional Educator Licensing and
62.14 Standards Board must issue an initial Tier 1 license for a term of one year. A Tier 1 license
62.15 may be renewed subject to paragraphs (b) and (c). ~~The board may submit written comments~~
62.16 ~~to the district or charter school that requested the renewal regarding the candidate.~~

62.17 (b) The Professional Educator Licensing and Standards Board must renew a Tier 1
62.18 license if:

62.19 (1) the district or charter school requesting the renewal demonstrates that it has posted
62.20 the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license
62.21 for the position;

62.22 ~~(2) the teacher holding the Tier 1 license took a content examination in accordance with~~
62.23 ~~section 122A.185 and submitted the examination results to the teacher's employing district~~
62.24 ~~or charter school within one year of the board approving the request for the initial Tier 1~~
62.25 ~~license;~~

62.26 ~~(3) (2) the teacher holding the Tier 1 license participated in cultural competency training~~
62.27 ~~consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the board~~
62.28 ~~approving the request for the initial Tier 1 license; and~~

62.29 ~~(4) (3) the teacher holding the Tier 1 license met the mental illness training renewal~~
62.30 ~~requirement under section 122A.187, subdivision 6; and~~

62.31 ~~The requirement in clause (2) does not apply to a teacher that teaches a class in a career and~~
62.32 ~~technical education or career pathways course of study.~~

63.1 (4) the district demonstrates professional development opportunities and other supports
63.2 provided to move the teacher from a Tier 1 license to a higher tier.

63.3 (c) A Tier 1 license must not be renewed more than three times, unless the requesting
63.4 district or charter school can show good cause for additional renewals. ~~A Tier 1 license~~
63.5 ~~issued to teach (1) a class or course in a career and technical education or career pathway~~
63.6 ~~course of study or (2) in a shortage area, as defined in section 122A.06, subdivision 6, may~~
63.7 ~~be renewed without limitation.~~

63.8 Sec. 20. Minnesota Statutes 2020, section 122A.181, subdivision 4, is amended to read:

63.9 Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must
63.10 accept and review applications for a Tier 1 teaching license beginning July 1 of the school
63.11 year for which the license is requested ~~and must issue or deny the Tier 1 teaching license~~
63.12 ~~within 30 days of receiving the completed application,~~ unless permitted by the board to
63.13 accept and review applications earlier.

63.14 Sec. 21. Minnesota Statutes 2020, section 122A.181, subdivision 5, is amended to read:

63.15 Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter
63.16 indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and
63.17 limited to the district or charter school that requested the initial Tier 1 license.

63.18 (b) A Tier 1 license does not bring an individual within the definition of a teacher for
63.19 purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

63.20 ~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under~~
63.21 ~~section 179A.03, subdivision 18.~~

63.22 Sec. 22. Minnesota Statutes 2020, section 122A.181, subdivision 6, is amended to read:

63.23 Subd. 6. **Mentorship and evaluation.** (a) ~~A teacher holding a Tier 1 license must~~
63.24 ~~participate in the employing district or charter school's mentorship program and professional~~
63.25 ~~development.~~ A district that hires a Tier 1 teacher must provide mentorship aligned to
63.26 board-adopted criteria and professional development opportunities to that teacher.

63.27 (b) A teacher holding a Tier 1 license must participate in an evaluation aligned, to the
63.28 extent practicable, with the evaluation under section 122A.40, subdivision 8, or 122A.41,
63.29 subdivision 5.

64.1 Sec. 23. Minnesota Statutes 2020, section 122A.182, subdivision 1, is amended to read:

64.2 Subdivision 1. **Requirements.** ~~(a)~~ The Professional Educator Licensing and Standards
64.3 Board must approve ~~a request from a district or charter school to issue~~ an application for a
64.4 Tier 2 license in a specified content area ~~to a candidate~~ if:

64.5 ~~(1) the candidate meets the educational or professional requirements in paragraph (b)~~
64.6 ~~or (c)~~ the application has been submitted jointly by the applicant and the district;

64.7 ~~(2) the candidate:~~

64.8 ~~(i) has completed the coursework required under subdivision 2;~~

64.9 ~~(ii) is enrolled in a Minnesota-approved teacher preparation program; or~~

64.10 ~~(iii) has a master's degree in the specified content area; and~~

64.11 ~~(3) the district or charter school demonstrates that a criminal background check under~~
64.12 ~~section 122A.18, subdivision 8, has been completed on the candidate.~~

64.13 ~~(b) A candidate for a Tier 2 license must have a bachelor's degree to teach a class outside~~
64.14 ~~a career and technical education or career pathways course of study.~~

64.15 ~~(c) A candidate for a Tier 2 license must have one of the following credentials in a~~
64.16 ~~relevant content area to teach a class or course in a career and technical education or career~~
64.17 ~~pathways course of study:~~

64.18 ~~(1) an associate's degree;~~

64.19 ~~(2) a professional certification; or~~

64.20 ~~(3) five years of relevant work experience.~~

64.21 (2) the application has been paid for by the district or the applicant;

64.22 (3) the applicant holds a bachelor's degree, unless specifically exempt by statute or rule;

64.23 (4) the district demonstrates that a criminal background check under section 122A.18,
64.24 subdivision 8, has been completed for the applicant; and

64.25 (5) the applicant:

64.26 (i) has a master's degree in the specified content area;

64.27 (ii) is enrolled in a state-approved teacher preparation program; or

64.28 (iii) for a license to teach career and technical education and career pathways, has
64.29 completed two years of field-specific teaching experience on a Tier 1 license and completed
64.30 training in classroom management, cultural competency, and teacher ethics.

65.1 Sec. 24. Minnesota Statutes 2020, section 122A.182, subdivision 2, is amended to read:

65.2 Subd. 2. **Coursework Exemptions from a bachelor's degree.** ~~(a) A candidate for a~~
65.3 ~~Tier 2 license must meet the coursework requirement by demonstrating completion of two~~
65.4 ~~of the following:~~

65.5 ~~(1) at least eight upper division or graduate-level credits in the relevant content area;~~

65.6 ~~(2) field-specific methods of training, including coursework;~~

65.7 ~~(3) at least two years of teaching experience in a similar content area in any state, as~~
65.8 ~~determined by the board;~~

65.9 ~~(4) a passing score on the pedagogy and content exams under section 122A.185; or~~

65.10 ~~(5) completion of a state-approved teacher preparation program.~~

65.11 ~~(b) For purposes of paragraph (a), "upper division" means classes normally taken at the~~
65.12 ~~junior or senior level of college which require substantial knowledge and skill in the field.~~
65.13 ~~Candidates must identify the upper division credits that fulfill the requirement in paragraph~~
65.14 ~~(a), clause (1).~~

65.15 (a) The following applicants for a Tier 2 license are exempt from the requirement to
65.16 hold a bachelor's degree in subdivision 1:

65.17 (1) an applicant for a Tier 2 license to teach career and technical education or career
65.18 pathways courses of study when the applicant has:

65.19 (i) an associate's degree;

65.20 (ii) a professional certification; or

65.21 (iii) five years of relevant work experience;

65.22 (2) an applicant for a Tier 2 license to teach world languages and culture pursuant to
65.23 Minnesota Rules, part 8710.4950, when the applicant is a native speaker of the language.

65.24 (3) an applicant for a Tier 2 license in the performing or visual arts pursuant to Minnesota
65.25 Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater),
65.26 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), when the
65.27 applicant has at least five years of relevant work experience.

65.28 (b) The Professional Educator Licensing and Standards Board must adopt and revise
65.29 rules regarding the qualifications and determinations for applicants exempt from the
65.30 requirement to hold a bachelor's degree in subdivision 1.

66.1 Sec. 25. Minnesota Statutes 2020, section 122A.182, subdivision 3, is amended to read:

66.2 Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and
66.3 Standards Board must issue an initial Tier 2 license for a term of two years. A Tier 2 license
66.4 may be renewed ~~three~~ two times. The board must adopt rules establishing good cause
66.5 justifications for additional renewals after the initial license has been renewed two times.

66.6 (b) A teacher holding a Tier 2 license in career and technical education or career pathways
66.7 course of study may receive unlimited renewals.

66.8 (c) Before a Tier 2 license is renewed for the first time, a teacher holding a Tier 2 license
66.9 must participate in cultural competency training consistent with section 120B.30, subdivision
66.10 1, paragraph (q), ~~and~~ mental illness training under section 122A.187, subdivision 6. ~~The~~
66.11 ~~board must issue rules setting forth the conditions for additional renewals after the initial~~
66.12 ~~license has been renewed three times; and the district demonstrates professional development~~
66.13 opportunities and other supports provided to move the teacher to a higher tier.

66.14 Sec. 26. Minnesota Statutes 2020, section 122A.182, subdivision 4, is amended to read:

66.15 Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must
66.16 accept and review applications for a Tier 2 teaching license beginning July 1 of the school
66.17 year for which the license is requested ~~and must issue or deny the Tier 2 teaching license~~
66.18 ~~within 30 days of receiving the completed application, unless permitted by the board to~~
66.19 accept and review applications earlier.

66.20 Sec. 27. Minnesota Statutes 2020, section 122A.182, subdivision 7, is amended to read:

66.21 Subd. 7. **Mentorship and evaluation.** ~~(a) A teacher holding a Tier 2 license must~~
66.22 ~~participate in the employing district or charter school's mentorship and evaluation program,~~
66.23 ~~including an individual growth and development plan that includes cultural competency~~
66.24 ~~under section 120B.30, subdivision 1, paragraph (q). A district that hires a teacher holding~~
66.25 a Tier 2 license must provide mentorship aligned to board-adopted criteria to that teacher
66.26 and professional development opportunities.

66.27 (b) A teacher holding a Tier 2 license must participate in an evaluation aligned, to the
66.28 extent practicable, with the evaluation under section 122A.40, subdivision 8, or section
66.29 122A.41, subdivision 5.

67.1 Sec. 28. Minnesota Statutes 2020, section 122A.183, subdivision 1, is amended to read:

67.2 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards
67.3 Board must issue a Tier 3 license to ~~a candidate~~ an applicant who provides information
67.4 sufficient to demonstrate all of the following:

67.5 ~~(1) the candidate meets the educational or professional requirements in paragraphs (b)~~
67.6 ~~and (c);~~

67.7 ~~(2) the candidate has obtained a passing score on the required licensure exams under~~
67.8 ~~section 122A.185; and~~

67.9 (1) the applicant for a Tier 3 license must have a bachelor's degree to teach a class or
67.10 course, unless specifically exempt by state statute or rule; and

67.11 ~~(3)~~ (2) the candidate applicant has completed the coursework required under subdivision
67.12 2.

67.13 ~~(b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or~~
67.14 ~~course outside a career and technical education or career pathways course of study.~~

67.15 ~~(c) A candidate for a Tier 3 license must have one of the following credentials in a~~
67.16 ~~relevant content area to teach a class or course in a career and technical education or career~~
67.17 ~~pathways course of study:~~

67.18 ~~(1) an associate's degree;~~

67.19 ~~(2) a professional certification; or~~

67.20 ~~(3) five years of relevant work experience.~~

67.21 ~~In consultation with the governor's Workforce Development Board established under section~~
67.22 ~~116L.665, the board must establish a list of qualifying certifications, and may add additional~~
67.23 ~~professional certifications in consultation with school administrators, teachers, and other~~
67.24 ~~stakeholders.~~

67.25 (b) The board must issue a Tier 3 license to an applicant who provides information
67.26 sufficient to demonstrate the following, regardless of whether the candidate meets other
67.27 requirements in this section:

67.28 (1) the applicant has completed student teaching comparable to the student teaching
67.29 expectations in Minnesota; and

67.30 (2) the applicant has completed either:

68.1 (i) a teacher preparation program from a culturally specific Minority Serving Institution
 68.2 in the United States, such as Historically Black Colleges and Universities, Tribal Colleges,
 68.3 or Hispanic-Serving Institutions including those in Puerto Rico, and is eligible for a teacher
 68.4 license in another state; or

68.5 (ii) a university teacher preparation program in another country and has taught at least
 68.6 two years.

68.7 Sec. 29. Minnesota Statutes 2020, section 122A.183, subdivision 2, is amended to read:

68.8 Subd. 2. **Coursework.** ~~A candidate~~ An applicant for a Tier 3 license must meet the
 68.9 coursework requirement by demonstrating one of the following:

68.10 (1) completion of a Minnesota-approved teacher preparation program;

68.11 (2) completion of a state-approved teacher preparation program that includes field-specific
 68.12 student teaching equivalent to field-specific student teaching in Minnesota-approved teacher
 68.13 preparation programs. The field-specific student teaching requirement does not apply to a
 68.14 ~~candidate~~ an applicant that has two years of field-specific teaching experience;

68.15 (3) submission of a content-specific licensure portfolio;

68.16 (4) a professional teaching license from another state, evidence that the ~~candidate's~~
 68.17 applicant's license is in good standing, and two years of field-specific teaching experience;

68.18 or

68.19 (5) the applicant fills a shortage area under section 122A.06, subdivision 6, and has three
 68.20 years of teaching experience under a Tier 2 license and evidence of summative teacher
 68.21 evaluations that did not result in placing or otherwise keeping the teacher on an improvement
 68.22 process pursuant to section 122A.40, subdivision 8, or section 122A.41, subdivision 5.

68.23 Sec. 30. Minnesota Statutes 2020, section 122A.183, is amended by adding a subdivision
 68.24 to read:

68.25 Subd. 2a. **Exemptions from a bachelor's degree.** (a) The following applicants for a
 68.26 Tier 3 license are exempt from the requirement to hold a bachelor's degree in subdivision
 68.27 1:

68.28 (1) an applicant for a Tier 3 license to teach career and technical education or career
 68.29 pathways courses of study when the applicant has:

68.30 (i) an associate's degree;

68.31 (ii) a professional certification; or

69.1 (iii) five years of relevant work experience;

69.2 (2) an applicant for a Tier 3 license to teach world languages and culture pursuant to
69.3 Minnesota Rules, part 8710.4950, if the applicant is a native speaker of the language; and

69.4 (3) an applicant for a Tier 3 license in the performing or visual arts pursuant to Minnesota
69.5 Rules, parts 8710.4300 (dance and theater), 8710.4310 (dance), 8710.4320 (theater),
69.6 8710.4650 (vocal music and instrumental music), and 8710.4900 (visual arts), if the applicant
69.7 has at least five years of relevant work experience.

69.8 (b) The Professional Educator Licensing and Standards Board must adopt and revise
69.9 rules regarding the qualifications and determinations for applicants exempt from subdivision
69.10 1.

69.11 Sec. 31. Minnesota Statutes 2020, section 122A.183, subdivision 3, is amended to read:

69.12 **Subd. 3. Term of license and renewal.** The Professional Educator Licensing and
69.13 Standards Board must issue an initial Tier 3 license for a term of three years. Before a Tier
69.14 3 license is renewed for the first time, the applicant must meet initial teacher renewal
69.15 requirements in section 122A.187. A Tier 3 license may be renewed every three years
69.16 without limitation.

69.17 Sec. 32. Minnesota Statutes 2020, section 122A.184, subdivision 1, is amended to read:

69.18 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards
69.19 Board must issue a Tier 4 license to ~~a candidate~~ an applicant who provides information
69.20 sufficient to demonstrate all of the following:

69.21 (1) ~~the candidate~~ applicant meets all requirements for a Tier 3 license under section
69.22 122A.183, and has completed a teacher preparation program under section 122A.183,
69.23 subdivision 2, clause (1) or (2);

69.24 (2) ~~the candidate~~ applicant has at least three years of field-specific teaching experience
69.25 ~~in Minnesota~~ as a teacher of record;

69.26 (3) ~~the candidate~~ applicant has obtained a passing score on all required licensure exams
69.27 under section 122A.185; and

69.28 (4) ~~the candidate's most recent summative teacher evaluation did not result in placing~~
69.29 ~~or otherwise keeping the teacher in an improvement process pursuant to section 122A.40,~~
69.30 ~~subdivision 8, or 122A.41, subdivision 5~~ if the applicant previously held a Tier 3 license

70.1 under section 122A.183, the applicant has completed the initial teacher renewal requirements
70.2 in section 122A.187.

70.3 (b) Notwithstanding paragraph (a), the board must issue a Tier 4 license to an applicant
70.4 who provides information sufficient to demonstrate that the applicant has teaching experience
70.5 in another state and achieved tenure, has continuing contract status, or has completed three
70.6 consecutive years of employment for at least 120 days per year with a single employer.

70.7 Sec. 33. Minnesota Statutes 2020, section 122A.184, subdivision 2, is amended to read:

70.8 Subd. 2. **Term of license and renewal.** The Professional Educator Licensing and
70.9 Standards Board must issue an initial Tier 4 license for a term of five years. A Tier 4 license
70.10 may be renewed every five years without limitation if the applicant meets the continuing
70.11 teacher renewal requirements in section 122A.187.

70.12 Sec. 34. Minnesota Statutes 2020, section 122A.185, subdivision 1, is amended to read:

70.13 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~
70.14 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~
70.15 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~
70.16 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~
70.17 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~
70.18 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~
70.19 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~
70.20 ~~122A.183, respectively.~~

70.21 ~~(b)~~ (a) The board must adopt and revise rules requiring candidates applicants for Tier 3
70.22 ~~and~~ Tier 4 licenses to pass an examination or performance assessment of general pedagogical
70.23 knowledge and examinations of licensure field specific content, including an examination
70.24 taken in another state, if the applicant has not completed a board-approved preparation
70.25 program assuring candidates from the program recommended for licensure meet content
70.26 and pedagogy licensure standards in Minnesota. The content examination requirement does
70.27 not apply if no relevant content exam exists. Applicants who have satisfactorily completed
70.28 a preparation program in another state and passed licensure examinations in that state are
70.29 not additionally required to pass similar examinations required in Minnesota.

70.30 ~~(e) Candidates~~ (b) Applicants for initial Tier 3 ~~and~~ Tier 4 licenses to teach elementary
70.31 students must pass test items assessing the ~~eandidates'~~ applicants' knowledge, skill, and
70.32 ability in comprehensive, scientifically based reading instruction under section 122A.06,
70.33 subdivision 4, knowledge and understanding of the foundations of reading development,

71.1 development of reading comprehension and reading assessment and instruction, and the
71.2 ability to integrate that knowledge and understanding into instruction strategies under section
71.3 122A.06, subdivision 4.

71.4 ~~(d) The requirement to pass a board-adopted reading, writing, and mathematics skills~~
71.5 ~~examination does not apply to nonnative English speakers, as verified by qualified Minnesota~~
71.6 ~~school district personnel or Minnesota higher education faculty, who, after meeting the~~
71.7 ~~content and pedagogy requirements under this subdivision, apply for a teaching license to~~
71.8 ~~provide direct instruction in their native language or world language instruction under section~~
71.9 ~~120B.022, subdivision 1.~~

71.10 (c) All testing centers in the state must provide monthly opportunities for untimed content
71.11 and pedagogy examinations. These opportunities must be advertised on the test registration
71.12 website. The board must require the exam vendor to provide other equitable opportunities
71.13 to pass exams, including waiving testing fees for test takers who qualify for federal grants;
71.14 providing free, multiple, full-length practice tests for each exam and free, comprehensive
71.15 study guides on the test registration website; making content and pedagogy exams available
71.16 in languages other than English for teachers seeking licensure to teach in language immersion
71.17 programs; and providing a free, detailed exam results analysis by test objective to assist
71.18 candidates who do not pass an exam in identifying areas for improvement. Any candidate
71.19 who has not passed a required exam after two attempts must be allowed to retake the exam,
71.20 including new versions of the exam, without being charged an additional fee.

71.21 Sec. 35. Minnesota Statutes 2020, section 122A.185, subdivision 4, is amended to read:

71.22 Subd. 4. **Remedial assistance.** (a) A board-approved teacher preparation program must
71.23 make available upon request remedial assistance that includes a formal diagnostic component
71.24 to persons enrolled in their ~~institution~~ teacher preparation program who did not achieve a
71.25 qualifying score on a board-adopted ~~skills~~ examination, including those for whom English
71.26 is a second language. The teacher preparation programs must make available assistance in
71.27 the specific academic areas of candidates' deficiency. Teacher preparation providers must
71.28 report annually on supports provided, number of candidates supported, and demographic
71.29 data of those candidates.

71.30 (b) School districts may make available upon request similar, appropriate, and timely
71.31 remedial assistance that includes a formal diagnostic component to those persons employed
71.32 by the district who completed their teacher education program, who did not achieve a
71.33 qualifying score on a board-adopted skills examination, and who received a Tier 1, Tier 2,

72.1 or Tier 3 license under section 122A.181, 122A.182, or 122A.183, respectively, to teach in
72.2 Minnesota.

72.3 Sec. 36. Minnesota Statutes 2020, section 122A.187, is amended to read:

72.4 **122A.187 EXPIRATION AND RENEWAL.**

72.5 Subdivision 1. **License form requirements.** Each license issued under this chapter must
72.6 bear the date of issue and the name of the state-approved teacher training provider or
72.7 alternative teaching program, as applicable. Licenses must expire and be renewed according
72.8 to rules adopted by the Professional Educator Licensing and Standards Board or the Board
72.9 of School Administrators. ~~The rules adopted by the Professional Educator Licensing and~~
72.10 ~~Standards Board for renewing a Tier 3 or Tier 4 license under sections 122A.183 and~~
72.11 ~~122A.184, respectively, must include showing satisfactory evidence of successful teaching~~
72.12 ~~or administrative experience for at least one school year during the period covered by the~~
72.13 ~~license in grades or subjects for which the license is valid or completing such additional~~
72.14 ~~preparation as required under this section, or as the Professional Educator Licensing and~~
72.15 ~~Standards Board prescribes.~~ The Board of School Administrators shall establish requirements
72.16 for renewing the licenses of supervisory personnel except athletic coaches. The Professional
72.17 Educator Licensing and Standards Board shall establish requirements for renewing the
72.18 licenses of athletic coaches.

72.19 Subd. 2. **Local committees.** The Professional Educator Licensing and Standards Board
72.20 must receive recommendations from local committees as established by the board for the
72.21 renewal of teaching licenses.

72.22 Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4
72.23 license under sections 122A.183 and 122A.184, respectively, who have been employed as
72.24 a teacher during the renewal period of the expiring license, as a condition of license renewal,
72.25 must present to their local continuing education and relicensure committee or other local
72.26 relicensure committee evidence of work that demonstrates professional reflection and growth
72.27 in best teaching practices, ~~including among other things, cultural competence in accordance~~
72.28 ~~with section 120B.30, subdivision 1, paragraph (q), and practices in meeting the varied~~
72.29 ~~needs of English learners, from young children to adults under section 124D.59, subdivisions~~
72.30 ~~2 and 2a. A teacher may satisfy the requirements of this paragraph by submitting the teacher's~~
72.31 ~~most recent summative evaluation or improvement plan under section 122A.40, subdivision~~
72.32 ~~8, or 122A.41, subdivision 5.~~

72.33 (b) The Professional Educator Licensing and Standards Board must ensure that its teacher
72.34 relicensing requirements include paragraph (a).

73.1 (c) The board may adopt and revise rule setting criteria for initial Tier 3 license renewal
73.2 requirements that must be completed before a teacher may move to a Tier 4 license.

73.3 Subd. 4. **Behavior interventions.** The Professional Educator Licensing and Standards
73.4 Board must adopt and revise rules that require all licensed teachers who are renewing a Tier
73.5 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include
73.6 in the renewal requirements further preparation in the areas of using positive behavior
73.7 interventions and in accommodating, modifying, and adapting curricula, materials, and
73.8 strategies to appropriately meet the needs of individual students and ensure adequate progress
73.9 toward the state's graduation rule.

73.10 Subd. 5. **Reading preparation.** The Professional Educator Licensing and Standards
73.11 Board must adopt and revise rules that require all licensed teachers who are renewing a Tier
73.12 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include
73.13 in the renewal requirements further reading preparation, consistent with section 122A.06,
73.14 subdivision 4. ~~The rules do not take effect until they are approved by law.~~ Teachers who
73.15 do not provide direct instruction including, at least, counselors, school psychologists, school
73.16 nurses, school social workers, audiovisual directors and coordinators, and recreation
73.17 personnel are exempt from this section.

73.18 Subd. 6. **Mental ~~illness~~ health.** The Professional Educator Licensing and Standards
73.19 Board must adopt and revise rules that require all licensed teachers renewing a teaching
73.20 license under sections 122A.181 to 122A.184 to include in the renewal requirements at least
73.21 one hour of suicide prevention best practices training in each licensure renewal period based
73.22 on nationally recognized evidence-based programs and practices, among the continuing
73.23 education credits required to renew a license under this subdivision. Initial training must
73.24 include understanding the key warning signs of early-onset mental illness in children and
73.25 adolescents, and during subsequent licensure renewal periods, training must include a more
73.26 in-depth understanding of students' mental illness trauma, accommodations for students'
73.27 mental illness, parents' roles in addressing students' mental illness, Fetal Alcohol Spectrum
73.28 Disorders, autism, the requirements of section 125A.0942 governing restrictive procedures,
73.29 and de-escalation methods, among other similar topics.

73.30 Subd. 7. **Cultural competency.** The Professional Educator Licensing and Standards
73.31 Board must adopt and revise rules that require all licensed teachers renewing a Tier 3 or
73.32 Tier 4 license under sections 122A.183 and 122A.184, respectively, to include cultural
73.33 competency training.

74.1 Subd. 8. Meeting needs of multilingual learners. The Professional Educator Licensing
74.2 and Standards Board must adopt and revise rules requiring all licensed teachers renewing
74.3 a Tier 3 or Tier 4 license under sections 122A.183 and 122A.184, respectively, to include
74.4 a training on meeting the varied needs of multilingual learners from young children to adults
74.5 under section 124D.59, subdivisions 2 and 2a.

74.6 Subd. 9. Mandatory renewal requirements. The board must adopt and revise rules
74.7 setting forth standards that meet all mandatory renewal requirements. All trainings meeting
74.8 the renewal requirements for subdivisions 4 to 8 must align to board-adopted criteria. Any
74.9 training provided outside of a district, charter school, cooperative unit, or state agency must
74.10 be approved by the board to be accepted to meet this renewal requirement.

74.11 Sec. 37. Minnesota Statutes 2020, section 122A.19, subdivision 4, is amended to read:

74.12 Subd. 4. **Teacher preparation programs.** (a) For the purpose of licensing bilingual
74.13 and English as a second language teachers, the board may approve teacher preparation
74.14 programs at colleges or universities designed for their training.

74.15 (b) Programs that prepare English as a second language teachers must provide instruction
74.16 in implementing research-based practices designed specifically for English learners. The
74.17 programs must focus on developing English learners' academic language proficiency in
74.18 English, including oral academic language, giving English learners meaningful access to
74.19 the full school curriculum, developing culturally relevant teaching practices appropriate for
74.20 immigrant students, and providing more intensive instruction and resources to English
74.21 learners with lower levels of academic English proficiency and varied needs, consistent
74.22 with section 124D.59, subdivisions 2 and 2a.

74.23 Sec. 38. Minnesota Statutes 2020, section 122A.26, subdivision 2, is amended to read:

74.24 Subd. 2. **Exceptions.** (a) A person who teaches in a community education program
74.25 ~~which~~ that qualifies for aid pursuant to section 124D.52 shall continue to meet licensure
74.26 requirements as a teacher. A person who teaches in an early childhood and family education
74.27 program ~~which~~ that is offered through a community education program and ~~which~~ that
74.28 qualifies for community education aid pursuant to section 124D.20 or early childhood and
74.29 family education aid pursuant to section 124D.135 shall continue to meet licensure
74.30 requirements as a teacher. A person who teaches in a community education course ~~which~~
74.31 that is offered for credit for graduation to persons under 18 years of age shall continue to
74.32 meet licensure requirements as a teacher.

75.1 (b) A person who teaches a driver training course ~~which~~ that is offered through a
75.2 community education program to persons under 18 years of age shall be licensed by the
75.3 Professional Educator Licensing and Standards Board or be subject to section 171.35. A
75.4 license which is required for an instructor in a community education program pursuant to
75.5 this ~~subdivision~~ paragraph shall not be construed to bring an individual within the definition
75.6 of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1,
75.7 ~~clause~~ paragraph (a).

75.8 Sec. 39. Minnesota Statutes 2020, section 122A.40, subdivision 5, is amended to read:

75.9 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first
75.10 teaching experience in Minnesota in a single district is deemed to be a probationary period
75.11 of employment, and, the probationary period in each district in which the teacher is thereafter
75.12 employed shall be one year. The school board must adopt a plan for written evaluation of
75.13 teachers during the probationary period that is consistent with subdivision 8. Evaluation
75.14 must occur at least three times periodically throughout each school year for a teacher
75.15 performing services during that school year; the first evaluation must occur within the first
75.16 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,
75.17 and other staff development opportunities and days on which a teacher is absent from school
75.18 must not be included in determining the number of school days on which a teacher performs
75.19 services. Except as otherwise provided in paragraph (b), during the probationary period any
75.20 annual contract with any teacher may or may not be renewed as the school board shall see
75.21 fit. However, the board must give any such teacher whose contract it declines to renew for
75.22 the following school year written notice to that effect before July 1. If the teacher requests
75.23 reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason
75.24 in writing, including a statement that appropriate supervision was furnished describing the
75.25 nature and the extent of such supervision furnished the teacher during the employment by
75.26 the board, within ten days after receiving such request. The school board may, after a hearing
75.27 held upon due notice, discharge a teacher during the probationary period for cause, effective
75.28 immediately, under section 122A.44.

75.29 (b) A board must discharge a probationary teacher, effective immediately, upon receipt
75.30 of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has
75.31 been revoked due to a conviction for child abuse or sexual abuse.

75.32 (c) A probationary teacher whose first three years of consecutive employment are
75.33 interrupted for active military service and who promptly resumes teaching consistent with
75.34 federal reemployment timelines for uniformed service personnel under United States Code,

76.1 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes
76.2 of paragraph (a).

76.3 (d) A probationary teacher whose first three years of consecutive employment are
76.4 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12
76.5 months of when the leave began is considered to have a consecutive teaching experience
76.6 for purposes of paragraph (a) if the probationary teacher completes a combined total of
76.7 three years of teaching service immediately before and after the leave.

76.8 (e) A probationary teacher must complete at least 120 days of teaching service each year
76.9 during the probationary period. Days devoted to parent-teacher conferences, teachers'
76.10 workshops, and other staff development opportunities and days on which a teacher is absent
76.11 from school do not count as days of teaching service under this paragraph.

76.12 (f) Notwithstanding any law to the contrary, a teacher who has taught for three
76.13 consecutive years in another state must serve a one-year probationary period in a Minnesota
76.14 school district.

76.15 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements
76.16 effective July 1, 2021, and thereafter.

76.17 Sec. 40. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

76.18 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
76.19 **teachers.** (a) To improve student learning and success, a school board and an exclusive
76.20 representative of the teachers in the district, consistent with paragraph (b), may develop a
76.21 teacher evaluation and peer review process for probationary and continuing contract teachers
76.22 through joint agreement. If a school board and the exclusive representative of the teachers
76.23 do not agree to an annual teacher evaluation and peer review process, then the school board
76.24 and the exclusive representative of the teachers must implement the state teacher evaluation
76.25 plan under paragraph (c). The process must include having trained observers serve as peer
76.26 coaches or having teachers participate in professional learning communities, consistent with
76.27 paragraph (b).

76.28 (b) To develop, improve, and support qualified teachers and effective teaching practices,
76.29 improve student learning and success, and provide all enrolled students in a district or school
76.30 with improved and equitable access to more effective and diverse teachers, the annual
76.31 evaluation process for teachers:

76.32 (1) must, for probationary teachers, provide for all evaluations required under subdivision
76.33 5;

77.1 (2) must establish a three-year professional review cycle for each teacher that includes
77.2 an individual growth and development plan, a peer review process, and at least one
77.3 summative evaluation performed by a qualified and trained evaluator such as a school
77.4 administrator. For the years when a tenured teacher is not evaluated by a qualified and
77.5 trained evaluator, the teacher must be evaluated by a peer review;

77.6 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,
77.7 or revise a rubric of performance standards for teacher practice that (i) is based on
77.8 professional teaching standards established in rule, (ii) includes culturally responsive
77.9 methodologies, and (iii) provides common descriptions of effectiveness using at least three
77.10 levels of performance;

77.11 (4) must coordinate staff development activities under sections 122A.60 and 122A.61
77.12 with this evaluation process and teachers' evaluation outcomes;

77.13 (5) may provide time during the school day and school year for peer coaching and teacher
77.14 collaboration;

77.15 (6) may include job-embedded learning opportunities such as professional learning
77.16 communities;

77.17 (7) may include mentoring and induction programs for teachers, including teachers who
77.18 are members of populations underrepresented among the licensed teachers in the district or
77.19 school and who reflect the diversity of students under section 120B.35, subdivision 3,
77.20 paragraph (b), clause (2), who are enrolled in the district or school;

77.21 (8) must include an option for teachers to develop and present a portfolio demonstrating
77.22 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
77.23 3, and include teachers' own performance assessment based on student work samples and
77.24 examples of teachers' work, which may include video among other activities for the
77.25 summative evaluation;

77.26 (9) must use data from valid and reliable assessments aligned to state and local academic
77.27 standards and must use state and local measures of student growth and literacy that may
77.28 include value-added models or student learning goals to determine 35 percent of teacher
77.29 evaluation results;

77.30 (10) must use longitudinal data on student engagement and connection, and other student
77.31 outcome measures explicitly aligned with the elements of curriculum for which teachers
77.32 are responsible, including academic literacy, oral academic language, and achievement of
77.33 content areas of English learners;

78.1 (11) must require qualified and trained evaluators such as school administrators to
78.2 perform summative evaluations and ensure school districts and charter schools provide for
78.3 effective evaluator training specific to teacher development and evaluation;

78.4 (12) must give teachers not meeting professional teaching standards under clauses (3)
78.5 through (11) support to improve through a teacher improvement process that includes
78.6 established goals and timelines; and

78.7 (13) must discipline a teacher for not making adequate progress in the teacher
78.8 improvement process under clause (12) that may include a last chance warning, termination,
78.9 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline
78.10 a school administrator determines is appropriate.

78.11 Data on individual teachers generated under this subdivision are personnel data under
78.12 section 13.43. The observation and interview notes of peer coaches may only be disclosed
78.13 to other school officials with the consent of the teacher being coached.

78.14 (c) The department, in consultation with parents who may represent parent organizations
78.15 and teacher and administrator representatives appointed by their respective organizations,
78.16 representing the Professional Educator Licensing and Standards Board, the Minnesota
78.17 Association of School Administrators, the Minnesota School Boards Association, the
78.18 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
78.19 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
78.20 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
78.21 research expertise in teacher evaluation, must create and publish a teacher evaluation process
78.22 that complies with the requirements in paragraph (b) and applies to all teachers under this
78.23 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual
78.24 teacher evaluation and peer review process. The teacher evaluation process created under
78.25 this subdivision does not create additional due process rights for probationary teachers under
78.26 subdivision 5.

78.27 (d) Consistent with the measures of teacher effectiveness under this subdivision:

78.28 (1) for students in kindergarten through grade 4, a school administrator must not place
78.29 or approve the placement of a student in the classroom of a teacher who is in the improvement
78.30 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,
78.31 in the prior year, that student was in the classroom of a teacher who received discipline
78.32 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that
78.33 grade; and

79.1 (2) for students in grades 5 through 12, a school administrator must not place or approve
79.2 the placement of a student in the classroom of a teacher who is in the improvement process
79.3 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the
79.4 prior year, that student was in the classroom of a teacher who received discipline pursuant
79.5 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area
79.6 and grade.

79.7 All data created and used under this paragraph retains its classification under chapter 13.

79.8 **EFFECTIVE DATE.** This section is effective July 1, 2023.

79.9 Sec. 41. Minnesota Statutes 2020, section 122A.41, subdivision 2, is amended to read:

79.10 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public
79.11 schools in cities of the first class during the first three years of consecutive employment
79.12 shall be deemed to be in a probationary period of employment during which period any
79.13 annual contract with any teacher may, or may not, be renewed as the school board, after
79.14 consulting with the peer review committee charged with evaluating the probationary teachers
79.15 under subdivision 3, shall see fit. The school site management team or the school board if
79.16 there is no school site management team, shall adopt a plan for a written evaluation of
79.17 teachers during the probationary period according to subdivisions 3 and 5. Evaluation by
79.18 the peer review committee charged with evaluating probationary teachers under subdivision
79.19 3 shall occur at least three times periodically throughout each school year for a teacher
79.20 performing services during that school year; the first evaluation must occur within the first
79.21 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,
79.22 and other staff development opportunities and days on which a teacher is absent from school
79.23 shall not be included in determining the number of school days on which a teacher performs
79.24 services. The school board may, during such probationary period, discharge or demote a
79.25 teacher for any of the causes as specified in this code. A written statement of the cause of
79.26 such discharge or demotion shall be given to the teacher by the school board at least 30
79.27 days before such removal or demotion shall become effective, and the teacher so notified
79.28 shall have no right of appeal therefrom.

79.29 (b) A probationary teacher whose first three years of consecutive employment are
79.30 interrupted for active military service and who promptly resumes teaching consistent with
79.31 federal reemployment timelines for uniformed service personnel under United States Code,
79.32 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes
79.33 of paragraph (a).

80.1 (c) A probationary teacher whose first three years of consecutive employment are
80.2 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12
80.3 months of when the leave began is considered to have a consecutive teaching experience
80.4 for purposes of paragraph (a) if the probationary teacher completes a combined total of
80.5 three years of teaching service immediately before and after the leave.

80.6 (d) A probationary teacher must complete at least 120 days of teaching service each year
80.7 during the probationary period. Days devoted to parent-teacher conferences, teachers'
80.8 workshops, and other staff development opportunities and days on which a teacher is absent
80.9 from school do not count as days of teaching service under this paragraph.

80.10 (e) Notwithstanding any law to the contrary, a school district may negotiate a contract
80.11 with a one-year probationary period with a teacher who has obtained tenure, has continuing
80.12 contract status, or has completed three consecutive years of employment for at least 120
80.13 days per year with a single employer.

80.14 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements
80.15 effective July 1, 2021, and thereafter.

80.16 Sec. 42. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

80.17 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
80.18 **teachers.** (a) To improve student learning and success, a school board and an exclusive
80.19 representative of the teachers in the district, consistent with paragraph (b), may develop an
80.20 annual teacher evaluation and peer review process for probationary and nonprobationary
80.21 teachers through joint agreement. If a school board and the exclusive representative of the
80.22 teachers in the district do not agree to an annual teacher evaluation and peer review process,
80.23 then the school board and the exclusive representative of the teachers must implement the
80.24 state teacher evaluation plan developed under paragraph (c). The process must include
80.25 having trained observers serve as peer coaches or having teachers participate in professional
80.26 learning communities, consistent with paragraph (b).

80.27 (b) To develop, improve, and support qualified teachers and effective teaching practices
80.28 and improve student learning and success, and provide all enrolled students in a district or
80.29 school with improved and equitable access to more effective and diverse teachers, the annual
80.30 evaluation process for teachers:

80.31 (1) must, for probationary teachers, provide for all evaluations required under subdivision
80.32 2;

81.1 (2) must establish a three-year professional review cycle for each teacher that includes
81.2 an individual growth and development plan, a peer review process, and at least one
81.3 summative evaluation performed by a qualified and trained evaluator such as a school
81.4 administrator;

81.5 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,
81.6 or revise a rubric of performance standards for teacher practice that (i) is based on
81.7 professional teaching standards established in rule, (ii) includes culturally responsive
81.8 methodologies, and (iii) provides common descriptions of effectiveness using at least three
81.9 levels of performance;

81.10 (4) must coordinate staff development activities under sections 122A.60 and 122A.61
81.11 with this evaluation process and teachers' evaluation outcomes;

81.12 (5) may provide time during the school day and school year for peer coaching and teacher
81.13 collaboration;

81.14 (6) may include job-embedded learning opportunities such as professional learning
81.15 communities;

81.16 (7) may include mentoring and induction programs for teachers, including teachers who
81.17 are members of populations underrepresented among the licensed teachers in the district or
81.18 school and who reflect the diversity of students under section 120B.35, subdivision 3,
81.19 paragraph (b), clause (2), who are enrolled in the district or school;

81.20 (8) must include an option for teachers to develop and present a portfolio demonstrating
81.21 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
81.22 3, and include teachers' own performance assessment based on student work samples and
81.23 examples of teachers' work, which may include video among other activities for the
81.24 summative evaluation;

81.25 (9) must use data from valid and reliable assessments aligned to state and local academic
81.26 standards and must use state and local measures of student growth and literacy that may
81.27 include value-added models or student learning goals to determine 35 percent of teacher
81.28 evaluation results;

81.29 (10) must use longitudinal data on student engagement and connection and other student
81.30 outcome measures explicitly aligned with the elements of curriculum for which teachers
81.31 are responsible, including academic literacy, oral academic language, and achievement of
81.32 English learners;

82.1 (11) must require qualified and trained evaluators such as school administrators to
82.2 perform summative evaluations and ensure school districts and charter schools provide for
82.3 effective evaluator training specific to teacher development and evaluation;

82.4 (12) must give teachers not meeting professional teaching standards under clauses (3)
82.5 through (11) support to improve through a teacher improvement process that includes
82.6 established goals and timelines; and

82.7 (13) must discipline a teacher for not making adequate progress in the teacher
82.8 improvement process under clause (12) that may include a last chance warning, termination,
82.9 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline
82.10 a school administrator determines is appropriate.

82.11 Data on individual teachers generated under this subdivision are personnel data under
82.12 section 13.43. The observation and interview notes of peer coaches may only be disclosed
82.13 to other school officials with the consent of the teacher being coached.

82.14 (c) The department, in consultation with parents who may represent parent organizations
82.15 and teacher and administrator representatives appointed by their respective organizations,
82.16 representing the Professional Educator Licensing and Standards Board, the Minnesota
82.17 Association of School Administrators, the Minnesota School Boards Association, the
82.18 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
82.19 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
82.20 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
82.21 research expertise in teacher evaluation, must create and publish a teacher evaluation process
82.22 that complies with the requirements in paragraph (b) and applies to all teachers under this
82.23 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual
82.24 teacher evaluation and peer review process. The teacher evaluation process created under
82.25 this subdivision does not create additional due process rights for probationary teachers under
82.26 subdivision 2.

82.27 (d) Consistent with the measures of teacher effectiveness under this subdivision:

82.28 (1) for students in kindergarten through grade 4, a school administrator must not place
82.29 or approve the placement of a student in the classroom of a teacher who is in the improvement
82.30 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,
82.31 in the prior year, that student was in the classroom of a teacher who received discipline
82.32 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that
82.33 grade; and

83.1 (2) for students in grades 5 through 12, a school administrator must not place or approve
83.2 the placement of a student in the classroom of a teacher who is in the improvement process
83.3 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the
83.4 prior year, that student was in the classroom of a teacher who received discipline pursuant
83.5 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area
83.6 and grade.

83.7 All data created and used under this paragraph retains its classification under chapter 13.

83.8 **EFFECTIVE DATE.** This section is effective July 1, 2023.

83.9 Sec. 43. **[122A.411] UNREQUESTED LEAVE OF ABSENCE PROCESS.**

83.10 **Subdivision 1. Exemption.** Notwithstanding any law to the contrary, a school district
83.11 and the exclusive representative for teachers may agree to a process for exempting up to
83.12 five percent of its employees from unrequested leaves of absence and nonrenewal regardless
83.13 of probationary status or position on a seniority list, provided the teachers meet the
83.14 requirements of this section and the exclusive representative for licensed educators provides
83.15 written approval of the process no later than October 1 of each school year. The process
83.16 must satisfy the requirements of subdivision 2.

83.17 **Subd. 2. Process requirements.** (a) The school district and exclusive representative
83.18 must establish a committee to select educators to receive the exemption. The committee
83.19 must have at least three district representatives, selected by the superintendent or the
83.20 superintendent's designee, and at least three licensed educators selected by the exclusive
83.21 representative, provided that the committee has an equal number of representatives selected
83.22 by the superintendent and exclusive representative. School districts and exclusive
83.23 representatives are strongly encouraged to include members of underrepresented communities
83.24 as their committee representatives. Before the selection committee begins work, all members
83.25 must jointly complete comprehensive anti-racism training by a training provider approved
83.26 by the Professional Educator Licensing and Standards Board.

83.27 (b) The committee may select up to five percent of the district's total licensed staff for
83.28 an exemption as long as the educator has a cultural background that is underrepresented
83.29 among licensed staff within the school building or district in comparison to the student
83.30 population. "Cultural background" as used in this section includes race, ethnicity, disability
83.31 status, and any other group that is underrepresented on staff and has experienced systemic
83.32 barriers in education or employment opportunities. Selections must be made on the basis
83.33 of an educator's teaching or professional performance as determined by colleagues, mentors,
83.34 and administrators.

84.1 (c) If the committee cannot achieve consensus regarding its selections, the committee
84.2 must vote on candidates for the exemption, with the top vote-receiving candidates receiving
84.3 the exemption if the number of selected staff exceeds five percent of the district's staff or
84.4 a percentage agreed upon by the majority vote of the selection committee.

84.5 (d) The committee must finalize decisions and notify affected staff no later than February
84.6 1 of each school year. The exemption is only valid for the school year in which the exemption
84.7 is granted unless renewed by the committee in a subsequent year. The committee may, in
84.8 its discretion, grant an educator a two-year exemption from nonrenewal based on a majority
84.9 vote of committee members.

84.10 Subd. 3. **Process options.** Additional clarifications or variations on this procedure,
84.11 including specific tiers of licenses eligible for the exemption, may be negotiated between
84.12 the exclusive representative and the district. The percentage of staff eligible for an exemption
84.13 from nonrenewal or unrequested leave of absence may be decided annually by the committee
84.14 by majority vote but must not exceed five percent of the district's licensed educators.

84.15 Subd. 4. **Data.** All data from committee deliberations is private personnel data pursuant
84.16 to section 13.43.

84.17 Subd. 5. **Disputes.** A dispute over violations of procedures under this section are subject
84.18 to the grievance procedure in the applicable collective bargaining agreement.

84.19 **Sec. 44. [122A.59] COME TEACH IN MINNESOTA HIRING BONUSES.**

84.20 Subdivision 1. **Purpose.** This section establishes a program to support districts and
84.21 schools recruiting and offering hiring bonuses for licensed teachers who are American
84.22 Indian or a person of color from another state or country in order to meet staffing needs in
84.23 shortage areas in economic development regions in Minnesota.

84.24 Subd. 2. **Eligibility.** A district or school must verify that the hiring bonus is given to
84.25 teachers licensed in another state who:

84.26 (1) qualify for a Tier 3 or Tier 4 Minnesota license;

84.27 (2) have moved to the economic development region in Minnesota where they were
84.28 hired; and

84.29 (3) belong to a racial or ethnic group that is underrepresented among teachers compared
84.30 to students in the district or school under section 120B.35, subdivision 3, paragraph (b),
84.31 clause (2).

85.1 Subd. 3. **Bonus amount.** A district or school may offer a signing and retention bonus
85.2 of a minimum of \$2,500 and a maximum of \$5,000 to a teacher who meets the eligibility
85.3 requirements. A teacher who meets the eligibility requirements and meets a licensure shortage
85.4 area in the economic development region of the state where the school is located may be
85.5 offered a signing bonus of a minimum of \$4,000 and a maximum of \$8,000. A teacher must
85.6 be paid half of the bonus when starting employment and half after completing four years
85.7 of service in the hiring district or school if the teacher has demonstrated teaching effectiveness
85.8 and is not on a professional improvement plan under section 122A.40, subdivision 8,
85.9 paragraph (b), clause (12) or (13), or is not being considered for termination under section
85.10 122A.40, subdivision 9. A teacher who does not complete their first school year upon
85.11 receiving a hiring bonus must repay the hiring bonus.

85.12 Subd. 4. **Administration.** The commissioner must establish a process for districts or
85.13 schools to seek reimbursement for hiring bonuses given to teachers in shortage areas moving
85.14 to and working in Minnesota schools experiencing specific shortages. The commissioner
85.15 must provide guidance for districts to seek repayment of a hiring bonus from a teacher who
85.16 does not complete the first year of employment. The department may conduct a pilot program
85.17 with a small number of teachers during the 2022-2023 biennium to establish feasibility.
85.18 The department must submit a report by December 1, 2022, to the chairs and ranking minority
85.19 members of the legislative committees having jurisdiction over kindergarten through grade
85.20 12 education detailing the effectiveness of the program and recommendations for
85.21 improvement in future years.

85.22 Subd. 5. **Account established.** A Come Teach in Minnesota Hiring Bonus program
85.23 account is created in the special revenue fund for depositing money appropriated to or
85.24 received by the department for this program. Money deposited in the account is appropriated
85.25 to the commissioner, does not cancel, and is continuously available for reimbursements to
85.26 districts under this section.

85.27 **EFFECTIVE DATE.** This section applies to teacher contracts entered into on or after
85.28 July 1, 2021.

85.29 Sec. 45. Minnesota Statutes 2020, section 122A.635, subdivision 3, is amended to read:

85.30 Subd. 3. **Grant program administration.** The Professional Educator Licensing and
85.31 Standards Board may enter into an interagency agreement with the Office of Higher
85.32 Education. The agreement may include a transfer of funds to the Office of Higher Education
85.33 to help establish and administer the competitive grant process. The board must award grants
85.34 to institutions located in various economic development regions throughout the state, but

86.1 must not predetermine the number of institutions to be awarded grants under this section
86.2 or set a limit for the amount that any one institution may receive as part of the competitive
86.3 grant application process. All grants must be awarded by August 15 of the fiscal year in
86.4 which the grants are to be used ~~except that, for initial competitive grants awarded for fiscal~~
86.5 ~~year 2020, grants must be awarded by September 15.~~ Grants awarded after fiscal year 2021
86.6 must be awarded for a two-year grant period. An institution that receives a grant under this
86.7 section may use the grant funds over a two- to four-year period to support teacher candidates.

86.8 Sec. 46. Minnesota Statutes 2020, section 122A.635, subdivision 4, is amended to read:

86.9 Subd. 4. **Report.** (a) By ~~January 15~~ June 30 of each year, an institution awarded a grant
86.10 under this section must prepare for the legislature and the board a detailed report regarding
86.11 the expenditure of grant funds, including the amounts used to recruit, retain, and induct
86.12 teacher candidates of color or who are American Indian. The report must include the total
86.13 number of teacher candidates of color, disaggregated by race or ethnic group, who are
86.14 recruited to the institution, are newly admitted to the licensure program, are enrolled in the
86.15 licensure program, have completed student teaching, have graduated, are licensed, and are
86.16 newly employed as Minnesota teachers in their licensure field. A grant recipient must report
86.17 the total number of teacher candidates of color or who are American Indian at each stage
86.18 from recruitment to licensed teaching as a percentage of total candidates seeking the same
86.19 licensure at the institution.

86.20 (b) By September 1 of each year, the board must post a report on its website summarizing
86.21 the activities and outcomes of grant recipients and results that promote sharing of effective
86.22 practices among grant recipients.

86.23 Sec. 47. **[122A.685] GRANTS FOR GROW YOUR OWN PROGRAMS.**

86.24 Subdivision 1. **Establishment.** The commissioner of education must award grants for
86.25 the three types of Grow Your Own programs established under this section in order to
86.26 develop a teaching workforce that more closely reflects the state's increasingly diverse
86.27 student population and ensure all students have equitable access to effective and diverse
86.28 teachers.

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

86.31 (b) "Eligible district" means a school district, charter school, or cooperative unit under
86.32 section 123A.24, subdivision 2.

87.1 (c) "Grow Your Own program" means a program established by an eligible district in
87.2 partnership with a Professional Educator Licensing and Standards Board-approved teacher
87.3 preparation program provider or by a Head Start program under section 119A.50 to provide
87.4 a pathway for candidates to enter the teaching profession and teach at any level from early
87.5 childhood to secondary school.

87.6 (d) "Residency program" means a Professional Educator Licensing and Standards
87.7 Board-approved teacher preparation program established by an eligible district and a
87.8 board-approved teacher preparation program provider that uses a cohort-based model and
87.9 includes a yearlong clinical experience integrating coursework and student teaching.

87.10 (e) "Resident" means a teacher candidate participating in a residency program.

87.11 Subd. 3. Grants for residency programs. (a) An eligible district may apply for grants
87.12 to develop, maintain, or expand effective residency programs. A residency program must
87.13 pair a resident with a teacher of record who must hold a Tier 3 or Tier 4 license. The
87.14 residency program must provide the teacher of record with ongoing professional development
87.15 in co-teaching, mentoring, and coaching skills and must ensure that the resident and teacher
87.16 of record co-teach and participate in required teacher professional development activities
87.17 for at least 80 percent of the contracted week for a full academic year.

87.18 (b) A grant recipient must use at least 80 percent of grant funds to provide tuition
87.19 scholarships or stipends to enable employees or community members seeking a teaching
87.20 license, who are of color or American Indian, to participate in a residency program. A grant
87.21 recipient may request permission from the commissioner to use the remaining grant funds
87.22 to provide tuition scholarships to employees who are not persons of color or American
87.23 Indian and who seek to teach in a licensure area in which the eligible district has a shortage
87.24 of Tier 3 or Tier 4 licensed teachers.

87.25 (c) An eligible district using grant funds under this subdivision to provide financial
87.26 support to teacher candidates may require a commitment from a candidate to teach in the
87.27 eligible district for a reasonable amount of time not to exceed five years.

87.28 Subd. 4. Grants for programs serving adults. (a) An eligible district or Head Start
87.29 program under section 119A.50 may apply for grants to provide financial assistance,
87.30 mentoring, and other experiences to support persons of color or American Indian persons
87.31 to become licensed teachers or preschool teachers.

87.32 (b) An eligible district or Head Start program must use grant funds awarded under this
87.33 subdivision for:

88.1 (1) tuition scholarships or stipends to eligible Tier 2 licensed teachers, education
88.2 assistants, cultural liaisons, or other nonlicensed employees who are of color or American
88.3 Indian and are enrolled in undergraduate or graduate-level coursework that is part of a
88.4 board-approved teacher preparation program leading to a Tier 3 teacher license;

88.5 (2) developing and implementing pathway programs with local community-based
88.6 organizations led by and for communities of color or American Indian communities that
88.7 provide stipends or tuition scholarships to parents and community members who are of
88.8 color or American Indian to change careers and obtain a Tier 3 license or other credential
88.9 needed to teach in a Head Start program; or

88.10 (3) collaborating with a board-approved teacher preparation program provided by a
88.11 postsecondary institution to develop and implement innovative teacher preparation programs
88.12 that lead to Tier 2 or Tier 3 licensure, involve more intensive and extensive clinical
88.13 experiences with more professional coaching or mentorship than are typically required in
88.14 traditional college or university campus-based teacher preparation programs, provide
88.15 candidates with support that is responsive to the unique needs of candidates who are of
88.16 color or American Indian, and have more than half of their candidates identify as persons
88.17 of color or American Indian.

88.18 (c) An eligible district or Head Start program providing financial assistance to individuals
88.19 under this subdivision may require a commitment from candidates to teach in the eligible
88.20 school or Head Start program for a reasonable amount of time not to exceed five years.

88.21 Subd. 5. **Grants for programs serving secondary school students.** (a) In addition to
88.22 grants for developing and offering dual-credit postsecondary course options in schools for
88.23 "Introduction to Teaching" or "Introduction to Education" courses under section 124D.09,
88.24 subdivision 10, a school district or charter school may apply for grants under this section
88.25 to offer other innovative programs that encourage secondary school students, especially
88.26 students of color and American Indian students, to pursue teaching. To be eligible for a
88.27 grant under this subdivision, a school district or charter school must ensure that the aggregate
88.28 percentage of secondary school students of color and American Indian students participating
88.29 in the program is equal to or greater than the aggregate percentage of students of color and
88.30 American Indian students in the school district or charter school.

88.31 (b) A grant recipient must use grant funds awarded under this subdivision for:

88.32 (1) supporting future teacher clubs or service-learning opportunities that provide middle
88.33 and high school students who are of color or American Indian with experiential learning

89.1 that supports the success of younger students or peers and increases students' interest in
89.2 pursuing a teaching career;

89.3 (2) providing direct support, including wrap-around services, for students who are of
89.4 color or American Indian to enroll and be successful in postsecondary enrollment options
89.5 courses under section 124D.09 that would meet degree requirements for teacher licensure;
89.6 or

89.7 (3) offering scholarships to graduating high school students who are of color or American
89.8 Indian to enroll in board-approved undergraduate teacher preparation programs at a college
89.9 or university in Minnesota.

89.10 Subd. 6. **Grant procedure.** (a) An eligible district or Head Start program must apply
89.11 for a grant under this section in the form and manner specified by the commissioner. The
89.12 commissioner must give priority to eligible districts or Head Start programs with the highest
89.13 total number or percentage of students who are of color or American Indian.

89.14 (b) For the 2021-2022 school year and later, grant applications for new and existing
89.15 programs must be received by the commissioner no later than January 15 of the year prior
89.16 to the school year in which the grant will be used. The commissioner must review all
89.17 applications and notify grant recipients by March 15 or as soon as practicable of the
89.18 anticipated amount awarded. If the commissioner determines that sufficient funding is
89.19 unavailable for the grants, the commissioner must notify grant applicants by June 30 or as
89.20 soon as practicable that there are insufficient funds.

89.21 Subd. 7. **Account established.** A Grow Your Own program account is created in the
89.22 special revenue fund for depositing money appropriated to or received by the department
89.23 for Grow Your Own programs. Money deposited in the account is appropriated to the
89.24 commissioner, does not cancel, and is continuously available for grants under this section.
89.25 Grant recipients may apply to use grant money over a period of up to 24 months.

89.26 Subd. 8. **Report.** Grant recipients must annually report to the commissioner in the form
89.27 and manner determined by the commissioner on their activities under this section, including
89.28 the number of participants, the percentage of participants who are of color or American
89.29 Indian, and an assessment of program effectiveness, including participant feedback, areas
89.30 for improvement, the percentage of participants continuing to pursue teacher licensure, and
89.31 where applicable, the number of participants hired in the school or district as teachers after
89.32 completing preparation programs. The commissioner must publish a report for the public
89.33 that summarizes the activities and outcomes of grant recipients and what was done to promote
89.34 sharing of effective practices among grant recipients and potential grant applicants.

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

90.2 Sec. 48. Minnesota Statutes 2020, section 122A.70, is amended to read:

90.3 **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE**
90.4 **TEACHERS.**

90.5 Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School
90.6 districts are encouraged to develop teacher mentoring programs for teachers new to the
90.7 profession or district, including teaching residents, teachers of color, teachers who are
90.8 American Indian, teachers in license shortage areas, teachers with special needs, or
90.9 experienced teachers in need of peer coaching.

90.10 (b) Teacher mentoring programs must be included in or aligned with districts' teacher
90.11 evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41,
90.12 subdivision 5. A district may use staff development revenue under section 122A.61, special
90.13 grant programs established by the legislature, or another funding source to pay a stipend to
90.14 a mentor who may be a current or former teacher who has taught at least three years and is
90.15 not on an improvement plan. Other initiatives using such funds or funds available under
90.16 sections 124D.861 and 124D.862 may include:

90.17 (1) additional stipends as incentives to mentors of color or who are American Indian;

90.18 (2) financial supports for professional learning community affinity groups across schools
90.19 within and between districts for teachers from underrepresented racial and ethnic groups to
90.20 come together throughout the school year. For purposes of this section, "affinity groups"
90.21 are groups of educators who share a common racial or ethnic identity in society as persons
90.22 of color or who are American Indian;

90.23 (3) programs for induction aligned with the district or school mentorship program during
90.24 the first three years of teaching, especially for teachers from underrepresented racial and
90.25 ethnic groups; or

90.26 (4) grants supporting licensed and nonlicensed educator participation in professional
90.27 development, such as workshops and graduate courses, related to increasing student
90.28 achievement for students of color and American Indian students in order to close opportunity
90.29 and achievement gaps.

90.30 (c) A school or district that receives a grant must negotiate additional retention strategies
90.31 or protection from unrequested leave of absences in the beginning years of employment for
90.32 teachers of color and teachers who are American Indian. Retention strategies may include
90.33 providing financial incentives for teachers of color and teachers who are American Indian

91.1 to work in the school or district for at least five years and placing American Indian educators
91.2 at sites with other American Indian educators and educators of color at sites with other
91.3 educators of color to reduce isolation and increase opportunity for collegial support.

91.4 Subd. 2. **Applications.** The Professional Educator Licensing and Standards Board must
91.5 make application forms available to sites interested in developing or expanding a mentorship
91.6 program. A school district; ~~a~~ or group of school districts; ~~a coalition of districts, teachers,~~
91.7 ~~and teacher education institutions;~~ or, a school or coalition of schools, or a coalition of
91.8 teachers, ~~or nonlicensed educators~~ may apply for a program grant. A higher education
91.9 institution or nonprofit organization may partner with a grant applicant but is not eligible
91.10 as a sole applicant for grant funds. The Professional Educator Licensing and Standards
91.11 Board, in consultation with the teacher mentoring task force, must approve or disapprove
91.12 the applications. To the extent possible, the approved applications must reflect effective
91.13 mentoring, professional development, and retention components, and be geographically
91.14 distributed throughout the state. The Professional Educator Licensing and Standards Board
91.15 must encourage the selected sites to consider the use of its assessment procedures.

91.16 Subd. 3. **Criteria for selection.** (a) At a minimum, applicants must express commitment
91.17 to:

- 91.18 (1) allow staff participation;
- 91.19 (2) assess skills of both beginning and mentor teachers;
- 91.20 (3) provide appropriate in-service to needs identified in the assessment;
- 91.21 (4) provide leadership to the effort;
- 91.22 (5) cooperate with higher education institutions or teacher educators;
- 91.23 (6) provide facilities and other resources;
- 91.24 (7) share findings, materials, and techniques with other school districts; and
- 91.25 (8) retain teachers of color and teachers who are American Indian.

91.26 (b) Priority for awarding grants must be for efforts to induct, mentor, and retain Tier 2
91.27 or Tier 3 teachers who are of color or American Indian and Tier 2 or Tier 3 teachers in
91.28 licensure shortage areas.

91.29 Subd. 4. **Additional funding.** Applicants are required to seek additional funding and
91.30 assistance from sources such as school districts, postsecondary institutions, foundations,
91.31 and the private sector.

92.1 Subd. 5. **Program implementation.** Grants may be awarded for implementing activities
92.2 over a period of time up to 24 months. New and expanding mentorship sites that are funded
92.3 to design, develop, implement, and evaluate their program must participate in activities that
92.4 support program development and implementation. The Professional Educator Licensing
92.5 and Standards Board must provide resources and assistance to support new sites in their
92.6 program efforts. These activities and services may include, but are not limited to: planning,
92.7 planning guides, media, training, conferences, institutes, and regional and statewide
92.8 networking meetings. Nonfunded schools or districts interested in getting started may
92.9 participate. Fees may be charged for meals, materials, and the like.

92.10 Subd. 5a. **Grant program administration.** The Professional Educator Licensing and
92.11 Standards Board may enter into an interagency agreement with the Office of Higher
92.12 Education or the Department of Education. The agreement may include a transfer of funds
92.13 to the Office of Higher Education or the Department of Education to help administer the
92.14 competitive grant process.

92.15 Subd. 6. **Report.** By ~~June~~ September 30 of each year after receiving a grant, recipients
92.16 must submit a report to the Professional Educator Licensing and Standards Board on program
92.17 efforts that describes mentoring and induction activities and assesses the impact of these
92.18 programs on teacher effectiveness and retention.

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

92.20 Sec. 49. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

92.21 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,
92.22 and instructional leadership services, under the supervision of the superintendent of schools
92.23 of the district and according to the policies, rules, and regulations of the school board, for
92.24 the planning, management, operation, and evaluation of the education program of the building
92.25 or buildings to which the principal is assigned.

92.26 (b) To enhance a principal's culturally responsive leadership skills and support and
92.27 improve teaching practices, school performance, and student achievement for diverse student
92.28 populations, including at-risk students, children with disabilities, English learners, and gifted
92.29 students, among others, a district must develop and implement a performance-based system
92.30 for annually evaluating school principals assigned to supervise a school building within the
92.31 district. The evaluation must be designed to improve teaching and learning by supporting
92.32 the principal in shaping the school's professional environment and developing teacher
92.33 quality, performance, and effectiveness. The annual evaluation must:

93.1 (1) support and improve a principal's instructional leadership, organizational management,
 93.2 and professional development, and strengthen the principal's capacity in the areas of
 93.3 instruction, supervision, evaluation, and teacher development;

93.4 (2) support and improve a principal's culturally responsive leadership practices that
 93.5 create inclusive and respectful teaching and learning environments for all students, families,
 93.6 and employees;

93.7 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of
 93.8 student progress toward career and college readiness;

93.9 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and
 93.10 goals, and the principal's own professional multiyear growth plans and goals, all of which
 93.11 must support the principal's leadership behaviors and practices, rigorous curriculum, school
 93.12 performance, and high-quality instruction;

93.13 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

93.14 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and
 93.15 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

93.16 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation
 93.17 and incorporate district achievement goals and targets;

93.18 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and
 93.19 learning, curriculum and instruction, student learning, culturally responsive leadership
 93.20 practices, and a collaborative professional culture; and

93.21 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria
 93.22 under this subdivision, implement a plan to improve the principal's performance and specify
 93.23 the procedure and consequence if the principal's performance is not improved.

93.24 The provisions of this paragraph are intended to provide districts with sufficient flexibility
 93.25 to accommodate district needs and goals related to developing, supporting, and evaluating
 93.26 principals.

93.27 **EFFECTIVE DATE.** This section is effective July 1, 2023.

93.28 Sec. 50. Minnesota Statutes 2020, section 125A.08, is amended to read:

93.29 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

93.30 (a) At the beginning of each school year, each school district shall have in effect, for
 93.31 each child with a disability, an individualized education program.

94.1 (b) As defined in this section, every district must ensure the following:

94.2 (1) all students with disabilities are provided the special instruction and services which
94.3 are appropriate to their needs. Where the individualized education program team has
94.4 determined appropriate goals and objectives based on the student's needs, including the
94.5 extent to which the student can be included in the least restrictive environment, and where
94.6 there are essentially equivalent and effective instruction, related services, or assistive
94.7 technology devices available to meet the student's needs, cost to the district may be among
94.8 the factors considered by the team in choosing how to provide the appropriate services,
94.9 instruction, or devices that are to be made part of the student's individualized education
94.10 program. The individualized education program team shall consider and may authorize
94.11 services covered by medical assistance according to section 256B.0625, subdivision 26.
94.12 Before a school district evaluation team makes a determination of other health disability
94.13 under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation
94.14 team must seek written documentation of the student's medically diagnosed chronic or acute
94.15 health condition signed by a licensed physician or a licensed health care provider acting
94.16 within the scope of the provider's practice. The student's needs and the special education
94.17 instruction and services to be provided must be agreed upon through the development of
94.18 an individualized education program. The program must address the student's need to develop
94.19 skills to live and work as independently as possible within the community. The individualized
94.20 education program team must consider positive behavioral interventions, strategies, and
94.21 supports that address behavior needs for children. During grade 9, the program must address
94.22 the student's needs for transition from secondary services to postsecondary education and
94.23 training, employment, community participation, recreation, and leisure and home living. In
94.24 developing the program, districts must inform parents of the full range of transitional goals
94.25 and related services that should be considered. The program must include a statement of
94.26 the needed transition services, including a statement of the interagency responsibilities or
94.27 linkages or both before secondary services are concluded. If the individualized education
94.28 program meets the plan components in section 120B.125, the individualized education
94.29 program satisfies the requirement and no additional transition plan is needed;

94.30 (2) children with a disability under age five and their families are provided special
94.31 instruction and services appropriate to the child's level of functioning and needs;

94.32 (3) children with a disability and their parents or guardians are guaranteed procedural
94.33 safeguards and the right to participate in decisions involving identification, assessment
94.34 including assistive technology assessment, and educational placement of children with a
94.35 disability;

95.1 (4) eligibility and needs of children with a disability are determined by an initial
95.2 evaluation or reevaluation, which may be completed using existing data under United States
95.3 Code, title 20, section 33, et seq.;

95.4 (5) to the maximum extent appropriate, children with a disability, including those in
95.5 public or private institutions or other care facilities, are educated with children who are not
95.6 disabled, and that special classes, separate schooling, or other removal of children with a
95.7 disability from the regular educational environment occurs only when and to the extent that
95.8 the nature or severity of the disability is such that education in regular classes with the use
95.9 of supplementary services cannot be achieved satisfactorily;

95.10 (6) in accordance with recognized professional standards, testing and evaluation materials,
95.11 and procedures used for the purposes of classification and placement of children with a
95.12 disability are selected and administered so as not to be racially or culturally discriminatory;
95.13 and

95.14 (7) the rights of the child are protected when the parents or guardians are not known or
95.15 not available, or the child is a ward of the state.

95.16 (c) For all paraprofessionals employed to work in programs whose role in part is to
95.17 provide direct support to students with disabilities, the school board in each district shall
95.18 ensure that:

95.19 (1) before or beginning at the time of employment, each paraprofessional must develop
95.20 sufficient knowledge and skills in emergency procedures, building orientation, roles and
95.21 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin
95.22 meeting the needs, especially disability-specific and behavioral needs, of the students with
95.23 whom the paraprofessional works;

95.24 (2) before beginning work alone with an individual student with a disability, the assigned
95.25 paraprofessional must be either given paid time, or time during the school day, to review a
95.26 student's individualized education program or be briefed on the student's specific needs by
95.27 appropriate staff;

95.28 ~~(2)~~ (3) annual training opportunities are required to enable the paraprofessional to
95.29 continue to further develop the knowledge and skills that are specific to the students with
95.30 whom the paraprofessional works, including understanding disabilities, the unique and
95.31 individual needs of each student according to the student's disability and how the disability
95.32 affects the student's education and behavior, following lesson plans, and implementing
95.33 follow-up instructional procedures and activities; ~~and~~

96.1 (4) a minimum of 16 hours of paid orientation or professional development must be
96.2 provided annually to all paraprofessionals, Title I aides, and other instructional support
96.3 staff. Eight of the 16 hours must be completed before the first instructional day of the school
96.4 year or within 30 days of hire. The orientation or professional development must be relevant
96.5 to the employee's occupation and may include collaboration time with classroom teachers
96.6 and planning for the school year. For paraprofessionals who provide direct support to
96.7 students, at least 50 percent of the professional development or orientation must be dedicated
96.8 to meeting the requirements of this section. Professional development for paraprofessionals
96.9 may also address the requirements of section 120B.363, subdivision 3. A school administrator
96.10 must provide an annual certification of compliance with this requirement to the commissioner;
96.11 and

96.12 ~~(3)~~ (5) a districtwide process obligates each paraprofessional to work under the ongoing
96.13 direction of a licensed teacher and, where appropriate and possible, the supervision of a
96.14 school nurse.

96.15 (d) A school district may conduct a functional behavior assessment as defined in
96.16 Minnesota Rules, part 3525.0210, subpart 22, as a stand-alone evaluation without conducting
96.17 a comprehensive evaluation of the student in accordance with prior written notice provisions
96.18 in section 125A.091, subdivision 3a. A parent or guardian may request that a school district
96.19 conduct a comprehensive evaluation of the parent's or guardian's student.

96.20 Sec. 51. Minnesota Statutes 2020, section 179A.03, subdivision 19, is amended to read:

96.21 Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment"
96.22 means the hours of employment, the compensation therefor including fringe benefits except
96.23 retirement contributions or benefits other than employer payment of, or contributions to,
96.24 premiums for group insurance coverage of retired employees or severance pay, class sizes
96.25 in Minnesota school districts and charter schools, student testing, student to personnel ratios
96.26 in Minnesota school districts, and the employer's personnel policies affecting the working
96.27 conditions of the employees. In the case of professional employees the term does not mean
96.28 educational policies of a school district. "Terms and conditions of employment" is subject
96.29 to section 179A.07.

96.30 Sec. 52. **REPEALER.**

96.31 Minnesota Statutes 2020, sections 122A.091, subdivisions 3 and 6; 122A.092; 122A.18,
96.32 subdivision 7c; 122A.184, subdivision 3; 122A.23, subdivision 3; and 122A.2451, are
96.33 repealed.

ARTICLE 4

CHARTER SCHOOLS

97.1

97.2

97.3 Section 1. Minnesota Statutes 2020, section 124E.02, is amended to read:

97.4

124E.02 DEFINITIONS.

97.5

97.6

(a) For purposes of this chapter, the terms defined in this section have the meanings given them.

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(b) "Affidavit" means a written statement the authorizer submits to the commissioner for approval to establish a charter school under section 124E.06, subdivision 4, attesting to its review and approval process before chartering a school.

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(c) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.

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(d) "Charter management organization" means any nonprofit entity that contracts with a charter school board of directors to provide, manage, or oversee all or substantially all of a charter school's educational design or implementation or a charter school's administrative, financial, business, or operational functions.

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~~(d)~~ (e) "Control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether by owning voting securities, by contract, or otherwise.

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(f) "Education management organization" means any for-profit entity that provides, manages, or oversees all or substantially all of the educational design or implementation for a charter school or a charter school's administrative, financial, business, or operational functions.

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~~(e)~~ (g) "Immediate family" means an individual whose relationship by blood, marriage, adoption, or partnership is no more remote than first cousin.

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(h) "Online education service provider" means an organization that provides an online learning management system, virtual learning environment, or online student management system for a charter school and services for the implementation and operation of an online education program for the charter school.

97.28

~~(f)~~ (i) "Person" means an individual or entity of any kind.

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~~(g)~~ (j) "Related party" means an affiliate or immediate relative of the other interested party, an affiliate of an immediate relative who is the other interested party, or an immediate relative of an affiliate who is the other interested party.

98.1 ~~(h)~~ (k) For purposes of this chapter, the terms defined in section 120A.05 have the same
98.2 meanings.

98.3 Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:

98.4 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall
98.5 meet all federal, state, and local health and safety requirements applicable to school districts.

98.6 (b) A school must comply with statewide accountability requirements governing standards
98.7 and assessments in chapter 120B.

98.8 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
98.9 123B.34 to 123B.39.

98.10 (d) A charter school is a district for the purposes of tort liability under chapter 466.

98.11 (e) A charter school must comply with the Pledge of Allegiance requirement under
98.12 section 121A.11, subdivision 3.

98.13 (f) A charter school and charter school board of directors must comply with chapter 181
98.14 governing requirements for employment.

98.15 (g) A charter school must comply with continuing truant notification under section
98.16 260A.03.

98.17 (h) A charter school must develop and implement a teacher evaluation and peer review
98.18 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place
98.19 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).
98.20 The teacher evaluation process in this paragraph does not create any additional employment
98.21 rights for teachers.

98.22 (i) A charter school must adopt a policy, plan, budget, and process, consistent with
98.23 section 120B.11, to review curriculum, instruction, and student achievement and strive for
98.24 the world's best workforce.

98.25 (j) A charter school is subject to and must comply with section 121A.575 and the Pupil
98.26 Fair Dismissal Act, sections 121A.40 to 121A.56.

98.27 (k) A charter school is subject to and must comply with the uniform municipal contracting
98.28 law according to section 471.345 in the same manner as school districts.

99.1 Sec. 3. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to
99.2 read:

99.3 Subd. 8. **English learners.** A charter school is subject to and must comply with the
99.4 Education for English Learners Act, sections 124D.58 to 124D.64, as though it were a
99.5 district.

99.6 Sec. 4. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to
99.7 read:

99.8 Subd. 9. **Corporal punishment.** A charter school is subject to and must comply with
99.9 section 121A.58 as though it were a district.

99.10 Sec. 5. Minnesota Statutes 2020, section 124E.05, subdivision 4, is amended to read:

99.11 Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must
99.12 include in its application to the commissioner at least the following:

99.13 (1) how the organization carries out its mission by chartering schools;

99.14 (2) a description of the capacity of the organization to serve as an authorizer, including
99.15 the positions allocated to authorizing duties, the qualifications for those positions, the
99.16 full-time equivalencies of those positions, and the financial resources available to fund the
99.17 positions;

99.18 (3) the application and review process the authorizer uses to decide whether to grant
99.19 charters;

99.20 (4) the type of contract it arranges with the schools it charters to meet the provisions of
99.21 section 124E.10;

99.22 (5) the process for overseeing the school, consistent with clause (4), to ensure that the
99.23 schools chartered comply with applicable law and rules and the contract;

99.24 (6) the criteria and process the authorizer uses to approve applications adding grades or
99.25 sites under section 124E.06, subdivision 5;

99.26 (7) the process for renewing or terminating the school's charter based on evidence
99.27 showing the academic, organizational, and financial competency of the school, including
99.28 its success in increasing student achievement and meeting the goals of the charter school
99.29 agreement; and

99.30 (8) an assurance specifying that the organization is committed to serving as an authorizer
99.31 for the full five-year term until the commissioner terminates the organization's ability to

100.1 authorize charter schools under subdivision 6 or the organization formally withdraws as an
100.2 approved authorizer under subdivision 7.

100.3 (b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the
100.4 requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict
100.5 of interest between an authorizer and its charter schools or ongoing evaluation or continuing
100.6 education of an administrator or other professional support staff by submitting to the
100.7 commissioner a written promise to comply with the requirements.

100.8 Sec. 6. Minnesota Statutes 2020, section 124E.05, subdivision 6, is amended to read:

100.9 Subd. 6. **Corrective action.** (a) If, consistent with this chapter, the commissioner finds
100.10 that an authorizer has not met the requirements of this chapter, the commissioner may subject
100.11 the authorizer to a corrective action plan, which may ~~include terminating the contract with~~
100.12 ~~the charter school board of directors of a school it chartered.~~ last no longer than 130 business
100.13 days. The commissioner may prohibit an authorizer on a corrective plan from accepting a
100.14 transfer application from a charter school and an application to establish a charter school.

100.15 (b) The commissioner must notify the authorizer in writing ~~of~~ that the authorizer has
100.16 been placed on a corrective plan. The notice must include any findings that may subject the
100.17 authorizer to corrective action at the conclusion of the corrective plan and the authorizer
100.18 then has 15 business days to request an informal hearing before the commissioner takes
100.19 corrective action. The commissioner must hold an informal hearing within 15 business days
100.20 of the request. If the issues identified as the basis for the corrective action are not resolved
100.21 at the informal hearing, the authorizer must make the requested improvements and notify
100.22 the commissioner of the improvements within 45 business days. Within 20 business days,
100.23 the commissioner must review the changes and notify the authorizer of any remaining issues
100.24 to be resolved. An authorizer must address the remaining issues as directed by the
100.25 commissioner within 20 business days. Within 15 business days, the commissioner must
100.26 review the changes and notify the authorizer whether all issues in the corrective plan have
100.27 been resolved.

100.28 (c) ~~If the commissioner terminates a contract between an authorizer and a charter school~~
100.29 ~~under this paragraph the authorizer's ability to charter a school, the commissioner may must~~
100.30 assist the affected charter school in acquiring a new authorizer. A charter school board of
100.31 directors may submit to the commissioner a request to transfer to a new authorizer without
100.32 the approval or consent of the current authorizer if that authorizer has been under a corrective
100.33 action plan for more than 130 business days.

101.1 ~~(b)~~ (d) The commissioner may at any time take corrective action against an authorizer,
 101.2 including terminating an authorizer's ability to charter a school, terminating a contract with
 101.3 a charter school, and other appropriate sanctions for:

101.4 (1) failing to demonstrate the criteria under subdivision 3 under which the commissioner
 101.5 approved the authorizer;

101.6 (2) violating a term of the chartering contract between the authorizer and the charter
 101.7 school board of directors;

101.8 (3) unsatisfactory performance as an approved authorizer; ~~or~~

101.9 (4) any good cause shown that gives the commissioner a legally sufficient reason to take
 101.10 corrective action against an authorizer; or

101.11 (5) failing to meet the terms of a corrective action plan by the specified deadline.

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

101.13 Sec. 7. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

101.14 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw
 101.15 as an approved authorizer for a reason unrelated to any cause under section ~~124E.10,~~
 101.16 ~~subdivision 4~~ 124E.07, subdivision 6, the authorizer must notify all its chartered schools
 101.17 and the commissioner in writing by March 1 of its intent to withdraw as an authorizer on
 101.18 June 30 in the next calendar year, ~~regardless of when the authorizer's five-year term of~~
 101.19 ~~approval ends.~~ Upon notification of the schools and commissioner, the authorizer must
 101.20 provide a letter to the school for distribution to families of students enrolled in the school
 101.21 that explains the decision to withdraw as an authorizer. The commissioner may approve the
 101.22 transfer of a charter school to a new authorizer under section 124E.10, subdivision 5.

101.23 Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

101.24 Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an
 101.25 application from a charter school developer, may charter either a licensed teacher under
 101.26 section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed
 101.27 teachers under section 122A.18, subdivision 1, to operate a school subject to the
 101.28 commissioner's approval of the authorizer's affidavit under subdivision 4.

101.29 (b) "Application" under this section means the charter school business plan a charter
 101.30 school developer submits to an authorizer for approval to establish a charter school. This
 101.31 application must include:

- 102.1 (1) the school developer's:
- 102.2 (i) mission statement;
- 102.3 (ii) school purposes;
- 102.4 (iii) program design;
- 102.5 (iv) financial plan;
- 102.6 (v) market need and demand study;
- 102.7 ~~(v)~~ (vi) governance and management structure; and
- 102.8 ~~(vi)~~ (vii) background and experience;
- 102.9 (2) any other information the authorizer requests; and
- 102.10 (3) a "statement of assurances" of legal compliance prescribed by the commissioner.
- 102.11 (c) "Market need and demand study" means a study that includes the following for any
- 102.12 proposed location of a new school, grade or site expansion, or preschool program:
- 102.13 (1) current and projected demographic information;
- 102.14 (2) student enrollment patterns;
- 102.15 (3) information on existing schools and types of educational programs currently available;
- 102.16 (4) characteristics of proposed students and families;
- 102.17 (5) availability of properly zoned and classified facilities; and
- 102.18 (6) quantification of existing demand for the new school, grade or site expansion, or
- 102.19 preschool program.
- 102.20 ~~(e)~~ (d) An authorizer shall not approve an application submitted by a charter school
- 102.21 developer under paragraph (a) if the application does not comply with subdivision 3,
- 102.22 paragraph (e), and section 124E.01, subdivision 1. The commissioner shall not approve an
- 102.23 affidavit submitted by an authorizer under subdivision 4 if the affidavit does not comply
- 102.24 with subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

102.25 Sec. 9. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:

102.26 **Subd. 4. Authorizer's affidavit; approval process.** (a) Before an operator may establish

102.27 and operate a school, the authorizer must file an affidavit with the commissioner stating its

102.28 intent to charter a school. An authorizer must file a separate affidavit for each school it

103.1 intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of
103.2 the year the new charter school plans to serve students. The affidavit must state:

103.3 (1) the terms and conditions under which the authorizer would charter a school, including
103.4 market research that addresses the need, demand, and potential market for the proposed
103.5 charter school in the community where the school intends to locate; and

103.6 (2) how the authorizer intends to oversee:

103.7 (i) the fiscal and student performance of the charter school; and

103.8 (ii) compliance with the terms of the written contract between the authorizer and the
103.9 charter school board of directors under section 124E.10, subdivision 1.

103.10 (b) The commissioner must approve or disapprove the authorizer's affidavit within 60
103.11 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the
103.12 commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer
103.13 then has 20 business days to address the deficiencies. The commissioner must notify the
103.14 authorizer of the commissioner's final approval or final disapproval within 15 business days
103.15 after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer
103.16 does not address deficiencies to the commissioner's satisfaction, the commissioner's
103.17 disapproval is final. An authorizer who fails to obtain the commissioner's approval is
103.18 precluded from chartering the school that is the subject of this affidavit.

103.19 Sec. 10. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

103.20 Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to
103.21 amend the school charter to add grades or primary enrollment sites beyond those defined
103.22 in the original affidavit approved by the commissioner. After approving the school's
103.23 application, the authorizer shall submit a supplemental affidavit in the form and manner
103.24 prescribed by the commissioner. The authorizer must file a supplemental affidavit to the
103.25 commissioner by October 1 to be eligible to add grades or sites in the next school year. The
103.26 supplemental affidavit must document to the authorizer's satisfaction:

103.27 (1) the need for the additional grades or sites with supporting long-range enrollment
103.28 projections;

103.29 (2) a longitudinal record of student academic performance and growth on statewide
103.30 assessments under chapter 120B or on other academic assessments that measure longitudinal
103.31 student performance and growth approved by the charter school's board of directors and
103.32 agreed upon with the authorizer;

104.1 (3) a history of sound school finances and a plan to add grades or sites that sustains the
104.2 school's finances; ~~and~~

104.3 (4) board capacity to administer and manage the additional grades or sites; and

104.4 (5) market need and demand study.

104.5 (b) The commissioner shall have 30 business days to review and comment on the
104.6 supplemental affidavit. The commissioner shall notify the authorizer in writing of any
104.7 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to
104.8 address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.
104.9 The commissioner must notify the authorizer of final approval or final disapproval within
104.10 15 business days after receiving the authorizer's response to the deficiencies in the affidavit.
104.11 The school may not add grades or sites until the commissioner has approved the supplemental
104.12 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

104.13 Sec. 11. Minnesota Statutes 2020, section 124E.11, is amended to read:

104.14 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

104.15 (a) A charter school, including its preschool or prekindergarten program established
104.16 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

104.17 (1) pupils within an age group or grade level;

104.18 (2) pupils who are eligible to participate in the graduation incentives program under
104.19 section 124D.68; or

104.20 (3) residents of a specific geographic area in which the school is located when the
104.21 majority of students served by the school are members of underserved populations.

104.22 (b) A charter school, including its preschool or prekindergarten program established
104.23 under section 124E.06, subdivision 3, paragraph (b), shall enroll an eligible pupil who
104.24 submits a timely application, unless the number of applications exceeds the capacity of a
104.25 program, class, grade level, or building. In this case, pupils must be accepted by lot. The
104.26 charter school must develop and publish, including on its website, a lottery policy and
104.27 process that it must use when accepting pupils by lot.

104.28 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil
104.29 and to a foster child of that pupil's parents and may give preference for enrolling children
104.30 of the school's staff before accepting other pupils by lot. A charter school that is located in
104.31 Duluth township in St. Louis County and admits students in kindergarten through grade 6
104.32 must give enrollment preference to students residing within a five-mile radius of the school

105.1 and to the siblings of enrolled children. A charter school may give enrollment preference
105.2 to children currently enrolled in the school's free preschool or prekindergarten program
105.3 under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten
105.4 in the next school year.

105.5 (d) Admission to a charter school must be free to any person who resides within the state
105.6 of Minnesota, and Minnesota students have preference over out-of-state residents. A person
105.7 shall not be admitted to a charter school (1) as a kindergarten pupil, unless the pupil is at
105.8 least five years of age on September 1 of the calendar year in which the school year for
105.9 which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil
105.10 is at least six years of age on September 1 of the calendar year in which the school year for
105.11 which the pupil seeks admission commences or has completed kindergarten; except that a
105.12 charter school may establish and publish on its website a policy for admission of selected
105.13 pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).

105.14 (e) Except as permitted in paragraph (d), a charter school, including its preschool or
105.15 prekindergarten program established under section 124E.06, subdivision 3, paragraph (b),
105.16 may not limit admission to pupils on the basis of intellectual ability, measures of achievement
105.17 or aptitude, or athletic ability and may not establish any criteria or requirements for admission
105.18 that are inconsistent with this section.

105.19 (f) The charter school shall not distribute any services or goods of value to students,
105.20 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter
105.21 school.

105.22 (g) Once a student is enrolled in the school, the student is considered enrolled in the
105.23 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal
105.24 Act in sections 121A.40 to 121A.56.

105.25 (h) A charter school with at least 90 percent of enrolled students who are eligible for
105.26 special education services and have a primary disability of deaf or hard-of-hearing may
105.27 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,
105.28 paragraph (a), and must comply with the federal Individuals with Disabilities Education
105.29 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause
105.30 (iv).

105.31 Sec. 12. Minnesota Statutes 2020, section 124E.12, subdivision 1, is amended to read:

105.32 Subdivision 1. **Teachers.** A charter school must employ necessary teachers or contract
105.33 with a cooperative formed under chapter 308A to provide necessary teachers, as defined

106.1 by section ~~122A.15, subdivision 1~~ 122A.06, subdivision 2, who hold valid licenses to
106.2 perform the particular service for which they are employed in the school. The commissioner
106.3 may reduce the charter school's state aid under section 127A.43 if the school employs a
106.4 teacher who is not appropriately licensed or approved by the Professional Educator Licensing
106.5 and Standards Board. The school may employ necessary employees who are not required
106.6 to hold teaching licenses to perform duties other than teaching and may contract for other
106.7 services. The school may discharge teachers and nonlicensed employees. The charter school
106.8 board is subject to section 181.932 governing whistle-blowers. When offering employment
106.9 to a prospective employee, a charter school must give that employee a written description
106.10 of the terms and conditions of employment and the school's personnel policies.

106.11 Sec. 13. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

106.12 Subdivision 1. **Leased space.** A charter school may lease space from: an independent
106.13 or special school board; other public organization; private, nonprofit, nonsectarian
106.14 organization; private property owner; or a sectarian organization; and if the leased space is
106.15 owned by the lessor and is constructed as a school facility. The commissioner must review
106.16 and approve or disapprove leases in a timely manner to determine eligibility for lease aid
106.17 under section 124E.22.

106.18 Sec. 14. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

106.19 Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits,
106.20 audit procedures, and audit requirements as a district, except as required under this
106.21 subdivision. Audits must be conducted in compliance with generally accepted governmental
106.22 auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing
106.23 auditing procedures. A charter school is subject to and must comply with sections 15.054;
106.24 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property
106.25 and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing
106.26 municipal contracting. The audit must comply with the requirements of sections 123B.75
106.27 to 123B.83 governing school district finance, except when the commissioner and authorizer
106.28 approve a deviation made necessary because of school program finances. The commissioner,
106.29 state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance
106.30 audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must
106.31 submit a plan under section 123B.81, subdivision 4.

106.32 (b) The charter school must submit an audit report to the commissioner and its authorizer
106.33 annually by December 31. The charter school's charter management organization or

107.1 educational management organization must submit an audit report to the commissioner
107.2 annually by December 31.

107.3 (c) The charter school, with the assistance of the auditor conducting the audit, must
107.4 include with the report, as supplemental information: (1) a copy of management agreements
107.5 with a charter management organization or an educational management organization and
107.6 (2) service agreements or contracts over the lesser of \$100,000 or ten percent of the school's
107.7 most recent annual audited expenditures. The agreements must detail the terms of the
107.8 agreement, including the services provided and the annual costs for those services. If the
107.9 entity that provides the professional services to the charter school is exempt from taxation
107.10 under section 501 of the Internal Revenue Code of 1986, that entity must file with the
107.11 commissioner by February 15 a copy of the annual return required under section 6033 of
107.12 the Internal Revenue Code of 1986.

107.13 (d) A charter school independent audit report shall include audited financial data of an
107.14 affiliated building corporation under section 124E.13, subdivision 3, or other component
107.15 unit.

107.16 (e) If the audit report finds that a material weakness exists in the financial reporting
107.17 systems of a charter school, the charter school must submit a written report to the
107.18 commissioner explaining how the charter school will resolve that material weakness. An
107.19 auditor, as a condition of providing financial services to a charter school, must agree to
107.20 make available information about a charter school's financial audit to the commissioner and
107.21 authorizer upon request.

107.22 Sec. 15. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

107.23 Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section
107.24 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods
107.25 occurring after the school ceases serving students, the commissioner shall withhold the
107.26 estimated state aid owed the school. The charter school board of directors and authorizer
107.27 must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial
107.28 information about the school's liabilities and assets. After receiving the closure plan, financial
107.29 information, an audit of pupil counts, and documented lease expenditures from the charter
107.30 school and monitoring special education expenditures, the commissioner may release cash
107.31 withheld and may continue regular payments up to the current year payment percentages
107.32 if further amounts are owed. If, based on audits and monitoring, the school received state
107.33 aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to
107.34 eliminate the aid overpayment.

108.1 (b) For a charter school ceasing operations before or at the end of a school year,
108.2 notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary
108.3 final payments after the school submits the closure plan, an audit of pupil counts, documented
108.4 lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS)
108.5 financial data and the commissioner monitors special education expenditures for the final
108.6 year of operation. The commissioner may make the final payment after receiving audited
108.7 financial statements under section 123B.77, subdivision 3.

108.8 (c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and
108.9 satisfying creditors, remaining cash and investment balances shall be returned by the
108.10 commissioner to the state general fund.

108.11 ARTICLE 5

108.12 SPECIAL EDUCATION

108.13 Section 1. Minnesota Statutes 2020, section 122A.31, subdivision 1, is amended to read:

108.14 Subdivision 1. **Requirements for American sign language/English interpreters.** (a)
108.15 In addition to any other requirements that a school district establishes, any person employed
108.16 to provide American sign language/English interpreting or sign transliterating services on
108.17 a full-time or part-time basis for a school district after July 1, 2000, must:

108.18 (1) hold current interpreter ~~and~~ or transliterator certificates awarded by the Registry of
108.19 Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded
108.20 by the National Association of the Deaf (NAD), or a comparable state certification from
108.21 the commissioner of education; ~~2~~ and

108.22 ~~(2)~~ satisfactorily complete an interpreter/transliterator training program affiliated with
108.23 an accredited educational institution; ~~3~~ or

108.24 (2) hold a certified deaf interpreter certification issued by RID.

108.25 (b) New graduates of an interpreter/transliterator program affiliated with an accredited
108.26 education institution or certified deaf interpreters who hold a certification issued by RID
108.27 shall be granted a two-year provisional certificate by the commissioner. During the two-year
108.28 provisional period, the interpreter/transliterator must develop and implement an education
108.29 plan in collaboration with a mentor under paragraph (c).

108.30 (c) A mentor of a provisionally certified interpreter/transliterator must be an
108.31 interpreter/transliterator who has either NAD level IV or V certification or RID certified
108.32 interpreter and certified transliterator certification and have at least three years of

109.1 interpreting/transliterating experience in any educational setting. The mentor, in collaboration
109.2 with the provisionally certified interpreter/transliterating, shall develop and implement an
109.3 education plan designed to meet the requirements of paragraph (a), clause (1), and include
109.4 a weekly on-site mentoring process.

109.5 (d) Consistent with the requirements of this paragraph, a person holding a provisional
109.6 certificate may apply to the commissioner for one time-limited extension. The commissioner,
109.7 in consultation with the Commission of the Deaf, DeafBlind and Hard of Hearing, must
109.8 grant the person a time-limited extension of the provisional certificate based on the following
109.9 documentation:

109.10 (1) letters of support from the person's mentor, a parent of a pupil the person serves, the
109.11 special education director of the district in which the person is employed, and a representative
109.12 from the regional service center of the deaf and hard-of-hearing;

109.13 (2) records of the person's formal education, training, experience, and progress on the
109.14 person's education plan; and

109.15 (3) an explanation of why the extension is needed.

109.16 As a condition of receiving the extension, the person must comply with a plan and the
109.17 accompanying time line for meeting the requirements of this subdivision. A committee
109.18 composed of the deaf and hard-of-hearing state specialist, a representative of the Minnesota
109.19 Association of Deaf Citizens, a representative of the Minnesota Registry of Interpreters ~~of~~
109.20 for the Deaf, and other appropriate ~~persons~~ committee members selected by the commissioner
109.21 must develop the plan and time line for the person receiving the extension.

109.22 (e) A school district may employ only an interpreter/transliterating who has been certified
109.23 under paragraph (a) or (b), or for whom a time-limited extension has been granted under
109.24 paragraph (d).

109.25 (f) An interpreter who meets the requirements of paragraph (a) is "essential personnel"
109.26 as defined in section 125A.76, subdivision 1.

109.27 **Sec. 2. STUDENTS WITH DISABILITIES.**

109.28 Subdivision 1. On-site instruction. A school board developing or updating a plan to
109.29 provide on-site instruction to students must prioritize on-site instruction for a student whose
109.30 individualized education program requires instruction in a federal level three or four setting
109.31 or who is not demonstrating progress on an individualized education program while not
109.32 receiving on-site instruction and a student with a disability who is also identified as an
109.33 English learner in accordance with Minnesota Statutes, section 124D.59.

110.1 Subd. 2. **Home visits.** A school district may provide services required by an
110.2 individualized education program to a student at the student's home. If a district chooses to
110.3 provide services at a student's home under this subdivision, the services provided by district
110.4 staff under this subdivision are determined necessary and essential to meet the district's
110.5 obligation to provide special instruction and services to a student with a disability and qualify
110.6 for funding in accordance with Minnesota Statutes, chapter 125A. A district choosing to
110.7 provide the home visit services must meet and negotiate the terms and conditions of
110.8 employment with the exclusive representative, if any, of the staff providing the services in
110.9 accordance with Minnesota Statutes, chapter 179A.

110.10 Subd. 3. **Tuancy.** A school district must consider how a student's disability may affect
110.11 the student's ability to engage in distance instruction when determining whether to refer a
110.12 student for truancy programs and services under Minnesota Statutes, section 260A.02,
110.13 subdivision 3, or reporting students for educational neglect under Laws 2020, First Special
110.14 Session chapter 2, article 7. School districts are encouraged to connect families with available
110.15 county-based services, not including services under chapter 260A, to meet families' needs
110.16 if a student is struggling with attendance.

110.17 Subd. 4. **Transition program.** A school district must allow a student participating in a
110.18 special education secondary transition program for a student with a disability and age 18
110.19 through 21 who was expected to participate in employment, in-person job training, or
110.20 independent life skills training during the 2020-2021 school year in accordance with the
110.21 student's individualized education program, to participate during the 2021-2022 school year
110.22 notwithstanding the student's age if the student's individualized education program team
110.23 determines participation in the transition program would be appropriate.

110.24 **EFFECTIVE DATE.** This section is effective the day following final enactment and
110.25 sunsets at the end of the 2021-2022 school year.

110.26 **ARTICLE 6**

110.27 **HEALTH AND SAFETY**

110.28 Section 1. Minnesota Statutes 2020, section 120B.21, is amended to read:

110.29 **120B.21 MENTAL HEALTH EDUCATION.**

110.30 School districts and charter schools ~~are encouraged to~~ must provide mental health
110.31 instruction for students in grades 4 through 12 aligned with local health education standards
110.32 and integrated into existing programs, curriculum, or the general school environment
110.33 activities of a district or charter school. The commissioner, in consultation with the

111.1 commissioner of human services, commissioner of health, and mental health organizations,
111.2 ~~must, by July 1, 2020, and July 1 of each even-numbered year thereafter,~~ provide districts
111.3 and charter schools with resources gathered by Minnesota mental health advocates, including:

111.4 (1) age-appropriate model learning activities for grades 4 through 12 that encompass
111.5 the mental health components of the National Health Education Standards and the
111.6 benchmarks developed by the department's quality teaching network in health and best
111.7 practices in mental health education; and

111.8 (2) a directory of resources for planning and implementing age-appropriate mental health
111.9 curriculum and instruction in grades 4 through 12 that includes resources on suicide and
111.10 self-harm prevention. A district or charter school providing instruction or presentations on
111.11 preventing suicide or self-harm must use either the resources provided by the commissioner
111.12 or other evidence-based instruction.

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

111.14 Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

111.15 Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools ~~are~~
111.16 ~~encouraged to~~ must provide developmentally appropriate programmatic instruction to help
111.17 students identify, prevent, and reduce prohibited conduct; ~~value diversity in school and~~
111.18 ~~society; develop and improve students' knowledge and skills for solving problems, managing~~
111.19 ~~conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited~~
111.20 ~~conduct; and make effective prevention and intervention programs available to students.~~
111.21 ~~Upon request, the school safety technical assistance center under section 127A.052 must~~
111.22 ~~assist a district or school in helping students understand social media and cyberbullying.~~
111.23 ~~Districts and schools must establish~~ by establishing strategies for creating a positive school
111.24 climate and use evidence-based social-emotional learning to prevent and reduce
111.25 discrimination and other improper conduct.

111.26 (b) Districts and schools ~~are encouraged to~~ must:

111.27 (1) engage all students in creating a safe and supportive school environment;

111.28 (2) partner with parents and other community members to develop and implement
111.29 prevention and intervention programs;

111.30 (3) engage all students and adults in integrating education, intervention, and other
111.31 remedial responses into the school environment;

112.1 (4) train student bystanders to intervene in and report incidents of prohibited conduct to
112.2 the school's primary contact person;

112.3 (5) teach students to advocate for themselves and others;

112.4 (6) prevent inappropriate referrals to special education of students who may engage in
112.5 prohibited conduct; and

112.6 (7) foster student collaborations that foster a safe and supportive school climate.

112.7 Sec. 3. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

112.8 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the
112.9 commissioner of human rights, shall develop and maintain a state model policy. A district
112.10 or school that does not adopt and implement a local policy under subdivisions 3 to 5 must
112.11 implement and may supplement the provisions of the state model policy. The commissioner
112.12 must assist districts and schools under this subdivision to implement the state policy. The
112.13 state model policy must:

112.14 (1) define prohibited conduct, consistent with this section;

112.15 (2) apply the prohibited conduct policy components in this section;

112.16 (3) for a child with a disability, whenever an evaluation by an individualized education
112.17 program team or a section 504 team indicates that the child's disability affects the child's
112.18 social skills development or the child is vulnerable to prohibited conduct because of the
112.19 child's disability, the child's individualized education program or section 504 plan may
112.20 address the skills and proficiencies the child needs to not engage in and respond to such
112.21 conduct; and

112.22 (4) encourage violence prevention and character development education programs under
112.23 section 120B.232, subdivision 1.

112.24 (b) The commissioner shall develop and post departmental procedures for:

112.25 (1) periodically reviewing district and school programs and policies for compliance with
112.26 this section;

112.27 (2) investigating, reporting, and responding to noncompliance with this section, which
112.28 may include an annual review of plans to improve and provide a safe and supportive school
112.29 climate; and

112.30 (3) allowing students, parents, and educators to file a complaint about noncompliance
112.31 with the commissioner.

113.1 (c) The commissioner must post on the department's website information indicating that
113.2 when districts and schools allow non-curriculum-related student groups access to school
113.3 facilities, the district or school must give all student groups equal access to the school
113.4 facilities regardless of the content of the group members' speech.

113.5 (d) The commissioner must develop and maintain resources to assist a district or school
113.6 in implementing strategies for creating a positive school climate and use evidence-based
113.7 social-emotional learning to prevent and reduce discrimination and other improper conduct.

113.8 (e) The commissioner must develop and adopt state-level social-emotional learning
113.9 standards.

113.10 **Sec. 4. [121A.20] SCHOOL MENTAL HEALTH SYSTEMS.**

113.11 Mental health is defined as the social, emotional, and behavioral well-being of students.
113.12 Comprehensive school mental health systems provide an array of supports and services that
113.13 promote positive school climate, social-emotional learning, and mental health and well-being,
113.14 while reducing the prevalence and severity of mental illness. School mental health systems
113.15 are built on a strong foundation of district and school professionals, including administrators,
113.16 educators, and specialized instructional support personnel including school psychologists,
113.17 school social workers, school counselors, school nurses, and other school health professionals,
113.18 all in strategic partnership with students and families, as well as community health and
113.19 mental health partners. School mental health systems also assess and address the social and
113.20 environmental factors that impact mental health, including public policies and social norms
113.21 that shape mental health outcomes.

113.22 **Sec. 5. [121A.201] MULTI-TIERED SYSTEM OF SUPPORTS.**

113.23 The Minnesota Multi-Tiered System of Supports is a systemic, continuous improvement
113.24 framework for ensuring positive social, emotional, behavioral, developmental, and academic
113.25 outcomes for every student. The Multi-Tiered System of Supports provides access to layered
113.26 tiers of culturally and linguistically responsive, evidence-based practices. The Multi-Tiered
113.27 System of Supports framework relies on the understanding and belief that every student
113.28 can learn and thrive, and it engages an anti-racist approach to examining policies and
113.29 practices and ensuring equitable distribution of resources and opportunity. This systemic
113.30 framework requires:

113.31 (1) design and delivery of culturally and linguistically responsive, effective,
113.32 standards-based core instruction in safe, supportive environments inclusive of every student
113.33 as a necessary foundation for tiered supports;

114.1 (2) layered tiers of culturally and linguistically responsive supplemental and intensive
114.2 supports to meet each student's needs;

114.3 (3) developing collective knowledge and experience through engagement in representative
114.4 partnerships with students, education professionals, families, and communities;

114.5 (4) multidisciplinary teams of education professionals that review and use data to prevent
114.6 and solve problems, inform instruction and supports, and ensure effective implementation
114.7 in partnership with students and families;

114.8 (5) effective and timely use of meaningful, culturally relevant data disaggregated by
114.9 student groups identified in section 121A.031 that includes but is not limited to universal
114.10 screening, frequent progress monitoring, implementation fidelity, and multiple qualitative
114.11 and quantitative sources; and

114.12 (6) ongoing professional learning on the Multi-Tiered System of Supports systemic
114.13 framework using anti-racist approaches to training and coaching.

114.14 **Sec. 6. [121A.24] SEIZURE TRAINING AND ACTION PLAN.**

114.15 Subdivision 1. **Seizure action plan.** (a) For purposes of this section, "seizure action
114.16 plan" means a written individualized health plan designed to acknowledge and prepare for
114.17 the health care needs of a student with a seizure disorder diagnosed by the student's treating
114.18 licensed health care provider.

114.19 (b) The requirements of this subdivision apply to a school district or charter school where
114.20 an enrolled student's parent or guardian has notified the school district or charter school that
114.21 the student has a diagnosed seizure disorder and has seizure rescue medication or medication
114.22 prescribed by the student's licensed health care provider to treat seizure disorder symptoms
114.23 approved by the United States Food and Drug Administration. The parent or guardian of a
114.24 student with a diagnosed seizure disorder must collaborate with school personnel to
114.25 implement the seizure action plan.

114.26 (c) A seizure action plan must:

114.27 (1) identify a school nurse or a designated individual at each school site who is on duty
114.28 during the regular school day and can administer or assist with the administration of seizure
114.29 rescue medication or medication prescribed to treat seizure disorder symptoms approved
114.30 by the United States Food and Drug Administration;

114.31 (2) require training on seizure medications for an employee identified under clause (1),
114.32 recognition of signs and symptoms of seizures, and appropriate steps to respond to seizures;

115.1 (3) be provided to the person identified under clause (1); and

115.2 (4) be filed in the office of the school principal or licensed school nurse or, in the absence
115.3 of a licensed school nurse, a professional nurse or designated individual.

115.4 (d) A school district or charter school employee or volunteer responsible for the
115.5 supervision or care of a student with a diagnosed seizure disorder must be given notice and
115.6 a copy of the seizure action plan, the name or position of the employee identified under
115.7 paragraph (c), clause (1), and the method by which the trained school employee may be
115.8 contacted in an emergency.

115.9 Subd. 2. **Training requirements.** A school district or charter school must provide all
115.10 licensed school nurses or, in the absence of a licensed school nurse, a professional nurse or
115.11 designated individual, and other school staff working with students with self-study materials
115.12 on seizure disorder signs, symptoms, medications, and appropriate responses.

115.13 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

115.14 **Sec. 7. [127A.20] COMPREHENSIVE SCHOOL MENTAL HEALTH SERVICES**

115.15 **LEAD.**

115.16 Subdivision 1. **Lead position established.** The department must employ a lead to serve
115.17 as a source of information and support for schools in addressing students' mental health
115.18 needs and developing comprehensive school mental health systems.

115.19 Subd. 2. **Assistance to districts.** (a) The lead must assist schools in assessing the quality
115.20 of their comprehensive school mental health systems and developing improvement plans
115.21 to implement evidence-based mental health resources, tools, and practices in school districts
115.22 throughout Minnesota.

115.23 (b) The comprehensive school mental health services lead must work with school districts
115.24 to improve mental health infrastructure support by:

115.25 (1) developing guidance and sharing resources on improving the quality of comprehensive
115.26 school mental health systems;

115.27 (2) developing and sharing resources on evidence-based strategies, behavioral
115.28 interventions, and practices or techniques for addressing students' mental health needs,
115.29 including implementing a comprehensive approach to suicide prevention;

115.30 (3) maintaining a list of local, state, and national mental health resources for school
115.31 districts, including public and private funding opportunities, community-based prevention

116.1 and intervention services, model policies, training for teachers and other district staff, and
116.2 other resources for mental health education under section 120B.21;

116.3 (4) providing advice, upon request, to school districts on implementing trauma-informed
116.4 and culturally responsive school-based programs that provide prevention or intervention
116.5 services to students;

116.6 (5) posting resources on the department's website that school districts may use to address
116.7 students' mental health needs; and

116.8 (6) maintaining a comprehensive list of school district best practices to address students'
116.9 mental health needs.

116.10 (c) The lead may report to the legislature as necessary regarding students' mental health
116.11 needs, challenges in developing comprehensive school mental health services, successful
116.12 strategies and outcomes, and recommendations for integrating mental health services and
116.13 supports in schools.

116.14 Subd. 3. **Coordination with other agencies.** The comprehensive school mental health
116.15 services lead must consult with the Regional Centers of Excellence; the Department of
116.16 Health; the Department of Human Services; the Minnesota School Safety Center; and other
116.17 federal, state, and local agencies as necessary to identify or develop information, training,
116.18 and resources to help school districts support students' mental health needs.

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

116.20 **ARTICLE 7**

116.21 **NUTRITION AND LIBRARIES**

116.22 Section 1. Minnesota Statutes 2020, section 124D.111, is amended to read:

116.23 **124D.111 SCHOOL MEAL POLICY; LUNCH AID; FOOD SERVICE**
116.24 **ACCOUNTING.**

116.25 Subdivision 1. ~~School lunch-aid-computation meal policy.~~ (a) Each Minnesota sponsor
116.26 of the national school lunch program or school breakfast program must adopt and post to
116.27 its website, or the website of the organization where the meal is served, a school meal policy.
116.28 The policy must:

116.29 (1) be in writing, accessible in multiple languages, and clearly communicate student
116.30 meal charges when payment cannot be collected at the point of service;

116.31 (2) be reasonable and well-defined and maintain the dignity of students by prohibiting
116.32 lunch shaming or otherwise ostracizing any student;

117.1 (3) address whether the sponsor uses a collection agency to collect unpaid school meal
117.2 debt;

117.3 (4) require any communication to collect unpaid school meal debt be done by school
117.4 staff trained on the school district's policy on collecting student meal debt;

117.5 (5) require that all communication relating to school meal debt be delivered only to a
117.6 student's parent or guardian and not directly to the student;

117.7 (6) ensure that once a sponsor has placed a meal on a tray or otherwise served a
117.8 reimbursable meal to a student, the meal may not be subsequently withdrawn from the
117.9 student by the cashier or other school official because the student has outstanding meal
117.10 debt;

117.11 (7) ensure that a student who has been determined eligible for free and reduced-price
117.12 lunch must always be served a reimbursable meal even if the student has outstanding debt;

117.13 (8) provide the third-party provider with its school meal policy if the school contracts
117.14 with a third-party provider for its meal services; and

117.15 (9) require school nutrition staff be trained on the policy.

117.16 (b) Any contract between a school and a third-party provider of meal services entered
117.17 into or modified on or after July 1, 2021, must ensure that the third-party provider adheres
117.18 to the sponsor's school meal policy.

117.19 Subd. 1a. **School lunch aid amounts.** Each school year, the state must pay ~~participants~~
117.20 sponsors in the national school lunch program the amount of 12.5 cents for each full paid
117.21 and free student lunch and 52.5 cents for each reduced-price lunch served to students.

117.22 Subd. 2. **Application.** A school district, charter school, nonpublic school, or other
117.23 participant sponsor in the national school lunch program shall apply to the department for
117.24 this payment on forms provided by the department.

117.25 Subd. 2a. **Federal Child and Adult Care Food Program; criteria and notice.** The
117.26 commissioner must post on the department's website eligibility criteria and application
117.27 information for nonprofit organizations interested in applying to the commissioner for
117.28 approval as a multisite sponsoring organization under the federal Child and Adult Care
117.29 Food Program. The posted criteria and information must inform interested nonprofit
117.30 organizations about:

118.1 (1) the criteria the commissioner uses to approve or disapprove an application, including
118.2 how an applicant demonstrates financial viability for the Minnesota program, among other
118.3 criteria;

118.4 (2) the commissioner's process and time line for notifying an applicant when its
118.5 application is approved or disapproved and, if the application is disapproved, the explanation
118.6 the commissioner provides to the applicant; and

118.7 (3) any appeal or other recourse available to a disapproved applicant.

118.8 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision must
118.9 be recorded as provided in this subdivision.

118.10 (b) In each district, the expenses for a school food service program for pupils must be
118.11 attributed to a school food service fund. Under a food service program, the school food
118.12 service may prepare or serve milk, meals, or snacks in connection with school or community
118.13 service activities.

118.14 (c) Revenues and expenditures for food service activities must be recorded in the food
118.15 service fund. The costs of processing applications, accounting for meals, preparing and
118.16 serving food, providing kitchen custodial services, and other expenses involving the preparing
118.17 of meals or the kitchen section of the lunchroom may be charged to the food service fund
118.18 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial
118.19 services, lunchroom utilities, and other administrative costs of the food service program
118.20 must be charged to the general fund.

118.21 That portion of superintendent and fiscal manager costs that can be documented as
118.22 attributable to the food service program may be charged to the food service fund provided
118.23 that the school district does not employ or contract with a food service director or other
118.24 individual who manages the food service program, or food service management company.
118.25 If the cost of the superintendent or fiscal manager is charged to the food service fund, the
118.26 charge must be at a wage rate not to exceed the statewide average for food service directors
118.27 as determined by the department.

118.28 (d) Capital expenditures for the purchase of food service equipment must be made from
118.29 the general fund and not the food service fund, unless the restricted balance in the food
118.30 service fund at the end of the last fiscal year is greater than the cost of the equipment to be
118.31 purchased.

118.32 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
118.33 from the food service fund.

119.1 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
119.2 is not eliminated by revenues from food service operations in the next fiscal year, then the
119.3 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
119.4 that second fiscal year. However, if a district contracts with a food service management
119.5 company during the period in which the deficit has accrued, the deficit must be eliminated
119.6 by a payment from the food service management company.

119.7 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund
119.8 for up to three years without making the permanent transfer if the district submits to the
119.9 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at
119.10 the end of the third fiscal year.

119.11 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
119.12 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,
119.13 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food
119.14 service program charged to the general fund according to paragraph (c) and charge those
119.15 costs to the food service fund in a total amount not to exceed the amount of surplus in the
119.16 food service fund.

119.17 Subd. 4. **No fees.** A participant sponsor that receives school lunch aid under this section
119.18 must make lunch meals available without charge and must not deny a school lunch or
119.19 breakfast to all participating students who qualify for free or reduced-price meals, whether
119.20 or not the student has an outstanding balance in the student's meal account attributable to a
119.21 la carte purchases or for any other reason. The participant sponsor must also ensure that
119.22 any reminders for payment of outstanding student meal balances do not demean or stigmatize
119.23 any child participating in the school lunch program or school breakfast program.

119.24 Subd. 5. **Respectful treatment.** (a) The sponsor must also provide meals to students in
119.25 a respectful manner according to the policy adopted under subdivision 1. The sponsor must
119.26 not impose any other restriction prohibited under section 123B.37 due to unpaid student
119.27 meal debt. The sponsor must not limit a student's participation in any school activities,
119.28 graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities
119.29 or access to materials, technology, or other items provided to students due to an unpaid
119.30 student meal debt.

119.31 (b) If the commissioner or the commissioner's designee determines a sponsor has violated
119.32 the requirement to provide meals to participating students in a respectful manner, the
119.33 commissioner or the commissioner's designee must send a letter of noncompliance to the

120.1 sponsor. The sponsor is required to respond and, if applicable, remedy the practice within
120.2 60 days.

120.3 Subd. 6. **Definitions.** (a) For the purposes of this section, the terms defined in this
120.4 subdivision have the meanings given.

120.5 (b) "A la carte" means a food item ordered separately from the school meal.

120.6 (c) "School meal" means a meal provided to students during the school day.

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

120.8 Sec. 2. **[124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

120.9 Subdivision 1. **Definition.** A school district or charter school library or school library
120.10 media center provides equitable and free access to students, teachers, and administrators
120.11 and must:

120.12 (1) ensure every student has equitable access to resources and is able to locate, access,
120.13 and use on-site resources that are organized and cataloged;

120.14 (2) have a collection development policy that includes but is not limited to materials
120.15 selection and de-selection, a challenged materials procedure, and an intellectual and academic
120.16 freedom statement;

120.17 (3) be housed in a central location that provides an environment for expanded learning
120.18 to meet the unique needs and interests of individual students; and

120.19 (4) have technology tools and broadband access.

120.20 Subd. 2. **Services.** The school district or charter school library or school library media
120.21 center must employ a licensed school library media specialist or licensed school librarian
120.22 who:

120.23 (1) provides instruction for students;

120.24 (2) provides staff training on the use of new resources and equipment;

120.25 (3) provides instructional support for and collaboration with teachers of all disciplines;

120.26 (4) participates in school-wide technology and communications planning and promotes
120.27 its integration into all instructional programs; and

120.28 (5) models and supports the ethical use of information, adherence to copyright laws, and
120.29 respect for intellectual property.

121.1 Sec. 3. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

121.2 Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall
121.3 be provided to any regional public library system where there are at least three participating
121.4 counties and where each participating city and county is providing for public library service
121.5 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted
121.6 net tax capacity of the taxable property of that city or county, as determined by the
121.7 commissioner of revenue for the second, third, and fourth year preceding that calendar year
121.8 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita
121.9 amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the
121.10 per capita amount shall be increased by a percentage equal to one-half of the percentage by
121.11 which the total state adjusted net tax capacity of property as determined by the commissioner
121.12 of revenue for the second year preceding that calendar year increases over that total adjusted
121.13 net tax capacity for the third year preceding that calendar year.

121.14 (b) The minimum level of support specified under this subdivision or subdivision 4 shall
121.15 be certified annually to the participating cities and counties by the Department of Education.
121.16 If a city or county chooses to reduce its local support in accordance with subdivision 4,
121.17 paragraph (b) or (c), it shall notify its regional public library system. The regional public
121.18 library system shall notify the Department of Education that a revised certification is required.
121.19 The revised minimum level of support shall be certified to the city or county by the
121.20 Department of Education.

121.21 (c) A city which is a part of a regional public library system shall not be required to
121.22 provide this level of support if the property of that city is already taxable by the county for
121.23 the support of that regional public library system. In no event shall the Department of
121.24 Education require any city or county to provide a higher level of support than the level of
121.25 support specified in this section in order for a system to qualify for regional library basic
121.26 system support aid. This section shall not be construed to prohibit a city or county from
121.27 providing a higher level of support for public libraries than the level of support specified
121.28 in this section.

121.29 (d) The amounts required to be expended under this section are subject to the reduced
121.30 maintenance of effort requirements in section 275.761.

122.1

ARTICLE 8

122.2

FACILITIES

122.3

Section 1. **[121A.336] NOTIFICATION OF ENVIRONMENTAL HAZARDS.**

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Upon notification by the Department of Health or Pollution Control Agency to a school district, charter school, or nonpublic school of environmental hazards that may affect the health of students or school staff, the school must notify school staff, students, and parents of the hazards as soon as practicable. The notice must include direction on how to obtain additional information about the hazard, including any actions that may reduce potential harm to those affected by the hazard.

122.10

ARTICLE 9

122.11

STATE AGENCIES

122.12

Section 1. Minnesota Statutes 2020, section 122A.07, subdivision 1, is amended to read:

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Subdivision 1. **Appointment of members.** The Professional Educator Licensing and Standards Board consists of ~~4~~ 13 members appointed by the governor, with the advice and consent of the senate. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements are as provided in sections 214.07 to 214.09. ~~No member may be reappointed for more than one additional term.~~ A member must not serve more than two consecutive terms.

122.19

Sec. 2. Minnesota Statutes 2020, section 122A.07, subdivision 2, is amended to read:

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Subd. 2. **Eligibility; board composition.** Each ~~nominee~~ appointee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure. The board must be composed of:

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(1) ~~six~~ seven teachers who are currently teaching in a Minnesota school ~~or who were teaching at the time of the appointment~~, have at least five years of teaching experience, and ~~were~~ are not serving in ~~an administrative function at a school district or school when appointed~~ a position requiring an administrative license, pursuant to section 122A.14. The ~~six~~ seven teachers must include the following:

122.28

(i) one teacher in a charter school;

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(ii) one teacher from a school located in the seven-county metropolitan area, as defined in section 473.121, subdivision 2;

122.31

(iii) one teacher from a school located outside the seven-county metropolitan area;

- 123.1 (iv) one teacher from a related service category licensed by the board;
- 123.2 (v) one special education teacher; and
- 123.3 (vi) ~~one teacher from a teacher preparation program~~ two teachers licensed in licensure
- 123.4 areas that represent current or emerging trends in education;
- 123.5 (2) one educator currently teaching in a Minnesota-approved teacher preparation program;
- 123.6 ~~(2)~~ (3) one superintendent ~~that alternates,~~ alternating each term between a superintendent
- 123.7 from a school district in the seven-county metropolitan area, as defined in section 473.121,
- 123.8 subdivision 2, and a superintendent from a school district outside the metropolitan area;
- 123.9 ~~(3)~~ (4) one school district human resources director;
- 123.10 ~~(4)~~ (5) one administrator of a cooperative unit under section 123A.24, subdivision 2,
- 123.11 educator who oversees a special education program and who works closely with a cooperative
- 123.12 unit under section 123A.24, subdivision 2;
- 123.13 ~~(5)~~ (6) one principal ~~that alternates,~~ alternating each term between an elementary and a
- 123.14 secondary school principal; and
- 123.15 ~~(6)~~ (7) one member of the public that may be a current or former school board member.

123.16 Sec. 3. Minnesota Statutes 2020, section 122A.07, subdivision 4a, is amended to read:

123.17 Subd. 4a. **Administration.** (a) The executive director of the board shall be the chief

123.18 administrative officer for the board but shall not be a member of the board. The executive

123.19 director shall maintain the records of the board, account for all fees received by the board,

123.20 supervise and direct employees servicing the board, and perform other services as directed

123.21 by the board.

123.22 (b) The Department of Administration must provide administrative support in accordance

123.23 with section 16B.371. The commissioner of administration must assess the board for services

123.24 it provides under this section.

123.25 ~~(c) The Department of Education must provide suitable offices and other space to the~~

123.26 ~~board at reasonable cost until January 1, 2020. Thereafter, the board may contract with~~

123.27 ~~either the Department of Education or the Department of Administration for the provision~~

123.28 ~~of suitable offices and other space, joint conference and hearing facilities, and examination~~

123.29 ~~rooms.~~

124.1 Sec. 4. Minnesota Statutes 2020, section 122A.09, subdivision 4, is amended to read:

124.2 Subd. 4. **Licensing.** (a) The Professional Educator Licensing and Standards Board must
124.3 license teachers, as defined in section 122A.15, subdivision 1, except for supervisory
124.4 personnel, as defined in section 122A.15, subdivision 2. The board must not delegate its
124.5 authority to make all licensing decisions with respect to candidates for teacher licensure.
124.6 The board must evaluate candidates for compliance with statutory or rule requirements for
124.7 licensure and develop licensure verification requirements.

124.8 (b) The Professional Educator Licensing and Standards Board must approve teacher
124.9 preparation providers seeking to prepare candidates for teacher licensure in Minnesota.

124.10 Sec. 5. Minnesota Statutes 2020, section 122A.09, subdivision 6, is amended to read:

124.11 Subd. 6. **Register of persons licensed.** ~~The executive director of the Professional~~
124.12 ~~Educator Licensing and Standards Board must keep a record of the proceedings of and a~~
124.13 ~~register of all persons licensed pursuant to the provisions of this chapter. The register must~~
124.14 ~~show the name, address, licenses and permissions held including renewals, and license~~
124.15 ~~number and the renewal of the license. The board must on July 1, of each year or as soon~~
124.16 ~~thereafter as is practicable, compile a list of such duly licensed teachers. A copy of the~~
124.17 ~~register This list must be available during business hours at the office of the board to any~~
124.18 ~~interested person on the board's website.~~

124.19 Sec. 6. Minnesota Statutes 2020, section 122A.09, subdivision 9, is amended to read:

124.20 Subd. 9. **Professional Educator Licensing and Standards Board must adopt and**
124.21 **revise rules.** (a) The Professional Educator Licensing and Standards Board must adopt and
124.22 revise rules subject to the provisions of chapter 14 to implement sections 120B.363, 122A.05
124.23 to 122A.09, ~~122A.092~~ 122A.094, 122A.16, 122A.17, 122A.18, 122A.181, 122A.182,
124.24 122A.183, 122A.184, 122A.185, 122A.187, 122A.188, 122A.19, 122A.20, 122A.21,
124.25 122A.23, 122A.26, 122A.28, and 122A.29.

124.26 (b) The board must adopt and revise rules relating to fields of licensure and grade levels
124.27 that a licensed teacher may teach, including a process for granting permission to a licensed
124.28 teacher to teach in a field that is different from the teacher's field of licensure without change
124.29 to the teacher's license tier level.

124.30 ~~(c) The board must adopt rules relating to the grade levels that a licensed teacher may~~
124.31 ~~teach.~~

125.1 ~~(d)~~ (c) If a rule adopted by the board is in conflict with a session law or statute, the law
125.2 or statute prevails. Terms adopted in rule must be clearly defined and must not be construed
125.3 to conflict with terms adopted in statute or session law.

125.4 ~~(e)~~ (d) The board must include a description of a proposed rule's probable effect on
125.5 teacher supply and demand in the board's statement of need and reasonableness under section
125.6 14.131.

125.7 ~~(f)~~ (e) The board must adopt rules only under the specific statutory authority.

125.8 Sec. 7. Minnesota Statutes 2020, section 122A.09, subdivision 10, is amended to read:

125.9 Subd. 10. **Permissions.** (a) Notwithstanding subdivision 9 and sections 14.055 and
125.10 14.056, the Professional Educator Licensing and Standards Board may grant waivers to its
125.11 rules upon application by a school district or a charter school for purposes of implementing
125.12 experimental programs in learning or management.

125.13 (b) To enable a school district or a charter school to meet the needs of students enrolled
125.14 in an alternative education program and to enable licensed teachers instructing those students
125.15 to satisfy content area licensure requirements, the Professional Educator Licensing and
125.16 Standards Board ~~annually~~ may permit a licensed teacher teaching in an alternative education
125.17 program to instruct students in a content area for which the teacher is not licensed, consistent
125.18 with paragraph (a).

125.19 (c) A special education license permission issued by the Professional Educator Licensing
125.20 and Standards Board for a primary employer's low-incidence region is valid in all
125.21 low-incidence regions.

125.22 (d) A candidate that has obtained career and technical education certification may apply
125.23 for a Tier 1 license under section 122A.181. Consistent with section 136F.361, the
125.24 Professional Educator Licensing and Standards Board must strongly encourage approved
125.25 college or university-based teacher preparation programs throughout Minnesota to develop
125.26 alternative pathways for certifying and licensing high school career and technical education
125.27 instructors and teachers, allowing such candidates to meet certification and licensure
125.28 standards that demonstrate their content knowledge, classroom experience, and pedagogical
125.29 practices and their qualifications based on a combination of occupational testing, professional
125.30 certification or licensure, and long-standing work experience.

126.1 Sec. 8. Minnesota Statutes 2020, section 122A.091, subdivision 1, is amended to read:

126.2 Subdivision 1. **Teacher and administrator preparation and performance data;**

126.3 **report.** (a) The Professional Educator Licensing and Standards Board and the Board of

126.4 School Administrators, in cooperation with ~~board-adopted~~ board-approved teacher or

126.5 administrator preparation programs, annually must collect and report summary data on

126.6 teacher and administrator preparation and performance outcomes, consistent with this

126.7 subdivision. The Professional Educator Licensing and Standards Board and the Board of

126.8 School Administrators annually by ~~June~~ July 1 must update and post the reported summary

126.9 preparation and performance data on teachers and administrators from the preceding school

126.10 years on ~~a website hosted jointly by the boards~~ their respective websites.

126.11 (b) Publicly reported summary data on teacher preparation ~~programs~~ providers must

126.12 include:

126.13 ~~(1) student entrance requirements for each Professional Educator Licensing and Standards~~

126.14 ~~Board-approved program, including grade point average for enrolling students in the~~

126.15 ~~preceding year;~~

126.16 ~~(2) the average board-adopted skills examination or ACT or SAT scores of students~~

126.17 ~~entering the program in the preceding year;~~

126.18 ~~(3)~~ (1) summary data on faculty all full-time, part-time, and adjunct teacher educator

126.19 qualifications, including at least the content areas of faculty teacher educator undergraduate

126.20 and graduate degrees and their years of experience either as kindergarten birth through grade

126.21 12 classroom teachers or school administrators;

126.22 ~~(4) the average time resident and nonresident program graduates in the preceding year~~

126.23 ~~needed to complete the program;~~

126.24 (2) the current number and percentage of enrolled candidates who entered the program

126.25 through a transfer pathway disaggregated by race, except when disaggregation would not

126.26 yield statistically reliable results or would reveal personally identifiable information about

126.27 an individual;

126.28 ~~(5)~~ (3) the current number and percentage of students program completers by program

126.29 who graduated, received a standard Minnesota teaching license, and Tier 3 or Tier 4 license

126.30 disaggregated by race, except when disaggregation would not yield statistically reliable

126.31 results or would reveal personally identifiable information about an individual;

126.32 (4) the current number and percentage of program completers who entered the program

126.33 through a transfer pathway and received a Tier 3 or Tier 4 license disaggregated by race,

127.1 except when disaggregation would not yield statistically reliable results or would reveal
127.2 personally identifiable information about an individual;

127.3 (5) the current number and percentage of program completers who were hired to teach
127.4 full time in their licensure field in a Minnesota district or school in the preceding year
127.5 disaggregated by race, except when disaggregation would not yield statistically reliable
127.6 results or would reveal personally identifiable information about an individual;

127.7 ~~(6) the number of content area credits and other credits by undergraduate program that~~
127.8 ~~students in the preceding school year needed to complete to graduate;~~ the current number
127.9 and percentage of program completers who entered the program through a transfer pathway
127.10 and who were hired to teach full time in their licensure field in a Minnesota district or school
127.11 in the preceding year disaggregated by race, except when disaggregation would not yield
127.12 statistically reliable results or would reveal personally identifiable information about an
127.13 individual;

127.14 (7) ~~students'~~ pass rates on ~~skills~~ pedagogy and subject matter exams required ~~for~~
127.15 ~~graduation~~ in each ~~program and~~ licensure area for program completers in the preceding
127.16 school year;

127.17 (8) survey results measuring ~~student and graduate satisfaction with the program~~ how
127.18 prepared program completers felt during their first year of teaching in the preceding school
127.19 year disaggregated by race, except when disaggregation would not yield statistically reliable
127.20 results or would reveal personally identifiable information about an individual;

127.21 ~~(9) a standard measure of the satisfaction of~~ survey results from school principals or
127.22 ~~supervising teachers with the student teachers assigned to a school or supervising teacher~~
127.23 supervisors on how prepared they felt their first-year teachers were in the preceding school
127.24 year; and

127.25 ~~(10) information under subdivision 3, paragraphs (a) and (b)~~ the number and percentage
127.26 of program completers who met or exceed the state threshold score on the board-adopted
127.27 teacher performance assessment.

127.28 Program reporting must be consistent with subdivision 2.

127.29 (c) Publicly reported summary data on administrator preparation programs approved by
127.30 the Board of School Administrators must include:

127.31 (1) summary data on faculty qualifications, including at least the content areas of faculty
127.32 undergraduate and graduate degrees and the years of experience either as kindergarten
127.33 through grade 12 classroom teachers or school administrators;

128.1 (2) the average time program graduates in the preceding year needed to complete the
128.2 program;

128.3 (3) the current number and percentage of students who graduated, received a standard
128.4 Minnesota administrator license, and were employed as an administrator in a Minnesota
128.5 school district or school in the preceding year disaggregated by race, except when
128.6 disaggregation would not yield statistically reliable results or would reveal personally
128.7 identifiable information about an individual;

128.8 (4) the number of credits by graduate program that students in the preceding school year
128.9 needed to complete to graduate;

128.10 (5) survey results measuring student, graduate, and employer satisfaction with the
128.11 program in the preceding school year disaggregated by race, except when disaggregation
128.12 would not yield statistically reliable results or would reveal personally identifiable
128.13 information about an individual; and

128.14 (6) information under subdivision 3, paragraphs (c) and (d).

128.15 Program reporting must be consistent with section 122A.14, subdivision 10.

128.16 Sec. 9. Minnesota Statutes 2020, section 122A.091, subdivision 2, is amended to read:

128.17 Subd. 2. **Teacher preparation program reporting.** (a) By December 31, 2018, and
128.18 annually thereafter, the Professional Educator Licensing and Standards Board shall report
128.19 and publish on its website the cumulative summary results of at least three consecutive
128.20 years of data reported to the board under subdivision 1, paragraph (b). Where the data are
128.21 sufficient to yield statistically reliable information and the results would not reveal personally
128.22 identifiable information about an individual teacher, the board shall report the data by teacher
128.23 preparation program.

128.24 (b) The Professional Educator Licensing and Standards Board must report annually to
128.25 the chairs and ranking minority members of the legislative committees with jurisdiction
128.26 over kindergarten through grade 12 education, the following information:

128.27 (1) the total number of teacher candidates during the most recent school year taking a
128.28 board-adopted skills examination;

128.29 (2) the number who achieve a qualifying score on the examination;

128.30 (3) the number who do not achieve a qualifying score on the examination; and

128.31 (4) the number of candidates who have not passed a content or pedagogy exam.

129.1 The information reported under this paragraph must be disaggregated by categories of race,
129.2 ethnicity, and, if applicable, eligibility for financial aid. The report must be submitted in
129.3 accordance with section 3.195.

129.4 Sec. 10. Minnesota Statutes 2020, section 609A.03, subdivision 7a, is amended to read:

129.5 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
129.6 of an expungement order related to a charge supported by probable cause, the DNA samples
129.7 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
129.8 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
129.9 destroyed.

129.10 (b) Notwithstanding the issuance of an expungement order:

129.11 (1) except as provided in clause (2), an expunged record may be opened, used, or
129.12 exchanged between criminal justice agencies without a court order for the purposes of
129.13 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
129.14 purposes or providing probation or other correctional services;

129.15 (2) when a criminal justice agency seeks access to a record that was sealed under section
129.16 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
129.17 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
129.18 sentencing, the requesting agency must obtain an ex parte court order after stating a
129.19 good-faith basis to believe that opening the record may lead to relevant information;

129.20 (3) an expunged record of a conviction may be opened for purposes of evaluating a
129.21 prospective employee in a criminal justice agency without a court order;

129.22 (4) an expunged record of a conviction may be opened for purposes of a background
129.23 study under section 245C.08 unless the commissioner had been properly served with notice
129.24 of the petition for expungement and the court order for expungement is directed specifically
129.25 to the commissioner of human services;

129.26 (5) an expunged record of a conviction may be opened for purposes of a background
129.27 check required under section 122A.18, subdivision 8, unless the court order for expungement
129.28 is directed specifically to the Professional Educator Licensing and Standards Board ~~or the~~
129.29 ~~licensing division of the Department of Education~~; and

129.30 (6) the court may order an expunged record opened upon request by the victim of the
129.31 underlying offense if the court determines that the record is substantially related to a matter
129.32 for which the victim is before the court.

130.1 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
130.2 in a manner that provides access to the record by a criminal justice agency under paragraph
130.3 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
130.4 of Criminal Apprehension shall notify the commissioner of human services, or the
130.5 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~
130.6 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access
130.7 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to
130.8 the expungement order shall provide access to the record to the commissioner of human
130.9 services, or the Professional Educator Licensing and Standards Board, ~~or the licensing~~
130.10 ~~division of the Department of Education~~ under paragraph (b), clause (4) or (5).

130.11 (d) An expunged record that is opened or exchanged under this subdivision remains
130.12 subject to the expungement order in the hands of the person receiving the record.

130.13 (e) A criminal justice agency that receives an expunged record under paragraph (b),
130.14 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
130.15 record to the investigation, prosecution, or sentencing for which it was obtained.

130.16 (f) For purposes of this section, a "criminal justice agency" means a court or government
130.17 agency that performs the administration of criminal justice under statutory authority.

130.18 (g) This subdivision applies to expungement orders subject to its limitations and effective
130.19 on or after January 1, 2015.

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:

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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.