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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1269**

02/02/2023 Authored by Pryor, Hicks and Davids
The bill was read for the first time and referred to the Committee on Education Policy
03/15/2023 Adoption of Report: Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act

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

1.3 including general education accountability and transparency, education excellence,

1.4 American Indian education, charter schools, discipline, teachers, special education,

1.5 and early learning; requiring reports; amending Minnesota Statutes 2022, sections

1.6 13.32, subdivision 3; 120A.22, subdivision 10; 120A.414, subdivision 2, by adding

1.7 a subdivision; 120A.42; 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3,

1.8 4, by adding a subdivision; 120B.022, subdivision 1; 120B.024, subdivisions 1,

1.9 2; 120B.11, subdivisions 1, 2, 3; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301;

1.10 120B.35, subdivision 3; 120B.36, subdivision 2; 121A.031, subdivision 6; 121A.41,

1.11 by adding subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision

1.12 4, by adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1;

1.13 121A.55; 121A.58; 121A.61, subdivisions 1, 3, by adding subdivisions; 122A.06,

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

1.15 122A.09, subdivisions 4, 6, 9, 10; 122A.091, subdivisions 1, 2; 122A.15,

1.16 subdivision 1; 122A.18, subdivisions 1, 2, 10, by adding a subdivision; 122A.181,

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

1.18 4, by adding a subdivision; 122A.183, subdivision 1, by adding a subdivision;

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

1.20 122A.19, subdivision 4; 122A.26, subdivision 2; 122A.40, subdivisions 5, 8;

1.21 122A.41, subdivisions 2, 5; 122A.69; 123B.147, subdivision 3; 123B.71,

1.22 subdivision 12; 123B.86, subdivision 3; 124D.03, subdivisions 3, 5; 124D.09,

1.23 subdivisions 3, 5, 12, 13; 124D.111, subdivisions 2a, 5; 124D.119; 124D.128,

1.24 subdivision 1; 124D.59, subdivision 2a; 124D.68, subdivisions 2, 3; 124D.73, by

1.25 adding a subdivision; 124D.74, subdivisions 1, 3, 4, by adding a subdivision;

1.26 124D.76; 124D.78; 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81,

1.27 subdivisions 1, 5; 124D.861, subdivision 2; 124D.862, subdivision 8; 124E.02;

1.28 124E.03, subdivision 2, by adding a subdivision; 124E.05, subdivisions 4, 7;

1.29 124E.06, subdivisions 1, 4, 5; 124E.10, subdivision 1; 124E.11; 124E.12,

1.30 subdivision 1; 124E.13, subdivisions 1, 3; 124E.25, subdivision 1a; 125A.0942;

1.31 125A.13; 125A.15; 125A.51; 125A.515, subdivision 3; 126C.15, subdivision 5;

1.32 127A.353, subdivisions 2, 4; 134.31, subdivisions 1, 4a; 134.32, subdivision 4;

1.33 134.34, subdivision 1; 144.4165; 179A.03, subdivisions 14, 18, 19; 290.0679,

1.34 subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 120B;

1.35 121A; 122A; 124D; repealing Minnesota Statutes 2022, sections 120B.35,

1.36 subdivision 5; 122A.07, subdivision 2a; 122A.091, subdivisions 3, 6; 122A.18,

1.37 subdivision 7c; 124D.095, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; Minnesota Rules, part

1.38 8710.0500, subparts 8, 11.

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 2022, section 123B.71, subdivision 12, is amended to read:

2.5 Subd. 12. **Publication.** (a) At least ~~20~~ 48 days but not more than 60 days before a
2.6 referendum for bonds or solicitation of bids for a project that has received a positive or
2.7 unfavorable review and comment under section 123B.70, the school board shall publish a
2.8 summary of the commissioner's review and comment of that project in the legal newspaper
2.9 of the district. The school board must hold a public meeting to discuss the commissioner's
2.10 review and comment before the referendum for bonds. Supplementary information shall be
2.11 available to the public.

2.12 (b) The publication requirement in paragraph (a) does not apply to alternative facilities
2.13 projects approved under section 123B.595.

2.14 **EFFECTIVE DATE.** This section is effective for elections conducted on or after August
2.15 9, 2023.

2.16 Sec. 2. Minnesota Statutes 2022, section 123B.86, subdivision 3, is amended to read:

2.17 Subd. 3. **Board control.** (a) When transportation is provided, the scheduling of routes,
2.18 manner and method of transportation, control and discipline of school children and any
2.19 other matter relating thereto shall be within the sole discretion, control and management of
2.20 the board.

2.21 (b) A school board and a nonpublic school may mutually agree to a written plan for the
2.22 board to provide nonpublic pupil transportation to nonpublic school students.

2.23 (c) A school board that provides pupil transportation through the school's employees
2.24 may transport nonpublic school students according to the plan and retain the nonpublic
2.25 pupil transportation aid attributable to that plan. A nonpublic school may make a payment
2.26 to the school district to cover additional transportation services agreed to in the written plan
2.27 for nonpublic pupil transportation services not required under sections 123B.84 to 123B.87.

2.28 (d) A school board that contracts for pupil transportation services may enter into a
2.29 contractual arrangement with a school bus contractor according to the written plan adopted
2.30 by the school board and the nonpublic school to transport nonpublic school students and
2.31 retain the nonpublic pupil transportation aid attributable to that plan for the purposes of
2.32 paying the school bus contractor. A nonpublic school may make a payment to the school

3.1 district to cover additional transportation services agreed to in the written plan for nonpublic
3.2 pupil transportation services included in the contract that are not required under sections
3.3 123B.84 to 123B.87.

3.4 (e) The school district must report the number of nonpublic school students transported
3.5 and the nonpublic pupil transportation expenditures incurred under paragraph (b) in the
3.6 form and manner specified by the commissioner.

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

3.8 Sec. 3. Minnesota Statutes 2022, section 126C.15, subdivision 5, is amended to read:

3.9 Subd. 5. **Annual expenditure report.** ~~Each year a district~~ By February 1 annually, the
3.10 commissioner of education must report to the legislature the expenditures of each district
3.11 that ~~receives~~ receive basic skills revenue ~~must submit a report identifying the expenditures~~
3.12 it incurred to meet the needs of eligible learners in the previous fiscal year under subdivision
3.13 1. The report must conform to uniform financial and reporting standards established for this
3.14 purpose and provide a breakdown by functional area. Using valid and reliable data and
3.15 measurement criteria, the report also must determine whether increased expenditures raised
3.16 student achievement levels.

3.17 Sec. 4. Minnesota Statutes 2022, section 127A.353, subdivision 2, is amended to read:

3.18 Subd. 2. **Qualifications.** The governor shall select the school trust lands director on the
3.19 basis of outstanding professional qualifications and knowledge of finance, business practices,
3.20 minerals, forest and real estate management, and the fiduciary responsibilities of a trustee
3.21 to the beneficiaries of a trust. The school trust lands director serves in the unclassified service
3.22 for a term of four years. ~~The first term shall end on December 31, 2020.~~ The governor may
3.23 remove the school trust lands director for cause. If a director resigns or is removed for cause,
3.24 the governor shall appoint a director for the remainder of the term.

3.25 Sec. 5. Minnesota Statutes 2022, section 127A.353, subdivision 4, is amended to read:

3.26 Subd. 4. **Duties; powers.** (a) The school trust lands director shall:

3.27 (1) ~~take an oath of office before assuming any duties as the director~~ act in a fiduciary
3.28 capacity for trust beneficiaries in accordance with the principles under section 127A.351;

3.29 (2) evaluate the school trust land asset position;

3.30 (3) determine the estimated current and potential market value of school trust lands;

4.1 (4) advise and provide recommendations to the governor, ~~Executive Council,~~
4.2 commissioner of natural resources, and the Legislative Permanent School Fund Commission
4.3 on the management of school trust lands, including: on school trust land management policies
4.4 and other policies that may affect the goal of the permanent school fund under section
4.5 127A.31;

4.6 (5) advise and provide recommendations to the Executive Council and Land Exchange
4.7 Board on all matters regarding school trust lands presented to either body;

4.8 (6) advise and provide recommendations to the commissioner of natural resources on
4.9 managing school trust lands, including but not limited to advice and recommendations on:

4.10 (i) Department of Natural Resources school trust land management plans;

4.11 (ii) leases of school trust lands;

4.12 (iii) royalty agreements on school trust lands;

4.13 (iv) land sales and exchanges;

4.14 (v) cost certification; and

4.15 (vi) revenue generating options;

4.16 (7) serve as temporary trustee of school trust lands for school trust lands subject to
4.17 proposed or active eminent domain proceedings;

4.18 (8) serve as temporary trustee of school trust lands pursuant to section 94.342, subdivision
4.19 5;

4.20 ~~(5) propose~~ (9) submit to the Legislative Permanent School Fund Commission for review
4.21 an annual budget and management plan for the director that includes proposed legislative
4.22 changes that will improve the asset allocation of the school trust lands;

4.23 ~~(6)~~ (10) develop and implement a ten-year strategic plan and a 25-year framework for
4.24 management of school trust lands, in conjunction with the commissioner of natural resources,
4.25 that is updated every five years and implemented by the commissioner, with goals to:

4.26 (i) retain core real estate assets;

4.27 (ii) increase the value of the real estate assets and the cash flow from those assets;

4.28 (iii) rebalance the portfolio in assets with high performance potential and the strategic
4.29 disposal of selected assets;

4.30 (iv) establish priorities for management actions;

- 5.1 (v) balance revenue enhancement and resource stewardship; and
- 5.2 (vi) advance strategies on school trust lands to capitalize on ecosystem services markets;
- 5.3 and
- 5.4 ~~(7) submit to the Legislative Permanent School Fund Commission for review an annual~~
- 5.5 ~~budget and management plan for the director; and~~
- 5.6 ~~(8)~~ (11) keep the beneficiaries, governor, legislature, and the public informed about the
- 5.7 work of the director by reporting to the Legislative Permanent School Fund Commission
- 5.8 in a public meeting at least once during each calendar quarter.
- 5.9 (b) In carrying out the duties under paragraph (a), the school trust lands director ~~shall~~
- 5.10 ~~have the authority to~~ may:
- 5.11 (1) direct and control money appropriated to the director;
- 5.12 (2) establish job descriptions and employ ~~up to five employees in the unclassified service,~~
- 5.13 staff within the limitations of money appropriated to the director;
- 5.14 (3) enter into interdepartmental agreements with any other state agency;
- 5.15 (4) enter into joint powers agreements under chapter 471;
- 5.16 (5) evaluate and initiate real estate development projects on school trust lands in
- 5.17 conjunction with the commissioner of natural resources and with the advice of the Legislative
- 5.18 Permanent School Fund Commission ~~in order~~ to generate long-term economic return to the
- 5.19 permanent school fund; and
- 5.20 ~~(6) serve as temporary trustee of school trust land for school trust lands subject to~~
- 5.21 ~~proposed or active eminent domain proceedings; and~~
- 5.22 ~~(7)~~ (6) submit recommendations on strategies for school trust land leases, sales, or
- 5.23 exchanges to the commissioner of natural resources and the Legislative Permanent School
- 5.24 Fund Commission.

5.25 Sec. 6. Minnesota Statutes 2022, section 290.0679, subdivision 2, is amended to read:

5.26 Subd. 2. **Conditions for assignment.** A qualifying taxpayer may assign all or part of

5.27 an anticipated refund for the current and future taxable years to a financial institution or a

5.28 qualifying organization. A financial institution or qualifying organization accepting

5.29 assignment must pay the amount secured by the assignment to a third-party vendor. The

5.30 commissioner of education shall, upon request from a third-party vendor, certify that the

5.31 vendor's products and services qualify for the education credit. A denial of a certification

6.1 ~~is subject to the contested case procedure under~~ may be appealed to the commissioner
 6.2 pursuant to this subdivision and notwithstanding chapter 14. A financial institution or
 6.3 qualifying organization that accepts assignments under this section must verify as part of
 6.4 the assignment documentation that the product or service to be provided by the third-party
 6.5 vendor has been certified by the commissioner of education as qualifying for the education
 6.6 credit. The amount assigned for the current and future taxable years may not exceed the
 6.7 maximum allowable education credit for the current taxable year. Both the taxpayer and
 6.8 spouse must consent to the assignment of a refund from a joint return.

6.9 ARTICLE 2

6.10 EDUCATION EXCELLENCE

6.11 Section 1. Minnesota Statutes 2022, section 120A.22, subdivision 10, is amended to read:

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

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

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

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

6.17 ~~(4)~~ (3) provide instruction in a school that is accredited by an accrediting agency,
 6.18 recognized according to section 123B.445, or recognized by the commissioner;

6.19 ~~(5)~~ (4) hold a baccalaureate degree; or

6.20 ~~(6)~~ (5) be the parent of a child who is assessed according to the procedures in subdivision

6.21 11.

6.22 Any person providing instruction in a public school must meet the requirements of clause
 6.23 (1).

6.24 Sec. 2. Minnesota Statutes 2022, section 120A.414, is amended by adding a subdivision
 6.25 to read:

6.26 Subd. 6. **Other school personnel.** A school district or charter school that declares an
 6.27 e-learning day must continue to pay the full wages for scheduled work hours and benefits
 6.28 of all school employees for the duration of the e-learning period. During the e-learning
 6.29 period, school employees must be allowed to work from home to the extent practicable, be
 6.30 assigned to work in an alternative location, or be retained on an on-call basis for any potential
 6.31 need.

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

7.2 Sec. 3. Minnesota Statutes 2022, section 120B.018, subdivision 6, is amended to read:

7.3 Subd. 6. **Required standard.** "Required standard" means (1) a statewide adopted
7.4 expectation for student learning in the content areas of language arts, mathematics, science,
7.5 social studies, physical education, and the arts, ~~or~~ and (2) a locally adopted expectation for
7.6 student learning in health ~~or the arts~~.

7.7 Sec. 4. Minnesota Statutes 2022, section 120B.021, subdivision 1, is amended to read:

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

7.10 (1) language arts;

7.11 (2) mathematics, encompassing algebra II, integrated mathematics III, or an equivalent
7.12 in high school, and to be prepared for the three credits of mathematics in grades 9 through
7.13 12, the grade 8 standards include completion of algebra;

7.14 (3) science;

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

7.17 (5) physical education;

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

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

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

7.30 (c) ~~The department must adopt the most recent SHAPE America (Society of Health and~~
7.31 ~~Physical Educators) kindergarten through grade 12 standards and benchmarks for physical~~

8.1 ~~education as the required physical education academic standards.~~ The department may
8.2 modify SHAPE America (Society of Health and Physical Educators) standards and adapt
8.3 the national standards to accommodate state interest. The modification and adaptations must
8.4 maintain the purpose and integrity of the national standards. The department must make
8.5 available sample assessments, which school districts may use as an alternative to local
8.6 assessments, to assess students' mastery of the physical education standards beginning in
8.7 the 2018-2019 school year.

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

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

8.19 Sec. 5. Minnesota Statutes 2022, section 120B.021, subdivision 3, is amended to read:

8.20 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section
8.21 and section 120B.022, must adopt statewide rules under section 14.389 for implementing
8.22 statewide rigorous core academic standards in language arts, mathematics, science, social
8.23 studies, physical education, and the arts. ~~After the rules authorized under this subdivision~~
8.24 ~~are initially adopted, the commissioner may not amend or repeal these rules nor adopt new~~
8.25 ~~rules on the same topic without specific legislative authorization.~~

8.26 Sec. 6. Minnesota Statutes 2022, section 120B.022, subdivision 1, is amended to read:

8.27 Subdivision 1. **Elective standards.** A district must establish and regularly review its
8.28 own standards ~~in~~ for career and technical education (CTE) programs. Standards must align
8.29 with CTE frameworks developed by the Department of Education, standards developed by
8.30 national CTE organizations, or recognized industry standards. A district must use the current
8.31 world languages standards developed by the American Council on the Teaching of Foreign
8.32 Languages. A school district must offer courses in all elective subject areas.

9.1 Sec. 7. Minnesota Statutes 2022, section 120B.024, subdivision 1, is amended to read:

9.2 Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the~~
9.3 ~~2011-2012 school year and later~~ must successfully complete the following high school level
9.4 credits for graduation:

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

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

9.9 ~~(3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade~~
9.10 ~~standards in mathematics;~~

9.11 ~~(4)~~ (3) three credits of science, including at least one credit of biology, one credit of
9.12 chemistry or physics, and one elective credit of science. The combination of credits under
9.13 this clause must be sufficient to satisfy (i) all of the academic standards in either chemistry
9.14 or physics and (ii) all other academic standards in science;

9.15 ~~(5)~~ (4) three and one-half credits of social studies, including credit for a course in
9.16 government and citizenship for students beginning grade 9 in the 2024-2025 school year
9.17 and later or an advanced placement, international baccalaureate, or other rigorous course
9.18 on government and citizenship under section 120B.021, subdivision 1a, and a combination
9.19 of other credits encompassing at least United States history, geography, government and
9.20 citizenship, world history, and economics sufficient to satisfy all of the academic standards
9.21 in social studies;

9.22 ~~(6)~~ (5) one credit of the arts sufficient to satisfy all of the ~~state or local~~ academic standards
9.23 in the arts; ~~and~~

9.24 ~~(7)~~ (6) credits sufficient to satisfy the state standards in physical education; and

9.25 (7) a minimum of seven elective credits.

9.26 (b) A school district is encouraged to offer a course for credit in government and
9.27 citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year
9.28 and later, that satisfies the government and citizenship requirement in paragraph (a), clause
9.29 (5).

9.30 **EFFECTIVE DATE.** This section is effective for the 2024-2025 school year and later.

10.1 Sec. 8. Minnesota Statutes 2022, section 120B.024, subdivision 2, is amended to read:

10.2 Subd. 2. **Credit equivalencies.** (a) A one-half credit of economics taught in a school's
10.3 ~~agriculture~~ agricultural, food, and natural resources education or business education program
10.4 or department may fulfill a one-half credit in social studies under subdivision 1, clause (5),
10.5 if the credit is sufficient to satisfy all of the academic standards in economics.

10.6 (b) An agriculture science or career and technical education credit may fulfill the elective
10.7 science credit required under subdivision 1, clause (4), if the credit meets the state physical
10.8 science, life science, earth and space science, chemistry, or physics academic standards or
10.9 a combination of these academic standards as approved by the district. An agriculture or
10.10 career and technical education credit may fulfill the credit in chemistry or physics required
10.11 under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic
10.12 standards as approved by the district. A student must satisfy either all of the chemistry
10.13 academic standards or all of the physics academic standards prior to graduation. An
10.14 agriculture science or career and technical education credit may not fulfill the required
10.15 biology credit under subdivision 1, clause (4).

10.16 (c) A career and technical education credit may fulfill a mathematics or arts credit
10.17 requirement under subdivision 1, clause (2) or (6).

10.18 (d) An ~~agriculture~~ agricultural, food, and natural resources education teacher is not
10.19 required to meet the requirements of Minnesota Rules, part 3505.1150, subpart ~~4~~ 2, item
10.20 B, to meet the credit equivalency requirements of paragraph (b) above.

10.21 (e) A computer science credit may fulfill a mathematics credit requirement under
10.22 subdivision 1, clause (2), if the credit meets state academic standards in mathematics.

10.23 (f) A Project Lead the Way credit may fulfill a science or mathematics credit requirement
10.24 under subdivision 1, clause (2) or (4), if the credit meets the state academic standards in
10.25 science or mathematics.

10.26 Sec. 9. [120B.025] ETHNIC STUDIES.

10.27 "Ethnic studies" means the critical and interdisciplinary study of race, ethnicity, and
10.28 indigeneity with a focus on the experiences and perspectives of people of color within and
10.29 beyond the United States. Ethnic studies analyzes the ways in which race and racism have
10.30 been and continue to be powerful social, cultural, and political forces, and the connection
10.31 of race to the stratification of other groups, including stratification based on gender, class,
10.32 sexuality, religion, and legal status.

11.1 Sec. 10. Minnesota Statutes 2022, section 120B.11, subdivision 1, is amended to read:

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

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

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

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

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

11.19 (e) "Ethnic studies curriculum" means the critical and interdisciplinary study of race,
11.20 ethnicity, and indigeneity with a focus on the experiences and perspectives of People of
11.21 Color within and beyond the United States. Ethnic studies analyzes the ways in which race
11.22 and racism have been and continue to be powerful social, cultural, and political forces, and
11.23 the connection of race to the stratification of other groups, including stratification based on
11.24 gender, class, sexuality, religion, and legal status. The ethnic studies curriculum may be
11.25 integrated in existing curricular opportunities or provided through additional curricular
11.26 offerings.

11.27 (f) "Antiracist" means actively working to identify and eliminate racism in all forms so
11.28 that power and resources are redistributed and shared equitably among racial groups.

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

12.1 (h) "Institutional racism" means structures, policies, and practices within and across
 12.2 institutions that produce outcomes that chronically favor white people and disadvantage
 12.3 those who are Black, Indigenous, and People of Color.

12.4 Sec. 11. Minnesota Statutes 2022, section 120B.11, subdivision 2, is amended to read:

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

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

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

12.19 (3) a system to periodically review and evaluate the effectiveness of all instruction and
 12.20 curriculum, including ethnic studies curriculum, taking into account strategies and best
 12.21 practices, student outcomes, school principal evaluations under section 123B.147, subdivision
 12.22 3, students' access to effective teachers who are members of populations underrepresented
 12.23 among the licensed teachers in the district or school and who reflect the diversity of enrolled
 12.24 students under section 120B.35, subdivision 3, paragraph (b), clause (2), and teacher
 12.25 evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

12.26 (4) strategies for improving instruction, curriculum, and student achievement, including:

12.27 (i) the English and, where practicable, the native language development and the academic
 12.28 achievement of English learners; and

12.29 (ii) access to ethnic studies curriculum using culturally responsive methodologies for
 12.30 all learners;

12.31 (5) a process to examine the equitable distribution of teachers and strategies to ensure
 12.32 children in low-income and minority children families, children in families of People of

13.1 Color, and children in American Indian families are not taught at higher rates than other
 13.2 children by inexperienced, ineffective, or out-of-field teachers;

13.3 (6) education effectiveness practices that:

13.4 (i) integrate high-quality instruction, rigorous curriculum, technology, and curriculum
 13.5 that is rigorous, accurate, antiracist, and culturally sustaining;

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

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

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

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

13.15 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and
 13.16 updated after June 30, 2024.

13.17 Sec. 12. Minnesota Statutes 2022, section 120B.11, subdivision 3, is amended to read:

13.18 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory
 13.19 committee to ensure active community participation in all phases of planning and improving
 13.20 the instruction and curriculum affecting state and district academic standards, consistent
 13.21 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect
 13.22 the diversity of the district and its school sites, include teachers, parents, support staff,
 13.23 students, and other community residents, and provide translation to the extent appropriate
 13.24 and practicable. The district advisory committee ~~shall~~ must pursue community support to
 13.25 accelerate the academic and native literacy and achievement of English learners with varied
 13.26 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and
 13.27 2a. The district may establish site teams as subcommittees of the district advisory committee
 13.28 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school
 13.29 board: rigorous academic standards; student achievement goals and measures consistent
 13.30 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district
 13.31 assessments; means to improve students' equitable access to effective and more diverse
 13.32 teachers; strategies to ensure the curriculum is rigorous, accurate, antiracist, and culturally
 13.33 sustaining; strategies to ensure that curriculum and learning and work environments validate,

14.1 affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic
14.2 groups; and program evaluations. School sites may expand upon district evaluations of
14.3 instruction, curriculum, assessments, or programs. Whenever possible, parents and other
14.4 community residents ~~shall~~ must comprise at least two-thirds of advisory committee members.

14.5 Sec. 13. Minnesota Statutes 2022, section 120B.15, is amended to read:

14.6 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

14.7 (a) School districts may identify students, locally develop programs and services
14.8 addressing instructional and affective needs, provide staff development, and evaluate
14.9 programs to provide gifted and talented students with challenging and appropriate educational
14.10 programs and services.

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

14.14 (1) multiple and objective criteria; and

14.15 (2) assessments and procedures that are valid and reliable, fair, and based on current
14.16 theory and research. Assessments and procedures should be sensitive to underrepresented
14.17 groups, including, but not limited to, low-income, minority, twice-exceptional, and English
14.18 learners.

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

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

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

14.25 (d) School districts must adopt procedures consistent with section 124D.02, subdivision
14.26 1, for early admission to kindergarten or first grade of gifted and talented learners consistent
14.27 with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to
14.28 underrepresented groups.

14.29 Sec. 14. Minnesota Statutes 2022, section 120B.30, subdivision 1, is amended to read:

14.30 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with
14.31 appropriate technical qualifications and experience and stakeholders, consistent with

15.1 subdivision 1a, must include in the comprehensive assessment system, for each grade level
15.2 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics
15.3 assessments for students that are aligned with the state's required academic standards under
15.4 section 120B.021, include multiple choice questions, and are administered annually to all
15.5 students in grades 3 through 8. State-developed high school tests aligned with the state's
15.6 required academic standards under section 120B.021 and administered to all high school
15.7 students in a subject other than writing must include multiple choice questions. The
15.8 commissioner must establish a testing period as late as possible each school year during
15.9 which schools must administer the Minnesota Comprehensive Assessments to students. The
15.10 commissioner must publish the testing schedule at least two years before the beginning of
15.11 the testing period.

15.12 (b) The state assessment system must be aligned to the most recent revision of academic
15.13 standards as described in section 120B.023 in the following manner:

15.14 (1) mathematics;

15.15 (i) grades 3 through 8 beginning in the 2010-2011 school year; and

15.16 (ii) high school level beginning in the 2013-2014 school year;

15.17 (2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012
15.18 school year; and

15.19 (3) language arts and reading; grades 3 through 8 and high school level beginning in the
15.20 2012-2013 school year.

15.21 (c) For students enrolled in grade 8 in the 2012-2013 school year and later, students'
15.22 state graduation requirements, based on a longitudinal, systematic approach to student
15.23 education and career planning, assessment, instructional support, and evaluation, include
15.24 the following:

15.25 (1) achievement and career and college readiness in mathematics, reading, and writing,
15.26 consistent with paragraph (k) and to the extent available, to monitor students' continuous
15.27 development of and growth in requisite knowledge and skills; analyze students' progress
15.28 and performance levels, identifying students' academic strengths and diagnosing areas where
15.29 students require curriculum or instructional adjustments, targeted interventions, or
15.30 remediation; and, based on analysis of students' progress and performance data, determine
15.31 students' learning and instructional needs and the instructional tools and best practices that
15.32 support academic rigor for the student; and

16.1 (2) consistent with this paragraph and section 120B.125, age-appropriate exploration
16.2 and planning activities and career assessments to encourage students to identify personally
16.3 relevant career interests and aptitudes and help students and their families develop a regularly
16.4 reexamined transition plan for postsecondary education or employment without need for
16.5 postsecondary remediation.

16.6 Based on appropriate state guidelines, students with an individualized education program
16.7 may satisfy state graduation requirements by achieving an individual score on the
16.8 state-identified alternative assessments.

16.9 (d) Expectations of schools, districts, and the state for career or college readiness under
16.10 this subdivision must be comparable in rigor, clarity of purpose, and rates of student
16.11 completion.

16.12 A student under paragraph (c), clause (1), must receive targeted, relevant, academically
16.13 rigorous, and resourced instruction, which may include a targeted instruction and intervention
16.14 plan focused on improving the student's knowledge and skills in core subjects so that the
16.15 student has a reasonable chance to succeed in a career or college without need for
16.16 postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49,
16.17 and related sections, an enrolling school or district must actively encourage a student in
16.18 grade 11 or 12 who is identified as academically ready for a career or college to participate
16.19 in courses and programs awarding college credit to high school students. Students are not
16.20 required to achieve a specified score or level of proficiency on an assessment under this
16.21 subdivision to graduate from high school.

16.22 (e) Though not a high school graduation requirement, students are encouraged to
16.23 participate in a nationally recognized college entrance exam. To the extent state funding
16.24 for college entrance exam fees is available, a district must pay the cost, one time, for an
16.25 interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take
16.26 a nationally recognized college entrance exam before graduating. A student must be able
16.27 to take the exam under this paragraph at the student's high school during the school day and
16.28 at any one of the multiple exam administrations available to students in the district. A district
16.29 may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph.
16.30 If the district administers only one of these two tests and a free or reduced-price meal eligible
16.31 student opts not to take that test and chooses instead to take the other of the two tests, the
16.32 student may take the other test at a different time or location and remains eligible for the
16.33 examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school
16.34 district may require a student that is not eligible for a free or reduced-price meal to pay the

17.1 cost of taking a nationally recognized college entrance exam. The district must waive the
17.2 cost for a student unable to pay.

17.3 (f) The commissioner and the chancellor of the Minnesota State Colleges and Universities
17.4 must collaborate in aligning instruction and assessments for adult basic education students
17.5 and English learners to provide the students with diagnostic information about any targeted
17.6 interventions, accommodations, modifications, and supports they need so that assessments
17.7 and other performance measures are accessible to them and they may seek postsecondary
17.8 education or employment without need for postsecondary remediation. When administering
17.9 formative or summative assessments used to measure the academic progress, including the
17.10 oral academic development, of English learners and inform their instruction, schools must
17.11 ensure that the assessments are accessible to the students and students have the modifications
17.12 and supports they need to sufficiently understand the assessments.

17.13 (g) Districts and schools, on an annual basis, must use career exploration elements to
17.14 help students, beginning no later than grade 9, and their families explore and plan for
17.15 postsecondary education or careers based on the students' interests, aptitudes, and aspirations.
17.16 Districts and schools must use timely regional labor market information and partnerships,
17.17 among other resources, to help students and their families successfully develop, pursue,
17.18 review, and revise an individualized plan for postsecondary education or a career. This
17.19 process must help increase students' engagement in and connection to school, improve
17.20 students' knowledge and skills, and deepen students' understanding of career pathways as
17.21 a sequence of academic and career courses that lead to an industry-recognized credential,
17.22 an associate's degree, or a bachelor's degree and are available to all students, whatever their
17.23 interests and career goals.

17.24 (h) A student who demonstrates attainment of required state academic standards, which
17.25 include career and college readiness benchmarks, on high school assessments under
17.26 subdivision 1a is academically ready for a career or college and is encouraged to participate
17.27 in courses awarding college credit to high school students. Such courses and programs may
17.28 include sequential courses of study within broad career areas and technical skill assessments
17.29 that extend beyond course grades.

17.30 (i) As appropriate, students through grade 12 must continue to participate in targeted
17.31 instruction, intervention, or remediation and be encouraged to participate in courses awarding
17.32 college credit to high school students.

17.33 (j) In developing, supporting, and improving students' academic readiness for a career
17.34 or college, schools, districts, and the state must have a continuum of empirically derived,

18.1 clearly defined benchmarks focused on students' attainment of knowledge and skills so that
18.2 students, their parents, and teachers know how well students must perform to have a
18.3 reasonable chance to succeed in a career or college without need for postsecondary
18.4 remediation. The commissioner, in consultation with local school officials and educators,
18.5 and Minnesota's public postsecondary institutions must ensure that the foundational
18.6 knowledge and skills for students' successful performance in postsecondary employment
18.7 or education and an articulated series of possible targeted interventions are clearly identified
18.8 and satisfy Minnesota's postsecondary admissions requirements.

18.9 (k) For students in grade 8 in the 2012-2013 school year and later, a school, district, or
18.10 charter school must record on the high school transcript a student's progress toward career
18.11 and college readiness, and for other students as soon as practicable.

18.12 (l) The school board granting students their diplomas may formally decide to include a
18.13 notation of high achievement on the high school diplomas of those graduating seniors who,
18.14 according to established school board criteria, demonstrate exemplary academic achievement
18.15 during high school.

18.16 (m) The 3rd through 8th grade computer-adaptive assessment results and high school
18.17 test results must be available to districts for diagnostic purposes affecting student learning
18.18 and district instruction and curriculum, and for establishing educational accountability. The
18.19 commissioner, in consultation with the chancellor of the Minnesota State Colleges and
18.20 Universities, must establish empirically derived benchmarks on the high school tests that
18.21 reveal a trajectory toward career and college readiness consistent with section 136F.302,
18.22 subdivision 1a. The commissioner must disseminate to the public the computer-adaptive
18.23 assessments and high school test results upon receiving those results.

18.24 (n) The grades 3 through 8 computer-adaptive assessments and high school tests must
18.25 be aligned with state academic standards. The commissioner must determine the testing
18.26 process and the order of administration. The statewide results must be aggregated at the site
18.27 and district level, consistent with subdivision 1a.

18.28 (o) The commissioner must include the following components in the statewide public
18.29 reporting system:

18.30 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through
18.31 8 and testing at the high school levels that provides appropriate, technically sound
18.32 accommodations or alternate assessments;

18.33 (2) educational indicators that can be aggregated and compared across school districts
18.34 and across time on a statewide basis, including average daily attendance consistent

19.1 attendance, high school graduation rates, and high school drop-out rates by age and grade
19.2 level;

19.3 (3) state results on the ~~American College Test~~ ACT test; and

19.4 (4) state results from participation in the National Assessment of Educational Progress
19.5 so that the state can benchmark its performance against the nation and other states, and,
19.6 where possible, against other countries, and contribute to the national effort to monitor
19.7 achievement.

19.8 (p) For purposes of statewide accountability, "career and college ready" means a high
19.9 school graduate has the knowledge, skills, and competencies to successfully pursue a career
19.10 pathway, including postsecondary credit leading to a degree, diploma, certificate, or
19.11 industry-recognized credential and employment. Students who are career and college ready
19.12 are able to successfully complete credit-bearing coursework at a two- or four-year college
19.13 or university or other credit-bearing postsecondary program without need for remediation.

19.14 (q) For purposes of statewide accountability, "cultural competence," "cultural
19.15 competency," or "culturally competent" means the ability of families and educators to
19.16 interact effectively with people of different cultures, native languages, and socioeconomic
19.17 backgrounds.

19.18 Sec. 15. Minnesota Statutes 2022, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

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

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

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

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

20.17 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through
20.18 8, and high school reading, writing, and mathematics tests; and

20.19 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades
20.20 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the
20.21 commissioner must not require students to achieve a passing score on high school science
20.22 assessments as a condition of receiving a high school diploma.

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

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

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

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

20.32 (4) useful diagnostic information about areas of students' academic strengths and
20.33 weaknesses is available to teachers and school administrators for improving student

21.1 instruction and indicating the specific skills and concepts that should be introduced and
21.2 developed for students at given performance levels, organized by strands within subject
21.3 areas, and aligned to state academic standards.

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

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

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

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

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

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

21.15 ~~(h)~~ (f) A school, school district, and charter school must administer statewide assessments
21.16 under this section, as the assessments become available, to evaluate student progress toward
21.17 career and college readiness in the context of the state's academic standards. A school,
21.18 school district, or charter school may use a student's performance on a statewide assessment
21.19 as one of multiple criteria to determine grade promotion or retention. A school, school
21.20 district, or charter school may use a high school student's performance on a statewide
21.21 assessment as a percentage of the student's final grade in a course, or place a student's
21.22 assessment score on the student's transcript.

21.23 Sec. 16. Minnesota Statutes 2022, section 120B.301, is amended to read:

21.24 **120B.301 LIMITS ON LOCAL TESTING.**

21.25 (a) For students in grades 1 through 6, the cumulative total amount of time spent taking
21.26 locally adopted districtwide or schoolwide assessments must not exceed ten hours per school
21.27 year. For students in grades 7 through 12, the cumulative total amount of time spent taking
21.28 locally adopted districtwide or schoolwide assessments must not exceed 11 hours per school
21.29 year. For purposes of this paragraph, international baccalaureate and advanced placement
21.30 exams are not considered locally adopted assessments.

21.31 (b) A district or charter school is exempt from the requirements of paragraph (a), if the
21.32 district or charter school, in consultation with the exclusive representative of the teachers

22.1 or other teachers if there is no exclusive representative of the teachers, decides to exceed a
22.2 time limit in paragraph (a) and includes the information in the report required under section
22.3 120B.11, subdivision 5.

22.4 (c) A district or charter school, ~~before the first day of each school year,~~ must publish on
22.5 its website a comprehensive calendar of standardized tests to be administered in the district
22.6 or charter school during that school year. The calendar must provide the rationale for
22.7 administering each assessment and indicate whether the assessment is a local option or
22.8 required by state or federal law. The calendar must be published at least one week prior to
22.9 any eligible assessments being administered but no later than October 1.

22.10 Sec. 17. Minnesota Statutes 2022, section 120B.35, subdivision 3, is amended to read:

22.11 Subd. 3. **State growth target measures; other state measures.** (a)(1) The state's
22.12 educational assessment system measuring individual students' educational growth is based
22.13 on indicators of current achievement growth that show growth relative to an individual
22.14 student's prior achievement. Indicators of achievement and prior achievement must be based
22.15 on highly reliable statewide or districtwide assessments.

22.16 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and
22.17 report separate categories of information using the student categories identified under the
22.18 federal Elementary and Secondary Education Act, as most recently reauthorized, and, in
22.19 addition to "other" for each race and ethnicity, and the Karen community, seven of the most
22.20 populous Asian and Pacific Islander groups, three of the most populous Native groups,
22.21 seven of the most populous Hispanic/Latino groups, and five of the most populous Black
22.22 and African Heritage groups as determined by the total Minnesota population based on the
22.23 most recent American Community Survey; English learners under section 124D.59; home
22.24 language; free or reduced-price lunch; and all students enrolled in a Minnesota public school
22.25 who are currently or were previously in foster care, except that such disaggregation and
22.26 cross tabulation is not required if the number of students in a category is insufficient to yield
22.27 statistically reliable information or the results would reveal personally identifiable information
22.28 about an individual student.

22.29 (b) The commissioner, in consultation with a stakeholder group that includes assessment
22.30 and evaluation directors, district staff, experts in culturally responsive teaching, and
22.31 researchers, must implement ~~a~~ an appropriate growth model that compares the difference
22.32 in students' achievement scores over time, and includes criteria for identifying schools and
22.33 school districts that demonstrate academic progress or progress toward English language
22.34 proficiency. The model may be used to advance educators' professional development and

23.1 replicate programs that succeed in meeting students' diverse learning needs. Data on
23.2 individual teachers generated under the model are personnel data under section 13.43. The
23.3 model must allow users to:

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

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

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

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

23.21 (1) a preparation measure indicating the number and percentage of high school graduates
23.22 in the most recent school year who completed course work important to preparing them for
23.23 postsecondary academic and career opportunities, consistent with the core academic subjects
23.24 required for admission to Minnesota's public colleges and universities as determined by the
23.25 Office of Higher Education under chapter 136A; and

23.26 (2) a rigorous coursework measure indicating the number and percentage of high school
23.27 graduates in the most recent school year who successfully completed one or more
23.28 college-level advanced placement, international baccalaureate, postsecondary enrollment
23.29 options including concurrent enrollment, other rigorous courses of study under section
23.30 120B.021, subdivision 1a, or industry certification courses or programs.

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

24.1 (d) When reporting student performance under section 120B.36, subdivision 1, the
24.2 commissioner annually, beginning July 1, 2014, must report summary data on school safety
24.3 and students' engagement and connection at school, consistent with the student categories
24.4 identified under paragraph (a), clause (2). The summary data under this paragraph are
24.5 separate from and must not be used for any purpose related to measuring or evaluating the
24.6 performance of classroom teachers. The commissioner, in consultation with qualified experts
24.7 on student engagement and connection and classroom teachers, must identify highly reliable
24.8 variables that generate summary data under this paragraph. The summary data may be used
24.9 at school, district, and state levels only. Any data on individuals received, collected, or
24.10 created that are used to generate the summary data under this paragraph are nonpublic data
24.11 under section 13.02, subdivision 9.

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

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

24.18 (2) the percent of students under this paragraph whose progress and performance levels
24.19 are meeting career and college readiness benchmarks under section 120B.30, subdivision
24.20 1; and

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

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

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

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

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

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

24.29 (f) The commissioner, in consultation with recognized experts with knowledge and
24.30 experience in assessing the language proficiency and academic performance of all English
24.31 learners enrolled in a Minnesota public school course or program who are currently or were
24.32 previously counted as an English learner under section 124D.59, must identify and report
24.33 appropriate and effective measures to improve current categories of language difficulty and

25.1 assessments, and monitor and report data on students' English proficiency levels, program
25.2 placement, and academic language development, including oral academic language.

25.3 (g) When reporting four- and six-year graduation rates, the commissioner or school
25.4 district must disaggregate the data by student categories according to paragraph (a), clause
25.5 (2).

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

25.11 Sec. 18. Minnesota Statutes 2022, section 120B.36, subdivision 2, is amended to read:

25.12 Subd. 2. **Student progress and other data.** (a) All data the department receives, collects,
25.13 or creates under section 120B.11, governing the world's best workforce, or uses to determine
25.14 federal expectations under the most recently reauthorized Elementary and Secondary
25.15 Education Act, ~~set state growth targets,~~ and determine student growth, learning, and outcomes
25.16 under section 120B.35 are nonpublic data under section 13.02, subdivision 9, until the
25.17 commissioner publicly releases the data.

25.18 (b) Districts must provide parents sufficiently detailed summary data to permit parents
25.19 to appeal under the most recently reauthorized federal Elementary and Secondary Education
25.20 Act. The commissioner shall annually post federal expectations and state student growth,
25.21 learning, and outcome data to the department's public website no later than September 1,
25.22 except that in years when data or federal expectations reflect new performance standards,
25.23 the commissioner shall post data on federal expectations and state student growth data no
25.24 later than October 1.

25.25 Sec. 19. Minnesota Statutes 2022, section 121A.031, subdivision 6, is amended to read:

25.26 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the
25.27 commissioner of human rights, shall develop and maintain a state model policy. A district
25.28 or school that does not adopt and implement a local policy under subdivisions 3 to 5 must
25.29 implement and may supplement the provisions of the state model policy. The commissioner
25.30 must assist districts and schools under this subdivision to implement the state policy. The
25.31 state model policy must:

25.32 (1) define prohibited conduct, consistent with this section;

26.1 (2) apply the prohibited conduct policy components in this section;

26.2 (3) for a child with a disability, whenever an evaluation by an individualized education
26.3 program team or a section 504 team indicates that the child's disability affects the child's
26.4 social skills development or the child is vulnerable to prohibited conduct because of the
26.5 child's disability, the child's individualized education program or section 504 plan may
26.6 address the skills and proficiencies the child needs to not engage in and respond to such
26.7 conduct; and

26.8 (4) encourage violence prevention and character development education programs under
26.9 section 120B.232, subdivision 1.

26.10 (b) The commissioner shall develop and post departmental procedures for:

26.11 (1) periodically reviewing district and school programs and policies for compliance with
26.12 this section;

26.13 (2) investigating, reporting, and responding to noncompliance with this section, which
26.14 may include an annual review of plans to improve and provide a safe and supportive school
26.15 climate; and

26.16 (3) allowing students, parents, and educators to file a complaint about noncompliance
26.17 with the commissioner.

26.18 (c) The commissioner must post on the department's website information indicating that
26.19 when districts and schools allow non-curriculum-related student groups access to school
26.20 facilities, the district or school must give all student groups equal access to the school
26.21 facilities regardless of the content of the group members' speech.

26.22 (d) The commissioner must develop and maintain resources to assist a district or school
26.23 in implementing strategies for creating a positive school climate and use evidence-based,
26.24 social-emotional learning to prevent and reduce discrimination and other improper conduct.

26.25 **Sec. 20. [121A.0312] MALICIOUS AND SADISTIC CONDUCT.**

26.26 (a) For purposes of this section, "malicious and sadistic conduct" means creating a hostile
26.27 learning environment by acting with the intent to cause harm by intentionally injuring
26.28 another without just cause or reason or engaging in extreme or excessive cruelty or delighting
26.29 in cruelty.

26.30 (b) A school board must adopt a written policy to address malicious and sadistic conduct
26.31 involving race, color, creed, national origin, sex, age, marital status, status with regard to
26.32 public assistance, disability, religion, sexual harassment, and sexual orientation, as defined

27.1 in chapter 363A, and sexual exploitation by a district or school staff member, independent
27.2 contractor, or student enrolled in a public school against a staff member, independent
27.3 contractor, or student that occurs as described in section 121A.031, subdivision 1, paragraph
27.4 (a).

27.5 (c) The policy must apply to students, independent contractors, teachers, administrators,
27.6 and other school personnel; must include at a minimum the components under section
27.7 121A.031, subdivision 4, paragraph (a); and must include disciplinary actions for each
27.8 violation of the policy. Disciplinary actions must conform with collective bargaining
27.9 agreements and sections 121A.41 to 121A.56.

27.10 (d) The policy must be conspicuously posted throughout each school building, distributed
27.11 to each district employee and independent contractor at the time of hiring or contracting,
27.12 and included in each school's student handbook on school policies. Each school must develop
27.13 a process for discussing with students, parents of students, independent contractors, and
27.14 school employees the school's policy addressing malicious and sadistic conduct involving
27.15 race, color, creed, national origin, sex, age, marital status, status with regard to public
27.16 assistance, disability, religion, sexual harassment, and sexual orientation, as defined in
27.17 chapter 363A, and sexual exploitation.

27.18 Sec. 21. Minnesota Statutes 2022, section 121A.41, is amended by adding a subdivision
27.19 to read:

27.20 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**
27.21 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means
27.22 policies and practices that are alternatives to removing a pupil from class or dismissing a
27.23 pupil from school, including evidence-based positive behavior interventions and supports,
27.24 social and emotional services, school-linked mental health services, counseling services,
27.25 social work services, referrals for special education or 504 evaluations, academic screening
27.26 for Title 1 services or reading interventions, and alternative education services.
27.27 Nonexclusionary disciplinary policies and practices require actions by school officials to
27.28 intervene in, redirect, and support a pupil's behavior before beginning dismissal proceedings.
27.29 Nonexclusionary disciplinary policies and practices include but are not limited to the policies
27.30 and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031, subdivision
27.31 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (r); and 122A.627, clause
27.32 (3).

27.33 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

28.1 Sec. 22. Minnesota Statutes 2022, section 121A.41, is amended by adding a subdivision
28.2 to read:

28.3 Subd. 13. **Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal
28.4 or written agreement between a school administrator or district administrator and a pupil's
28.5 parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal
28.6 proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month
28.7 period.

28.8 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

28.9 Sec. 23. Minnesota Statutes 2022, section 121A.425, is amended to read:

28.10 **121A.425 FULL AND EQUITABLE PARTICIPATION IN ~~PRESCHOOL AND~~**
28.11 **PREKINDERGARTEN EARLY LEARNING.**

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

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

28.18 (2) kindergarten through grade 3.

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

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

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

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

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

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

29.2 Sec. 24. Minnesota Statutes 2022, section 121A.45, subdivision 1, is amended to read:

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

29.8 **EFFECTIVE DATE.** This section is effective for the 2024-2025 school year and later.

29.9 Sec. 25. Minnesota Statutes 2022, section 121A.46, subdivision 4, is amended to read:

29.10 Subd. 4. **Provision of alternative education services; suspension pending expulsion**
29.11 **or exclusion hearing.** (a) Alternative education services must be provided to a pupil who
29.12 is suspended for more than five consecutive school days.

29.13 (b) Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended
29.14 pending the school board's decision in the expulsion or exclusion hearing; provided that
29.15 alternative educational services are implemented to the extent that suspension exceeds five
29.16 consecutive school days.

29.17 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

29.18 Sec. 26. Minnesota Statutes 2022, section 121A.46, is amended by adding a subdivision
29.19 to read:

29.20 Subd. 5. **Minimum education services.** School administration must allow a suspended
29.21 pupil the opportunity to complete all school work assigned during the period of the pupil's
29.22 suspension and to receive full credit for satisfactorily completing the assignments. The
29.23 school principal or other person having administrative control of the school building or
29.24 program is encouraged to designate a district or school employee as a liaison to work with
29.25 the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and
29.26 other information, and (2) complete daily and weekly assignments and receive teachers'
29.27 feedback.

29.28 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

29.29 Sec. 27. Minnesota Statutes 2022, section 121A.47, subdivision 2, is amended to read:

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

- 30.1 (a) be served upon the pupil and the pupil's parent or guardian personally or by mail;
- 30.2 (b) contain a complete statement of the facts, a list of the witnesses and a description of
30.3 their testimony;
- 30.4 (c) state the date, time, and place of the hearing;
- 30.5 (d) be accompanied by a copy of sections 121A.40 to 121A.56;
- 30.6 (e) describe ~~alternative educational services~~ the nonexclusionary disciplinary practices
30.7 accorded the pupil in an attempt to avoid the expulsion proceedings; and
- 30.8 (f) inform the pupil and parent or guardian of the right to:
- 30.9 (1) have a representative of the pupil's own choosing, including legal counsel, at the
30.10 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost
30.11 legal assistance may be available and that a legal assistance resource list is available from
30.12 the Department of Education and is posted on their website;
- 30.13 (2) examine the pupil's records before the hearing;
- 30.14 (3) present evidence; and
- 30.15 (4) confront and cross-examine witnesses.

30.16 **EFFECTIVE DATE.** This section is effective for the 2024-2025 school year and later.

30.17 Sec. 28. Minnesota Statutes 2022, section 121A.47, subdivision 14, is amended to read:

30.18 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare
30.19 and enforce an admission or readmission plan for any pupil who is excluded or expelled
30.20 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~
30.21 which may include completing a character education program, consistent with section
30.22 120B.232, subdivision 1, ~~and require~~ social and emotional learning, counseling, social work
30.23 services, mental health services, referrals for special education or 504 evaluation, and
30.24 evidence-based academic interventions. The plan must include reasonable attempts to obtain
30.25 parental involvement in the admission or readmission process, and may indicate the
30.26 consequences to the pupil of not improving the pupil's behavior.

30.27 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply
30.28 to a student's dismissal from school for ~~one school day or less~~ less than one school day, except
30.29 as provided under federal law for a student with a disability. Each suspension action may
30.30 include a readmission plan. A readmission plan must provide, where appropriate, alternative
30.31 education services, which must not be used to extend the student's current suspension period.

31.1 Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a
 31.2 parent or guardian to provide psychotropic drugs to their student as a condition of
 31.3 readmission. School officials must not use the refusal of a parent or guardian to consent to
 31.4 the administration of psychotropic drugs to their student or to consent to a psychiatric
 31.5 evaluation, screening or examination of the student as a ground, by itself, to prohibit the
 31.6 student from attending class or participating in a school-related activity, or as a basis of a
 31.7 charge of child abuse, child neglect or medical or educational neglect.

31.8 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

31.9 Sec. 29. Minnesota Statutes 2022, section 121A.53, subdivision 1, is amended to read:

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

31.20 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

31.21 Sec. 30. Minnesota Statutes 2022, section 121A.55, is amended to read:

31.22 **121A.55 POLICIES TO BE ESTABLISHED.**

31.23 (a) The commissioner of education ~~shall~~ must promulgate guidelines to assist each school
 31.24 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written
 31.25 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
 31.26 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section
 31.27 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection
 31.28 of problems ~~and shall~~. The policies must be designed to address students' inappropriate
 31.29 behavior from recurring.

31.30 (b) The policies ~~shall~~ must recognize the continuing responsibility of the school for the
 31.31 education of the pupil during the dismissal period.

32.1 (c) The school is responsible for ensuring that alternative educational services, if the
 32.2 pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress
 32.3 ~~towards~~ toward meeting the graduation standards adopted under section 120B.02 and help
 32.4 prepare the pupil for readmission in accordance with section 121A.46, subdivision 5.

32.5 (d) For expulsion and exclusion dismissals and pupil withdrawal agreements as defined
 32.6 in section 121A.41, subdivision 13:

32.7 (1) for a pupil who remains enrolled in the district or is awaiting enrollment in a new
 32.8 district, a school district's continuing responsibility includes reviewing the pupil's school
 32.9 work and grades on a quarterly basis to ensure the pupil is on track for readmission with
 32.10 the pupil's peers. School districts must communicate on a regular basis with the pupil's
 32.11 parent or guardian to ensure the pupil is completing the work assigned through the alternative
 32.12 educational services as defined in section 121A.41, subdivision 11. These services are
 32.13 required until a pupil enrolls in another school or returns to the same school.

32.14 (2) a pupil receiving school-based or school-linked mental health services in the district
 32.15 under section 245.4889 continues to be eligible for those services until the pupil is enrolled
 32.16 in a new district; and

32.17 (3) a school district must provide to the pupil's parent or guardian information on
 32.18 accessing mental health services, including any free or sliding fee providers in the
 32.19 community. The information must also be posted on the district or charter school website.

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

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

32.27 **EFFECTIVE DATE.** This section is effective for the 2024-2025 school year and later.

32.28 Sec. 31. Minnesota Statutes 2022, section 121A.58, is amended to read:

32.29 **121A.58 CORPORAL PUNISHMENT; PRONE RESTRAINT; AND CERTAIN**
 32.30 **PHYSICAL HOLDS.**

32.31 Subdivision 1. ~~Definition~~ Definitions. (a) For the purpose of this section, "corporal
 32.32 punishment" means conduct involving:

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

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

33.3 (b) For the purpose of this section, "prone restraint" means placing a child in a face-down
33.4 position.

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

33.8 Subd. 2a. **Prone restraint and certain physical holds not allowed.** (a) An employee
33.9 or agent of a district, including a school resource officer or police officer contracted with
33.10 a district, shall not use prone restraint.

33.11 (b) An employee or agent of a district, including a school resource officer or police
33.12 officer contracted with a district, shall not inflict any form of physical holding that restricts
33.13 or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate
33.14 distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum,
33.15 diaphragm, back, or abdomen; or results in straddling a pupil's torso.

33.16 Subd. 3. **Violation.** Conduct that violates subdivision 2 is not a crime under section
33.17 645.241, but may be a crime under chapter 609 if the conduct violates a provision of chapter
33.18 609.

33.19 Sec. 32. Minnesota Statutes 2022, section 121A.61, subdivision 1, is amended to read:

33.20 Subdivision 1. **Required policy.** Each school board must adopt a written districtwide
33.21 school discipline policy which includes written rules of conduct for students, minimum
33.22 consequences for violations of the rules, and grounds and procedures for removal of a student
33.23 from class. The policy must contain the discipline complaint procedure that any member
33.24 of the school community may use to file a complaint regarding the application of discipline
33.25 policies and seek corrective action. The policy must be developed in consultation with
33.26 administrators, teachers, employees, pupils, parents, community members, law enforcement
33.27 agencies, county attorney offices, social service agencies, and such other individuals or
33.28 organizations as the board determines appropriate. A school site council may adopt additional
33.29 provisions to the policy subject to the approval of the school board.

33.30 Sec. 33. Minnesota Statutes 2022, section 121A.61, subdivision 3, is amended to read:

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

- 34.1 (a) rules governing student conduct and procedures for informing students of the rules;
- 34.2 (b) the grounds for removal of a student from a class;
- 34.3 (c) the authority of the classroom teacher to remove students from the classroom pursuant
- 34.4 to procedures and rules established in the district's policy;
- 34.5 (d) the procedures for removal of a student from a class by a teacher, school administrator,
- 34.6 or other school district employee;
- 34.7 (e) the period of time for which a student may be removed from a class, which may not
- 34.8 exceed five class periods for a violation of a rule of conduct;
- 34.9 (f) provisions relating to the responsibility for and custody of a student removed from
- 34.10 a class;
- 34.11 (g) the procedures for return of a student to the specified class from which the student
- 34.12 has been removed;
- 34.13 (h) the procedures for notifying a student and the student's parents or guardian of
- 34.14 violations of the rules of conduct and of resulting disciplinary actions;
- 34.15 (i) any procedures determined appropriate for encouraging early involvement of parents
- 34.16 or guardians in attempts to improve a student's behavior;
- 34.17 (j) any procedures determined appropriate for encouraging early detection of behavioral
- 34.18 problems;
- 34.19 (k) any procedures determined appropriate for referring a student in need of special
- 34.20 education services to those services;
- 34.21 (l) any procedures determined appropriate for ensuring victims of bullying who respond
- 34.22 with behavior not allowed under the school's behavior policies have access to a remedial
- 34.23 response, consistent with section 121A.031;
- 34.24 ~~(m)~~ (m) the procedures for consideration of whether there is a need for a further assessment
- 34.25 or of whether there is a need for a review of the adequacy of a current individualized
- 34.26 education program of a student with a disability who is removed from class;
- 34.27 ~~(n)~~ (n) procedures for detecting and addressing chemical abuse problems of a student
- 34.28 while on the school premises;
- 34.29 ~~(o)~~ (o) the minimum consequences for violations of the code of conduct;
- 34.30 ~~(p)~~ (p) procedures for immediate and appropriate interventions tied to violations of the
- 34.31 code;

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

35.4 ~~(q)~~ (r) an agreement regarding procedures to coordinate crisis services to the extent funds
35.5 are available with the county board responsible for implementing sections 245.487 to
35.6 245.4889 for students with a serious emotional disturbance or other students who have an
35.7 individualized education program whose behavior may be addressed by crisis intervention;
35.8 ~~and~~

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

35.13 (t) a prohibition on the use of exclusionary practices for early learners as defined in
35.14 section 121A.425; and

35.15 (u) a prohibition on the use of exclusionary practices to address attendance and truancy
35.16 issues.

35.17 Sec. 34. Minnesota Statutes 2022, section 121A.61, is amended by adding a subdivision
35.18 to read:

35.19 Subd. 4. **School supports.** (a) A school board is strongly encouraged to adopt a policy
35.20 that promotes the understanding in school staff that when a student is unable to meet adult
35.21 expectations it is often because the student lacks the skills to respond to a situation
35.22 appropriately. A school district must support school staff in using tiered interventions that
35.23 teach students skills and prioritize relationships between students and teachers.

35.24 (b) A school board is strongly encouraged to adopt a policy that discourages teachers
35.25 and staff from reacting to unwanted student behavior with approaches that take away the
35.26 student's opportunity to build skills for responding more appropriately.

35.27 Sec. 35. Minnesota Statutes 2022, section 121A.61, is amended by adding a subdivision
35.28 to read:

35.29 Subd. 5. **Discipline complaint procedure.** The discipline policy must contain procedures
35.30 for students, parents and other guardians, and school staff to file a complaint and seek
35.31 corrective action when the requirements of sections 121A.40 to 121A.61, including the
35.32 implementation of the local behavior and discipline policies, are not being implemented

36.1 appropriately or are being discriminately applied. Each district and school policy implemented
36.2 under this section must, at a minimum:

36.3 (1) provide procedures for communicating this policy including the ability for a parent
36.4 to appeal a decision under section 121A.49 that contains explicit instructions for filing the
36.5 complaint;

36.6 (2) provide an opportunity for involved parties to submit additional information related
36.7 to the complaint;

36.8 (3) provide a procedure to begin to investigate complaints within three school days of
36.9 receipt, and identify personnel who will manage the investigation and any resulting record
36.10 and are responsible for keeping and regulating access to any record;

36.11 (4) provide procedures for issuing a written determination to the complainant that
36.12 addresses each allegation and contains findings and conclusions;

36.13 (5) if the investigation finds the requirements of sections 121A.40 to 121A.61, including
36.14 any local policies that were not implemented appropriately, contain procedures that require
36.15 a corrective action plan to correct a student's record and provide relevant staff with training,
36.16 coaching, or other accountability practices to ensure appropriate compliance with policies
36.17 in the future; and

36.18 (6) prohibit reprisals or retaliation against any person who asserts, alleges, or reports a
36.19 complaint, and provide procedures for applying appropriate consequences for a person who
36.20 engages in reprisal or retaliation.

36.21 **Sec. 36. [121A.611] RECESS AND OTHER BREAKS.**

36.22 (a) "Recess detention" as used in this chapter means excluding or excessively delaying
36.23 a student from participating in a scheduled recess period as a consequence for student
36.24 behavior. Recess detention does not include, among other things, providing alternative
36.25 recess at the student's choice.

36.26 (b) A school district or charter school is encouraged to ensure student access to structured
36.27 breaks from the demands of school and to support teachers, principals, and other school
36.28 staff in their efforts to use evidence-based approaches to reduce exclusionary forms of
36.29 discipline.

36.30 (c) A school district or charter school must not use recess detention unless:

36.31 (1) a student causes or is likely to cause serious physical harm to other students or staff;

37.1 (2) the student's parent or guardian specifically consents to the use of recess detention;

37.2 or

37.3 (3) for students receiving special education services, the student's individualized education
37.4 program team has determined that withholding recess is appropriate based on the
37.5 individualized needs of the student.

37.6 (d) A school district or charter school must not withhold recess from a student based on
37.7 incomplete homework.

37.8 (e) A school district or charter school must require school staff to make a reasonable
37.9 attempt to notify a parent or guardian within 24 hours of using recess detention.

37.10 (f) A school district or charter school must compile information on each recess detention
37.11 at the end of each school year, including the student's age, grade, gender, race or ethnicity,
37.12 and special education status. This information must be available to the public upon request.
37.13 A school district or charter school is encouraged to use the data in professional development
37.14 promoting the use of nonexclusionary discipline.

37.15 (g) A school district or charter school must not withhold or excessively delay a student's
37.16 participation in scheduled mealtimes. This section does not alter a district's or school's
37.17 existing responsibilities under section 124D.111 or other state or federal law.

37.18 Sec. 37. Minnesota Statutes 2022, section 124D.03, subdivision 3, is amended to read:

37.19 Subd. 3. **Pupil application procedures.** (a) In order that a pupil may attend a school or
37.20 program in a nonresident district, the pupil's parent or guardian must submit an application
37.21 to the nonresident district. The pupil's application must identify a reason for enrolling in
37.22 the nonresident district. The parent or guardian of a pupil must submit a signed application
37.23 by January 15 for initial enrollment beginning the following school year. The application
37.24 must be on a form provided by the Department of Education. A particular school or program
37.25 may be requested by the parent. Once enrolled in a nonresident district, the pupil may remain
37.26 enrolled and is not required to submit annual or periodic applications. If the student moves
37.27 to a new resident district, the student retains the seat in the nonresident district, but must
37.28 submit a new enrollment options form to update the student's information. To return to the
37.29 resident district or to transfer to a different nonresident district, the parent or guardian of
37.30 the pupil must provide notice to the resident district or apply to a different nonresident
37.31 district by January 15 for enrollment beginning the following school year.

37.32 (b) A school district may require a nonresident student enrolled in a program under
37.33 section 125A.13, or in a preschool program, except for a program under section 124D.151

38.1 or Laws 2017, First Special Session chapter 5, article 8, section 9, to follow the application
38.2 procedures under this subdivision to enroll in kindergarten. A district must allow a
38.3 nonresident student enrolled in a program under section 124D.151 or Laws 2017, First
38.4 Special Session chapter 5, article 8, section 9, to remain enrolled in the district when the
38.5 student enters kindergarten without submitting annual or periodic applications, unless the
38.6 district terminates the student's enrollment under subdivision 12.

38.7 Sec. 38. Minnesota Statutes 2022, section 124D.03, subdivision 5, is amended to read:

38.8 Subd. 5. **Nonresident district procedures.** A district shall notify the parent or guardian
38.9 in writing by February 15 or within 90 days for applications submitted after January 15 in
38.10 the case of achievement and integration district transfers whether the application has been
38.11 accepted or rejected. If an application is rejected, the district must state in the notification
38.12 the reason for rejection. The parent or guardian must notify the nonresident district by March
38.13 1 or within ~~45~~ ten business days whether the pupil intends to enroll in the nonresident district.
38.14 Notice of intent to enroll in the nonresident district obligates the pupil to attend the
38.15 nonresident district during the following school year, unless the boards of the resident and
38.16 the nonresident districts agree in writing to allow the pupil to transfer back to the resident
38.17 district. If the pupil's parents or guardians change residence to another district, the student
38.18 does not lose the seat in the nonresident district but the parent or guardian must complete
38.19 an updated enrollment options form. If a parent or guardian does not notify the nonresident
38.20 district by the January 15 deadline, if it applies, the pupil may not enroll in that nonresident
38.21 district during the following school year, unless the boards of the resident and nonresident
38.22 district agree otherwise. The nonresident district must notify the resident district by March
38.23 15 or 30 days later of the pupil's intent to enroll in the nonresident district. The same
38.24 procedures apply to a pupil who applies to transfer from one participating nonresident district
38.25 to another participating nonresident district.

38.26 Sec. 39. Minnesota Statutes 2022, section 124D.09, subdivision 3, is amended to read:

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

38.29 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,
38.30 nonprofit two-year trade and technical school granting associate degrees, an opportunities
38.31 industrialization center accredited by an accreditor recognized by the United States
38.32 Department of Education, or a private, residential, two-year or four-year, liberal arts,
38.33 degree-granting college or university located in Minnesota. An eligible institution must not

39.1 require a faith statement from a secondary student seeking to enroll in a postsecondary
39.2 course under this section during the application process or base any part of the admission
39.3 decision on a student's race, creed, ethnicity, disability, gender, or sexual orientation or
39.4 religious beliefs or affiliations.

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

39.6 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under
39.7 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by
39.8 a secondary teacher or a postsecondary faculty member, and are offered at a high school
39.9 for which the district is eligible to receive concurrent enrollment program aid under section
39.10 124D.091.

39.11 Sec. 40. Minnesota Statutes 2022, section 124D.09, subdivision 5, is amended to read:

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

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

39.23 (2) the pupil's school as soon as practicable if the pupil withdraws from the course or
39.24 stops attending the course.

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

39.26 Sec. 41. Minnesota Statutes 2022, section 124D.09, subdivision 12, is amended to read:

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

39.29 (b) A district ~~shall~~ must grant academic credit to a pupil enrolled in a course for secondary
39.30 credit if the pupil successfully completes the course. Seven quarter or four semester college
39.31 credits equal at least one full year of high school credit. Fewer college credits may be
39.32 prorated. A district must also grant academic credit to a pupil enrolled in a course for

40.1 postsecondary credit if secondary credit is requested by a pupil. If no comparable course is
40.2 offered by the district, the district must, as soon as possible, notify the commissioner, who
40.3 ~~shall~~ must determine the number of credits that ~~shall~~ must be granted to a pupil who
40.4 successfully completes a course. If a comparable course is offered by the district, the school
40.5 board ~~shall~~ must grant a comparable number of credits to the pupil. If there is a dispute
40.6 between the district and the pupil regarding the number of credits granted for a particular
40.7 course, the pupil may appeal the board's decision to the commissioner. The commissioner's
40.8 decision regarding the number of credits ~~shall be~~ is final.

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

40.13 (d) The secondary credits granted to a pupil must be counted toward the graduation
40.14 requirements and subject area requirements of the district. Evidence of successful completion
40.15 of each course and secondary credits granted must be included in the pupil's secondary
40.16 school record. A pupil ~~shall~~ must provide the school with a copy of the pupil's ~~grade~~ grades
40.17 in each course taken for secondary credit under this section, including interim or nonfinal
40.18 grades earned during the academic term. Upon the request of a pupil, the pupil's secondary
40.19 school record must also include evidence of successful completion and credits granted for
40.20 a course taken for postsecondary credit. In either case, the record must indicate that the
40.21 credits were earned at a postsecondary institution.

40.22 (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the
40.23 postsecondary institution must award postsecondary credit for any course successfully
40.24 completed for secondary credit at that institution. Other postsecondary institutions may
40.25 award, after a pupil leaves secondary school, postsecondary credit for any courses
40.26 successfully completed under this section. An institution may not charge a pupil for the
40.27 award of credit.

40.28 (f) The Board of Trustees of the Minnesota State Colleges and Universities and the
40.29 Board of Regents of the University of Minnesota must, and private nonprofit and proprietary
40.30 postsecondary institutions should, award postsecondary credit for any successfully completed
40.31 courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships
40.32 offered according to an agreement under subdivision 10. Consistent with section 135A.101,
40.33 subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who
40.34 completes for postsecondary credit a postsecondary course or program that is part or all of
40.35 a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a

41.1 MnSCU institution after leaving secondary school. Once one MnSCU institution certifies
41.2 as completed a secondary student's postsecondary course or program that is part or all of a
41.3 goal area or a transfer curriculum, every MnSCU institution must consider the student's
41.4 course or program for that goal area or the transfer curriculum as completed.

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

41.6 Sec. 42. Minnesota Statutes 2022, section 124D.09, subdivision 13, is amended to read:

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

41.10 The department must not make payments to a school district or postsecondary institution
41.11 for a course taken for postsecondary credit only. The department must not make payments
41.12 to a postsecondary institution for a course from which a student officially withdraws during
41.13 the first ~~14~~ ten business days of the postsecondary institution's quarter or semester or who
41.14 has been absent from the postsecondary institution for the first ~~15 consecutive school~~ ten
41.15 business days of the postsecondary institution's quarter or semester and is not receiving
41.16 instruction in the home or hospital.

41.17 A postsecondary institution shall receive the following:

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

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

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

42.1 Sec. 43. [124D.094] ONLINE INSTRUCTION ACT.

42.2 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
42.3 the meanings given.

42.4 (b) "Blended instruction" means a form of digital instruction that occurs when a student
42.5 learns part time in a supervised physical setting and part time through online instruction
42.6 under paragraph (f).

42.7 (c) "Digital instruction" means instruction facilitated by technology that offers students
42.8 an element of control over the time, place, path, or pace of learning and includes blended
42.9 and online instruction.

42.10 (d) "Enrolling district" means the school district or charter school in which a student is
42.11 enrolled under section 120A.22, subdivision 4.

42.12 (e) "Online course syllabus" means a written document that identifies the state academic
42.13 standards taught and assessed in a supplemental online course under paragraph (j); course
42.14 content outline; required course assessments; instructional methods; communication
42.15 procedures with students, guardians, and the enrolling district under paragraph (d); and
42.16 supports available to the student.

42.17 (f) "Online instruction" means a form of digital instruction that occurs when a student
42.18 learns primarily through digital technology away from a supervised physical setting.

42.19 (g) "Online instructional site" means a site that offers courses using online instruction
42.20 under paragraph (f) and may enroll students receiving online instruction under paragraph
42.21 (f).

42.22 (h) "Online teacher" means an employee of the enrolling district under paragraph (d) or
42.23 the supplemental online course provider under paragraph (k) who holds the appropriate
42.24 licensure under Minnesota Rules, chapter 8710, and is trained to provide online instruction
42.25 under paragraph (f).

42.26 (i) "Student" means a Minnesota resident enrolled in a school defined under section
42.27 120A.22, subdivision 4, in kindergarten through grade 12 up to the age of 21.

42.28 (j) "Supplemental online course" means an online learning course taken in place of a
42.29 course provided by the student's enrolling district under paragraph (d).

42.30 (k) "Supplemental online course provider" means a school district, an intermediate school
42.31 district, an organization of two or more school districts operating under a joint powers

43.1 agreement, or a charter school located in Minnesota that is authorized by the Department
43.2 of Education to provide supplemental online courses under paragraph (j).

43.3 Subd. 2. **Digital instruction.** (a) An enrolling district may provide digital instruction,
43.4 including blended instruction and online instruction, to the district's own enrolled students.
43.5 Enrolling districts may establish agreements to provide digital instruction, including blended
43.6 instruction and online instruction, to students enrolled in the cooperating schools.

43.7 (b) When online instruction is provided, an online teacher as defined under subdivision
43.8 1, paragraph (h), shall perform all duties of teacher of record under Minnesota Rules, part
43.9 8710.0310. Unless the commissioner grants a waiver, a teacher providing online instruction
43.10 shall not instruct more than 40 students in any one online learning course or section.

43.11 (c) Students receiving online instruction full time shall be reported as enrolled in an
43.12 online instructional site under subdivision 1, paragraph (g).

43.13 (d) Curriculum used for digital instruction shall be aligned with Minnesota's current
43.14 academic standards and benchmarks.

43.15 (e) Digital instruction shall be accessible to students under section 504 of the federal
43.16 Rehabilitation Act and Title II of the federal Americans with Disabilities Act.

43.17 (f) An enrolling district providing digital instruction and a supplemental online course
43.18 provider shall assist an enrolled student whose family qualifies for the education tax credit
43.19 under section 290.0674 to acquire computer hardware and educational software so they
43.20 may participate in digital instruction. Funds provided to a family to support digital instruction
43.21 or supplemental online courses may only be used for qualifying expenses as determined by
43.22 the provider. Nonconsumable materials purchased with public education funds remain the
43.23 property of the provider. Records for any funds provided must be available for review by
43.24 the public or the department.

43.25 (g) An enrolling district providing digital instruction shall establish and document
43.26 procedures for determining attendance for membership and keep accurate records of daily
43.27 attendance under section 120A.21.

43.28 Subd. 3. **Supplemental online courses.** (a) Notwithstanding sections 124D.03 and
43.29 124D.08 and chapter 124E, procedures for applying to take supplemental online courses
43.30 other than those offered by the student's enrolling district are as provided in this subdivision.

43.31 (b) Any kindergarten through grade 12 student may apply to take a supplemental online
43.32 course under subdivision 1, paragraph (j). The student, or the student's parent or guardian

44.1 for a student under age 17, must submit an application for the proposed supplemental online
44.2 course or courses. A student may:

44.3 (1) apply to take an online course from a supplemental online course provider that meets
44.4 or exceeds the academic standards of the course in the enrolling district they are replacing;

44.5 (2) apply to take supplemental online courses for up to 50 percent of the student's
44.6 scheduled course load; and

44.7 (3) apply to take supplemental online courses no later than 15 school days after the
44.8 student's enrolling district's term has begun. An enrolling district may waive the 50 percent
44.9 course enrollment limit or the 15-day time limit.

44.10 (c) A student taking a supplemental online course must have the same access to the
44.11 computer hardware and education software available in a school as all other students in the
44.12 enrolling district.

44.13 (d) A supplemental online course provider must have a current, approved application to
44.14 be listed by the Department of Education as an approved provider. The supplemental online
44.15 course provider must:

44.16 (1) use an application form specified by the Department of Education;

44.17 (2) notify the student, the student's guardian if they are age 17 or younger, and enrolling
44.18 district of the accepted application to take a supplemental online course within ten days of
44.19 receiving a completed application;

44.20 (3) notify the enrolling district of the course title, credits to be awarded, and the start
44.21 date of the online course. A supplemental online course provider must make the online
44.22 course syllabus available to the enrolling district;

44.23 (4) request applicable academic support information for the student, including a copy
44.24 of the IEP, EL support plan, or 504 plan; and

44.25 (5) track student attendance and monitor academic progress and communicate with the
44.26 student, the student's guardian if they are age 17 or younger, and the enrolling district's
44.27 designated online learning liaison.

44.28 (e) A supplemental online course provider may limit enrollment if the provider's school
44.29 board or board of directors adopts by resolution specific standards for accepting and rejecting
44.30 students' applications. The provisions may not discriminate against any protected class or
44.31 students with disabilities.

45.1 (f) A supplemental online course provider may request that the Department of Education
45.2 review an enrolling district's written decision to not accept a student's supplemental online
45.3 course application. The student may participate in the supplemental online course while the
45.4 application is under review. Decisions shall be final and binding for both the enrolling
45.5 district and the supplemental online course provider.

45.6 (g) A supplemental online course provider must participate in continuous improvement
45.7 cycles with the Department of Education.

45.8 **Subd. 4. Enrolling district.** (a) An enrolling district may not restrict or prevent a student
45.9 from applying to take supplemental online courses.

45.10 (b) An enrolling district may request an online course syllabus as defined under
45.11 subdivision 1, paragraph (e), to review whether the academic standards in the online course
45.12 meet or exceed the academic standards in the course it would replace at the enrolling district.

45.13 (c) Within 15 days after receiving notice of a student applying to take a supplemental
45.14 online course, the enrolling district must notify the supplemental online course provider
45.15 whether the student, the student's guardian, and the enrolling district agree that academic
45.16 standards in the online course meet or exceed the academic standards in the course it would
45.17 replace at the enrolling district. If the enrolling district does not agree that the academic
45.18 standards in the online course meet or exceed the academic standards in the course it would
45.19 replace at the enrolling district, then:

45.20 (1) the enrolling district must provide a written explanation of the district's decision to
45.21 the student, the student's guardian, and the supplemental online course provider; and

45.22 (2) the online provider must provide a response to the enrolling district explaining how
45.23 the course or program meets the graduation requirements of the enrolling district.

45.24 (d) An enrolling district may reduce the course schedule of a student taking supplemental
45.25 online courses in proportion to the number of supplemental online learning courses the
45.26 student takes.

45.27 (e) An enrolling district must appoint an online learning liaison who:

45.28 (1) provides information to students and families about supplemental online courses;

45.29 (2) provides academic support information including IEPs, EL support plans, and 504
45.30 plans to supplemental online providers; and

45.31 (3) monitors attendance and academic progress, and communicates with supplemental
45.32 online learning providers, students, families, and enrolling district staff.

46.1 (f) An enrolling district must continue to provide support services to students taking
46.2 supplemental online courses as they would for any other enrolled student including support
46.3 for English learners, case management of an individualized education program, and meal
46.4 and nutrition services for eligible students.

46.5 (g) An online learning student must receive academic credit for completing the
46.6 requirements of a supplemental online learning course. If a student completes an online
46.7 learning course that meets or exceeds a graduation standard or the grade progression
46.8 requirement at the enrolling district, that standard or requirement is met.

46.9 (h) Secondary credits granted to a supplemental online learning student count toward
46.10 the graduation and credit requirements of the enrolling district. The enrolling district must
46.11 apply the same graduation requirements to all students, including students taking
46.12 supplemental online courses.

46.13 (i) An enrolling district must provide access to extracurricular activities for students
46.14 taking supplemental online courses on the same basis as any other enrolled student.

46.15 Subd. 5. **Reporting.** Courses that include blended instruction and online instruction
46.16 must be reported in the manner determined by the commissioner of education.

46.17 Subd. 6. **Department of Education.** (a) The commissioner must establish quality
46.18 standards to be used for applications and continuous improvement of supplemental online
46.19 course providers, and by enrolling districts using digital instruction.

46.20 (b) The commissioner must support the enrolling district's development of high-quality
46.21 digital instruction and monitor implementation. The department must establish and participate
46.22 in continuous improvement cycles with supplemental online course providers.

46.23 (c) Applications from prospective supplemental online course providers must be reviewed
46.24 using quality standards and approved or denied within 90 calendar days of receiving a
46.25 complete application.

46.26 (d) The department may collect a fee not to exceed \$250 for reviewing applications by
46.27 supplemental online course providers or \$50 per supplemental course application review
46.28 request. Funds generated from application review fees shall be used to support high quality
46.29 digital instruction.

46.30 (e) The department must develop, publish, and maintain a list of supplemental online
46.31 course providers that the department has reviewed and approved.

46.32 (f) The department may review a complaint about an enrolling district providing digital
46.33 instruction, or a complaint about a supplemental online course provider based on the

47.1 provider's response to notice of a violation. If the department determines that an enrolling
47.2 district providing digital instruction or a supplemental online course provider violated a law
47.3 or rule, the department may:

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

47.5 (2) withhold funds from the provider under this section and sections 124E.25 and
47.6 127A.42. The department must notify an online learning provider in writing about
47.7 withholding funds and provide detailed calculations.

47.8 Subd. 7. **Financial arrangements.** (a) For a student enrolled in an online supplemental
47.9 course, the department must calculate average daily membership and make payments
47.10 according to this subdivision.

47.11 (b) The initial online supplemental average daily membership equals 1/12 for each
47.12 semester course or a proportionate amount for courses of different lengths. The adjusted
47.13 online learning average daily membership equals the initial online supplemental average
47.14 daily membership times .88.

47.15 (c) No online supplemental average daily membership shall be generated if the student:

47.16 (1) does not complete the online learning course; or

47.17 (2) is enrolled in an online course provided by the enrolling district.

47.18 (d) Online course average daily membership under this subdivision for a student currently
47.19 enrolled in a Minnesota public school shall be used only for computing average daily
47.20 membership according to section 126C.05, subdivision 19, paragraph (a), clause (2), and
47.21 for computing online course aid according to section 124D.096.

47.22 Sec. 44. Minnesota Statutes 2022, section 124D.128, subdivision 1, is amended to read:

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

47.29 Sec. 45. Minnesota Statutes 2022, section 124D.59, subdivision 2a, is amended to read:

47.30 Subd. 2a. **English learner; limited or interrupted formal education.** Consistent with
47.31 subdivision 2, an English learner ~~includes an English learner~~ with an limited or interrupted

48.1 formal education is an English learner under subdivision 2 who ~~meets three of the following~~
48.2 ~~five requirements:~~

48.3 ~~(1) comes from a home where the language usually spoken is other than English, or~~
48.4 ~~usually speaks a language other than English;~~

48.5 ~~(2) enters school in the United States after grade 6;~~

48.6 ~~(3) has at least two years less schooling than the English learner's peers;~~

48.7 ~~(4) functions at least two years below expected grade level in reading and mathematics;~~

48.8 ~~and~~

48.9 ~~(5) may be preliterate in the English learner's native language.~~ has at least two fewer
48.10 years of schooling than the English learner's peers when entering school in the United States.

48.11 Sec. 46. Minnesota Statutes 2022, section 124D.68, subdivision 2, is amended to read:

48.12 Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements
48.13 of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation
48.14 incentives program, if the pupil:

48.15 (1) performs substantially below the performance level for pupils of the same age in a
48.16 locally determined achievement test;

48.17 (2) is behind in satisfactorily completing coursework or obtaining credits for graduation;

48.18 (3) is pregnant or is a parent;

48.19 (4) has been assessed as having substance use disorder;

48.20 (5) has been excluded or expelled according to sections 121A.40 to 121A.56;

48.21 (6) has been referred by a school district for enrollment in an eligible program or a
48.22 program pursuant to section 124D.69;

48.23 (7) is a victim of physical or sexual abuse;

48.24 (8) has experienced mental health problems;

48.25 (9) has experienced homelessness sometime within six months before requesting a
48.26 transfer to an eligible program;

48.27 (10) speaks English as a second language or is an English learner;

48.28 (11) has withdrawn from school or has been chronically truant; or

49.1 (12) is being treated in a hospital in the seven-county metropolitan area for cancer or
 49.2 other life threatening illness or is the sibling of an eligible pupil who is being currently
 49.3 treated, and resides with the pupil's family at least 60 miles beyond the outside boundary
 49.4 of the seven-county metropolitan area.

49.5 (b) A pupil ~~otherwise qualifying under paragraph (a) who is at least 21 years of age and~~
 49.6 ~~not yet 22 years of age, and is an English learner with an interrupted formal education~~
 49.7 ~~according to section 124D.59, subdivision 2a,~~ is eligible to participate in the graduation
 49.8 incentives program under section 124D.68 and in concurrent enrollment courses offered
 49.9 under section 124D.09, subdivision 10, and is funded in the same manner as other pupils
 49.10 under this section: if the pupil otherwise qualifies under paragraph (a), is at least 21 years
 49.11 of age and not yet 22 years of age, and:

49.12 (1) is an English learner with a limited or interrupted formal education according to
 49.13 section 124D.59, subdivision 2a; or

49.14 (2) meets three of the following four requirements:

49.15 (i) comes from a home where the language usually spoken is other than English, or
 49.16 usually speaks a language other than English;

49.17 (ii) enters school in the United States after grade 6;

49.18 (iii) functions at least two years below expected grade level in reading and mathematics;
 49.19 and

49.20 (iv) may be preliterate in the English learner's native language.

49.21 Sec. 47. Minnesota Statutes 2022, section 124D.68, subdivision 3, is amended to read:

49.22 Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2 may
 49.23 enroll in a state-approved alternative program under sections 123A.05 to 123A.08.

49.24 (b) A pupil who is eligible according to subdivision 2 and who is a high school junior
 49.25 or senior may enroll in postsecondary courses under section 124D.09.

49.26 (c) A pupil who is eligible under subdivision 2, may enroll in any public elementary or
 49.27 secondary education program.

49.28 (d) A pupil who is eligible under subdivision 2, may enroll in any nonpublic, nonsectarian
 49.29 school that has contracted with the serving school district to provide educational services.
 49.30 However, notwithstanding other provisions of this section, only a pupil who is eligible under
 49.31 subdivision 2, clause (12), may enroll in a contract alternative school that is specifically
 49.32 structured to provide educational services to such a pupil.

50.1 (e) A pupil who is between the ages of ~~16~~ 17 and 21 may enroll in any adult basic
50.2 education programs approved under section 124D.52 and operated under the community
50.3 education program contained in section 124D.19.

50.4 Sec. 48. Minnesota Statutes 2022, section 124D.861, subdivision 2, is amended to read:

50.5 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible
50.6 district must formally develop and implement a long-term plan under this section. The plan
50.7 must be incorporated into the district's comprehensive strategic plan under section 120B.11.
50.8 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~
50.9 ~~learning environments that offer students school enrollment choices; family engagement~~
50.10 ~~initiatives that involve families in their students' academic life and success; professional~~
50.11 ~~development opportunities for teachers and administrators focused on improving the academic~~
50.12 ~~achievement of all students, including teachers and administrators who are members of~~
50.13 ~~populations underrepresented among the licensed teachers or administrators in the district~~
50.14 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~
50.15 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~
50.16 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~
50.17 ~~career readiness for underserved students, including students enrolled in alternative learning~~
50.18 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~
50.19 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~
50.20 ~~underserved students; or recruitment and retention of teachers and administrators with~~
50.21 ~~diverse racial and ethnic backgrounds.~~

50.22 (b) The plan must contain goals for:

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

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

50.28 (c) The plan must include strategies to validate, affirm, embrace, and integrate cultural
50.29 and community strengths of all students, families, and employees in the district's curriculum
50.30 as well as learning and work environments. The plan must address issues of institutional
50.31 racism as defined in section 120B.11, subdivision 1, in schools that create opportunity and
50.32 achievement gaps for students, families, and staff who are of color or who are American
50.33 Indian. Examples of institutional racism experienced by students who are of color or who
50.34 are American Indian include policies and practices that intentionally or unintentionally

51.1 result in disparate discipline referrals and suspension, inequitable access to advanced
51.2 coursework, overrepresentation in lower-level coursework, inequitable participation in
51.3 coextrricular activities, inequitable parent involvement, and lack of equitable access to
51.4 racially and ethnically diverse teachers who reflect the racial or ethnic diversity of students
51.5 because it has not been a priority to hire or retain such teachers.

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

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

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

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

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

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

51.25 (6) collection, examination, and evaluation of academic and discipline data for
51.26 institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and
51.27 practices that result in the education disparities, in order to propose antiracist changes as
51.28 defined in section 120B.11, subdivision 1, that increase access, meaningful participation,
51.29 representation, and positive outcomes for students of color and American Indian students;

51.30 (7) increased programmatic opportunities and effective and more diverse instructors
51.31 focused on rigor and college and career readiness for students who are impacted by racial,
51.32 gender, linguistic, and economic disparities, including students enrolled in area learning
51.33 centers or alternative learning programs under section 123A.05, state-approved alternative

52.1 programs under section 126C.05, subdivision 15, and contract alternative programs under
 52.2 section 124D.69, among other underserved students;

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

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

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

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

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

52.21 Sec. 49. Minnesota Statutes 2022, section 124D.862, subdivision 8, is amended to read:

52.22 Subd. 8. **Commissioner authority to withhold revenue.** (a) The commissioner must
 52.23 review the results of each district's integration and achievement plan by August 1 at the end
 52.24 of the third year of implementing the plan and determine if the district met its goals.

52.25 (b) If a district met its goals, it may submit a new three-year plan to the commissioner
 52.26 for review.

52.27 (c) If a district has not met its goals, the commissioner must:

52.28 (1) ~~develop a guide~~ the district in the development of an improvement plan and timeline,
 52.29 ~~in consultation with the affected district,~~ that identifies strategies and practices designed to
 52.30 meet the district's goals under this section and section 120B.11; and

52.31 (2) use up to 20 percent of the district's integration revenue, until the district's goals are
 52.32 reached, to implement the improvement plan.

53.1 Sec. 50. Minnesota Statutes 2022, section 179A.03, subdivision 14, is amended to read:

53.2 Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee" means
53.3 any person appointed or employed by a public employer except:

53.4 (1) elected public officials;

53.5 (2) election officers;

53.6 (3) commissioned or enlisted personnel of the Minnesota National Guard;

53.7 (4) emergency employees who are employed for emergency work caused by natural
53.8 disaster;

53.9 (5) part-time employees whose service does not exceed the lesser of 14 hours per week
53.10 or 35 percent of the normal work week in the employee's appropriate unit;

53.11 (6) employees whose positions are basically temporary or seasonal in character and: (i)
53.12 are not for more than 67 working days in any calendar year; ~~or~~ (ii) are not working for a
53.13 school district or charter school; or (iii) are not for more than 100 working days in any
53.14 calendar year and the employees are under the age of 22, are full-time students enrolled in
53.15 a nonprofit or public educational institution prior to being hired by the employer, and have
53.16 indicated, either in an application for employment or by being enrolled at an educational
53.17 institution for the next academic year or term, an intention to continue as students during
53.18 or after their temporary employment;

53.19 (7) employees providing services for not more than two consecutive quarters to the
53.20 Board of Trustees of the Minnesota State Colleges and Universities under the terms of a
53.21 professional or technical services contract as defined in section 16C.08, subdivision 1;

53.22 (8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except
53.23 that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public
53.24 employees for purposes of sections 179A.051, 179A.052, and 179A.13;

53.25 (9) full-time undergraduate students employed by the school which they attend under a
53.26 work-study program or in connection with the receipt of financial aid, irrespective of number
53.27 of hours of service per week;

53.28 (10) an individual who is employed for less than 300 hours in a fiscal year as an instructor
53.29 in an adult vocational education program;

53.30 (11) an individual hired by the Board of Trustees of the Minnesota State Colleges and
53.31 Universities to teach one course for three or fewer credits for one semester in a year;

53.32 (12) with respect to court employees:

54.1 (i) personal secretaries to judges;

54.2 (ii) law clerks;

54.3 (iii) managerial employees;

54.4 (iv) confidential employees; and

54.5 (v) supervisory employees;

54.6 (13) with respect to employees of Hennepin Healthcare System, Inc., managerial,

54.7 supervisory, and confidential employees.

54.8 (b) The following individuals are public employees regardless of the exclusions of
54.9 paragraph (a), clauses (5) and (6):

54.10 (1) an employee hired by a school district or the Board of Trustees of the Minnesota
54.11 State Colleges and Universities except at the university established in the Twin Cities
54.12 metropolitan area under section 136F.10 or for community services or community education
54.13 instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member
54.14 who is a public employee, where the replacement employee is employed more than 30
54.15 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching
54.16 position created due to increased enrollment, curriculum expansion, courses which are a
54.17 part of the curriculum whether offered annually or not, or other appropriate reasons;

54.18 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same
54.19 position has already been filled under paragraph (a), clause (6), item (i), in the same calendar
54.20 year and the cumulative number of days worked in that same position by all employees
54.21 exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position"
54.22 includes a substantially equivalent position if it is not the same position solely due to a
54.23 change in the classification or title of the position; and

54.24 (3) an early childhood family education teacher employed by a school district.

54.25 Sec. 51. **REVISOR INSTRUCTION.**

54.26 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column
54.27 A with the number listed in column B. The revisor shall also make necessary cross-reference
54.28 changes consistent with the renumbering. The revisor shall also make any technical language
54.29 and other changes necessitated by the renumbering and cross-reference changes in this act.

54.30 Column A

Column B

54.31 General Requirements Statewide Assessments

54.32 120B.30, subdivision 1a, paragraph (h) 120B.30, subdivision 1

55.1	<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
55.2	<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
55.3	<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
55.4	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
55.5	<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
55.6	<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
55.7	<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
55.8	<u>120B.30, subdivision 2, paragraph (b),</u>	<u>120B.30, subdivision 6, paragraph (c)</u>
55.9	<u>clauses (1) and (2)</u>	
55.10	<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
55.11	<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
55.12	<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
55.13	<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
55.14	<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>
55.15	<u>General Requirements Test Design</u>	
55.16	<u>120B.30, subdivision 1a, paragraph (a),</u>	<u>120B.301, subdivision 1</u>
55.17	<u>clauses (1) to (5)</u>	
55.18	<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
55.19	<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
55.20	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
55.21	<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
55.22	<u>120B.30, subdivision 1a, paragraph (c),</u>	<u>120B.301, subdivision 3, paragraph (d)</u>
55.23	<u>clauses (1) and (2)</u>	
55.24	<u>Assessment Graduation Requirements</u>	
55.25	<u>120B.30, subdivision 1, paragraph (c),</u>	<u>120B.304, subdivision 1</u>
55.26	<u>clauses (1) and (2)</u>	
55.27	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>
55.28	<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>
55.29	<u>Assessment Reporting Requirements</u>	
55.30	<u>120B.30, subdivision 1a, paragraph (f),</u>	<u>120B.305, subdivision 1</u>
55.31	<u>clauses (1) to (3)</u>	
55.32	<u>120B.30, subdivision 1a, paragraph (d),</u>	<u>120B.305, subdivision 2, paragraph (a)</u>
55.33	<u>clauses (1) to (4)</u>	
55.34	<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
55.35	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
55.36	<u>120B.30, subdivision 1, paragraph (o),</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
55.37	<u>clauses (1) to (4)</u>	
55.38	<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>
55.39	<u>District Assessment Requirements</u>	
55.40	<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>

56.1	<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>
56.2	<u>College and Career Readiness</u>	
56.3	<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
56.4	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
56.5	<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
56.6	<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
56.7	<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>
56.8	<u>120B.30, subdivision 1, paragraph (j)</u>	<u>120B.307, subdivision 4, paragraph (c)</u>
56.9	<u>120B.30, subdivision 1, paragraph (k)</u>	<u>120B.307, subdivision 4, paragraph (d)</u>
56.10	<u>120B.30, subdivision 1, paragraph (l)</u>	<u>120B.307, subdivision 4, paragraph (e)</u>

56.11 Sec. 52. **REPEALER.**

56.12 Minnesota Statutes 2022, sections 120B.35, subdivision 5; and 124D.095, subdivisions
 56.13 1, 2, 3, 4, 5, 6, 7, and 8, are repealed.

56.14 **ARTICLE 3**

56.15 **AMERICAN INDIAN EDUCATION**

56.16 Section 1. Minnesota Statutes 2022, section 13.32, subdivision 3, is amended to read:

56.17 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
 56.18 5, educational data is private data on individuals and shall not be disclosed except as follows:

56.19 (a) pursuant to section 13.05;

56.20 (b) pursuant to a valid court order;

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

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

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

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

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

57.3 (h) to the appropriate school district officials to the extent necessary under subdivision
57.4 6, annually to indicate the extent and content of remedial instruction, including the results
57.5 of assessment testing and academic performance at a postsecondary institution during the
57.6 previous academic year by a student who graduated from a Minnesota school district within
57.7 two years before receiving the remedial instruction;

57.8 (i) to appropriate authorities as provided in United States Code, title 20, section
57.9 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
57.10 system to effectively serve, prior to adjudication, the student whose records are released;
57.11 provided that the authorities to whom the data are released submit a written request for the
57.12 data that certifies that the data will not be disclosed to any other person except as authorized
57.13 by law without the written consent of the parent of the student and the request and a record
57.14 of the release are maintained in the student's file;

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

57.18 (k) to provide student recruiting information, from educational data held by colleges
57.19 and universities, as required by and subject to Code of Federal Regulations, title 32, section
57.20 216;

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

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

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

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

58.1 (2) information regarding student and employee witnesses;

58.2 (3) information regarding the alleged perpetrator; and

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

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

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

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

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

58.24 Sec. 2. Minnesota Statutes 2022, section 120A.42, is amended to read:

58.25 **120A.42 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.**

58.26 (a) The governing body of any district may contract with any of the teachers of the
58.27 district for the conduct of schools, and may conduct schools, on either, or any, of the
58.28 following holidays, provided that a clause to this effect is inserted in the teacher's contract:
58.29 Martin Luther King's birthday, Lincoln's and Washington's birthdays, ~~Columbus Day~~,
58.30 Indigenous Peoples Day, and Veterans' Day. On Martin Luther King's birthday, Washington's
58.31 birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program
58.32 must be devoted to a patriotic observance of the day. On Indigenous Peoples Day, at least
58.33 one hour of the school program must be devoted to observance of the day. As part of its

59.1 observance of Indigenous Peoples Day, a district may provide professional development to
59.2 teachers and staff, or instruction to students, on the following topics:

59.3 (1) the history of treaties between the United States and Indigenous peoples;

59.4 (2) the history of federal boarding schools for Indigenous children;

59.5 (3) Indigenous languages;

59.6 (4) Indigenous traditional medicines and cultural or spiritual practices;

59.7 (5) the sovereignty of Tribal nations;

59.8 (6) the contributions of Indigenous people to American culture, literature, and society;

59.9 and

59.10 (7) current issues affecting Indigenous communities.

59.11 (b) A district may conduct a school program to honor Constitution Day and Citizenship
59.12 Day by providing opportunities for students to learn about the principles of American
59.13 democracy, the American system of government, American citizens' rights and
59.14 responsibilities, American history, and American geography, symbols, and holidays. Among
59.15 other activities under this paragraph, districts may administer to students the test questions
59.16 United States Citizenship and Immigration Services officers pose to applicants for
59.17 naturalization.

59.18 Sec. 3. Minnesota Statutes 2022, section 120B.021, subdivision 2, is amended to read:

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

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

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

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

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

59.30 (5) representatives of the Minnesota business community; and

60.1 (6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal
60.2 Nations and communities, including both Anishinaabe and Dakota.

60.3 (b) Academic standards must:

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

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

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

60.7 Sec. 4. Minnesota Statutes 2022, section 120B.021, subdivision 4, is amended to read:

60.8 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must
60.9 ~~revise and appropriately embed technology and information literacy standards consistent~~
60.10 ~~with recommendations from school media specialists into~~ the state's academic standards
60.11 and graduation requirements and implement a ten-year cycle to review and, consistent with
60.12 the review, revise state academic standards and related benchmarks, consistent with this
60.13 subdivision. During each ten-year review and revision cycle, the commissioner also must
60.14 examine the alignment of each required academic standard and related benchmark with the
60.15 knowledge and skills students need for career and college readiness and advanced work in
60.16 the particular subject area. The commissioner must include the contributions of Minnesota
60.17 American Indian tribes and communities, including urban Indigenous communities, as
60.18 related to the academic standards during the review and revision of the required academic
60.19 standards. The commissioner must embed Indigenous education for all students consistent
60.20 with recommendations from Minnesota's Tribal Nations and urban Indigenous communities
60.21 regarding the contributions of Minnesota American Indian Tribes and communities into the
60.22 state's academic standards during the review and revision of the required academic standards.
60.23 The recommendations to embed Indigenous education for all students includes but is not
60.24 limited to American Indian experiences in Minnesota, including Tribal histories, Indigenous
60.25 languages, sovereignty issues, cultures, treaty rights, governments, socioeconomic
60.26 experiences, contemporary issues, and current events.

60.27 (b) The commissioner must ensure that the statewide mathematics assessments
60.28 administered to students in grades 3 through 8 and 11 are aligned with the state academic
60.29 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b).
60.30 The commissioner must implement a review of the academic standards and related
60.31 benchmarks in mathematics beginning in the 2021-2022 school year and every ten years
60.32 thereafter.

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

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

61.5 (e) The commissioner must implement a review of the academic standards and related
61.6 benchmarks in language arts beginning in the 2019-2020 school year and every ten years
61.7 thereafter.

61.8 (f) The commissioner must implement a review of the academic standards and related
61.9 benchmarks in social studies beginning in the 2020-2021 school year and every ten years
61.10 thereafter.

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

61.14 (h) School districts and charter schools must revise and align local academic standards
61.15 and high school graduation requirements in health, world languages, and career and technical
61.16 education to require students to complete the revised standards beginning in a school year
61.17 determined by the school district or charter school. School districts and charter schools must
61.18 formally establish a periodic review cycle for the academic standards and related benchmarks
61.19 in health, world languages, and career and technical education.

61.20 (i) The commissioner of education must embed technology and information literacy
61.21 standards consistent with recommendations from school media specialists into the state's
61.22 academic standards and graduation requirements.

61.23 (j) The commissioner of education must embed ethnic studies as related to the academic
61.24 standards during the review and revision of the required academic standards.

61.25 Sec. 5. Minnesota Statutes 2022, section 120B.021, is amended by adding a subdivision
61.26 to read:

61.27 Subd. 5. **Indigenous education for all students.** To support implementation of
61.28 Indigenous education for all students, the commissioner must:

61.29 (1) provide historically accurate, Tribally endorsed, culturally relevant, community-based,
61.30 contemporary, and developmentally appropriate resources. Resources to implement standards
61.31 must include professional development and must demonstrate an awareness and

62.1 understanding of the importance of accurate, high-quality materials about the histories,
62.2 languages, cultures, and governments of local Tribes;

62.3 (2) provide resources to support all students learning about the histories, languages,
62.4 cultures, governments, and experiences of their American Indian peers and neighbors.
62.5 Resources to implement standards across content areas must be developed to authentically
62.6 engage all students and support successful learning; and

62.7 (3) conduct a needs assessment by December 31, 2023. The needs assessment must fully
62.8 inform the development of future resources for Indigenous education for all students by
62.9 using information from Minnesota's American Indian Tribes and communities, including
62.10 urban Indigenous communities, Minnesota's Tribal Nations Education Committee, schools
62.11 and districts, students, and educational organizations. The commissioner must submit a
62.12 report on the findings and recommendations from the needs assessment to the chairs and
62.13 ranking minority members of legislative committees with jurisdiction over education; to
62.14 the American Indian Tribes and communities in Minnesota, including urban Indigenous
62.15 communities; and to all schools and districts in the state by February 1, 2024.

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

62.17 Sec. 6. **[121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

62.18 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
62.19 the meanings given.

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

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

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

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

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

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

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

62.28 (5) a member of an organized Indian group that received a grant under the Indian

62.29 Education Act of 1988 as in effect the day preceding October 20, 1994.

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

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

63.3 (e) "Public school" or "school" means a public school under section 120A.05, subdivisions
63.4 9, 11, 13, and 17, and a charter school under chapter 124E.

63.5 Subd. 2. **Prohibition on American Indian mascots.** (a) A public school may not have
63.6 or adopt a name, symbol, or image that depicts or refers to an American Indian Tribe,
63.7 individual, custom, or tradition to be used as a mascot, nickname, logo, letterhead, or team
63.8 name of the district or school within the district.

63.9 (b) A public school may seek an exemption to paragraph (a) by submitting a request in
63.10 writing to all eleven federally recognized Tribal Nations in Minnesota and to the Tribal
63.11 Nations Education Committee. The exemption is denied if any of the eleven Tribal Nations
63.12 or the Tribal Nations Education Committee opposes the exemption. A public school whose
63.13 exemption is denied must comply with paragraph (a) by September 1 of the following
63.14 calendar year after which the exemption request was made.

63.15 **EFFECTIVE DATE.** This section is effective June 30, 2024.

63.16 Sec. 7. Minnesota Statutes 2022, section 124D.73, is amended by adding a subdivision to
63.17 read:

63.18 Subd. 5. **American Indian student.** "American Indian student" means a student who
63.19 identifies as American Indian or Alaska Native, as defined by the state on October 1 of the
63.20 previous school year.

63.21 Sec. 8. Minnesota Statutes 2022, section 124D.74, subdivision 1, is amended to read:

63.22 Subdivision 1. **Program described.** American Indian education programs are programs
63.23 in public elementary and secondary schools, nonsectarian nonpublic, community, tribal,
63.24 charter, or alternative schools enrolling American Indian children designed to:

63.25 (1) support postsecondary preparation for American Indian pupils;

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

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

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

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

64.1 (6) supplement, not supplant, state and federal educational and cocurricular programs.
64.2 Program services designed to increase completion and graduation rates of American Indian
64.3 students must emphasize academic achievement, retention, and attendance; development
64.4 of support services for staff, including in-service training and technical assistance in methods
64.5 of teaching American Indian pupils; research projects, including innovative teaching
64.6 approaches and evaluation of methods of relating to American Indian pupils; provision of
64.7 career counseling to American Indian pupils; modification of curriculum, instructional
64.8 methods, and administrative procedures to meet the needs of American Indian pupils; and
64.9 ~~supplemental~~ instruction in American Indian language, literature, history, and culture.
64.10 Districts offering programs may make contracts for the provision of program services by
64.11 establishing cooperative liaisons with tribal programs and American Indian social service
64.12 agencies. These programs may also be provided as components of early childhood and
64.13 family education programs.

64.14 Sec. 9. Minnesota Statutes 2022, section 124D.74, subdivision 3, is amended to read:

64.15 Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent it is
64.16 economically feasible, a district or participating school may make provision for the voluntary
64.17 enrollment of non-American Indian children in the instructional components of an American
64.18 Indian education program in order that they may acquire an understanding of the cultural
64.19 heritage of the American Indian children for whom that particular program is designed.
64.20 However, in determining eligibility to participate in a program, priority must be given to
64.21 American Indian children. American Indian children ~~and other children~~ enrolled in an
64.22 existing nonpublic school system may be enrolled on a shared time basis in American Indian
64.23 education programs.

64.24 Sec. 10. Minnesota Statutes 2022, section 124D.74, subdivision 4, is amended to read:

64.25 Subd. 4. **Location of programs.** American Indian education programs must be located
64.26 in facilities educational settings in which regular classes in a variety of subjects are offered
64.27 on a daily basis. Programs may operate on an extended day or extended year basis, including
64.28 school districts, charter schools, and Tribal contract schools that offer virtual learning
64.29 environments.

65.1 Sec. 11. Minnesota Statutes 2022, section 124D.74, is amended by adding a subdivision
65.2 to read:

65.3 Subd. 7. **American Indian culture and language classes.** A district or participating
65.4 school that conducts American Indian education programs under sections 124D.71 to
65.5 124D.82 must provide American Indian culture and language classes if: (1) at least five
65.6 percent of enrolled students meet the definition of American Indian students; or (2) 100 or
65.7 more enrolled students meet the definition of American Indian students.

65.8 Sec. 12. Minnesota Statutes 2022, section 124D.76, is amended to read:

65.9 **124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS**
65.10 **AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS,**
65.11 **PARAPROFESSIONALS.**

65.12 In addition to employing American Indian language and culture education teachers, each
65.13 district or participating school providing programs pursuant to sections 124D.71 to 124D.82
65.14 may employ paraprofessionals. Paraprofessionals must not be employed for the purpose of
65.15 supplanting American Indian language and culture education teachers.

65.16 Any district or participating school ~~which~~ that conducts American Indian education
65.17 programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or
65.18 part-time ~~community coordinators or Indian home/school liaisons if there are~~ dedicated
65.19 American Indian education program coordinators in a district with 100 or more
65.20 state-identified American Indian students enrolled in the district. ~~Community coordinators~~
65.21 ~~shall~~ A dedicated American Indian education program coordinator must promote
65.22 communication, understanding, and cooperation between the schools and the community
65.23 and shall ~~must~~ visit the homes of children who are to be enrolled in an American Indian
65.24 education program in order to convey information about the program.

65.25 Sec. 13. Minnesota Statutes 2022, section 124D.78, is amended to read:

65.26 **124D.78 PARENT AND COMMUNITY PARTICIPATION.**

65.27 Subdivision 1. **Parent committee.** ~~School boards and American Indian schools~~ School
65.28 districts, charter schools, Tribal contract schools, and the respective school boards must
65.29 provide for the maximum involvement of parents of American Indian children enrolled in
65.30 American Indian education programs, programs for elementary and secondary grades,
65.31 special education programs, and support services. Accordingly, ~~the board of a school district~~
65.32 school districts, charter schools, and Tribal contract schools in which there are ten or more
65.33 state-identified American Indian students enrolled ~~and each American Indian school~~ must

66.1 establish an American Indian ~~education~~ Parent Advisory Committee. If a committee whose
66.2 membership consists of a majority of parents of American Indian children has been or is
66.3 established according to federal, tribal, or other state law, that committee may serve as the
66.4 committee required by this section and is subject to, at least, the requirements of this
66.5 subdivision and subdivision 2.

66.6 The American Indian ~~education~~ Parent Advisory Committee must develop its
66.7 recommendations in consultation with the curriculum advisory committee required by
66.8 section 120B.11, subdivision 3. This committee must afford parents the necessary information
66.9 and the opportunity effectively to express their views concerning all aspects of American
66.10 Indian education and the educational needs of the American Indian children enrolled in the
66.11 school or program. ~~The school board or American Indian school~~ School districts, charter
66.12 schools, and Tribal contract schools must ensure that programs are planned, operated, and
66.13 evaluated with the involvement of and in consultation with parents of the American Indian
66.14 students served by the programs.

66.15 Subd. 2. ~~Resolution of concurrence~~ Annual compliance. Prior to March 1, the ~~school~~
66.16 ~~board or American Indian school~~ must submit to the department a copy of a resolution
66.17 adopted by the American Indian education parent advisory committee. The copy must be
66.18 signed by the chair of the committee and must state whether the committee concurs with
66.19 the educational programs for American Indian students offered by the school board or
66.20 American Indian school. If the committee does not concur with the educational programs,
66.21 the reasons for nonconcurrence and recommendations shall be submitted directly to the
66.22 school board with the resolution. By resolution, the board must respond in writing within
66.23 60 days, in cases of nonconcurrence, to each recommendation made by the committee and
66.24 state its reasons for not implementing the recommendations. American Indian Parent
66.25 Advisory Committee must meet to discuss whether or not they concur with the educational
66.26 offerings that have been extended by the district to American Indian students. If the
66.27 committee finds that the district, charter school, Tribal contract school, and the school board
66.28 have been meeting the needs of American Indian students, they issue a vote and resolution
66.29 of concurrence. If they find that the needs of American Indian students are not being met,
66.30 they issue a vote and resolution of nonconcurrence. The vote and resolution must be presented
66.31 to the school board by one or more members of the American Indian Parent Advisory
66.32 Committee. The vote is formally reflected on documentation provided by the Department
66.33 of Education and must be submitted annually on March 1.

66.34 If the vote is one of nonconcurrence, the committee must provide written
66.35 recommendations for improvement to the school board at the time of the presentation. In

67.1 the case of nonconcurrence, the school board is given 60 days in which to respond, in writing,
 67.2 to the committee's recommendations. The board response must be signed by the entire
 67.3 school board and submitted to both the American Indian Parent Advisory Committee and
 67.4 to the Department of Education. The resolution must be accompanied by Parent Advisory
 67.5 Committee meeting minutes that show they have been appraised by the district on the goals
 67.6 of the Indian Education Program Plan and the measurement of progress toward those goals.

67.7 Subd. 3. **Membership.** The American Indian ~~education~~ Parent Advisory Committee
 67.8 must be composed of parents or guardians of American Indian children eligible to be enrolled
 67.9 in American Indian education programs; American Indian secondary students ~~eligible to~~
 67.10 ~~be served~~; American Indian family members of students eligible to be enrolled in American
 67.11 Indian education programs; American Indian language and culture education teachers and
 67.12 paraprofessionals; American Indian teachers; American Indian district employees; American
 67.13 Indian counselors; adult American Indian people enrolled in educational programs; and
 67.14 ~~representatives from community groups. A~~ American Indian community members. The
 67.15 majority of each committee must be the parents or guardians of the American Indian children
 67.16 enrolled or eligible to be enrolled in the programs. ~~The number of parents of American~~
 67.17 ~~Indian and non-American Indian children shall reflect approximately the proportion of~~
 67.18 ~~children of those groups enrolled in the programs.~~

67.19 Subd. 4. **Alternate committee.** If the organizational membership or the board of directors
 67.20 ~~of an American Indian school~~ a Tribal contract school consists of parents of children attending
 67.21 the school, that membership or board may serve also as the American Indian ~~education~~
 67.22 Parent Advisory Committee.

67.23 Subd. 5. **State-identified American Indian.** For the purposes of sections 124D.71 to
 67.24 124D.82, the number of students who identify as American Indian or Alaska Native, as
 67.25 defined by the state of Minnesota on October 1 of the previous school year, will be used to
 67.26 determine the state-identified American Indian student counts for school districts, charter
 67.27 schools, and Tribal contract schools for the subsequent school year.

67.28 Sec. 14. Minnesota Statutes 2022, section 124D.79, subdivision 2, is amended to read:

67.29 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance to
 67.30 districts, schools and postsecondary institutions for preservice and in-service training for
 67.31 teachers, American Indian education teachers and paraprofessionals specifically designed
 67.32 to implement culturally responsive teaching methods, culturally based curriculum
 67.33 development, testing and testing mechanisms, ~~and~~ the development of materials for American

68.1 Indian education programs, and the annual report of American Indian student data using
68.2 the state count.

68.3 Sec. 15. Minnesota Statutes 2022, section 124D.791, subdivision 4, is amended to read:

68.4 Subd. 4. **Duties; powers.** The American Indian education director shall:

68.5 (1) ~~serve as the liaison for the department~~ work collaboratively and in conjunction with
68.6 the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal ~~communities~~
68.7 nations in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs
68.8 Council;

68.9 (2) evaluate the state of American Indian education in Minnesota;

68.10 (3) engage the tribal bodies, community groups, parents of children eligible to be served
68.11 by American Indian education programs, American Indian administrators and teachers,
68.12 persons experienced in the training of teachers for American Indian education programs,
68.13 the tribally controlled schools, and other persons knowledgeable in the field of American
68.14 Indian education and seek their advice on policies that can improve the quality of American
68.15 Indian education;

68.16 (4) advise the commissioner on American Indian education issues, including:

68.17 (i) issues facing American Indian students;

68.18 (ii) policies for American Indian education;

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

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

68.24 (5) propose to the commissioner legislative changes that will improve the quality of
68.25 American Indian education;

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

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

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

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

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

69.4 (v) increase American Indian student placement in postsecondary programs and the
69.5 workforce; and

69.6 (7) keep the American Indian community informed about the work of the department
69.7 by reporting to the Tribal Nations Education Committee at each committee meeting.

69.8 Sec. 16. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND
69.9 OBJECTS OF CULTURAL SIGNIFICANCE.

69.10 A school district or charter school must not prohibit an American Indian student from
69.11 wearing American Indian regalia, Tribal regalia, or objects of cultural significance at a
69.12 graduation ceremony.

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

69.14 Sec. 17. Minnesota Statutes 2022, section 124D.81, subdivision 1, is amended to read:

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

69.24 Sec. 18. Minnesota Statutes 2022, section 124D.81, subdivision 5, is amended to read:

69.25 Subd. 5. **Records.** Participating schools and districts must keep records and afford access
69.26 to them as the commissioner finds necessary to ensure that American Indian education
69.27 programs are implemented in conformity with sections 124D.71 to 124D.82. Each school
69.28 district or participating school must keep accurate, detailed, and separate revenue and
69.29 expenditure accounts for ~~pilot~~ American Indian education programs funded under this
69.30 section.

70.1 Sec. 19. Minnesota Statutes 2022, section 144.4165, is amended to read:

70.2 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

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

70.9 (b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of
70.10 a traditional Indian spiritual or cultural ceremony. An American Indian student may carry
70.11 a medicine pouch containing loose tobacco intended as observance of traditional spiritual
70.12 or cultural practices. For purposes of this section, an Indian is a person who is a member
70.13 of an Indian tribe as defined in section 260.755, subdivision 12.

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

70.15 **ARTICLE 4**

70.16 **TEACHERS**

70.17 Section 1. Minnesota Statutes 2022, section 120A.414, subdivision 2, is amended to read:

70.18 Subd. 2. **Plan.** A school board, including the board of a charter school, may adopt an
70.19 e-learning day plan after ~~consulting~~ meeting and negotiating with the exclusive representative
70.20 of the teachers. ~~A~~ If a charter school's teachers are not represented by an exclusive
70.21 representative, the charter school may adopt an e-learning day plan after consulting with
70.22 its teachers. The plan must include accommodations for students without Internet access at
70.23 home and for digital device access for families without the technology or an insufficient
70.24 amount of technology for the number of children in the household. A school's e-learning
70.25 day plan must provide accessible options for students with disabilities under chapter 125A.

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

70.27 A school board must adopt a written policy that prohibits discrimination or discipline
70.28 for a teacher or principal on the basis of incorporating into curriculum contributions by
70.29 persons in a federally protected class or protected class under section 363A.13 consistent
70.30 with local collective bargaining agreements.

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

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

71.5 Sec. 4. Minnesota Statutes 2022, section 122A.06, subdivision 1, is amended to read:

71.6 Subdivision 1. **Scope.** For the purpose of sections ~~122A.05~~ 122A.04 to 122A.093; and
71.7 122A.15 to 122A.33, the terms defined in this section have the meanings given them, unless
71.8 another meaning is clearly indicated.

71.9 Sec. 5. Minnesota Statutes 2022, section 122A.06, subdivision 2, is amended to read:

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

71.13 Sec. 6. Minnesota Statutes 2022, section 122A.06, subdivision 5, is amended to read:

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

71.16 Sec. 7. Minnesota Statutes 2022, section 122A.06, subdivision 6, is amended to read:

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

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

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

71.27 Sec. 8. Minnesota Statutes 2022, section 122A.06, subdivision 7, is amended to read:

71.28 Subd. 7. **Teacher preparation program.** "Teacher preparation program" means a
71.29 program approved by the Professional Educator Licensing and Standards Board for the

72.1 purpose of preparing individuals for a specific teacher licensure field in Minnesota. ~~Teacher~~
72.2 ~~preparation programs include traditional programs delivered by postsecondary institutions,~~
72.3 ~~alternative teacher preparation programs, and nonconventional teacher preparation programs.~~

72.4 Sec. 9. Minnesota Statutes 2022, section 122A.06, subdivision 8, is amended to read:

72.5 Subd. 8. **Teacher preparation program provider.** "Teacher preparation program
72.6 provider" or "unit" means an entity that has primary responsibility for overseeing and
72.7 delivering a teacher preparation program. Teacher preparation program providers include
72.8 institutes of higher education, school districts, charter schools, or nonprofit corporations
72.9 organized under chapter 317A.

72.10 Sec. 10. Minnesota Statutes 2022, section 122A.06, is amended by adding a subdivision
72.11 to read:

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

72.13 Sec. 11. Minnesota Statutes 2022, section 122A.06, is amended by adding a subdivision
72.14 to read:

72.15 Subd. 10. **Transfer pathway.** "Transfer pathway" means an established pathway to
72.16 licensure between a two-year college or Tribal college, and a board-approved teacher
72.17 preparation provider.

72.18 Sec. 12. Minnesota Statutes 2022, section 122A.07, subdivision 4a, is amended to read:

72.19 Subd. 4a. **Administration.** (a) The executive director of the board shall be the chief
72.20 administrative officer for the board but shall not be a member of the board. The executive
72.21 director shall maintain the records of the board, account for all fees received by the board,
72.22 supervise and direct employees servicing the board, and perform other services as directed
72.23 by the board.

72.24 (b) The Department of Administration must provide administrative support in accordance
72.25 with section 16B.371. The commissioner of administration must assess the board for services
72.26 it provides under this section.

72.27 ~~(c) The Department of Education must provide suitable offices and other space to the~~
72.28 ~~board at reasonable cost until January 1, 2020. Thereafter, the board may contract with~~
72.29 ~~either the Department of Education or the Department of Administration for the provision~~
72.30 ~~of suitable offices and other space, joint conference and hearing facilities, and examination~~
72.31 ~~rooms.~~

73.1 Sec. 13. Minnesota Statutes 2022, section 122A.09, subdivision 4, is amended to read:

73.2 Subd. 4. **Licensing and approval.** (a) The Professional Educator Licensing and Standards
73.3 Board must license teachers, as defined in section 122A.15, subdivision 1, except for
73.4 supervisory personnel, as defined in section 122A.15, subdivision 2. The board must not
73.5 delegate its authority to make all licensing decisions with respect to ~~candidates~~ applicants
73.6 for teacher licensure. The board must evaluate ~~candidates~~ applicants for compliance with
73.7 statutory or rule requirements for licensure and develop licensure verification requirements.

73.8 (b) The Professional Educator Licensing and Standards Board must approve teacher
73.9 preparation providers seeking to prepare applicants for teacher licensure in Minnesota.

73.10 Sec. 14. Minnesota Statutes 2022, section 122A.09, subdivision 6, is amended to read:

73.11 Subd. 6. **Register of persons licensed.** The ~~executive director of the~~ Professional
73.12 Educator Licensing and Standards Board must keep a record of the proceedings of and a
73.13 register of all persons licensed pursuant to the provisions of this chapter. The register must
73.14 show the name, ~~address,~~ licenses and permissions held, including renewals, and license
73.15 ~~number and the renewal of the license. The board must on July 1, of each year or as soon~~
73.16 ~~thereafter as is practicable, compile a list of such duly licensed teachers. A copy of the~~
73.17 ~~register~~ This list must be available during business hours at the office of the board to any
73.18 ~~interested person~~ on the board's website.

73.19 Sec. 15. Minnesota Statutes 2022, section 122A.09, subdivision 9, is amended to read:

73.20 Subd. 9. **Professional Educator Licensing and Standards Board must adopt rules.** (a)
73.21 The Professional Educator Licensing and Standards Board must adopt rules subject to the
73.22 provisions of chapter 14 to implement sections 120B.363, 122A.05 to 122A.09, 122A.092,
73.23 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.183, 122A.184, 122A.185,
73.24 122A.187, 122A.188, 122A.19, 122A.20, 122A.21, 122A.23, 122A.26, 122A.28, and
73.25 122A.29, and 124D.72.

73.26 (b) The board must adopt rules relating to fields of licensure and grade levels that a
73.27 licensed teacher may teach, including a process for granting permission to a licensed teacher
73.28 to teach in a field that is different from the teacher's field of licensure without change to the
73.29 teacher's license tier level.

73.30 ~~(c) The board must adopt rules relating to the grade levels that a licensed teacher may~~
73.31 ~~teach.~~

74.1 ~~(d)~~ (c) If a rule adopted by the board is in conflict with a session law or statute, the law
74.2 or statute prevails. Terms adopted in rule must be clearly defined and must not be construed
74.3 to conflict with terms adopted in statute or session law.

74.4 ~~(e)~~ (d) The board must include a description of a proposed rule's probable effect on
74.5 teacher supply and demand in the board's statement of need and reasonableness under section
74.6 14.131.

74.7 ~~(f)~~ (e) The board must adopt rules only under the specific statutory authority.

74.8 Sec. 16. Minnesota Statutes 2022, section 122A.09, subdivision 10, is amended to read:

74.9 Subd. 10. **Permissions.** (a) Notwithstanding subdivision 9 and sections 14.055 and
74.10 14.056, the Professional Educator Licensing and Standards Board may grant waivers to its
74.11 rules upon application by a school district or a charter school for purposes of implementing
74.12 experimental programs in learning or management.

74.13 (b) To enable a school district or a charter school to meet the needs of students enrolled
74.14 in an alternative education program and to enable licensed teachers instructing those students
74.15 to satisfy content area licensure requirements, the Professional Educator Licensing and
74.16 Standards Board ~~annually~~ may permit a licensed teacher teaching in an alternative education
74.17 program to instruct students in a content area for which the teacher is not licensed, consistent
74.18 with paragraph (a).

74.19 (c) A special education license permission issued by the Professional Educator Licensing
74.20 and Standards Board for a primary employer's low-incidence region is valid in all
74.21 low-incidence regions.

74.22 ~~(d) A candidate~~ An applicant that has obtained career and technical education certification
74.23 may apply for a Tier 1 license under section 122A.181. Consistent with section 136F.361,
74.24 the Professional Educator Licensing and Standards Board must strongly encourage approved
74.25 ~~college or university-based~~ teacher preparation programs throughout Minnesota to develop
74.26 alternative pathways for certifying and licensing high school career and technical education
74.27 instructors and teachers, allowing such ~~candidates~~ applicants to meet certification and
74.28 licensure standards that demonstrate their content knowledge, classroom experience, and
74.29 pedagogical practices and their qualifications based on a combination of occupational testing,
74.30 professional certification or licensure, and long-standing work experience.

75.1 Sec. 17. Minnesota Statutes 2022, section 122A.091, subdivision 1, is amended to read:

75.2 Subdivision 1. **Teacher and administrator preparation and performance data;**

75.3 **report.** (a) The Professional Educator Licensing and Standards Board and the Board of

75.4 School Administrators, in cooperation with ~~board-adopted~~ board-approved teacher or

75.5 administrator preparation programs, annually must collect and report summary data on

75.6 teacher and administrator preparation and performance outcomes, consistent with this

75.7 subdivision. The Professional Educator Licensing and Standards Board and the Board of

75.8 School Administrators annually by ~~June~~ July 1 must update and post the reported summary

75.9 preparation and performance data on teachers and administrators from the preceding school

75.10 years on ~~a website hosted jointly by the boards~~ their respective websites.

75.11 (b) Publicly reported summary data on teacher preparation ~~programs~~ providers must

75.12 include:

75.13 ~~(1) student entrance requirements for each Professional Educator Licensing and Standards~~

75.14 ~~Board-approved program, including grade point average for enrolling students in the~~

75.15 ~~preceding year;~~

75.16 ~~(2) the average board-adopted skills examination or ACT or SAT scores of students~~

75.17 ~~entering the program in the preceding year;~~

75.18 ~~(3) (1) summary data on faculty teacher educator qualifications, including at least the~~

75.19 ~~content areas of faculty undergraduate and graduate degrees and their years of experience~~

75.20 ~~either as kindergarten birth through grade 12 classroom teachers or school administrators;~~

75.21 ~~(4) the average time resident and nonresident program graduates in the preceding year~~

75.22 ~~needed to complete the program;~~

75.23 ~~(2) the current number and percentage of enrolled candidates who entered the program~~

75.24 ~~through a transfer pathway disaggregated by race, except when disaggregation would not~~

75.25 ~~yield statistically reliable results or would reveal personally identifiable information about~~

75.26 ~~an individual;~~

75.27 ~~(5) (3) the current number and percentage of students program completers by program~~

75.28 ~~who graduated, received a standard Minnesota teaching license, and Tier 3 or Tier 4 license~~

75.29 ~~disaggregated by race, except when disaggregation would not yield statistically reliable~~

75.30 ~~results or would reveal personally identifiable information about an individual;~~

75.31 ~~(4) the current number and percentage of program completers who entered the program~~

75.32 ~~through a transfer pathway and received a Tier 3 or Tier 4 license disaggregated by race,~~

76.1 except when disaggregation would not yield statistically reliable results or would reveal
76.2 personally identifiable information about an individual;

76.3 (5) the current number and percentage of program completers who were hired to teach
76.4 full time in their licensure field in a Minnesota district or school in the preceding year
76.5 disaggregated by race, except when disaggregation would not yield statistically reliable
76.6 results or would reveal personally identifiable information about an individual;

76.7 ~~(6) the number of content area credits and other credits by undergraduate program that~~
76.8 ~~students in the preceding school year needed to complete to graduate~~ the current number
76.9 and percentage of program completers who entered the program through a transfer pathway
76.10 and who were hired to teach full time in their licensure field in a Minnesota district or school
76.11 in the preceding year disaggregated by race, except when disaggregation would not yield
76.12 statistically reliable results or would reveal personally identifiable information about an
76.13 individual;

76.14 (7) ~~students'~~ pass rates on ~~skills~~ pedagogy and subject matter exams required ~~for~~
76.15 ~~graduation~~ in each ~~program and~~ licensure area for program completers in the preceding
76.16 school year;

76.17 (8) board-adopted survey results measuring ~~student and graduate satisfaction with the~~
76.18 ~~program~~ initial licensure program quality and structure in the preceding school year
76.19 disaggregated by race, except when disaggregation would not yield statistically reliable
76.20 results or would reveal personally identifiable information about an individual;

76.21 (9) ~~a standard measure of the satisfaction of~~ board-adopted survey results from school
76.22 ~~principals or supervising teachers with the student teachers assigned to a school or supervising~~
76.23 ~~teacher~~ supervisors on initial licensure program quality and structure; and

76.24 (10) ~~information under subdivision 3, paragraphs (a) and (b)~~ the number and percentage
76.25 of program completers who met or exceeded the state threshold score on the board-adopted
76.26 teacher performance assessment. Program reporting must be consistent with subdivision 2.

76.27 (c) Publicly reported summary data on administrator preparation programs approved by
76.28 the Board of School Administrators must include:

76.29 (1) summary data on faculty qualifications, including at least the content areas of faculty
76.30 undergraduate and graduate degrees and the years of experience either as kindergarten
76.31 through grade 12 classroom teachers or school administrators;

76.32 (2) the average time program graduates in the preceding year needed to complete the
76.33 program;

77.1 (3) the current number and percentage of students who graduated, received a standard
77.2 Minnesota administrator license, and were employed as an administrator in a Minnesota
77.3 school district or school in the preceding year disaggregated by race, except when
77.4 disaggregation would not yield statistically reliable results or would reveal personally
77.5 identifiable information about an individual;

77.6 (4) the number of credits by graduate program that students in the preceding school year
77.7 needed to complete to graduate;

77.8 (5) survey results measuring student, graduate, and employer satisfaction with the
77.9 program in the preceding school year disaggregated by race, except when disaggregation
77.10 would not yield statistically reliable results or would reveal personally identifiable
77.11 information about an individual; and

77.12 (6) information under subdivision 3, paragraphs (c) and (d). Program reporting must be
77.13 consistent with section 122A.14, subdivision 10.

77.14 Sec. 18. Minnesota Statutes 2022, section 122A.091, subdivision 2, is amended to read:

77.15 Subd. 2. **Teacher preparation program reporting.** (a) By December 31, 2018, and
77.16 annually thereafter, the Professional Educator Licensing and Standards Board shall report
77.17 and publish on its website the cumulative summary results of at least three consecutive
77.18 years of data reported to the board under subdivision 1, paragraph (b). Where the data are
77.19 sufficient to yield statistically reliable information and the results would not reveal personally
77.20 identifiable information about an individual teacher, the board shall report the data by teacher
77.21 preparation program.

77.22 (b) The Professional Educator Licensing and Standards Board must report annually to
77.23 the chairs and ranking minority members of the legislative committees with jurisdiction
77.24 over kindergarten through grade 12 education, the following information:

77.25 (1) the total number of teacher candidates during the most recent school year taking a
77.26 board-adopted skills examination;

77.27 (2) the number who achieve a qualifying score on the examination;

77.28 (3) the number who do not achieve a qualifying score on the examination; and

77.29 (4) the number of candidates who have not passed a content or pedagogy exam.

77.30 The information reported under this paragraph must be disaggregated by categories of race,
77.31 ethnicity, and, if applicable, eligibility for financial aid. The report must be submitted in
77.32 accordance with section 3.195.

78.1 Sec. 19. Minnesota Statutes 2022, section 122A.15, subdivision 1, is amended to read:

78.2 Subdivision 1. **Teachers.** The term "teachers" for the purpose of licensure, means all
78.3 persons employed in a public school or education district or by a service cooperative as
78.4 members of the instructional, supervisory, and support staff including superintendents,
78.5 principals, supervisors, secondary vocational and other classroom teachers, librarians, school
78.6 counselors, school psychologists, school nurses, school social workers, audio-visual directors
78.7 and coordinators, recreation personnel, media generalists, media supervisors, and ~~speech~~
78.8 therapists school speech-language pathologists. This definition does not apply to sections
78.9 122A.05 to 122A.093.

78.10 Sec. 20. Minnesota Statutes 2022, section 122A.18, subdivision 1, is amended to read:

78.11 Subdivision 1. **Authority to license.** (a) The Professional Educator Licensing and
78.12 Standards Board must issue the following teacher licenses to ~~candidates~~ applicants who
78.13 meet the qualifications prescribed by this chapter:

78.14 (1) Tier 1 license under section 122A.181;

78.15 (2) Tier 2 license under section 122A.182;

78.16 (3) Tier 3 license under section 122A.183; and

78.17 (4) Tier 4 license under section 122A.184.

78.18 (b) The Board of School Administrators must license supervisory personnel as defined
78.19 in section 122A.15, subdivision 2, except for athletic coaches.

78.20 (c) The Professional Educator Licensing and Standards Board and the Department of
78.21 Education must enter into a data sharing agreement to share:

78.22 (1) educational data at the E-12 level for the limited purpose of program approval and
78.23 improvement for teacher education programs. The program approval process must include
78.24 targeted redesign of teacher preparation programs to address identified E-12 student areas
78.25 of concern; and

78.26 (2) data in the staff automated reporting system for the limited purpose of managing and
78.27 processing funding to school districts and other entities.

78.28 (d) The Board of School Administrators and the Department of Education must enter
78.29 into a data sharing agreement to share educational data at the E-12 level for the limited
78.30 purpose of program approval and improvement for education administration programs. The
78.31 program approval process must include targeted redesign of education administration
78.32 preparation programs to address identified E-12 student areas of concern.

79.1 (e) For purposes of the data sharing agreements under paragraphs (c) and (d), the
79.2 Professional Educator Licensing and Standards Board, Board of School Administrators,
79.3 and Department of Education may share private data, as defined in section 13.02, subdivision
79.4 12, on teachers and school administrators. The data sharing agreements must not include
79.5 educational data, as defined in section 13.32, subdivision 1, but may include summary data,
79.6 as defined in section 13.02, subdivision 19, derived from educational data.

79.7 Sec. 21. Minnesota Statutes 2022, section 122A.18, subdivision 2, is amended to read:

79.8 Subd. 2. **Support personnel qualifications.** The Professional Educator Licensing and
79.9 Standards Board must issue licenses and credentials under its jurisdiction to persons the
79.10 board finds to be qualified and competent for support personnel positions in accordance
79.11 with section ~~120B.36~~ 120B.363.

79.12 Sec. 22. Minnesota Statutes 2022, section 122A.18, subdivision 10, is amended to read:

79.13 Subd. 10. **Licensure via portfolio.** (a) The Professional Educator Licensing and Standards
79.14 Board must adopt rules establishing a process for an eligible ~~candidate~~ applicant to obtain
79.15 ~~any teacher an initial Tier 3 license under subdivision 1,~~ or to add a licensure field; to a Tier
79.16 3 or Tier 4 license via portfolio. The portfolio licensure application process must be consistent
79.17 with the requirements in this subdivision.

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

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

79.24 (d) The board must notify ~~a candidate~~ an applicant who submits a portfolio under
79.25 paragraph (b) or (c) within 90 calendar days after the portfolio is received whether or not
79.26 the portfolio is approved. If the portfolio is not approved, the board must ~~immediately~~ inform
79.27 the ~~candidate~~ applicant how to revise the portfolio to successfully demonstrate the requisite
79.28 competence. The ~~candidate~~ applicant may resubmit a revised portfolio at any time and the
79.29 board must approve or disapprove the revised portfolio within 60 calendar days of receiving
79.30 it.

79.31 (e) ~~A candidate~~ An applicant must pay a fee for a portfolio in accordance with section
79.32 122A.21, subdivision 4.

80.1 Sec. 23. Minnesota Statutes 2022, section 122A.18, is amended by adding a subdivision
80.2 to read:

80.3 Subd. 11. **Staff Automated Reporting.** The Professional Educator Licensing and
80.4 Standards Board shall collect data on educators' employment and assignments from all
80.5 school districts and charter schools. The report may include data on educators' demographics
80.6 and licensure.

80.7 Sec. 24. Minnesota Statutes 2022, section 122A.181, subdivision 1, is amended to read:

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

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

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

80.14 ~~(1)~~ (3) the ~~candidate~~ applicant meets the professional requirement in subdivision 2;

80.15 ~~(2)~~ (4) the district or charter school affirms that the ~~candidate~~ applicant has the necessary
80.16 skills and knowledge to teach in the specified content area; and

80.17 ~~(3)~~ (5) the district or charter school demonstrates that: (i) a criminal background check
80.18 under section 122A.18, subdivision 8, has been completed on the ~~candidate~~ applicant; and

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

80.21 Sec. 25. Minnesota Statutes 2022, section 122A.181, subdivision 2, is amended to read:

80.22 Subd. 2. **Professional requirements.** (a) ~~A candidate~~ An applicant for a Tier 1 license
80.23 must have a bachelor's degree to teach a class or course outside a career and technical
80.24 education or career pathways course of study.

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

80.28 (1) an associate's degree;

80.29 (2) a professional certification; or

80.30 (3) five years of relevant work experience.

81.1 Sec. 26. Minnesota Statutes 2022, section 122A.181, is amended by adding a subdivision
81.2 to read:

81.3 Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a
81.4 Tier 1 license are exempt from the requirement to hold a bachelor's degree in subdivision
81.5 2:

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

81.8 (i) an associate's degree;

81.9 (ii) a professional certification; or

81.10 (iii) five years of relevant work experience;

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

81.13 (3) an applicant for a Tier 1 license in the performing or visual arts pursuant to Minnesota
81.14 Rules, parts 8710.4300, dance and theatre; 8710.4310, dance; 8710.4320, theatre; 8710.4650,
81.15 vocal music and instrumental music; and 8710.4900, visual arts, if the applicant has at least
81.16 five years of relevant work experience.

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

81.19 Sec. 27. Minnesota Statutes 2022, section 122A.181, subdivision 3, is amended to read:

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

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

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

81.29 (2) the teacher holding the Tier 1 license took a content examination in accordance with
81.30 section 122A.185 and submitted the examination results to the teacher's employing district

82.1 or charter school within one year of the board approving the request for the initial Tier 1
82.2 license;

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

82.6 (4) the teacher holding the Tier 1 license met the mental illness training renewal
82.7 requirement under section 122A.187, subdivision 6.

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

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

82.15 Sec. 28. Minnesota Statutes 2022, section 122A.181, subdivision 4, is amended to read:

82.16 Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must
82.17 accept and review applications for a Tier 1 teaching license beginning July 1 of the school
82.18 year for which the license is requested ~~and must issue or deny the Tier 1 teaching license~~
82.19 ~~within 30 days of receiving the completed application;~~ at the board's discretion, the board
82.20 may begin to accept and review applications before July 1.

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

82.22 Sec. 29. Minnesota Statutes 2022, section 122A.181, subdivision 5, is amended to read:

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

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

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

83.1 Sec. 30. Minnesota Statutes 2022, section 122A.182, subdivision 1, is amended to read:

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

83.5 ~~(1) the candidate meets the educational or professional requirements in paragraph (b)~~
83.6 ~~or (c);~~

83.7 ~~(2) the candidate:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

83.26 (5) the applicant:

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

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

83.29 (iii) has a master's degree in the specified content area.

84.1 Sec. 31. Minnesota Statutes 2022, section 122A.182, subdivision 2, is amended to read:

84.2 Subd. 2. **Coursework.** (a) ~~A candidate~~ An applicant for a Tier 2 license must meet the
84.3 coursework requirement by demonstrating completion of two of the following:

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

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

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

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

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

84.10 (b) For purposes of paragraph (a), "upper division" means classes normally taken at the
84.11 junior or senior level of college which require substantial knowledge and skill in the field.

84.12 ~~Candidates~~ An applicant must identify the upper division credits that fulfill the requirement
84.13 in paragraph (a), clause (1).

84.14 Sec. 32. Minnesota Statutes 2022, section 122A.182, is amended by adding a subdivision
84.15 to read:

84.16 Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a
84.17 Tier 2 license are exempt from the requirement to hold a bachelor's degree in subdivision
84.18 1:

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

84.21 (i) an associate's degree;

84.22 (ii) a professional certification; or

84.23 (iii) five years of relevant work experience;

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

84.27 (3) an applicant for a Tier 2 license in the performing or visual arts pursuant to Minnesota
84.28 Rules, parts 8710.4300, dance and theatre; 8710.4310, dance; 8710.4320, theatre; 8710.4650,
84.29 vocal music and instrumental music; and 8710.4900, visual arts, when the applicant has at
84.30 least five years of relevant work experience.

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

85.4 Sec. 33. Minnesota Statutes 2022, section 122A.182, subdivision 4, is amended to read:

85.5 Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must
85.6 accept applications for a Tier 2 teaching license beginning July 1 of the school year for
85.7 which the license is requested ~~and must issue or deny the Tier 2 teaching license within 30~~
85.8 ~~days of receiving the completed application.~~ At the board's discretion, the board may begin
85.9 to accept and review applications before July 1.

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

85.11 Sec. 34. Minnesota Statutes 2022, section 122A.183, subdivision 1, is amended to read:

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

85.15 ~~(1) the candidate meets the educational or professional requirements in paragraphs (b)~~
85.16 ~~and (e);~~

85.17 ~~(2) (1) the candidate~~ applicant has obtained a passing score on the required licensure
85.18 exams under section 122A.185; ~~and~~

85.19 (2) the applicant holds a bachelor's degree, unless specifically exempt by statute or rule;
85.20 and

85.21 (3) the candidate applicant has completed the coursework required under subdivision 2.

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

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

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

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

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

86.1 ~~In consultation with the governor's Workforce Development Board established under section~~
86.2 ~~116L.665, the board must establish a list of qualifying certifications, and may add additional~~
86.3 ~~professional certifications in consultation with school administrators, teachers, and other~~
86.4 ~~stakeholders.~~

86.5 (b) The board must issue a Tier 3 license to an applicant who has completed student
86.6 teaching comparable to the student teaching expectations in Minnesota, and has completed
86.7 either: a teacher preparation program from a culturally specific Minority Serving Institution
86.8 in the United States, such as Historically Black Colleges and Universities, Tribal Colleges
86.9 and Universities, or Hispanic-Serving Institutions, including those in Puerto Rico; or a
86.10 university teacher preparation program in another country, and has taught at least two years.
86.11 An applicant who qualifies for a Tier 3 license under this paragraph is not required to obtain
86.12 a passing score on licensure exams under section 122A.185.

86.13 Sec. 35. Minnesota Statutes 2022, section 122A.183, is amended by adding a subdivision
86.14 to read:

86.15 Subd. 2a. Exemptions from a bachelor's degree. (a) The following applicants for a
86.16 Tier 3 license are exempt from the requirement to hold a bachelor's degree in subdivision
86.17 1:

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

86.20 (i) an associate's degree;

86.21 (ii) a professional certification; or

86.22 (iii) five years of relevant work experience;

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

86.26 (3) an applicant for a Tier 3 license in the performing or visual arts pursuant to Minnesota
86.27 Rules, parts 8710.4300, dance and theatre; 8710.4310, dance; 8710.4320, theatre; 8710.4650,
86.28 vocal music and instrumental music; and 8710.4900, visual arts, when the applicant has at
86.29 least five years of relevant work experience.

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

87.1 Sec. 36. Minnesota Statutes 2022, section 122A.184, subdivision 1, is amended to read:

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

87.5 (1) the ~~candidate~~ applicant meets all requirements for a Tier 3 license under section
87.6 122A.183, and has completed a teacher preparation program under section 122A.183,
87.7 subdivision 2, clause (1) or (2);

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

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

87.12 ~~(4) the candidate's most recent summative teacher evaluation did not result in placing~~
87.13 ~~or otherwise keeping the teacher in an improvement process pursuant to section 122A.40,~~
87.14 ~~subdivision 8, or 122A.41, subdivision 5.~~

87.15 (4) if the applicant previously held a Tier 3 license under section 122A.183, the applicant
87.16 has completed the renewal requirements in section 122A.187.

87.17 Sec. 37. Minnesota Statutes 2022, section 122A.185, subdivision 1, is amended to read:

87.18 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~
87.19 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~
87.20 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~
87.21 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~
87.22 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~
87.23 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~
87.24 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~
87.25 ~~122A.183, respectively.~~

87.26 ~~(b)~~ (a) The board must adopt rules requiring ~~candidates~~ applicants for Tier 3 and Tier 4
87.27 licenses to pass an examination or performance assessment of general pedagogical knowledge
87.28 and examinations of licensure field specific content. An applicant is exempt from the
87.29 examination requirements if the applicant completed:

87.30 (1) a board-approved teacher preparation program;

87.31 (2) licensure via portfolio pursuant to section 122A.18, subdivision 10, and the portfolio
87.32 has been approved; or

88.1 (3) a state-approved teacher preparation program in another state and passed licensure
88.2 examinations in that state, if applicable. The content examination requirement does not
88.3 apply if no relevant content exam exists.

88.4 ~~(c) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must~~
88.5 ~~pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,~~
88.6 ~~scientifically based reading instruction under section 122A.06, subdivision 4, knowledge~~
88.7 ~~and understanding of the foundations of reading development, development of reading~~
88.8 ~~comprehension and reading assessment and instruction, and the ability to integrate that~~
88.9 ~~knowledge and understanding into instruction strategies under section 122A.06, subdivision~~
88.10 ~~4.~~

88.11 ~~(d) The requirement to pass a board-adopted reading, writing, and mathematics skills~~
88.12 ~~examination does not apply to nonnative English speakers, as verified by qualified Minnesota~~
88.13 ~~school district personnel or Minnesota higher education faculty, who, after meeting the~~
88.14 ~~content and pedagogy requirements under this subdivision, apply for a teaching license to~~
88.15 ~~provide direct instruction in their native language or world language instruction under section~~
88.16 ~~120B.022, subdivision 1.~~

88.17 (b) All testing centers in the state must provide monthly opportunities for untimed content
88.18 and pedagogy examinations. These opportunities must be advertised on the test registration
88.19 website. The board must require the exam vendor to provide other equitable opportunities
88.20 to pass exams, including: (1) waiving testing fees for test takers who qualify for federal
88.21 grants; (2) providing free, multiple, full-length practice tests for each exam and free,
88.22 comprehensive study guides on the test registration website; (3) making content and pedagogy
88.23 exams available in languages other than English for teachers seeking licensure to teach in
88.24 language immersion programs; and (4) providing free, detailed exam results analysis by
88.25 test objective to assist applicants who do not pass an exam in identifying areas for
88.26 improvement. Any applicant who has not passed a required exam after two attempts must
88.27 be allowed to retake the exam, including new versions of the exam, without being charged
88.28 an additional fee.

88.29 Sec. 38. Minnesota Statutes 2022, section 122A.185, subdivision 4, is amended to read:

88.30 Subd. 4. **Remedial assistance.** ~~(a) A board-approved teacher preparation program must~~
88.31 ~~make available upon request remedial assistance that includes a formal diagnostic component~~
88.32 ~~to persons enrolled in their institution who did not achieve a qualifying score on a~~
88.33 ~~board-adopted skills examination, including those for whom English is a second language.~~

89.1 ~~The teacher preparation programs must make available assistance in the specific academic~~
89.2 ~~areas of candidates' deficiency.~~

89.3 (b) School districts may make available upon request ~~similar,~~ appropriate, and timely
89.4 remedial assistance that includes a formal diagnostic component to those persons employed
89.5 by the district who ~~completed their teacher education program, who~~ did not achieve a
89.6 qualifying score on a board-adopted skills examination, and who received a Tier 1, Tier 2,
89.7 or Tier 3 license under section 122A.181, 122A.182, or 122A.183, respectively, to teach in
89.8 Minnesota.

89.9 Sec. 39. Minnesota Statutes 2022, section 122A.187, subdivision 1, is amended to read:

89.10 Subdivision 1. **License form requirements.** Each license issued under this chapter must
89.11 bear the date of issue and the name of the state-approved teacher training provider or
89.12 alternative teaching program, as applicable. Licenses must expire and be renewed according
89.13 to rules adopted by the Professional Educator Licensing and Standards Board or the Board
89.14 of School Administrators. ~~The rules adopted by the Professional Educator Licensing and~~
89.15 ~~Standards Board for renewing a Tier 3 or Tier 4 license under sections 122A.183 and~~
89.16 ~~122A.184, respectively, must include showing satisfactory evidence of successful teaching~~
89.17 ~~or administrative experience for at least one school year during the period covered by the~~
89.18 ~~license in grades or subjects for which the license is valid or completing such additional~~
89.19 ~~preparation as required under this section, or as the Professional Educator Licensing and~~
89.20 ~~Standards Board prescribes. The Board of School Administrators shall establish requirements~~
89.21 ~~for renewing the licenses of supervisory personnel except athletic coaches. The Professional~~
89.22 ~~Educator Licensing and Standards Board shall establish requirements for renewing the~~
89.23 ~~licenses of athletic coaches.~~

89.24 Sec. 40. Minnesota Statutes 2022, section 122A.19, subdivision 4, is amended to read:

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

89.28 (b) Programs that prepare English as a second language teachers must provide instruction
89.29 in implementing research-based practices designed specifically for English learners. The
89.30 programs must focus on developing English learners' academic language proficiency in
89.31 English, including oral academic language, giving English learners meaningful access to
89.32 the full school curriculum, developing culturally relevant teaching practices appropriate for
89.33 immigrant students, and providing more intensive instruction and resources to English

90.1 learners with lower levels of academic English proficiency and varied needs, consistent
90.2 with section 124D.59, subdivisions 2 and 2a.

90.3 Sec. 41. Minnesota Statutes 2022, section 122A.26, subdivision 2, is amended to read:

90.4 Subd. 2. **Exceptions.** (a) A person who teaches in a community education program
90.5 ~~which that~~ qualifies for aid pursuant to section 124D.52 shall continue to meet licensure
90.6 requirements as a teacher. A person who teaches in an early childhood and family education
90.7 program ~~which that~~ is offered through a community education program and ~~which that~~
90.8 qualifies for community education aid pursuant to section 124D.20 or early childhood and
90.9 family education aid pursuant to section 124D.135 shall continue to meet licensure
90.10 requirements as a teacher. A person who teaches in a community education course ~~which~~
90.11 that is offered for credit for graduation to persons under 18 years of age shall continue to
90.12 meet licensure requirements as a teacher.

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

90.20 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

90.21 Sec. 42. Minnesota Statutes 2022, section 122A.40, subdivision 5, is amended to read:

90.22 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first
90.23 teaching experience in Minnesota in a single district ~~is~~ are deemed to be a probationary
90.24 period of employment, and, the probationary period in each district in which the teacher is
90.25 thereafter employed shall be one year. The school board must adopt a plan for written
90.26 evaluation of teachers during the probationary period that is consistent with subdivision 8.
90.27 Evaluation must occur at least three times periodically throughout each school year for a
90.28 teacher performing services during that school year; the first evaluation must occur within
90.29 the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers'
90.30 workshops, and other staff development opportunities and days on which a teacher is absent
90.31 from school must not be included in determining the number of school days on which a
90.32 teacher performs services. Except as otherwise provided in paragraph (b), during the
90.33 probationary period any annual contract with any teacher may or may not be renewed as

91.1 the school board shall see fit. However, the board must give any such teacher whose contract
91.2 it declines to renew for the following school year written notice to that effect before July
91.3 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must
91.4 give the teacher its reason in writing, including a statement that appropriate supervision
91.5 was furnished describing the nature and the extent of such supervision furnished the teacher
91.6 during the employment by the board, within ten days after receiving such request. The
91.7 school board may, after a hearing held upon due notice, discharge a teacher during the
91.8 probationary period for cause, effective immediately, under section 122A.44.

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

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

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

91.22 (e) A probationary teacher must complete at least ~~120~~ 90 days of teaching service each
91.23 year during the probationary period. Days devoted to parent-teacher conferences, teachers'
91.24 workshops, and other staff development opportunities and days on which a teacher is absent
91.25 from school do not count as days of teaching service under this paragraph.

91.26 (f) Notwithstanding any law to the contrary, a teacher who has taught for three
91.27 consecutive years in a single school district or charter school in Minnesota or another state
91.28 must serve a probationary period of no longer than one year in a Minnesota school district.

91.29 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements
91.30 effective July 1, 2023, and thereafter.

91.31 Sec. 43. Minnesota Statutes 2022, section 122A.40, subdivision 8, is amended to read:

91.32 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
91.33 **teachers.** (a) To improve student learning and success, a school board and an exclusive

92.1 representative of the teachers in the district, consistent with paragraph (b), may develop a
92.2 teacher evaluation and peer review process for probationary and continuing contract teachers
92.3 through joint agreement. If a school board and the exclusive representative of the teachers
92.4 do not agree to an annual teacher evaluation and peer review process, then the school board
92.5 and the exclusive representative of the teachers must implement the state teacher evaluation
92.6 plan under paragraph (c). The process must include having trained observers serve as peer
92.7 coaches or having teachers participate in professional learning communities, consistent with
92.8 paragraph (b).

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

92.13 (1) must, for probationary teachers, provide for all evaluations required under subdivision
92.14 5;

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

92.20 (3) ~~must be based on professional teaching standards established in rule~~ include a rubric
92.21 of performance standards for teacher practice that: (i) is based on professional teaching
92.22 standards established in rule; (ii) includes culturally responsive methodologies; and (iii)
92.23 provides common descriptions of effectiveness using at least three levels of performance;

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

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

92.28 (6) may include job-embedded learning opportunities such as professional learning
92.29 communities;

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

93.1 (8) must include an option for teachers to develop and present a portfolio demonstrating
93.2 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
93.3 3, and include teachers' own performance assessment based on student work samples and
93.4 examples of teachers' work, which may include video among other activities for the
93.5 summative evaluation;

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

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

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

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

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

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

93.27 (c) The department, in consultation with parents who may represent parent organizations
93.28 and teacher and administrator representatives appointed by their respective organizations,
93.29 representing the Professional Educator Licensing and Standards Board, the Minnesota
93.30 Association of School Administrators, the Minnesota School Boards Association, the
93.31 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
93.32 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
93.33 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
93.34 research expertise in teacher evaluation, must create and publish a teacher evaluation process

94.1 that complies with the requirements in paragraph (b) and applies to all teachers under this
94.2 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual
94.3 teacher evaluation and peer review process. The teacher evaluation process created under
94.4 this subdivision does not create additional due process rights for probationary teachers under
94.5 subdivision 5.

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

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

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

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

94.20 **EFFECTIVE DATE.** This section is effective July 1, 2025.

94.21 Sec. 44. Minnesota Statutes 2022, section 122A.41, subdivision 2, is amended to read:

94.22 Subd. 2. **Probationary period; discharge or demotion.** (a) ~~All teachers in the public~~
94.23 ~~schools in cities of the first class during the first three years of consecutive employment~~
94.24 ~~shall be deemed to be in a probationary period of employment during which period any~~
94.25 ~~annual contract with any teacher may, or may not, be renewed as the school board, after~~
94.26 ~~consulting with the peer review committee charged with evaluating the probationary teachers~~
94.27 ~~under subdivision 3, shall see fit.~~ The first three consecutive years of a teacher's first teaching
94.28 experience in Minnesota in a single district are deemed to be a probationary period of
94.29 employment, and the probationary period in each district in which the teacher is thereafter
94.30 employed shall be one year. The school site management team or the school board if there
94.31 is no school site management team, shall adopt a plan for a written evaluation of teachers
94.32 during the probationary period according to subdivisions 3 and 5. Evaluation by the peer
94.33 review committee charged with evaluating probationary teachers under subdivision 3 shall

95.1 occur at least three times periodically throughout each school year for a teacher performing
95.2 services during that school year; the first evaluation must occur within the first 90 days of
95.3 teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and
95.4 other staff development opportunities and days on which a teacher is absent from school
95.5 shall not be included in determining the number of school days on which a teacher performs
95.6 services. The school board may, during such probationary period, discharge or demote a
95.7 teacher for any of the causes as specified in this code. A written statement of the cause of
95.8 such discharge or demotion shall be given to the teacher by the school board at least 30
95.9 days before such removal or demotion shall become effective, and the teacher so notified
95.10 shall have no right of appeal therefrom.

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

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

95.21 (d) A probationary teacher must complete at least ~~120~~ 90 days of teaching service each
95.22 year during the probationary period. Days devoted to parent-teacher conferences, teachers'
95.23 workshops, and other staff development opportunities and days on which a teacher is absent
95.24 from school do not count as days of teaching service under this paragraph.

95.25 (e) Notwithstanding any law to the contrary, a teacher who has taught for three
95.26 consecutive years in a single school district or charter school in Minnesota or another state
95.27 must serve a probationary period of no longer than one year in a Minnesota school district.

95.28 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements
95.29 effective July 1, 2023, and thereafter.

95.30 Sec. 45. Minnesota Statutes 2022, section 122A.41, subdivision 5, is amended to read:

95.31 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
95.32 **teachers.** (a) To improve student learning and success, a school board and an exclusive
95.33 representative of the teachers in the district, consistent with paragraph (b), may develop an

96.1 annual teacher evaluation and peer review process for probationary and nonprobationary
96.2 teachers through joint agreement. If a school board and the exclusive representative of the
96.3 teachers in the district do not agree to an annual teacher evaluation and peer review process,
96.4 then the school board and the exclusive representative of the teachers must implement the
96.5 state teacher evaluation plan developed under paragraph (c). The process must include
96.6 having trained observers serve as peer coaches or having teachers participate in professional
96.7 learning communities, consistent with paragraph (b).

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

96.12 (1) must, for probationary teachers, provide for all evaluations required under subdivision
96.13 2;

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

96.18 (3) ~~must be based on professional teaching standards established in rule~~ include a rubric
96.19 of performance standards for teacher practice that: (i) is based on professional teaching
96.20 standards established in rule; (ii) includes culturally responsive methodologies; and (iii)
96.21 provides common descriptions of effectiveness using at least three levels of performance;

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

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

96.26 (6) may include job-embedded learning opportunities such as professional learning
96.27 communities;

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

96.32 (8) must include an option for teachers to develop and present a portfolio demonstrating
96.33 evidence of reflection and professional growth, consistent with section 122A.187, subdivision

97.1 3, and include teachers' own performance assessment based on student work samples and
97.2 examples of teachers' work, which may include video among other activities for the
97.3 summative evaluation;

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

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

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

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

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

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

97.25 (c) The department, in consultation with parents who may represent parent organizations
97.26 and teacher and administrator representatives appointed by their respective organizations,
97.27 representing the Professional Educator Licensing and Standards Board, the Minnesota
97.28 Association of School Administrators, the Minnesota School Boards Association, the
97.29 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
97.30 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
97.31 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
97.32 research expertise in teacher evaluation, must create and publish a teacher evaluation process
97.33 that complies with the requirements in paragraph (b) and applies to all teachers under this
97.34 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual

98.1 teacher evaluation and peer review process. The teacher evaluation process created under
98.2 this subdivision does not create additional due process rights for probationary teachers under
98.3 subdivision 2.

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

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

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

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

98.18 **EFFECTIVE DATE.** This section is effective July 1, 2025.

98.19 Sec. 46. **[122A.441] SHORT-CALL SUBSTITUTE TEACHER PILOT PROGRAM.**

98.20 (a) A school district or charter school and applicant may jointly request the Professional
98.21 Educator Licensing and Standards Board approve an application for a short-call substitute
98.22 teaching license. The application information must sufficiently demonstrate the following:

98.23 (1) the applicant:

98.24 (i) holds a minimum of an associate's degree or equivalent and has or will receive
98.25 substitute training from the school district or charter school; or

98.26 (ii) holds a minimum of a high school diploma or equivalent and has been employed as
98.27 an education support personnel or paraprofessional within the district or charter school for
98.28 at least one academic year; and

98.29 (2) the school district or charter school has requested a background check in accordance
98.30 with section 123B.03.

98.31 (b) The Professional Educator Licensing and Standards Board may issue a temporary
98.32 teaching license pending a background check under section 122A.18, subdivision 8, and

99.1 may immediately suspend or revoke the license upon receiving background check
 99.2 information. An applicant submitting an application for a short-call substitute teaching
 99.3 license in accordance with section 122A.18, subdivision 7a, paragraph (a), must not be
 99.4 required to complete a joint application with a district and must not be issued a license
 99.5 pending a background check under section 122A.18, subdivision 8.

99.6 (c) The board may prioritize short-call substitute teaching license applications to expedite
 99.7 the review process.

99.8 (d) A school district or charter school must provide a substitute teacher who receives a
 99.9 substitute teaching license through the pilot program with substitute teacher training. The
 99.10 board may remove a school district or charter school from the pilot program for failure to
 99.11 provide the required training.

99.12 (e) A school district or charter school must not require an employee to apply for a
 99.13 substitute teaching license, or retaliate against an employee that does not apply for a substitute
 99.14 teaching license under the pilot program.

99.15 (f) A school district or charter school must compensate an employee working as a
 99.16 short-call substitute teacher under the pilot program with the greater of \$200 per day or the
 99.17 employee's regular rate of pay.

99.18 **EFFECTIVE DATE.** This section is effective for the 2023-2024 and 2024-2025 school
 99.19 years only.

99.20 Sec. 47. Minnesota Statutes 2022, section 122A.69, is amended to read:

99.21 **122A.69 PRACTICE OR STUDENT TEACHERS.**

99.22 The Professional Educator Licensing and Standards Board may, by agreements with
 99.23 teacher preparation institutions, arrange for classroom experience in the district for practice
 99.24 or student teachers ~~who have completed at least two years of~~ in an approved teacher
 99.25 preparation program. Such practice and student teachers must be appropriately supervised
 99.26 by a fully qualified teacher under rules adopted by the board. A practice or student teacher
 99.27 must be placed with a cooperating licensed teacher who has at least three years of teaching
 99.28 experience and is not in the improvement process under section 122A.40, subdivision 8,
 99.29 paragraph (b), clause (12), or 122A.41, subdivision 5, paragraph (b), clause (12). Practice
 99.30 and student teachers are employees of the school district in which they are rendering services
 99.31 for purposes of workers' compensation; liability insurance, if provided for other district
 99.32 employees under section 123B.23; and legal counsel under section 123B.25.

100.1 Sec. 48. Minnesota Statutes 2022, section 123B.147, subdivision 3, is amended to read:

100.2 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,
100.3 and instructional leadership services, under the supervision of the superintendent of schools
100.4 of the district and according to the policies, rules, and regulations of the school board, for
100.5 the planning, management, operation, and evaluation of the education program of the building
100.6 or buildings to which the principal is assigned.

100.7 (b) To enhance a principal's culturally responsive leadership skills and support and
100.8 improve teaching practices, school performance, and student achievement for diverse student
100.9 populations, including at-risk students, children with disabilities, English learners, and gifted
100.10 students, among others, a district must develop and implement a performance-based system
100.11 for annually evaluating school principals assigned to supervise a school building within the
100.12 district. The evaluation must be designed to improve teaching and learning by supporting
100.13 the principal in shaping the school's professional environment and developing teacher
100.14 quality, performance, and effectiveness. The annual evaluation must:

100.15 (1) support and improve a principal's instructional leadership, organizational management,
100.16 and professional development, and strengthen the principal's capacity in the areas of
100.17 instruction, supervision, evaluation, and teacher development;

100.18 (2) support and improve a principal's culturally responsive leadership practices that
100.19 create inclusive and respectful teaching and learning environments for all students, families,
100.20 and employees;

100.21 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of
100.22 student progress toward career and college readiness;

100.23 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and
100.24 goals, and the principal's own professional multiyear growth plans and goals, all of which
100.25 must support the principal's leadership behaviors and practices, rigorous curriculum, school
100.26 performance, and high-quality instruction;

100.27 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

100.28 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and
100.29 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

100.30 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation
100.31 and incorporate district achievement goals and targets;

101.1 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and
101.2 learning, curriculum and instruction, student learning, culturally responsive leadership
101.3 practices, and a collaborative professional culture; and

101.4 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria
101.5 under this subdivision, implement a plan to improve the principal's performance and specify
101.6 the procedure and consequence if the principal's performance is not improved.

101.7 The provisions of this paragraph are intended to provide districts with sufficient flexibility
101.8 to accommodate district needs and goals related to developing, supporting, and evaluating
101.9 principals.

101.10 **EFFECTIVE DATE.** This section is effective July 1, 2024.

101.11 Sec. 49. Minnesota Statutes 2022, section 179A.03, subdivision 18, is amended to read:

101.12 Subd. 18. **Teacher.** "Teacher" means any public employee other than a superintendent
101.13 or assistant superintendent, principal, assistant principal, or a supervisory or confidential
101.14 employee, employed by a school district:

101.15 (1) in a position for which the person must be licensed by the Professional Educator
101.16 Licensing and Standards Board or the commissioner of education; ~~or~~

101.17 (2) in a position as a physical therapist, occupational therapist, art therapist, music
101.18 therapist, or audiologist; or

101.19 (3) in a position creating and delivering instruction to children in a prekindergarten or
101.20 early learning program, except that an employee in a bargaining unit certified before January
101.21 1, 2023, may remain in a bargaining unit that does not include teachers unless an exclusive
101.22 representative files a petition for a unit clarification or to transfer exclusive representative
101.23 status.

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

101.25 Sec. 50. Minnesota Statutes 2022, section 179A.03, subdivision 19, is amended to read:

101.26 Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment"
101.27 means the hours of employment, the compensation therefor including fringe benefits except
101.28 retirement contributions or benefits other than employer payment of, or contributions to,
101.29 premiums for group insurance coverage of retired employees or severance pay, and the
101.30 employer's personnel policies affecting the working conditions of the employees. In the
101.31 case of professional employees the term does not mean educational policies of a school

102.1 district. "Terms and conditions of employment" is subject to section 179A.07. In the case
102.2 of school employees, "terms and conditions of employment" includes class sizes, student
102.3 testing, and student-to-personnel ratios.

102.4 Sec. 51. **REVISOR INSTRUCTION.**

102.5 The revisor of statutes shall replace the terms "candidate" or "candidates" with "applicant"
102.6 or "applicants" wherever they appear in sections 122A.09, 122A.18, 122A.181, 122A.182,
102.7 122A.183, 122A.184, 122A.185, 122A.188, 122A.21, and 122A.28.

102.8 Sec. 52. **REPEALER.**

102.9 (a) Minnesota Statutes 2022, sections 122A.07, subdivision 2a; 122A.091, subdivisions
102.10 3 and 6; and 122A.18, subdivision 7c; are repealed.

102.11 (b) Minnesota Rules, part 8710.0500, subparts 8 and 11, are repealed.

102.12

ARTICLE 5

102.13

CHARTER SCHOOLS

102.14 Section 1. Minnesota Statutes 2022, section 124E.02, is amended to read:

102.15 **124E.02 DEFINITIONS.**

102.16 (a) For purposes of this chapter, the terms defined in this section have the meanings
102.17 given them.

102.18 (b) "Affidavit" means a written statement the authorizer submits to the commissioner
102.19 for approval to establish a charter school under section 124E.06, subdivision 4, attesting to
102.20 its review and approval process before chartering a school.

102.21 (c) "Affiliate" means a person that directly or indirectly, through one or more
102.22 intermediaries, controls, is controlled by, or is under common control with another person.

102.23 (d) "Control" means the ability to affect the management, operations, or policy actions
102.24 or decisions of a person, whether by owning voting securities, by contract, or otherwise.

102.25 (e) "Immediate family" means an individual whose relationship by blood, marriage,
102.26 adoption, or partnership is no more remote than first cousin.

102.27 (f) "Market need and demand study" means a study that includes the following for the
102.28 proposed locations of the school or additional site:

102.29 (1) current and projected demographic information of student populations in the
102.30 geographic area;

- 103.1 (2) current student enrollment patterns in the geographic area;
103.2 (3) information on existing schools and types of educational programs currently available;
103.3 (4) documentation of the plan to do outreach to diverse and underrepresented populations;
103.4 (5) information on the availability of properly zoned and classified facilities; and
103.5 (6) quantification of existing demand for the new school or site expansion.

103.6 ~~(f)~~ (g) "Person" means an individual or entity of any kind.

103.7 ~~(g)~~ (h) "Related party" means an affiliate or immediate relative of the other interested
103.8 party, an affiliate of an immediate relative who is the other interested party, or an immediate
103.9 relative of an affiliate who is the other interested party.

103.10 ~~(h)~~ (i) For purposes of this chapter, the terms defined in section 120A.05 have the same
103.11 meanings.

103.12 Sec. 2. Minnesota Statutes 2022, section 124E.03, subdivision 2, is amended to read:

103.13 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall
103.14 meet all federal, state, and local health and safety requirements applicable to school districts.

103.15 (b) A school must comply with statewide accountability requirements governing standards
103.16 and assessments in chapter 120B.

103.17 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
103.18 123B.34 to 123B.39.

103.19 (d) A charter school is a district for the purposes of tort liability under chapter 466.

103.20 (e) A charter school must comply with the Pledge of Allegiance requirement under
103.21 section 121A.11, subdivision 3.

103.22 (f) A charter school and charter school board of directors must comply with chapter 181
103.23 governing requirements for employment.

103.24 (g) A charter school must comply with continuing truant notification under section
103.25 260A.03.

103.26 (h) A charter school must develop and implement a teacher evaluation and peer review
103.27 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place
103.28 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).
103.29 The teacher evaluation process in this paragraph does not create any additional employment
103.30 rights for teachers.

104.1 (i) A charter school must adopt a policy, plan, budget, and process, consistent with
104.2 section 120B.11, to review curriculum, instruction, and student achievement and strive for
104.3 the world's best workforce.

104.4 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,
104.5 sections 121A.40 to 121A.56 and 121A.575.

104.6 Sec. 3. Minnesota Statutes 2022, section 124E.03, is amended by adding a subdivision to
104.7 read:

104.8 Subd. 9. **English learners.** A charter school is subject to and must comply with the
104.9 Education for English Learners Act under sections 124D.58 to 124D.64 as though the charter
104.10 school were a district.

104.11 Sec. 4. Minnesota Statutes 2022, section 124E.05, subdivision 4, is amended to read:

104.12 Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must
104.13 include in its application to the commissioner at least the following:

104.14 (1) how the organization carries out its mission by chartering schools;

104.15 (2) a description of the capacity of the organization to serve as an authorizer, including
104.16 the positions allocated to authorizing duties, the qualifications for those positions, the
104.17 full-time equivalencies of those positions, and the financial resources available to fund the
104.18 positions;

104.19 (3) the application and review process the authorizer uses to decide whether to grant
104.20 charters;

104.21 (4) the type of contract it arranges with the schools it charters to meet the provisions of
104.22 section 124E.10;

104.23 (5) the process for overseeing the school, consistent with clause (4), to ensure that the
104.24 schools chartered comply with applicable law and rules and the contract;

104.25 (6) the criteria and process the authorizer uses to approve applications adding grades or
104.26 sites under section 124E.06, subdivision 5;

104.27 (7) the process for renewing or terminating the school's charter based on evidence
104.28 showing the academic, organizational, and financial competency of the school, including
104.29 its success in increasing student achievement and meeting the goals of the charter school
104.30 agreement; and

105.1 (8) an assurance specifying that the organization is committed to serving as an authorizer
105.2 ~~for the full five-year term~~ until the commissioner terminates the organization's ability to
105.3 authorize charter schools under subdivision 6 or the organization formally withdraws as an
105.4 approved authorizer under subdivision 7.

105.5 (b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the
105.6 requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict
105.7 of interest between an authorizer and its charter schools or ongoing evaluation or continuing
105.8 education of an administrator or other professional support staff by submitting to the
105.9 commissioner a written promise to comply with the requirements.

105.10 Sec. 5. Minnesota Statutes 2022, section 124E.05, subdivision 7, is amended to read:

105.11 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw
105.12 as an approved authorizer for a reason unrelated to any cause under ~~section 124E.10,~~
105.13 ~~subdivision 4~~ subdivision 6, the authorizer must notify all its chartered schools and the
105.14 commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30
105.15 in the next calendar year, ~~regardless of when the authorizer's five-year term of approval~~
105.16 ~~ends.~~ Upon notification of the schools and commissioner, the authorizer must provide a
105.17 letter to the school for distribution to families of students enrolled in the school that explains
105.18 the decision to withdraw as an authorizer. The commissioner may approve the transfer of
105.19 a charter school to a new authorizer under section 124E.10, subdivision 5.

105.20 Sec. 6. Minnesota Statutes 2022, section 124E.06, subdivision 1, is amended to read:

105.21 Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an
105.22 application from a charter school developer, may charter either a licensed teacher under
105.23 section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed
105.24 teachers under section 122A.18, subdivision 1, to operate a school subject to the
105.25 commissioner's approval of the authorizer's affidavit under subdivision 4.

105.26 (b) "Application" under this section means the charter school business plan a charter
105.27 school developer submits to an authorizer for approval to establish a charter school. This
105.28 application must include:

105.29 (1) the school developer's:

105.30 (i) mission statement;

105.31 (ii) school purposes;

105.32 (iii) program design;

- 106.1 (iv) financial plan;
- 106.2 (v) governance and management structure; ~~and~~
- 106.3 (vi) background and experience; and
- 106.4 (vii) market need and demand study; and
- 106.5 (2) any other information the authorizer requests; ~~and.~~
- 106.6 ~~(3) a "statement of assurances" of legal compliance prescribed by the commissioner.~~
- 106.7 (c) An authorizer shall not approve an application submitted by a charter school developer
- 106.8 under paragraph (a) if the application does not comply with subdivision 3, paragraph (e),
- 106.9 and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit
- 106.10 submitted by an authorizer under subdivision 4 if the affidavit does not comply with
- 106.11 subdivision 3, paragraph (e), and section 124E.01, subdivision 1.
- 106.12 Sec. 7. Minnesota Statutes 2022, section 124E.06, subdivision 4, is amended to read:
- 106.13 **Subd. 4. Authorizer's affidavit; approval process.** (a) Before an operator may establish
- 106.14 and operate a school, the authorizer must file an affidavit with the commissioner stating its
- 106.15 intent to charter a school. An authorizer must file a separate affidavit for each school it
- 106.16 intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of
- 106.17 the year the new charter school plans to serve students. The affidavit must state:
- 106.18 (1) the terms and conditions under which the authorizer would charter a school, including
- 106.19 a market need and demand study; and
- 106.20 (2) how the authorizer intends to oversee:
- 106.21 (i) the fiscal and student performance of the charter school; and
- 106.22 (ii) compliance with the terms of the written contract between the authorizer and the
- 106.23 charter school board of directors under section 124E.10, subdivision 1.
- 106.24 (b) The commissioner must approve or disapprove the authorizer's affidavit within 60
- 106.25 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the
- 106.26 commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer
- 106.27 then has 20 business days to address the deficiencies. The commissioner must notify the
- 106.28 authorizer of the commissioner's final approval or final disapproval within 15 business days
- 106.29 after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer
- 106.30 does not address deficiencies to the commissioner's satisfaction, the commissioner's

107.1 disapproval is final. An authorizer who fails to obtain the commissioner's approval is
107.2 precluded from chartering the school that is the subject of this affidavit.

107.3 Sec. 8. Minnesota Statutes 2022, section 124E.06, subdivision 5, is amended to read:

107.4 Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to
107.5 amend the school charter to add grades or primary enrollment sites beyond those defined
107.6 in the original affidavit approved by the commissioner. After approving the school's
107.7 application, the authorizer shall submit a supplemental affidavit in the form and manner
107.8 prescribed by the commissioner. The authorizer must file a supplemental affidavit to the
107.9 commissioner by October 1 to be eligible to add grades or sites in the next school year. The
107.10 supplemental affidavit must document to the authorizer's satisfaction:

107.11 (1) the need for the additional grades or sites with supporting long-range enrollment
107.12 projections;

107.13 (2) a longitudinal record of student academic performance and growth on statewide
107.14 assessments under chapter 120B or on other academic assessments that measure longitudinal
107.15 student performance and growth approved by the charter school's board of directors and
107.16 agreed upon with the authorizer;

107.17 (3) a history of sound school finances and a plan to add grades or sites that sustains the
107.18 school's finances; ~~and~~

107.19 (4) board capacity to administer and manage the additional grades or sites; and

107.20 (5) for site expansion, a market need and demand study.

107.21 (b) The commissioner shall have 30 business days to review and comment on the
107.22 supplemental affidavit. The commissioner shall notify the authorizer in writing of any
107.23 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to
107.24 address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.
107.25 The commissioner must notify the authorizer of final approval or final disapproval within
107.26 15 business days after receiving the authorizer's response to the deficiencies in the affidavit.
107.27 The school may not add grades or sites until the commissioner has approved the supplemental
107.28 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

107.29 Sec. 9. Minnesota Statutes 2022, section 124E.10, subdivision 1, is amended to read:

107.30 Subdivision 1. **Contents.** (a) To authorize a charter school, the authorizer and the charter
107.31 school board of directors must sign a written contract within 45 business days of the
107.32 commissioner's approval of the authorizer's affidavit. The authorizer shall submit a copy of

108.1 the charter contract to the commissioner within ten business days after the contract is signed
108.2 by the contracting parties. The contract must include at least the following:

108.3 (1) a declaration that the charter school will carry out the primary purpose in section
108.4 124E.01, subdivision 1, and indicate how the school will report its implementation of the
108.5 primary purpose to its authorizer;

108.6 (2) a declaration of the additional purpose or purposes in section 124E.01, subdivision
108.7 1, that the school intends to carry out and indicate how the school will report its
108.8 implementation of those purposes to its authorizer;

108.9 (3) a description of the school program and the specific academic and nonacademic
108.10 outcomes that pupils must achieve;

108.11 (4) a statement of the school's admission policies and procedures;

108.12 (5) a school governance, management, and administration plan;

108.13 (6) signed agreements from charter school board members to comply with the federal
108.14 and state laws governing organizational, programmatic, and financial requirements applicable
108.15 to charter schools;

108.16 (7) the criteria, processes, and procedures the authorizer will use to monitor and evaluate
108.17 the fiscal, operational, and academic performance, consistent with subdivision 3, paragraphs
108.18 (a) and (b);

108.19 (8) for contract renewal, the formal written performance evaluation that is a prerequisite
108.20 for reviewing a charter contract under subdivision 3;

108.21 (9) types and amounts of insurance liability coverage the charter school must obtain,
108.22 consistent with section 124E.03, subdivision 2, paragraph (d);

108.23 (10) consistent with section 124E.09, paragraph (d), a provision to indemnify and hold
108.24 harmless from any suit, claim, or liability arising from any charter school operation:

108.25 (i) the authorizer and its officers, agents, and employees; and

108.26 (ii) notwithstanding section 3.736, the commissioner and department officers, agents,
108.27 and employees;

108.28 (11) the term of the contract, which, for an initial contract, may be up to five years plus
108.29 a preoperational planning period, or for a renewed contract or a contract with a new authorizer
108.30 after a transfer of authorizers, may be up to five years, if warranted by the school's academic,
108.31 financial, and operational performance;

109.1 (12) how the charter school board of directors or the charter school operators will provide
109.2 special instruction and services for children with a disability under sections 125A.03 to
109.3 125A.24, and 125A.65, and a description of the financial parameters within which the charter
109.4 school will provide the special instruction and services to children with a disability;

109.5 (13) the specific conditions for contract renewal that identify the performance of all
109.6 students under the primary purpose of section 124E.01, subdivision 1, as the most important
109.7 factor in determining whether to renew the contract; and

109.8 (14) the additional purposes under section 124E.01, subdivision 1, and related
109.9 performance obligations under clause (7) contained in the charter contract as additional
109.10 factors in determining whether to renew the contract.

109.11 (b) In addition to the requirements of paragraph (a), the charter contract must contain
109.12 the plan for an orderly closing of the school under chapter 317A, that establishes the
109.13 responsibilities of the school board of directors and the authorizer, whether the closure is a
109.14 termination for cause, a voluntary termination, or a nonrenewal of the contract. The plan
109.15 must establish who is responsible for:

109.16 (1) notifying the commissioner, school district in which the charter school is located,
109.17 and parents of enrolled students about the closure;

109.18 (2) providing parents of enrolled students information and assistance to enable the student
109.19 to re-enroll in another school;

109.20 (3) transferring student records under section 124E.03, subdivision 5, paragraph (b), to
109.21 the student's resident school district; and

109.22 (4) closing financial operations.

109.23 (c) A charter school must design its programs to at least meet the outcomes adopted by
109.24 the commissioner for public school students, including world's best workforce goals under
109.25 section 120B.11, subdivision 1. In the absence of the commissioner's requirements governing
109.26 state standards and benchmarks, the school must meet the outcomes contained in the contract
109.27 with the authorizer. The achievement levels of the outcomes contained in the contract may
109.28 exceed the achievement levels of any outcomes adopted by the commissioner for public
109.29 school students.

110.1 Sec. 10. Minnesota Statutes 2022, section 124E.11, is amended to read:

110.2 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

110.3 (a) A charter school, including its preschool or prekindergarten program established
110.4 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

110.5 (1) pupils within an age group or grade level;

110.6 (2) pupils who are eligible to participate in the graduation incentives program under
110.7 section 124D.68; or

110.8 (3) residents of a specific geographic area in which the school is located when the
110.9 majority of students served by the school are members of underserved populations.

110.10 (b) A charter school, including its preschool or prekindergarten program established
110.11 under section 124E.06, subdivision 3, paragraph (b), ~~shall~~ must enroll an eligible pupil who
110.12 submits a timely application, unless the number of applications exceeds the capacity of a
110.13 program, class, grade level, or building. In this case, pupils must be accepted by lot. The
110.14 charter school must develop and publish, including on its website, a lottery policy and
110.15 process that it must use when accepting pupils by lot.

110.16 (c) Admission to a charter school must be free to any eligible pupil who resides within
110.17 the state. A charter school must give enrollment preference to a Minnesota resident pupil
110.18 over pupils that do not reside in Minnesota. A charter school must require a pupil who does
110.19 not reside in Minnesota to annually apply to enroll in accordance with paragraphs (a) to (f).
110.20 A charter school ~~shall~~ must give enrollment preference to a sibling of an enrolled pupil and
110.21 to a foster child of that pupil's parents and may give preference for enrolling children of the
110.22 school's staff before accepting other pupils by lot. A charter school that is located in Duluth
110.23 township in St. Louis County and admits students in kindergarten through grade 6 must
110.24 give enrollment preference to students residing within a five-mile radius of the school and
110.25 to the siblings of enrolled children. ~~A charter school may give enrollment preference to~~
110.26 ~~children currently enrolled in the school's free preschool or prekindergarten program under~~
110.27 ~~section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten in~~
110.28 ~~the next school year.~~

110.29 (d) A person ~~shall~~ may not be admitted to a charter school (1) as a kindergarten pupil,
110.30 unless the pupil is at least five years of age on September 1 of the calendar year in which
110.31 the school year for which the pupil seeks admission commences; or (2) as a first grade
110.32 student, unless the pupil is at least six years of age on September 1 of the calendar year in
110.33 which the school year for which the pupil seeks admission commences or has completed

111.1 kindergarten; except that a charter school may establish and publish on its website a policy
111.2 for admission of selected pupils at an earlier age, consistent with the enrollment process in
111.3 paragraphs (b) and (c).

111.4 (e) Except as permitted in ~~paragraph (d)~~ paragraphs (d) and (i), a charter school, including
111.5 its preschool or prekindergarten program established under section 124E.06, subdivision
111.6 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability,
111.7 measures of achievement or aptitude, or athletic ability and may not establish any criteria
111.8 or requirements for admission that are inconsistent with this section.

111.9 (f) The charter school ~~shall~~ must not distribute any services or goods of value to students,
111.10 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter
111.11 school.

111.12 (g) Once a student who resides in Minnesota is enrolled in the school in kindergarten
111.13 through grade 12, or in the school's free preschool or prekindergarten program under section
111.14 124E.06, subdivision 3, paragraph (b), while generating pupil units, the student is considered
111.15 enrolled in the school until the student formally withdraws or is expelled under the Pupil
111.16 Fair Dismissal Act in sections 121A.40 to 121A.56.

111.17 (h) A charter school with at least 90 percent of enrolled students who are eligible for
111.18 special education services and have a primary disability of deaf or hard-of-hearing may
111.19 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,
111.20 paragraph (a), and must comply with the federal Individuals with Disabilities Education
111.21 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause
111.22 (iv).

111.23 (i) A charter school serving at least 90 percent of enrolled students who are eligible for
111.24 special education services and have a primary disability of deaf, hard-of-hearing, or deafblind
111.25 may give enrollment preference to students who are eligible for special education services
111.26 and have a primary disability of deaf, hard-of-hearing, or deafblind. The charter school may
111.27 not limit admission based on the student's eligibility for additional special education services.

111.28 Sec. 11. Minnesota Statutes 2022, section 124E.12, subdivision 1, is amended to read:

111.29 Subdivision 1. **Teachers.** A charter school, excluding its preschool or prekindergarten
111.30 program established under section 124E.06, subdivision 3, must employ or contract with
111.31 necessary teachers, as defined by section ~~122A.15, subdivision 1,~~ 122A.06, subdivision 2,
111.32 or contract with a cooperative formed under chapter 308A to provide necessary teachers,
111.33 who hold valid licenses to perform the particular service for which they are employed in

112.1 the school. A charter school's preschool or prekindergarten program must employ or contract
112.2 with teachers knowledgeable in early childhood curriculum content, assessment, native and
112.3 English language programs, and instruction established under section 124E.06, subdivision
112.4 3. The commissioner may reduce the charter school's state aid under section 127A.43 if the
112.5 school employs a teacher who is not appropriately licensed or approved by the Professional
112.6 Educator Licensing and Standards Board. The school may employ necessary employees
112.7 who are not required to hold teaching licenses to perform duties other than teaching and
112.8 may contract for other services. The school may discharge teachers and nonlicensed
112.9 employees. The charter school board is subject to section 181.932 governing whistle-blowers.
112.10 When offering employment to a prospective employee, a charter school must give that
112.11 employee a written description of the terms and conditions of employment and the school's
112.12 personnel policies.

112.13 Sec. 12. Minnesota Statutes 2022, section 124E.13, subdivision 1, is amended to read:

112.14 Subdivision 1. **Leased space.** A charter school may lease space from: an independent
112.15 or special school board; other public organization; private, nonprofit, nonsectarian
112.16 organization; private property owner; or a sectarian organization if the leased space is
112.17 constructed as a school facility. In all cases, the eligible lessor must also be the building
112.18 owner. The commissioner must review and approve or disapprove leases in a timely manner
112.19 to determine eligibility for lease aid under section 124E.22.

112.20 Sec. 13. Minnesota Statutes 2022, section 124E.13, subdivision 3, is amended to read:

112.21 Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building
112.22 corporation may purchase, expand, or renovate an existing facility to serve as a school or
112.23 may construct a new school facility. A One charter school may organize an affiliated
112.24 nonprofit building corporation that serves only that charter school if the charter school:

112.25 (1) has operated for at least six consecutive years;

112.26 (2) as of June 30, has a net positive unreserved general fund balance in the preceding
112.27 three fiscal years;

112.28 (3) has long-range strategic and financial plans that include enrollment projections for
112.29 at least five years;

112.30 (4) completes a feasibility study of facility options that outlines the benefits and costs
112.31 of each option; and

112.32 (5) has a plan that describes project parameters and budget.

- 113.1 (b) An affiliated nonprofit building corporation under this subdivision must:
- 113.2 (1) be incorporated under section 317A;
- 113.3 (2) comply with applicable Internal Revenue Service regulations, including regulations
- 113.4 for "supporting organizations" as defined by the Internal Revenue Service;
- 113.5 (3) post on the school website the name, mailing address, bylaws, minutes of board
- 113.6 meetings, and names of the current board of directors of the affiliated nonprofit building
- 113.7 corporation;
- 113.8 (4) submit to the commissioner a copy of its annual audit by December 31 of each year;
- 113.9 and
- 113.10 (5) comply with government data practices law under chapter 13.

113.11 (c) An affiliated nonprofit building corporation must not serve as the leasing agent for

113.12 property or facilities it does not own. A charter school that leases a facility from an affiliated

113.13 nonprofit building corporation that does not own the leased facility is ineligible to receive

113.14 charter school lease aid. The state is immune from liability resulting from a contract between

113.15 a charter school and an affiliated nonprofit building corporation.

113.16 (d) The board of directors of the charter school must ensure the affiliated nonprofit

113.17 building corporation complies with all applicable legal requirements. The charter school's

113.18 authorizer must oversee the efforts of the board of directors of the charter school to ensure

113.19 legal compliance of the affiliated building corporation. A school's board of directors that

113.20 fails to ensure the affiliated nonprofit building corporation's compliance violates its

113.21 responsibilities and an authorizer must consider that failure when evaluating the charter

113.22 school.

113.23 Sec. 14. Minnesota Statutes 2022, section 124E.25, subdivision 1a, is amended to read:

113.24 Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section

113.25 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods

113.26 occurring after the school ceases serving students, the commissioner shall withhold the

113.27 estimated state aid owed the school. The charter school board of directors and authorizer

113.28 must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial

113.29 information about the school's liabilities and assets. After receiving the closure plan, financial

113.30 information, an audit of pupil counts, and documented lease expenditures from the charter

113.31 school and monitoring special education expenditures, the commissioner may release cash

113.32 withheld and may continue regular payments up to the current year payment percentages

113.33 if further amounts are owed. If, based on audits and monitoring, the school received state

114.1 aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to
114.2 eliminate the aid overpayment.

114.3 (b) For a charter school ceasing operations before or at the end of a school year,
114.4 notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary
114.5 final payments after the school submits the closure plan, an audit of pupil counts, documented
114.6 lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS)
114.7 financial data and the commissioner monitors special education expenditures for the final
114.8 year of operation. The commissioner may make the final payment after receiving audited
114.9 financial statements under section 123B.77, subdivision 3.

114.10 (c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and
114.11 satisfying creditors, remaining cash and investment balances shall be returned by the
114.12 commissioner to the state general fund.

114.13

ARTICLE 6

114.14

SPECIAL EDUCATION

114.15 Section 1. Minnesota Statutes 2022, section 125A.0942, is amended to read:

114.16 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

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

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

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

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

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

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

114.30 (ii) convening an oversight committee to undertake a quarterly review of the use of
114.31 restrictive procedures based on patterns or problems indicated by similarities in the time of
114.32 day, day of the week, duration of the use of a procedure, the individuals involved, or other

115.1 factors associated with the use of restrictive procedures; the number of times a restrictive
115.2 procedure is used schoolwide and for individual children; the number and types of injuries,
115.3 if any, resulting from the use of restrictive procedures; whether restrictive procedures are
115.4 used in nonemergency situations; the need for additional staff training; and proposed actions
115.5 to minimize the use of restrictive procedures; any disproportionate use of restrictive
115.6 procedures based on race, gender, or disability status; the role of the school resource officer
115.7 or police in emergencies and the use of restrictive procedures; and documentation to
115.8 determine if the standards for using restrictive procedures as described in sections 125A.0941
115.9 and 125A.0942 are met; and

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

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

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

115.15 (2) an expert in positive behavior strategies;

115.16 (3) a special education administrator; and

115.17 (4) a general education administrator.

115.18 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a
115.19 licensed special education teacher, school social worker, school psychologist, behavior
115.20 analyst certified by the National Behavior Analyst Certification Board, a person with a
115.21 master's degree in behavior analysis, other licensed education professional, paraprofessional
115.22 under section 120B.363, or mental health professional under section 245.4871, subdivision
115.23 27, who has completed the training program under subdivision 5.

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

115.28 (c) The district must hold a meeting of the individualized education program or
115.29 individualized family service plan team, conduct or review a functional behavioral analysis,
115.30 review data, consider developing additional or revised positive behavioral interventions and
115.31 supports, consider actions to reduce the use of restrictive procedures, and modify the
115.32 individualized education program, individualized family service plan, or behavior intervention
115.33 plan as appropriate. The district must hold the meeting: within ten calendar days after district

116.1 staff use restrictive procedures on two separate school days within 30 calendar days or a
116.2 pattern of use emerges and the child's individualized education program, individualized
116.3 family service plan, or behavior intervention plan does not provide for using restrictive
116.4 procedures in an emergency; or at the request of a parent or the district after restrictive
116.5 procedures are used. The district must review use of restrictive procedures at a child's annual
116.6 individualized education program or individualized family service plan meeting when the
116.7 child's individualized education program or individualized family service plan provides for
116.8 using restrictive procedures in an emergency.

116.9 (d) If the individualized education program or individualized family service plan team
116.10 under paragraph (c) determines that existing interventions and supports are ineffective in
116.11 reducing the use of restrictive procedures or the district uses restrictive procedures on a
116.12 child on ten or more school days during the same school year, the team, as appropriate,
116.13 either must consult with other professionals working with the child; consult with experts in
116.14 behavior analysis, mental health, communication, or autism; consult with culturally competent
116.15 professionals; review existing evaluations, resources, and successful strategies; or consider
116.16 whether to reevaluate the child.

116.17 (e) At the individualized education program or individualized family service plan meeting
116.18 under paragraph (c), the team must review any known medical or psychological limitations,
116.19 including any medical information the parent provides voluntarily, that contraindicate the
116.20 use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and
116.21 document any prohibition in the individualized education program, individualized family
116.22 service plan, or behavior intervention plan.

116.23 (f) An individualized education program or individualized family service plan team may
116.24 plan for using restrictive procedures and may include these procedures in a child's
116.25 individualized education program, individualized family service plan, or behavior intervention
116.26 plan; however, the restrictive procedures may be used only in response to behavior that
116.27 constitutes an emergency, consistent with this section. The individualized education program,
116.28 individualized family service plan, or behavior intervention plan shall indicate how the
116.29 parent wants to be notified when a restrictive procedure is used.

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

116.33 (1) physical holding or seclusion is the least intrusive intervention that effectively
116.34 responds to the emergency;

- 117.1 (2) physical holding or seclusion is not used to discipline a noncompliant child;
- 117.2 (3) physical holding or seclusion ends when the threat of harm ends and the staff
117.3 determines the child can safely return to the classroom or activity;
- 117.4 (4) staff directly observes the child while physical holding or seclusion is being used;
- 117.5 (5) each time physical holding or seclusion is used, the staff person who implements or
117.6 oversees the physical holding or seclusion documents, as soon as possible after the incident
117.7 concludes, the following information:
- 117.8 (i) a description of the incident that led to the physical holding or seclusion;
- 117.9 (ii) why a less restrictive measure failed or was determined by staff to be inappropriate
117.10 or impractical;
- 117.11 (iii) the time the physical holding or seclusion began and the time the child was released;
117.12 ~~and~~
- 117.13 (iv) a brief record of the child's behavioral and physical status; and
- 117.14 (v) a brief description of the post-use debriefing that occurred as a result of the use of
117.15 the physical hold or seclusion;
- 117.16 (6) the room used for seclusion must:
- 117.17 (i) be at least six feet by five feet;
- 117.18 (ii) be well lit, well ventilated, adequately heated, and clean;
- 117.19 (iii) have a window that allows staff to directly observe a child in seclusion;
- 117.20 (iv) have tamperproof fixtures, electrical switches located immediately outside the door,
117.21 and secure ceilings;
- 117.22 (v) have doors that open out and are unlocked, locked with keyless locks that have
117.23 immediate release mechanisms, or locked with locks that have immediate release mechanisms
117.24 connected with a fire and emergency system; and
- 117.25 (vi) not contain objects that a child may use to injure the child or others; and
- 117.26 (7) before using a room for seclusion, a school must:
- 117.27 (i) receive written notice from local authorities that the room and the locking mechanisms
117.28 comply with applicable building, fire, and safety codes; and
- 117.29 (ii) register the room with the commissioner, who may view that room.

118.1 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,
118.2 recommend to the commissioner specific and measurable implementation and outcome
118.3 goals for reducing the use of restrictive procedures and the commissioner must submit to
118.4 the legislature a report on districts' progress in reducing the use of restrictive procedures
118.5 that recommends how to further reduce these procedures and eliminate the use of seclusion.
118.6 The statewide plan includes the following components: measurable goals; the resources,
118.7 training, technical assistance, mental health services, and collaborative efforts needed to
118.8 significantly reduce districts' use of seclusion; and recommendations to clarify and improve
118.9 the law governing districts' use of restrictive procedures. The commissioner must consult
118.10 with interested stakeholders when preparing the report, including representatives of advocacy
118.11 organizations, special education directors, teachers, paraprofessionals, intermediate school
118.12 districts, school boards, day treatment providers, county social services, state human services
118.13 department staff, mental health professionals, and autism experts. Beginning with the
118.14 2016-2017 school year, in a form and manner determined by the commissioner, districts
118.15 must report data quarterly to the department by January 15, April 15, July 15, and October
118.16 15 about individual students who have been secluded. By July 15 each year, districts must
118.17 report summary data on their use of restrictive procedures to the department for the prior
118.18 school year, July 1 through June 30, in a form and manner determined by the commissioner.
118.19 The summary data must include information about the use of restrictive procedures, including
118.20 use of reasonable force under section 121A.582.

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

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

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

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

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

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

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

- 119.1 (7) withholding regularly scheduled meals or water;
- 119.2 (8) denying access to bathroom facilities;
- 119.3 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs
- 119.4 a child's ability to communicate distress, places pressure or weight on a child's head, throat,
- 119.5 neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's
- 119.6 torso; ~~and~~
- 119.7 (10) prone restraint; and
- 119.8 (11) the use of seclusion on children from birth through prekindergarten.

119.9 Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1, staff who

119.10 use restrictive procedures, including paraprofessionals, shall complete training in the

119.11 following skills and knowledge areas:

- 119.12 (1) positive behavioral interventions;
- 119.13 (2) communicative intent of behaviors;
- 119.14 (3) relationship building;
- 119.15 (4) alternatives to restrictive procedures, including techniques to identify events and
- 119.16 environmental factors that may escalate behavior;
- 119.17 (5) de-escalation methods;
- 119.18 (6) standards for using restrictive procedures only in an emergency;
- 119.19 (7) obtaining emergency medical assistance;
- 119.20 (8) the physiological and psychological impact of physical holding and seclusion;
- 119.21 (9) monitoring and responding to a child's physical signs of distress when physical
- 119.22 holding is being used;
- 119.23 (10) recognizing the symptoms of and interventions that may cause positional asphyxia
- 119.24 when physical holding is used;
- 119.25 (11) district policies and procedures for timely reporting and documenting each incident
- 119.26 involving use of a restricted procedure; and
- 119.27 (12) schoolwide programs on positive behavior strategies.

119.28 (b) The commissioner, after consulting with the commissioner of human services, must

119.29 develop and maintain a list of training programs that satisfy the requirements of paragraph

119.30 (a). The commissioner also must develop and maintain a list of experts to help individualized

120.1 education program or individualized family service plan teams reduce the use of restrictive
 120.2 procedures. The district shall maintain records of staff who have been trained and the
 120.3 organization or professional that conducted the training. The district may collaborate with
 120.4 children's community mental health providers to coordinate trainings.

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

120.7 (b) Nothing in this section or section 125A.0941 precludes the use of reasonable force
 120.8 under sections 121A.582; 609.06, subdivision 1; and 609.379. ~~For the 2014-2015 school~~
 120.9 ~~year and later, districts must collect and submit to the commissioner summary data, consistent~~
 120.10 ~~with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with~~
 120.11 ~~the definition of physical holding or seclusion for a child with a disability under this section.~~
 120.12 Any reasonable force used under sections 121A.582; 609.06, subdivision 1; and 609.379
 120.13 which intends to hold a child immobile or limit a child's movement where body contact is
 120.14 the only source of physical restraint or confines a child alone in a room from which egress
 120.15 is barred shall be reported to the Department of Education as a restrictive procedure, including
 120.16 physical holding or seclusion used by an unauthorized or untrained staff person.

120.17 Sec. 2. Minnesota Statutes 2022, section 125A.13, is amended to read:

120.18 **125A.13 SCHOOL OF PARENTS' CHOICE.**

120.19 (a) Nothing in this chapter must be construed as preventing parents of a child with a
 120.20 disability from sending the child to a school of their choice, if they so elect, subject to
 120.21 admission standards and policies adopted according to sections 125A.62 to 125A.64 and
 120.22 125A.66 to 125A.73, and all other provisions of chapters 120A to 129C.

120.23 (b) The parent of a student with a disability not yet enrolled in kindergarten and not open
 120.24 enrolled in a nonresident district may ~~request that the resident district enter into a tuition~~
 120.25 ~~agreement with~~ elect, in the same manner as the parent of a resident student with a disability,
 120.26 a school in the nonresident district if:

120.27 ~~(1) where~~ the child is enrolled in a Head Start program or a licensed child care setting
 120.28 in the nonresident district; ~~and,~~ provided

120.29 ~~(2)~~ the child can be served in the same setting as other children in the nonresident district
 120.30 with the same level of disability.

121.1 Sec. 3. Minnesota Statutes 2022, section 125A.15, is amended to read:

121.2 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

121.3 The responsibility for special instruction and services for a child with a disability
121.4 temporarily placed in another district for care and treatment shall be determined in the
121.5 following manner:

121.6 (a) The district of residence of a child shall be the district in which the child's parent
121.7 resides, if living, or the child's guardian. If there is a dispute between school districts
121.8 regarding residency, the district of residence is the district designated by the commissioner.

121.9 (b) If a district other than the resident district places a pupil for care and treatment, the
121.10 district placing the pupil must notify and give the resident district an opportunity to participate
121.11 in the placement decision. When an immediate emergency placement of a pupil is necessary
121.12 and time constraints foreclose a resident district from participating in the emergency
121.13 placement decision, the district in which the pupil is temporarily placed must notify the
121.14 resident district of the emergency placement within 15 days. The resident district has up to
121.15 five business days after receiving notice of the emergency placement to request an
121.16 opportunity to participate in the placement decision, which the placing district must then
121.17 provide.

121.18 (c) When a child is temporarily placed for care and treatment in a day program located
121.19 in another district and the child continues to live within the district of residence during the
121.20 care and treatment, the district of residence is responsible for providing transportation to
121.21 and from the care and treatment program and an appropriate educational program for the
121.22 child. The resident district may establish reasonable restrictions on transportation, except
121.23 if a Minnesota court or agency orders the child placed at a day care and treatment program
121.24 and the resident district receives a copy of the order, then the resident district must provide
121.25 transportation to and from the program unless the court or agency orders otherwise.
121.26 Transportation shall only be provided by the resident district during regular operating hours
121.27 of the resident district. The resident district may provide the educational program at a school
121.28 within the district of residence, at the child's residence, or in the district in which the day
121.29 treatment center is located by paying tuition to that district. If a child's district of residence,
121.30 district of open enrollment under section 124D.03, or charter school of enrollment under
121.31 section 124E.11 is authorized to provide online learning instruction under state statutes, the
121.32 child's district of residence may utilize that state-approved online learning program in
121.33 fulfilling its educational program responsibility under this section if the child, or the child's
121.34 parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

122.1 (d) When a child is temporarily placed in a residential program for care and treatment,
122.2 the nonresident district in which the child is placed is responsible for providing an appropriate
122.3 educational program for the child and necessary transportation while the child is attending
122.4 the educational program; and must bill the district of the child's residence for the actual cost
122.5 of providing the program, as outlined in section 125A.11, except as provided in paragraph
122.6 (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a
122.7 disability placed outside of the school district of residence by the commissioner of human
122.8 services or the commissioner of corrections or their agents, for reasons other than providing
122.9 for the child's special educational needs must not become the responsibility of either the
122.10 district providing the instruction or the district of the child's residence. For the purposes of
122.11 this section, the state correctional facilities operated on a fee-for-service basis are considered
122.12 to be residential programs for care and treatment. If a child's district of residence, district
122.13 of open enrollment under section 124D.03, or charter school of enrollment under section
122.14 124E.11 is authorized to provide online learning instruction under state statutes, the
122.15 nonresident district may utilize that state-approved online learning program in fulfilling its
122.16 educational program responsibility under this section if the child, or the child's parent or
122.17 guardian for a pupil under the age of 18, agrees to that form of instruction.

122.18 (e) A privately owned and operated residential facility may enter into a contract to obtain
122.19 appropriate educational programs for special education children and services with a joint
122.20 powers entity. The entity with which the private facility contracts for special education
122.21 services shall be the district responsible for providing students placed in that facility an
122.22 appropriate educational program in place of the district in which the facility is located. If a
122.23 privately owned and operated residential facility does not enter into a contract under this
122.24 paragraph, then paragraph (d) applies.

122.25 (f) The district of residence shall pay tuition and other program costs, not including
122.26 transportation costs, to the district providing the instruction and services. The district of
122.27 residence may claim general education aid for the child as provided by law. Transportation
122.28 costs must be paid by the district responsible for providing the transportation and the state
122.29 must pay transportation aid to that district.

122.30 Sec. 4. Minnesota Statutes 2022, section 125A.51, is amended to read:

122.31 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION**
122.32 **AND TRANSPORTATION.**

122.33 The responsibility for providing instruction and transportation for a pupil without a
122.34 disability who has a short-term or temporary physical or emotional illness or disability, as

123.1 determined by the standards of the commissioner, and who is temporarily placed for care
123.2 and treatment for that illness or disability, must be determined as provided in this section.

123.3 (a) The school district of residence of the pupil is the district in which the pupil's parent
123.4 or guardian resides. If there is a dispute between school districts regarding residency, the
123.5 district of residence is the district designated by the commissioner.

123.6 (b) When parental rights have been terminated by court order, the legal residence of a
123.7 child placed in a residential or foster facility for care and treatment is the district in which
123.8 the child resides.

123.9 (c) Before the placement of a pupil for care and treatment, the district of residence must
123.10 be notified and provided an opportunity to participate in the placement decision. When an
123.11 immediate emergency placement is necessary and time does not permit resident district
123.12 participation in the placement decision, the district in which the pupil is temporarily placed,
123.13 if different from the district of residence, must notify the district of residence of the
123.14 emergency placement within 15 days of the placement. When a nonresident district makes
123.15 an emergency placement without first consulting with the resident district, the resident
123.16 district has up to five business days after receiving notice of the emergency placement to
123.17 request an opportunity to participate in the placement decision, which the placing district
123.18 must then provide.

123.19 (d) When a pupil without a disability is temporarily placed for care and treatment in a
123.20 day program and the pupil continues to live within the district of residence during the care
123.21 and treatment, the district of residence must provide instruction and necessary transportation
123.22 to and from the care and treatment program for the pupil. The resident district may establish
123.23 reasonable restrictions on transportation, except if a Minnesota court or agency orders the
123.24 child placed at a day care and treatment program and the resident district receives a copy
123.25 of the order, then the resident district must provide transportation to and from the program
123.26 unless the court or agency orders otherwise. Transportation shall only be provided by the
123.27 resident district during regular operating hours of the resident district. The resident district
123.28 may provide the instruction at a school within the district of residence; at the pupil's
123.29 residence; through an authorized online learning program provided by the pupil's resident
123.30 district, district of open enrollment under section 124D.03, or charter school of enrollment
123.31 under section 124E.11 if the child, or the child's parent or guardian for a pupil under the
123.32 age of 18, agrees to that form of instruction; or, in the case of a placement outside of the
123.33 resident district, in the district in which the day treatment program is located by paying
123.34 tuition to that district. The district of placement may contract with a facility to provide

124.1 instruction by teachers licensed by the Professional Educator Licensing and Standards
124.2 Board.

124.3 (e) When a pupil without a disability is temporarily placed in a residential program for
124.4 care and treatment, the district in which the pupil is placed must provide instruction for the
124.5 pupil and necessary transportation while the pupil is receiving instruction, and in the case
124.6 of a placement outside of the district of residence, the nonresident district must bill the
124.7 district of residence for the actual cost of providing the instruction for the regular school
124.8 year and for summer school, excluding transportation costs. If a pupil's district of residence,
124.9 district of open enrollment under section 124D.03, or charter school of enrollment under
124.10 section 124E.11 is authorized to provide online learning instruction under state statutes, the
124.11 district in which the pupil is placed may utilize that state-approved online learning program
124.12 in fulfilling its responsibility to provide instruction under this section if the child, or the
124.13 child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

124.14 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or
124.15 private homeless shelter, then the district that enrolls the pupil under section 120A.20,
124.16 subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls
124.17 the pupil and the district in which the pupil is temporarily placed agree that the district in
124.18 which the pupil is temporarily placed shall provide transportation. When a pupil without a
124.19 disability is temporarily placed in a residential program outside the district of residence,
124.20 the administrator of the court placing the pupil must send timely written notice of the
124.21 placement to the district of residence. The district of placement may contract with a
124.22 residential facility to provide instruction by teachers licensed by the Professional Educator
124.23 Licensing and Standards Board. For purposes of this section, the state correctional facilities
124.24 operated on a fee-for-service basis are considered to be residential programs for care and
124.25 treatment.

124.26 (g) The district of residence must include the pupil in its residence count of pupil units
124.27 and pay tuition as provided in section 123A.488 to the district providing the instruction.
124.28 Transportation costs must be paid by the district providing the transportation and the state
124.29 must pay transportation aid to that district. For purposes of computing state transportation
124.30 aid, pupils governed by this subdivision must be included in the disabled transportation
124.31 category if the pupils cannot be transported on a regular school bus route without special
124.32 accommodations.

125.1 Sec. 5. Minnesota Statutes 2022, section 125A.515, subdivision 3, is amended to read:

125.2 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's
125.3 residential facility is located must provide education services, including special education
125.4 if eligible, to all students placed in a facility. If a child's district of residence, district of open
125.5 enrollment under section 124D.03, or charter school of enrollment under section 124E.11
125.6 is authorized to provide online learning instruction under state statutes, the district in which
125.7 the children's residential facility is located may utilize that state-approved online learning
125.8 program in fulfilling its education services responsibility under this section if the child, or
125.9 the child's parent or guardian for a pupil under the age of 18, agrees to that form of
125.10 instruction.

125.11 (b) For education programs operated by the Department of Corrections, the providing
125.12 district shall be the Department of Corrections. For students remanded to the commissioner
125.13 of corrections, the providing and resident district shall be the Department of Corrections.

125.14 ARTICLE 7

125.15 NUTRITION AND LIBRARIES

125.16 Section 1. Minnesota Statutes 2022, section 124D.111, subdivision 2a, is amended to read:

125.17 Subd. 2a. **Federal child and adult care food program and federal summer food**
125.18 **service program; criteria and notice.** (a) The commissioner must post on the department's
125.19 website eligibility criteria and application information for nonprofit organizations interested
125.20 in applying to the commissioner for approval as a multisite sponsoring organization under
125.21 the federal child and adult care food program and federal summer food service program.

125.22 The posted criteria and information must inform interested nonprofit organizations about:

125.23 (1) the criteria the commissioner uses to approve or disapprove an application, including
125.24 how an applicant demonstrates financial viability for the Minnesota program, among other
125.25 criteria;

125.26 (2) the commissioner's process and time line for notifying an applicant when its
125.27 application is approved or disapproved and, if the application is disapproved, the explanation
125.28 the commissioner provides to the applicant; and

125.29 (3) any appeal or other recourse available to a disapproved applicant.

125.30 (b) The commissioner must evaluate financial eligibility as part of the application process.
125.31 An organization applying to be a prospective sponsor for the federal child and adult food

126.1 care program or the federal summer food service program must provide documentation of
126.2 financial viability as an organization. Documentation must include:

126.3 (1) evidence that the organization has operated for at least one year and has filed at least
126.4 one tax return;

126.5 (2) the most recent tax return submitted by the organization and corresponding forms
126.6 and financial statements;

126.7 (3) a profit and loss statement and balance sheet or similar financial information; and

126.8 (4) evidence that at least ten percent of the organization's operating revenue comes from
126.9 sources other than the United States Department of Agriculture child nutrition program and
126.10 that the organization has additional funds or a performance bond available to cover at least
126.11 one month of reimbursement claims.

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

126.13 Sec. 2. Minnesota Statutes 2022, section 124D.111, subdivision 5, is amended to read:

126.14 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students
126.15 in a respectful manner according to the policy adopted under subdivision 1. The participant
126.16 must ensure that any reminders for payment of outstanding student meal balances do not
126.17 demean or stigmatize any child participating in the school lunch program, including but not
126.18 limited to dumping meals; withdrawing a meal that has been served; announcing or listing
126.19 students' names publicly; providing alternative meals not specifically related to dietary
126.20 needs; providing nonreimbursable meals; or affixing stickers, stamps, or pins. The participant
126.21 must not impose any other restriction prohibited under section 123B.37 due to unpaid student
126.22 meal balances. The participant must not limit a student's participation in any school activities,
126.23 graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities
126.24 or access to materials, technology, or other items provided to students due to an unpaid
126.25 student meal balance.

126.26 (b) If the commissioner or the commissioner's designee determines a participant has
126.27 violated the requirement to provide meals to participating students in a respectful manner,
126.28 the commissioner or the commissioner's designee must send a letter of noncompliance to
126.29 the participant. The participant is required to respond and, if applicable, remedy the practice
126.30 within 60 days.

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

127.1 Sec. 3. Minnesota Statutes 2022, section 124D.119, is amended to read:

127.2 **124D.119 SUMMER FOOD SERVICE REPLACEMENT AID PROGRAM AND**
127.3 **CHILD AND ADULT CARE FOOD PROGRAM.**

127.4 **Subdivision 1. Summer Food Service Program replacement aid.** ~~States~~ State funds
127.5 are available to compensate department-approved Summer Food Service Program sponsors.
127.6 Reimbursement shall be made on December 15 based on total meals served by each sponsor
127.7 from the end of the school year to the beginning of the next school year on a pro rata basis.

127.8 **Subd. 2. Child and Adult Care Food Program and Summer Food Service Program**
127.9 **sponsor organizations.** Legally distinct Child and Adult Care Food Program and Summer
127.10 Food Service Program sites may transfer sponsoring organizations no more than once per
127.11 year, except under extenuating circumstances including termination of the sponsoring
127.12 organization's agreement or other circumstances approved by the Department of Education.

127.13 **Subd. 3. Child and Adult Care Food Program and Summer Food Service Program**
127.14 **training.** Prior to applying to sponsor a Child and Adult Care Food Program or Summer
127.15 Food Service Program site, a nongovernmental organization applicant must provide
127.16 documentation to the Department of Education verifying that staff members have completed
127.17 program-specific training as designated by the commissioner.

127.18 **Subd. 4. Summer Food Service Program locations.** Consistent with Code of Federal
127.19 Regulations, title 7, section 225.6(d)(1)(ii), the Department of Education must not approve
127.20 a new Summer Food Service Program open site that is within a half-mile radius of an existing
127.21 Summer Food Service Program open site. The department may approve a new Summer
127.22 Food Service Program open site within a half-mile radius only if the new program will not
127.23 be serving the same group of children for the same meal type or if there are safety issues
127.24 that could present barriers to participation.

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

127.26 Sec. 4. **[124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

127.27 A school district or charter school library or school library media center provides equitable
127.28 and free access to students, teachers, and administrators.

127.29 A school library or school library media center must have the following characteristics:

127.30 (1) ensures every student has equitable access to resources and is able to locate, access,
127.31 and use resources that are organized and cataloged;

128.1 (2) has a collection development plan that includes but is not limited to materials selection
128.2 and deselection, a challenged materials procedure, and an intellectual and academic freedom
128.3 statement;

128.4 (3) is housed in a central location that provides an environment for expanded learning
128.5 and supports a variety of student interests;

128.6 (4) has technology and Internet access; and

128.7 (5) is served by a licensed school library media specialist or licensed school librarian.

128.8 Sec. 5. Minnesota Statutes 2022, section 134.31, subdivision 1, is amended to read:

128.9 Subdivision 1. **Library service.** The state shall, as an integral part of its responsibility
128.10 for public education, support the provision of library service for every ~~citizen~~ resident, the
128.11 development of cooperative programs for the sharing of resources and services among all
128.12 libraries, and the establishment of jointly operated library services at a single location where
128.13 appropriate.

128.14 Sec. 6. Minnesota Statutes 2022, section 134.31, subdivision 4a, is amended to read:

128.15 Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota
128.16 Department of Education shall provide specialized services to people with visual and physical
128.17 disabilities through the Minnesota Braille and Talking Book Library under a cooperative
128.18 plan with the National Library ~~Services~~ Service for the Blind and ~~Physically Handicapped~~
128.19 Print Disabled of the Library of Congress.

128.20 Sec. 7. Minnesota Statutes 2022, section 134.32, subdivision 4, is amended to read:

128.21 Subd. 4. **Special project grants.** It may provide special project grants to assist innovative
128.22 and experimental library programs including, but not limited to, special services for American
128.23 Indians and ~~the Spanish-speaking~~ multilingual learners, delivery of library materials to
128.24 homebound persons, other extensions of library services to persons without access to libraries
128.25 and projects to strengthen and improve library services.

128.26 Sec. 8. Minnesota Statutes 2022, section 134.34, subdivision 1, is amended to read:

128.27 Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall
128.28 be provided to any regional public library system where there are at least three participating
128.29 counties and where each participating city and county is providing for public library service
128.30 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted

129.1 net tax capacity of the taxable property of that city or county, as determined by the
129.2 commissioner of revenue for the second, third, and fourth year preceding that calendar year
129.3 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita
129.4 amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the
129.5 per capita amount shall be increased by a percentage equal to one-half of the percentage by
129.6 which the total state adjusted net tax capacity of property as determined by the commissioner
129.7 of revenue for the second year preceding that calendar year increases over that total adjusted
129.8 net tax capacity for the third year preceding that calendar year.

129.9 (b) The minimum level of support specified under this subdivision or subdivision 4 shall
129.10 be certified annually to the participating cities and counties by the Department of Education.
129.11 If a city or county chooses to reduce its local support in accordance with subdivision 4,
129.12 paragraph (b) or (c), it shall notify its regional public library system. The regional public
129.13 library system shall notify the Department of Education that a revised certification is required.
129.14 The revised minimum level of support shall be certified to the city or county by the
129.15 Department of Education.

129.16 (c) A city which is a part of a regional public library system shall not be required to
129.17 provide this level of support if the property of that city is already taxable by the county for
129.18 the support of that regional public library system. In no event shall the Department of
129.19 Education require any city or county to provide a higher level of support than the level of
129.20 support specified in this section in order for a system to qualify for regional library basic
129.21 system support aid. This section shall not be construed to prohibit a city or county from
129.22 providing a higher level of support for public libraries than the level of support specified
129.23 in this section.

129.24 (d) The amounts required to be expended under this section are subject to the reduced
129.25 maintenance of effort requirements under section 275.761.

129.26 Sec. 9. REVISOR INSTRUCTION.

129.27 The revisor of statutes shall replace the terms "free lunch," "reduced price lunch,"
129.28 "reduced-price lunch," and "free or reduced price lunch" with "free meals," "reduced-price
129.29 meals," and "free or reduced-price meals" wherever they appear in Minnesota Statutes when
129.30 used in context with the national school lunch and breakfast programs.

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.07 PROFESSIONAL EDUCATOR LICENSING AND STANDARDS BOARD MEMBERSHIP.

Subd. 2a. **First appointments.** (a) The governor shall nominate all members to the Professional Educator Licensing and Standards Board. The terms of the initial board members must be as follows:

- (1) two members must be appointed for terms that expire January 1, 2019;
- (2) three members must be appointed for terms that expire January 1, 2020;
- (3) three members must be appointed for terms that expire January 1, 2021; and
- (4) three members must be appointed for terms that expire January 1, 2022.

(b) Members of the Board of Teaching as of January 1, 2017, are ineligible for first appointments to the Professional Educator Licensing and Standards Board for four years from September 1, 2017, except that two members of the Board of Teaching as of January 1, 2017, are eligible for appointment under paragraph (a), clause (1).

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.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.

124D.095 ONLINE LEARNING OPTION.

Subdivision 1. **Citation.** This section may be cited as the "Online Learning Option Act."

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

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

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

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

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

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

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

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

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

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

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

Subd. 3. **Authorization; notice; limitations on enrollment.** (a) A student may apply for full-time enrollment in an approved online learning program under section 124D.03 or 124D.08 or chapter 124E. Notwithstanding sections 124D.03 and 124D.08 and chapter 124E, procedures for enrolling in supplemental online learning are as provided in this subdivision. A student age 17 or younger must have the written consent of a parent or guardian to apply. No school district or charter school may prohibit a student from applying to enroll in online learning. In order to enroll in online learning, the student and the student's parents must submit an application to the online learning

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provider and identify the student's reason for enrolling. An online learning provider that accepts a student under this section must notify the student and the enrolling district in writing within ten days if the enrolling district is not the online learning provider. The student and the student's parent must notify the online learning provider of the student's intent to enroll in online learning within ten days of being accepted, at which time the student and the student's parent must sign a statement indicating that they have reviewed the online course or program and understand the expectations of enrolling in online learning. The online learning provider must use a form provided by the department to notify the enrolling district of the student's application to enroll in online learning.

(b) The supplemental online learning notice to the enrolling district when a student applies to the online learning provider will include the courses or program, credits to be awarded, and the start date of the online course or program. An online learning provider must make available the supplemental online course syllabus to the enrolling district. Within 15 days after the online learning provider makes information in this paragraph available to the enrolling district, the enrolling district must notify the online provider whether the student, the student's parent, and the enrolling district agree or disagree that the course meets the enrolling district's graduation requirements. A student may enroll in a supplemental online learning course up to the midpoint of the enrolling district's term. The enrolling district may waive this requirement for special circumstances and with the agreement of the online provider. An online learning course or program that meets or exceeds a graduation standard or the grade progression requirement of the enrolling district as described in the provider's online course syllabus meets the corresponding graduation requirements applicable to the student in the enrolling district. If the enrolling district does not agree that the course or program meets its graduation requirements, then:

(1) the enrolling district must make available an explanation of its decision to the student, the student's parent, and the online provider; and

(2) the online provider may make available a response to the enrolling district, showing how the course or program meets the graduation requirements of the enrolling district.

(c) An online learning provider must notify the commissioner that it is delivering online learning and report the number of online learning students it accepts and the online learning courses and programs it delivers.

(d) An online learning provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications.

(e) An enrolling district may reduce an online learning student's regular classroom instructional membership in proportion to the student's membership in online learning courses.

(f) The online provider must report or make available information on an individual student's progress and accumulated credit to the student, the student's parent, and the enrolling district in a manner specified by the commissioner unless the enrolling district and the online provider agree to a different form of notice and notify the commissioner. The enrolling district must designate a contact person to help facilitate and monitor the student's academic progress and accumulated credits towards graduation.

Subd. 4. Online learning parameters. (a) An online learning student must receive academic credit for completing the requirements of an online learning course or program. Secondary credits granted to an online learning student count toward the graduation and credit requirements of the enrolling district. The enrolling district must apply the same graduation requirements to all students, including online learning students, and must continue to provide nonacademic services to online learning students. If a student completes an online learning course or program that meets or exceeds a graduation standard or the grade progression requirement at the enrolling district, that standard or requirement is met. The enrolling district must use the same criteria for accepting online learning credits or courses as it does for accepting credits or courses for transfer students under section 124D.03, subdivision 9. The enrolling district may reduce the course schedule of an online learning student in proportion to the number of online learning courses the student takes from an online learning provider that is not the enrolling district.

(b) An online learning student may:

(1) enroll in supplemental online learning courses equal to a maximum of 50 percent of the student's full schedule of courses per term during a single school year and the student may exceed the supplemental online learning registration limit if the enrolling district permits supplemental online learning enrollment above the limit, or if the enrolling district and the online learning provider agree to the instructional services;

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(2) complete course work at a grade level that is different from the student's current grade level; and

(3) enroll in additional courses with the online learning provider under a separate agreement that includes terms for paying any tuition or course fees.

(c) An online learning student has the same access to the computer hardware and education software available in a school as all other students in the enrolling district. An online learning provider must assist an online learning student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software for online learning purposes.

(d) An enrolling district may offer digital learning to its enrolled students. Such digital learning does not generate online learning funds under this section. An enrolling district that offers digital learning only to its enrolled students is not subject to the reporting requirements or review criteria under subdivision 7, unless the enrolling district is a full-time online learning provider. A teacher with a Minnesota license must assemble and deliver instruction to enrolled students receiving online learning from an enrolling district. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher holding a Minnesota license.

(e) Both full-time and supplemental online learning providers are subject to the reporting requirements and review criteria under subdivision 7. A teacher holding a Minnesota license must assemble and deliver instruction to online learning students. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher holding a Minnesota license. Unless the commissioner grants a waiver, a teacher providing online learning instruction must not instruct more than 40 students in any one online learning course or program.

(f) To enroll in more than 50 percent of the student's full schedule of courses per term in online learning, the student must qualify to exceed the supplemental online learning registration limit under paragraph (b) or apply to enroll in an approved full-time online learning program, consistent with subdivision 3, paragraph (a). Full-time online learning students may enroll in classes at a local school under a contract for instructional services between the online learning provider and the school district.

Subd. 5. Participation in extracurricular activities. An online learning student may participate in the extracurricular activities of the enrolling district on the same basis as other enrolled students.

Subd. 6. Information. School districts and charter schools must make available information about online learning to all interested people.

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

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

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

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

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

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

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

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

Subd. 8. Financial arrangements. (a) For a student enrolled in an online learning course, the department must calculate average daily membership and make payments according to this subdivision.

(b) The initial online learning average daily membership equals 1/12 for each semester course or a proportionate amount for courses of different lengths. The adjusted online learning average daily membership equals the initial online learning average daily membership times .88.

(c) No online learning average daily membership shall be generated if: (1) the student does not complete the online learning course, or (2) the student is enrolled in online learning provided by the enrolling district.

(d) Online learning average daily membership under this subdivision for a student currently enrolled in a Minnesota public school shall be used only for computing average daily membership according to section 126C.05, subdivision 19, paragraph (a), clause (2), and for computing online learning aid according to section 124D.096.

8710.0500 EXAMINATIONS FOR TEACHER LICENSES.

Subp. 8. **Admission to upper division or graduate coursework.** Candidates for an initial license shall provide official evidence to the institutions they attend of having taken the examinations adopted under subpart 1, item A, before enrolling in upper division coursework in the professional education sequence. Candidates for an initial license who have a baccalaureate degree shall provide official evidence to the institutions they attend of having taken the examinations adopted under subpart 1, item A, before enrolling in coursework in the professional education sequence. Candidates who fail to achieve the minimum passing score on one or more of the examinations may enroll in upper division or graduate coursework in the professional education sequence; however, candidates must achieve the passing scores established under subpart 3 before recommendation for a first professional teaching license. Colleges and universities must provide candidates who fail the examinations access to opportunities to enhance their skills.

Subp. 11. **Applicants prepared outside Minnesota.** Applicants for Minnesota licensure who complete teacher preparation outside Minnesota but who have not met the requirements under subpart 1 and who otherwise meet the applicable statutes and rules shall be granted no more than three one-year temporary licenses. An applicant who has not achieved a minimum passing score on the examinations required under subpart 1, may renew a temporary license under this subpart if the applicant provides evidence of having taken all required examinations under subpart 1 and having enrolled in programs designed to assist the applicant to achieve the minimum passing scores. Applicants prepared outside Minnesota who provide evidence of meeting all examination requirements for professional Minnesota licensure shall be granted the professional teaching licenses for which they qualify.