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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 4312

03/29/2018 Authored by Bernardy, Mariani, Omar and Hortman
The bill was read for the first time and referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education finance; increasing funding and modifying provisions for
1.3 gifted and talented programs; amending Minnesota Statutes 2016, sections 120B.11,
1.4 subdivision 5; 120B.15; 120B.20; 126C.10, subdivision 2b; proposing coding for
1.5 new law in Minnesota Statutes, chapter 120B.

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

1.7 Section 1. Minnesota Statutes 2016, section 120B.11, subdivision 5, is amended to read:

1.8 Subd. 5. **Report.** Consistent with requirements for school performance reports under
1.9 section 120B.36, subdivision 1, the school board shall publish a report in the local newspaper
1.10 with the largest circulation in the district, by mail, or by electronic means on the district
1.11 Web site. The school board shall hold an annual public meeting to review, and revise where
1.12 appropriate, student achievement goals, local assessment outcomes, plans, strategies, and
1.13 practices for improving curriculum and instruction and cultural competency, and efforts to
1.14 equitably distribute diverse, effective, experienced, and in-field teachers, and to review
1.15 district success in realizing the previously adopted student achievement goals and related
1.16 benchmarks and the improvement plans leading to the world's best workforce. The school
1.17 board must report the number of students assessed and identified for participation in gifted
1.18 and talented programs, the number of students who were academically accelerated, and the
1.19 number of students granted early admission to kindergarten and first grade under section
1.20 124D.02, subdivision 1. The school board must transmit an electronic summary of its report
1.21 to the commissioner in the form and manner the commissioner determines.

1.22 Sec. 2. Minnesota Statutes 2016, section 120B.15, is amended to read:

1.23 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS.**

2.1 (a) School districts ~~may~~ must identify students, locally develop programs addressing
 2.2 instructional and affective needs, provide staff development, and evaluate programs to
 2.3 provide gifted and talented students with challenging and appropriate educational programs.

2.4 (b) School districts must ~~adopt guidelines for assessing and identifying~~ assess and identify
 2.5 students for participation in gifted and talented programs consistent with section 120B.11,
 2.6 subdivision 2, clause (2). The guidelines should include the use of:

2.7 (1) universal screening practices that include multiple and objective criteria
 2.8 research-supported assessments that are inclusive of different gifts and talents; and

2.9 (2) assessments and procedures that are valid and reliable, fair, and based on current
 2.10 theory and research. Assessments and procedures should be sensitive to underrepresented
 2.11 groups, including, but not limited to, low-income, minority, twice-exceptional, and English
 2.12 learners, and should be coordinated to allow for optimal identification and services for those
 2.13 underrepresented students.

2.14 (c) School districts must ~~adopt procedures for the academic acceleration of~~ academically
 2.15 accelerate gifted and talented students consistent with section 120B.11, subdivision 2, clause
 2.16 (2). These procedures must include how the district will:

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

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

2.20 (d) ~~School districts must adopt procedures~~ Consistent with ~~section~~ sections 124D.02,
 2.21 subdivision 1, ~~for early admission to kindergarten or first grade of gifted and talented learners~~
 2.22 ~~consistent with section~~ and 120B.11, subdivision 2, clause (2), school districts must allow
 2.23 early admission for qualified kindergarten or first grade gifted and talented students. ~~The~~
 2.24 Admission procedures must be sensitive to underrepresented groups.

2.25 (e) School districts must utilize research-supported gifted programming and offer varied
 2.26 programs that address both cognitive and affective needs for identified gifted students.

2.27 (f) School districts must provide ongoing professional development opportunities
 2.28 grounded in research and best practices on the nature and needs of gifted students that
 2.29 address critical thinking, creative thinking, problem solving, inquiry learning, and
 2.30 collaborative learning for all professional staff, including administration.

2.31 (g) School districts, in collaboration with the department, must evaluate their gifted
 2.32 programs' effectiveness in terms of the achievement of gifted students versus the general
 2.33 population and of student, parent, and educator satisfaction.

3.1 Sec. 3. **[120B.151] GIFTED EDUCATION DEFINITION.**

3.2 Gifted and talented children and youth are those students with outstanding abilities
 3.3 identified at preschool, elementary, and secondary levels. These students are capable of
 3.4 high performance when compared to others of similar age, experience, and environment
 3.5 and represent the diverse populations of the community. The potential of gifted students
 3.6 requires differentiated and challenging educational programs and services beyond those
 3.7 provided in the general school program. Students capable of high performance include those
 3.8 with demonstrated achievement or potential ability in any one or more of the following
 3.9 areas: general intellectual, specific academic subjects, creativity, leadership, and visual and
 3.10 performing arts. Gifted and talented students are found with all income levels, cultural and
 3.11 language groups, and abilities or disabilities.

3.12 Sec. 4. Minnesota Statutes 2016, section 120B.20, is amended to read:

3.13 **120B.20 PARENTAL CURRICULUM REVIEW.**

3.14 Each school district shall have a procedure for a parent, guardian, or an adult student,
 3.15 18 years of age or older, to review the content of the instructional materials to be provided
 3.16 to a minor child or to an adult student and, if the parent, guardian, or adult student objects
 3.17 to the content, to make reasonable arrangements with school personnel for alternative
 3.18 instruction. Alternative instruction, including remedial and advanced instruction on topics
 3.19 related to the school's syllabi for the subjects in question, may be provided by the parent,
 3.20 guardian, or adult student. Alternative instruction provided by a parent, guardian, or adult
 3.21 student may occur if the alternative instruction, if any, offered by the school board does not
 3.22 meet the concerns of the parent, guardian, or adult student. The school board is not required
 3.23 to pay for the costs of alternative instruction provided by a parent, guardian, or adult student.
 3.24 School personnel may not impose an academic or other penalty upon a student merely for
 3.25 arranging alternative instruction under this section. School personnel may evaluate and
 3.26 assess the quality of the student's work.

3.27 Sec. 5. Minnesota Statutes 2016, section 126C.10, subdivision 2b, is amended to read:

3.28 Subd. 2b. **Gifted and talented revenue.** (a) Gifted and talented revenue for each district
 3.29 equals the district's adjusted pupil units for that school year times \$13 \$39. A school district
 3.30 must reserve gifted and talented revenue and, consistent with section 120B.15, must spend
 3.31 the revenue only to:

3.32 (1) assess and identify gifted and talented students who are diverse by age, culture,
 3.33 ability or disability, language, and prior readiness opportunities;

4.1 (2) provide education programs for gifted and talented students; or

4.2 (3) provide staff development to prepare teachers to best meet the unique needs of gifted
4.3 and talented students.

4.4 (b) Districts must report on specific state-funded gifted and talented services offered to
4.5 students. Reports should include data that examine student performance across four quartiles
4.6 of student achievement; rate parent, student, and educator satisfaction; and show how money
4.7 was spent on each state-funded gifted and talented service, including identification,
4.8 programming, professional development, and accountability.