

1.1 A bill for an act

1.2 relating to education; reducing mandates on school districts; amending
1.3 Minnesota Statutes 2008, sections 13D.02; 120A.42; 120B.021, subdivision 1;
1.4 121A.035, subdivision 2; 121A.037; 121A.26; 121A.27; 121A.28; 121A.29,
1.5 subdivision 1; 121A.41, subdivision 10; 122A.44, subdivision 2; 122A.48,
1.6 subdivisions 2, 5; 123A.19, subdivision 2; 123A.30, subdivision 6; 123B.04,
1.7 subdivision 2; 123B.10; 123B.143, subdivision 1; 123B.71, subdivisions 1, 9;
1.8 123B.90, subdivision 2; 124D.122; 126C.44; 177.42, subdivision 2; 179A.03,
1.9 subdivision 14; 179A.18, subdivision 2; repealing Minnesota Statutes 2008,
1.10 sections 120A.41; 120B.11; 120B.39; 121A.06; 121A.21; 121A.30; 122A.32;
1.11 122A.50; 122A.51; 122A.61; 122A.628; 122A.75; 123A.19, subdivisions 3,
1.12 4; 123A.33; 123B.02, subdivision 15; 123B.05; 123B.71, subdivisions 8, 11,
1.13 12; 123B.76, subdivision 3; 123B.92, subdivision 5; 179A.07, subdivision 6;
1.14 256.962, subdivision 6.

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

1.16 Section 1. Minnesota Statutes 2008, section 13D.02, is amended to read:

1.17 **13D.02 MEETINGS CONDUCTED BY INTERACTIVE TV OR OTHER**
1.18 **AVAILABLE ELECTRONIC MEANS; CONDITIONS.**

1.19 Subdivision 1. **Conditions.** A meeting governed by section 13D.01, subdivisions 1,
1.20 2, 4, and 5, and this section may be conducted by interactive television or other available
1.21 electronic means so long as:

1.22 (1) all members of the body participating in the meeting, wherever their physical
1.23 location, can hear and see one another and can hear and see all discussion and testimony
1.24 presented at any location at which at least one member is present;

1.25 (2) members of the public present at the regular meeting location of the body can
1.26 hear and see all discussion and testimony and all votes of members of the body;

1.27 (3) at least one member of the body is physically present at the regular meeting
1.28 location; and

2.1 (4) each location at which a member of the body is present is open and accessible
2.2 to the public.

2.3 Subd. 2. **Members are present for quorum, participation.** Each member of a
2.4 body participating in a meeting by electronic means is considered present at the meeting
2.5 for purposes of determining a quorum and participating in all proceedings.

2.6 Subd. 3. **Monitoring from remote site; costs.** If interactive television or other
2.7 available electronic means is used to conduct a meeting, to the extent practical, a public
2.8 body shall allow a person to monitor the meeting electronically from a remote location.
2.9 The body may require the person making such a connection to pay for documented
2.10 marginal costs that the public body incurs as a result of the additional connection.

2.11 Subd. 4. **Notice of regular and all member sites.** If interactive television or other
2.12 available electronic means is used to conduct a regular, special, or emergency meeting,
2.13 the public body shall provide notice of the regular meeting location and notice of any site
2.14 where a member of the public body will be participating in the meeting by interactive
2.15 television or other available electronic means. The timing and method of providing notice
2.16 must be as described in section 13D.04.

2.17 Sec. 2. Minnesota Statutes 2008, section 120A.42, is amended to read:

2.18 **120A.42 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.**

2.19 The governing body of any district may contract with any of the teachers of the
2.20 district for the conduct of schools, and may conduct schools, on either, or any, of the
2.21 following holidays, provided that a clause to this effect is inserted in the teacher's contract:
2.22 Martin Luther King's birthday, Lincoln's and Washington's birthdays, Columbus Day
2.23 and Veterans' Day. On Martin Luther King's birthday, Washington's birthday, Lincoln's
2.24 birthday, and Veterans' Day at least one hour of the school program ~~must~~ may be devoted
2.25 to a patriotic observance of the day.

2.26 Sec. 3. Minnesota Statutes 2008, section 120B.021, subdivision 1, is amended to read:

2.27 Subdivision 1. **Required academic standards.** The following subject areas are
2.28 required for statewide accountability:

2.29 (1) language arts;

2.30 (2) mathematics;

2.31 (3) science;

2.32 (4) social studies, including history, geography, economics, and government and
2.33 citizenship;

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

3.1 (5) health and physical education, for which locally developed academic standards
3.2 apply; and

3.3 (6) the arts, for which statewide or locally developed academic standards apply, as
3.4 determined by the school district. Public elementary and middle schools must offer ~~at~~
3.5 ~~least three~~ and require at least two of the following ~~four~~ five arts areas: media arts; dance;
3.6 music; theater; and visual arts. Public high schools must offer ~~at least three~~ and require at
3.7 least one of the following five arts areas: media arts; dance; music; theater; and visual arts.

3.8 The commissioner must submit proposed standards in science and social studies to
3.9 the legislature by February 1, 2004.

3.10 For purposes of applicable federal law, the academic standards for language arts,
3.11 mathematics, and science apply to all public school students, except the very few students
3.12 with extreme cognitive or physical impairments for whom an individualized education
3.13 plan team has determined that the required academic standards are inappropriate.

3.14 An individualized education plan team that makes this determination must establish
3.15 alternative standards.

3.16 A school district, no later than the 2007-2008 school year, must adopt graduation
3.17 requirements that meet or exceed state graduation requirements established in law or
3.18 rule. A school district that incorporates these state graduation requirements before the
3.19 2007-2008 school year must provide students who enter the 9th grade in or before
3.20 the 2003-2004 school year the opportunity to earn a diploma based on existing locally
3.21 established graduation requirements in effect when the students entered the 9th grade.
3.22 District efforts to develop, implement, or improve instruction or curriculum as a result
3.23 of the provisions of this section must be consistent with sections 120B.10, 120B.11,
3.24 and 120B.20.

3.25 The commissioner must include the contributions of Minnesota American Indian
3.26 tribes and communities as they relate to the academic standards during the review and
3.27 revision of the required academic standards.

3.28 Sec. 4. Minnesota Statutes 2008, section 121A.035, subdivision 2, is amended to read:

3.29 Subd. 2. **School district and charter school policy.** A school board and a
3.30 charter school must adopt a crisis management policy to address potential violent crisis
3.31 situations in the district or charter school. The policy must be developed cooperatively
3.32 with administrators, teachers, employees, students, parents, community members, law
3.33 enforcement agencies, other emergency management officials, county attorney offices,
3.34 social service agencies, emergency medical responders, and any other appropriate

4.1 individuals or organizations. The policy must include at least ~~five~~ two school lock-down
4.2 drills, ~~five~~ two school fire drills consistent with section 299F.30, and one tornado drill.

4.3 Sec. 5. Minnesota Statutes 2008, section 121A.037, is amended to read:

4.4 **121A.037 SCHOOL SAFETY DRILLS.**

4.5 Private schools and educational institutions not subject to section 121A.035 must
4.6 have at least ~~five~~ two school lock-down drills, ~~five~~ two school fire drills consistent with
4.7 section 299F.30, and one tornado drill.

4.8 Sec. 6. Minnesota Statutes 2008, section 121A.26, is amended to read:

4.9 **121A.26 SCHOOL PREASSESSMENT TEAMS.**

4.10 Every public school, and every nonpublic school that participates in a school district
4.11 chemical abuse program ~~shall~~ may establish a chemical abuse preassessment team.

4.12 The preassessment team must be composed of classroom teachers, administrators, and
4.13 to the extent they exist in each school, school nurse, school counselor or psychologist,
4.14 social worker, chemical abuse specialist, and other appropriate professional staff. The
4.15 superintendents or their designees shall designate the team members in the public schools.
4.16 The preassessment team is responsible for addressing reports of chemical abuse problems
4.17 and making recommendations for appropriate responses to the individual reported cases.

4.18 Within 45 days after receiving an individual reported case, the preassessment
4.19 team shall make a determination whether to provide the student and, in the case of a
4.20 minor, the student's parents with information about school and community services in
4.21 connection with chemical abuse. Data may be disclosed without consent in health and
4.22 safety emergencies pursuant to section 13.32 and applicable federal law and regulations.

4.23 Notwithstanding section 138.163, destruction of records identifying individual
4.24 students shall be governed by this section. If the preassessment team decides not to
4.25 provide a student and, in the case of a minor, the student's parents with information about
4.26 school or community services in connection with chemical abuse, records created or
4.27 maintained by the preassessment team about the student shall be destroyed not later than
4.28 six months after the determination is made. If the preassessment team decides to provide a
4.29 student and, in the case of a minor, the student's parents with information about school or
4.30 community services in connection with chemical abuse, records created or maintained by
4.31 the preassessment team about the student shall be destroyed not later than six months after
4.32 the student is no longer enrolled in the district.

5.1 Sec. 7. Minnesota Statutes 2008, section 121A.27, is amended to read:

5.2 **121A.27 SCHOOL AND COMMUNITY ADVISORY TEAM.**

5.3 The superintendent, with the advice of the school board, ~~shall~~ may establish a school
5.4 and community advisory team to address chemical abuse problems in the district. The
5.5 school and community advisory team must be composed of representatives from the
5.6 school preassessment team established in section 121A.26, to the extent possible, law
5.7 enforcement agencies, county attorney's office, social service agencies, chemical abuse
5.8 treatment programs, parents, and the business community. The community advisory
5.9 team shall:

5.10 (1) build awareness of the problem within the community, identify available
5.11 treatment and counseling programs for students and develop good working relationships
5.12 and enhance communication between the schools and other community agencies; and

5.13 (2) develop a written procedure clarifying the notification process to be used by the
5.14 chemical abuse preassessment team established under section 121A.26 when a student is
5.15 believed to be in possession of or under the influence of alcohol or a controlled substance.
5.16 The procedure must include contact with the student, and the student's parents or guardian
5.17 in the case of a minor student.

5.18 Sec. 8. Minnesota Statutes 2008, section 121A.28, is amended to read:

5.19 **121A.28 LAW ENFORCEMENT RECORDS.**

5.20 A law enforcement agency shall provide notice of any drug incident occurring
5.21 within the agency's jurisdiction, in which the agency has probable cause to believe a
5.22 student violated section 152.021, 152.022, 152.023, 152.024, 152.025, 152.0262, 152.027,
5.23 152.092, 152.097, or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing
5.24 and shall be provided, within two weeks after an incident occurs, to the chemical abuse
5.25 preassessment team or the school's principal in the school where the student is enrolled.

5.26 Sec. 9. Minnesota Statutes 2008, section 121A.29, subdivision 1, is amended to read:

5.27 Subdivision 1. **Teacher's duty.** A teacher in a nonpublic school participating in
5.28 a school district chemical use program, or a public school teacher, who knows or has
5.29 reason to believe that a student is using, possessing, or transferring alcohol or a controlled
5.30 substance while on the school premises or involved in school-related activities, shall
5.31 immediately notify the school's chemical abuse preassessment team or the school's
5.32 principal of this information. A teacher who complies with this section shall be defended
5.33 and indemnified under section 466.07, subdivision 1, in any action for damages arising out
5.34 of the compliance.

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

6.1 Sec. 10. Minnesota Statutes 2008, section 121A.41, subdivision 10, is amended to read:

6.2 Subd. 10. **Suspension.** "Suspension" means an action by the school administration,
6.3 under rules promulgated by the school board, prohibiting a pupil from attending school
6.4 for a period of no more than ten school days. If a suspension is longer than five days,
6.5 the suspending administrator must provide the superintendent with a reason for the
6.6 longer suspension. This definition does not apply to dismissal from school for one school
6.7 day or less, except as provided in federal law for a student with a disability. Each
6.8 suspension action may include a readmission plan. The readmission plan shall include,
6.9 where appropriate, a provision for implementing alternative educational services upon
6.10 readmission and may not be used to extend the current suspension. Consistent with section
6.11 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a
6.12 sympathomimetic medication for the parent's child as a condition of readmission. The
6.13 school administration may not impose consecutive suspensions against the same pupil
6.14 for the same course of conduct, or incident of misconduct, except where the pupil will
6.15 create an immediate and substantial danger to self or to surrounding persons or property,
6.16 or where the district is in the process of initiating an expulsion, in which case the school
6.17 administration may extend the suspension to a total of 15 days. In the case of a student
6.18 with a disability, ~~the student's individual education plan team must meet immediately~~
6.19 ~~but not more than ten school days after the date on which the decision to remove the~~
6.20 ~~student from the student's current education placement is made. The individual education~~
6.21 ~~plan team and other qualified personnel shall at that meeting, conduct a review of the~~
6.22 ~~relationship between the child's disability and the behavior subject to disciplinary action;~~
6.23 ~~and determine the appropriateness of the child's education plan.~~ suspension must be
6.24 administered in conformity with this section and federal special education law.

6.25 ~~The requirements of the individual education plan team meeting apply when:~~

6.26 ~~(1) the parent requests a meeting;~~

6.27 ~~(2) the student is removed from the student's current placement for five or more~~
6.28 ~~consecutive days; or~~

6.29 ~~(3) the student's total days of removal from the student's placement during the~~
6.30 ~~school year exceed ten cumulative days in a school year. The school administration shall~~
6.31 ~~implement alternative educational services when the suspension exceeds five days. A~~
6.32 ~~separate administrative conference is required for each period of suspension.~~

6.33 Sec. 11. Minnesota Statutes 2008, section 122A.44, subdivision 2, is amended to read:

6.34 Subd. 2. **Hiring substitute teachers.** (a) The board must not hire a substitute
6.35 teacher except:

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

7.1 (1) For a duration of time of less than one school year to replace a regular teacher
7.2 who is absent; or

7.3 (2) For a duration of time equal to or greater than one school year to replace a
7.4 regular teacher on a leave of absence.

7.5 (b) If a substitute teacher is hired pursuant to paragraph (a), clause (2), each full
7.6 school year during which the teacher is employed by a district pursuant to that clause ~~shall~~
7.7 may be deemed one year of the teacher's probationary period of employment pursuant
7.8 to either section 122A.40, subdivision 5, or 122A.41, subdivision 2, if approved by the
7.9 board. The teacher ~~shall~~ may be eligible for continuing contract status pursuant to section
7.10 122A.40, subdivision 7, or tenure status pursuant to section 122A.41, subdivision 4, ~~after~~
7.11 ~~completion of the applicable probationary period~~ if approved by the board.

7.12 Sec. 12. Minnesota Statutes 2008, section 122A.48, subdivision 2, is amended to read:

7.13 Subd. 2. **Retirement.** For purposes of this section, "retirement" means termination
7.14 of services in the employing district at the end of the school year that is scheduled for
7.15 student instruction and withdrawal from active teaching service.

7.16 Sec. 13. Minnesota Statutes 2008, section 122A.48, subdivision 5, is amended to read:

7.17 Subd. 5. **Applications.** A teacher meeting the requirements of subdivision 1 may
7.18 apply to the school board of the employing district for a contract for termination of services
7.19 at the end of the school year that is scheduled for student instruction, withdrawal from
7.20 active teaching service, and payment of an early retirement incentive. This application
7.21 must be submitted on or before February 1 of the school year at the end of which the
7.22 teacher wishes to retire. A school board must approve or deny the application within
7.23 30 days after it is received by the board. The amount of the early retirement incentive
7.24 shall be agreed upon between the teacher and the school board. The early retirement
7.25 incentive shall be paid by the employing district at the time and in the manner mutually
7.26 agreed upon by a teacher and the board.

7.27 Sec. 14. Minnesota Statutes 2008, section 123A.19, subdivision 2, is amended to read:

7.28 Subd. 2. **Negotiated plan for filling positions.** The boards in all member districts
7.29 and exclusive bargaining representatives of the teachers in all member districts may
7.30 negotiate a plan for filling positions resulting from implementation of the education
7.31 district agreement. If the plan is negotiated among the member districts and the exclusive
7.32 bargaining representative of each member district and unanimously agreed upon, in

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

8.1 writing, the education district must include the plan in the education district agreement.

8.2 ~~If a plan is not negotiated, the education district is governed by subdivision 3.~~

8.3 Sec. 15. Minnesota Statutes 2008, section 123A.30, subdivision 6, is amended to read:

8.4 Subd. 6. **Severance pay.** A district ~~must~~ may pay severance pay to a teacher who
8.5 is placed on unrequested leave of absence by the district as a result of the agreement. A
8.6 teacher is eligible under this subdivision if the teacher:

8.7 (1) is a teacher, but not a superintendent;

8.8 (2) has a continuing contract with the district according to section 122A.40,
8.9 subdivision 7.

8.10 The amount of severance pay must be equal to the teacher's salary for the school
8.11 year during which the teacher was placed on unrequested leave of absence minus the gross
8.12 amount the teacher was paid during the 12 months following the teacher's termination
8.13 of salary, by an entity whose teachers by statute or rule must possess a valid Minnesota
8.14 teaching license, and minus the amount a teacher receives as severance or other similar
8.15 pay according to a contract with the district or district policy. These entities requiring a
8.16 valid Minnesota teaching license include, but are not limited to, the district that placed
8.17 the teacher on unrequested leave of absence, another district in Minnesota, an education
8.18 district, an intermediate school district, a service cooperative, a board formed under
8.19 section 471.59, a state residential academy, the Perpich Center for Arts Education, a
8.20 vocational center, or a special education cooperative. These entities do not include a
8.21 district in another state, a Minnesota public postsecondary institution, or a state agency.
8.22 Only amounts earned by the teacher as a substitute teacher or in a position requiring a
8.23 valid Minnesota teaching license shall be subtracted. A teacher may decline any offer of
8.24 employment as a teacher without loss of rights to severance pay.

8.25 To determine the amount of severance pay that is due for the first six months
8.26 following termination of the teacher's salary, the district may require the teacher to provide
8.27 documented evidence of the teacher's employers and gross earnings during that period.
8.28 The district must pay the teacher the amount of severance pay it determines to be due from
8.29 the proceeds of the levy for this purpose. To determine the amount of severance pay
8.30 that is due for the second six months of the 12 months following the termination of the
8.31 teacher's salary, the district may require the teacher to provide documented evidence of
8.32 the teacher's employers and gross earnings during that period. The district must pay
8.33 the teacher the amount of severance pay it determines to be due from the proceeds of
8.34 the levy for this purpose.

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

9.1 A teacher who receives severance pay under this subdivision waives all further
9.2 reinstatement rights under section 122A.40, subdivision 10 or 11. If the teacher receives
9.3 severance pay, the teacher shall not receive credit for any years of service in the district
9.4 paying severance pay prior to the year in which the teacher becomes eligible to receive
9.5 severance pay.

9.6 The severance pay is subject to section 465.72. The district may levy annually
9.7 according to section 126C.43, for the severance pay.

9.8 Sec. 16. Minnesota Statutes 2008, section 123B.04, subdivision 2, is amended to read:

9.9 Subd. 2. **Agreement.** (a) ~~Upon the request of 60 percent of the licensed employees~~
9.10 ~~of a site or a school site decision-making team,~~ The school board ~~shall~~ may enter into
9.11 discussions to reach an agreement concerning the governance, management, or control
9.12 of ~~the~~ a school. A school site decision-making team may include the school principal,
9.13 teachers in the school or their designee, other employees in the school, representatives of
9.14 pupils in the school, or other members in the community. A school site decision-making
9.15 team must include at least one parent of a pupil in the school. For purposes of formation
9.16 of a new site, a school site decision-making team may be a team of teachers that is
9.17 recognized by the board as a site. The school site decision-making team shall include the
9.18 school principal or other person having general control and supervision of the school. The
9.19 site decision-making team must reflect the diversity of the education site. At least one-half
9.20 of the members shall be employees of the district, unless an employee is the parent of a
9.21 student enrolled in the school site, in which case the employee may elect to serve as a
9.22 parent member of the site team.

9.23 (b) School site decision-making agreements must delegate powers, duties, and
9.24 broad management responsibilities to site teams and involve staff members, students as
9.25 appropriate, and parents in decision making.

9.26 (c) An agreement shall include a statement of powers, duties, responsibilities, and
9.27 authority to be delegated to and within the site.

9.28 (d) An agreement may include:

9.29 (1) an achievement contract according to subdivision 4;

9.30 (2) a mechanism to allow principals, a site leadership team, or other persons having
9.31 general control and supervision of the school, to make decisions regarding how financial
9.32 and personnel resources are best allocated at the site and from whom goods or services
9.33 are purchased;

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

10.1 (3) a mechanism to implement parental involvement programs under section
10.2 124D.895 and to provide for effective parental communication and feedback on this
10.3 involvement at the site level;

10.4 (4) a provision that would allow the team to determine who is hired into licensed
10.5 and nonlicensed positions;

10.6 (5) a provision that would allow teachers to choose the principal or other person
10.7 having general control;

10.8 (6) an amount of revenue allocated to the site under subdivision 3; and

10.9 (7) any other powers and duties determined appropriate by the board.

10.10 The school board of the district remains the legal employer under clauses (4) and (5).

10.11 (e) Any powers or duties not delegated to the school site management team in the
10.12 school site management agreement shall remain with the school board.

10.13 (f) Approved agreements shall be filed with the commissioner. If a school board
10.14 denies a request or the school site and school board fail to reach an agreement to enter
10.15 into a school site management agreement, the school board shall provide a copy of the
10.16 request and the reasons for its denial to the commissioner.

10.17 (g) A site decision-making grant program is established, consistent with this
10.18 subdivision, to allow sites to implement an agreement that at least:

10.19 (1) notwithstanding subdivision 3, allocates to the site all revenue that is attributable
10.20 to the students at that site;

10.21 (2) includes a provision, consistent with current law and the collective bargaining
10.22 agreement in effect, that allows the site team to decide who is selected from within the
10.23 district for licensed and nonlicensed positions at the site and to make staff assignments
10.24 in the site; and

10.25 (3) includes a completed performance agreement under subdivision 4.

10.26 The commissioner shall establish the form and manner of the application for a grant
10.27 and annually, at the end of each fiscal year, report to the house of representatives and
10.28 senate committees having jurisdiction over education on the progress of the program.

10.29 Sec. 17. Minnesota Statutes 2008, section 123B.10, is amended to read:

10.30 **123B.10 ~~PUBLICATION~~ POSTING OF FINANCIAL INFORMATION.**

10.31 Subdivision 1. **Budgets; form of notification.** (a) Every board must ~~publish~~ provide
10.32 revenue and expenditure budgets for the current year and the actual revenues, expenditures,
10.33 fund balances for the prior year and projected fund balances for the current year in a form
10.34 prescribed by the commissioner within one week of the acceptance of the final audit by

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

11.1 the board, or November 30, whichever is earlier. The forms prescribed must be designed
11.2 so that year to year comparisons of revenue, expenditures and fund balances can be made.

11.3 (b) A school board annually must notify the public of its revenue, expenditures, fund
11.4 balances, and other relevant budget information. The board must include the budget
11.5 information required by this section in the materials provided as a part of its truth in
11.6 taxation hearing, and post the materials in a conspicuous place on the district's official Web
11.7 site, including a link to the district's school report card on the Department of Education's
11.8 Web site, ~~and publish~~. A summary statement informing the public of the information
11.9 posted on the Web site and the Web site address must be published annually in a qualified
11.10 newspaper of general circulation in the district.

11.11 Subd. 2. **Debt summary.** The board must also ~~publish~~ post at the same time a
11.12 summary of bonds outstanding, paid, and sold; a summary of orders not paid for want of
11.13 funds; certificates of indebtedness for the year ending June 30; the statutory operating debt
11.14 of the district as defined and certified pursuant to section 123B.81; and the balance amount
11.15 of the reserved fund balance reserve account for purposes of statutory operating debt
11.16 reduction established pursuant to sections 126C.40 to 126C.45, 126C.48, and 124D.22.

11.17 Subd. 3. **Budget inspection.** A statement must be included in the publication
11.18 that the complete budget in detail may be inspected by any resident of the district upon
11.19 request to the chief school administrator.

11.20 Subd. 4. **Cost per pupil.** The board must also ~~publish~~ post at the same time the
11.21 average cost per pupil in average daily membership educated in that district in the
11.22 preceding year. This computation must be made exclusive of debt service or capital outlay
11.23 costs.

11.24 Sec. 18. Minnesota Statutes 2008, section 123B.143, subdivision 1, is amended to read:

11.25 Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary
11.26 school must employ a superintendent who shall be an ex officio nonvoting member of the
11.27 school board. The authority for selection and employment of a superintendent must be
11.28 vested in the board in all cases. An individual employed by a board as a superintendent
11.29 shall have an initial employment contract for a period of time no longer than three years
11.30 from the date of employment. Any subsequent employment contract must not exceed a
11.31 period of three years. A board, at its discretion, may or may not renew an employment
11.32 contract. A board must not, by action or inaction, extend the duration of an existing
11.33 employment contract. Beginning 365 days prior to the expiration date of an existing
11.34 employment contract, a board may negotiate and enter into a subsequent employment
11.35 contract to take effect upon the expiration of the existing contract. A subsequent contract

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

12.1 must be contingent upon the employee completing the terms of an existing contract. If a
12.2 contract between a board and a superintendent is terminated prior to the date specified in
12.3 the contract, the board may not enter into another superintendent contract with that same
12.4 individual that has a term that extends beyond the date specified in the terminated contract.
12.5 A board may terminate a superintendent during the term of an employment contract for any
12.6 of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall
12.7 not rely upon an employment contract with a board to assert any other continuing contract
12.8 rights in the position of superintendent under section 122A.40. Notwithstanding the
12.9 provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law
12.10 to the contrary, no individual shall have a right to employment as a superintendent based
12.11 on order of employment in any district. If two or more districts enter into an agreement for
12.12 the purchase or sharing of the services of a superintendent, the contracting districts have
12.13 the absolute right to select one of the individuals employed to serve as superintendent
12.14 in one of the contracting districts and no individual has a right to employment as the
12.15 superintendent to provide all or part of the services based on order of employment in a
12.16 contracting district. The superintendent of a district shall perform the following:

- 12.17 (1) visit and supervise the schools in the district, report and make recommendations
12.18 about their condition when advisable or on request by the board;
- 12.19 (2) recommend to the board employment and dismissal of teachers;
- 12.20 (3) superintend school grading practices and examinations for promotions;
- 12.21 (4) make reports required by the commissioner; and
- 12.22 ~~(5) by January 10, submit an annual report to the commissioner in a manner~~
12.23 ~~prescribed by the commissioner, in consultation with school districts, identifying the~~
12.24 ~~expenditures that the district requires to ensure an 80 percent student passage rate on~~
12.25 ~~the MCA-IIs taken in the eighth grade, identifying the highest student passage rate the~~
12.26 ~~district expects it will be able to attain on the MCA-IIs by grade 12, and the amount of~~
12.27 ~~expenditures that the district requires to attain the targeted student passage rate; and~~
- 12.28 ~~(6)~~ (5) perform other duties prescribed by the board.

12.29 Sec. 19. Minnesota Statutes 2008, section 123B.71, subdivision 1, is amended to read:

12.30 Subdivision 1. **Consultation.** A school district shall consult with the commissioner
12.31 of education before developing any plans and specifications to construct, remodel, or
12.32 improve the building or site of an educational facility for which the estimated cost exceeds
12.33 \$250,000. This consultation shall occur before a referendum for bonds, solicitation
12.34 for bids, or use of capital expenditure facilities revenue according to section 126C.10,

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

13.1 subdivision 14, clause (2). The commissioner may require the district to participate in a
13.2 management assistance plan ~~before conducting a review and comment on the project.~~

13.3 Sec. 20. Minnesota Statutes 2008, section 123B.71, subdivision 9, is amended to read:

13.4 Subd. 9. **Information required.** A school board proposing to construct a facility
13.5 ~~described in subdivision 8~~ that requires an expenditure in excess of \$500,000 per school
13.6 site shall submit to the commissioner a proposal containing information including at
13.7 least the following:

13.8 (1) the geographic area and population to be served, preschool through grade 12
13.9 student enrollments for the past five years, and student enrollment projections for the
13.10 next five years;

13.11 (2) a list of existing facilities by year constructed, their uses, and an assessment of
13.12 the extent to which alternate facilities are available within the school district boundaries
13.13 and in adjacent school districts;

13.14 (3) a list of the specific deficiencies of the facility that demonstrate the need for a
13.15 new or renovated facility to be provided, and a list of the specific benefits that the new
13.16 or renovated facility will provide to the students, teachers, and community users served
13.17 by the facility;

13.18 (4) the relationship of the project to any priorities established by the school district,
13.19 educational cooperatives that provide support services, or other public bodies in the
13.20 service area;

13.21 (5) a specification of how the project will increase community use of the facility
13.22 and whether and how the project will increase collaboration with other governmental or
13.23 nonprofit entities;

13.24 (6) a description of the project, including the specification of site and outdoor space
13.25 acreage and square footage allocations for classrooms, laboratories, and support spaces;
13.26 estimated expenditures for the major portions of the project; and the dates the project will
13.27 begin and be completed;

13.28 (7) a specification of the source of financing the project; the scheduled date for
13.29 a bond issue or school board action; a schedule of payments, including debt service
13.30 equalization aid; and the effect of a bond issue on local property taxes by the property
13.31 class and valuation;

13.32 (8) an analysis of how the proposed new or remodeled facility will affect school
13.33 district operational or administrative staffing costs, and how the district's operating budget
13.34 will cover any increased operational or administrative staffing costs;

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

14.1 (9) a description of the consultation with local or state road and transportation
14.2 officials on school site access and safety issues, and the ways that the project will address
14.3 those issues;

14.4 (10) a description of how indoor air quality issues have been considered and a
14.5 certification that the architects and engineers designing the facility will have professional
14.6 liability insurance;

14.7 (11) as required under section 123B.72, for buildings coming into service after
14.8 July 1, 2002, a certification that the plans and designs for the extensively renovated or
14.9 new facility's heating, ventilation, and air conditioning systems will meet or exceed
14.10 code standards; will provide for the monitoring of outdoor airflow and total airflow of
14.11 ventilation systems; and will provide an indoor air quality filtration system that meets
14.12 ASHRAE standard 52.1;

14.13 (12) a specification of any desegregation requirements that cannot be met by any
14.14 other reasonable means;

14.15 (13) a specification, if applicable, of how the facility will utilize environmentally
14.16 sustainable school facility design concepts; and

14.17 (14) a description of how the architects and engineers have considered the American
14.18 National Standards Institute Acoustical Performance Criteria, Design Requirements and
14.19 Guidelines for Schools of the maximum background noise level and reverberation times.

14.20 Sec. 21. Minnesota Statutes 2008, section 123B.90, subdivision 2, is amended to read:

14.21 Subd. 2. **Student training.** (a) Each district must provide public school pupils
14.22 enrolled in kindergarten through grade 10 with age-appropriate school bus safety training,
14.23 as described in this section, of the following concepts:

14.24 (1) transportation by school bus is a privilege and not a right;

14.25 (2) district policies for student conduct and school bus safety;

14.26 (3) appropriate conduct while on the school bus;

14.27 (4) the danger zones surrounding a school bus;

14.28 (5) procedures for safely boarding and leaving a school bus;

14.29 (6) procedures for safe street or road crossing; and

14.30 (7) school bus evacuation.

14.31 (b) Each nonpublic school located within the district must provide all nonpublic
14.32 school pupils enrolled in kindergarten through grade 10 who are transported by school
14.33 bus at public expense and attend school within the district's boundaries with training as
14.34 required in paragraph (a).

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

15.1 (c) ~~Students enrolled in kindergarten through grade 6 who are transported by school~~
15.2 ~~bus and are enrolled during the first or second week of school must receive the school bus~~
15.3 ~~safety training competencies by the end of the third week of school. Students enrolled in~~
15.4 ~~grades 7 through 10 who are transported by school bus and are enrolled during the first~~
15.5 ~~or second week of school and have not previously received school bus safety training~~
15.6 ~~must receive the training or receive bus safety instructional materials by the end of the~~
15.7 ~~sixth week of school. Students taking driver's training instructional classes must receive~~
15.8 ~~training in the laws and proper procedures when operating a motor vehicle in the vicinity~~
15.9 ~~of a school bus as required by section 169.446, subdivisions 2 and 3. Students enrolled~~
15.10 ~~in kindergarten through grade 10 who enroll in a school after the second week of school~~
15.11 ~~and are transported by school bus and have not received training in their previous school~~
15.12 ~~district shall undergo school bus safety training or receive bus safety instructional materials~~
15.13 ~~within four weeks of the first day of attendance.~~ Upon request of the superintendent
15.14 of schools, the school transportation safety director in each district must certify to the
15.15 superintendent that all students transported by school bus within the district have received
15.16 the school bus safety training according to this section. Upon request of the superintendent
15.17 of the school district where the nonpublic school is located, the principal or other chief
15.18 administrator of each nonpublic school must certify to the school transportation safety
15.19 director of the district in which the school is located that the school's students transported
15.20 by school bus at public expense have received training according to this section.

15.21 (d) A district and a nonpublic school with students transported by school bus at
15.22 public expense may provide kindergarten pupils with bus safety training before the first
15.23 day of school.

15.24 (e) A district and a nonpublic school with students transported by school bus at
15.25 public expense may also provide student safety education for bicycling and pedestrian
15.26 safety, for students enrolled in kindergarten through grade 5.

15.27 (f) A district and a nonpublic school with students transported by school bus at
15.28 public expense must make reasonable accommodations for the school bus safety training
15.29 of pupils known to speak English as a second language and pupils with disabilities.

15.30 (g) The district and a nonpublic school with students transported by school bus at
15.31 public expense must provide students enrolled in kindergarten through grade 3 school bus
15.32 safety training twice during the school year.

15.33 (h) A district and a nonpublic school with students transported by school bus at public
15.34 expense must conduct a school bus evacuation drill at least once during the school year.

16.1 Sec. 22. Minnesota Statutes 2008, section 124D.122, is amended to read:

16.2 **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR**
16.3 **PROGRAM.**

16.4 The board of any district, ~~with the approval of the commissioner,~~ may establish and
16.5 operate a flexible learning year program in one or more of the day or residential facilities
16.6 for children with a disability within the district.

16.7 Sec. 23. Minnesota Statutes 2008, section 126C.44, is amended to read:

16.8 **126C.44 SAFE SCHOOLS LEVY.**

16.9 (a) Each district may make a levy on all taxable property located within the district
16.10 for the purposes specified in this section. The maximum amount which may be levied
16.11 for all costs under this section shall be equal to \$30 multiplied by the district's adjusted
16.12 marginal cost pupil units for the school year. The proceeds of the levy must be reserved and
16.13 used for directly funding the following purposes or for reimbursing the cities and counties
16.14 who contract with the district for the following purposes: (1) to pay the costs incurred for
16.15 the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in
16.16 services in the district's schools; (2) to pay the costs for a drug abuse prevention program
16.17 as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools;
16.18 (3) to pay the costs for a gang resistance education training curriculum in the district's
16.19 schools; (4) to pay the costs for security in the district's schools and on school property; (5)
16.20 to pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary
16.21 opt-in suicide prevention tools, and violence prevention measures taken by the school
16.22 district; or (6) to pay costs for licensed school counselors, licensed school nurses, licensed
16.23 school social workers, licensed school psychologists, and licensed alcohol and chemical
16.24 dependency counselors to help provide early responses to problems. For expenditures
16.25 under clause (1), the district must initially attempt to contract for services to be provided
16.26 by peace officers or sheriffs with the police department of each city or the sheriff's
16.27 department of the county within the district containing the school receiving the services. If
16.28 a local police department or a county sheriff's department does not wish to provide the
16.29 necessary services, the district may contract for these services with any other police or
16.30 sheriff's department located entirely or partially within the school district's boundaries.

16.31 (b) A school district that is a member of an intermediate school district may
16.32 include in its authority under this section the costs associated with safe schools activities
16.33 authorized under paragraph (a) for intermediate school district programs. This authority
16.34 must not exceed \$10 times the adjusted marginal cost pupil units of the member districts.

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

17.1 This authority is in addition to any other authority authorized under this section. Revenue
17.2 raised under this paragraph must be transferred to the intermediate school district.

17.3 ~~(e) A school district must set aside at least \$3 per adjusted marginal cost pupil unit~~
17.4 ~~of the safe schools levy proceeds for the purposes authorized under paragraph (a), clause~~
17.5 ~~(6). The district must annually certify that its total spending on services provided by the~~
17.6 ~~employees listed in paragraph (a), clause (6), is not less than the sum of its expenditures~~
17.7 ~~for these purposes, excluding amounts spent under this section, in the previous year plus~~
17.8 ~~the amount spent under this section.~~

17.9 Sec. 24. Minnesota Statutes 2008, section 177.42, subdivision 2, is amended to read:

17.10 Subd. 2. **Project.** "Project" means erection, construction, remodeling, or repairing
17.11 of a public building or other public work financed in whole or part by state funds, except
17.12 that school districts are exempt from the prevailing wage requirements of this section
17.13 and section 177.43.

17.14 Sec. 25. Minnesota Statutes 2008, section 179A.03, subdivision 14, is amended to read:

17.15 Subd. 14. **Public employee or employee.** "Public employee" or "employee" means
17.16 any person appointed or employed by a public employer except:

17.17 (a) elected public officials;

17.18 (b) election officers;

17.19 (c) commissioned or enlisted personnel of the Minnesota National Guard;

17.20 (d) emergency employees who are employed for emergency work caused by natural
17.21 disaster;

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

17.24 (f) employees whose positions are basically temporary or seasonal in character and:
17.25 (1) are not for more than 67 working days in any calendar year; or (2) are not for more
17.26 than 100 working days in any calendar year and the employees are under the age of 22, are
17.27 full-time students enrolled in a nonprofit or public educational institution prior to being
17.28 hired by the employer, and have indicated, either in an application for employment or by
17.29 being enrolled at an educational institution for the next academic year or term, an intention
17.30 to continue as students during or after their temporary employment;

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

17.34 (h) employees of charitable hospitals as defined by section 179.35, subdivision 3;

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

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

18.4 (j) an individual who is employed for less than 300 hours in a fiscal year as an
18.5 instructor in an adult vocational education program;

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

18.8 (l) with respect to court employees:

18.9 (1) personal secretaries to judges;

18.10 (2) law clerks;

18.11 (3) managerial employees;

18.12 (4) confidential employees; and

18.13 (5) supervisory employees;

18.14 (m) with respect to employees of Hennepin Healthcare System, Inc., managerial,
18.15 supervisory, and confidential employees.

18.16 The following individuals are public employees regardless of the exclusions of
18.17 clauses (e) and (f):

18.18 (i) An employee hired by ~~a school district or~~ the Board of Trustees of the Minnesota
18.19 State Colleges and Universities except at the university established in section 136F.13 or
18.20 for community services or community education instruction offered on a noncredit basis:

18.21 (A) to replace an absent ~~teacher or~~ faculty member who is a public employee, where the
18.22 replacement employee is employed more than 30 working days as a replacement for that
18.23 ~~teacher or~~ faculty member; or (B) to take a teaching position created due to increased
18.24 enrollment, curriculum expansion, courses which are a part of the curriculum whether
18.25 offered annually or not, or other appropriate reasons;

18.26 (ii) An employee hired for a position under clause (f)(1) if that same position has
18.27 already been filled under clause (f)(1) in the same calendar year and the cumulative
18.28 number of days worked in that same position by all employees exceeds 67 calendar days
18.29 in that year. For the purpose of this paragraph, "same position" includes a substantially
18.30 equivalent position if it is not the same position solely due to a change in the classification
18.31 or title of the position; and

18.32 (iii) an early childhood family education teacher employed by a school district.

18.33 Sec. 26. Minnesota Statutes 2008, section 179A.18, subdivision 2, is amended to read:

S.F. No. 1393, as introduced - 86th Legislative Session (2009-2010) [09-2820]

19.1 Subd. 2. **School district requirements.** (a) Except as otherwise provided by section
19.2 179A.17, subdivision 1, teachers employed by a local school district, other than principals
19.3 and assistant principals, may strike only under the following circumstances:

19.4 (1)(i) the collective bargaining agreement between their exclusive representative and
19.5 their employer has expired or, if there is no agreement, impasse under section 179A.17,
19.6 subdivision 1, has occurred; and

19.7 (ii) the exclusive representative and the employer have participated in mediation
19.8 over a period of at least 30 days. For the purposes of this subclause the mediation period
19.9 commences on the day that a mediator designated by the commissioner first attends a
19.10 conference with the parties to negotiate the issues not agreed upon; and

19.11 (iii) neither party has requested interest arbitration or a request for binding interest
19.12 arbitration has been rejected; or

19.13 (2) the employer violates section 179A.13, subdivision 2, clause (9).

19.14 (b) Notwithstanding paragraph (a), teachers may not strike at any time during the
19.15 regular school year that is scheduled for student instruction according to the school
19.16 district's calendar.

19.17 Sec. 27. **REPEALER.**

19.18 Minnesota Statutes 2008, sections 120A.41; 120B.11; 120B.39; 121A.06; 121A.21;
19.19 121A.30; 122A.32; 122A.50; 122A.51; 122A.61; 122A.628; 122A.75; 123A.19,
19.20 subdivisions 3 and 4; 123A.33; 123B.02, subdivision 15; 123B.05; 123B.71, subdivisions
19.21 8, 11, and 12; 123B.76, subdivision 3; 123B.92, subdivision 5; 179A.07, subdivision 6;
19.22 and 256.962, subdivision 6, are repealed.

120A.41 LENGTH OF SCHOOL YEAR; DAYS OF INSTRUCTION.

A school board's annual school calendar must include at least the number of days of student instruction the board formally adopted as its school calendar at the beginning of the 1996-1997 school year.

120B.11 SCHOOL DISTRICT PROCESS FOR REVIEWING CURRICULUM, INSTRUCTION, AND STUDENT ACHIEVEMENT.

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

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

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

Subd. 2. **Adopting policies.** A school board shall have in place an adopted written policy that includes the following:

(1) district goals for instruction including the use of best practices, district and school curriculum, and achievement for all student subgroups;

(2) a process for evaluating each student's progress toward meeting academic standards and identifying the strengths and weaknesses of instruction and curriculum affecting students' progress;

(3) a system for periodically reviewing and evaluating all instruction and curriculum;

(4) a plan for improving instruction, curriculum, and student achievement; and

(5) an education effectiveness plan aligned with section 122A.625 that integrates instruction, curriculum, and technology.

Subd. 3. **District advisory committee.** Each school board shall establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards. A district advisory committee, to the extent possible, shall reflect the diversity of the district and its learning sites, and shall include teachers, parents, support staff, students, and other community residents. The district may establish building teams as subcommittees of the district advisory committee under subdivision 4. The district advisory committee shall recommend to the school board rigorous academic standards, student achievement goals and measures, assessments, and program evaluations. Learning sites may expand upon district evaluations of instruction, curriculum, assessments, or programs. Whenever possible, parents and other community residents shall comprise at least two-thirds of advisory committee members.

Subd. 4. **Building team.** A school may establish a building team to develop and implement an education effectiveness plan to improve instruction, curriculum, and student achievement. The team shall advise the board and the advisory committee about developing an instruction and curriculum improvement plan that aligns curriculum, assessment of student progress in meeting state and district academic standards, and instruction.

Subd. 5. **Report.** (a) By October 1 of each year, the school board shall use standard statewide reporting procedures the commissioner develops and adopt a report that includes the following:

(1) student achievement goals for meeting state academic standards;

(2) results of local assessment data, and any additional test data;

(3) the annual school district improvement plans including staff development goals under section 122A.60;

(4) information about district and learning site progress in realizing previously adopted improvement plans; and

(5) the amount and type of revenue attributed to each education site as defined in section 123B.04.

(b) The school board shall publish the report in the local newspaper with the largest circulation in the district, by mail, or by electronic means such as the district Web site. If electronic means are used, school districts must publish notice of the report in a periodical of general circulation in the district. School districts must make copies of the report available to the public on request. The board shall make a copy of the report available to the public for inspection. The board shall send a copy of the report to the commissioner of education by October 15 of each year.

APPENDIX

Repealed Minnesota Statutes: 09-2820

(c) The title of the report shall contain the name and number of the school district and read "Annual Report on Curriculum, Instruction, and Student Achievement." The report must include at least the following information about advisory committee membership:

- (1) the name of each committee member and the date when that member's term expires;
- (2) the method and criteria the school board uses to select committee members; and
- (3) the date by which a community resident must apply to next serve on the committee.

Subd. 6. **Student evaluation.** The school board annually shall provide high school graduates or GED recipients who receive a diploma or its equivalent from the school district with an opportunity to report to the board on the following:

- (1) the quality of district instruction, curriculum, and services;
- (2) the quality of district delivery of instruction, curriculum, and services;
- (3) the utility of district facilities; and
- (4) the effectiveness of district administration.

Subd. 7. **Periodic report.** Each school district shall periodically ask affected constituencies about their level of satisfaction with school. The district shall include the results of this evaluation in the report required under subdivision 5.

Subd. 8. **Biennial evaluation; assessment program.** At least once every two years, the district report shall include an evaluation of the district testing programs, according to the following:

- (1) written objectives of the assessment program;
- (2) names of tests and grade levels tested;
- (3) use of test results; and
- (4) student achievement results compared to previous years.

120B.39 UNIFORM FORMS FOR STATE EXAMINATIONS; COMMISSIONER.

Upon the request of any superintendent of any public or private school teaching high school courses in the state, the commissioner shall designate or prepare uniform forms for state examinations in each high school subject during the month of May of each year; the request shall be in writing and delivered to the commissioner before January 1 of that year.

121A.06 REPORTS OF DANGEROUS WEAPON INCIDENTS IN SCHOOL ZONES.

Subdivision 1. **Definitions.** As used in this section:

- (1) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;
- (2) "school" has the meaning given it in section 120A.22, subdivision 4; and
- (3) "school zone" has the meaning given it in section 152.01, subdivision 14a, clauses (1) and (3).

Subd. 2. **Reports; content.** School districts must electronically report to the commissioner of education incidents involving the use or possession of a dangerous weapon in school zones. The form must include the following information:

- (1) a description of each incident, including a description of the dangerous weapon involved in the incident;
- (2) where, at what time, and under what circumstances the incident occurred;
- (3) information about the offender, other than the offender's name, including the offender's age; whether the offender was a student and, if so, where the offender attended school; and whether the offender was under school expulsion or suspension at the time of the incident;
- (4) information about the victim other than the victim's name, if any, including the victim's age; whether the victim was a student and, if so, where the victim attended school; and if the victim was not a student, whether the victim was employed at the school;
- (5) the cost of the incident to the school and to the victim; and
- (6) the action taken by the school administration to respond to the incident.

The commissioner shall provide an electronic reporting format that allows school districts to provide aggregate data.

Subd. 3. **Reports; filing requirements.** By July 31 of each year, each public school shall report incidents involving the use or possession of a dangerous weapon in school zones to the commissioner. The reports must be submitted using the electronic reporting system developed by the commissioner under subdivision 2. The commissioner shall compile the information it receives from the schools and report it annually to the commissioner of public safety and the legislature.

121A.21 SCHOOL HEALTH SERVICES.

APPENDIX

Repealed Minnesota Statutes: 09-2820

(a) Every school board must provide services to promote the health of its pupils.

(b) The board of a district with 1,000 pupils or more in average daily membership in early childhood family education, preschool disabled, elementary, and secondary programs must comply with the requirements of this paragraph. It may use one or a combination of the following methods:

- (1) employ personnel, including at least one full-time equivalent licensed school nurse;
- (2) contract with a public or private health organization or another public agency for personnel during the regular school year, determined appropriate by the board, who are currently licensed under chapter 148 and who are certified public health nurses; or
- (3) enter into another arrangement approved by the commissioner.

121A.30 PESTICIDE APPLICATION AT SCHOOLS.

Subdivision 1. **Parents' Right-to-Know Act.** Subdivisions 2 to 14 may be cited as the Janet B. Johnson Parents' Right-to-Know Act of 2000.

Subd. 2. **Pesticide application notification.** A school that plans to apply a pesticide which is a toxicity category I, II, or III pesticide product, as classified by the United States Environmental Protection Agency, or a restricted use pesticide, as designated under the Federal Insecticide, Fungicide, and Rodenticide Act, on school property, must provide a notice to parents and employees that it applies such pesticides. The notice required under subdivision 3 must:

- (1) provide that an estimated schedule of the pesticide applications is available for review or copying at the school offices where such pesticides are applied;
- (2) state that long-term health effects on children from the application of such pesticides or the class of chemicals to which they belong may not be fully understood;
- (3) inform parents that a parent may request to be notified by the school in the manner specified in subdivision 6 before any application of a pesticide listed in this subdivision.

Subd. 3. **Notice; timing; distribution.** The notice must be provided no later than September 15 of each school year during which pesticides listed in subdivision 2 are planned to be applied. The notice may be included with other notices provided by the school, but must be separately identified and clearly visible to the reader.

Subd. 4. **School handbook or statement of policies.** In addition to the notice provided according to subdivision 3, a school that is required to provide notice under this section shall include in an official school handbook or official school policy guide of a general nature a section informing parents that an estimated schedule of applications of pesticides listed in subdivision 2 is available for review or copying at the school offices, and that a parent may receive prior notice of each application if specifically requested.

Subd. 5. **Notice availability.** A school that uses a pesticide listed in subdivision 2 must keep a copy of all notifications required under subdivisions 2 and 3 for at least six years in a manner available to the public.

Subd. 6. **Notification for individual parents.** A parent of a student at a school may request that the school principal or other person having general control and supervision of the school notify the parent prior to the application of any pesticides listed in subdivision 2 at the school on a day different from the days specified in the notice under subdivision 3. The school principal or other person having general control and supervision of the school must provide reasonable notice to a parent who has requested such notification prior to applying such pesticides. The notice may be waived for emergency applications required only by appropriate state or local health officials. The notice must include the pesticide to be applied, the time of the planned application, and the location at the school of the planned application. A school may request reimbursement for the school's reasonable costs of providing notice under this subdivision, including any costs of mailing, from individuals requesting notification under this subdivision.

Subd. 7. **Model notice.** The Department of Health, in consultation with the Department of Education, the Pollution Control Agency, and University of Minnesota Extension Service, shall develop and make available to schools by August 1, 2000, a model notice in a form that can be used by a school if it chooses to do so. The model notice must include the information required by this section. The Department of Health must provide an opportunity for environmental groups, interested parents, public health organizations, and other parties to work with the department in developing the model notice.

Subd. 8. **Plan.** A school is not required to adopt an integrated pest management plan. A school board may only notify students, parents, or employees that it has adopted an integrated pest management plan if the plan is a managed pest control program designed to minimize the risk to human health and the environment and to reduce the use of chemical pesticides, and which ranks the district's response to pests in the following manner:

APPENDIX

Repealed Minnesota Statutes: 09-2820

- (1) identifying pests which need to be controlled;
- (2) establishing tolerable limits of each identified pest;
- (3) designing future buildings and landscapes to prevent identified pests;
- (4) excluding identified pests from sites and buildings using maintenance practices;
- (5) adapting cleaning activities and best management practices to minimize the number of pests;
- (6) using mechanical methods of controlling identified pests; and
- (7) controlling identified pests using the least toxic pesticides with the least exposure to persons as is practicable.

Subd. 9. **Pesticide defined; cleaning products excluded.** For purposes of this section, the term "pesticide" has the meaning given it in section 18B.01, subdivision 18, except that it does not include any disinfectants, sanitizers, deodorizers, or antimicrobial agents used for general cleaning purposes.

Subd. 10. **Pest defined.** For purposes of this section, the term "pest" has the meaning given it in section 18B.01, subdivision 17.

Subd. 11. **School defined.** For the purposes of this section, "school" means a school as defined in section 120A.22, subdivision 4, excluding home schools.

Subd. 12. **Immunity from liability.** No cause of action may be brought against a school district, a school, or the districts or school's employees or agents for any failure to comply with the requirements under this section.

Subd. 13. **Evidence of failure to comply excluded.** A failure to comply with the requirements of this section may not be presented as evidence in any lawsuit based upon physical injury resulting from exposure to pesticides applied at a school.

Subd. 14. **No special rights.** Nothing in this section affects the duty of a parent or a student to comply with the compulsory attendance law or the duty of a school employee to comply with the provisions of an applicable employment contract or policy.

122A.32 REQUIREMENTS FOR ASSESSMENT PROFESSIONALS.

When a board of a district with 10,000 pupils or more in average daily membership employs a person to administer or interpret individual aptitude, intelligence or personality tests, the person must hold a graduate level degree related to administering and interpreting psychological assessments.

122A.50 PREPARATION TIME.

Beginning with agreements effective July 1, 1995, and thereafter, all collective bargaining agreements for teachers provided for under chapter 179A, must include provisions for preparation time or a provision indicating that the parties to the agreement chose not to include preparation time in the contract.

If the parties cannot agree on preparation time the following provision shall apply and be incorporated as part of the agreement: "Within the student day for every 25 minutes of classroom instructional time, a minimum of five additional minutes of preparation time shall be provided to each licensed teacher. Preparation time shall be provided in one or two uninterrupted blocks during the student day. Exceptions to this may be made by mutual agreement between the district and the exclusive representative of the teachers."

122A.51 TEACHER LUNCH PERIOD.

A teacher must be provided with a duty-free lunch period, scheduled according to school board policy or negotiated agreement.

122A.61 RESERVED REVENUE FOR STAFF DEVELOPMENT.

Subdivision 1. **Staff development revenue.** A district is required to reserve an amount equal to at least two percent of the basic revenue under section 126C.10, subdivision 2, for in-service education for programs under section 120B.22, subdivision 2, for staff development plans, including plans for challenging instructional activities and experiences under section 122A.60, and for curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, the cost of substitute teachers staff development purposes, preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff development efforts. A district may annually waive the requirement to reserve their basic revenue under this section if a majority vote of the licensed teachers in the

APPENDIX

Repealed Minnesota Statutes: 09-2820

district and a majority vote of the school board agree to a resolution to waive the requirement. A district in statutory operating debt is exempt from reserving basic revenue according to this section. Districts may expend an additional amount of unreserved revenue for staff development based on their needs. With the exception of amounts reserved for staff development from revenues allocated directly to school sites, the board must initially allocate 50 percent of the reserved revenue to each school site in the district on a per teacher basis, which must be retained by the school site until used. The board may retain 25 percent to be used for district wide staff development efforts. The remaining 25 percent of the revenue must be used to make grants to school sites for best practices methods. A grant may be used for any purpose authorized under section 120B.22, subdivision 2, 122A.60, or for the costs of curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, substitute teachers for staff development purposes, and other staff development efforts, and determined by the site professional development team. The site professional development team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the program. The board may withhold a portion of initial allocation of revenue if the staff development outcomes are not being met.

Subd. 2. Career teacher staff development. Of a district's basic revenue under section 126C.10, subdivision 2, an amount equal to \$5 times the number of resident pupil units must be reserved by a district operating a career teacher program according to sections 124D.25 to 124D.29. The revenue may be used only to provide staff development for the career teacher program.

Subd. 3. Coursework and training. A school district may use the revenue reserved under subdivision 1 for grants to the district's teachers to pay for coursework and training leading to certification as a college in the schools or concurrent enrollment teacher. In order to receive a grant, the teacher must be enrolled in a program that includes coursework and training focused on teaching a core subject.

122A.628 SCHOOLS MENTORING SCHOOLS REGIONAL SITES.

Subdivision 1. Program. The commissioner of education shall select up to four school districts, or partnerships of school districts, for the purpose of assisting other school districts in the region with the development of thorough and effective teacher mentoring programs. The commissioner shall use geographic balance and proven teacher induction programs as criteria when selecting the sites. One site must include the Brainerd teacher support system, which has been cited by the Minnesota Board of Teaching as a model program and was one of only six programs in the nation to be recognized for the 2004 NEA-Saturn/UAW partnership award. The sites shall be known as schools mentoring schools regional sites.

The sites shall provide high quality mentoring assistance programs and services to other nearby school districts for the development of effective systems of support for new teachers. The sites shall offer coaching/mentor training, in-class observation training, and train-the-teacher opportunities for teams of participating teachers. The sites shall use their recognized experience and methods to equip schools to work with their own new and beginning teachers. The commissioner shall review and report annually to the legislature on the operation of each training center.

Subd. 2. Revenue. A school district that is selected to participate in the schools mentoring schools program under this section may utilize its professional compensation revenue under section 122A.414, subdivision 4, to pay regional training sites for staff development and training services.

122A.75 ADMINISTRATORS ACADEMY.

Subdivision 1. Services. An Administrators Academy is established. The academy shall provide at least the following services:

(1) an administrator assessment that results in an individual professional development plan;
(2) research and development assistance that provides current research and data of interest to administrators; and

(3) brokerage assistance to provide services and resources to help administrators with needs identified in their individual professional development plan.

Subd. 2. Governance. The commissioner of education shall appoint a 17-member committee to govern the Administrators Academy. Eight members must be from among administrators who are receiving or have received the services of the academy. In addition, a representative of each of the following organizations: Minnesota Department of Education, Minnesota Association of School Administrators, Minnesota elementary school principals,

APPENDIX

Repealed Minnesota Statutes: 09-2820

Minnesota secondary school principals, University of Minnesota, state university system, and a representative from the private colleges must be appointed by the organization each represents. Parents and teachers shall also have representation on the governing board.

123A.19 TEACHING POSITIONS.

Subd. 3. **Filling positions without a negotiated plan.** (a) When an education district board or a member board is filling a position resulting from implementation of the agreement, the board may offer the position to a teacher currently employed by a member district according to the exchange teacher provisions of section 122A.54.

(b) If the position is not filled by a currently employed teacher, the board must offer the position to an available teacher in the order of seniority in fields of licensure on a combined seniority list of all available teachers in the member districts. For the purpose of establishing a combined seniority list, each district must be considered to have started school each year on the same date. An available teacher is a teacher in a member district who:

(1) was placed on unrequested leave of absence by a member district, according to section 122A.40, subdivision 10 or 11, or was terminated according to section 122A.41, subdivision 14, not more than one year before the initial formation of an education district as a result of an intention to enter into an education district agreement;

(2) was placed on unrequested leave of absence by a member district, according to section 122A.40, subdivision 10 or 11, or was terminated according to section 122A.41, subdivision 14, as a result of implementing the education district agreement, after the formation of the education district; or

(3) is placed on unrequested leave of absence by a member district, according to section 122A.40, subdivision 10 or 11, or is terminated according to section 122A.41, subdivision 14, as a result of implementing the education district, in the same year the position is filled.

(c) If no currently employed teacher or available teacher accepts the position, the board may fill the position with any other teacher.

(d) Any teacher who has been placed on unrequested leave of absence or who has been terminated has a right to a position only as long as the teacher has a right to reinstatement in a member district under section 122A.40, subdivision 10 or 11, or 122A.41, subdivision 14.

Subd. 4. **Probation and termination.** Notwithstanding section 122A.40, subdivision 5, a teacher who has acquired continuing contract rights in a member district and who transfers employment from a member district to the education district or to another member district does not have to serve a probationary period. A teacher who is terminated or discharged by a member district according to section 122A.40, subdivision 9 or 13, or 122A.41, subdivision 6, has no right to any position under this section.

123A.33 EMPLOYEES OF COOPERATIVE DISTRICTS UPON DISSOLUTION OR WITHDRAWAL.

Subdivision 1. **Definitions.** For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Teacher" means a teacher who is employed by a district or center listed in subdivision 2, except that it does not include a superintendent.

(b) "Cooperative" means any district or center to which this section applies.

(c) "Withdrawal" means a district's removal of its students from a program of instruction, counseling, or evaluation provided by a cooperative in order to provide the same educational services by other means.

(d) "Education support position" means a position not requiring a teaching license in which an employee assists a teacher by providing instructional, counseling, or evaluative support services directly to students.

(e) "Education support employee" means an employee holding an education support position.

Subd. 2. **Applicability.** This section applies to:

(1) an education district organized according to sections 123A.15 to 123A.19;

(2) a cooperative vocational center organized according to section 123A.22;

(3) a joint powers district or board organized according to section 471.59 which employs teachers to provide instruction;

(4) an intermediate district organized according to chapter 136D;

(5) a service cooperative which employs teachers to provide instruction; and

APPENDIX

Repealed Minnesota Statutes: 09-2820

(6) districts participating in an agreement for the cooperative provision of special education services to children with disabilities according to section 125A.11.

Subd. 3. **Agreements for cooperative special education.** (a) Upon the termination of an agreement according to section 125A.11, a teacher employed to provide special education services by a district participating in the agreement will be afforded rights to employment by other districts according to subdivisions 4, 5, and 6. Nonlicensed employees of a participating district employed to provide special education services will, upon the agreement's termination, be afforded rights to employment by other participating districts according to subdivision 9.

(b) Upon a district's withdrawal from the cooperative provision of special education under an agreement according to section 125A.11, a teacher employed to provide special education services by a participating district will be afforded rights to employment by other districts according to subdivisions 4, 7, and 8. Nonlicensed employees of a participating district employed to provide special education services will be afforded rights to employment by the withdrawing district according to subdivision 10.

Subd. 4. **Notification of teachers.** In any year in which a cooperative dissolves or a member withdraws from a cooperative, the governing board of a cooperative must provide all teachers employed by the cooperative written notification by March 10 of:

- (1) the dissolution of the cooperative and the effective date of dissolution; or
- (2) the withdrawal of a member of the cooperative and the effective date of withdrawal.

Subd. 5. **Rights of a teacher with a continuing contract in a member district upon dissolution.** (a) This subdivision applies to a teacher previously employed in a member district who:

- (1) had a continuing contract with that member district;
- (2) has been continuously employed immediately after leaving that member district by one or more cooperatives that provided instruction to pupils enrolled in that member district; and
- (3) is either a probationary teacher or has a continuing contract with the cooperative that is dissolving.

(b) A teacher may elect to resume the teacher's continuing contract with the member district by which the teacher was previously employed by filing a written notice of the election with the member board on or before March 20. Failure by a teacher to file a written notice by March 20 of the year the teacher receives a notice according to subdivision 4 constitutes a waiver of the teacher's rights under this subdivision.

The member district must make reasonable realignments of positions to accommodate the seniority rights of a teacher electing to resume continuing contract rights in the member district according to this subdivision.

Upon returning the teacher shall receive credit for:

- (1) all years of continuous service under contract with the cooperative and the member district for all purposes relating to seniority, compensation, and employment benefits; and
 - (2) the teacher's current educational attainment on the member district's salary schedule.
- (c) A teacher who does not elect to return to the member district according to this subdivision may exercise rights under subdivision 6.

Subd. 6. **Rights of other teachers.** (a) This subdivision applies to a teacher who:

- (1) has a continuing contract with the cooperative; and
- (2) either did not have a continuing contract with any member district or does not return to a member district according to the procedures set forth in subdivision 5, paragraph (b).

(b) By May 10 of the school year in which the cooperative provides the notice required by subdivision 4, clause (1), the cooperative must provide to each teacher described in subdivision 5 and this subdivision a written notice of available teaching positions in any member district to which the cooperative was providing services at the time of dissolution. Available teaching positions are all teaching positions that, during the school year following dissolution:

- (1) are positions for which the teacher is licensed; and
- (2) are not assigned to a continuing contract teacher employed by a member district after any reasonable realignments which may be necessary under the applicable provisions of section 122A.40, subdivision 10 or 11, to accommodate the seniority rights of teachers employed by the member district.

(c) On or before June 1 of the school year in which the cooperative provides the notice required by subdivision 4, clause (1), any teacher wishing to do so must file with the board a written notice of the teacher's intention to exercise the teacher's rights to an available teaching position. Available teaching positions must be offered to teachers in order of their seniority within the dissolved cooperative.

(d) Paragraph (e) applies to:

- (1) a district that was a member of a dissolved cooperative; or

APPENDIX

Repealed Minnesota Statutes: 09-2820

(2) any other district that, except as a result of open enrollment according to section 124D.03, provides essentially the same instruction provided by the dissolved cooperative to pupils enrolled in a former member district.

(e) For five years following dissolution of a cooperative, a district to which this paragraph applies may not appoint a new teacher or assign a probationary or provisionally licensed teacher to any position requiring licensure in a field in which the dissolved cooperative provided instruction until the following conditions are met:

(1) a district to which this paragraph applies has provided each teacher formerly employed by the dissolved cooperative, who holds the requisite license, written notice of the position; and

(2) no teacher holding the requisite license has filed a written request to be appointed to the position with the board within 30 days of receiving the notice.

If no teacher files a request according to clause (2), the district may fill the position as it sees fit. During any part of the school year in which dissolution occurs and the first school year following dissolution, a teacher may file a request for an appointment according to this paragraph regardless of prior contractual commitments with other member districts. Available teaching positions must be offered to teachers in order of their seniority on a combined seniority list of the teachers employed by the cooperative and the appointing district.

(f) A teacher appointed according to this subdivision is not required to serve a probationary period. The teacher shall receive credit on the appointing district's salary schedule for the teacher's years of continuous service under contract with the cooperative and the member district and the teacher's educational attainment at the time of appointment or shall receive a comparable salary, whichever is less. The teacher shall receive credit for accumulations of sick leave and rights to severance benefits as if the teacher had been employed by the member district during the teacher's years of employment by the cooperative.

Subd. 7. Rights of a teacher with a continuing contract in a member district upon withdrawal of the district. (a) This subdivision applies to a teacher previously employed by a member district who:

(1) had a continuing contract with the member district which withdraws from a cooperative;

(2) has been continuously employed immediately after leaving that member district by one or more cooperatives that provided instruction to pupils enrolled in that member district; and

(3) is either a probationary teacher or has a continuing contract with the cooperative from which the member district is withdrawing.

(b) A teacher may elect to resume the teacher's continuing contract with the withdrawing district by which the teacher was previously employed by filing a written notice of the election with the withdrawing school board on or before March 20. Failure by a teacher to file written notice by March 20 of the year the teacher receives a notice according to subdivision 4 constitutes a waiver of a teacher's rights under this subdivision.

The member district must make reasonable realignments of positions to accommodate the seniority rights of a teacher electing to resume continuing contract rights in the member district according to this subdivision.

Upon returning, the teacher shall receive credit for:

(1) all years of continuous service under contract with the cooperative and the member district for all purposes relating to seniority, compensation, and employment benefits; and

(2) the teacher's current educational attainment on the member district's salary schedule.

Subd. 8. Rights of a teacher placed on unrequested leave upon withdrawal. (a) This subdivision applies to a teacher who is placed on unrequested leave of absence, according to section 122A.40, subdivision 10 or 11, in the year in which the cooperative provides the notice required by subdivision 4, clause (2), by a cooperative from which a member district is withdrawing.

This subdivision applies to a district that, except as a result of open enrollment according to section 124D.03, provides essentially the same instruction provided by the cooperative to pupils enrolled in the withdrawing district.

(b) A teacher shall be appointed by a district to which this subdivision applies to an available teaching position which:

(1) is in a field of licensure in which pupils enrolled in the withdrawing district received instruction from the cooperative; and

(2) is within the teacher's field of licensure.

For the purpose of this paragraph, an available teaching position means any position that is vacant or would otherwise be occupied by a probationary or provisionally licensed teacher.

(c) A board may not appoint a new teacher to an available teaching position unless no teacher holding the requisite license on unrequested leave from the cooperative has filed a written request for appointment. The request must be filed with the board of the appointing district within

APPENDIX

Repealed Minnesota Statutes: 09-2820

30 days of receiving written notice from the appointing board that it has an available teaching position. If no teacher holding the requisite license files a request according to this paragraph, the district may fill the position as it sees fit. Available teaching positions must be offered to teachers in order of their seniority on a combined seniority list of the teachers employed by the cooperative and the withdrawing member district.

(d) A teacher appointed according to this subdivision is not required to serve a probationary period. The teacher shall receive credit on the appointing district's salary schedule for the teacher's years of continuous service under contract with the cooperative and the member district and the teacher's educational attainment at the time of appointment or shall receive a comparable salary, whichever is less. The teacher shall receive credit for accumulations of sick leave and rights to severance benefits as if the teacher had been employed by the member district during the teacher's years of employment by the cooperative.

Subd. 9. Nonlicensed employees upon dissolution. (a) A nonlicensed employee who is terminated by a cooperative that dissolves shall be appointed by a district that is a member of the dissolved cooperative to a position that is created within 36 months of the dissolution of the cooperative and is created as a result of the dissolution of the cooperative. A position must be offered to a nonlicensed employee, who fulfills the qualifications for that position, in order of the employee's seniority within the dissolved cooperative.

(b) When an education support employee is terminated by a cooperative that dissolves, a district that is a member of the dissolved cooperative must appoint the employee to an education support position if the position is created within 36 months of the dissolution of the cooperative as a result of the dissolution. An education support position must be offered to an education support employee, who fulfills the qualifications for that position, in order of the employee's seniority within the dissolved cooperative.

(c) An employee appointed according to this subdivision shall receive credit for the employee's:

(1) continuous years of service with the cooperative on the appointing district's compensation schedule and seniority list; and

(2) unused sick leave accumulated while employed by the cooperative.

(d) Notwithstanding section 179A.12 or Minnesota Rules, part 5510.0510, subparts 1 to 4, a representation petition seeking the exclusive representation of a unit of education support employees employed by a district formerly a member of a dissolved cooperative may be considered by the commissioner of the bureau of mediation services at any time within 11 months of the dissolution of the cooperative.

Subd. 10. Nonlicensed employees upon withdrawal. (a) A nonlicensed employee of a cooperative whose active employment is discontinued or reduced as a result of the withdrawal of a member district from the cooperative shall be appointed by the withdrawing member district to a position that is created within 36 months of the withdrawal and is created as a result of the withdrawal of the member district. A position must be offered to a nonlicensed employee, who fulfills the qualifications for that position, in order of the employee's seniority within the cooperative from which a member district withdraws.

(b) When an education support employee of a cooperative has active employment discontinued or reduced as a result of the withdrawal of a member district from the cooperative, the withdrawing member district must appoint the employee to an education support position if the position is created within 36 months of the withdrawal as a result of the withdrawal of the member district. An education support position must be offered to an education support employee, who meets the qualifications for that position, in order of the employee's seniority within the cooperative from which a member district withdraws.

(c) An employee appointed according to this subdivision shall receive credit for the employee's:

(1) continuous years of service with the cooperative on the appointing district's compensation schedule and seniority list; and

(2) unused sick leave accumulated while employed by the cooperative.

(d) Notwithstanding section 179A.12 or Minnesota Rules, part 5510.0510, subparts 1 to 4, a representation petition seeking the exclusive representation of a unit of education support employees employed by a member district which has withdrawn from a cooperative may be considered by the commissioner of the bureau of mediation services at any time within 11 months of the district's withdrawal from the cooperative.

Subd. 11. Cooperatives that merge. (a) Notwithstanding subdivisions 1 to 10, paragraphs (b) and (c) apply to cooperatives that merge.

(b) If a cooperative enters into an agreement to merge with another cooperative, the boards of the cooperatives and the exclusive representatives of the teachers in the cooperatives and the

APPENDIX

Repealed Minnesota Statutes: 09-2820

teachers in each member district may negotiate a plan to assign or employ in a member district or to place on unrequested leave of absence all teachers whose positions are discontinued as a result of the agreement. If plans are negotiated and if the boards determine the plans are compatible, the boards must include the plans in their agreement.

(c) If compatible plans are not negotiated under paragraph (b) by the March 1 preceding the effective date of the merger of the cooperatives, subdivisions 2 to 10 apply to teachers and nonlicensed employees whose positions are terminated as a result of an agreement to merge cooperatives.

123B.02 GENERAL POWERS OF INDEPENDENT SCHOOL DISTRICTS.

Subd. 15. **Annuity contract; payroll allocation.** (a) At the request of an employee and as part of the employee's compensation arrangement, the board may purchase an individual annuity contract for an employee for retirement or other purposes and may make payroll allocations in accordance with such arrangement for the purpose of paying the entire premium due and to become due under such contract. The allocation must be made in a manner which will qualify the annuity premiums, or a portion thereof, for the benefit afforded under section 403(b) of the current Federal Internal Revenue Code or any equivalent provision of subsequent federal income tax law. The employee shall own such contract and the employee's rights under the contract shall be nonforfeitable except for failure to pay premiums. Section 122A.40 shall not be applicable hereto and the board shall have no liability thereunder because of its purchase of any individual annuity contracts. This statute shall be applied in a nondiscriminatory manner to employees of the school district. The identity and number of the available vendors under federal Internal Revenue Code section 403(b) is a term and condition of employment under section 179A.03.

(b) When considering vendors under paragraph (a), the school district and the exclusive representative of the employees shall consider all of the following:

(1) the vendor's ability to comply with all employer requirements imposed by section 403(b) of the Internal Revenue Code of 1986 and its subsequent amendments, other provisions of the Internal Revenue Code of 1986 that apply to section 403(b) of the Internal Revenue Code, and any regulation adopted in relation to these laws;

(2) the vendor's experience in providing 403(b) plans;

(3) the vendor's potential effectiveness in providing client services attendant to its plan and in relation to cost;

(4) the nature and extent of rights and benefits offered under the vendor's plan;

(5) the suitability of the rights and benefits offered under the vendor's plan;

(6) the vendor's ability to provide the rights and benefits offered under its plan; and

(7) the vendor's financial stability.

123B.05 CONTRACT DEADLINE AND PENALTY.

Subdivision 1. **Definitions.** The following definitions apply to this section.

(1) "Public employer" means:

(i) a district; and

(ii) a public employer, as defined by section 179A.03, subdivision 15, other than a district that (i) negotiates a contract under chapter 179A with teachers, and (ii) is established by, receives state money, or levies under chapters 120A to 129C, or 136D, or 268A.

(2) "Teacher" means a person, other than a superintendent or assistant superintendent, principal, assistant principal, or a supervisor or confidential employee who occupies a position for which the person must be licensed by the Board of Teaching, commissioner of education, the former Board of Technical Colleges, or the Board of Trustees of the Minnesota State Colleges and Universities.

Subd. 2. **Contract deadline date; state aid penalty.** Notwithstanding any law to the contrary, a public employer and the exclusive representative of the teachers must both sign a collective bargaining agreement on or before January 15 of an even-numbered calendar year. If a collective bargaining agreement is not signed by that date, state aid paid to the public employer for that fiscal year must be reduced. However, state aid must not be reduced if:

(1) a public employer and the exclusive representative of the teachers have submitted all unresolved contract items to interest arbitration according to section 179A.16 before December 31 of an odd-numbered year and filed required final positions on all unresolved items with the commissioner of mediation services before January 15 of an even-numbered year; and

(2) the arbitration panel has issued its decision within 60 days after the date the final positions were filed.

APPENDIX

Repealed Minnesota Statutes: 09-2820

Subd. 3. **State aid penalty exemptions.** (a) For a district that reorganizes according to section 123A.46, 123A.48, or sections 123A.35 to 123A.43 effective July 1 of an odd-numbered year, state aid must not be reduced according to this section if the board and the exclusive representative of the teachers both sign a collective bargaining agreement on or before the March 15 following the effective date of reorganization.

(b) For a district that jointly negotiates a contract before the effective date of reorganization under section 123A.46, 123A.48, or sections 123A.35 to 123A.43 that, for the first time, includes teachers in all districts to be reorganized, state aid must not be reduced according to this section if the board and the exclusive representative of the teachers sign a collective bargaining agreement on or before the March 15 following the expiration of the teacher contracts in each district involved in the joint negotiation.

(c) Only one extension of the contract deadline is available to a district under this subdivision.

Subd. 4. **Calculation of state aid reduction.** (a) The reduction must equal \$25 times the number of adjusted pupil units:

(1) for a district, that are in the district during that fiscal year; or

(2) for a public employer other than a district, that are in programs provided by the employer during the preceding fiscal year.

(b) The department must determine the number of full-time equivalent resident pupil units in the programs. The department must reduce general education aid; if general education aid is insufficient or not paid, the department must reduce other state aids.

Subd. 5. **State aid reductions returned to general fund.** Reductions from aid to districts and public employers other than districts must be returned to the general fund.

123B.71 REVIEW AND COMMENT FOR SCHOOL DISTRICT CONSTRUCTION.

Subd. 8. **Review and comment.** A school district, a special education cooperative, or a cooperative unit of government, as defined in section 123A.24, subdivision 2, must not initiate an installment contract for purchase or a lease agreement, hold a referendum for bonds, nor solicit bids for new construction, expansion, or remodeling of an educational facility that requires an expenditure in excess of \$500,000 per school site prior to review and comment by the commissioner. The commissioner may exempt a facility maintenance project funded with general education aid and levy, alternative facilities bonding and levy program, or health and safety revenue from this provision after reviewing a written request from a school district describing the scope of work. A school board shall not separate portions of a single project into components to avoid the requirements of this subdivision.

Subd. 11. **Review of proposals.** In reviewing each proposal, the commissioner shall submit to the school board, within 60 days of receiving the proposal, the review and comment about the educational and economic advisability of the project. The review and comment shall be based on information submitted with the proposal and other information the commissioner determines is necessary. If the commissioner submits a negative review and comment for a portion of a proposal, the review and comment shall clearly specify which portion of the proposal received a negative review and comment and which portion of the proposal received a positive review and comment.

Subd. 12. **Publication.** (a) At least 20 days but not more than 60 days before a referendum for bonds or solicitation of bids for a project that has received a positive or unfavorable review and comment under section 123B.70, the school board shall publish the commissioner's review and comment of that project in the legal newspaper of the district. Supplementary information shall be available to the public.

(b) The publication requirement in paragraph (a) does not apply to alternative facilities projects approved under section 123B.59. Publication for alternative facilities projects shall be as specified in section 123B.59, subdivisions 3 and 3a.

123B.76 EXPENDITURES; REPORTING.

Subd. 3. **Expenditures by building.** (a) For the purposes of this section, "building" means education site as defined in section 123B.04, subdivision 1.

(b) Each district shall maintain separate accounts to identify general fund expenditures for each building. All expenditures for regular instruction, secondary vocational instruction, and school administration must be reported to the department separately for each building. All expenditures for special education instruction, instructional support services, and pupil support services provided within a specific building must be reported to the department separately for

APPENDIX

Repealed Minnesota Statutes: 09-2820

each building. Salary expenditures reported by building must reflect actual salaries for staff at the building and must not be based on districtwide averages. All other general fund expenditures may be reported by building or on a districtwide basis.

(c) The department must annually report information showing school district general fund expenditures per pupil by program category for each building and estimated school district general fund revenue generated by pupils attending each building on its Web site. For purposes of this report:

- (1) expenditures not reported by building shall be allocated among buildings on a uniform per pupil basis;
- (2) basic skills revenue shall be allocated according to section 126C.10, subdivision 4;
- (3) secondary sparsity revenue and elementary sparsity revenue shall be allocated according to section 126C.10, subdivisions 7 and 8;
- (4) alternative teacher compensation revenue shall be allocated according to section 122A.415, subdivision 1;
- (5) other general education revenue shall be allocated on a uniform per pupil unit basis;
- (6) first grade preparedness aid shall be allocated according to section 124D.081;
- (7) state and federal special education aid and Title I aid shall be allocated in proportion to district expenditures for these programs by building; and
- (8) other general fund revenues shall be allocated on a uniform per pupil basis, except that the department may allocate other revenues attributable to specific buildings directly to those buildings.

123B.92 TRANSPORTATION AID ENTITLEMENT.

Subd. 5. **District reports.** (a) Each district must report data to the department as required by the department to account for transportation expenditures.

(b) Salaries and fringe benefits of district employees whose primary duties are other than transportation, including central office administrators and staff, building administrators and staff, teachers, social workers, school nurses, and instructional aides, must not be included in a district's transportation expenditures, except that a district may include salaries and benefits according to paragraph (c) for (1) an employee designated as the district transportation director, (2) an employee providing direct support to the transportation director, or (3) an employee providing direct transportation services such as a bus driver or bus aide.

(c) Salaries and fringe benefits of the district employees listed in paragraph (b), clauses (1), (2), and (3), who work part time in transportation and part time in other areas must not be included in a district's transportation expenditures unless the district maintains documentation of the employee's time spent on pupil transportation matters in the form and manner prescribed by the department.

(d) Pupil transportation expenditures, excluding expenditures for capital outlay, leased buses, student board and lodging, crossing guards, and aides on buses, must be allocated among transportation categories based on cost-per-mile, cost-per-student, cost-per-hour, or cost-per-route, regardless of whether the transportation services are provided on district-owned or contractor-owned school buses. Expenditures for school bus driver salaries and fringe benefits may either be directly charged to the appropriate transportation category or may be allocated among transportation categories based on cost-per-mile, cost-per-student, cost-per-hour, or cost-per-route. Expenditures by private contractors or individuals who provide transportation exclusively in one transportation category must be charged directly to the appropriate transportation category. Transportation services provided by contractor-owned school bus companies incorporated under different names but owned by the same individual or group of individuals must be treated as the same company for cost allocation purposes.

179A.07 RIGHTS AND OBLIGATIONS OF EMPLOYERS.

Subd. 6. **Time off.** A public employer must afford reasonable time off to elected officers or appointed representatives of the exclusive representative to conduct the duties of the exclusive representative and must, upon request, provide for leaves of absence to elected or appointed officials of the exclusive representative or to a full-time appointed official of an exclusive representative of teachers in another Minnesota school district.

256.962 MINNESOTA HEALTH CARE PROGRAMS OUTREACH.

APPENDIX

Repealed Minnesota Statutes: 09-2820

Subd. 6. **School districts.** (a) At the beginning of each school year, a school district shall provide information to each student on the availability of health care coverage through the Minnesota health care programs.

(b) For each child who is determined to be eligible for the free and reduced-price school lunch program, the district shall provide the child's family with information on how to obtain an application for the Minnesota health care programs and application assistance.

(c) A district shall also ensure that applications and information on application assistance are available at early childhood education sites and public schools located within the district's jurisdiction.

(d) Each district shall designate an enrollment specialist to provide application assistance and follow-up services with families who have indicated an interest in receiving information or an application for the Minnesota health care program. A district is eligible for the application assistance bonus described in subdivision 5.

(e) Each school district shall provide on their Web site a link to information on how to obtain an application and application assistance.