

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 939

(SENATE AUTHORS: NELSON, Chamberlain and Wiger)

DATE
02/11/2021

D-PG

Introduction and first reading
Referred to Education Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to education; modifying the postsecondary enrollment options program;
1.3 appropriating money; amending Minnesota Statutes 2020, section 124D.09,
1.4 subdivisions 5a, 7, 9, 11, 12, 22.

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

1.6 Section 1. Minnesota Statutes 2020, section 124D.09, subdivision 5a, is amended to read:

1.7 Subd. 5a. **Authorization; career or technical education.** A 10th, 11th, or 12th grade
1.8 pupil enrolled in a district or an American Indian-controlled tribal contract or grant school
1.9 eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district
1.10 under a cultural exchange program, may enroll in a career or technical education course
1.11 offered by a Minnesota state college or university. A 10th grade pupil applying for enrollment
1.12 in a career or technical education course under this subdivision must have received a passing
1.13 score on the 8th grade Minnesota Comprehensive Assessment in reading as a condition of
1.14 enrollment. A current 10th grade pupil who did not take the 8th grade Minnesota
1.15 Comprehensive Assessment in reading may substitute another reading assessment accepted
1.16 by the enrolling postsecondary institution. A secondary pupil may enroll in the pupil's first
1.17 postsecondary options enrollment course under this subdivision. A student who is refused
1.18 enrollment by a Minnesota state college or university under this subdivision may apply to
1.19 an eligible institution offering a career or technical education course. A 10th grade student
1.20 that qualifies to enroll in a career or technical education course under this subdivision may
1.21 enroll in more than one career or technical education course in their first semester of their
1.22 10th grade school year. The postsecondary institution must give priority to its students
1.23 according to subdivision 9. If a secondary student receives a grade of "C" or better in the
1.24 career or technical education course taken under this subdivision, the postsecondary

2.1 institution must allow the student to take additional postsecondary courses for secondary
2.2 credit at that institution, not to exceed the limits in subdivision 8. A "career or technical
2.3 course" is a course that is part of a career and technical education program that provides
2.4 individuals with coherent, rigorous content aligned with academic standards and relevant
2.5 technical knowledge and skills needed to prepare for further education and careers in current
2.6 and emerging professions and provide technical skill proficiency, an industry recognized
2.7 credential, and a certificate, a diploma, or an associate degree.

2.8 Sec. 2. Minnesota Statutes 2020, section 124D.09, subdivision 7, is amended to read:

2.9 Subd. 7. **Dissemination of information; notification of intent to enroll.** By the earlier
2.10 of (1) three weeks prior to the date by which a student must register for district courses for
2.11 the following school year, or (2) March 1 of each year, a district must provide up-to-date
2.12 information on the district's website and in materials that are distributed to parents and
2.13 students about the program, including information about enrollment requirements and the
2.14 ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11. To assist the
2.15 district in planning, a pupil must inform the district by May 30 of each year of the pupil's
2.16 intent to enroll in postsecondary courses during the following school year. A pupil is bound
2.17 by notifying or not notifying the district by May 30. The May 30 deadline does not apply
2.18 if the district does not meet the requirements for dissemination of information under this
2.19 subdivision.

2.20 Sec. 3. Minnesota Statutes 2020, section 124D.09, subdivision 9, is amended to read:

2.21 Subd. 9. **Enrollment priority.** (a) A postsecondary institution must give priority to its
2.22 postsecondary students when enrolling pupils in grades 10, 11, and 12 in its courses. A
2.23 postsecondary institution may provide information about its programs to a secondary school
2.24 or to a pupil or, parent and it may advertise or otherwise recruit or solicit a secondary pupil
2.25 to enroll in its programs, or guardian on educational and, programmatic, and financial
2.26 grounds only except, notwithstanding other law to the contrary, and for the 2014-2015
2.27 through 2019-2020 school years only, An eligible postsecondary institution may advertise
2.28 or otherwise recruit or solicit a secondary pupil residing in a school district with 700 students
2.29 or more in grades 10, 11, and 12, to enroll in its programs on educational, programmatic,
2.30 or financial grounds.

2.31 (b) An institution must not enroll secondary pupils, for postsecondary enrollment options
2.32 purposes, in remedial, developmental, or other courses that are not college level except
2.33 when a student eligible to participate and enrolled in the graduation incentives program

3.1 under section 124D.68 enrolls full time in a middle or early college program. A middle or
3.2 early college program must be specifically designed to allow the student to earn dual high
3.3 school and college credit with a well-defined pathway to allow the student to earn a
3.4 postsecondary degree or credential. In this case, the student must receive developmental
3.5 college credit and not college credit for completing remedial or developmental courses.

3.6 (c) Once a pupil has been enrolled in any postsecondary course under this section, the
3.7 pupil must not be displaced by another student.

3.8 (d) If a postsecondary institution enrolls a secondary school pupil in a course under this
3.9 section, the postsecondary institution also must enroll in the same course an otherwise
3.10 enrolled and qualified postsecondary student who qualifies as a veteran under section
3.11 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's
3.12 established enrollment timelines were not practicable for that student.

3.13 (e) A postsecondary institution must allow secondary pupils to enroll in online courses
3.14 under this section consistent with the institution's policy regarding postsecondary pupil
3.15 enrollment in online courses.

3.16 Sec. 4. Minnesota Statutes 2020, section 124D.09, subdivision 11, is amended to read:

3.17 Subd. 11. **Participation in high school activities.** Enrolling in a course under this section
3.18 shall not, by itself, prohibit a pupil from participating in activities sponsored by the pupil's
3.19 high school, leadership roles, or participating in national organizations sponsored by the
3.20 pupil's high school.

3.21 Sec. 5. Minnesota Statutes 2020, section 124D.09, subdivision 12, is amended to read:

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

3.24 (b) A district shall grant academic credit to a pupil enrolled in a course for secondary
3.25 credit if the pupil successfully completes the course. Seven quarter or four semester college
3.26 credits equal at least one full year of high school credit. Fewer college credits may be
3.27 prorated. A district must also grant academic credit to a pupil enrolled in a course for
3.28 postsecondary credit if secondary credit is requested by a pupil. If no comparable course is
3.29 offered by the district, the district must, as soon as possible, notify the commissioner, who
3.30 shall determine the number of credits that shall be granted to a pupil who successfully
3.31 completes a course. If a comparable course is offered by the district, the school board shall
3.32 grant a comparable number of credits to the pupil. If there is a dispute between the district

4.1 and the pupil regarding the number of credits granted for a particular course, the pupil may
4.2 appeal the board's decision to the commissioner. The commissioner's decision regarding
4.3 the number of credits shall be final.

4.4 (c) A school board must adopt a policy regarding weighted grade point averages for any
4.5 high school or dual enrollment course. The board must adopt an identical policy regarding
4.6 weighted grade point averages for credits earned through postsecondary enrollment options
4.7 coursework as it gives to credits earned through concurrent enrollment coursework. The
4.8 policy must state whether the district offers weighted grades. A school board must annually
4.9 publish on its website a list of courses for which a student may earn a weighted grade.

4.10 (d) The secondary credits granted to a pupil must be counted toward the graduation
4.11 requirements and subject area requirements of the district. Evidence of successful completion
4.12 of each course and secondary credits granted must be included in the pupil's secondary
4.13 school record. A pupil shall provide the school with a copy of the pupil's grade in each
4.14 course taken for secondary credit under this section. Upon the request of a pupil, the pupil's
4.15 secondary school record must also include evidence of successful completion and credits
4.16 granted for a course taken for postsecondary credit. In either case, the record must indicate
4.17 that the credits were earned at a postsecondary institution.

4.18 (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the
4.19 postsecondary institution must award postsecondary credit for any course successfully
4.20 completed for secondary credit at that institution. Other postsecondary institutions may
4.21 award, after a pupil leaves secondary school, postsecondary credit for any courses
4.22 successfully completed under this section. An institution may not charge a pupil for the
4.23 award of credit.

4.24 (f) The Board of Trustees of the Minnesota State Colleges and Universities and the
4.25 Board of Regents of the University of Minnesota must, and private nonprofit and proprietary
4.26 postsecondary institutions should, award postsecondary credit for any successfully completed
4.27 courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships
4.28 offered according to an agreement under subdivision 10. Consistent with section 135A.101,
4.29 subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who
4.30 completes for postsecondary credit a postsecondary course or program that is part or all of
4.31 a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a
4.32 MnSCU institution after leaving secondary school. Once one MnSCU institution certifies
4.33 as completed a secondary student's postsecondary course or program that is part or all of a
4.34 goal area or a transfer curriculum, every MnSCU institution must consider the student's
4.35 course or program for that goal area or the transfer curriculum as completed.

5.1 Sec. 6. Minnesota Statutes 2020, section 124D.09, subdivision 22, is amended to read:

5.2 Subd. 22. **Transportation.** (a) A parent or guardian of a pupil enrolled in a course for
5.3 secondary credit may apply to the pupil's district of residence for reimbursement for
5.4 transporting the pupil between the secondary school in which the pupil is enrolled or the
5.5 pupil's home and the postsecondary institution that the pupil attends. The state shall provide
5.6 state aid to a district in an amount sufficient to reimburse the parent or guardian, or district,
5.7 for the necessary transportation costs when the family's or guardian's income is at or below
5.8 the poverty level, as determined by the federal government. The reimbursement shall be
5.9 the pupil's or district's actual cost of transportation or 15 cents per mile traveled, whichever
5.10 is less. Reimbursement may not be paid for more than 250 miles per week. However, if the
5.11 nearest postsecondary institution is more than 25 miles from the pupil's resident secondary
5.12 school, the weekly reimbursement may not exceed the reimbursement rate per mile times
5.13 the actual distance between the secondary school or the pupil's home and the nearest
5.14 postsecondary institution times ten. The state must pay aid to the district according to this
5.15 subdivision. A district that is reimbursed for transporting an eligible pupil under this
5.16 subdivision must not charge any pupil for transportation to or from a postsecondary
5.17 institution.

5.18 (b) A parent or guardian of an alternative pupil enrolled in a course for secondary credit
5.19 may apply to the pupil's postsecondary institution for reimbursement for transporting the
5.20 pupil between the secondary school in which the pupil is enrolled or the pupil's home and
5.21 the postsecondary institution in an amount sufficient to reimburse the parent or guardian
5.22 for the necessary transportation costs when the family's or guardian's income is at or below
5.23 the poverty level, as determined by the federal government. The amount of the reimbursement
5.24 shall be determined as in paragraph (a). The state must pay aid to the postsecondary institution
5.25 according to this subdivision.

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

5.27 Sec. 7. **APPROPRIATIONS.**

5.28 Subdivision 1. Department of Education. The sums indicated in this section are
5.29 appropriated from the general fund to the Department of Education for the fiscal years
5.30 designated.

5.31 Subd. 2. Enrollment options transportation. For transportation of pupils attending
5.32 postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation
5.33 of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

6.1 \$ 2022

6.2 \$ 2023