

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 1495**

**(SENATE AUTHORS: WIGER)**

DATE	D-PG	OFFICIAL STATUS
03/09/2015	605	Introduction and first reading Referred to Education
03/23/2015	1096a 1188 1218	Comm report: To pass as amended Rule 12.10: report of votes in committee Second reading

A bill for an act

1.1 relating to education; providing for policy for early childhood and kindergarten  
1.2 through grade 12 education, including general education, education excellence,  
1.3 special education, facilities and technology, early childhood education, libraries,  
1.4 and state agencies; amending Minnesota Statutes 2014, sections 13.32,  
1.5 subdivision 5; 120A.41; 120B.021, subdivision 4; 120B.022, subdivisions 1a,  
1.6 1b; 120B.024, subdivision 2; 120B.11, subdivision 2; 120B.12, subdivisions  
1.7 2, 4a; 120B.125; 120B.30, subdivisions 1, 1a, 3, 4, by adding subdivisions;  
1.8 120B.31, subdivision 2; 121A.46, by adding subdivisions; 121A.53, subdivision  
1.9 1; 121A.575; 121A.61, subdivision 3; 121A.67, by adding a subdivision;  
1.10 122A.09, subdivision 4; 122A.14, subdivision 3; 122A.18, subdivision 2, by  
1.11 adding a subdivision; 122A.20, subdivision 1; 122A.21, subdivision 2; 122A.23;  
1.12 122A.245, subdivisions 1, 7; 122A.30; 122A.31, subdivisions 1, 2; 122A.40,  
1.13 subdivision 8; 122A.41, subdivision 5; 122A.414, subdivision 3; 122A.60,  
1.14 subdivision 4; 122A.69; 123A.24, subdivision 1; 123B.77, subdivision 3;  
1.15 123B.88, subdivision 1; 124D.09, subdivisions 5, 5a, 9; 124D.10, subdivisions 1,  
1.16 3, 4, 8, 9, 10, 12, 14, by adding a subdivision; 124D.11, subdivision 9; 124D.121;  
1.17 124D.122; 124D.126, subdivision 1; 124D.127; 124D.128, subdivision 1;  
1.18 124D.165, subdivisions 2, 3, 4, by adding subdivisions; 124D.72; 124D.73,  
1.19 subdivisions 3, 4, by adding a subdivision; 124D.74, subdivisions 1, 3, 6;  
1.20 124D.75, subdivisions 1, 2, 3, 9; 124D.76; 124D.78; 124D.79, subdivisions 1,  
1.21 2; 124D.791, subdivision 4; 124D.98; 125A.01; 125A.023, subdivisions 3, 4;  
1.22 125A.027; 125A.08; 125A.085; 125A.21; 125A.28; 125A.63, subdivisions 2, 3,  
1.23 4, 5; 125A.75, subdivision 9; 125A.76, subdivisions 1, 2c; 125B.26, subdivision  
1.24 2; 126C.10, subdivision 13a; 126C.13, subdivisions 3a, 4; 126C.15, subdivision  
1.25 1; 126C.17, subdivisions 1, 2; 126C.48, subdivision 8; 127A.05, subdivision  
1.26 6, by adding a subdivision; 127A.49, subdivision 1; 127A.70, subdivision 1;  
1.27 Laws 2014, chapter 312, article 16, section 15; proposing coding for new  
1.28 law in Minnesota Statutes, chapter 125A; repealing Minnesota Statutes 2014,  
1.29 sections 120B.128; 120B.35, subdivision 5; 125A.63, subdivision 1; 126C.12,  
1.30 subdivision 6; 126C.41, subdivision 1; Minnesota Rules, part 3500.1000.

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

2.1 **ARTICLE 1**

2.2 **GENERAL EDUCATION**

2.3 Section 1. Minnesota Statutes 2014, section 126C.10, subdivision 13a, is amended to  
2.4 read:

2.5 Subd. 13a. **Operating capital levy.** To obtain operating capital revenue for fiscal  
2.6 year 2015 and later, a district may levy an amount not more than the product of its  
2.7 operating capital revenue for the fiscal year times the lesser of one or the ratio of its  
2.8 adjusted net tax capacity per adjusted ~~marginal-cost~~ pupil unit to the operating capital  
2.9 equalizing factor. The operating capital equalizing factor equals \$14,500.

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment for  
2.11 fiscal year 2015 and later.

2.12 Sec. 2. Minnesota Statutes 2014, section 126C.13, subdivision 3a, is amended to read:

2.13 Subd. 3a. **Student achievement rate.** The commissioner must establish the student  
2.14 achievement rate by ~~July 1~~ September 30 of each year for levies payable in the following  
2.15 year. The student achievement rate must be a rate, rounded up to the nearest hundredth of  
2.16 a percent, that, when applied to the adjusted net tax capacity for all districts, raises the  
2.17 amount specified in this subdivision. The student achievement rate must be the rate that  
2.18 raises \$20,000,000 for fiscal year 2015 and later years. The student achievement rate may  
2.19 not be changed due to changes or corrections made to a district's adjusted net tax capacity  
2.20 after the rate has been established.

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

2.22 Sec. 3. Minnesota Statutes 2014, section 126C.13, subdivision 4, is amended to read:

2.23 Subd. 4. **General education aid.** ~~(a) For fiscal years 2013 and 2014 only, a district's~~  
2.24 ~~general education aid is the sum of the following amounts:~~

2.25 ~~(1) general education revenue, excluding equity revenue, total operating capital~~  
2.26 ~~revenue, alternative teacher compensation revenue, and transition revenue;~~

2.27 ~~(2) operating capital aid under section 126C.10, subdivision 13b;~~

2.28 ~~(3) equity aid under section 126C.10, subdivision 30;~~

2.29 ~~(4) alternative teacher compensation aid under section 126C.10, subdivision 36;~~

2.30 ~~(5) transition aid under section 126C.10, subdivision 33;~~

2.31 ~~(6) shared time aid under section 126C.01, subdivision 7;~~

2.32 ~~(7) referendum aid under section 126C.17, subdivisions 7 and 7a; and~~

3.1 ~~(8) online learning aid according to section 124D.096.~~

3.2 ~~(b)~~ For fiscal year 2015 and later, a district's general education aid equals:

3.3 (1) general education revenue, excluding operating capital revenue, equity revenue,  
3.4 local optional revenue, and transition revenue, minus the student achievement levy,  
3.5 multiplied times the ratio of the actual amount of student achievement levy levied to the  
3.6 permitted student achievement levy; plus

3.7 (2) operating capital aid under section 126C.10, subdivision 13b;

3.8 ~~(2)~~ (3) equity aid under section 126C.10, subdivision 30; plus

3.9 ~~(3)~~ (4) transition aid under section 126C.10, subdivision 33; plus

3.10 ~~(4)~~ (5) shared time aid under section 126C.10, subdivision 7; plus

3.11 ~~(5)~~ (6) referendum aid under section 126C.17, subdivisions 7 and 7a; plus

3.12 ~~(6)~~ (7) online learning aid under section 124D.096; plus

3.13 ~~(7)~~ (8) local optional aid according to section 126C.10, subdivision 2d, paragraph (d).

3.14 **EFFECTIVE DATE.** This section is effective for fiscal year 2015 and later.

3.15 Sec. 4. Minnesota Statutes 2014, section 126C.17, subdivision 1, is amended to read:

3.16 Subdivision 1. **Referendum allowance.** (a) A district's initial referendum allowance  
3.17 equals the result of the following calculations:

3.18 (1) multiply the referendum allowance the district would have received for fiscal  
3.19 year 2015 under Minnesota Statutes 2012, section 126C.17, subdivision 1, based on  
3.20 elections held before July 1, 2013, by the resident marginal cost pupil units the district  
3.21 would have counted for fiscal year 2015 under Minnesota Statutes 2012, section 126C.05;

3.22 (2) add to the result of clause (1) the adjustment the district would have received  
3.23 under Minnesota Statutes 2012, section 127A.47, subdivision 7, paragraphs (a), (b), and  
3.24 (c), based on elections held before July 1, 2013;

3.25 (3) divide the result of clause (2) by the district's adjusted pupil units for fiscal  
3.26 year 2015;

3.27 (4) add to the result of clause (3) any additional referendum allowance per adjusted  
3.28 pupil unit authorized by elections held between July 1, 2013, and December 31, 2013;

3.29 (5) add to the result in clause (4) any additional referendum allowance resulting from  
3.30 inflation adjustments approved by the voters prior to January 1, 2014;

3.31 (6) subtract from the result of clause (5), the sum of a district's actual local optional  
3.32 levy and local optional aid under section 126C.10, subdivision 2e, divided by the adjusted  
3.33 pupil units of the district for that school year; and

3.34 (7) if the result of clause (6) is less than zero, set the allowance to zero.

4.1 (b) A district's referendum allowance equals the sum of the district's initial  
 4.2 referendum allowance, plus any new referendum allowance authorized between July 1,  
 4.3 2013, and December 31, 2013, under subdivision 9a, plus any additional referendum  
 4.4 allowance per adjusted pupil unit authorized after December 31, 2013, minus any  
 4.5 allowances expiring in fiscal year 2016 or later, provided that the allowance may not be  
 4.6 less than zero. For a district with more than one referendum allowance for fiscal year  
 4.7 2015 under Minnesota Statutes 2012, section 126C.17, the allowance calculated under  
 4.8 paragraph (a), clause (3), must be divided into components such that the same percentage  
 4.9 of the district's allowance expires at the same time as the old allowances would have  
 4.10 expired under Minnesota Statutes 2012, section 126C.17. For a district with more than one  
 4.11 allowance for fiscal year 2015 that expires in the same year, the reduction under paragraph  
 4.12 (a), clause (6), to offset local optional revenue shall be made first from any allowances that  
 4.13 do not have an inflation adjustment approved by the voters.

4.14 **EFFECTIVE DATE.** This section is effective the day following final enactment for  
 4.15 fiscal year 2015 and later.

4.16 Sec. 5. Minnesota Statutes 2014, section 126C.17, subdivision 2, is amended to read:

4.17 Subd. 2. **Referendum allowance limit.** (a) Notwithstanding subdivision 1, for  
 4.18 fiscal year 2015 and later, a district's referendum allowance must not exceed the annual  
 4.19 inflationary increase as calculated under paragraph (b) times the greatest of:

4.20 (1) \$1,845;

4.21 (2) the sum of the referendum revenue the district would have received for fiscal  
 4.22 year 2015 under Minnesota Statutes 2012, section 126C.17, subdivision 4, based on  
 4.23 elections held before July 1, 2013, and the adjustment the district would have received  
 4.24 under Minnesota Statutes 2012, section 127A.47, subdivision 7, paragraphs (a), (b), and  
 4.25 (c), based on elections held before July 1, 2013, divided by the district's adjusted pupil  
 4.26 units for fiscal year 2015;

4.27 (3) the product of the referendum allowance limit the district would have received  
 4.28 for fiscal year 2015 under Minnesota Statutes 2012, section 126C.17, subdivision 2, and  
 4.29 the resident marginal cost pupil units the district would have received for fiscal year 2015  
 4.30 under Minnesota Statutes 2012, section 126C.05, subdivision 6, plus the adjustment the  
 4.31 district would have received under Minnesota Statutes 2012, section 127A.47, subdivision  
 4.32 7, paragraphs (a), (b), and (c), based on elections held before July 1, 2013, divided by  
 4.33 the district's adjusted pupil units for fiscal year 2015; ~~minus \$424 for a district receiving~~  
 4.34 ~~local optional revenue under section 126C.10, subdivision 2d, paragraph (a), minus~~

5.1 ~~§212 for a district receiving local optional revenue under section 126C.10, subdivision~~  
 5.2 ~~2d, paragraph (b); or~~

5.3 (4) for a newly reorganized district created after July 1, 2013, the referendum  
 5.4 revenue authority for each reorganizing district in the year preceding reorganization  
 5.5 divided by its adjusted pupil units for the year preceding reorganization.

5.6 (b) For purposes of this subdivision, for fiscal year 2016 and later, "inflationary  
 5.7 increase" means one plus the percentage change in the Consumer Price Index for urban  
 5.8 consumers, as prepared by the United States Bureau of Labor Standards, for the current  
 5.9 fiscal year to fiscal year 2015. For fiscal year 2016 and later, for purposes of paragraph (a),  
 5.10 clause (3), the inflationary increase equals one-fourth of the percentage increase in the  
 5.11 formula allowance for that year compared with the formula allowance for fiscal year 2015.

5.12 **EFFECTIVE DATE.** This section is effective the day following final enactment for  
 5.13 fiscal year 2015 and later.

5.14 Sec. 6. Minnesota Statutes 2014, section 126C.48, subdivision 8, is amended to read:

5.15 Subd. 8. **Taconite payment and other reductions.** (1) Reductions in levies  
 5.16 pursuant to subdivision 1 must be made prior to the reductions in clause (2).

5.17 (2) Notwithstanding any other law to the contrary, districts that have revenue  
 5.18 pursuant to sections 298.018; 298.225; 298.24 to 298.28, except an amount distributed  
 5.19 under sections 298.26; 298.28, subdivision 4, paragraphs (c), clause (ii), and (d); 298.34 to  
 5.20 298.39; 298.391 to 298.396; 298.405; 477A.15; and any law imposing a tax upon severed  
 5.21 mineral values must reduce the levies authorized by this chapter and chapters 120B, 122A,  
 5.22 123A, 123B, 124A, 124D, 125A, and 127A, excluding the student achievement levy  
 5.23 under section 126C.13, subdivision 3b, by 95 percent of the sum of the previous year's  
 5.24 revenue specified under this clause and the amount attributable to the same production  
 5.25 year distributed to the cities and townships within the school district under section 298.28,  
 5.26 subdivision 2, paragraph (c).

5.27 (3) The amount of any voter approved referendum, facilities down payment, and  
 5.28 debt levies shall not be reduced by more than 50 percent under this subdivision, except  
 5.29 that payments under section 298.28, subdivision 7a, may reduce the debt service levy by  
 5.30 more than 50 percent. In administering this paragraph, the commissioner shall first reduce  
 5.31 the nonvoter approved levies of a district; then, if any payments, severed mineral value  
 5.32 tax revenue or recognized revenue under paragraph (2) remains, the commissioner shall  
 5.33 reduce any voter approved referendum levies authorized under section 126C.17; then, if  
 5.34 any payments, severed mineral value tax revenue or recognized revenue under paragraph  
 5.35 (2) remains, the commissioner shall reduce any voter approved facilities down payment

6.1 levies authorized under section 123B.63 and then, if any payments, severed mineral value  
 6.2 tax revenue or recognized revenue under paragraph (2) remains, the commissioner shall  
 6.3 reduce any voter approved debt levies.

6.4 (4) Before computing the reduction pursuant to this subdivision of the health and  
 6.5 safety levy authorized by sections 123B.57 and 126C.40, subdivision 5, the commissioner  
 6.6 shall ascertain from each affected school district the amount it proposes to levy under  
 6.7 each section or subdivision. The reduction shall be computed on the basis of the amount  
 6.8 so ascertained.

6.9 (5) To the extent the levy reduction calculated under paragraph (2) exceeds the  
 6.10 limitation in paragraph (3), an amount equal to the excess must be distributed from the  
 6.11 school district's distribution under sections 298.225, 298.28, and 477A.15 in the following  
 6.12 year to the cities and townships within the school district in the proportion that their  
 6.13 taxable net tax capacity within the school district bears to the taxable net tax capacity of  
 6.14 the school district for property taxes payable in the year prior to distribution. No city or  
 6.15 township shall receive a distribution greater than its levy for taxes payable in the year prior  
 6.16 to distribution. The commissioner of revenue shall certify the distributions of cities and  
 6.17 towns under this paragraph to the county auditor by September 30 of the year preceding  
 6.18 distribution. The county auditor shall reduce the proposed and final levies of cities and  
 6.19 towns receiving distributions by the amount of their distribution. Distributions to the cities  
 6.20 and towns shall be made at the times provided under section 298.27.

6.21 **Sec. 7. REPEALER.**

6.22 Minnesota Statutes 2014, section 126C.41, subdivision 1, is repealed.

6.23 **ARTICLE 2**

6.24 **EDUCATION EXCELLENCE**

6.25 Section 1. Minnesota Statutes 2014, section 13.32, subdivision 5, is amended to read:

6.26 Subd. 5. **Directory information.** Information designated as directory information  
 6.27 pursuant to the provisions of United States Code, title 20, section 1232g and Code of  
 6.28 Federal Regulations, title 34, section 99.37 which are in effect on January 1, ~~2007~~ 3,  
 6.29 2012, is public data on individuals, to the extent required under federal law. When  
 6.30 conducting the directory information designation and notice process required by federal  
 6.31 law, an educational agency or institution shall give parents and students notice of the  
 6.32 right to refuse to let the agency or institution designate any or all data about the student  
 6.33 as directory information. This notice may be given by any means reasonably likely to  
 6.34 inform the parents and students of the right.

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

7.2 Sec. 2. Minnesota Statutes 2014, section 120A.41, is amended to read:

7.3 **120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

7.4 A school board's annual school calendar must include at least 425 hours of  
 7.5 instruction for a kindergarten student without a disability, 935 hours of instruction for a  
 7.6 student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7  
 7.7 through 12, not including summer school. The school calendar for all-day kindergarten  
 7.8 must include at least 850 hours of instruction for the school year. A school board's annual  
 7.9 calendar must include at least 165 days of instruction for a student in grades 1 through  
 7.10 11 unless a four-day week schedule has been approved by the ~~commissioner~~ board under  
 7.11 section ~~124D.126~~ 124D.122.

7.12 Sec. 3. Minnesota Statutes 2014, section 120B.021, subdivision 4, is amended to read:

7.13 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must  
 7.14 revise and appropriately embed technology and information literacy standards consistent  
 7.15 with recommendations from school media specialists into the state's academic standards  
 7.16 and graduation requirements and implement a ten-year cycle to review and, consistent  
 7.17 with the review, revise state academic standards and related benchmarks, consistent with  
 7.18 this subdivision. During each ten-year review and revision cycle, the commissioner also  
 7.19 must examine the alignment of each required academic standard and related benchmark  
 7.20 with the knowledge and skills students need for career and college readiness and advanced  
 7.21 work in the particular subject area. The commissioner must include the contributions of  
 7.22 Minnesota American Indian tribes and communities as related to the academic standards  
 7.23 during the review and revision of the required academic standards.

7.24 (b) The commissioner must ensure that the statewide mathematics assessments  
 7.25 administered to students in grades 3 through 8 and 11 are aligned with the state academic  
 7.26 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph  
 7.27 (b). The commissioner must implement a review of the academic standards and related  
 7.28 benchmarks in mathematics beginning in the ~~2015-2016~~ 2020-2021 school year and  
 7.29 every ten years thereafter.

7.30 (c) The commissioner must implement a review of the academic standards and related  
 7.31 benchmarks in arts beginning in the 2016-2017 school year and every ten years thereafter.

7.32 (d) The commissioner must implement a review of the academic standards and  
 7.33 related benchmarks in science beginning in the 2017-2018 school year and every ten  
 7.34 years thereafter.

8.1 (e) The commissioner must implement a review of the academic standards and  
 8.2 related benchmarks in language arts beginning in the 2018-2019 school year and every  
 8.3 ten years thereafter.

8.4 (f) The commissioner must implement a review of the academic standards and  
 8.5 related benchmarks in social studies beginning in the 2019-2020 school year and every  
 8.6 ten years thereafter.

8.7 (g) School districts and charter schools must revise and align local academic  
 8.8 standards and high school graduation requirements in health, world languages, and career  
 8.9 and technical education to require students to complete the revised standards beginning  
 8.10 in a school year determined by the school district or charter school. School districts and  
 8.11 charter schools must formally establish a periodic review cycle for the academic standards  
 8.12 and related benchmarks in health, world languages, and career and technical education.

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

8.14 Sec. 4. Minnesota Statutes 2014, section 120B.022, subdivision 1a, is amended to read:

8.15 Subd. 1a. **Foreign language and culture; proficiency certificates.** (a) World  
 8.16 languages teachers and other school staff should develop and implement world languages  
 8.17 programs that acknowledge and reinforce the language proficiency and cultural awareness  
 8.18 that non-English language speakers already possess, and encourage students' proficiency  
 8.19 in multiple world languages. Programs under this section must encompass indigenous  
 8.20 American Indian languages and cultures, among other world languages and cultures. The  
 8.21 department shall consult with postsecondary institutions in developing related professional  
 8.22 development opportunities for purposes of this section.

8.23 (b) Any Minnesota public, charter, or nonpublic school may award Minnesota  
 8.24 World Language Proficiency Certificates ~~or Minnesota World Language Proficiency High~~  
 8.25 ~~Achievement Certificates~~, consistent with this subdivision.

8.26 (c) The Minnesota World Language Proficiency Certificate recognizes students who  
 8.27 demonstrate listening, speaking, reading, and writing language skills at the American  
 8.28 Council on the Teaching of Foreign Languages' Intermediate-Low level on a valid and  
 8.29 reliable assessment tool. ~~For languages listed as Category 3 by the United States Foreign~~  
 8.30 ~~Service Institute or Category 4 by the United States Defense Language Institute, the~~  
 8.31 ~~standard is Intermediate-Low for listening and speaking and Novice-High for reading~~  
 8.32 ~~and writing.~~

8.33 (d) ~~The Minnesota World Language Proficiency High Achievement Certificate~~  
 8.34 ~~recognizes students who demonstrate listening, speaking, reading, and writing language~~  
 8.35 ~~skills at the American Council on the Teaching of Foreign Languages' Pre-Advanced level~~

9.1 ~~for K-12 learners on a valid and reliable assessment tool. For languages listed as Category~~  
 9.2 ~~3 by the United States Foreign Service Institute or Category 4 by the United States~~  
 9.3 ~~Defense Language Institute, the standard is Pre-Advanced for listening and speaking and~~  
 9.4 ~~Intermediate-Mid for reading and writing.~~

9.5 Sec. 5. Minnesota Statutes 2014, section 120B.022, subdivision 1b, is amended to read:

9.6 Subd. 1b. **State bilingual and multilingual seals.** (a) Consistent with efforts to  
 9.7 strive for the world's best workforce under sections 120B.11 and 124D.10, subdivision 8,  
 9.8 paragraph (u), and close the academic achievement and opportunity gap under sections  
 9.9 124D.861 and 124D.862, voluntary state bilingual and multilingual seals are established  
 9.10 to recognize high school ~~graduates~~ students who demonstrate ~~level 3~~ an advanced-low  
 9.11 level or an intermediate-high level of functional native proficiency in listening, speaking,  
 9.12 reading, and writing on either ~~the Foreign Services Institute language assessments aligned~~  
 9.13 with American Council on the Teaching of Foreign Languages' (ACTFL) proficiency  
 9.14 tests guidelines or on equivalent valid and reliable assessments in one or more languages  
 9.15 in addition to English. American Sign Language is a language other than English for  
 9.16 purposes of this subdivision and a world language for purposes of subdivision 1a.

9.17 (b) In addition to paragraph (a), to be eligible to receive a seal:

9.18 (1) students must satisfactorily complete all required English language arts credits;  
 9.19 and

9.20 (2) students ~~whose primary language is other than English~~ must demonstrate mastery  
 9.21 of Minnesota's English language proficiency standards.

9.22 (c) Consistent with this subdivision, a high school graduate who demonstrates an  
 9.23 intermediate-high ACTFL level of functional native proficiency in one language in  
 9.24 addition to English is eligible to receive the state bilingual gold seal. A high school  
 9.25 graduate who demonstrates an intermediate-high ACTFL level of functional native  
 9.26 proficiency in more than one language in addition to English is eligible to receive the  
 9.27 state multilingual gold seal. A high school graduate who demonstrates an advanced-low  
 9.28 ACTFL level of functional proficiency in one language in addition to English is eligible  
 9.29 to receive the state bilingual platinum seal. A high school graduate who demonstrates  
 9.30 an advanced-low ACTFL level of functional proficiency in more than one language in  
 9.31 addition to English is eligible to receive the state multilingual platinum seal.

9.32 (d) School districts and charter schools, ~~in consultation with regional centers of~~  
 9.33 ~~excellence under section 120B.115, must~~ may give students periodic opportunities to  
 9.34 demonstrate their level of proficiency in listening, speaking, reading, and writing in a  
 9.35 language in addition to English. Where valid and reliable assessments are unavailable, a

10.1 school district or charter school may rely on a ~~licensed foreign language immersion teacher~~  
 10.2 ~~or a nonlicensed community expert under section 122A.25~~ evaluators trained in assessing  
 10.3 under ACTFL proficiency guidelines to assess a student's level of foreign, heritage, or  
 10.4 indigenous language proficiency under this section. School districts and charter schools  
 10.5 must maintain appropriate records to identify high school graduates eligible to receive the  
 10.6 state bilingual or multilingual seal gold and platinum seals. The school district or charter  
 10.7 school must affix the appropriate seal to the transcript of each high school graduate who  
 10.8 meets the requirements of this subdivision and may affix the seal to the student's diploma. A  
 10.9 school district or charter school must not charge the high school graduate a fee for this seal.

10.10 (e) A school district or charter school may award elective course credits in world  
 10.11 languages to a student who demonstrates the requisite proficiency in a language other  
 10.12 than English under this section.

10.13 (f) A school district or charter school may award community service credit to a  
 10.14 student who demonstrates ~~level 3~~ an intermediate-high or advanced-low ACTFL level of  
 10.15 functional native proficiency in listening, speaking, reading, and writing in a language  
 10.16 other than English and who participates in community service activities that are integrated  
 10.17 into the curriculum, involve the participation of teachers, and support biliteracy in the  
 10.18 school or local community.

10.19 (g) ~~The commissioner must develop a Web page for the electronic delivery of these~~  
 10.20 ~~seals.~~ The commissioner must list on the Web page those assessments that are equivalent  
 10.21 ~~to the Foreign Services Institute language~~ aligned to ACTFL proficiency tests guidelines.

10.22 (h) By August 1, 2015, the colleges and universities of the Minnesota State Colleges  
 10.23 and Universities system must ~~award foreign language credits to a student who receives a~~  
 10.24 ~~state bilingual seal or a state multilingual seal under this subdivision and may establish~~  
 10.25 criteria to translate the seals into college credits based on the World Language course  
 10.26 equivalencies identified by the Minnesota State Colleges and Universities faculty and  
 10.27 staff and, upon request from an enrolled student, the Minnesota State Colleges and  
 10.28 Universities may award foreign language credits to a student who receives a Minnesota  
 10.29 World Language Proficiency Certificate or a Minnesota World Language Proficiency  
 10.30 High Achievement Certificate under subdivision 1a. Students enrolled in a Minnesota  
 10.31 State Colleges and Universities institution must request college credits for their seal or  
 10.32 proficiency certificate within three academic years after graduating from high school. The  
 10.33 University of Minnesota is encouraged to award students foreign language academic  
 10.34 credits consistent with this paragraph.

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

11.1 Sec. 6. Minnesota Statutes 2014, section 120B.024, subdivision 2, is amended to read:

11.2 Subd. 2. **Credit equivalencies.** (a) A one-half credit of economics taught in a  
11.3 school's agriculture education or business department may fulfill a one-half credit in  
11.4 social studies under subdivision 1, clause (5), if the credit is sufficient to satisfy all of the  
11.5 academic standards in economics.

11.6 (b) An agriculture science or career and technical education credit may fulfill the  
11.7 ~~credit in chemistry or physics~~ or the elective science credit required under subdivision 1,  
11.8 clause (4), if the credit meets the state ~~chemistry or physics, or district biology~~ physical  
11.9 science, life science, earth and space science, chemistry, or physics academic standards or  
11.10 a combination of these academic standards as approved by the district. An agriculture or  
11.11 career and technical education credit may fulfill the credit in chemistry or physics required  
11.12 under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic  
11.13 standards as approved by the district. A student must satisfy either all of the chemistry  
11.14 academic standards or all of the physics academic standards prior to graduation. An  
11.15 agriculture science or career and technical education credit may not fulfill the required  
11.16 biology credit under subdivision 1, clause (4).

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

11.19 (d) An agriculture education teacher is not required to meet the requirements of  
11.20 Minnesota Rules, part 3505.1150, subpart 1, item B, to meet the credit equivalency  
11.21 requirements of paragraph (b) above.

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

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

11.27 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
11.28 later.

11.29 Sec. 7. Minnesota Statutes 2014, section 120B.11, subdivision 2, is amended to read:

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

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

12.1 (2) a process for assessing and evaluating each student's progress toward meeting  
 12.2 state and local academic standards and identifying the strengths and weaknesses of  
 12.3 instruction in pursuit of student and school success and curriculum affecting students'  
 12.4 progress and growth toward career and college readiness, including the career and college  
 12.5 readiness composite scores under section 120B.30, subdivision 3, paragraph (c), and  
 12.6 leading to the world's best workforce;

12.7 (3) a process for determining grade promotion or retention that supports each  
 12.8 student's progress and growth toward career and college readiness;

12.9 ~~(3)~~ (4) a system to periodically review and evaluate the effectiveness of all  
 12.10 instruction and curriculum, taking into account strategies and best practices, student  
 12.11 outcomes, school principal evaluations under section 123B.147, subdivision 3, and teacher  
 12.12 evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

12.13 ~~(4)~~ (5) strategies for improving instruction, curriculum, and student achievement,  
 12.14 including the English and, where practicable, the native language development and the  
 12.15 academic achievement of English learners;

12.16 ~~(5)~~ (6) education effectiveness practices that integrate high-quality instruction,  
 12.17 rigorous curriculum, technology, and a collaborative professional culture that develops  
 12.18 and supports teacher quality, performance, and effectiveness; and

12.19 ~~(6)~~ (7) an annual budget for continuing to implement the district plan.

12.20 **EFFECTIVE DATE.** This section is effective for plans adopted on or after July  
 12.21 1, 2015.

12.22 Sec. 8. Minnesota Statutes 2014, section 120B.12, subdivision 4a, is amended to read:

12.23 Subd. 4a. **Local literacy plan.** (a) Consistent with this section, a school district  
 12.24 must adopt a local literacy plan to have every child reading at or above grade level no  
 12.25 later than the end of grade 3, including English learners. The plan must be consistent with  
 12.26 section 122A.06, subdivision 4, and include the following:

12.27 (1) a process to assess students' level of reading proficiency; and data to support the  
 12.28 effectiveness of an assessment used to screen and identify a student's level of reading  
 12.29 proficiency;

12.30 (2) a process to notify and involve parents; ~~intervene with;~~

12.31 (3) a description of how schools in the district will determine the proper reading  
 12.32 intervention strategy for a student and the process for intensifying or modifying the  
 12.33 reading strategy in order to obtain measurable reading progress;

13.1 (4) evidence-based intervention methods for students who are not reading at or  
 13.2 above grade level, and identify and meet and progress-monitoring to provide information  
 13.3 on the effectiveness of the intervention;

13.4 (5) identification of staff development needs, including a program to meet those  
 13.5 needs; and

13.6 (6) a description of how schools in the district will provide explicit and systematic  
 13.7 instruction in basic phonology and language decoding skills.

13.8 (b) The district must post its literacy plan on the official school district Web site.

13.9 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
 13.10 later.

13.11 Sec. 9. Minnesota Statutes 2014, section 120B.125, is amended to read:

13.12 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**  
 13.13 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; PERSONAL**  
 13.14 **LEARNING PLANS.**

13.15 (a) Consistent with sections ~~120B.128~~, 120B.13, 120B.131, 120B.132, 120B.14,  
 13.16 120B.15, 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections,  
 13.17 school districts, beginning in the 2013-2014 school year, must assist all students by no  
 13.18 later than grade 9 to explore their educational, college, and career interests, aptitudes, and  
 13.19 aspirations and develop a plan for a smooth and successful transition to postsecondary  
 13.20 education or employment. All students' plans must:

13.21 (1) provide a comprehensive plan to prepare for and complete a career and college  
 13.22 ready curriculum by meeting state and local academic standards and developing career and  
 13.23 employment-related skills such as team work, collaboration, creativity, communication,  
 13.24 critical thinking, and good work habits;

13.25 (2) emphasize academic rigor and high expectations;

13.26 (3) help students identify interests, aptitudes, aspirations, and personal learning  
 13.27 styles that may affect their career and college ready goals and postsecondary education  
 13.28 and employment choices;

13.29 (4) set appropriate career and college ready goals with timelines that identify  
 13.30 effective means for achieving those goals;

13.31 (5) help students access education and career options;

13.32 (6) integrate strong academic content into career-focused courses and applied and  
 13.33 experiential learning opportunities and integrate relevant career-focused courses and  
 13.34 applied and experiential learning opportunities into strong academic content;

14.1 (7) help identify and access appropriate counseling and other supports and assistance  
 14.2 that enable students to complete required coursework, prepare for postsecondary education  
 14.3 and careers, and obtain information about postsecondary education costs and eligibility  
 14.4 for financial aid and scholarship;

14.5 (8) help identify collaborative partnerships among prekindergarten through grade  
 14.6 12 schools, postsecondary institutions, economic development agencies, and local and  
 14.7 regional employers that support students' transition to postsecondary education and  
 14.8 employment and provide students with applied and experiential learning opportunities; and

14.9 (9) be reviewed and revised at least annually by the student, the student's parent or  
 14.10 guardian, and the school or district to ensure that the student's course-taking schedule keeps  
 14.11 the student making adequate progress to meet state and local academic standards and high  
 14.12 school graduation requirements and with a reasonable chance to succeed with employment  
 14.13 or postsecondary education without the need to first complete remedial course work.

14.14 (b) A school district may develop grade-level curricula or provide instruction that  
 14.15 introduces students to various careers, but must not require any curriculum, instruction,  
 14.16 or employment-related activity that obligates an elementary or secondary student to  
 14.17 involuntarily select or pursue a career, career interest, employment goals, or related job  
 14.18 training.

14.19 (c) Educators must possess the knowledge and skills to effectively teach all English  
 14.20 learners in their classrooms. School districts must provide appropriate curriculum,  
 14.21 targeted materials, professional development opportunities for educators, and sufficient  
 14.22 resources to enable English learners to become career and college ready.

14.23 (d) When assisting students in developing a plan for a smooth and successful  
 14.24 transition to postsecondary education and employment, districts must recognize the unique  
 14.25 possibilities of each student and ensure that the contents of each student's plan reflect the  
 14.26 student's unique talents, skills, and abilities as the student grows, develops, and learns.

14.27 Sec. 10. Minnesota Statutes 2014, section 120B.30, subdivision 1, is amended to read:

14.28 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts  
 14.29 with appropriate technical qualifications and experience and stakeholders, consistent with  
 14.30 subdivision 1a, shall include in the comprehensive assessment system, for each grade  
 14.31 level to be tested, state-constructed tests ~~developed as computer-adaptive reading and~~  
 14.32 ~~mathematics assessments for students that are~~ aligned with the state's required academic  
 14.33 standards under section 120B.021, include multiple choice questions, and are administered  
 14.34 annually to all students;

14.35 (1) in mathematics grades 3 5 through 7, 8 and 11;

15.1 (2) in reading, grades 3 through 5, 8, and 10; and  
15.2 (3) in science, grades 5, 8, and once in high school. The high school test shall  
15.3 assess the life science standards.

15.4 Assessments under this section must comply with the requirements under the federal No  
15.5 Child Left Behind flexibility waiver. Before any change to state standardized assessment  
15.6 is effective, the Department of Education must obtain a corresponding amendment to its  
15.7 federal flexibility waiver.

15.8 ~~(b) Reading and mathematics assessments for all students in grade 8 must be aligned~~  
15.9 ~~with the state's required reading and mathematics standards, be administered annually,~~  
15.10 ~~and include multiple choice questions. State-developed high school tests aligned with the~~  
15.11 ~~state's required academic standards under section 120B.021 and administered to all high~~  
15.12 ~~school students in a subject other than writing must include multiple choice questions. The~~  
15.13 ~~commissioner shall establish one or more months during which schools shall administer~~  
15.14 ~~the tests to students each school year. The commissioner shall determine the testing~~  
15.15 ~~process and order of administration.~~

15.16 (c) The state assessment system must be aligned to the most recent version of  
15.17 academic standards as described in section 120B.023 three school years from the effective  
15.18 date of the academic standards rule. The commissioner must not develop statewide  
15.19 assessments for academic standards in social studies, health and physical education, and  
15.20 the arts.

15.21 (d) For purposes of conforming with existing federal educational accountability  
15.22 requirements, the commissioner must develop and implement computer-adaptive reading  
15.23 and mathematics assessments for grades 3 through 8 and high school reading and  
15.24 mathematics tests aligned with state academic standards, and science assessments under  
15.25 paragraph (a), clause (2), that districts and sites must use to monitor student growth  
15.26 toward achieving those standards.

15.27 (e) The commissioner must ensure that for annual computer-adaptive assessments:

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

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

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

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

16.6 Subd. 1c. **Assessment graduation requirements.** ~~(1)~~ (a) Students enrolled in  
 16.7 grade 8 through the 2009-2010 school year are eligible to be assessed under ~~(i)~~ (1) the  
 16.8 graduation-required assessment for diploma in reading, mathematics, or writing under  
 16.9 Minnesota Statutes 2012, section 120B.30, subdivision 1, paragraphs (c), clauses (1) and  
 16.10 (2), and (d), ~~(ii)~~ (2) the WorkKeys job skills assessment, ~~(iii)~~ (3) the Compass college  
 16.11 placement test, ~~(iv)~~ (4) the ACT assessment for college admission, or ~~(v)~~ (5) a nationally  
 16.12 recognized armed services vocational aptitude test.

16.13 ~~(2)~~ (b) Students enrolled in grade 8 in the 2010-2011 or 2011-2012 school year  
 16.14 are eligible to be assessed under ~~(i)~~ (1) the graduation-required assessment for diploma  
 16.15 in reading, mathematics, or writing under Minnesota Statutes 2012, section 120B.30,  
 16.16 subdivision 1, paragraph (c), clauses (1) and (2), ~~(ii)~~ (2) the WorkKeys job skills  
 16.17 assessment, ~~(iii)~~ (3) the Compass college placement test, ~~(iv)~~ (4) the ACT assessment for  
 16.18 college admission, or ~~(v)~~ (5) a nationally recognized armed services vocational aptitude test.

16.19 ~~(3)~~ (c) For students under ~~clause (1) or (2)~~ paragraph (a) or (b), a school district may  
 16.20 substitute a score from an alternative, equivalent assessment to satisfy the requirements of  
 16.21 this paragraph.

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

16.24 ~~(1) mathematics;~~

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

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

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

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

16.31 ~~(e)~~ (d) For students enrolled in grade 8 in the 2012-2013 school year and later,  
 16.32 students' state graduation requirements, based on a longitudinal, systematic approach to  
 16.33 student education and career planning, assessment, instructional support, and evaluation,  
 16.34 include the following:

16.35 ~~(1) demonstrate understanding of required academic standards participation on a~~  
 16.36 ~~nationally normed college entrance exam, in grade 11;~~

17.1 ~~(2) achievement and career and college readiness tests in mathematics, reading, and~~  
 17.2 ~~writing, consistent with paragraph (c) and to the extent available, to monitor students'~~  
 17.3 ~~continuous development of and growth in requisite knowledge and skills; analyze~~  
 17.4 ~~students' progress and performance levels, identifying students' academic strengths and~~  
 17.5 ~~diagnosing areas where students require curriculum or instructional adjustments, targeted~~  
 17.6 ~~interventions, or remediation; and, based on analysis of students' progress and performance~~  
 17.7 ~~data, determine students' learning and instructional needs and the instructional tools and~~  
 17.8 ~~best practices that support academic rigor for the student; and~~

17.9 ~~(3) (2)~~ consistent with this paragraph and section 120B.125, age-appropriate  
 17.10 exploration and planning activities and career assessments to encourage students to identify  
 17.11 personally relevant career interests and aptitudes and help students and their families  
 17.12 develop a regularly reexamined transition plan for postsecondary education or employment  
 17.13 without need for postsecondary remediation. Districts and schools, on an annual basis,  
 17.14 must use the career exploration elements to help students, beginning no later than grade 9,  
 17.15 and their families explore and plan for postsecondary education or careers based on the  
 17.16 students' interests, aptitudes, and aspirations. Districts and schools must use timely regional  
 17.17 labor market information and partnerships, among other resources, to help students and  
 17.18 their families successfully develop, pursue, review, and revise an individualized plan for  
 17.19 postsecondary education or a career. This process must help increase students' engagement  
 17.20 in and connection to school, improve students' knowledge and skills, and deepen students'  
 17.21 understanding of career pathways as a sequence of academic and career courses that lead  
 17.22 to an industry-recognized credential, an associate's degree, or a bachelor's degree and are  
 17.23 available to all students, whatever their interests and career goals.

17.24 ~~(e)~~ Based on appropriate state guidelines, students with an individualized education  
 17.25 program may satisfy state graduation requirements by achieving an individual score on  
 17.26 the state-identified alternative assessments.

17.27 ~~Expectations of schools, districts, and the state for career or college readiness under this~~  
 17.28 ~~subdivision must be comparable in rigor, clarity of purpose, and rates of student completion.~~

17.29 ~~(f)~~ A high school student under clause (2) not yet ready for career and college must  
 17.30 receive targeted, relevant, academically rigorous, and resourced instruction, which may  
 17.31 include a targeted instruction and intervention plan focused on improving the student's  
 17.32 knowledge and skills in core subjects so that the student has a reasonable chance to succeed  
 17.33 in a career or college without need for postsecondary remediation. Consistent with sections  
 17.34 120B.13, 124D.09, 124D.091, 124D.49, and related sections, an enrolling school or district  
 17.35 must actively encourage a student in grade 11 or 12 who is identified as academically  
 17.36 ready for a career or college to participate in courses and programs awarding college credit

18.1 to high school students. ~~Students are not required to achieve a specified score or level of~~  
18.2 ~~proficiency on an assessment under this subdivision to graduate from high school.~~

18.3 ~~(d) (g)~~ To improve the secondary and postsecondary outcomes of all students, the  
18.4 alignment between secondary and postsecondary education programs and Minnesota's  
18.5 workforce needs, and the efficiency and cost-effectiveness of secondary and postsecondary  
18.6 programs, the commissioner, after consulting with the chancellor of the Minnesota State  
18.7 Colleges and Universities and using a request for proposal process, shall contract for  
18.8 ~~a series of assessments that are consistent with this subdivision, aligned with state~~  
18.9 ~~academic standards, and include career and college readiness benchmarks. Mathematics,~~  
18.10 ~~reading, and writing assessments for students in grades 8 and 10 must be predictive of a~~  
18.11 ~~nationally normed assessment for career and college readiness. This nationally recognized~~  
18.12 ~~assessment must be a college entrance exam and given to students in grade 11. This~~  
18.13 ~~series of assessments must include a college placement diagnostic exam and contain~~  
18.14 ~~career exploration elements. The commissioner and the chancellor of the Minnesota~~  
18.15 ~~State Colleges and Universities must collaborate in aligning instruction and assessments~~  
18.16 ~~for adult basic education students and English learners to provide the students with~~  
18.17 ~~diagnostic information about any targeted interventions, accommodations, modifications,~~  
18.18 ~~and supports they need so that assessments and other performance measures are accessible~~  
18.19 ~~to them and they may seek postsecondary education or employment without need for~~  
18.20 ~~postsecondary remediation. When administering formative or summative assessments~~  
18.21 ~~used to measure the academic progress, including the oral academic development, of~~  
18.22 ~~English learners and inform their instruction, schools must ensure that the assessments are~~  
18.23 ~~accessible to the students and students have the modifications and supports they need to~~  
18.24 ~~sufficiently understand the assessments.~~

18.25 ~~(f)~~ Districts and schools, on an annual basis, must use the career exploration  
18.26 ~~elements in these assessments to help students, beginning no later than grade 9, and their~~  
18.27 ~~families explore and plan for postsecondary education or careers based on the students'~~  
18.28 ~~interests, aptitudes, and aspirations. Districts and schools must use timely regional labor~~  
18.29 ~~market information and partnerships, among other resources, to help students and their~~  
18.30 ~~families successfully develop, pursue, review, and revise an individualized plan for~~  
18.31 ~~postsecondary education or a career. This process must help increase students' engagement~~  
18.32 ~~in and connection to school, improve students' knowledge and skills, and deepen students'~~  
18.33 ~~understanding of career pathways as a sequence of academic and career courses that lead~~  
18.34 ~~to an industry-recognized credential, an associate's degree, or a bachelor's degree and are~~  
18.35 ~~available to all students, whatever their interests and career goals.~~

19.1           ~~(2) Students in grade 10 or 11 not yet academically ready for a career or college based~~  
19.2 ~~on their growth in academic achievement between grades 8 and 10 must take the college~~  
19.3 ~~placement diagnostic exam before taking the college entrance exam under clause (3).~~  
19.4 ~~Students, their families, the school, and the district can then use the results of the college~~  
19.5 ~~placement diagnostic exam for targeted instruction, intervention, or remediation and~~  
19.6 ~~improve students' knowledge and skills in core subjects sufficient for a student to graduate~~  
19.7 ~~and have a reasonable chance to succeed in a career or college without remediation.~~

19.8           ~~(3) All students except those eligible for alternative assessments must be given the~~  
19.9 ~~college entrance part of these assessments in grade 11. A student under this clause who~~  
19.10 ~~demonstrates attainment of required state academic standards, which include career and~~  
19.11 ~~college readiness benchmarks, on these assessments is academically ready for a career or~~  
19.12 ~~college and is encouraged to participate in courses awarding college credit to high school~~  
19.13 ~~students. Such courses and programs may include sequential courses of study within~~  
19.14 ~~broad career areas and technical skill assessments that extend beyond course grades.~~

19.15           ~~(4) (h) As appropriate, students through grade 12 must continue to participate in~~  
19.16 ~~targeted instruction, intervention, or remediation and be encouraged to participate in~~  
19.17 ~~courses awarding college credit to high school students.~~

19.18           ~~(5) A study to determine the alignment between these assessments and state~~  
19.19 ~~academic standards under this chapter must be conducted. Where alignment exists, the~~  
19.20 ~~commissioner must seek federal approval to, and immediately upon receiving approval,~~  
19.21 ~~replace the federally required assessments referenced under subdivision 1a and section~~  
19.22 ~~120B.35, subdivision 2, with assessments under this paragraph.~~

19.23           ~~(e) In developing, supporting, and improving students' academic readiness for a~~  
19.24 ~~career or college, schools, districts, and the state must have a continuum of empirically~~  
19.25 ~~derived, clearly defined benchmarks focused on students' attainment of knowledge and~~  
19.26 ~~skills so that students, their parents, and teachers know how well students must perform to~~  
19.27 ~~have a reasonable chance to succeed in a career or college without need for postsecondary~~  
19.28 ~~remediation. The commissioner, in consultation with local school officials and educators,~~  
19.29 ~~and Minnesota's public postsecondary institutions must ensure that the foundational~~  
19.30 ~~knowledge and skills for students' successful performance in postsecondary employment~~  
19.31 ~~or education and an articulated series of possible targeted interventions are clearly~~  
19.32 ~~identified and satisfy Minnesota's postsecondary admissions requirements.~~

19.33           ~~(f) (i) For students in grade 8 in the 2012-2013 school year and later, a school,~~  
19.34 ~~district, or charter school must record on the high school transcript a student's progress~~  
19.35 ~~toward career and college readiness, and for other students as soon as practicable.~~

20.1 ~~(g)~~ (j) The school board granting students their diplomas may formally decide to  
20.2 include a notation of high achievement on the high school diplomas of those graduating  
20.3 seniors who, according to established school board criteria, demonstrate exemplary  
20.4 academic achievement during high school.

20.5 ~~(h)~~ The 3rd through 7th grade computer-adaptive assessment results and grade 8  
20.6 and high school test results shall be available to districts for diagnostic purposes affecting  
20.7 student learning and district instruction and curriculum, and for establishing educational  
20.8 accountability. The commissioner must establish empirically derived benchmarks on  
20.9 adaptive assessments in grades 3 through 7 that reveal a trajectory toward career and  
20.10 college readiness. The commissioner must disseminate to the public the computer-adaptive  
20.11 assessments, grade 8, and high school test results upon receiving those results.

20.12 ~~(i)~~ The grades 3 through 7 computer-adaptive assessments and grade 8 and high  
20.13 school tests must be aligned with state academic standards. The commissioner shall  
20.14 determine the testing process and the order of administration. The statewide results shall  
20.15 be aggregated at the site and district level, consistent with subdivision 1a.

20.16 ~~(j)~~ The commissioner shall include the following components in the statewide  
20.17 public reporting system:

20.18 ~~(1)~~ uniform statewide computer-adaptive assessments of all students in grades 3  
20.19 through 7 and testing at the grade 8 and high school levels that provides appropriate,  
20.20 technically sound accommodations or alternate assessments;

20.21 ~~(2)~~ educational indicators that can be aggregated and compared across school  
20.22 districts and across time on a statewide basis, including average daily attendance, high  
20.23 school graduation rates, and high school drop-out rates by age and grade level;

20.24 ~~(3)~~ state results on the American College Test; and

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

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

21.1 ~~(1) For purposes of statewide accountability, "cultural competence," "cultural~~  
 21.2 ~~competency," or "culturally competent" means the ability and will to interact effectively~~  
 21.3 ~~with people of different cultures, native languages, and socioeconomic backgrounds.~~

21.4 (1) Students are not required to achieve a specific score or level of proficiency on an  
 21.5 assessment under this subdivision to graduate from high school.

21.6 Sec. 11. Minnesota Statutes 2014, section 120B.30, subdivision 1a, is amended to read:

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

21.9 (1) "Computer-adaptive assessments" means fully adaptive assessments.

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

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

21.14 (4) "Above-grade level" test items contain subject area content that is above the  
 21.15 grade level of the student taking the assessment and is considered aligned with state  
 21.16 academic standards to the extent it is aligned with content represented in state academic  
 21.17 standards above the grade level of the student taking the assessment. Notwithstanding  
 21.18 the student's grade level, administering above-grade level test items to a student does not  
 21.19 violate the requirement that state assessments must be aligned with state standards.

21.20 (5) "Below-grade level" test items contain subject area content that is below the  
 21.21 grade level of the student taking the test and is considered aligned with state academic  
 21.22 standards to the extent it is aligned with content represented in state academic standards  
 21.23 below the student's current grade level. Notwithstanding the student's grade level,  
 21.24 administering below-grade level test items to a student does not violate the requirement  
 21.25 that state assessments must be aligned with state standards.

21.26 (6) For purposes of statewide accountability, "cultural competence," "cultural  
 21.27 competency," or "culturally competent" means the ability and will to interact effectively  
 21.28 with people of diverse cultures, native languages, and socioeconomic backgrounds.

21.29 ~~(b) The commissioner must use fully adaptive mathematics and reading assessments~~  
 21.30 ~~for grades 3 through 7 beginning in the 2015-2016 school year and later.~~

21.31 ~~(c) For purposes of conforming with existing federal educational accountability~~  
 21.32 ~~requirements, the commissioner must develop and implement computer-adaptive reading~~  
 21.33 ~~and mathematics assessments for grades 3 through 7, state-developed grade 8 and high~~  
 21.34 ~~school reading and mathematics tests aligned with state academic standards, and science~~  
 21.35 ~~assessments under clause (2) that districts and sites must use to monitor student growth~~

22.1 ~~toward achieving those standards. The commissioner must not develop statewide~~  
 22.2 ~~assessments for academic standards in social studies, health and physical education, and~~  
 22.3 ~~the arts. The commissioner must require:~~

22.4 ~~(1) annual computer-adaptive reading and mathematics assessments in grades 3~~  
 22.5 ~~through 7, and grade 8 and high school reading and mathematics tests; and~~

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

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

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

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

22.16 ~~(3) parents, teachers, and school administrators are able to use elementary and~~  
 22.17 ~~middle school student performance data to project students' secondary and postsecondary~~  
 22.18 ~~achievement; and~~

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

22.24 ~~(e) (b) The commissioner must ensure that all state tests administered to elementary~~  
 22.25 ~~and secondary students measure students' academic knowledge and skills and not students'~~  
 22.26 ~~values, attitudes, and beliefs.~~

22.27 ~~(f) Reporting of state assessment results must:~~

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

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

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

22.32 ~~(g) (c) Consistent with applicable federal law, the commissioner must include~~  
 22.33 ~~appropriate, technically sound accommodations or alternative assessments for the very~~  
 22.34 ~~few students with disabilities for whom statewide assessments are inappropriate and~~  
 22.35 ~~for English learners.~~

23.1 ~~(h) A school, school district, and charter school must administer statewide~~  
 23.2 ~~assessments under this section, as the assessments become available, to evaluate student~~  
 23.3 ~~progress toward career and college readiness in the context of the state's academic~~  
 23.4 ~~standards. A school, school district, or charter school may use a student's performance~~  
 23.5 ~~on a statewide assessment as one of multiple criteria to determine grade promotion or~~  
 23.6 ~~retention. A school, school district, or charter school may use a high school student's~~  
 23.7 ~~performance on a statewide assessment as a percentage of the student's final grade in a~~  
 23.8 ~~course, or place a student's assessment score on the student's transcript.~~

23.9 Sec. 12. Minnesota Statutes 2014, section 120B.30, is amended by adding a  
 23.10 subdivision to read:

23.11 Subd. 1b. **Special and extenuating circumstances.** The Department of Education  
 23.12 shall develop a list of circumstances in which a student may be unable to test. The list  
 23.13 shall include but not be limited to: students transferring to Minnesota from another state,  
 23.14 students transferring from nonpublic to public school, students hospitalized, and parental  
 23.15 opting out of the student's testing. Students unable to participate in statewide assessment  
 23.16 due to a circumstance on the list authorized under this subdivision shall not be penalized  
 23.17 for missing the opportunity to take a test.

23.18 Sec. 13. Minnesota Statutes 2014, section 120B.30, subdivision 3, is amended to read:

23.19 Subd. 3. **Reporting.** (a) The commissioner shall report test results publicly and  
 23.20 to stakeholders, including the performance achievement levels developed from students'  
 23.21 unweighted test scores in each tested subject and a listing of demographic factors that  
 23.22 strongly correlate with student performance. The test results must not include personally  
 23.23 identifiable information as defined in Code of Federal Regulations, title 34, section 99.3.  
 23.24 The commissioner shall also report data that compares performance results among school  
 23.25 sites, school districts, Minnesota and other states, and Minnesota and other nations. The  
 23.26 commissioner shall disseminate to schools and school districts a more comprehensive  
 23.27 report containing testing information that meets local needs for evaluating instruction and  
 23.28 curriculum. The commissioner shall disseminate to charter school authorizers a more  
 23.29 comprehensive report containing testing information that contains anonymized data where  
 23.30 cell count data are sufficient to protect student identity and that meets the authorizer's  
 23.31 needs in fulfilling its obligations under section 124D.10.

23.32 (b) Reporting of state assessment results must:

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

- 24.1 (2) include a growth indicator of student achievement; and  
 24.2 (3) determine whether students have met the state's academic standards.  
 24.3 (c) The grade 3 through 7 computer-adaptive assessment results and grade 8 and  
 24.4 high school test results shall be available to districts for diagnostic purposes affecting  
 24.5 student learning and district instruction and curriculum, and for establishing educational  
 24.6 accountability. The commissioner must establish empirically derived benchmarks on  
 24.7 adaptive assessments in grades 3 through 7 that reveal a trajectory toward career and  
 24.8 college readiness. The commissioner shall establish composite career and college-ready  
 24.9 scores in grades 5, 8, and high school. The composite scores shall predict performance on  
 24.10 a college entrance exam. The commissioner must disseminate to the public test results  
 24.11 upon receiving those results.  
 24.12 (d) The commissioner shall include the following components in the statewide  
 24.13 public reporting system:  
 24.14 (1) uniform statewide computer-adaptive assessments of all students in grades  
 24.15 3 through 8 and high school levels that provide appropriate, technically sound  
 24.16 accommodations or alternate assessments;  
 24.17 (2) educational indicators that can be aggregated and compared across school  
 24.18 districts and across time on a statewide basis, including average daily attendance, high  
 24.19 school graduation rates, and high school drop-out rates by age and grade level;  
 24.20 (3) state results on the ACT; and  
 24.21 (4) state results from participation in the National Assessment of Educational  
 24.22 Progress so that the state can benchmark its performance against the nation and other  
 24.23 states, and, where possible, against other countries, and contribute to the national effort  
 24.24 to monitor achievement.

24.25 Sec. 14. Minnesota Statutes 2014, section 120B.30, is amended by adding a  
 24.26 subdivision to read:

24.27 Subd. 3a. **Administration and usage.** A school, school district, and charter school  
 24.28 must administer statewide assessments under this section, as the assessments become  
 24.29 available, to evaluate student progress toward career and college readiness in the context  
 24.30 of the state's academic standards. A school, school district, or charter school may use a  
 24.31 student's performance on a statewide assessment as one of multiple criteria to determine  
 24.32 grade promotion or retention. A school, school district, or charter school may use a high  
 24.33 school student's performance on a statewide assessment as a percentage of the student's  
 24.34 final grade in a course, or place a student's assessment score on the student's transcript.

25.1 Sec. 15. Minnesota Statutes 2014, section 120B.30, subdivision 4, is amended to read:

25.2 Subd. 4. **Access to tests.** Consistent with section 13.34, the commissioner must  
 25.3 adopt and publish a policy to provide public and parental access for review of ~~basic~~  
 25.4 ~~skills tests, Minnesota Comprehensive Assessments, or any other such statewide test~~  
 25.5 ~~and assessment~~ developed assessments which would not compromise the objectivity or  
 25.6 fairness of the testing or examination process. Upon receiving a written request, the  
 25.7 commissioner must make available to parents or guardians a copy of their student's actual  
 25.8 responses to the test questions for their review.

25.9 Sec. 16. Minnesota Statutes 2014, section 120B.31, subdivision 2, is amended to read:

25.10 Subd. 2. **Statewide testing.** Each school year, all school districts shall give a  
 25.11 uniform statewide test to students at specified grades to provide information on the status,  
 25.12 needs and performance of Minnesota students, consistent with section 120B.30.

25.13 Sec. 17. Minnesota Statutes 2014, section 122A.09, subdivision 4, is amended to read:

25.14 Subd. 4. **License and rules.** (a) The board must adopt rules to license public school  
 25.15 teachers and interns subject to chapter 14.

25.16 (b) The board must ~~adopt rules requiring a person~~ require all candidates for teacher  
 25.17 licensure to pass demonstrate a passing score on a board-adopted skills examination  
 25.18 in reading, writing, and mathematics ~~or attain either a composite score composed of~~  
 25.19 ~~the average of the scores in English and writing, reading, and mathematics on the ACT~~  
 25.20 ~~Plus Writing recommended by the board, or an equivalent composite score composed~~  
 25.21 ~~of the average of the scores in critical reading, mathematics, and writing on the SAT~~  
 25.22 ~~recommended by the board, as a requirement for initial teacher licensure, except that the~~  
 25.23 board may issue up to ~~two~~ four temporary, one-year teaching licenses to an otherwise  
 25.24 qualified candidate who has not yet passed the board-adopted skills exam ~~or attained the~~  
 25.25 ~~requisite composite score on the ACT Plus Writing or SAT. Such rules~~ The board must  
 25.26 require college and universities offering a board-approved teacher preparation program  
 25.27 to provide remedial assistance to persons who did not achieve a qualifying score on the  
 25.28 board-adopted skills examination ~~or attain the requisite composite score on the ACT Plus~~  
 25.29 ~~Writing or SAT, including those for whom English is a second language. The requirement~~  
 25.30 to pass a board-adopted reading, writing, and mathematics skills examination ~~or attain the~~  
 25.31 ~~requisite composite score on the ACT Plus Writing or SAT~~ does not apply to nonnative  
 25.32 English speakers, as verified by qualified Minnesota school district personnel or Minnesota  
 25.33 higher education faculty, who, after meeting the content and pedagogy requirements  
 25.34 under this subdivision, apply for a teaching license to provide direct instruction in their

26.1 native language or world language instruction under section 120B.022, subdivision 1. A  
26.2 ~~teacher candidate's official ACT Plus Writing or SAT composite score report to the board~~  
26.3 ~~must not be more than ten years old at the time of licensure~~ The Board of Teaching and  
26.4 the entity administering the content, pedagogy, and skills examinations must allow any  
26.5 individual who produces documentation of a disability in the form of an evaluation, 504  
26.6 plan, or individual education program (IEP) to receive the same testing accommodations  
26.7 on the content, pedagogy, and skills examinations that the applicant received during their  
26.8 secondary or postsecondary education.

26.9 (c) The board must adopt rules to approve teacher preparation programs. The board,  
26.10 upon the request of a postsecondary student preparing for teacher licensure or a licensed  
26.11 graduate of a teacher preparation program, shall assist in resolving a dispute between the  
26.12 person and a postsecondary institution providing a teacher preparation program when the  
26.13 dispute involves an institution's recommendation for licensure affecting the person or the  
26.14 person's credentials. At the board's discretion, assistance may include the application  
26.15 of chapter 14.

26.16 (d) The board must provide the leadership and adopt rules for the redesign of teacher  
26.17 education programs to implement a research based, results-oriented curriculum that  
26.18 focuses on the skills teachers need in order to be effective. The board shall implement new  
26.19 systems of teacher preparation program evaluation to assure program effectiveness based  
26.20 on proficiency of graduates in demonstrating attainment of program outcomes. Teacher  
26.21 preparation programs including alternative teacher preparation programs under section  
26.22 122A.245, among other programs, must include a content-specific, board-approved,  
26.23 performance-based assessment that measures teacher candidates in three areas: planning  
26.24 for instruction and assessment; engaging students and supporting learning; and assessing  
26.25 student learning. The board's redesign rules must include creating flexible, specialized  
26.26 teaching licenses, credentials, and other endorsement forms to increase students'  
26.27 participation in language immersion programs, world language instruction, career  
26.28 development opportunities, work-based learning, early college courses and careers, career  
26.29 and technical programs, Montessori schools, and project and place-based learning, among  
26.30 other career and college ready learning offerings.

26.31 (e) The board must adopt rules requiring candidates for initial licenses to pass an  
26.32 examination of general pedagogical knowledge and examinations of licensure-specific  
26.33 teaching skills. The rules shall be effective by September 1, 2001. The rules under this  
26.34 paragraph also must require candidates for initial licenses to teach prekindergarten or  
26.35 elementary students to pass, as part of the examination of licensure-specific teaching  
26.36 skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive,

27.1 scientifically based reading instruction under section 122A.06, subdivision 4, and their  
27.2 knowledge and understanding of the foundations of reading development, the development  
27.3 of reading comprehension, and reading assessment and instruction, and their ability to  
27.4 integrate that knowledge and understanding.

27.5 (f) The board must adopt rules requiring teacher educators to work directly with  
27.6 elementary or secondary school teachers in elementary or secondary schools to obtain  
27.7 periodic exposure to the elementary or secondary teaching environment.

27.8 (g) The board must grant licenses to interns and to candidates for initial licenses  
27.9 based on appropriate professional competencies that are aligned with the board's licensing  
27.10 system and students' diverse learning needs. All teacher candidates must have preparation  
27.11 in English language development and content instruction for English learners in order to be  
27.12 able to effectively instruct the English learners in their classrooms. The board must include  
27.13 these licenses in a statewide differentiated licensing system that creates new leadership  
27.14 roles for successful experienced teachers premised on a collaborative professional culture  
27.15 dedicated to meeting students' diverse learning needs in the 21st century, recognizes the  
27.16 importance of cultural and linguistic competencies, including the ability to teach and  
27.17 communicate in culturally competent and aware ways, and formalizes mentoring and  
27.18 induction for newly licensed teachers provided through a teacher support framework.

27.19 (h) The board must design and implement an assessment system which requires a  
27.20 candidate for an initial license and first continuing license to demonstrate the abilities  
27.21 necessary to perform selected, representative teaching tasks at appropriate levels.

27.22 (i) The board must receive recommendations from local committees as established  
27.23 by the board for the renewal of teaching licenses. The board must require licensed teachers  
27.24 who are renewing a continuing license to include in the renewal requirements further  
27.25 preparation in English language development and specially designed content instruction  
27.26 in English for English learners.

27.27 (j) The board must grant life licenses to those who qualify according to requirements  
27.28 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and  
27.29 214.10. The board must not establish any expiration date for application for life licenses.

27.30 (k) The board must adopt rules that require all licensed teachers who are renewing  
27.31 their continuing license to include in their renewal requirements further preparation in  
27.32 the areas of using positive behavior interventions and in accommodating, modifying, and  
27.33 adapting curricula, materials, and strategies to appropriately meet the needs of individual  
27.34 students and ensure adequate progress toward the state's graduation rule.

27.35 (l) In adopting rules to license public school teachers who provide health-related  
27.36 services for disabled children, the board shall adopt rules consistent with license or

28.1 registration requirements of the commissioner of health and the health-related boards who  
 28.2 license personnel who perform similar services outside of the school.

28.3 (m) The board must adopt rules that require all licensed teachers who are renewing  
 28.4 their continuing license to include in their renewal requirements further reading  
 28.5 preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect  
 28.6 until they are approved by law. Teachers who do not provide direct instruction including, at  
 28.7 least, counselors, school psychologists, school nurses, school social workers, audiovisual  
 28.8 directors and coordinators, and recreation personnel are exempt from this section.

28.9 (n) The board must adopt rules that require all licensed teachers who are renewing  
 28.10 their continuing license to include in their renewal requirements further preparation,  
 28.11 first, in understanding the key warning signs of early-onset mental illness in children  
 28.12 and adolescents and then, during subsequent licensure renewal periods, preparation may  
 28.13 include providing a more in-depth understanding of students' mental illness trauma,  
 28.14 accommodations for students' mental illness, parents' role in addressing students' mental  
 28.15 illness, Fetal Alcohol Spectrum Disorders, autism, the requirements of section 125A.0942  
 28.16 governing restrictive procedures, and de-escalation methods, among other similar topics.

28.17 (o) To license applicants under sections 122A.23 and 122A.245, the board must  
 28.18 consider: a teaching license from another state in a similar content field; completion of a  
 28.19 state-approved teacher preparation program; teaching experience as the teacher of record  
 28.20 in a similar licensure field; depth of content knowledge; depth of content methods or  
 28.21 general pedagogy; subject-specific professional development and contribution to the field;  
 28.22 and classroom performance as measured by student growth on normed assessments or  
 28.23 documented effectiveness on evaluations. The board must require an applicant that does  
 28.24 not have student teaching experience or specific methods coursework to have a minimum  
 28.25 of four years of teaching experience in a same or similar licensure field.

28.26 Sec. 18. Minnesota Statutes 2014, section 122A.14, subdivision 3, is amended to read:

28.27 Subd. 3. **Rules for continuing education requirements.** The board shall  
 28.28 adopt rules establishing continuing education requirements that promote continuous  
 28.29 improvement and acquisition of new and relevant skills by school administrators.  
 28.30 Continuing education programs, among other things, must provide school administrators  
 28.31 with information and training about building coherent and effective English learner  
 28.32 strategies that include relevant professional development, accountability for student  
 28.33 progress, students' access to the general curriculum, and sufficient staff capacity to effect  
 28.34 these strategies. ~~A retired school principal who serves as a substitute principal or assistant~~  
 28.35 ~~principal for the same person on a day-to-day basis for no more than 15 consecutive~~

29.1 school days is not subject to continuing education requirements as a condition of serving  
 29.2 as a substitute principal or assistant principal.

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

29.4 Sec. 19. Minnesota Statutes 2014, section 122A.18, subdivision 2, is amended to read:

29.5 Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of Teaching  
 29.6 must issue licenses under its jurisdiction to persons the board finds to be qualified and  
 29.7 competent for their respective positions, including those meeting the standards adopted  
 29.8 under section 122A.09, subdivision 4, paragraph (o).

29.9 (b) The board must require a ~~person to pass an~~ candidate for teacher licensure to  
 29.10 demonstrate a passing score on a board-adopted examination of skills in reading, writing,  
 29.11 and mathematics ~~or attain either a composite score composed of the average of the scores~~  
 29.12 ~~in English and writing, reading, and mathematics on the ACT Plus Writing recommended~~  
 29.13 ~~by the board, or an equivalent composite score composed of the average of the scores~~  
 29.14 ~~in critical reading, mathematics, and writing on the SAT recommended by the board,~~  
 29.15 before being granted an initial teaching license to provide direct instruction to pupils in  
 29.16 prekindergarten, elementary, secondary, or special education programs, except that the  
 29.17 board may issue up to ~~two~~ four temporary, one-year teaching licenses to an otherwise  
 29.18 qualified candidate who has not yet passed the a board-adopted skills exam ~~or attained~~  
 29.19 ~~the requisite composite score on the ACT Plus Writing or SAT.~~ The board must require  
 29.20 colleges and universities offering a board approved teacher preparation program to make  
 29.21 available upon request remedial assistance that includes a formal diagnostic component  
 29.22 to persons enrolled in their institution who did not achieve a qualifying score on ~~the~~  
 29.23 a board-adopted skills examination ~~or attain the requisite composite ACT Plus Writing~~  
 29.24 ~~or SAT score, including those for whom English is a second language.~~ The colleges and  
 29.25 universities must make available assistance in the specific academic areas of candidates'  
 29.26 deficiency. School districts may make available upon request similar, appropriate, and  
 29.27 timely remedial assistance that includes a formal diagnostic component to those persons  
 29.28 employed by the district who completed their teacher education program, who did not  
 29.29 achieve a qualifying score on ~~the~~ a board-adopted skills examination, or attain the requisite  
 29.30 ~~composite ACT Plus Writing or SAT score, and who received a temporary license to teach~~  
 29.31 in Minnesota. The Board of Teaching shall report annually to the education committees of  
 29.32 the legislature on the total number of teacher candidates during the most recent school  
 29.33 year taking ~~the~~ a board-adopted skills examination, the number who achieve a qualifying  
 29.34 score on the examination, the number who do not achieve a qualifying score on the  
 29.35 examination, the distribution of all candidates' scores, the number of candidates who have

30.1 ~~taken the examination at least once before, and the number of candidates who have taken~~  
 30.2 ~~the examination at least once before and achieve a qualifying score, and the candidates~~  
 30.3 ~~who have not attained the requisite composite ACT Plus Writing or SAT score or have~~  
 30.4 ~~not passed a content or pedagogy exam, disaggregated by categories of race, ethnicity,~~  
 30.5 ~~and eligibility for financial aid.~~

30.6 (c) The Board of Teaching must grant continuing licenses only to those persons who  
 30.7 have met board criteria for granting a continuing license, which includes passing the a  
 30.8 board-adopted skills examination in reading, writing, and mathematics ~~or attaining the~~  
 30.9 ~~requisite composite ACT Plus Writing or SAT score consistent with paragraph (b), and the~~  
 30.10 ~~exceptions in section 122A.09, subdivision 4, paragraph (b), that are consistent with this~~  
 30.11 ~~paragraph. The requirement to pass a~~ board-adopted reading, writing, and mathematics  
 30.12 ~~skills examination, or attain the requisite composite score on the ACT Plus Writing or SAT~~  
 30.13 ~~does not apply to nonnative English speakers, as verified by qualified Minnesota school~~  
 30.14 ~~district personnel or Minnesota higher education faculty, who, after meeting the content and~~  
 30.15 ~~pedagogy requirements under this subdivision, apply for a teaching license to provide direct~~  
 30.16 ~~instruction in their native language or world language instruction under section 120B.022,~~  
 30.17 ~~subdivision 1. A teacher candidate's official ACT Plus Writing or SAT composite score~~  
 30.18 ~~report to the board must not be more than ten years old at the time of licensure.~~

30.19 (d) All colleges and universities approved by the board of teaching to prepare persons  
 30.20 for teacher licensure must include in their teacher preparation programs a common core  
 30.21 of teaching knowledge and skills to be acquired by all persons recommended for teacher  
 30.22 licensure. Among other requirements, teacher candidates must demonstrate the knowledge  
 30.23 and skills needed to provide appropriate instruction to English learners to support and  
 30.24 accelerate their academic literacy, including oral academic language, and achievement in  
 30.25 content areas in a regular classroom setting. This common core shall meet the standards  
 30.26 developed by the interstate new teacher assessment and support consortium in its 1992  
 30.27 "model standards for beginning teacher licensing and development." Amendments to  
 30.28 standards adopted under this paragraph are covered by chapter 14. The board of teaching  
 30.29 shall report annually to the education committees of the legislature on the performance  
 30.30 of teacher candidates on common core assessments of knowledge and skills under this  
 30.31 paragraph during the most recent school year.

30.32 Sec. 20. Minnesota Statutes 2014, section 122A.18, is amended by adding a  
 30.33 subdivision to read:

30.34 Subd. 4a. **Limited provisional licenses.** The board may grant two-year provisional  
 30.35 licenses to a licensure candidate in a field in which they were not previously licensed or in a

31.1 field in which a shortage of licensed teachers exists. A shortage is defined as an inadequate  
 31.2 supply of licensed personnel in a given licensure area as determined by the commissioner.

31.3 Sec. 21. Minnesota Statutes 2014, section 122A.20, subdivision 1, is amended to read:

31.4 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Board of  
 31.5 Teaching or Board of School Administrators, whichever has jurisdiction over a teacher's  
 31.6 licensure, may, on the written complaint of the school board employing a teacher, a teacher  
 31.7 organization, or any other interested person, refuse to issue, refuse to renew, suspend, or  
 31.8 revoke a teacher's license to teach for any of the following causes:

- 31.9 (1) immoral character or conduct;  
 31.10 (2) failure, without justifiable cause, to teach for the term of the teacher's contract;  
 31.11 (3) gross inefficiency or willful neglect of duty;  
 31.12 (4) failure to meet licensure requirements; or  
 31.13 (5) fraud or misrepresentation in obtaining a license.

31.14 The written complaint must specify the nature and character of the charges.

31.15 (b) The Board of Teaching or Board of School Administrators, whichever  
 31.16 has jurisdiction over a teacher's licensure, shall refuse to issue, refuse to renew, or  
 31.17 automatically revoke a teacher's license to teach without the right to a hearing upon  
 31.18 receiving a certified copy of a conviction showing that the teacher has been convicted  
 31.19 of child abuse, as defined in section 609.185, sex trafficking in the first degree under  
 31.20 section 609.322, subdivision 1, engaging in hiring, or agreeing to hire a minor to engage  
 31.21 in prostitution under section 609.324, subdivision 1, sexual abuse under section 609.342,  
 31.22 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, solicitation  
 31.23 of children to engage in sexual conduct or communication of sexually explicit materials  
 31.24 to children under section 609.352, interference with privacy under section 609.746 or  
 31.25 stalking under section 609.749 and the victim was a minor, using minors in a sexual  
 31.26 performance under section 617.246, or possessing pornographic works involving a minor  
 31.27 under section 617.247, or any other offense not listed in this paragraph that requires the  
 31.28 person to register as a predatory offender under section 243.166, or a crime under a similar  
 31.29 law of another state or the United States. The board shall send notice of this licensing  
 31.30 action to the district in which the teacher is currently employed.

31.31 (c) A person whose license to teach has been revoked, not issued, or not renewed  
 31.32 under paragraph (b), may petition the board to reconsider the licensing action if the  
 31.33 person's conviction for child abuse or sexual abuse is reversed by a final decision of the  
 31.34 Court of Appeals or the Supreme Court or if the person has received a pardon for the  
 31.35 offense. The petitioner shall attach a certified copy of the appellate court's final decision or

32.1 the pardon to the petition. Upon receiving the petition and its attachment, the board shall  
 32.2 schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2,  
 32.3 unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding  
 32.4 the reversal of the petitioner's criminal conviction or the issuance of a pardon, the  
 32.5 petitioner is disqualified from teaching under paragraph (a), clause (1), the board shall  
 32.6 affirm its previous licensing action. If the board finds that the petitioner is not disqualified  
 32.7 from teaching under paragraph (a), clause (1), it shall reverse its previous licensing action.

32.8 (d) For purposes of this subdivision, the Board of Teaching is delegated the authority  
 32.9 to suspend or revoke coaching licenses.

32.10 Sec. 22. Minnesota Statutes 2014, section 122A.21, subdivision 2, is amended to read:

32.11 Subd. 2. **Licensure via portfolio.** (a) An eligible candidate may use licensure  
 32.12 via portfolio to obtain an initial licensure or to add a licensure field, consistent with the  
 32.13 applicable Board of Teaching licensure rules.

32.14 (b) A candidate for initial licensure must submit to the ~~Educator Licensing Division~~  
 32.15 ~~at the department~~ Board of Teaching one portfolio demonstrating pedagogical competence  
 32.16 and one portfolio demonstrating content competence.

32.17 (c) A candidate seeking to add a licensure field must submit to the ~~Educator~~  
 32.18 ~~Licensing Division at the department~~ Board of Teaching one portfolio demonstrating  
 32.19 content competence.

32.20 (d) The Board of Teaching must approve or disapprove candidates' portfolios under  
 32.21 paragraph (b) or (c) within 90 calendar days after receiving the portfolio. If the portfolio is  
 32.22 not approved, the board must immediately inform the candidate how to revise the portfolio  
 32.23 to successfully demonstrate the requisite competence. The candidate may resubmit a  
 32.24 revised portfolio within 90 calendar days of receiving notification from the board and the  
 32.25 board must approve or disapprove the portfolio within 60 calendar days of receiving it.

32.26 ~~(d)~~ (e) A candidate must pay to the executive secretary of the Board of Teaching a  
 32.27 \$300 fee for the first portfolio submitted for review and a \$200 fee for any portfolio  
 32.28 submitted subsequently. The fees must be paid to the executive secretary of the Board of  
 32.29 Teaching. The revenue generated from the fee must be deposited in an education licensure  
 32.30 portfolio account in the special revenue fund. The fees set by the Board of Teaching are  
 32.31 nonrefundable for applicants not qualifying for a license. The Board of Teaching may  
 32.32 waive or reduce fees for candidates based on financial need.

32.33 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 32.34 and applies to all portfolios submitted to the Board of Teaching after that date.

33.1 Sec. 23. Minnesota Statutes 2014, section 122A.23, is amended to read:

33.2 **122A.23 APPLICANTS TRAINED IN OTHER STATES.**

33.3 Subdivision 1. **Preparation equivalency.** When a license to teach is authorized to  
33.4 be issued to any holder of a diploma or a degree of a Minnesota state university, or of the  
33.5 University of Minnesota, or of a liberal arts university, or a technical training institution,  
33.6 such license may also, in the discretion of the Board of Teaching or the commissioner of  
33.7 education, whichever has jurisdiction, be issued to any holder of a diploma or a degree  
33.8 of a teacher training institution of equivalent rank and standing of any other state. The  
33.9 diploma or degree must be granted by virtue of completing a course in teacher preparation  
33.10 essentially equivalent in content to that required by such Minnesota state university or the  
33.11 University of Minnesota or a liberal arts university in Minnesota or a technical training  
33.12 institution as preliminary to the granting of a diploma or a degree of the same rank and  
33.13 class. For purposes of granting a Minnesota teaching license to a person who receives a  
33.14 diploma or degree from a state-accredited, out-of-state teacher training program leading to  
33.15 licensure, the Board of Teaching must ~~establish~~ publish established criteria and streamlined  
33.16 procedures by January 1, 2016, to recognize the experience and professional credentials of  
33.17 the person holding the out-of-state diploma or degree and allow that person to demonstrate  
33.18 to the board the person's qualifications for receiving a Minnesota teaching license based  
33.19 on performance measures the board adopts by January 1, 2016, under this section.

33.20 Subd. 2. **Applicants licensed in other states.** (a) Subject to the requirements of  
33.21 sections 122A.18, subdivision 8, and 123B.03, the Board of Teaching must issue a teaching  
33.22 license or a temporary teaching license under paragraphs (b) to (e) to an applicant who holds  
33.23 at least a baccalaureate degree from a regionally accredited college or university and holds  
33.24 or held a similar out-of-state teaching license that requires the applicant to successfully  
33.25 complete a teacher preparation program approved by the issuing state, which includes  
33.26 field-specific teaching methods and student teaching or essentially equivalent experience.

33.27 (b) The Board of Teaching must issue a teaching license to an applicant who:

33.28 (1) successfully completed all exams and human relations preparation components  
33.29 required by the Board of Teaching; and

33.30 (2) holds or held an out-of-state teaching license to teach the same content field and  
33.31 grade levels if the scope of the out-of-state license is no more than two grade levels less  
33.32 than a similar Minnesota license.

33.33 (c) The Board of Teaching, consistent with board rules and paragraph (h), must  
33.34 issue up to three one-year temporary teaching licenses to an applicant who holds or held  
33.35 an out-of-state teaching license to teach the same content field and grade levels, where  
33.36 the scope of the out-of-state license is no more than two grade levels less than a similar

34.1 Minnesota license, but has not successfully completed all exams and human relations  
34.2 preparation components required by the Board of Teaching.

34.3 (d) The Board of Teaching, consistent with board rules, must issue up to ~~three~~ four  
34.4 one-year temporary teaching licenses to an applicant who:

34.5 (1) successfully completed all exams and human relations preparation components  
34.6 required by the Board of Teaching; and

34.7 (2) holds or held an out-of-state teaching license to teach the same content field  
34.8 and grade levels, where the scope of the out-of-state license is no more than two grade  
34.9 levels less than a similar Minnesota license, but has not completed field-specific teaching  
34.10 methods or student teaching or equivalent experience.

34.11 The applicant may complete field-specific teaching methods and student teaching  
34.12 or equivalent experience by successfully participating in a one-year school district  
34.13 mentorship program consistent with board-adopted standards of effective practice and  
34.14 Minnesota graduation requirements.

34.15 (e) The Board of Teaching must issue a ~~temporary~~ restricted teaching license ~~for~~  
34.16 ~~a term of up to three years~~ only in the content field or grade levels specified in the  
34.17 out-of-state license to an applicant who:

34.18 (1) successfully completed all exams and human relations preparation components  
34.19 required by the Board of Teaching; and

34.20 (2) holds or held an out-of-state teaching license where the out-of-state license is  
34.21 more limited in the content field or grade levels than a similar Minnesota license.

34.22 (f) The Board of Teaching ~~must not issue to an applicant more than three one-year~~  
34.23 ~~temporary teaching licenses under this subdivision~~ may issue a two-year limited  
34.24 provisional license to an applicant under this subdivision to teach in a shortage area,  
34.25 consistent with section 122A.18, subdivision 4a.

34.26 (g) The Board of Teaching must not issue a license under this subdivision if the  
34.27 applicant has not attained the additional degrees, credentials, or licenses required in a  
34.28 particular licensure field.

34.29 (h) The Board of Teaching must require an applicant for a teaching license or  
34.30 a temporary teaching license under this subdivision to pass a board-adopted skills  
34.31 examination in reading, writing, and mathematics ~~or demonstrate, consistent with section~~  
34.32 ~~122A.09, subdivision 4, the applicant's attainment of either the requisite composite ACT~~  
34.33 ~~Plus Writing or SAT score~~ before the board issues the license unless, notwithstanding  
34.34 other provisions of this subdivision, an applicable board-approved National Association of  
34.35 State Directors of Teacher Education interstate reciprocity agreement exists to allow fully  
34.36 certified teachers from other states to transfer their certification to Minnesota.

35.1 Subd. 3. **Teacher licensure agreements with adjoining states.** (a) Notwithstanding  
 35.2 any other law to the contrary, the Board of Teaching must enter into National Association of  
 35.3 State Directors of Teacher Education and Certification (NASDTEC) interstate agreements  
 35.4 for teacher licensure to allow fully certified teachers from adjoining states to transfer  
 35.5 their certification to Minnesota. The board must enter into these interstate agreements  
 35.6 only after determining that the rigor of the teacher licensure or certification requirements  
 35.7 in the adjoining state is commensurate with the rigor of Minnesota's teacher licensure  
 35.8 requirements. The board may limit an interstate agreement to particular content fields or  
 35.9 grade levels based on established priorities or identified shortages. This subdivision does  
 35.10 not apply to out-of-state applicants holding only a provisional teaching license.

35.11 (b) The Board of Teaching must work with designated authorities in adjoining states  
 35.12 to establish interstate teacher licensure agreements under this section.

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

35.14 Sec. 24. Minnesota Statutes 2014, section 122A.245, subdivision 1, is amended to read:

35.15 Subdivision 1. **Requirements.** (a) To improve academic excellence, improve ethnic  
 35.16 and cultural diversity in the classroom, and close the academic achievement gap, the  
 35.17 Board of Teaching must approve qualified teacher preparation programs under this section  
 35.18 that are a means to acquire a two-year limited-term license, which the board may renew  
 35.19 one time for an additional one-year term, and to prepare for acquiring a standard license.  
 35.20 The following entities are eligible to participate under this section:

35.21 (1) a school district ~~or~~, charter school, or nonprofit corporation organized under  
 35.22 chapter 317A for an education-related purpose that forms a partnership with a college or  
 35.23 university that has a board-approved alternative teacher preparation program; or

35.24 (2) a school district or charter school, after consulting with a college or university  
 35.25 with a board-approved teacher preparation program, that forms a partnership with a  
 35.26 nonprofit corporation organized under chapter 317A for an education-related purpose that  
 35.27 has a board-approved teacher preparation program.

35.28 (b) ~~Before participating in this program~~ becoming a teacher of record, a candidate  
 35.29 must:

35.30 (1) have a bachelor's degree with a 3.0 or higher grade point average unless the  
 35.31 board waives the grade point average requirement based on board-adopted criteria adopted  
 35.32 by January 1, 2016;

35.33 (2) ~~pass the~~ demonstrate a passing score on a board-approved reading, writing, and  
 35.34 mathematics skills examination under section 122A.09, subdivision 4, paragraph (b); and

36.1 (3) obtain qualifying scores on applicable board-approved rigorous content area and  
 36.2 pedagogy examinations under section 122A.09, subdivision 4, paragraph (e).

36.3 (c) The Board of Teaching must issue a two-year limited-term license to a person  
 36.4 who enrolls in an alternative teacher preparation program.

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

36.6 Sec. 25. Minnesota Statutes 2014, section 122A.245, subdivision 7, is amended to read:

36.7 Subd. 7. **Standard license.** The Board of Teaching must issue a standard license  
 36.8 to an otherwise qualified teacher candidate under this section who successfully performs  
 36.9 throughout a program under this section, ~~successfully completes all required~~ obtains  
 36.10 qualifying scores on applicable board-approved rigorous skills, pedagogy, and content  
 36.11 area examinations under section 122A.09, subdivision 4, paragraphs (a) and (e), and is  
 36.12 recommended for licensure under subdivision 5 or successfully demonstrates to the board  
 36.13 qualifications for licensure under subdivision 6.

36.14 Sec. 26. Minnesota Statutes 2014, section 122A.30, is amended to read:

36.15 **122A.30 EXEMPTION FOR TECHNICAL COLLEGE EDUCATION**  
 36.16 **INSTRUCTORS.**

36.17 (a) Notwithstanding section 122A.15, subdivision 1, and upon approval of the local  
 36.18 employer school board, a person who teaches in a part-time vocational or career and  
 36.19 technical education program not more than 61 hours per fiscal year is exempt from a  
 36.20 license requirement.

36.21 (b) This section expires June 30, 2020.

36.22 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 36.23 and applies to all technical education instructors hired after that date.

36.24 Sec. 27. Minnesota Statutes 2014, section 122A.40, subdivision 8, is amended to read:

36.25 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
 36.26 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
 36.27 representative of the teachers in the district, consistent with paragraph (b), may develop  
 36.28 a teacher evaluation and peer review process for probationary and continuing contract  
 36.29 teachers through joint agreement. If a school board and the exclusive representative of the  
 36.30 teachers do not agree to an annual teacher evaluation and peer review process, then the  
 36.31 school board and the exclusive representative of the teachers must implement the state  
 36.32 teacher evaluation plan under paragraph (c). The process must include having trained

37.1 observers serve as peer coaches or having teachers participate in professional learning  
37.2 communities, consistent with paragraph (b).

37.3 (b) To develop, improve, and support qualified teachers and effective teaching  
37.4 practices and improve student learning and success, the annual evaluation process for  
37.5 teachers:

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

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

37.13 (3) must be based on professional teaching standards established in rule;

37.14 (4) must coordinate staff development activities under sections 122A.60 and  
37.15 122A.61 with this evaluation process and teachers' evaluation outcomes;

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

37.18 (6) may include job-embedded learning opportunities such as professional learning  
37.19 communities;

37.20 (7) may include mentoring and induction programs;

37.21 (8) must include an option for teachers to develop and present a portfolio  
37.22 demonstrating evidence of reflection and professional growth, consistent with section  
37.23 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment  
37.24 based on student work samples and examples of teachers' work, which may include video  
37.25 among other activities for the summative evaluation;

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

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

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

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

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

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

38.11 (c) The department, in consultation with parents who may represent parent  
38.12 organizations and teacher and administrator representatives appointed by their respective  
38.13 organizations, representing the Board of Teaching, the Minnesota Association of School  
38.14 Administrators, the Minnesota School Boards Association, the Minnesota Elementary  
38.15 and Secondary Principals Associations, Education Minnesota, and representatives of  
38.16 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota  
38.17 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise  
38.18 in teacher evaluation, must create and publish a teacher evaluation process that complies  
38.19 with the requirements in paragraph (b) and applies to all teachers under this section and  
38.20 section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher  
38.21 evaluation and peer review process. The teacher evaluation process created under this  
38.22 subdivision does not create additional due process rights for probationary teachers under  
38.23 subdivision 5.

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

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

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

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

39.2 Sec. 28. Minnesota Statutes 2014, section 122A.41, subdivision 5, is amended to read:

39.3 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**  
39.4 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
39.5 representative of the teachers in the district, consistent with paragraph (b), may develop an  
39.6 annual teacher evaluation and peer review process for probationary and nonprobationary  
39.7 teachers through joint agreement. If a school board and the exclusive representative of  
39.8 the teachers in the district do not agree to an annual teacher evaluation and peer review  
39.9 process, then the school board and the exclusive representative of the teachers must  
39.10 implement the state teacher evaluation plan developed under paragraph (c). The process  
39.11 must include having trained observers serve as peer coaches or having teachers participate  
39.12 in professional learning communities, consistent with paragraph (b).

39.13 (b) To develop, improve, and support qualified teachers and effective teaching  
39.14 practices and improve student learning and success, the annual evaluation process for  
39.15 teachers:

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

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

39.22 (3) must be based on professional teaching standards established in rule;

39.23 (4) must coordinate staff development activities under sections 122A.60 and  
39.24 122A.61 with this evaluation process and teachers' evaluation outcomes;

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

39.27 (6) may include job-embedded learning opportunities such as professional learning  
39.28 communities;

39.29 (7) may include mentoring and induction programs;

39.30 (8) must include an option for teachers to develop and present a portfolio  
39.31 demonstrating evidence of reflection and professional growth, consistent with section  
39.32 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment  
39.33 based on student work samples and examples of teachers' work, which may include video  
39.34 among other activities for the summative evaluation;

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

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

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

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

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

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

40.22 (c) The department, in consultation with parents who may represent parent  
40.23 organizations and teacher and administrator representatives appointed by their respective  
40.24 organizations, representing the Board of Teaching, the Minnesota Association of School  
40.25 Administrators, the Minnesota School Boards Association, the Minnesota Elementary  
40.26 and Secondary Principals Associations, Education Minnesota, and representatives of  
40.27 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota  
40.28 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise  
40.29 in teacher evaluation, must create and publish a teacher evaluation process that complies  
40.30 with the requirements in paragraph (b) and applies to all teachers under this section and  
40.31 section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher  
40.32 evaluation and peer review process. The teacher evaluation process created under this  
40.33 subdivision does not create additional due process rights for probationary teachers under  
40.34 subdivision 2.

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

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

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

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

41.14 Sec. 29. Minnesota Statutes 2014, section 122A.69, is amended to read:

41.15 **122A.69 PRACTICE OR STUDENT TEACHERS.**

41.16 The Board of Teaching may, by agreements with teacher ~~preparing~~ preparation  
 41.17 institutions, arrange for classroom experience in the district for practice or student  
 41.18 teachers who have completed ~~not less than~~ at least two years of an approved teacher  
 41.19 education preparation program. Such practice and student teachers must be ~~provided with~~  
 41.20 appropriate supervision appropriately supervised by a fully qualified teacher under rules  
 41.21 ~~promulgated~~ adopted by the board. A practice or student teacher must be placed with a  
 41.22 cooperating licensed teacher who has at least three years of teaching experience and is not  
 41.23 in the improvement process under section 122A.40, subdivision 8, paragraph (b), clause  
 41.24 (12), or section 122A.41, subdivision 5, paragraph (b), clause (12). Practice and student  
 41.25 teachers are ~~deemed~~ employees of the school district in which they are rendering services  
 41.26 for purposes of workers' compensation; liability insurance, if provided for other district  
 41.27 employees ~~in accordance with~~ under section 123B.23; and legal counsel ~~in accordance~~  
 41.28 ~~with the provisions of~~ under section 123B.25.

41.29 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
 41.30 later.

41.31 Sec. 30. Minnesota Statutes 2014, section 124D.09, subdivision 5, is amended to read:

41.32 Subd. 5. **Authorization; notification.** Notwithstanding any other law to the  
 41.33 contrary, an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled

42.1 tribal contract or grant school eligible for aid under section 124D.83, except a foreign  
42.2 exchange pupil enrolled in a district under a cultural exchange program, may apply to an  
42.3 eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by  
42.4 that postsecondary institution. Notwithstanding any other law to the contrary, a 9th or 10th  
42.5 grade pupil enrolled in a district or an American Indian-controlled tribal contract or grant  
42.6 school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in  
42.7 a district under a cultural exchange program, may apply to enroll in nonsectarian courses  
42.8 offered under subdivision 10, if (1) after all 11th and 12th grade students have applied  
42.9 for a course, additional students are necessary to offer the course or (2) the course is a  
42.10 world language course. If an institution accepts a secondary pupil for enrollment under  
42.11 this section, the institution shall send written notice to the pupil, the pupil's school or  
42.12 school district, and the commissioner within ten days of acceptance. The notice must  
42.13 indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for  
42.14 postsecondary credit, the institution must notify the pupil about payment in the customary  
42.15 manner used by the institution.

42.16 Sec. 31. Minnesota Statutes 2014, section 124D.09, subdivision 5a, is amended to read:

42.17 Subd. 5a. **Authorization; career or technical education.** A 10th, 11th, or 12th  
42.18 grade pupil enrolled in a district or an American Indian-controlled tribal contract or grant  
42.19 school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in  
42.20 a district under a cultural exchange program, may enroll in a career or technical education  
42.21 course offered by a Minnesota state college or university. A 10th grade pupil applying  
42.22 for enrollment in a career or technical education course under this subdivision must have  
42.23 received a passing score on the 8th grade Minnesota Comprehensive Assessment in  
42.24 reading as a condition of enrollment. A current 10th grade pupil who did not take the 8th  
42.25 grade Minnesota Comprehensive Assessment in reading may substitute another reading  
42.26 assessment accepted by the enrolling postsecondary institution. A secondary pupil may  
42.27 enroll in the pupil's first postsecondary options enrollment course under this subdivision.  
42.28 A student who is refused enrollment by a Minnesota state college or university under this  
42.29 subdivision may apply to an eligible institution offering a career or technical education  
42.30 course. The postsecondary institution must give priority to its students according to  
42.31 subdivision 9. If a secondary student receives a grade of "C" or better in the career or  
42.32 technical education course taken under this subdivision, the postsecondary institution  
42.33 must allow the student to take additional postsecondary courses for secondary credit at  
42.34 that institution, not to exceed the limits in subdivision 8. A "career or technical course" is  
42.35 a course that is part of a career and technical education program that provides individuals

43.1 with coherent, rigorous content aligned with academic standards and relevant technical  
 43.2 knowledge and skills needed to prepare for further education and careers in current and  
 43.3 emerging professions and provide technical skill proficiency, an industry recognized  
 43.4 credential, and a certificate, a diploma, or an associate degree.

43.5 Sec. 32. Minnesota Statutes 2014, section 124D.09, subdivision 9, is amended to read:

43.6 Subd. 9. **Enrollment priority.** (a) A postsecondary institution shall give priority to  
 43.7 its postsecondary students when enrolling 10th, 11th, and 12th grade pupils in its courses.  
 43.8 A postsecondary institution may provide information about its programs to a secondary  
 43.9 school or to a pupil or parent and it may advertise or otherwise recruit or solicit a secondary  
 43.10 pupil to enroll in its programs on educational and programmatic grounds only except,  
 43.11 notwithstanding other law to the contrary, and for the 2014-2015 through 2019-2020  
 43.12 school years only, an eligible postsecondary institution may advertise or otherwise recruit  
 43.13 or solicit a secondary pupil residing in a school district with 700 students or more in grades  
 43.14 10, 11, and 12, to enroll in its programs on educational, programmatic, or financial grounds.

43.15 (b) An institution must not enroll secondary pupils, for postsecondary enrollment  
 43.16 options purposes, in remedial, developmental, or other courses that are not college level  
 43.17 except when a student eligible to participate and enrolled in the graduation incentives  
 43.18 program under section 124D.68 enrolls full time in a middle or early college program. A  
 43.19 middle or early college program must be specifically designed to allow the student to earn  
 43.20 dual high school and college credit with a well-defined pathway to allow the student to earn  
 43.21 a postsecondary degree or credential. In this case, the student shall receive developmental  
 43.22 college credit and not college credit for completing remedial or developmental courses.

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

43.25 ~~(b)~~ (d) If a postsecondary institution enrolls a secondary school pupil in a course  
 43.26 under this section, the postsecondary institution also must enroll in the same course an  
 43.27 otherwise enrolled and qualified postsecondary student who qualifies as a veteran under  
 43.28 section 197.447, and demonstrates to the postsecondary institution's satisfaction that the  
 43.29 institution's established enrollment timelines were not practicable for that student.

43.30 Sec. 33. Minnesota Statutes 2014, section 124D.10, subdivision 3, is amended to read:

43.31 Subd. 3. **Authorizer.** (a) For purposes of this section, the terms defined in this  
 43.32 subdivision have the meanings given them.

44.1 "Application" to receive approval as an authorizer means the proposal an eligible  
44.2 authorizer submits to the commissioner under paragraph (c) before that authorizer is able  
44.3 to submit any affidavit to charter to a school.

44.4 "Application" under subdivision 4 means the charter school business plan a  
44.5 school developer submits to an authorizer for approval to establish a charter school that  
44.6 documents the school developer's mission statement, school purposes, program design,  
44.7 financial plan, governance and management structure, and background and experience,  
44.8 plus any other information the authorizer requests. The application also shall include a  
44.9 "statement of assurances" of legal compliance prescribed by the commissioner.

44.10 "Affidavit" means a written statement the authorizer submits to the commissioner  
44.11 for approval to establish a charter school under subdivision 4 attesting to its review and  
44.12 approval process before chartering a school.

44.13 (b) The following organizations may authorize one or more charter schools:

44.14 (1) a school board, intermediate school district school board, or education district  
44.15 organized under sections 123A.15 to 123A.19;

44.16 (2) a charitable organization under section 501(c)(3) of the Internal Revenue Code  
44.17 of 1986, excluding a nonpublic sectarian or religious institution; any person other than a  
44.18 natural person that directly or indirectly, through one or more intermediaries, controls,  
44.19 is controlled by, or is under common control with the nonpublic sectarian or religious  
44.20 institution; and any other charitable organization under this clause that in the federal IRS  
44.21 Form 1023, Part IV, describes activities indicating a religious purpose, that:

44.22 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on  
44.23 Foundations;

44.24 (ii) is registered with the attorney general's office; and

44.25 (iii) is incorporated in the state of Minnesota and has been operating continuously  
44.26 for at least five years but does not operate a charter school;

44.27 (3) a Minnesota private college, notwithstanding clause (2), that grants two- or  
44.28 four-year degrees and is registered with the Minnesota Office of Higher Education under  
44.29 chapter 136A; community college, state university, or technical college governed by the  
44.30 Board of Trustees of the Minnesota State Colleges and Universities; or the University  
44.31 of Minnesota;

44.32 (4) a nonprofit corporation subject to chapter 317A, described in section 317A.905,  
44.33 and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code  
44.34 of 1986, may authorize one or more charter schools if the charter school has operated  
44.35 for at least three years under a different authorizer and if the nonprofit corporation has  
44.36 existed for at least 25 years; or

45.1 (5) single-purpose authorizers formed as charitable, nonsectarian organizations  
45.2 under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state  
45.3 of Minnesota under chapter 317A as a corporation with no members or under section  
45.4 322B.975 as a nonprofit limited liability company for the sole purpose of chartering schools.  
45.5 Eligible organizations interested in being approved as an authorizer under this paragraph  
45.6 must submit a proposal to the commissioner that includes the provisions of paragraph (c)  
45.7 and a five-year financial plan. Such authorizers shall consider and approve charter school  
45.8 applications using the criteria provided in subdivision 4 and shall not limit the applications  
45.9 it solicits, considers, or approves to any single curriculum, learning program, or method.

45.10 (c) An eligible authorizer under this subdivision must apply to the commissioner for  
45.11 approval as an authorizer before submitting any affidavit to the commissioner to charter  
45.12 a school. The application for approval as a charter school authorizer must demonstrate  
45.13 the applicant's ability to implement the procedures and satisfy the criteria for chartering a  
45.14 school under this section. The commissioner must approve or disapprove an application  
45.15 within 45 business days of the application deadline. If the commissioner disapproves  
45.16 the application, the commissioner must notify the applicant of the specific deficiencies  
45.17 in writing and the applicant then has 20 business days to address the deficiencies to the  
45.18 commissioner's satisfaction. After the 20 business days expire, the commissioner has 15  
45.19 business days to make a final decision to approve or disapprove the application. Failing to  
45.20 address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to  
45.21 be an authorizer. The commissioner, in establishing criteria for approval, must consider  
45.22 the applicant's:

- 45.23 (1) capacity and infrastructure;
- 45.24 (2) application criteria and process;
- 45.25 (3) contracting process;
- 45.26 (4) ongoing oversight and evaluation processes; and
- 45.27 (5) renewal criteria and processes.

45.28 (d) An applicant must include in its application to the commissioner to be an  
45.29 approved authorizer at least the following:

- 45.30 (1) how chartering schools is a way for the organization to carry out its mission;
- 45.31 (2) a description of the capacity of the organization to serve as an authorizer,  
45.32 including the personnel who will perform the authorizing duties, their qualifications, the  
45.33 amount of time they will be assigned to this responsibility, and the financial resources  
45.34 allocated by the organization to this responsibility;
- 45.35 (3) a description of the application and review process the authorizer will use to  
45.36 make decisions regarding the granting of charters;

46.1 (4) a description of the type of contract it will arrange with the schools it charters  
46.2 that meets the provisions of subdivision 6;

46.3 (5) the process to be used for providing ongoing oversight of the school consistent  
46.4 with the contract expectations specified in clause (4) that assures that the schools chartered  
46.5 are complying with both the provisions of applicable law and rules, and with the contract;

46.6 (6) a description of the criteria and process the authorizer will use to grant expanded  
46.7 applications under subdivision 4, paragraph (j);

46.8 (7) the process for making decisions regarding the renewal or termination of  
46.9 the school's charter based on evidence that demonstrates the academic, organizational,  
46.10 and financial competency of the school, including its success in increasing student  
46.11 achievement and meeting the goals of the charter school agreement; and

46.12 (8) an assurance specifying that the organization is committed to serving as an  
46.13 authorizer for the full five-year term.

46.14 (e) A disapproved applicant under this section may resubmit an application during a  
46.15 future application period.

46.16 (f) If the governing board of an approved authorizer votes to withdraw as an  
46.17 approved authorizer for a reason unrelated to any cause under subdivision 23, the  
46.18 authorizer must notify all its chartered schools and the commissioner in writing by July 15  
46.19 of its intent to withdraw as an authorizer on June 30 in the next calendar year, regardless  
46.20 of when the authorizer's five-year term of approval ends. The commissioner may approve  
46.21 the transfer of a charter school to a new authorizer under this paragraph after the new  
46.22 authorizer submits an affidavit to the commissioner.

46.23 (g) The authorizer must participate in department-approved training.

46.24 (h) The commissioner shall review an authorizer's performance every five years in  
46.25 a manner and form determined by the commissioner and may review an authorizer's  
46.26 performance more frequently at the commissioner's own initiative or at the request of a  
46.27 charter school operator, charter school board member, or other interested party. The  
46.28 commissioner, after completing the review, shall transmit a report with findings to the  
46.29 authorizer. If, consistent with this section, the commissioner finds that an authorizer has  
46.30 not fulfilled the requirements of this section, the commissioner may subject the authorizer  
46.31 to corrective action, which may include terminating the contract with the charter school  
46.32 board of directors of a school it chartered. The commissioner must notify the authorizer  
46.33 in writing of any findings that may subject the authorizer to corrective action and  
46.34 the authorizer then has 15 business days to request an informal hearing before the  
46.35 commissioner takes corrective action. If the commissioner terminates a contract between

47.1 an authorizer and a charter school under this paragraph, the commissioner may assist the  
47.2 charter school in acquiring a new authorizer.

47.3 (i) The commissioner may at any time take corrective action against an authorizer,  
47.4 including terminating an authorizer's ability to charter a school for:

47.5 (1) failing to demonstrate the criteria under paragraph (c) under which the  
47.6 commissioner approved the authorizer;

47.7 (2) violating a term of the chartering contract between the authorizer and the charter  
47.8 school board of directors;

47.9 (3) unsatisfactory performance as an approved authorizer; or

47.10 (4) any good cause shown that provides the commissioner a legally sufficient reason  
47.11 to take corrective action against an authorizer.

47.12 Sec. 34. Minnesota Statutes 2014, section 124D.10, subdivision 4, is amended to read:

47.13 Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from  
47.14 a school developer, may charter a licensed teacher under section 122A.18, subdivision  
47.15 1, or a group of individuals that includes one or more licensed teachers under section  
47.16 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the  
47.17 authorizer's affidavit under paragraph (b). The school must be organized and operated as a  
47.18 nonprofit corporation under chapter 317A and the provisions under the applicable chapter  
47.19 shall apply to the school except as provided in this section.

47.20 Notwithstanding sections 465.717 and 465.719, a school district, subject to this  
47.21 section and section 124D.11, may create a corporation for the purpose of establishing a  
47.22 charter school.

47.23 (b) Before the operators may establish and operate a school, the authorizer must file  
47.24 an affidavit with the commissioner stating its intent to charter a school. An authorizer  
47.25 must file a separate affidavit for each school it intends to charter. An authorizer must file  
47.26 an affidavit ~~by May 1 to be able to charter a new school in the next school year after the~~  
47.27 ~~commissioner approves the authorizer's affidavit at least 14 months before July 1 of the~~  
47.28 year the new charter school plans to serve students. The affidavit must state the terms and  
47.29 conditions under which the authorizer would charter a school and how the authorizer  
47.30 intends to oversee the fiscal and student performance of the charter school and to comply  
47.31 with the terms of the written contract between the authorizer and the charter school  
47.32 board of directors under subdivision 6. The commissioner must approve or disapprove  
47.33 the authorizer's affidavit within 60 business days of receipt of the affidavit. If the  
47.34 commissioner disapproves the affidavit, the commissioner shall notify the authorizer of  
47.35 the deficiencies in the affidavit and the authorizer then has 20 business days to address the

48.1 deficiencies. The commissioner must notify the authorizer of final approval or disapproval  
48.2 within 15 business days after receiving the authorizer's response to the deficiencies in the  
48.3 affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction,  
48.4 the commissioner's disapproval is final. Failure to obtain commissioner approval precludes  
48.5 an authorizer from chartering the school that is the subject of this affidavit.

48.6 (c) The authorizer may prevent an approved charter school from opening for  
48.7 operation if, among other grounds, the charter school violates this section or does not meet  
48.8 the ready-to-open standards that are part of the authorizer's oversight and evaluation  
48.9 process or are stipulated in the charter school contract.

48.10 (d) The operators authorized to organize and operate a school, before entering into  
48.11 a contract or other agreement for professional or other services, goods, or facilities,  
48.12 must incorporate as a nonprofit corporation under chapter 317A and must establish a  
48.13 board of directors composed of at least five members who are not related parties until a  
48.14 timely election for members of the ongoing charter school board of directors is held  
48.15 according to the school's articles and bylaws under paragraph (f). A charter school board  
48.16 of directors must be composed of at least five members who are not related parties.  
48.17 Staff members employed at the school, including teachers providing instruction under a  
48.18 contract with a cooperative, members of the board of directors, and all parents or legal  
48.19 guardians of children enrolled in the school are the voters eligible to elect the members  
48.20 of the school's board of directors. A charter school must notify eligible voters of the  
48.21 school board election dates at least 30 days before the election. Board of director meetings  
48.22 must comply with chapter 13D.

48.23 (e) A charter school shall publish and maintain on the school's official Web site: (1)  
48.24 the minutes of meetings of the board of directors, and of members and committees having  
48.25 any board-delegated authority, for at least one calendar year from the date of publication;  
48.26 (2) directory information for members of the board of directors and committees having  
48.27 board-delegated authority; and (3) identifying and contact information for the school's  
48.28 authorizer. Identifying and contact information for the school's authorizer must be  
48.29 included in other school materials made available to the public. Upon request of an  
48.30 individual, the charter school must also make available in a timely fashion financial  
48.31 statements showing all operations and transactions affecting income, surplus, and deficit  
48.32 during the school's last annual accounting period; and a balance sheet summarizing assets  
48.33 and liabilities on the closing date of the accounting period. A charter school also must  
48.34 include that same information about its authorizer in other school materials that it makes  
48.35 available to the public.

49.1 (f) Every charter school board member shall attend annual training throughout the  
49.2 member's term on the board. All new board members shall attend initial training on  
49.3 the board's role and responsibilities, employment policies and practices, and financial  
49.4 management. A new board member who does not begin the required initial training within  
49.5 six months after being seated and complete that training within 12 months of being seated  
49.6 on the board is automatically ineligible to continue to serve as a board member. The  
49.7 school shall include in its annual report the training attended by each board member  
49.8 during the previous year.

49.9 (g) The ongoing board must be elected before the school completes its third year of  
49.10 operation. Board elections must be held during the school year but may not be conducted  
49.11 on days when the school is closed for holidays, breaks, or vacations. The charter school  
49.12 board of directors shall be composed of at least five nonrelated members and include: (i)  
49.13 at least one licensed teacher employed as a teacher at the school or providing instruction  
49.14 under contract between the charter school and a cooperative; (ii) at least one parent or  
49.15 legal guardian of a student enrolled in the charter school who is not an employee of  
49.16 the charter school; and (iii) at least one interested community member who resides in  
49.17 Minnesota and is not employed by the charter school and does not have a child enrolled  
49.18 in the school. The board may include a majority of teachers described in this paragraph  
49.19 or parents or community members, or it may have no clear majority. The chief financial  
49.20 officer and the chief administrator may only serve as ex-officio nonvoting board members.  
49.21 No charter school employees shall serve on the board other than teachers under item (i).  
49.22 Contractors providing facilities, goods, or services to a charter school shall not serve on  
49.23 the board of directors of the charter school. Board bylaws shall outline the process and  
49.24 procedures for changing the board's governance structure, consistent with chapter 317A.  
49.25 A board may change its governance structure only:

49.26 (1) by a majority vote of the board of directors and a majority vote of the licensed  
49.27 teachers employed by the school as teachers, including licensed teachers providing  
49.28 instruction under a contract between the school and a cooperative; and

49.29 (2) with the authorizer's approval.

49.30 Any change in board governance structure must conform with the composition of  
49.31 the board established under this paragraph.

49.32 (h) The granting or renewal of a charter by an authorizer must not be conditioned  
49.33 upon the bargaining unit status of the employees of the school.

49.34 (i) The granting or renewal of a charter school by an authorizer must not be  
49.35 contingent on the charter school being required to contract, lease, or purchase services  
49.36 from the authorizer. Any potential contract, lease, or purchase of service from an

50.1 authorizer must be disclosed to the commissioner, accepted through an open bidding  
50.2 process, and be a separate contract from the charter contract. The school must document  
50.3 the open bidding process. An authorizer must not enter into a contract to provide  
50.4 management and financial services for a school that it authorizes, unless the school  
50.5 documents that it received at least two competitive bids.

50.6 (j) A charter school may apply to the authorizer to amend the school charter to  
50.7 expand the operation of the school to additional grades or sites that would be students'  
50.8 primary enrollment site beyond those defined in the original affidavit approved by the  
50.9 commissioner. After approving the school's application, the authorizer shall submit a  
50.10 supplementary affidavit in the form and manner prescribed by the commissioner. The  
50.11 authorizer must file a supplement affidavit by October 1 to be eligible to expand in the next  
50.12 school year. The supplementary affidavit must document that the school has demonstrated  
50.13 to the satisfaction of the authorizer the following:

50.14 (1) the need for the expansion with supporting long-range enrollment projections;

50.15 (2) a longitudinal record of demonstrated student academic performance and growth  
50.16 on statewide assessments under chapter 120B or on other academic assessments that  
50.17 measure longitudinal student performance and growth approved by the charter school's  
50.18 board of directors and agreed upon with the authorizer;

50.19 (3) a history of sound school finances and a finance plan to implement the expansion  
50.20 in a manner to promote the school's financial sustainability; and

50.21 (4) board capacity and an administrative and management plan to implement its  
50.22 expansion.

50.23 (k) The commissioner shall have 30 business days to review and comment on the  
50.24 supplemental affidavit. The commissioner shall notify the authorizer in writing of any  
50.25 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to  
50.26 address, to the commissioner's satisfaction, any deficiencies in the supplemental affidavit.  
50.27 The commissioner must notify the authorizer of final approval or disapproval within 15  
50.28 business days after receiving the authorizer's response to the deficiencies in the affidavit.  
50.29 The school may not expand grades or add sites until the commissioner has approved the  
50.30 supplemental affidavit. The commissioner's approval or disapproval of a supplemental  
50.31 affidavit is final.

50.32 Sec. 35. Minnesota Statutes 2014, section 124D.10, subdivision 8, is amended to read:

50.33 Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all  
50.34 federal, state, and local health and safety requirements applicable to school districts.

51.1 (b) A school must comply with statewide accountability requirements governing  
51.2 standards and assessments in chapter 120B.

51.3 (c) A school authorized by a school board may be located in any district, unless the  
51.4 school board of the district of the proposed location disapproves by written resolution.

51.5 (d) A charter school must be nonsectarian in its programs, admission policies,  
51.6 employment practices, and all other operations. An authorizer may not authorize a charter  
51.7 school or program that is affiliated with a nonpublic sectarian school or a religious  
51.8 institution. A charter school student must be released for religious instruction, consistent  
51.9 with section 120A.22, subdivision 12, clause (3).

51.10 (e) Charter schools must not be used as a method of providing education or  
51.11 generating revenue for students who are being home-schooled. This paragraph does not  
51.12 apply to shared time aid under section 126C.19.

51.13 (f) The primary focus of a charter school must be to provide a comprehensive  
51.14 program of instruction for at least one grade or age group from five through 18 years of  
51.15 age. Instruction may be provided to people older than 18 years of age. A charter school  
51.16 may offer a free or fee-based preschool or prekindergarten that meets high-quality early  
51.17 learning instructional program standards that are aligned with Minnesota's early learning  
51.18 standards for children. Students enrolled in a fee-based prekindergarten program are not  
51.19 eligible to be counted as pupil units under section 126C.05 and must not be included in the  
51.20 calculation of general education revenue under section 126C.10.

51.21 (g) Except as provided in paragraph (f), a charter school may not charge tuition.

51.22 (h) A charter school is subject to and must comply with chapter 363A and section  
51.23 121A.04.

51.24 (i) Once a student is enrolled in the school, the student is considered enrolled in the  
51.25 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal  
51.26 Act in sections 121A.40 to 121A.56. A charter school is subject to and must comply with  
51.27 the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public  
51.28 School Fee Law, sections 123B.34 to 123B.39.

51.29 (j) A charter school is subject to the same financial audits, audit procedures, and  
51.30 audit requirements as a district, except as required under subdivision 6a. Audits must be  
51.31 conducted in compliance with generally accepted governmental auditing standards, the  
51.32 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject  
51.33 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;  
51.34 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with  
51.35 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are  
51.36 necessary because of the program at the school. Deviations must be approved by the

52.1 commissioner and authorizer. The Department of Education, state auditor, legislative  
 52.2 auditor, or authorizer may conduct financial, program, or compliance audits. A charter  
 52.3 school determined to be in statutory operating debt under sections 123B.81 to 123B.83  
 52.4 must submit a plan under section 123B.81, subdivision 4.

52.5 (k) A charter school is a district for the purposes of tort liability under chapter 466.

52.6 (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22,  
 52.7 subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

52.8 (m) A charter school is subject to the Pledge of Allegiance requirement under  
 52.9 section 121A.11, subdivision 3.

52.10 (n) A charter school offering online courses or programs must comply with section  
 52.11 124D.095.

52.12 (o) A charter school and charter school board of directors are subject to chapter 181.

52.13 (p) A charter school must comply with section 120A.22, subdivision 7, governing  
 52.14 the transfer of students' educational records and sections 138.163 and 138.17 governing  
 52.15 the management of local records.

52.16 (q) A charter school that provides early childhood health and developmental  
 52.17 screening must comply with sections 121A.16 to 121A.19.

52.18 (r) A charter school that provides school-sponsored youth athletic activities must  
 52.19 comply with section 121A.38.

52.20 (s) A charter school is subject to and must comply with continuing truant notification  
 52.21 under section 260A.03.

52.22 (t) A charter school must develop and implement a teacher evaluation and peer  
 52.23 review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to  
 52.24 (13). The teacher evaluation process in this paragraph does not create any additional  
 52.25 employment rights for teachers.

52.26 (u) A charter school must adopt a policy, plan, budget, and process, consistent with  
 52.27 section 120B.11, to review curriculum, instruction, and student achievement and strive  
 52.28 for the world's best workforce.

52.29 (v) A charter school must comply with section 121A.031 governing policies on  
 52.30 prohibited conduct.

52.31 (w) A charter school must comply with all pupil transportation requirements in  
 52.32 section 123B.88, subdivision 1. A charter school must not require parents to surrender  
 52.33 their rights to pupil transportation under section 123B.88, subdivision 2.

52.34 Sec. 36. Minnesota Statutes 2014, section 124D.10, subdivision 9, is amended to read:

52.35 Subd. 9. **Admission requirements.** (a) A charter school may limit admission to:

53.1 (1) pupils within an age group or grade level;

53.2 (2) pupils who are eligible to participate in the graduation incentives program under  
53.3 section 124D.68; or

53.4 (3) residents of a specific geographic area in which the school is located when the  
53.5 majority of students served by the school are members of underserved populations.

53.6 (b) A charter school shall enroll an eligible pupil who submits a timely application,  
53.7 unless the number of applications exceeds the capacity of a program, class, grade level, or  
53.8 building. In this case, pupils must be accepted by lot. The charter school must develop  
53.9 and publish, including on its Web site, a lottery policy and process that it must use when  
53.10 accepting pupils by lot.

53.11 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil  
53.12 and to a foster child of that pupil's parents and may give preference for enrolling children  
53.13 of the school's staff before accepting other pupils by lot. A charter school may give  
53.14 enrollment preference to children who are eligible to receive a free or reduced-price lunch  
53.15 when the percent of enrolled charter school students who are eligible to receive a free or  
53.16 reduced-price lunch is lower than either the statewide percent of students who are eligible  
53.17 to receive a free or reduced-price lunch or the district-wide percent of students who are  
53.18 eligible to receive a free or reduced-price lunch in the district in which the charter school  
53.19 is located. A charter school must ask on its enrollment application whether the student  
53.20 is eligible for and interested in the enrollment preference. A charter school may send an  
53.21 Application for Educational Benefits form to the household of an interested student and  
53.22 ask on the application form whether the household wants their student considered for the  
53.23 enrollment preference. Charter schools must use the department's direct certification and  
53.24 approval process for determining students' eligibility for meal benefits. Once established,  
53.25 this enrollment preference continues unless and until a majority of the members of the  
53.26 charter school board of directors votes to discontinue the enrollment preference. A charter  
53.27 school that complies with the enrollment preference based on eligibility to receive a free  
53.28 or reduced-price lunch in good faith is not responsible for misinformation provided to it  
53.29 by parents under this provision. A charter school that is located in Duluth township in St.  
53.30 Louis County and admits students in kindergarten through grade 6 must give enrollment  
53.31 preference to students residing within a five-mile radius of the school and to the siblings  
53.32 of enrolled children. A If a charter school has a preschool or prekindergarten program  
53.33 under subdivision 8, paragraph (f), that is free to all participants, the charter school may  
53.34 give enrollment preference to children currently enrolled in the school's free preschool or  
53.35 prekindergarten program under subdivision 8, paragraph (f), who are eligible to enroll in  
53.36 kindergarten in the next school year.

54.1 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil,  
54.2 unless the pupil is at least five years of age on September 1 of the calendar year in which  
54.3 the school year for which the pupil seeks admission commences; or (2) as a first grade  
54.4 student, unless the pupil is at least six years of age on September 1 of the calendar year in  
54.5 which the school year for which the pupil seeks admission commences or has completed  
54.6 kindergarten; except that a charter school may establish ~~and publish on its Web site~~ a policy  
54.7 for admission of selected pupils at an earlier age, consistent with the enrollment process  
54.8 in paragraphs (b) and (c). If established, an early admissions policy must describe the  
54.9 process and procedures for comprehensive evaluation in cognitive, social, and emotional  
54.10 developmental domains to help determine the child's ability to meet kindergarten grade  
54.11 expectations and progress to first grade in the subsequent year. The comprehensive  
54.12 evaluation must use valid and reliable instrumentation, be aligned with state kindergarten  
54.13 expectations, and include a parent report and teacher observations of the child's  
54.14 knowledge, skills, and abilities. The early admissions policy must be made available to  
54.15 parents in an accessible format and is subject to review by the commissioner of education.

54.16 (e) Except as permitted in paragraph (d), a charter school may not limit admission  
54.17 to pupils on the basis of intellectual ability, measures of achievement or aptitude, or  
54.18 athletic ability and may not establish any criteria or requirements for admission that are  
54.19 inconsistent with this subdivision.

54.20 (f) The charter school shall not distribute any services or goods of value to students,  
54.21 parents, or guardians as an inducement, term, or condition of enrolling a student in a  
54.22 charter school.

54.23 Sec. 37. Minnesota Statutes 2014, section 124D.10, subdivision 10, is amended to read:

54.24 Subd. 10. **Pupil performance.** (a) A charter school must design its programs to  
54.25 at least meet the outcomes adopted by the commissioner for public school students. In  
54.26 the absence of the commissioner's requirements, the school must meet the outcomes  
54.27 contained in the contract with the authorizer. The achievement levels of the outcomes  
54.28 contained in the contract may exceed the achievement levels of any outcomes adopted by  
54.29 the commissioner for public school students.

54.30 (b) Notwithstanding other law to the contrary, a charter school where at least 70  
54.31 percent of enrolled pupils are eligible to participate in the graduation incentives program  
54.32 under section 124D.68 or where the charter school contract limits admission to pupils  
54.33 eligible to participate in the graduation incentives program under section 124D.68 is  
54.34 subject to statewide accountability measures applicable to public schools under chapter  
54.35 120B, but consistent with the alternative measures established under this paragraph

55.1 and Minnesota Graduation Standards. For eligible schools, the written charter contract  
55.2 under subdivision 6 between the charter school authorizer and the school's board of  
55.3 directors shall be based on the student academic, career and college readiness, and student  
55.4 engagement performance measures established under this paragraph.

55.5 (1) Thirty percent of any performance evaluation of a charter school under this  
55.6 paragraph shall be based on longitudinal data showing student achievement and growth  
55.7 on a nationally or state-normed assessment for groups of ten or more students who  
55.8 are continuously enrolled in the charter school for at least 120 school days before the  
55.9 assessment is administered.

55.10 (2) Forty percent of any student performance evaluation of a charter school under  
55.11 this paragraph shall be based on demonstrated growth in any four of the following  
55.12 postsecondary and workforce readiness measures, as stipulated in the charter school  
55.13 contract and demonstrated by the requisite evidence: a three-year average graduation rate  
55.14 for students who complete high school in four, five, or six years; a three-year graduation  
55.15 rate for noncontinuously enrolled students who complete high school in seven years;  
55.16 average student drop-out rate for students who leave the charter school in a single year  
55.17 without pursuing an education alternative; the participation rate and composite score of  
55.18 those students in a school year taking a national postsecondary or workforce readiness  
55.19 assessment such as the ACT, PSAT, SAT, ACCUPLACER, or ASVAB; the percentage of  
55.20 students in the 12th grade cohort as identified by the number of completed course credits  
55.21 at the beginning of the school year who graduate within that school year; the percentage  
55.22 of students in a school year who successfully transfer to another education program,  
55.23 including those leading to a diploma, credential or degree, or care and treatment program;  
55.24 the percentage of students in the previous school year who complete an education  
55.25 program, receive a diploma, enroll in a postsecondary program or institution, enlist in the  
55.26 military, or obtain full-time employment; the percentage of students in a school year  
55.27 who successfully complete the number of course credits they need to stay on track to  
55.28 graduate within an established timeline; the percentage of students in a school year who  
55.29 successfully meet work certification or preapprenticeship program requirements; or the  
55.30 percentage of students in a school year who earn dual enrollment credits through the  
55.31 Postsecondary Enrollment Options Act or other dual credit program.

55.32 (3) Thirty percent of any student performance evaluation of a charter school under  
55.33 this paragraph shall be based on data from any three of the following student engagement  
55.34 measures applied to groups of ten or more students who are continuously enrolled in  
55.35 the charter school for at least 120 days: a three-year average daily attendance rate; a  
55.36 demonstrated percentage improvement in attendance by a cohort; a three-year average of

56.1 the total number of days students are reported as truant; the number of student dropouts  
 56.2 who enroll in the school and remain continuously enrolled throughout that school year;  
 56.3 the percentage of students in a school year or a 12-month period who participate in  
 56.4 and demonstrate growth on character and social competency assessments measuring  
 56.5 decision-making skills, career readiness, education or aspiration goals, and similar  
 56.6 characteristics or competencies; and the percentage of students in a school year who meet  
 56.7 the community service goals in their individual learning plan as measured by the charter  
 56.8 school's citizenship and community outcomes rubric.

56.9 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year and  
 56.10 later.

56.11 Sec. 38. Minnesota Statutes 2014, section 124D.10, subdivision 12, is amended to read:

56.12 Subd. 12. **Pupils with a disability.** A charter school must comply with sections  
 56.13 125A.02, 125A.03 to 125A.24, ~~and~~ 125A.65, and 125A.75 and rules relating to the  
 56.14 education of pupils with a disability as though it were a district.

56.15 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

56.16 Sec. 39. Minnesota Statutes 2014, section 124D.10, subdivision 14, is amended to read:

56.17 Subd. 14. **Annual public reports.** (a) A charter school must publish an annual  
 56.18 report approved by the board of directors. The annual report must at least include  
 56.19 information on school enrollment, student attrition, governance and management, staffing,  
 56.20 finances, academic performance, innovative practices and implementation, and future  
 56.21 plans. A charter school may combine this report with the reporting required under section  
 56.22 120B.11. A charter school must post the annual report on the school's official Web site. A  
 56.23 charter school must also distribute the annual report by publication, mail, or electronic  
 56.24 means to its authorizer, school employees, and parents and legal guardians of students  
 56.25 enrolled in the charter school. The reports are public data under chapter 13.

56.26 (b) The commissioner shall establish specifications for an authorizer's annual public  
 56.27 report that is part of the system to evaluate authorizer performance under subdivision  
 56.28 3, paragraph (h). The report shall at least include key indicators of school academic,  
 56.29 operational, and financial performance.

56.30 Sec. 40. Minnesota Statutes 2014, section 124D.10, is amended by adding a  
 56.31 subdivision to read:

57.1 Subd. 24a. **Merger.** (a) Two or more charter schools may merge under chapter  
 57.2 317A. The effective date of a merger must be July 1. The merged school must continue  
 57.3 under the identity of one of the merging schools. A new charter contract under subdivision  
 57.4 6 must be executed by July 1. The authorizer must submit to the commissioner a copy of  
 57.5 the new signed charter contract within ten business days of its execution.

57.6 (b) Each merging school must submit a separate year-end report for the previous year  
 57.7 for that school only. After the final fiscal year of the premerger schools is closed out, the  
 57.8 fund balances and debts from the merging schools must be transferred to the merged school.

57.9 (c) For its first year of operation, the merged school is eligible to receive aid from  
 57.10 programs requiring approved applications equal to the sum of the aid of all of the merging  
 57.11 schools. For aids based on prior year data, the merged school is eligible to receive aid for  
 57.12 its first year of operation based on the combined data of all of the merging schools.

57.13 Sec. 41. Minnesota Statutes 2014, section 124D.121, is amended to read:

57.14 **124D.121 DEFINITION OF FLEXIBLE LEARNING YEAR PROGRAM.**

57.15 "Flexible learning year program" means any district plan ~~approved by the~~  
 57.16 ~~commissioner~~ that utilizes buildings and facilities during the entire year or that provides  
 57.17 forms of optional scheduling of pupils and personnel during the learning year in  
 57.18 elementary and secondary schools or residential facilities for children with a disability.

57.19 Sec. 42. Minnesota Statutes 2014, section 124D.122, is amended to read:

57.20 **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.**

57.21 The board of any district or a consortium of districts, ~~with the approval of the~~  
 57.22 ~~commissioner~~, may establish and operate a flexible learning year program in one or more of  
 57.23 the day or residential facilities for children with a disability within the district. Consortiums  
 57.24 may use a single ~~application and~~ evaluation process, though results, public hearings, and  
 57.25 board approvals must be obtained for each district as required under appropriate sections.

57.26 Sec. 43. Minnesota Statutes 2014, section 124D.126, subdivision 1, is amended to read:

57.27 Subdivision 1. **Powers and duties.** The commissioner must:

57.28 ~~(1) promulgate rules necessary to the operation of sections 124D.12 to 124D.127;~~

57.29 ~~(2) (1) cooperate with and provide supervision of flexible learning year programs~~

57.30 ~~to determine compliance with the provisions of sections 124D.12 to 124D.127, the~~

57.31 ~~commissioner's standards and qualifications, and the proposed program as submitted~~

57.32 ~~and approved;~~

58.1           ~~(3)~~ (2) provide any necessary adjustments of (a) attendance and membership  
 58.2 computations and (b) the dates and percentages of apportionment of state aids; and  
 58.3           ~~(4)~~ (3) consistent with the definition of "average daily membership" in section  
 58.4 126C.05, subdivision 8, furnish the board of a district implementing a flexible learning  
 58.5 year program with a formula for computing average daily membership. This formula must  
 58.6 be computed so that tax levies to be made by the district, state aids to be received by the  
 58.7 district, and any and all other formulas based upon average daily membership are not  
 58.8 affected solely as a result of adopting this plan of instruction.

58.9           Sec. 44. Minnesota Statutes 2014, section 124D.127, is amended to read:

58.10           **124D.127 TERMINATION OF FLEXIBLE LEARNING YEAR PROGRAM.**

58.11           The board of any district, ~~with the approval of the commissioner of education,~~ may  
 58.12 terminate a flexible learning year program in one or more of the day or residential facilities  
 58.13 for children with a disability within the district. This section shall not be construed to  
 58.14 permit an exception to section 120A.22, 127A.41, subdivision 7, or 127A.43.

58.15           Sec. 45. Minnesota Statutes 2014, section 124D.128, subdivision 1, is amended to read:

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

58.22           Sec. 46. Minnesota Statutes 2014, section 124D.72, is amended to read:

58.23           **124D.72 POLICY.**

58.24           The legislature finds that a more adequate and relevant education is needed for  
 58.25 American Indian people in the state of Minnesota. The legislature recognizes the  
 58.26 unique educational and culturally related academic needs of American Indian people.  
 58.27 The legislature also is concerned about the lack of American Indian teachers as well as  
 58.28 other professionals in the state. Therefore, pursuant to the policy of the state to ensure  
 58.29 equal educational opportunity to every individual, it is the purpose of sections 124D.71  
 58.30 to 124D.82 to provide for American Indian education programs ~~specialy~~ specifically  
 58.31 designed to meet these unique educational or culturally related academic needs or both.

58.32           Sec. 47. Minnesota Statutes 2014, section 124D.73, subdivision 3, is amended to read:

59.1 Subd. 3. ~~Advisory task force~~ **Tribal Nations Education Committee.** "Advisory  
 59.2 ~~task force~~" "Tribal Nations Education Committee" means the state advisory task force  
 59.3 committee established through tribal directive that the commissioner seeks consultation  
 59.4 with on American Indian education programs, policy, and all matters pertaining to the  
 59.5 education of Minnesota's American Indian students.

59.6 Sec. 48. Minnesota Statutes 2014, section 124D.73, subdivision 4, is amended to read:

59.7 Subd. 4. **Participating school; American Indian school.** "Participating school"  
 59.8 and "American Indian school" mean a school that:

59.9 (1) is not operated by a school district; and

59.10 (2) is eligible for a grant under federal Title IV of the Indian VII of the Elementary  
 59.11 and Secondary Education Act for the education of American Indian children.

59.12 Sec. 49. Minnesota Statutes 2014, section 124D.73, is amended by adding a  
 59.13 subdivision to read:

59.14 Subd. 5. **Public school designation.** For purposes of membership in professional  
 59.15 organizations or associations, participating schools as defined in subdivision 4 are  
 59.16 considered to be public schools.

59.17 Sec. 50. Minnesota Statutes 2014, section 124D.74, subdivision 1, is amended to read:

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

59.21 (1) support postsecondary preparation for pupils;

59.22 (2) support the academic achievement of American Indian students ~~with identified~~  
 59.23 ~~focus to improve reading and mathematic skills;~~

59.24 (3) make the curriculum ~~more~~ relevant to the needs, interests, indigenous language,  
 59.25 and cultural heritage of American Indian pupils;

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

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

59.28 (6) supplement, not supplant, state and federal educational and cocurricular programs.

59.29 ~~Program components may include: development of support components for students~~  
 59.30 services designed to increase completion and graduation rates of American Indian  
 59.31 students must include emphasis in the areas of academic achievement, retention, and  
 59.32 attendance; ~~development of support components~~ services for staff, including in-service  
 59.33 training and technical assistance in methods of teaching American Indian pupils; research

60.1 projects, including ~~experimentation with~~ innovative teaching approaches and evaluation  
60.2 of methods of relating to American Indian pupils; provision of ~~personal and vocational~~  
60.3 career counseling to American Indian pupils; modification of curriculum, instructional  
60.4 methods, and administrative procedures to meet the needs of American Indian pupils; and  
60.5 supplemental instruction in American Indian language, literature, history, and culture.  
60.6 Districts offering programs may make contracts for the provision of program ~~components~~  
60.7 services by establishing cooperative liaisons with tribal programs and American Indian  
60.8 social service agencies. These programs may also be provided as components of early  
60.9 childhood and family education programs.

60.10 Sec. 51. Minnesota Statutes 2014, section 124D.74, subdivision 3, is amended to read:

60.11 Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent  
60.12 it is economically feasible, a district or participating school may make provision for the  
60.13 voluntary enrollment of non-American Indian children in the instructional components of  
60.14 an American Indian education program in order that they may acquire an understanding of  
60.15 the cultural heritage of the American Indian children for whom that particular program is  
60.16 designed. However, in determining eligibility to participate in a program, priority must be  
60.17 given to American Indian children. American Indian children and other children enrolled  
60.18 in an existing nonpublic school system may be enrolled on a shared time basis in all  
60.19 academic, targeted services, and American Indian education programs.

60.20 Sec. 52. Minnesota Statutes 2014, section 124D.74, subdivision 6, is amended to read:

60.21 Subd. 6. **Nonverbal courses and extracurricular activities.** In predominantly  
60.22 nonverbal subjects, such as art, music, and physical education, American Indian children  
60.23 shall participate fully and on an equal basis with their ~~contemporaries~~ peers in school  
60.24 classes provided for these subjects. Every school district or participating school shall  
60.25 ensure to children enrolled in American Indian education programs an equal and  
60.26 meaningful opportunity to participate fully with other children in all extracurricular  
60.27 activities. This subdivision shall not be construed to prohibit instruction in nonverbal  
60.28 subjects or extracurricular activities which relate to the cultural heritage of the American  
60.29 Indian children, or which are otherwise necessary to accomplish the objectives described  
60.30 in sections 124D.71 to 124D.82.

60.31 Sec. 53. Minnesota Statutes 2014, section 124D.75, subdivision 1, is amended to read:

60.32 Subdivision 1. **American Indian language and culture education licenses.** The  
60.33 Board of Teaching, in consultation with the Tribal Nations Education Committee, must

61.1 grant initial and continuing teaching licenses in American Indian language and culture  
 61.2 education that bear the same duration as other initial and continuing licenses. The board  
 61.3 must grant licenses to persons who present satisfactory evidence that they:

61.4 (1) possess competence in an American Indian language or possess unique  
 61.5 qualifications relative to or knowledge and understanding of American Indian history  
 61.6 and culture; or

61.7 (2) possess a bachelor's degree or other academic degree approved by the board or  
 61.8 meet such requirements as to course of study and training as the board may prescribe, or  
 61.9 possess such relevant experience as the board may prescribe.

61.10 This evidence may be presented by affidavits, tribal resolutions, or by such other  
 61.11 methods as the board may prescribe. Individuals may present applications for licensure on  
 61.12 their own behalf or these applications may be submitted by the superintendent or other  
 61.13 authorized official of a school district, participating school, or an American Indian school.

61.14 Sec. 54. Minnesota Statutes 2014, section 124D.75, subdivision 2, is amended to read:

61.15 Subd. 2. **Persons holding general teaching licenses.** A person holding a general  
 61.16 teaching license who presents the board with satisfactory evidence of competence in an  
 61.17 American Indian language, or deep knowledge and understanding of American Indian  
 61.18 history and culture may be licensed under this section.

61.19 Sec. 55. Minnesota Statutes 2014, section 124D.75, subdivision 3, is amended to read:

61.20 Subd. 3. **Resolution or letter.** All persons applying for a license under this section  
 61.21 must submit to the board a resolution or letter of support signed by an American Indian  
 61.22 tribal government ~~or its designee~~. All persons holding a license under this section ~~on July~~  
 61.23 ~~1, 1995~~, must have on file or file with the board a resolution or letter of support signed by  
 61.24 a tribal government ~~or its designee by January 1, 1996, or the next renewal date of the~~  
 61.25 ~~license thereafter~~.

61.26 Sec. 56. Minnesota Statutes 2014, section 124D.75, subdivision 9, is amended to read:

61.27 Subd. 9. **Affirmative efforts in hiring.** In hiring for all positions in these programs,  
 61.28 school districts and participating schools shall give preference to and make affirmative  
 61.29 efforts to seek, recruit, and employ persons who share the culture of the American Indian  
 61.30 children who are enrolled in the program. The district or participating school ~~shall~~ must  
 61.31 provide procedures for the involvement of the parent advisory committees in ~~designing~~  
 61.32 ~~the procedures for~~ the recruitment, screening and selection of applicants. This subdivision  
 61.33 shall not be construed to limit the school board's authority to hire and discharge personnel.

62.1 Sec. 57. Minnesota Statutes 2014, section 124D.76, is amended to read:

62.2 **124D.76 TEACHERS-AIDES; COMMUNITY COORDINATORS, INDIAN**  
 62.3 **HOME/SCHOOL LIAISONS, PARAPROFESSIONALS.**

62.4 In addition to employing American Indian language and culture education teachers,  
 62.5 each district or participating school providing programs pursuant to sections 124D.71 to  
 62.6 124D.82 may employ teachers-aides paraprofessionals. ~~Teachers-aides~~ Paraprofessionals  
 62.7 must not be employed for the purpose of supplanting American Indian language and  
 62.8 culture education teachers.

62.9 Any district or participating school which conducts American Indian education  
 62.10 programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time  
 62.11 or part-time community coordinators or Indian home/school liaisons if there are 100 or  
 62.12 more American Indian students enrolled in the ~~program~~ district. Community coordinators  
 62.13 shall promote communication understanding, and cooperation between the schools and the  
 62.14 community and shall visit the homes of children who are to be enrolled in an American  
 62.15 Indian education program in order to convey information about the program.

62.16 Sec. 58. Minnesota Statutes 2014, section 124D.78, is amended to read:

62.17 **124D.78 PARENT AND COMMUNITY PARTICIPATION.**

62.18 Subdivision 1. **Parent committee.** School boards and American Indian schools  
 62.19 must provide for the maximum involvement of parents of children enrolled in education  
 62.20 programs, programs for elementary and secondary grades, special education programs,  
 62.21 and support services. Accordingly, the board of a school district in which there are ten  
 62.22 or more American Indian ~~children~~ students enrolled and each American Indian school  
 62.23 must establish a an American Indian education parent advisory committee. If a committee  
 62.24 whose membership consists of a majority of parents of American Indian children has been  
 62.25 or is established according to federal, tribal, or other state law, that committee may serve  
 62.26 as the committee required by this section and is subject to, at least, the requirements of  
 62.27 this subdivision and subdivision 2.

62.28 The American Indian education parent advisory committee must develop its  
 62.29 recommendations in consultation with the curriculum advisory committee required by  
 62.30 section 120B.11, subdivision 3. This committee must afford parents the necessary  
 62.31 information and the opportunity effectively to express their views concerning all aspects  
 62.32 of American Indian education and the educational needs of the American Indian children  
 62.33 enrolled in the school or program. ~~The committee must also address the need for adult~~  
 62.34 ~~education programs for American Indian people in the community.~~ The school board or  
 62.35 American Indian school must ensure that programs are planned, operated, and evaluated

63.1 with the involvement of and in consultation with parents of ~~children~~ students served by  
63.2 the programs.

63.3 Subd. 2. **Resolution of concurrence.** Prior to ~~December~~ March 1, the school  
63.4 board or American Indian school must submit to the department a copy of a resolution  
63.5 adopted by the American Indian education parent advisory committee. The copy must be  
63.6 signed by the chair of the committee and must state whether the committee concurs with  
63.7 the educational programs for American Indian ~~children~~ students offered by the school  
63.8 board or American Indian school. If the committee does not concur with the educational  
63.9 programs, the reasons for nonconcurrence and recommendations shall be submitted with  
63.10 the resolution. By resolution, the board must respond in writing within 60 days, in cases  
63.11 of nonconcurrence, to each recommendation made by the committee and state its reasons  
63.12 for not implementing the recommendations.

63.13 Subd. 3. **Membership.** The American Indian education parent advisory committee  
63.14 must be composed of parents of children eligible to be enrolled in American Indian  
63.15 education programs; secondary students eligible to be served; American Indian language  
63.16 and culture education teachers and ~~aides~~ paraprofessionals; American Indian teachers;  
63.17 counselors; adult American Indian people enrolled in educational programs; and  
63.18 representatives from community groups. A majority of each committee must be parents  
63.19 of children enrolled or eligible to be enrolled in the programs. The number of parents  
63.20 of American Indian and non-American Indian children shall reflect approximately the  
63.21 proportion of children of those groups enrolled in the programs.

63.22 Subd. 4. **Alternate committee.** If the organizational membership or the board  
63.23 of directors of an American Indian school consists of parents of children attending the  
63.24 school, that membership or board may serve also as the American Indian education parent  
63.25 advisory committee.

63.26 Sec. 59. Minnesota Statutes 2014, section 124D.79, subdivision 1, is amended to read:

63.27 Subdivision 1. **American Indian community involvement.** The commissioner  
63.28 must provide for the maximum involvement of the ~~state committees on American Indian~~  
63.29 ~~education~~ Tribal Nations Education Committee, parents of American Indian children,  
63.30 secondary students eligible to be served, American Indian language and culture education  
63.31 teachers, American Indian teachers, ~~teachers'~~ aides paraprofessionals, representatives of  
63.32 community groups, and persons knowledgeable in the field of American Indian education,  
63.33 in the formulation of policy and procedures relating to the administration of sections  
63.34 124D.71 to 124D.82. The commissioner must annually hold a field hearing on Indian  
63.35 education to gather input from American Indian educators, parents, and students on the

64.1 state of American Indian education in Minnesota. Results of the hearing must be made  
64.2 available to all 11 tribal nations for review and comment.

64.3 Sec. 60. Minnesota Statutes 2014, section 124D.79, subdivision 2, is amended to read:

64.4 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance  
64.5 to districts, schools and postsecondary institutions for preservice and in-service training  
64.6 for teachers, American Indian education teachers and teacher's aides, paraprofessionals  
64.7 specifically designed to implement culturally responsive teaching methods, culturally  
64.8 based curriculum development, testing and testing mechanisms, and the development of  
64.9 materials for American Indian education programs.

64.10 Sec. 61. Minnesota Statutes 2014, section 124D.791, subdivision 4, is amended to read:

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

64.12 (1) serve as the liaison for the department with the Tribal Nations Education  
64.13 Committee, the 11 ~~reservations~~ tribal communities in Minnesota, the Minnesota Chippewa  
64.14 tribe, and the Minnesota Indian Affairs Council, ~~and the Urban Advisory Council~~;

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

64.16 (3) engage the tribal bodies, community groups, parents of children eligible to be  
64.17 served by American Indian education programs, American Indian administrators and  
64.18 teachers, persons experienced in the training of teachers for American Indian education  
64.19 programs, the tribally controlled schools, and other persons knowledgeable in the field of  
64.20 American Indian education and seek their advice on policies that can improve the quality  
64.21 of American Indian education;

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

64.23 (i) issues facing American Indian students;

64.24 (ii) policies for American Indian education;

64.25 (iii) awarding scholarships to eligible American Indian students and in administering  
64.26 the commissioner's duties regarding awarding of American Indian ~~postsecondary~~  
64.27 preparation education grants to school districts; and

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

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

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

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

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

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

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

65.7 (v) increase American Indian student placement in postsecondary programs and  
65.8 the workforce; and

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

65.11 Sec. 62. Minnesota Statutes 2014, section 124D.98, is amended to read:

65.12 **124D.98 LITERACY INCENTIVE AID.**

65.13 Subdivision 1. **Literacy incentive aid.** ~~In fiscal year 2013 and later,~~ A district's  
65.14 literacy incentive aid equals the sum of the proficiency aid under subdivision 2, and the  
65.15 growth aid under subdivision 3.

65.16 Subd. 2. **Proficiency aid.** ~~In fiscal year 2013 and later,~~ The proficiency aid for  
65.17 each school in a district that has submitted to the commissioner its local literacy plan  
65.18 under section 120B.12, subdivision 4a, is equal to the product of the school's proficiency  
65.19 allowance times the number of third grade pupils at the school on October 1 of the previous  
65.20 fiscal year. A school's proficiency allowance is equal to the percentage of students in  
65.21 each building that meet or exceed proficiency on the third grade reading Minnesota  
65.22 Comprehensive Assessment, averaged across the previous three test administrations,  
65.23 times \$530.

65.24 Subd. 3. **Growth aid.** ~~In fiscal year 2013 and later,~~ The growth aid for each school  
65.25 in a district that has submitted to the commissioner its local literacy plan under section  
65.26 120B.12, subdivision 4a, is equal to the product of the school's growth allowance times  
65.27 the number of fourth grade pupils enrolled at the school on October 1 of the previous  
65.28 fiscal year. A school's growth allowance is equal to the percentage of students at that  
65.29 school making medium or high growth, under section 120B.299, on the fourth grade  
65.30 reading Minnesota Comprehensive Assessment, averaged across the previous three test  
65.31 administrations, times \$530.

65.32 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

66.1 Sec. 63. Minnesota Statutes 2014, section 125A.01, is amended to read:

66.2 **125A.01 DEFINITIONS.**

66.3 Subdivision 1. **General application.** For purposes of this chapter, the words defined  
66.4 in section 120A.05 have the same meaning.

66.5 Subd. 2. **Dyslexia.** "Dyslexia" means a specific learning disability that is  
66.6 neurological in origin. It is characterized by difficulties with accurate or fluent recognition  
66.7 of words and by poor spelling and decoding abilities. These difficulties typically result  
66.8 from a deficit in the phonological component of language that is often unexpected in  
66.9 relation to other cognitive abilities and the provision of effective classroom instruction.  
66.10 Secondary consequences may include problems in reading comprehension and reduced  
66.11 reading experience that can impede the growth of vocabulary and background knowledge.  
66.12 A diagnosis of dyslexia must not be the sole basis for qualification for special education  
66.13 services under this chapter.

66.14 Sec. 64. Minnesota Statutes 2014, section 126C.15, subdivision 1, is amended to read:

66.15 Subdivision 1. **Use of revenue.** The basic skills revenue under section 126C.10,  
66.16 subdivision 4, must be reserved and used to meet the educational needs of pupils who  
66.17 enroll under-prepared to learn and whose progress toward meeting state or local content  
66.18 or performance standards is below the level that is appropriate for learners of their age.  
66.19 Basic skills revenue may also be used for programs designed to prepare children and their  
66.20 families for entry into school whether the student first enrolls in kindergarten or first grade.  
66.21 Any of the following may be provided to meet these learners' needs:

66.22 (1) direct instructional services under the assurance of mastery program according  
66.23 to section 124D.66;

66.24 (2) remedial instruction in reading, language arts, mathematics, other content areas,  
66.25 or study skills to improve the achievement level of these learners;

66.26 (3) additional teachers and teacher aides to provide more individualized instruction  
66.27 to these learners through individual tutoring, lower instructor-to-learner ratios, or team  
66.28 teaching;

66.29 (4) a longer school day or week during the regular school year or through a summer  
66.30 program that may be offered directly by the site or under a performance-based contract  
66.31 with a community-based organization;

66.32 (5) comprehensive and ongoing staff development consistent with district and site  
66.33 plans according to section 122A.60 and to implement plans under section 120B.12,  
66.34 subdivision 4a, for teachers, teacher aides, principals, and other personnel to improve

67.1 their ability to identify the needs of these learners and provide appropriate remediation,  
67.2 intervention, accommodations, or modifications;

67.3 (6) instructional materials, digital learning, and technology appropriate for meeting  
67.4 the individual needs of these learners;

67.5 (7) programs to reduce truancy, encourage completion of high school, enhance  
67.6 self-concept, provide health services, provide nutrition services, provide a safe and secure  
67.7 learning environment, provide coordination for pupils receiving services from other  
67.8 governmental agencies, provide psychological services to determine the level of social,  
67.9 emotional, cognitive, and intellectual development, and provide counseling services,  
67.10 guidance services, and social work services;

67.11 (8) bilingual programs, bicultural programs, and programs for English learners;

67.12 (9) all-day kindergarten;

67.13 (10) early education programs, parent-training programs, school readiness programs,  
67.14 kindergarten programs for four-year-olds, voluntary home visits under section 124D.13,  
67.15 subdivision 4, and other outreach efforts designed to prepare children for kindergarten;

67.16 (11) extended school day and extended school year programs; and

67.17 (12) substantial parent involvement in developing and implementing remedial  
67.18 education or intervention plans for a learner, including learning contracts between the  
67.19 school, the learner, and the parent that establish achievement goals and responsibilities of  
67.20 the learner and the learner's parent or guardian.

67.21 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

67.22 Sec. 65. Laws 2014, chapter 312, article 16, section 15, is amended to read:

67.23 Sec. 15. **TEACHER DEVELOPMENT AND EVALUATION REVENUE.**

67.24 (a) For fiscal year 2015 only, teacher development and evaluation revenue for a  
67.25 school district, intermediate school district, or charter school with any school site that does  
67.26 not have an alternative professional pay system agreement under Minnesota Statutes,  
67.27 section 122A.414, subdivision 2, equals \$302 times the number of full-time equivalent  
67.28 teachers employed on October 1 of the previous school year in each school site without  
67.29 an alternative professional pay system under Minnesota Statutes, section 122A.414,  
67.30 subdivision 2. Except for charter schools, revenue under this section must be reserved for  
67.31 teacher development and evaluation activities consistent with Minnesota Statutes, section  
67.32 122A.40, subdivision 8, or Minnesota Statutes, section 122A.41, subdivision 5. For the  
67.33 purposes of this section, "teacher" has the meaning given it in Minnesota Statutes, section  
67.34 122A.40, subdivision 1, or Minnesota Statutes, section 122A.41, subdivision 1.

68.1 (b) Notwithstanding paragraph (a), the state total teacher development and evaluation  
68.2 revenue entitlement must not exceed \$10,000,000 for fiscal year 2015. The commissioner  
68.3 must limit the amount of revenue under this section so as not to exceed this limit.

68.4 **EFFECTIVE DATE.** This section is effective for fiscal year 2015.

68.5 Sec. 66. **SCHOOL START DATE FOR THE 2015-2016 SCHOOL YEAR ONLY.**

68.6 Notwithstanding Minnesota Statutes, section 120A.40, or other law to the contrary,  
68.7 for the 2015-2016 school year only, school districts may begin the school year on  
68.8 September 1.

68.9 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year only.

68.10 Sec. 67. **REPORT ON ASSESSING STUDENTS' PROFICIENCY IN FOREIGN**  
68.11 **LANGUAGES FOR WHICH ACTFL ASSESSMENTS ARE NOT AVAILABLE.**

68.12 By February 1, 2016, the commissioner of education, in consultation with the  
68.13 chancellor of the Minnesota State Colleges and Universities, may prepare and submit to  
68.14 the K-12 and higher education committees of the legislature a report recommending how  
68.15 best to: assess students' foreign language proficiency under Minnesota Statutes, section  
68.16 120B.022, subdivisions 1a and 1b, when ACTFL or equivalent valid and reliable language  
68.17 proficiency assessments are not available; create guidelines for curriculum, instruction,  
68.18 and assessments for foreign languages for which no written forms exist; and, if needed,  
68.19 train a corps of individuals qualified to assess students' foreign language proficiency. The  
68.20 commissioner, when preparing the report, must also consult with postsecondary world  
68.21 languages faculty, teachers of English to speakers of other languages, other experts on  
68.22 teaching language and culture and acquiring language, state councils whose constituencies  
68.23 include non-native English language speakers, and other stakeholders.

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

68.25 Sec. 68. **CAREER AND TECHNICAL EDUCATOR LICENSING.**

68.26 The Department of Education must convene a group of stakeholders, beginning  
68.27 no later than September 1, 2015, to review the current status of career and technical  
68.28 educator licenses and provide recommendations on any changes needed to the licensure  
68.29 requirements and methods to increase access for school districts to licensed career and  
68.30 technical educators. The stakeholders convened shall include representatives from  
68.31 the Board of Teaching; colleges and universities offering a board-approved teacher  
68.32 preparation program; science, technology, engineering, and math programs such as Project

69.1 Lead the Way; secondary school administrators, including superintendents, principals,  
 69.2 and assistant principals; and representatives of other interested groups as determined by  
 69.3 the commissioner of education. The commissioner must report by January 15, 2016, to  
 69.4 the legislative committees having jurisdiction over kindergarten through grade 12 and  
 69.5 higher education. The report must include recommendations for any changes, if needed,  
 69.6 to the career and technical educator licensure requirements and how to increase access  
 69.7 to licensed career and technical educators in Minnesota.

69.8 Sec. 69. **REPEALER.**

69.9 (a) Minnesota Statutes 2014, sections 120B.128; 120B.35, subdivision 5; and  
 69.10 126C.12, subdivision 6, are repealed.

69.11 (b) Minnesota Rules, part 3500.1000, is repealed.

### 69.12 **ARTICLE 3**

#### 69.13 **SPECIAL PROGRAMS**

69.14 Section 1. Minnesota Statutes 2014, section 121A.46, is amended by adding a  
 69.15 subdivision to read:

69.16 **Subd. 5. Elementary discipline policy.** (a) A school district must adopt a  
 69.17 disciplinary policy for elementary pupils. The policy must outline effective alternatives  
 69.18 to suspension including, but not limited to, the strategies outlined in section 121A.575.  
 69.19 For students in kindergarten through grade 3, the policy shall allow an administrator to  
 69.20 suspend a pupil only when alternatives were attempted and proven ineffective. The policy  
 69.21 may, in addition, allow an administrator to suspend a pupil when:

69.22 (1) the pupil poses a risk of harm to himself or herself or others; or

69.23 (2) the pupil's presence constitutes a significant disruption of the educational process  
 69.24 for other students.

69.25 (b) The policy described in this subdivision shall:

69.26 (1) have an immediate goal of preventing and reducing the suspension of pupils,  
 69.27 particularly in kindergarten through grade 3;

69.28 (2) be designed to create a positive school climate with a focus on prevention;

69.29 (3) include clear, appropriate, and consistent expectations and consequences to  
 69.30 address disruptive pupil behaviors;

69.31 (4) ensure fairness, equity, and continuous improvement; and

69.32 (5) be developed with input from parents, teachers, administrators, and community  
 69.33 partners.

70.1 Sec. 2. Minnesota Statutes 2014, section 121A.46, is amended by adding a subdivision  
70.2 to read:

70.3 Subd. 6. **Programming.** A district shall identify and develop programming to  
70.4 address underlying causes of disruptive behavior with the goal of reducing suspensions.

70.5 Sec. 3. Minnesota Statutes 2014, section 121A.46, is amended by adding a subdivision  
70.6 to read:

70.7 Subd. 7. **Annual report.** The superintendent shall annually report to the board on  
70.8 suspensions. The report must describe the effectiveness of the interventions and strategies  
70.9 on reducing suspensions. The board shall consider and implement needed changes in  
70.10 district programming to continue reducing suspensions.

70.11 Sec. 4. Minnesota Statutes 2014, section 121A.53, subdivision 1, is amended to read:

70.12 Subdivision 1. **Exclusions and expulsions.** The school board must report through  
70.13 the department electronic reporting system each exclusion or expulsion, or written  
70.14 agreement of parents to withdraw a child from school as an alternative to expulsion within  
70.15 30 days of the effective date of the action to the commissioner of education. This report  
70.16 must include a statement of alternative educational services given the pupil and the reason  
70.17 for, the effective date, and the duration of the exclusion or expulsion. The report must also  
70.18 include the student's age, grade, gender, race, and special education status.

70.19 Sec. 5. Minnesota Statutes 2014, section 121A.575, is amended to read:

70.20 **121A.575 ALTERNATIVES TO PUPIL SUSPENSION.**

70.21 Notwithstanding any law to the contrary and in accordance with sections 121A.40  
70.22 to 121A.56, after a school administration notifies a pupil of the grounds for suspension,  
70.23 the school administration may, instead of imposing the suspension, do one or more of  
70.24 the following:

70.25 (1) strongly encourage a parent or guardian of the pupil to attend school with the  
70.26 pupil for one day;

70.27 (2) assign the pupil to attend school on Saturday as supervised by the principal  
70.28 or the principal's designee; ~~and~~

70.29 (3) petition the juvenile court that the student is in need of services under chapter  
70.30 260C;

70.31 (4) implement an alternate restorative consequence;

70.32 (5) impose an in-school suspension;

- 71.1           (6) develop a positive behavior intervention plan based on a functional behavioral  
 71.2 assessment; or  
 71.3           (7) coordinate with crisis services in the community.

71.4           Sec. 6. Minnesota Statutes 2014, section 121A.61, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

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

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

71.24          (j) any procedures determined appropriate for encouraging early detection of  
 71.25 behavioral problems;

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

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

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

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

71.34          (o) procedures for immediate and appropriate interventions tied to violations of  
 71.35 the code;

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

72.4 (q) an agreement regarding procedures to coordinate crisis services, including the  
 72.5 use of mobile crisis response teams, to the extent funds are available with the county board  
 72.6 responsible for implementing sections 245.487 to 245.4889 for students ~~with a serious~~  
 72.7 ~~emotional disturbance or other students who have an individualized education program~~  
 72.8 whose behavior may be addressed by crisis intervention.

72.9 Sec. 7. Minnesota Statutes 2014, section 121A.67, is amended by adding a subdivision  
 72.10 to read:

72.11 Subd. 3. **Notification of parents.** A school administrator must make reasonable  
 72.12 efforts to immediately contact the parent of any student who is removed from a school  
 72.13 building, or school grounds by a peace officer, unless otherwise prohibited by law.

72.14 Sec. 8. Minnesota Statutes 2014, section 122A.31, subdivision 1, is amended to read:

72.15 Subdivision 1. **Requirements for American sign language/English interpreters.**

72.16 (a) In addition to any other requirements that a school district establishes, any person  
 72.17 employed to provide American sign language/English interpreting or sign transliterating  
 72.18 services on a full-time or part-time basis for a school district after July 1, 2000, must:

72.19 (1) hold current interpreter and transliterator certificates awarded by the Registry  
 72.20 of Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate  
 72.21 awarded by the National Association of the Deaf (NAD), or a comparable state  
 72.22 certification from the commissioner of education; and

72.23 (2) satisfactorily complete an interpreter/transliterator training program affiliated  
 72.24 with an accredited educational institution.

72.25 (b) New graduates of an interpreter/transliterator program affiliated with an  
 72.26 accredited education institution shall be granted a two-year provisional certificate by  
 72.27 the commissioner. During the two-year provisional period, the interpreter/transliterator  
 72.28 must develop and implement an education plan in collaboration with a mentor under  
 72.29 paragraph (c).

72.30 (c) A mentor of a provisionally certified interpreter/transliterator must be an  
 72.31 interpreter/transliterator who has either NAD level IV or V certification or RID  
 72.32 certified interpreter and certified transliterator certification and have at least three  
 72.33 years interpreting/transliterating experience in any educational setting. The mentor, in  
 72.34 collaboration with the provisionally certified interpreter/transliterator, shall develop and

73.1 implement an education plan designed to meet the requirements of paragraph (a), clause  
73.2 (1), and include a weekly on-site mentoring process.

73.3 (d) Consistent with the requirements of this paragraph, a person holding a  
73.4 provisional certificate may apply to the commissioner for one time-limited extension.  
73.5 The commissioner, in consultation with the Commission of Deaf, DeafBlind and  
73.6 Hard-of-Hearing Minnesotans, must grant the person a time-limited extension of the  
73.7 provisional certificate based on the following documentation:

73.8 (1) letters of support from the person's mentor, a parent of a pupil the person serves,  
73.9 the special education director of the district in which the person is employed, and a  
73.10 representative from the regional service center of the deaf and hard-of-hearing;

73.11 (2) records of the person's formal education, training, experience, and progress on  
73.12 the person's education plan; and

73.13 (3) an explanation of why the extension is needed.

73.14 As a condition of receiving the extension, the person must comply with a plan  
73.15 and the accompanying time line for meeting the requirements of this subdivision. A  
73.16 committee composed of the ~~director of the Minnesota Resource Center Serving Deaf and~~  
73.17 ~~Hard-of-Hearing, or the director's designee~~ deaf and hard-of-hearing state specialist, a  
73.18 representative of the Minnesota Association of Deaf Citizens, a representative of the  
73.19 Minnesota Registry of Interpreters of the Deaf, and other appropriate persons selected  
73.20 by the commissioner must develop the plan and time line for the person receiving the  
73.21 extension.

73.22 (e) A school district may employ only an interpreter/transliterater who has been  
73.23 certified under paragraph (a) or (b), or for whom a time-limited extension has been  
73.24 granted under paragraph (d).

73.25 Sec. 9. Minnesota Statutes 2014, section 122A.31, subdivision 2, is amended to read:

73.26 Subd. 2. **Oral or cued speech transliterators.** (a) In addition to any other  
73.27 requirements that a school district establishes, any person employed to provide oral  
73.28 transliterating or cued speech transliterating services on a full-time or part-time basis for a  
73.29 school district after July 1, 2000, must hold a current applicable transliterater certificate  
73.30 awarded by the national certifying association or comparable state certification from  
73.31 the commissioner of education.

73.32 (b) To provide oral or cued speech transliterater services on a full-time or part-time  
73.33 basis, a person employed in a school district must comply with paragraph (a). The  
73.34 commissioner shall grant a nonrenewable, two-year certificate to a school district on behalf  
73.35 of a person who has not yet attained a current applicable transliterater certificate under

74.1 paragraph (a). A person for whom a nonrenewable, two-year certificate is issued must  
 74.2 work under the direction of a licensed teacher who is skilled in language development  
 74.3 of individuals who are deaf or hard-of-hearing. A person for whom a nonrenewable,  
 74.4 two-year certificate is issued also must enroll in a state-approved training program and  
 74.5 demonstrate progress towards the certification required under paragraph (a) sufficient for  
 74.6 the person to be certified at the end of the two-year period.

74.7 (c) Consistent with the requirements of this paragraph, a person holding a  
 74.8 provisional certificate may apply to the commissioner for one time-limited extension. The  
 74.9 commissioner, in consultation with the Commission Serving Deaf and Hard-of-Hearing  
 74.10 People, must grant the person a time-limited extension of the provisional certificate based  
 74.11 on the following documentation:

74.12 (1) letters of support from the person's mentor, a parent of a pupil the person serves,  
 74.13 the special education director of the district in which the person is employed, and a  
 74.14 representative from the regional service center of the deaf and hard-of-hearing;

74.15 (2) records of the person's formal education, training, experience, and progress on  
 74.16 the person's education plan; and

74.17 (3) an explanation of why the extension is needed.

74.18 As a condition of receiving the extension, the person must comply with a plan  
 74.19 and the accompanying time line for meeting the requirements of this subdivision. A  
 74.20 committee composed of the ~~director of the Minnesota Resource Center Serving Deaf and~~  
 74.21 ~~Hard-of-Hearing, or the director's designee~~ deaf and hard-of-hearing state specialist, a  
 74.22 representative of the Minnesota Association of Deaf Citizens, a representative of the  
 74.23 Minnesota Registry of Interpreters of the Deaf, and other appropriate persons selected  
 74.24 by the commissioner must develop the plan and time line for the person receiving the  
 74.25 extension.

74.26 Sec. 10. Minnesota Statutes 2014, section 123B.88, subdivision 1, is amended to read:

74.27 Subdivision 1. **Providing transportation.** The board may provide for the  
 74.28 transportation of pupils to and from school and for any other purpose. The board may  
 74.29 also provide for the transportation of pupils to schools in other districts for grades and  
 74.30 departments not maintained in the district, including high school, at the expense of the  
 74.31 district, when funds are available therefor and if agreeable to the district to which it is  
 74.32 proposed to transport the pupils, for the whole or a part of the school year, as it may  
 74.33 deem advisable, and subject to its rules. In any district, the board must arrange for the  
 74.34 attendance of all pupils living two miles or more from the school, except pupils whose  
 74.35 transportation privileges have been voluntarily surrendered under subdivision 2, or

75.1 whose privileges have been revoked under section 123B.91, subdivision 1, clause (6), or  
 75.2 123B.90, subdivision 2. The district may provide for the transportation of or the boarding  
 75.3 and rooming of the pupils who may be more economically and conveniently provided for  
 75.4 by that means. Arrangements for attendance may include a requirement that parents or  
 75.5 guardians request transportation before it is provided. The board must provide necessary  
 75.6 transportation to and from the home of consistent with section 123B.92, subdivision 1,  
 75.7 paragraph (b), clause (4), for a child with a disability not yet enrolled in kindergarten  
 75.8 when for the provision of special instruction and services under sections 125A.03 to  
 75.9 125A.24, 125A.26 to 125A.48, and 125A.65 are provided in a location other than in  
 75.10 the child's home. Special instruction and services for a child with a disability not yet  
 75.11 enrolled in kindergarten include an individualized education program team placement  
 75.12 in an early childhood program when that placement is necessary to address the child's  
 75.13 level of functioning and needs. When transportation is provided, scheduling of routes,  
 75.14 establishment of the location of bus stops, manner and method of transportation, control  
 75.15 and discipline of school children, the determination of fees, and any other matter relating  
 75.16 thereto must be within the sole discretion, control, and management of the board. The  
 75.17 district may provide for the transportation of pupils or expend a reasonable amount  
 75.18 for room and board of pupils whose attendance at school can more economically and  
 75.19 conveniently be provided for by that means or who attend school in a building rented or  
 75.20 leased by a district within the confines of an adjacent district.

75.21 Sec. 11. Minnesota Statutes 2014, section 125A.023, subdivision 3, is amended to read:

75.22 Subd. 3. **Definitions.** For purposes of this section and section 125A.027, the  
 75.23 following terms have the meanings given them:

75.24 (a) "Health plan" means:

75.25 (1) a health plan under section 62Q.01, subdivision 3;

75.26 (2) a county-based purchasing plan under section 256B.692;

75.27 (3) a self-insured health plan established by a local government under section  
 75.28 471.617; or

75.29 (4) self-insured health coverage provided by the state to its employees or retirees.

75.30 (b) For purposes of this section, "health plan company" means an entity that issues  
 75.31 a health plan as defined in paragraph (a).

75.32 (c) "Interagency intervention service system" means a system that coordinates  
 75.33 services and programs required in state and federal law to meet the needs of eligible  
 75.34 children with disabilities ages birth through 21, including:

- 76.1 (1) services provided under the following programs or initiatives administered  
 76.2 by state or local agencies:
- 76.3 (i) the maternal and child health program under title V of the Social Security Act;
  - 76.4 (ii) the Minnesota children with special health needs program under sections 144.05  
 76.5 and 144.07;
  - 76.6 (iii) the Individuals with Disabilities Education Act, Part B, section 619, and Part  
 76.7 C as amended;
  - 76.8 (iv) medical assistance under title 42, chapter 7, of the Social Security Act;
  - 76.9 (v) developmental disabilities services under chapter 256B;
  - 76.10 (vi) the Head Start Act under title 42, chapter 105, of the Social Security Act;
  - 76.11 (vii) vocational rehabilitation services provided under chapters 248 and 268A and  
 76.12 the Rehabilitation Act of 1973;
  - 76.13 (viii) Juvenile Court Act services provided under sections 260.011 to 260.91;  
 76.14 260B.001 to 260B.446; and 260C.001 to 260C.451;
  - 76.15 (ix) Minnesota Comprehensive Children's Mental Health Act under section 245.487;
  - 76.16 (x) the community health services grants under sections 145.88 to 145.9266;
  - 76.17 (xi) the Local Public Health Act under chapter 145A; and
  - 76.18 (xii) the Vulnerable Children and Adults Act, sections 256M.60 to 256M.80;
- 76.19 (2) service provision and funding that can be coordinated through:
- 76.20 (i) the children's mental health collaborative under section 245.493;
  - 76.21 (ii) the family services collaborative under section 124D.23;
  - 76.22 (iii) the community transition interagency committees under section 125A.22; and
  - 76.23 (iv) the interagency early intervention committees under section 125A.259;
- 76.24 (3) financial and other funding programs to be coordinated including medical  
 76.25 assistance under title 42, chapter 7, of the Social Security Act, the MinnesotaCare program  
 76.26 under chapter 256L, Supplemental Social Security Income, Developmental Disabilities  
 76.27 Assistance, and any other employment-related activities associated with the Social  
 76.28 Security Administration; and services provided under a health plan in conformity with an  
 76.29 individual family service plan or an individualized education program or an individual  
 76.30 interagency intervention plan; and
- 76.31 (4) additional appropriate services that local agencies and counties provide on  
 76.32 an individual need basis upon determining eligibility and receiving a request from (i)  
 76.33 the ~~interagency early intervention committee~~ school board or county board and (ii) the  
 76.34 child's parent.
- 76.35 (d) "Children with disabilities" has the meaning given in section 125A.02.

77.1 (e) A "standardized written plan" means those individual services or programs, with  
77.2 accompanying funding sources, available through the interagency intervention service  
77.3 system to an eligible child other than the services or programs described in the child's  
77.4 individualized education program or the child's individual family service plan.

77.5 Sec. 12. Minnesota Statutes 2014, section 125A.023, subdivision 4, is amended to read:

77.6 Subd. 4. **State Interagency Committee.** (a) The commissioner of education, on  
77.7 behalf of the governor, shall convene an interagency committee to develop and implement  
77.8 a coordinated, multidisciplinary, interagency intervention service system for children ages  
77.9 three to 21 with disabilities. The commissioners of commerce, education, health, human  
77.10 rights, human services, employment and economic development, and corrections shall  
77.11 each appoint two committee members from their departments; and the Association of  
77.12 Minnesota Counties, Minnesota School Boards Association, the Minnesota Administrators  
77.13 of Special Education, and the School Nurse Association of Minnesota shall each appoint  
77.14 one committee member. The committee shall select a chair from among its members.

77.15 (b) The committee shall:

77.16 (1) identify and assist in removing state and federal barriers to local coordination of  
77.17 services provided to children with disabilities;

77.18 (2) identify adequate, equitable, and flexible funding sources to streamline these  
77.19 services;

77.20 (3) develop guidelines for implementing policies that ensure a comprehensive and  
77.21 coordinated system of all state and local agency services, including multidisciplinary  
77.22 assessment practices for children with disabilities ages three to 21, including:

77.23 (i) develop, consistent with federal law, a standardized written plan for providing  
77.24 services to a child with disabilities;

77.25 (ii) identify how current systems for dispute resolution can be coordinated;

77.26 (iii) develop an evaluation process to measure the success of state and local  
77.27 interagency efforts in improving the quality and coordination of services to children with  
77.28 disabilities ages three to 21; and

77.29 (iv) develop guidelines to assist the governing boards of the interagency early  
77.30 intervention committees in carrying out the duties assigned in section 125A.027,  
77.31 subdivision 1, paragraph (b); and

77.32 (4) carry out other duties necessary to develop and implement within communities  
77.33 a coordinated, multidisciplinary, interagency intervention service system for children  
77.34 with disabilities.

78.1 (c) The committee shall consult on an ongoing basis with the state Special Education  
 78.2 Advisory Panel and the governor's Interagency Coordinating Council in carrying out  
 78.3 its duties under this section, including assisting the governing school boards of the  
 78.4 interagency early intervention committees and county boards.

78.5 Sec. 13. Minnesota Statutes 2014, section 125A.027, is amended to read:

78.6 **125A.027 INTERAGENCY EARLY INTERVENTION COMMITTEE**  
 78.7 **RESPONSIBILITIES LOCAL AGENCY COORDINATION RESPONSIBILITIES.**

78.8 Subdivision 1. **Additional duties School board and county board responsibilities.**

78.9 (a) It is the joint responsibility of school and county boards to coordinate, provide, and  
 78.10 pay for appropriate services and to facilitate payment for services from public and private  
 78.11 sources. Appropriate services for children eligible under section 125A.02 and receiving  
 78.12 services from two or more public agencies of which one is the public school must be  
 78.13 determined in consultation with parents, physicians, and other education, medical health,  
 78.14 and human services providers. The services provided must conform with a standardized  
 78.15 written plan for each eligible child ages three to 21.

78.16 (b) Appropriate services include those services listed on a child's standardized  
 78.17 written plan. These services are those that are required to be documented on a plan under  
 78.18 federal and state law or rule.

78.19 (c) School and county boards shall coordinate interagency services. Service  
 78.20 responsibilities for eligible children, ages three to 21, may be established in interagency  
 78.21 agreements or joint powers board agreements. In addition, interagency agreements or  
 78.22 joint powers board agreements may be developed to establish agency responsibility that  
 78.23 ensures that coordinated interagency services are coordinated, provided, and paid for and  
 78.24 that payment is facilitated from public and private sources. School boards must provide,  
 78.25 pay for, and facilitate payment for special education services as required under sections  
 78.26 125A.03 and 125A.06. County boards must provide, pay for, and facilitate payment for  
 78.27 those programs over which they have service and fiscal responsibility as referenced in  
 78.28 section 125A.023, subdivision 3, paragraph (c), clause (1).

78.29 Subd. 1a. **Local governance structure.** (a) The governing school boards of  
 78.30 the ~~interagency early intervention committees and county boards~~ are responsible for  
 78.31 developing and implementing interagency policies and procedures to coordinate services  
 78.32 at the local level for children with disabilities ages three to 21 under guidelines established  
 78.33 by the state interagency committee under section 125A.023, subdivision 4. Consistent  
 78.34 with the requirements in this section and section 125A.023, the governing school boards  
 78.35 of the ~~interagency early intervention committees and county boards~~ may organize as a

79.1 joint powers board under section 471.59 or enter into an interagency agreement that  
79.2 establishes a governance structure.

79.3 ~~(b) The governing board of each interagency early intervention committee as defined~~  
79.4 ~~in section 125A.30, paragraph (a), which may include a juvenile justice professional, shall:~~

79.5 ~~(1) identify state and federal barriers to local coordination of services provided to~~  
79.6 ~~children with disabilities;~~

79.7 ~~(2) implement policies that ensure a comprehensive and coordinated system of all~~  
79.8 ~~state and local agency services, including practices on multidisciplinary assessment,~~  
79.9 ~~standardized written plans, dispute resolution, and system evaluation for children with~~  
79.10 ~~disabilities ages three to 21;~~

79.11 ~~(3) coordinate services and facilitate payment for services from public and private~~  
79.12 ~~institutions, agencies, and health plan companies; and~~

79.13 ~~(4) share needed information consistent with state and federal data practices~~  
79.14 ~~requirements.~~

79.15 Subd. 2. **Appropriate and necessary services.** (a) Parents, physicians, other health  
79.16 care professionals including school nurses, and education and human services providers  
79.17 jointly must determine appropriate and necessary services for eligible children with  
79.18 disabilities ages three to 21. The services provided to the child under this section must  
79.19 conform with the child's standardized written plan. The governing school board of an  
79.20 interagency early intervention committee or county board must provide those services  
79.21 contained in a child's individualized education program and those services for which  
79.22 a legal obligation exists.

79.23 (b) Nothing in this section or section 125A.023 increases or decreases the obligation  
79.24 of the state, county, regional agency, local school district, or local agency or organization  
79.25 to pay for education, health care, or social services.

79.26 (c) A health plan may not exclude any medically necessary covered service solely  
79.27 because the service is or could be identified in a child's individual family service plan,  
79.28 individualized education program, a plan established under section 504 of the federal  
79.29 Rehabilitation Act of 1973, or a student's individual health plan. This paragraph reaffirms  
79.30 the obligation of a health plan company to provide or pay for certain medically necessary  
79.31 covered services, and encourages a health plan company to coordinate this care with any  
79.32 other providers of similar services. Also, a health plan company may not exclude from a  
79.33 health plan any medically necessary covered service such as an assessment or physical  
79.34 examination solely because the resulting information may be used for an individualized  
79.35 education program or a standardized written plan.

80.1 ~~Subd. 4. **Responsibilities of school and county boards.** (a) It is the joint~~  
 80.2 ~~responsibility of school and county boards to coordinate, provide, and pay for appropriate~~  
 80.3 ~~services, and to facilitate payment for services from public and private sources.~~  
 80.4 ~~Appropriate service for children eligible under section 125A.02 and receiving service~~  
 80.5 ~~from two or more public agencies of which one is the public school must be determined in~~  
 80.6 ~~consultation with parents, physicians, and other education, medical health, and human~~  
 80.7 ~~services providers. The services provided must be in conformity with a standardized~~  
 80.8 ~~written plan for each eligible child ages 3 to 21.~~

80.9 ~~(b) Appropriate services include those services listed on a child's standardized~~  
 80.10 ~~written plan. These services are those that are required to be documented on a plan under~~  
 80.11 ~~federal and state law or rule.~~

80.12 ~~(c) School and county boards shall coordinate interagency services. Service~~  
 80.13 ~~responsibilities for eligible children, ages 3 to 21, may be established in interagency~~  
 80.14 ~~agreements or joint powers board agreements. In addition, interagency agreements or joint~~  
 80.15 ~~powers board agreements may be developed to establish agency responsibility that assures~~  
 80.16 ~~that coordinated interagency services are coordinated, provided, and paid for, and that~~  
 80.17 ~~payment is facilitated from public and private sources. School boards must provide,~~  
 80.18 ~~pay for, and facilitate payment for special education services as required under sections~~  
 80.19 ~~125A.03 and 125A.06. County boards must provide, pay for, and facilitate payment for~~  
 80.20 ~~those programs over which they have service and fiscal responsibility as referenced in~~  
 80.21 ~~section 125A.023, subdivision 3, paragraph (c), clause (1).~~

80.22 Sec. 14. Minnesota Statutes 2014, section 125A.08, is amended to read:

80.23 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

80.24 (a) At the beginning of each school year, each school district shall have in effect, for  
 80.25 each child with a disability, an individualized education program.

80.26 (b) As defined in this section, every district must ensure the following:

80.27 (1) all students with disabilities are provided the special instruction and services  
 80.28 which are appropriate to their needs. Where the individualized education program team  
 80.29 has determined appropriate goals and objectives based on the student's needs, including  
 80.30 the extent to which the student can be included in the least restrictive environment,  
 80.31 and where there are essentially equivalent and effective instruction, related services, or  
 80.32 assistive technology devices available to meet the student's needs, cost to the district may  
 80.33 be among the factors considered by the team in choosing how to provide the appropriate  
 80.34 services, instruction, or devices that are to be made part of the student's individualized  
 80.35 education program. The individualized education program team shall consider and

81.1 may authorize services covered by medical assistance according to section 256B.0625,  
81.2 subdivision 26. The student's needs and the special education instruction and services to  
81.3 be provided must be agreed upon through the development of an individualized education  
81.4 program. The program must address the student's need to develop skills to live and  
81.5 work as independently as possible within the community. The individualized education  
81.6 program team must consider positive behavioral interventions, strategies, and supports  
81.7 that address behavior needs for children ~~with attention deficit disorder or attention deficit~~  
81.8 ~~hyperactivity disorder~~. During grade 9, the program must address the student's needs for  
81.9 transition from secondary services to postsecondary education and training, employment,  
81.10 community participation, recreation, and leisure and home living. In developing the  
81.11 program, districts must inform parents of the full range of transitional goals and related  
81.12 services that should be considered. The program must include a statement of the needed  
81.13 transition services, including a statement of the interagency responsibilities or linkages or  
81.14 both before secondary services are concluded;

81.15 (2) children with a disability under age five and their families are provided special  
81.16 instruction and services appropriate to the child's level of functioning and needs;

81.17 (3) children with a disability and their parents or guardians are guaranteed procedural  
81.18 safeguards and the right to participate in decisions involving identification, assessment  
81.19 including assistive technology assessment, and educational placement of children with a  
81.20 disability;

81.21 (4) eligibility and needs of children with a disability are determined by an initial  
81.22 evaluation or reevaluation, which may be completed using existing data under United  
81.23 States Code, title 20, section 33, et seq.;

81.24 (5) to the maximum extent appropriate, children with a disability, including those  
81.25 in public or private institutions or other care facilities, are educated with children who  
81.26 are not disabled, and that special classes, separate schooling, or other removal of children  
81.27 with a disability from the regular educational environment occurs only when and to the  
81.28 extent that the nature or severity of the disability is such that education in regular classes  
81.29 with the use of supplementary services cannot be achieved satisfactorily;

81.30 (6) in accordance with recognized professional standards, testing and evaluation  
81.31 materials, and procedures used for the purposes of classification and placement of children  
81.32 with a disability are selected and administered so as not to be racially or culturally  
81.33 discriminatory; and

81.34 (7) the rights of the child are protected when the parents or guardians are not known  
81.35 or not available, or the child is a ward of the state.

82.1 (c) For all paraprofessionals employed to work in programs for whose role in part  
 82.2 is to provide direct support to students with disabilities, the school board in each district  
 82.3 shall ensure that:

82.4 (1) before or immediately upon employment, each paraprofessional develops  
 82.5 sufficient knowledge and skills in emergency procedures, building orientation, roles and  
 82.6 responsibilities, confidentiality, vulnerability, and reportability, among other things,  
 82.7 to begin meeting the needs, especially disability-specific and behavioral needs, of the  
 82.8 students with whom the paraprofessional works;

82.9 (2) annual training opportunities are ~~available~~ required to enable the paraprofessional  
 82.10 to continue to further develop the knowledge and skills that are specific to the students  
 82.11 with whom the paraprofessional works, including understanding disabilities, the unique  
 82.12 and individual needs of each student according to the student's disability and how the  
 82.13 disability affects the student's education and behavior, following lesson plans, and  
 82.14 implementing follow-up instructional procedures and activities; and

82.15 (3) a districtwide process obligates each paraprofessional to work under the ongoing  
 82.16 direction of a licensed teacher and, where appropriate and possible, the supervision of a  
 82.17 school nurse.

82.18 Sec. 15. **[125A.083] STUDENT INFORMATION SYSTEMS; TRANSFERRING**  
 82.19 **RECORDS.**

82.20 To efficiently and effectively meet federal and state compliance and accountability  
 82.21 requirements using an online case management reporting system, school districts may  
 82.22 contract only for a student information system that is Schools Interoperability Framework  
 82.23 (SIF) compliant and compatible with the online system for compliance reporting  
 82.24 under section 125A.085 beginning in the 2018-2019 school year and later. A district's  
 82.25 information system under this section must facilitate the seamless transfer of student  
 82.26 records for a student with disabilities who transfers between school districts, including  
 82.27 records containing the student's evaluation report, service plan, and other due process  
 82.28 forms and information, regardless of what information system any one district uses.

82.29 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 82.30 and applies to all district contracts with student information system vendors entered into  
 82.31 or modified after that date.

82.32 Sec. 16. Minnesota Statutes 2014, section 125A.085, is amended to read:

82.33 **125A.085 ONLINE REPORTING OF REQUIRED DATA.**

83.1 (a) To ensure a strong focus on outcomes for children with disabilities informs  
83.2 federal and state compliance and accountability requirements and to increase opportunities  
83.3 for special educators and related-services providers to focus on teaching children with  
83.4 disabilities, the commissioner must customize a streamlined, user-friendly statewide  
83.5 online system, with a single model online form, for effectively and efficiently collecting  
83.6 and reporting required special education-related data to individuals with a legitimate  
83.7 educational interest and who are authorized by law to access the data.

83.8 (b) The commissioner must consult with qualified experts, including information  
83.9 technology specialists, licensed special education teachers and directors of special  
83.10 education, related-services providers, third-party vendors, a designee of the commissioner  
83.11 of human services, parents of children with disabilities, representatives of advocacy groups  
83.12 representing children with disabilities, and representatives of school districts and special  
83.13 education cooperatives on integrating, field testing, customizing, and sustaining this simple,  
83.14 easily accessible, efficient, and effective online data system for uniform statewide reporting  
83.15 of required due process compliance data. Among other outcomes, the system must:

83.16 (1) reduce special education teachers' paperwork burden and thereby increase the  
83.17 teachers' opportunities to focus on teaching children;

83.18 (2) to the extent authorized by chapter 13 or other applicable state or federal law  
83.19 governing access to and dissemination of educational records, provide for efficiently  
83.20 and effectively transmitting the records of all transferring children with disabilities,  
83.21 including highly mobile and homeless children with disabilities, among others, and avoid  
83.22 fragmented service delivery;

83.23 (3) address language and other barriers and disparities that prevent parents from  
83.24 understanding and communicating information about the needs of their children with  
83.25 disabilities; and

83.26 (4) help continuously improve the interface among the online systems serving  
83.27 children with disabilities in order to maintain and reinforce the children's ability to learn.

83.28 (c) The commissioner must use the federal Office of Special Education Programs  
83.29 model forms for the (1) individualized education program, (2) notice of procedural  
83.30 safeguards, and (3) prior written notice that are consistent with Part B of IDEA to integrate  
83.31 and customize a state-sponsored universal special education online case management  
83.32 system, consistent with the requirements of state law and this section for customizing a  
83.33 statewide online reporting system. The commissioner must use a request for proposal  
83.34 process to contract for the technology and software needed for customizing the online  
83.35 system in order for the system to be fully functional, consistent with the requirements of  
83.36 this section. This online system must be made available to school districts without charge

84.1 beginning in the 2015-2016 school year. For the 2015-2016 ~~through 2017-2018~~ and later  
84.2 school years, school districts may use this online system or may contract with an outside  
84.3 vendor for compliance reporting. ~~Beginning in the 2018-2019 school year and later,~~  
84.4 ~~school districts must use this online system for compliance reporting.~~

84.5 (d) All data on individuals maintained in the statewide reporting system are  
84.6 classified as provided in chapter 13 or other applicable state or federal law. An authorized  
84.7 individual's ability to enter, update, or access data must be limited through the use of  
84.8 role-based access codes corresponding to that individual's official duties or training level,  
84.9 and the statutory authorization that grants access for a particular purpose. Any action  
84.10 in which data in the system are entered, updated, accessed, or shared or disseminated  
84.11 outside of the system must be recorded in an audit trail. The audit trail must identify the  
84.12 specific user responsible for the action, the date and time the action occurred, and the  
84.13 purpose for the action. Data contained in the audit trail maintain the same classification  
84.14 as the underlying data affected by the action, provided the responsible authority makes  
84.15 the data available to a student or the student's parent upon request, and the responsible  
84.16 authority may access the data to audit the system's user activity and security safeguards.  
84.17 Before entering data on a student, the responsible authority must provide the student or the  
84.18 student's parent written notice of the data practices rights and responsibilities required  
84.19 by this section and a reasonable opportunity to refuse consent to have the student's data  
84.20 included in the system. Upon receiving the student or the student's parent written refusal  
84.21 to consent, the school district must not enter data on that student into the system and must  
84.22 delete any existing data on that student currently in the system.

84.23 (e) Consistent with this section, the commissioner must establish a public Internet  
84.24 Web interface to provide information to educators, parents, and the public about the form  
84.25 and content of required special education reports, to respond to queries from educators,  
84.26 parents, and the public about specific aspects of special education reports and reporting,  
84.27 and to use the information garnered from the interface to streamline and revise special  
84.28 education reporting on the online system under this section. The public Internet Web  
84.29 interface must have a prominently linked page describing the rights and responsibilities  
84.30 of students and parents whose data are included in the statewide reporting system, and  
84.31 include information on the data practices rights of students and parents provided by this  
84.32 section and a form students or parents may use to refuse consent to have a student's data  
84.33 included in the system. The public Internet Web interface must not provide access to the  
84.34 educational records of any individual child.

84.35 (f) The commissioner annually by February 1 must submit to the legislature a report  
84.36 on the status, recent changes, and sustainability of the online system under this section.

85.1 Sec. 17. Minnesota Statutes 2014, section 125A.21, is amended to read:

85.2 **125A.21 THIRD-PARTY PAYMENT.**

85.3 Subdivision 1. **Obligation to pay.** Nothing in sections 125A.03 to 125A.24 and  
85.4 125A.65 relieves an insurer or similar third party from an otherwise valid obligation to  
85.5 pay, or changes the validity of an obligation to pay, for services rendered to a child with  
85.6 a disability, and the child's family. A school district shall pay the nonfederal share of  
85.7 medical assistance services provided according to section 256B.0625, subdivision 26.  
85.8 Eligible expenditures must not be made from federal funds or funds used to match other  
85.9 federal funds. Any federal disallowances are the responsibility of the school district. A  
85.10 school district may pay or reimburse co-payments, coinsurance, deductibles, and other  
85.11 enrollee cost-sharing amounts, on behalf of the student or family, in connection with  
85.12 health and related services provided under an individual educational plan or individualized  
85.13 family service plan.

85.14 Subd. 2. **Third-party reimbursement.** (a) Beginning July 1, 2000, districts  
85.15 shall seek reimbursement from insurers and similar third parties for the cost of services  
85.16 provided by the district whenever the services provided by the district are otherwise  
85.17 covered by the child's health coverage. Districts shall request, but may not require, the  
85.18 child's family to provide information about the child's health coverage when a child with a  
85.19 disability begins to receive services from the district of a type that may be reimbursable,  
85.20 and shall request, but may not require, updated information after that as needed.

85.21 (b) For children enrolled in medical assistance under chapter 256B or MinnesotaCare  
85.22 under chapter 256L who have no other health coverage, a district shall provide an initial  
85.23 and annual written notice to the enrolled child's parent or legal representative of its intent  
85.24 to seek reimbursement from medical assistance or MinnesotaCare for the individualized  
85.25 education program or individualized family service plan health-related services provided  
85.26 by the district. The initial notice must give the child's parent or legal representative the  
85.27 right to request a copy of the child's education records on the health-related services that  
85.28 the district provided to the child and disclosed to a third-party payer.

85.29 (c) The district shall give the parent or legal representative annual written notice of:

85.30 (1) the district's intent to seek reimbursement from medical assistance or  
85.31 MinnesotaCare for individualized education program or individualized family service plan  
85.32 health-related services provided by the district;

85.33 (2) the right of the parent or legal representative to request a copy of all records  
85.34 concerning individualized education program or individualized family service plan  
85.35 health-related services disclosed by the district to any third party; and

86.1 (3) the right of the parent or legal representative to withdraw consent for disclosure  
86.2 of a child's records at any time without consequence.

86.3 The written notice shall be provided as part of the written notice required by Code of  
86.4 Federal Regulations, title 34, section 300.504 or 303.520. The district must ensure that the  
86.5 parent of a child with a disability is given notice, in understandable language, of federal and  
86.6 state procedural safeguards available to the parent under this paragraph and paragraph (b).

86.7 (d) In order to access the private health care coverage of a child who is covered by  
86.8 private health care coverage in whole or in part, a district must:

86.9 (1) obtain annual written informed consent from the parent or legal representative, in  
86.10 compliance with subdivision 5; and

86.11 (2) inform the parent or legal representative that a refusal to permit the district  
86.12 or state Medicaid agency to access their private health care coverage does not relieve  
86.13 the district of its responsibility to provide all services necessary to provide free and  
86.14 appropriate public education at no cost to the parent or legal representative.

86.15 (e) If the commissioner of human services obtains federal approval to exempt  
86.16 covered individualized education program or individualized family service plan  
86.17 health-related services from the requirement that private health care coverage refuse  
86.18 payment before medical assistance may be billed, paragraphs (b), (c), and (d) shall also  
86.19 apply to students with a combination of private health care coverage and health care  
86.20 coverage through medical assistance or MinnesotaCare.

86.21 (f) In the event that Congress or any federal agency or the Minnesota legislature  
86.22 or any state agency establishes lifetime limits, limits for any health care services,  
86.23 cost-sharing provisions, or otherwise provides that individualized education program or  
86.24 individualized family service plan health-related services impact benefits for persons  
86.25 enrolled in medical assistance or MinnesotaCare, the amendments to this subdivision  
86.26 adopted in 2002 are repealed on the effective date of any federal or state law or regulation  
86.27 that imposes the limits. In that event, districts must obtain informed consent consistent  
86.28 with this subdivision as it existed prior to the 2002 amendments and subdivision 5, before  
86.29 seeking reimbursement for children enrolled in medical assistance under chapter 256B or  
86.30 MinnesotaCare under chapter 256L who have no other health care coverage.

86.31 Subd. 3. **Use of reimbursements.** Of the reimbursements received, districts may:

86.32 (1) retain an amount sufficient to compensate the district for its administrative costs  
86.33 of obtaining reimbursements;

86.34 (2) regularly obtain from education- and health-related entities training and other  
86.35 appropriate technical assistance designed to improve the district's ability to access

87.1 third-party payments for individualized education program or individualized family  
87.2 service plan health-related services; or

87.3 (3) reallocate reimbursements for the benefit of students with individualized  
87.4 education programs or ~~individual~~ individualized family service plans in the district.

87.5 Subd. 4. **Parents not obligated to use health coverage.** To the extent required by  
87.6 federal law, a school district may not require parents of children with disabilities, if they  
87.7 would incur a financial cost, to use private or public health coverage to pay for the services  
87.8 that must be provided under an individualized education program or individualized  
87.9 family service plan.

87.10 Subd. 5. **Informed consent.** When obtaining informed consent, consistent with  
87.11 sections 13.05, subdivision 4a; 256B.77, subdivision 2, paragraph (p); and Code of  
87.12 Federal Regulations, title 34, parts 99 ~~and~~ 300, and 303, to bill health plans for covered  
87.13 services, the school district must notify the legal representative (1) that the cost of the  
87.14 person's private health insurance premium may increase due to providing the covered  
87.15 service in the school setting, (2) that the school district may pay certain enrollee health  
87.16 plan costs, including but not limited to, co-payments, coinsurance, deductibles, premium  
87.17 increases or other enrollee cost-sharing amounts for health and related services required  
87.18 by an individual service plan, or ~~individual~~ individualized family service plan, and (3) that  
87.19 the school's billing for each type of covered service may affect service limits and prior  
87.20 authorization thresholds. The informed consent may be revoked in writing at any time  
87.21 by the person authorizing the billing of the health plan.

87.22 Subd. 6. **District obligation to provide service.** To the extent required by federal  
87.23 law, no school district may deny, withhold, or delay any service that must be provided  
87.24 under an individualized education program or individualized family service plan because  
87.25 a family has refused to provide informed consent to bill a health plan for services or a  
87.26 health plan company has refused to pay any, all, or a portion of the cost of services billed.

87.27 Subd. 7. **District disclosure of information.** A school district may disclose  
87.28 information contained in a student's individualized education program, consistent with  
87.29 section 13.32, subdivision 3, paragraph (a), and Code of Federal Regulations, title 34,  
87.30 parts 99 ~~and~~ 300, and 303; including records of the student's diagnosis and treatment, to a  
87.31 health plan company only with the signed and dated consent of the student's parent, or  
87.32 other legally authorized individual. The school district shall disclose only that information  
87.33 necessary for the health plan company to decide matters of coverage and payment. A  
87.34 health plan company may use the information only for making decisions regarding  
87.35 coverage and payment, and for any other use permitted by law.

88.1 Sec. 18. Minnesota Statutes 2014, section 125A.28, is amended to read:

88.2 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

88.3 An Interagency Coordinating Council of at least 17, but not more than 25 members is  
 88.4 established, in compliance with Public Law 108-446, section 641. The members must be  
 88.5 appointed by the governor and reasonably represent the population of Minnesota. Council  
 88.6 members must elect the council chair, who may not be a representative of the Department  
 88.7 of Education. The council must be composed of at least five parents, including persons  
 88.8 of color, of children with disabilities under age 12, including at least three parents of a  
 88.9 child with a disability under age seven, five representatives of public or private providers  
 88.10 of services for children with disabilities under age five, including a special education  
 88.11 director, county social service director, local Head Start director, and a community health  
 88.12 services or public health nursing administrator, one member of the senate, one member of  
 88.13 the house of representatives, one representative of teacher preparation programs in early  
 88.14 childhood-special education or other preparation programs in early childhood intervention,  
 88.15 at least one representative of advocacy organizations for children with disabilities under  
 88.16 age five, one physician who cares for young children with special health care needs, one  
 88.17 representative each from the commissioners of commerce, education, health, human  
 88.18 services, a representative from the state agency responsible for child care, foster care,  
 88.19 mental health, homeless coordinator of education of homeless children and youth, and a  
 88.20 representative from Indian health services or a tribal council. Section 15.059, subdivisions  
 88.21 2 to 4, apply to the council. The council must meet at least quarterly.

88.22 The council must address methods of implementing the state policy of developing  
 88.23 and implementing comprehensive, coordinated, multidisciplinary interagency programs of  
 88.24 early intervention services for children with disabilities and their families.

88.25 The duties of the council include recommending policies to ensure a comprehensive  
 88.26 and coordinated system of all state and local agency services for children under age five  
 88.27 with disabilities and their families. The policies must address how to incorporate each  
 88.28 agency's services into a unified state and local system of multidisciplinary assessment  
 88.29 practices, individual intervention plans, comprehensive systems to find children in need of  
 88.30 services, methods to improve public awareness, and assistance in determining the role of  
 88.31 interagency early intervention committees.

88.32 ~~On the date that Minnesota Part C Annual Performance Report is submitted to~~  
 88.33 Within 30 days of receiving the annual determination from the federal Office of Special  
 88.34 Education on the Minnesota Part C Annual Performance Report, the council must  
 88.35 recommend to the governor and the commissioners of education, health, human services,

89.1 commerce, and employment and economic development policies for a comprehensive  
89.2 and coordinated system.

89.3 Annually, the council must prepare and submit a report to the governor and the  
89.4 secretary of the federal Department of Education on the status of early intervention  
89.5 services and programs for infants and toddlers with disabilities and their families under  
89.6 the Individuals with Disabilities Education Act, United States Code, title 20, sections  
89.7 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The Minnesota  
89.8 Part C annual performance report may serve as the report.

89.9 Notwithstanding any other law to the contrary, the State Interagency Coordinating  
89.10 Council does not expire unless federal law no longer requires the existence of the council  
89.11 or committee.

89.12 Sec. 19. Minnesota Statutes 2014, section 125A.63, subdivision 2, is amended to read:

89.13 Subd. 2. **Programs.** (a) The ~~resource-centers~~ department must offer summer  
89.14 institutes or other training programs throughout the state for deaf or hard-of-hearing, blind  
89.15 or visually impaired, and multiply disabled pupils. The ~~resource-centers~~ department must  
89.16 also offer workshops for teachers, and leadership development for teachers.

89.17 ~~A program~~ (b) Training and workshop programs offered ~~through the resource-centers~~  
89.18 under paragraph (a) must help promote and develop education programs offered by school  
89.19 districts or other organizations. The ~~program~~ programs must assist school districts or other  
89.20 organizations to develop innovative programs.

89.21 Sec. 20. Minnesota Statutes 2014, section 125A.63, subdivision 3, is amended to read:

89.22 Subd. 3. **Programs by nonprofits.** The ~~resource-centers~~ department may contract  
89.23 to have nonprofit organizations provide programs ~~through the resource-centers~~ under  
89.24 subdivision 2.

89.25 Sec. 21. Minnesota Statutes 2014, section 125A.63, subdivision 4, is amended to read:

89.26 Subd. 4. **Advisory committees.** (a) The commissioner shall establish ~~an~~ advisory  
89.27 ~~committee~~ committees ~~for each resource-center~~ the deaf and hard-of-hearing and for the  
89.28 blind and visually impaired. The advisory committees shall develop recommendations  
89.29 ~~regarding the resource-centers~~ and submit an annual report to the commissioner on the  
89.30 form and in the manner prescribed by the commissioner.

89.31 (b) The advisory committee ~~for the Resource-Center~~ for the deaf and hard of hearing  
89.32 shall meet periodically at least four times per year and submit an annual report to the  
89.33 commissioner, the education policy and finance committees of the legislature, and the

90.1 Commission of Deaf, DeafBlind, and ~~Hard-of-Hearing~~ Hard-of-Hearing Minnesotans.

90.2 The report must, at least:

90.3 (1) identify and report the aggregate, data-based education outcomes for children  
90.4 with the primary disability classification of deaf and hard of hearing, consistent with  
90.5 the commissioner's child count reporting practices, the commissioner's state and local  
90.6 outcome data reporting system by district and region, and the school performance report  
90.7 cards under section 120B.36, subdivision 1; and

90.8 (2) describe the implementation of a data-based plan for improving the education  
90.9 outcomes of deaf and hard of hearing children that is premised on evidence-based best  
90.10 practices, and provide a cost estimate for ongoing implementation of the plan.

90.11 Sec. 22. Minnesota Statutes 2014, section 125A.63, subdivision 5, is amended to read:

90.12 Subd. 5. **Statewide hearing loss early education intervention coordinator.** (a)

90.13 The coordinator shall:

90.14 (1) collaborate with the early hearing detection and intervention coordinator for the  
90.15 Department of Health, the ~~director of the Department of Education Resource Center for~~  
90.16 ~~Deaf and Hard-of-Hearing~~ deaf and hard-of-hearing state specialist, and the Department  
90.17 of Health Early Hearing Detection and Intervention Advisory Council;

90.18 (2) coordinate and support Department of Education early hearing detection and  
90.19 intervention teams;

90.20 (3) leverage resources by serving as a liaison between interagency early intervention  
90.21 committees; part C coordinators from the Departments of Education, Health, and  
90.22 Human Services; Department of Education regional low-incidence facilitators; service  
90.23 coordinators from school districts; Minnesota children with special health needs in the  
90.24 Department of Health; public health nurses; child find; Department of Human Services  
90.25 Deaf and Hard-of-Hearing Services Division; and others as appropriate;

90.26 (4) identify, support, and promote culturally appropriate and evidence-based early  
90.27 intervention practices for infants with hearing loss, and provide training, outreach, and use  
90.28 of technology to increase consistency in statewide service provision;

90.29 (5) identify culturally appropriate specialized reliable and valid instruments to assess  
90.30 and track the progress of children with hearing loss and promote their use;

90.31 (6) ensure that early childhood providers, parents, and members of the individual  
90.32 family service and intervention plan are provided with child progress data resulting from  
90.33 specialized assessments;

91.1 (7) educate early childhood providers and teachers of the deaf and hard-of-hearing  
 91.2 to use developmental data from specialized assessments to plan and adjust individual  
 91.3 family service plans; and

91.4 (8) make recommendations that would improve educational outcomes to the early  
 91.5 hearing detection and intervention committee, the commissioners of education and health,  
 91.6 the Commission of Deaf, DeafBlind and Hard-of-Hearing Minnesotans, and the advisory  
 91.7 council of the ~~Minnesota Department of Education Resource Center~~ for the deaf and  
 91.8 hard-of-hearing.

91.9 (b) The Department of Education must provide aggregate data regarding outcomes  
 91.10 of deaf and hard-of-hearing children who receive early intervention services within the  
 91.11 state in accordance with the state performance plan.

91.12 Sec. 23. Minnesota Statutes 2014, section 125A.76, subdivision 1, is amended to read:

91.13 Subdivision 1. **Definitions.** (a) For the purposes of this section and section 125A.79,  
 91.14 the definitions in this subdivision apply.

91.15 (b) "Basic revenue" has the meaning given it in section 126C.10, subdivision 2.  
 91.16 For the purposes of computing basic revenue pursuant to this section, each child with a  
 91.17 disability shall be counted as prescribed in section 126C.05, subdivision 1.

91.18 (c) "Essential personnel" means teachers, cultural liaisons, related services, and  
 91.19 support services staff providing services to students. Essential personnel may also include  
 91.20 special education paraprofessionals or clericals providing support to teachers and students  
 91.21 by preparing paperwork and making arrangements related to special education compliance  
 91.22 requirements, including parent meetings and individualized education programs. Essential  
 91.23 personnel does not include administrators and supervisors.

91.24 (d) "Average daily membership" has the meaning given it in section 126C.05.

91.25 (e) "Program growth factor" means 1.046 for fiscal years 2012 through 2015, 1.0  
 91.26 for fiscal year 2016, 1.046 for fiscal year 2017, and the product of 1.046 and the program  
 91.27 growth factor for the previous year for fiscal year 2018 and later.

91.28 (f) "Nonfederal special education expenditure" means all direct expenditures that  
 91.29 are necessary and essential to meet the district's obligation to provide special instruction  
 91.30 and services to children with a disability according to sections 124D.454, 125A.03 to  
 91.31 125A.24, 125A.259 to 125A.48, and 125A.65 as submitted by the district and approved by  
 91.32 the department under section 125A.75, subdivision 4, excluding expenditures:

91.33 (1) reimbursed with federal funds;

91.34 (2) reimbursed with other state aids under this chapter;

91.35 (3) for general education costs of serving students with a disability;

92.1 (4) for facilities;

92.2 (5) for pupil transportation; and

92.3 (6) for postemployment benefits.

92.4 (g) "Old formula special education expenditures" means expenditures eligible for  
92.5 revenue under Minnesota Statutes 2012, section 125A.76, subdivision 2.

92.6 (h) For the Minnesota State Academy for the Deaf and the Minnesota State Academy  
92.7 for the Blind, expenditures under paragraphs (f) and (g) are limited to the salary and  
92.8 fringe benefits of one-to-one instructional and behavior management aides and one-to-one  
92.9 licensed, certified professionals assigned to a child attending the academy, if the aides or  
92.10 professionals are required by the child's individualized education program.

92.11 (i) "Cross subsidy reduction aid percentage" means 1.0 percent for fiscal year 2014  
92.12 and 2.27 percent for fiscal year 2015.

92.13 (j) "Cross subsidy reduction aid limit" means \$20 for fiscal year 2014 and \$48  
92.14 for fiscal year 2015.

92.15 (k) "Special education aid increase limit" means \$80 for fiscal year 2016, \$100 for  
92.16 fiscal year 2017, and, for fiscal year 2018 and later, the sum of the special education aid  
92.17 increase limit for the previous fiscal year and \$40.

92.18 (l) "District" means a school district, a charter school, or a cooperative unit as  
92.19 defined in section 123A.24, subdivision 2. Notwithstanding section 123A.26, cooperative  
92.20 units as defined in section 123A.24, subdivision 2, are eligible to receive special education  
92.21 aid under this section and section 125A.79.

92.22 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

92.23 Sec. 24. Minnesota Statutes 2014, section 125A.76, subdivision 2c, is amended to read:

92.24 Subd. 2c. **Special education aid.** (a) For fiscal year 2014 and fiscal year 2015, a  
92.25 district's special education aid equals the sum of the district's special education aid under  
92.26 subdivision 5, the district's cross subsidy reduction aid under subdivision 2b, and the  
92.27 district's excess cost aid under section 125A.79, subdivision 7.

92.28 (b) For fiscal year 2016 and later, a district's special education aid equals the sum of  
92.29 the district's special education initial aid under subdivision 2a and the district's excess cost  
92.30 aid under section 125A.79, subdivision 5.

92.31 (c) Notwithstanding paragraph (b), for fiscal year 2016, the special education aid for  
92.32 a school district must not exceed the sum of the special education aid the district would  
92.33 have received for fiscal year 2016 under Minnesota Statutes 2012, sections 125A.76  
92.34 and 125A.79, as adjusted according to Minnesota Statutes 2012, sections 125A.11 and

93.1 127A.47, subdivision 7, and the product of the district's average daily membership served  
 93.2 and the special education aid increase limit.

93.3 (d) Notwithstanding paragraph (b), for fiscal year 2017 and later, the special education  
 93.4 aid for a school district must not exceed the sum of: (i) the product of the district's average  
 93.5 daily membership served and the special education aid increase limit and (ii) the product  
 93.6 of the sum of the special education aid the district would have received for fiscal year 2016  
 93.7 under Minnesota Statutes 2012, sections 125A.76 and 125A.79, as adjusted according  
 93.8 to Minnesota Statutes 2012, sections 125A.11 and 127A.47, subdivision 7, the ratio of  
 93.9 the district's average daily membership served for the current fiscal year to the district's  
 93.10 average daily membership served for fiscal year 2016, and the program growth factor.

93.11 (e) Notwithstanding paragraph (b), for fiscal year 2016 and later the special  
 93.12 education aid for a school district, not including a charter school or cooperative unit as  
 93.13 defined in section 123A.24, must not be less than the lesser of (1) the district's nonfederal  
 93.14 special education expenditures for that fiscal year or (2) the product of the sum of the  
 93.15 special education aid the district would have received for fiscal year 2016 under Minnesota  
 93.16 Statutes 2012, sections 125A.76 and 125A.79, as adjusted according to Minnesota Statutes  
 93.17 2012, sections 125A.11 and 127A.47, subdivision 7, the ratio of the district's adjusted  
 93.18 daily membership for the current fiscal year to the district's average daily membership for  
 93.19 fiscal year 2016, and the program growth factor.

93.20 (f) Notwithstanding subdivision 2a and section 125A.79, a charter school in its first  
 93.21 year of operation shall generate special education aid based on current year data. A newly  
 93.22 formed cooperative unit as defined in section 123A.24 may apply to the commissioner  
 93.23 for approval to generate special education aid for its first year of operation based on  
 93.24 current year data, with an offsetting adjustment to the prior year data used to calculate aid  
 93.25 for programs at participating school districts or previous cooperatives that were replaced  
 93.26 by the new cooperative.

93.27 Sec. 25. **REPEALER.**

93.28 Minnesota Statutes 2014, section 125A.63, subdivision 1, is repealed.

## 93.29 ARTICLE 4

### 93.30 FACILITIES AND TECHNOLOGY

93.31 Section 1. Minnesota Statutes 2014, section 125B.26, subdivision 2, is amended to read:

93.32 Subd. 2. **E-rates.** To be eligible for aid under this section, a district, charter school,  
 93.33 or intermediate school district is required to file an e-rate application either separately or  
 93.34 through its telecommunications access cluster ~~and have a current technology plan on file~~

94.1 ~~with the department.~~ Discounts received on telecommunications expenditures shall be  
 94.2 reflected in the costs submitted to the department for aid under this section.

94.3 **ARTICLE 5**

94.4 **EARLY CHILDHOOD EDUCATION**

94.5 Section 1. Minnesota Statutes 2014, section 124D.165, subdivision 2, is amended to  
 94.6 read:

94.7 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,  
 94.8 parents or guardians must meet the following eligibility requirements:

94.9 (1) have a child three or four years of age on September 1 of the current school year,  
 94.10 who has not yet started kindergarten; and

94.11 (2) have income equal to or less than 185 percent of federal poverty level income  
 94.12 in the current calendar year, or be able to document their child's current participation in  
 94.13 the free and reduced-price lunch program or child and adult care food program, National  
 94.14 School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food  
 94.15 Distribution Program on Indian Reservations, Food and Nutrition Act, United States  
 94.16 Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for  
 94.17 School Readiness Act of 2007; Minnesota family investment program under chapter 256J;  
 94.18 child care assistance programs under chapter 119B; the supplemental nutrition assistance  
 94.19 program; or placement in foster care under section 260C.212.

94.20 (b) Notwithstanding the other provisions of this section, a parent under age 21 who  
 94.21 is pursuing a high school or general education equivalency diploma or postsecondary  
 94.22 education or training is eligible for an early learning scholarship if the parent has a child  
 94.23 age zero to five years old and meets the income eligibility guidelines in this subdivision.

94.24 (c) Any siblings between the ages zero to five years old of a child who has been  
 94.25 awarded a scholarship under this section must be awarded a scholarship upon request,  
 94.26 provided the sibling attends the same program as long as funds are available.

94.27 (d) Beginning September 1, 2015, any child under the age of five years old on  
 94.28 September 1 of the current school year who has not started kindergarten and is a recipient  
 94.29 of an Early Learning Scholarship funded under the federal Race to the Top - Early  
 94.30 Learning Challenge Grant must receive a scholarship under this section at the end of the  
 94.31 child's Race to the Top - Early Learning Challenge Grant scholarship in an equal amount  
 94.32 as long as funds are available.

94.33 ~~(d)~~ (e) A child who has received a scholarship under this section must continue to  
 94.34 receive a scholarship each year until that child is eligible for kindergarten under section  
 94.35 120A.20 and as long as funds are available.

95.1 ~~(e)~~ (f) Early learning scholarships may not be counted as earned income for the  
 95.2 purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L,  
 95.3 Minnesota family investment program under chapter 256J, child care assistance programs  
 95.4 under chapter 119B, or Head Start under the federal Improving Head Start for School  
 95.5 Readiness Act of 2007.

95.6 Sec. 2. Minnesota Statutes 2014, section 124D.165, subdivision 3, is amended to read:

95.7 Subd. 3. **Administration.** (a) The commissioner shall establish application  
 95.8 timelines and determine the schedule for awarding scholarships that meets operational  
 95.9 needs of eligible families and programs.

95.10 (b) The commissioner may prioritize applications on factors including:

95.11 (1) family income;

95.12 (2) geographic location; and

95.13 (3) whether the ~~child's family~~ child:

95.14 (i) is in foster care;

95.15 (ii) is experiencing homelessness;

95.16 (iii) is on a waiting list for a publicly funded program providing early education  
 95.17 or child care services; or

95.18 (iv) has a parent under age 21 who is pursuing a high school or general education  
 95.19 equivalency diploma or postsecondary education or training.

95.20 ~~(b)~~ (c) For fiscal years 2014 and 2015 only, scholarships may not exceed \$5,000  
 95.21 per year for each eligible child. For fiscal year 2016 and later, the commissioner shall  
 95.22 establish a target for the average scholarship amount per child based on the results of the  
 95.23 rate survey conducted under section 119B.02.

95.24 ~~(e)~~ (d) A four-star rated program that has children eligible for a scholarship enrolled  
 95.25 in or on a waiting list for a program beginning in July, August, or September may notify  
 95.26 the commissioner, in the form and manner prescribed by the commissioner, each year  
 95.27 of the program's desire to enhance program services or to serve more children than  
 95.28 current funding provides. The commissioner may designate a predetermined number of  
 95.29 scholarship slots for that program and notify the program of that number. Beginning July  
 95.30 1, 2016, a school district or Head Start program qualifying under this paragraph may  
 95.31 use its established registration process to enroll scholarship recipients and may verify a  
 95.32 scholarship recipient's family income in the same manner as for other program participants.

95.33 ~~(d)~~ (e) A scholarship is awarded for a 12-month period. If the scholarship recipient  
 95.34 has not been accepted and subsequently enrolled in a rated program within ~~ten~~ six months  
 95.35 of the awarding of the scholarship, the scholarship cancels and the recipient must reapply

96.1 in order to be eligible for another scholarship. A child may not be awarded more than one  
 96.2 scholarship in a 12-month period.

96.3 ~~(e)~~ (f) A child who receives a scholarship who has not completed development  
 96.4 screening under sections 121A.16 to 121A.19 must complete that screening within 90  
 96.5 days of first attending an eligible program.

96.6 ~~(f)~~ (g) For fiscal year 2017 and later, a school district or Head Start program enrolling  
 96.7 scholarship recipients under paragraph ~~(e)~~ (d) may apply to the commissioner, in the form  
 96.8 and manner prescribed by the commissioner, for direct payment of state aid. Upon receipt  
 96.9 of the application, the commissioner must pay each program directly for each approved  
 96.10 scholarship recipient enrolled under paragraph ~~(e)~~ (d) according to the metered payment  
 96.11 system or another schedule established by the commissioner.

96.12 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

96.13 Sec. 3. Minnesota Statutes 2014, section 124D.165, subdivision 4, is amended to read:

96.14 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept  
 96.15 an early learning scholarship, a program must:

96.16 (1) participate in the quality rating and improvement system under section  
 96.17 124D.142; and

96.18 (2) beginning July 1, 2016, have a three- or four-star rating in the quality rating  
 96.19 and improvement system.

96.20 ~~(b) Any program accepting scholarships must use the revenue to supplement and not~~  
 96.21 ~~supplant federal funding.~~

96.22 ~~(e)~~ (b) Notwithstanding paragraph (a), all Minnesota early learning foundation  
 96.23 scholarship program pilot sites are eligible to accept an early learning scholarship under  
 96.24 this section.

96.25 (c) A provider is not eligible to participate in the scholarship program under this  
 96.26 section if:

96.27 (1) the provider has been disqualified from receiving payment for child care services  
 96.28 from the child care assistance program under chapter 119B due to wrongfully obtaining  
 96.29 child care assistance under section 256.98, subdivision 8, paragraph (c);

96.30 (2) the program or individual is currently on the national disqualified list for the  
 96.31 Child and Adult Care Food Program; or

96.32 (3) the program or provider has been convicted of any activity that occurred during  
 96.33 the past seven years indicating a lack of business integrity, including fraud, making false  
 96.34 statements, receiving stolen property, making false claims, or obstruction of justice.

97.1 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

97.2 Sec. 4. Minnesota Statutes 2014, section 124D.165, is amended by adding a  
97.3 subdivision to read:

97.4 **Subd. 4a. Record-keeping requirements.** A program participating under this  
97.5 section must maintain and make available upon request by the commissioner of education  
97.6 attendance records and records of charges and payments for all children participating in  
97.7 this program, including payments from sources other than this program.

97.8 Sec. 5. Minnesota Statutes 2014, section 124D.165, is amended by adding a  
97.9 subdivision to read:

97.10 **Subd. 6. Use of funds.** (a) Scholarships must be used to supplement and not  
97.11 supplant federal funding.

97.12 (b) A scholarship must be used in a program that the child attends on a regular basis  
97.13 respective to that program's schedule in order to ensure the child's access to the general  
97.14 curriculum of the program.

## 97.15 ARTICLE 6

### 97.16 STATE AGENCIES

97.17 Section 1. Minnesota Statutes 2014, section 120B.12, subdivision 2, is amended to read:

97.18 **Subd. 2. Identification; report.** For the 2011-2012 school year and later, each school  
97.19 district shall identify before the end of kindergarten, grade 1, and grade 2 students who are  
97.20 not reading at grade level before the end of the current school year. Reading assessments  
97.21 in English, and in the predominant languages of district students where practicable, must  
97.22 identify and evaluate students' areas of academic need related to literacy. The district also  
97.23 must monitor the progress and provide reading instruction appropriate to the specific needs  
97.24 of English learners. The district must use a locally adopted, developmentally appropriate,  
97.25 and culturally responsive assessment and annually report summary assessment results to  
97.26 ~~the commissioner by July 1~~ in the report required under section 120B.11, subdivision 5.

97.27 Sec. 2. Minnesota Statutes 2014, section 122A.414, subdivision 3, is amended to read:

97.28 **Subd. 3. Report; continued funding.** (a) Participating districts, intermediate  
97.29 school districts, school sites, and charter schools must report on the implementation and  
97.30 effectiveness of the alternative teacher professional pay system, particularly addressing  
97.31 each requirement under subdivision 2 and make annual recommendations by June 15  
97.32 to their school boards. The school board or board of directors shall ~~transmit~~ include a

98.1 copy of the report with a summary of the findings and recommendations of the district,  
 98.2 intermediate school district, school site, or charter school ~~to the commissioner~~ in the report  
 98.3 required under section 120B.11, subdivision 5.

98.4 (b) If the commissioner determines that a school district, intermediate school district,  
 98.5 school site, or charter school that receives alternative teacher compensation revenue is not  
 98.6 complying with the requirements of this section, the commissioner may withhold funding  
 98.7 from that participant. Before making the determination, the commissioner must notify the  
 98.8 participant of any deficiencies and provide the participant an opportunity to comply.

98.9 Sec. 3. Minnesota Statutes 2014, section 122A.60, subdivision 4, is amended to read:

98.10 Subd. 4. **Staff development report.** (a) ~~By October 15 of each year,~~ The district  
 98.11 and site staff development committees shall write ~~and submit~~ a report of staff development  
 98.12 activities and expenditures for the previous year, in the form and manner determined by  
 98.13 the commissioner to be included in the report required under section 120B.11, subdivision  
 98.14 5. The report, signed by the district superintendent and staff development chair, must  
 98.15 include assessment and evaluation data indicating progress toward district and site staff  
 98.16 development goals based on teaching and learning outcomes, including the percentage  
 98.17 of teachers and other staff involved in instruction who participate in effective staff  
 98.18 development activities under subdivision 3.

98.19 (b) The report must break down expenditures for:

98.20 (1) curriculum development and curriculum training programs; and

98.21 (2) staff development training models, workshops, and conferences, and the cost of  
 98.22 releasing teachers or providing substitute teachers for staff development purposes.

98.23 The report also must indicate whether the expenditures were incurred at the district  
 98.24 level or the school site level, and whether the school site expenditures were made possible  
 98.25 by grants to school sites that demonstrate exemplary use of allocated staff development  
 98.26 revenue. These expenditures must be reported using the uniform financial and accounting  
 98.27 and reporting standards.

98.28 (c) The commissioner shall report the staff development progress and expenditure  
 98.29 data to the house of representatives and senate committees having jurisdiction over  
 98.30 education by February ~~15~~ 1 each year.

98.31 Sec. 4. Minnesota Statutes 2014, section 123A.24, subdivision 1, is amended to read:

98.32 Subdivision 1. **Distribution of assets and liabilities.** (a) If a district withdraws  
 98.33 from a cooperative unit defined in subdivision 2, the distribution of assets and assignment  
 98.34 of liabilities to the withdrawing district shall be determined according to this subdivision.

99.1 (b) The withdrawing district remains responsible for its share of debt incurred by the  
 99.2 cooperative unit according to section 123B.02, subdivision 3. The district and cooperative  
 99.3 unit may mutually agree, through a board resolution by each, to terms and conditions of  
 99.4 the distribution of assets and the assignment of liabilities.

99.5 (c) If the cooperative unit and the district cannot agree on the terms and conditions,  
 99.6 the commissioner shall resolve the dispute by determining the district's proportionate share  
 99.7 of assets and liabilities based on the district's enrollment, financial contribution, usage, or  
 99.8 other factor or combination of factors determined appropriate by the commissioner. If the  
 99.9 dispute requires the commissioner to involve an administrative law judge, any fees due  
 99.10 to the Office of Administrative Hearings must be equally split between the district and  
 99.11 cooperative unit. The assets must be disbursed to the withdrawing district in a manner  
 99.12 that minimizes financial disruption to the cooperative unit.

99.13 (d) Assets related to an insurance pool shall not be disbursed to a member district  
 99.14 under paragraph (c).

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

99.16 Sec. 5. Minnesota Statutes 2014, section 123B.77, subdivision 3, is amended to read:

99.17 Subd. 3. **Statement for comparison and correction.** (a) By November ~~30~~ 15 of the  
 99.18 calendar year of the submission of the unaudited financial data, the district must provide to  
 99.19 the commissioner audited financial data for the preceding fiscal year. The audit must be  
 99.20 conducted in compliance with generally accepted governmental auditing standards, the  
 99.21 federal Single Audit Act, and the Minnesota legal compliance guide issued by the Office  
 99.22 of the State Auditor. An audited financial statement prepared in a form which will allow  
 99.23 comparison with and correction of material differences in the unaudited financial data shall  
 99.24 be submitted to the commissioner and the state auditor by December ~~31~~ 15. The audited  
 99.25 financial statement must also provide a statement of assurance pertaining to uniform  
 99.26 financial accounting and reporting standards compliance and a copy of the management  
 99.27 letter submitted to the district by the school district's auditor.

99.28 (b) By February ~~15~~ 1 of the calendar year following the submission of the unaudited  
 99.29 financial data, the commissioner shall convert the audited financial data required by this  
 99.30 subdivision into the consolidated financial statement format required under subdivision 1a  
 99.31 and publish the information on the department's Web site.

99.32 Sec. 6. Minnesota Statutes 2014, section 125A.75, subdivision 9, is amended to read:

99.33 Subd. 9. **Litigation costs; annual report.** (a) By November 30 of each year,  
 99.34 a school district must annually report the district's special education litigation costs,

100.1 including attorney fees and costs of due process hearings, to the commissioner of  
 100.2 education, consistent with the Uniform Financial Accounting and Reporting Standards.

100.3 (b) By ~~January 15~~ February 1 of each year, the commissioner shall report school  
 100.4 district special education litigation costs to the house of representatives and the senate  
 100.5 committees having jurisdiction over kindergarten through grade 12 education finance.

100.6 Sec. 7. Minnesota Statutes 2014, section 127A.05, subdivision 6, is amended to read:

100.7 Subd. 6. **Survey of districts.** The commissioner of education shall survey the state's  
 100.8 school districts and teacher preparation programs and report to the education committees  
 100.9 of the legislature by ~~January 15~~ February 1 of each odd-numbered year on the status of  
 100.10 teacher early retirement patterns, the teacher shortage, and the substitute teacher shortage,  
 100.11 including patterns and shortages in subject areas and regions of the state. The report must  
 100.12 also include how districts are making progress in hiring teachers and substitutes in the  
 100.13 areas of shortage and a five-year projection of teacher demand for each district.

100.14 Sec. 8. Minnesota Statutes 2014, section 127A.05, is amended by adding a subdivision  
 100.15 to read:

100.16 Subd. 7. **Annual reports.** The commissioner of education may combine into  
 100.17 one report to be delivered annually by February 1 to the legislative committees with  
 100.18 jurisdiction over education policy and finance the following reports:

- 100.19 (1) dangerous weapons and disciplinary incidents under section 121A.06;  
 100.20 (2) staff development under section 122A.60, subdivision 4;  
 100.21 (3) achievement and integration plan evaluation under section 124D.861, subdivision  
 100.22 5;  
 100.23 (4) reducing the use of restrictive procedures under section 125A.0942, subdivision 3;  
 100.24 (5) students who are deaf or hard-of-hearing under section 125A.63, subdivision 4;  
 100.25 (6) special education litigation costs under section 125A.75, subdivision 9;  
 100.26 (7) teacher supply and demand under subdivision 6; and  
 100.27 (8) Minnesota High School League under section 128C.20.

100.28 Sec. 9. Minnesota Statutes 2014, section 127A.49, subdivision 1, is amended to read:

100.29 Subdivision 1. **Omissions.** No adjustments to any aid payments made pursuant  
 100.30 to this chapter or chapters 120B, 122A, 123A, 123B, 124D, 125A, and 126C resulting  
 100.31 from omissions in district reports, except those adjustments determined by the legislative  
 100.32 auditor, shall be made for any school year after December ~~30~~ 15 of the next school year,  
 100.33 unless otherwise specifically provided by law.

101.1 Sec. 10. Minnesota Statutes 2014, section 127A.70, subdivision 1, is amended to read:

101.2 Subdivision 1. **Establishment; membership.** (a) A P-20 education partnership is  
101.3 established to create a seamless system of education that maximizes achievements of  
101.4 all students, from early childhood through elementary, secondary, and postsecondary  
101.5 education, while promoting the efficient use of financial and human resources. The  
101.6 partnership shall consist of major statewide educational groups or constituencies or  
101.7 noneducational statewide organizations with a stated interest in P-20 education. The initial  
101.8 membership of the partnership includes the members serving on the Minnesota P-16  
101.9 Education Partnership and four legislators appointed as follows:

101.10 (1) one senator from the majority party and one senator from the minority party,  
101.11 appointed by the Subcommittee on Committees of the Committee on Rules and  
101.12 Administration; and

101.13 (2) one member of the house of representatives appointed by the speaker of the  
101.14 house and one member appointed by the minority leader of the house of representatives.

101.15 (b) The chair of the P-16 education partnership must convene the first meeting  
101.16 of the P-20 partnership. Prospective members may be nominated by any partnership  
101.17 member and new members will be added with the approval of a two-thirds majority of the  
101.18 partnership. The partnership will also seek input from nonmember organizations whose  
101.19 expertise can help inform the partnership's work.

101.20 (c) Partnership members shall be represented by the chief executives, presidents, or  
101.21 other formally designated leaders of their respective organizations, or their designees. The  
101.22 partnership shall meet at least three times during each calendar year.

101.23 (d) The P-20 education partnership shall be the state council for the Interstate  
101.24 Compact on Educational Opportunity for Military Children under section 127A.85 with  
101.25 the ~~chair~~ commissioner or commissioner's designee serving as the compact commissioner  
101.26 responsible for the administration and management of the state's participation in the  
101.27 compact. When conducting business required under section 127A.85, the P-20 partnership  
101.28 shall include a representative from a military installation appointed by the adjutant general  
101.29 of the Minnesota National Guard.

## 101.30 ARTICLE 7

### 101.31 CHARTER SCHOOL STATUTES RECODIFICATION

101.32 Section 1. Minnesota Statutes 2014, section 124D.10, subdivision 1, is amended to read:

101.33 Subdivision 1. **Purposes.** (a) The primary purpose of this section is to improve all  
101.34 pupil learning and all student achievement. Additional purposes include to:

101.35 (1) increase learning opportunities for all pupils;

102.1 (2) encourage the use of different and innovative teaching methods;

102.2 (3) measure learning outcomes and create different and innovative forms of  
102.3 measuring outcomes;

102.4 (4) establish new forms of accountability for schools; or

102.5 (5) create new professional opportunities for teachers, including the opportunity to  
102.6 be responsible for the learning program at the school site.

102.7 (b) This section does not provide a means to keep open a school that a school board  
102.8 decides to close. However, a school board may endorse or authorize the establishing of  
102.9 a charter school to replace the school the board decided to close. Applicants seeking a  
102.10 charter under this circumstance must demonstrate to the authorizer that the charter sought  
102.11 is substantially different in purpose and program from the school the board closed and  
102.12 that the proposed charter satisfies the requirements of this subdivision. If the school  
102.13 board that closed the school authorizes the charter, it must document in its affidavit to the  
102.14 commissioner that the charter is substantially different in program and purpose from  
102.15 the school it closed.

102.16 (c) An authorizer shall not approve an application submitted by a charter school  
102.17 developer under subdivision 4, paragraph (a), if the application does not comply with this  
102.18 subdivision. The commissioner shall not approve an affidavit submitted by an authorizer  
102.19 under subdivision 4, paragraph (b), if the affidavit does not comply with this subdivision.

102.20 Sec. 2. Minnesota Statutes 2014, section 124D.10, subdivision 3, is amended to read:

102.21 Subd. 3. **Authorizer.** (a) For purposes of this section, the terms defined in this  
102.22 subdivision have the meanings given them.

102.23 "Application" to receive approval as an authorizer means the proposal an eligible  
102.24 authorizer submits to the commissioner under paragraph ~~(e)~~ (d) before that authorizer is  
102.25 able to submit any affidavit to charter to a school.

102.26 "Application" under subdivision 4 means the charter school business plan a  
102.27 school developer submits to an authorizer for approval to establish a charter school that  
102.28 documents the school developer's mission statement, school purposes, program design,  
102.29 financial plan, governance and management structure, and background and experience,  
102.30 plus any other information the authorizer requests. The application also shall include a  
102.31 "statement of assurances" of legal compliance prescribed by the commissioner.

102.32 "Affidavit" means a written statement the authorizer submits to the commissioner  
102.33 for approval to establish a charter school under subdivision 4 attesting to its review and  
102.34 approval process before chartering a school.

102.35 (b) The following organizations may authorize one or more charter schools:

103.1 (1) a school board, intermediate school district school board, or education district  
103.2 organized under sections 123A.15 to 123A.19;

103.3 (2) a charitable organization under section 501(c)(3) of the Internal Revenue Code  
103.4 of 1986, excluding a nonpublic sectarian or religious institution; any person other than a  
103.5 natural person that directly or indirectly, through one or more intermediaries, controls,  
103.6 is controlled by, or is under common control with the nonpublic sectarian or religious  
103.7 institution; and any other charitable organization under this clause that in the federal IRS  
103.8 Form 1023, Part IV, describes activities indicating a religious purpose, that:

103.9 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on  
103.10 Foundations;

103.11 (ii) is registered with the attorney general's office; and

103.12 (iii) is incorporated in the state of Minnesota and has been operating continuously  
103.13 for at least five years but does not operate a charter school;

103.14 (3) a Minnesota private college, notwithstanding clause (2), that grants two- or  
103.15 four-year degrees and is registered with the Minnesota Office of Higher Education under  
103.16 chapter 136A; community college, state university, or technical college governed by the  
103.17 Board of Trustees of the Minnesota State Colleges and Universities; or the University  
103.18 of Minnesota;

103.19 (4) a nonprofit corporation subject to chapter 317A, described in section 317A.905,  
103.20 and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code  
103.21 of 1986, may authorize one or more charter schools if the charter school has operated  
103.22 for at least three years under a different authorizer and if the nonprofit corporation has  
103.23 existed for at least 25 years; or

103.24 (5) single-purpose authorizers formed as charitable, nonsectarian organizations  
103.25 under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state  
103.26 of Minnesota under chapter 317A as a corporation with no members or under section  
103.27 322B.975 as a nonprofit limited liability company for the sole purpose of chartering schools.

103.28 (c) Eligible organizations interested in being approved as an authorizer under this  
103.29 paragraph must submit a proposal to the commissioner that includes the provisions  
103.30 of paragraph ~~(e)~~ (d) and a five-year financial plan. Such authorizers shall consider and  
103.31 approve charter school applications using the criteria provided in subdivision 4 and shall  
103.32 not limit the applications it solicits, considers, or approves to any single curriculum,  
103.33 learning program, or method.

103.34 ~~(e)~~ (d) An eligible authorizer under this subdivision must apply to the commissioner  
103.35 for approval as an authorizer before submitting any affidavit to the commissioner to charter  
103.36 a school. The application for approval as a charter school authorizer must demonstrate

104.1 the applicant's ability to implement the procedures and satisfy the criteria for chartering a  
 104.2 school under this section. The commissioner must approve or disapprove an application  
 104.3 within 45 business days of the application deadline. If the commissioner disapproves  
 104.4 the application, the commissioner must notify the applicant of the specific deficiencies  
 104.5 in writing and the applicant then has 20 business days to address the deficiencies to the  
 104.6 commissioner's satisfaction. After the 20 business days expire, the commissioner has 15  
 104.7 business days to make a final decision to approve or disapprove the application. Failing to  
 104.8 address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to  
 104.9 be an authorizer. The commissioner, in establishing criteria for approval, must consider  
 104.10 the applicant's:

- 104.11 (1) capacity and infrastructure;
- 104.12 (2) application criteria and process;
- 104.13 (3) contracting process;
- 104.14 (4) ongoing oversight and evaluation processes; and
- 104.15 (5) renewal criteria and processes.

104.16 ~~(d)~~ (e) An applicant must include in its application to the commissioner to be an  
 104.17 approved authorizer at least the following:

- 104.18 (1) how chartering schools is a way for the organization to carry out its mission;
- 104.19 (2) a description of the capacity of the organization to serve as an authorizer,  
 104.20 including the personnel who will perform the authorizing duties, their qualifications, the  
 104.21 amount of time they will be assigned to this responsibility, and the financial resources  
 104.22 allocated by the organization to this responsibility;
- 104.23 (3) a description of the application and review process the authorizer will use to  
 104.24 make decisions regarding the granting of charters;
- 104.25 (4) a description of the type of contract it will arrange with the schools it charters  
 104.26 that meets the provisions of subdivision 6;
- 104.27 (5) the process to be used for providing ongoing oversight of the school consistent  
 104.28 with the contract expectations specified in clause (4) that assures that the schools chartered  
 104.29 are complying with both the provisions of applicable law and rules, and with the contract;
- 104.30 (6) a description of the criteria and process the authorizer will use to grant expanded  
 104.31 applications under subdivision 4, paragraph ~~(j)~~ (s);
- 104.32 (7) the process for making decisions regarding the renewal or termination of  
 104.33 the school's charter based on evidence that demonstrates the academic, organizational,  
 104.34 and financial competency of the school, including its success in increasing student  
 104.35 achievement and meeting the goals of the charter school agreement; and

105.1 (8) an assurance specifying that the organization is committed to serving as an  
105.2 authorizer for the full five-year term.

105.3 ~~(e)~~ (f) A disapproved applicant under this section may resubmit an application  
105.4 during a future application period.

105.5 ~~(f)~~ (g) If the governing board of an approved authorizer votes to withdraw as  
105.6 an approved authorizer for a reason unrelated to any cause under subdivision 23, the  
105.7 authorizer must notify all its chartered schools and the commissioner in writing by July  
105.8 15 of its intent to withdraw as an authorizer on June 30 in the next calendar year. The  
105.9 commissioner may approve the transfer of a charter school to a new authorizer under this  
105.10 paragraph after the new authorizer submits an affidavit to the commissioner.

105.11 ~~(g)~~ (h) The authorizer must participate in department-approved training.

105.12 ~~(h)~~ (i) The commissioner shall review an authorizer's performance every five years  
105.13 in a manner and form determined by the commissioner and may review an authorizer's  
105.14 performance more frequently at the commissioner's own initiative or at the request of a  
105.15 charter school operator, charter school board member, or other interested party. The  
105.16 commissioner, after completing the review, shall transmit a report with findings to the  
105.17 authorizer.

105.18 (j) If, consistent with this section, the commissioner finds that an authorizer has not  
105.19 fulfilled the requirements of this section, the commissioner may subject the authorizer  
105.20 to corrective action, which may include terminating the contract with the charter school  
105.21 board of directors of a school it chartered. The commissioner must notify the authorizer  
105.22 in writing of any findings that may subject the authorizer to corrective action and  
105.23 the authorizer then has 15 business days to request an informal hearing before the  
105.24 commissioner takes corrective action. If the commissioner terminates a contract between  
105.25 an authorizer and a charter school under this paragraph, the commissioner may assist the  
105.26 charter school in acquiring a new authorizer.

105.27 ~~(i)~~ (k) The commissioner may at any time take corrective action against an  
105.28 authorizer, including terminating an authorizer's ability to charter a school for:

105.29 (1) failing to demonstrate the criteria under paragraph ~~(e)~~ (d) under which the  
105.30 commissioner approved the authorizer;

105.31 (2) violating a term of the chartering contract between the authorizer and the charter  
105.32 school board of directors;

105.33 (3) unsatisfactory performance as an approved authorizer; or

105.34 (4) any good cause shown that provides the commissioner a legally sufficient reason  
105.35 to take corrective action against an authorizer.

106.1 Sec. 3. Minnesota Statutes 2014, section 124D.10, subdivision 4, is amended to read:

106.2 Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from  
106.3 a school developer, may charter a licensed teacher under section 122A.18, subdivision  
106.4 1, or a group of individuals that includes one or more licensed teachers under section  
106.5 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the  
106.6 authorizer's affidavit under paragraph ~~(b)~~ (d).

106.7 (b) The school must be organized and operated as a nonprofit corporation under  
106.8 chapter 317A and the provisions under the applicable chapter shall apply to the school  
106.9 except as provided in this section.

106.10 (c) Notwithstanding sections 465.717 and 465.719, a school district, subject to this  
106.11 section and section 124D.11, may create a corporation for the purpose of establishing a  
106.12 charter school.

106.13 ~~(b)~~ (d) Before the operators may establish and operate a school, the authorizer must  
106.14 file an affidavit with the commissioner stating its intent to charter a school. An authorizer  
106.15 must file a separate affidavit for each school it intends to charter. An authorizer must file  
106.16 an affidavit by May 1 to be able to charter a new school in the next school year after the  
106.17 commissioner approves the authorizer's affidavit. The affidavit must state the terms and  
106.18 conditions under which the authorizer would charter a school and how the authorizer  
106.19 intends to oversee the fiscal and student performance of the charter school and to comply  
106.20 with the terms of the written contract between the authorizer and the charter school  
106.21 board of directors under subdivision 6. The commissioner must approve or disapprove  
106.22 the authorizer's affidavit within 60 business days of receipt of the affidavit. If the  
106.23 commissioner disapproves the affidavit, the commissioner shall notify the authorizer of  
106.24 the deficiencies in the affidavit and the authorizer then has 20 business days to address the  
106.25 deficiencies. The commissioner must notify the authorizer of final approval or disapproval  
106.26 within 15 business days after receiving the authorizer's response to the deficiencies in the  
106.27 affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction,  
106.28 the commissioner's disapproval is final. Failure to obtain commissioner approval precludes  
106.29 an authorizer from chartering the school that is the subject of this affidavit.

106.30 ~~(e)~~ (e) The authorizer may prevent an approved charter school from opening for  
106.31 operation if, among other grounds, the charter school violates this section or does not meet  
106.32 the ready-to-open standards that are part of the authorizer's oversight and evaluation  
106.33 process or are stipulated in the charter school contract.

106.34 ~~(d)~~ (f) The operators authorized to organize and operate a school, before entering  
106.35 into a contract or other agreement for professional or other services, goods, or facilities,  
106.36 must incorporate as a nonprofit corporation under chapter 317A ~~and~~.

107.1 (g) The operators authorized to organize and operate a school, before entering into a  
107.2 contract or other agreement for professional or other services, goods, or facilities, must  
107.3 establish a board of directors composed of at least five members who are not related parties  
107.4 until a timely election for members of the ongoing charter school board of directors is  
107.5 held according to the school's articles and bylaws under paragraph (f) (1). A charter school  
107.6 board of directors must be composed of at least five members who are not related parties.

107.7 (h) Staff members employed at the school, including teachers providing instruction  
107.8 under a contract with a cooperative, members of the board of directors, and all parents  
107.9 or legal guardians of children enrolled in the school are the voters eligible to elect the  
107.10 members of the school's board of directors. A charter school must notify eligible voters of  
107.11 the school board election dates at least 30 days before the election.

107.12 (i) Board of director meetings must comply with chapter 13D.

107.13 ~~(e)~~ (j) A charter school shall publish and maintain on the school's official Web site:

107.14 (1) the minutes of meetings of the board of directors, and of members and committees  
107.15 having any board-delegated authority, for at least one calendar year from the date  
107.16 of publication; (2) directory information for members of the board of directors and  
107.17 committees having board-delegated authority; and (3) identifying and contact information  
107.18 for the school's authorizer. Identifying and contact information for the school's authorizer  
107.19 must be included in other school materials made available to the public.

107.20 (k) Upon request of an individual, the charter school must also make available in  
107.21 a timely fashion financial statements showing all operations and transactions affecting  
107.22 income, surplus, and deficit during the school's last annual accounting period; and a  
107.23 balance sheet summarizing assets and liabilities on the closing date of the accounting  
107.24 period. A charter school also must include that same information about its authorizer in  
107.25 other school materials that it makes available to the public.

107.26 ~~(f)~~ (l) Every charter school board member shall attend annual training throughout  
107.27 the member's term on the board. All new board members shall attend initial training on  
107.28 the board's role and responsibilities, employment policies and practices, and financial  
107.29 management. A new board member who does not begin the required initial training within  
107.30 six months after being seated and complete that training within 12 months of being seated  
107.31 on the board is automatically ineligible to continue to serve as a board member. The  
107.32 school shall include in its annual report the training attended by each board member  
107.33 during the previous year.

107.34 ~~(g)~~ (m) The ongoing board must be elected before the school completes its third  
107.35 year of operation. Board elections must be held during the school year but may not be  
107.36 conducted on days when the school is closed for holidays, breaks, or vacations.

108.1           (n) The charter school board of directors shall be composed of at least five nonrelated  
108.2 members and include: (i) at least one licensed teacher employed as a teacher at the school  
108.3 or providing instruction under contract between the charter school and a cooperative; (ii)  
108.4 at least one parent or legal guardian of a student enrolled in the charter school who is not  
108.5 an employee of the charter school; and (iii) at least one interested community member  
108.6 who resides in Minnesota and is not employed by the charter school and does not have a  
108.7 child enrolled in the school. The board may include a majority of teachers described in  
108.8 this paragraph or parents or community members, or it may have no clear majority. The  
108.9 chief financial officer and the chief administrator may only serve as ex-officio nonvoting  
108.10 board members. No charter school employees shall serve on the board other than teachers  
108.11 under item (i). Contractors providing facilities, goods, or services to a charter school shall  
108.12 not serve on the board of directors of the charter school.

108.13           (o) Board bylaws shall outline the process and procedures for changing the board's  
108.14 governance structure, consistent with chapter 317A. A board may change its governance  
108.15 structure only:

108.16           (1) by a majority vote of the board of directors and a majority vote of the licensed  
108.17 teachers employed by the school as teachers, including licensed teachers providing  
108.18 instruction under a contract between the school and a cooperative; and

108.19           (2) with the authorizer's approval.

108.20           Any change in board governance structure must conform with the composition of  
108.21 the board established under this paragraph.

108.22           ~~(h)~~ (p) The granting or renewal of a charter by an authorizer must not be conditioned  
108.23 upon the bargaining unit status of the employees of the school.

108.24           ~~(i)~~ (q) The granting or renewal of a charter school by an authorizer must not be  
108.25 contingent on the charter school being required to contract, lease, or purchase services  
108.26 from the authorizer.

108.27           (r) Any potential contract, lease, or purchase of service from an authorizer must  
108.28 be disclosed to the commissioner, accepted through an open bidding process, and be a  
108.29 separate contract from the charter contract. The school must document the open bidding  
108.30 process. An authorizer must not enter into a contract to provide management and financial  
108.31 services for a school that it authorizes, unless the school documents that it received at  
108.32 least two competitive bids.

108.33           ~~(j)~~ (s) A charter school may apply to the authorizer to amend the school charter to  
108.34 expand the operation of the school to additional grades or sites that would be students'  
108.35 primary enrollment site beyond those defined in the original affidavit approved by the  
108.36 commissioner. After approving the school's application, the authorizer shall submit a

109.1 supplementary affidavit in the form and manner prescribed by the commissioner. The  
 109.2 authorizer must file a supplement affidavit by October 1 to be eligible to expand in the next  
 109.3 school year. The supplementary affidavit must document that the school has demonstrated  
 109.4 to the satisfaction of the authorizer the following:

109.5 (1) the need for the expansion with supporting long-range enrollment projections;

109.6 (2) a longitudinal record of demonstrated student academic performance and growth  
 109.7 on statewide assessments under chapter 120B or on other academic assessments that  
 109.8 measure longitudinal student performance and growth approved by the charter school's  
 109.9 board of directors and agreed upon with the authorizer;

109.10 (3) a history of sound school finances and a finance plan to implement the expansion  
 109.11 in a manner to promote the school's financial sustainability; and

109.12 (4) board capacity and an administrative and management plan to implement its  
 109.13 expansion.

109.14 ~~(k)~~ (t) The commissioner shall have 30 business days to review and comment on the  
 109.15 supplemental affidavit. The commissioner shall notify the authorizer in writing of any  
 109.16 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to  
 109.17 address, to the commissioner's satisfaction, any deficiencies in the supplemental affidavit.  
 109.18 The commissioner must notify the authorizer of final approval or disapproval within 15  
 109.19 business days after receiving the authorizer's response to the deficiencies in the affidavit.  
 109.20 The school may not expand grades or add sites until the commissioner has approved the  
 109.21 supplemental affidavit. The commissioner's approval or disapproval of a supplemental  
 109.22 affidavit is final.

109.23 Sec. 4. Minnesota Statutes 2014, section 124D.10, subdivision 8, is amended to read:

109.24 Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all  
 109.25 federal, state, and local health and safety requirements applicable to school districts.

109.26 (b) A school must comply with statewide accountability requirements governing  
 109.27 standards and assessments in chapter 120B.

109.28 (c) A school authorized by a school board may be located in any district, unless the  
 109.29 school board of the district of the proposed location disapproves by written resolution.

109.30 (d) A charter school must be nonsectarian in its programs, admission policies,  
 109.31 employment practices, and all other operations. An authorizer may not authorize a charter  
 109.32 school or program that is affiliated with a nonpublic sectarian school or a religious  
 109.33 institution.

109.34 (e) A charter school student must be released for religious instruction, consistent  
 109.35 with section 120A.22, subdivision 12, clause (3).

110.1 ~~(e)~~ (f) Charter schools must not be used as a method of providing education or  
110.2 generating revenue for students who are being home-schooled. This paragraph does not  
110.3 apply to shared time aid under section 126C.19.

110.4 ~~(f)~~ (g) The primary focus of a charter school must be to provide a comprehensive  
110.5 program of instruction for at least one grade or age group from five through 18 years of age.  
110.6 Instruction may be provided to people older than 18 years of age. A charter school may  
110.7 offer a free preschool or prekindergarten that meets high-quality early learning instructional  
110.8 program standards that are aligned with Minnesota's early learning standards for children.

110.9 ~~(g)~~ (h) A charter school may not charge tuition.

110.10 ~~(h)~~ (i) A charter school is subject to and must comply with chapter 363A and section  
110.11 121A.04.

110.12 ~~(i)~~ (j) Once a student is enrolled in the school, the student is considered enrolled  
110.13 in the school until the student formally withdraws or is expelled under the Pupil Fair  
110.14 Dismissal Act in sections 121A.40 to 121A.56. A charter school is subject to and must  
110.15 comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, ~~and~~.

110.16 (k) A charter school is subject to and must comply with the Minnesota Public School  
110.17 Fee Law, sections 123B.34 to 123B.39.

110.18 ~~(j)~~ (l) A charter school is subject to the same financial audits, audit procedures, and  
110.19 audit requirements as a district, except as required under subdivision 6a. Audits must be  
110.20 conducted in compliance with generally accepted governmental auditing standards, the  
110.21 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject  
110.22 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;  
110.23 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with  
110.24 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are  
110.25 necessary because of the program at the school. Deviations must be approved by the  
110.26 commissioner and authorizer. The Department of Education, state auditor, legislative  
110.27 auditor, or authorizer may conduct financial, program, or compliance audits. A charter  
110.28 school determined to be in statutory operating debt under sections 123B.81 to 123B.83  
110.29 must submit a plan under section 123B.81, subdivision 4.

110.30 ~~(k)~~ (m) A charter school is a district for the purposes of tort liability under chapter 466.

110.31 ~~(l)~~ (n) A charter school must comply with chapters 13 and 13D; and sections  
110.32 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

110.33 ~~(m)~~ (o) A charter school is subject to the Pledge of Allegiance requirement under  
110.34 section 121A.11, subdivision 3.

110.35 ~~(n)~~ (p) A charter school offering online courses or programs must comply with  
110.36 section 124D.095.

111.1 ~~(q)~~ (q) A charter school and charter school board of directors are subject to chapter  
111.2 181.

111.3 ~~(r)~~ (r) A charter school must comply with section 120A.22, subdivision 7, governing  
111.4 the transfer of students' educational records and sections 138.163 and 138.17 governing  
111.5 the management of local records.

111.6 ~~(s)~~ (s) A charter school that provides early childhood health and developmental  
111.7 screening must comply with sections 121A.16 to 121A.19.

111.8 ~~(t)~~ (t) A charter school that provides school-sponsored youth athletic activities  
111.9 must comply with section 121A.38.

111.10 ~~(u)~~ (u) A charter school is subject to and must comply with continuing truant  
111.11 notification under section 260A.03.

111.12 ~~(v)~~ (v) A charter school must develop and implement a teacher evaluation and  
111.13 peer review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to  
111.14 (13). The teacher evaluation process in this paragraph does not create any additional  
111.15 employment rights for teachers.

111.16 ~~(w)~~ (w) A charter school must adopt a policy, plan, budget, and process, consistent  
111.17 with section 120B.11, to review curriculum, instruction, and student achievement and  
111.18 strive for the world's best workforce.

111.19 ~~(x)~~ (x) A charter school must comply with section 121A.031 governing policies on  
111.20 prohibited conduct.

111.21 ~~(y)~~ (y) A charter school must comply with all pupil transportation requirements in  
111.22 section 123B.88, subdivision 1. A charter school must not require parents to surrender  
111.23 their rights to pupil transportation under section 123B.88, subdivision 2.

111.24 Sec. 5. Minnesota Statutes 2014, section 124D.11, subdivision 9, is amended to read:

111.25 Subd. 9. **Payment of aids to charter schools.** (a) Notwithstanding section  
111.26 127A.45, subdivision 3, if the current year aid payment percentage under section  
111.27 127A.45, subdivision 2, paragraph (d), is 90 or greater, aid payments for the current  
111.28 fiscal year to a charter school shall be of an equal amount on each of the 24 payment  
111.29 dates. Notwithstanding section 127A.45, subdivision 3, if the current year aid payment  
111.30 percentage under section 127A.45, subdivision 2, paragraph (d), is less than 90, aid  
111.31 payments for the current fiscal year to a charter school shall be of an equal amount on  
111.32 each of the 16 payment dates in July through February.

111.33 (b) Notwithstanding paragraph (a) and section 127A.45, for a charter school ceasing  
111.34 operation on or prior to June 30 of a school year, for the payment periods occurring after  
111.35 the school ceases serving students, the commissioner shall withhold the estimated state aid

112.1 owed the school. The charter school board of directors and authorizer must submit to the  
112.2 commissioner a closure plan under chapter 308A or 317A, and financial information about  
112.3 the school's liabilities and assets. After receiving the closure plan, financial information,  
112.4 an audit of pupil counts, documentation of lease expenditures, and monitoring of special  
112.5 education expenditures, the commissioner may release cash withheld and may continue  
112.6 regular payments up to the current year payment percentages if further amounts are  
112.7 owed. If, based on audits and monitoring, the school received state aid in excess of the  
112.8 amount owed, the commissioner shall retain aid withheld sufficient to eliminate the aid  
112.9 overpayment. For a charter school ceasing operations prior to, or at the end of, a school  
112.10 year, notwithstanding section 127A.45, subdivision 3, preliminary final payments may  
112.11 be made after receiving the closure plan, audit of pupil counts, monitoring of special  
112.12 education expenditures, documentation of lease expenditures, and school submission of  
112.13 Uniform Financial Accounting and Reporting Standards (UFARS) financial data for the  
112.14 final year of operation. Final payment may be made upon receipt of audited financial  
112.15 statements under section 123B.77, subdivision 3.

112.16 (c) If a charter school fails to comply with the commissioner's directive to return,  
112.17 for cause, federal or state funds administered by the department, the commissioner may  
112.18 withhold an amount of state aid sufficient to satisfy the directive.

112.19 (d) If, within the timeline under section 471.425, a charter school fails to pay the state  
112.20 of Minnesota, a school district, intermediate school district, or service cooperative after  
112.21 receiving an undisputed invoice for goods and services, the commissioner may withhold  
112.22 an amount of state aid sufficient to satisfy the claim and shall distribute the withheld  
112.23 aid to the interested state agency, school district, intermediate school district, or service  
112.24 cooperative. An interested state agency, school district, intermediate school district, or  
112.25 education cooperative shall notify the commissioner when a charter school fails to pay an  
112.26 undisputed invoice within 75 business days of when it received the original invoice.

112.27 ~~(e) Notwithstanding section 127A.45, subdivision 3, and paragraph (a), 80 percent~~  
112.28 ~~of the start-up cost aid under subdivision 8 shall be paid within 45 days after the first day~~  
112.29 ~~of student attendance for that school year.~~

112.30 ~~(f)~~ (e) In order to receive state aid payments under this subdivision, a charter school  
112.31 in its first three years of operation must submit a school calendar in the form and manner  
112.32 requested by the department and a quarterly report to the Department of Education. The  
112.33 report must list each student by grade, show the student's start and end dates, if any,  
112.34 with the charter school, and for any student participating in a learning year program,  
112.35 the report must list the hours and times of learning year activities. The report must be  
112.36 submitted not more than two weeks after the end of the calendar quarter to the department.

113.1 The department must develop a Web-based reporting form for charter schools to use  
 113.2 when submitting enrollment reports. A charter school in its fourth and subsequent year of  
 113.3 operation must submit a school calendar and enrollment information to the department in  
 113.4 the form and manner requested by the department.

113.5 ~~(g)~~ (f) Notwithstanding sections 317A.701 to 317A.791, upon closure of a charter  
 113.6 school and satisfaction of creditors, cash and investment balances remaining shall be  
 113.7 returned to the state.

113.8 ~~(h)~~ (g) A charter school must have a valid, signed contract under section 124D.10,  
 113.9 subdivision 6, on file at the Department of Education at least 15 days prior to the date of  
 113.10 first payment of state aid for the fiscal year.

113.11 ~~(i)~~ (h) State aid entitlements shall be computed for a charter school only for the  
 113.12 portion of a school year for which it has a valid, signed contract under section 124D.10,  
 113.13 subdivision 6.

113.14 Sec. 6. **REVISOR'S INSTRUCTION.**

113.15 The revisor of statutes shall renumber the provisions of Minnesota Statutes listed  
 113.16 in column A to the references listed in column B. The revisor of statutes may alter the  
 113.17 renumbering to incorporate statutory changes made during the 2015 regular legislative  
 113.18 session. The revisor shall also make necessary cross-reference changes in Minnesota  
 113.19 Statutes and Minnesota Rules consistent with the renumbering in this instruction and the  
 113.20 relettering of paragraphs in sections 1 to 5.

113.21	<u>Column A</u>	<u>Column B</u>
113.22	<u>124D.10, subd. 1, paragraph (a)</u>	<u>124E.01, subd. 1</u>
113.23	<u>124D.10, subd. 1, paragraph (b)</u>	<u>124E.06, subd. 3, paragraph (d)</u>
113.24	<u>124D.10, subd. 1, paragraph (c)</u>	<u>124E.06, subd. 1, paragraph (b)</u>
113.25	<u>124D.10, subd. 2</u>	<u>124E.01, subd. 2</u>
113.26	<u>124D.10, subd. 3, paragraph (a)</u>	<u>124E.02, paragraph (a)</u>
113.27	<u>124D.10, subd. 3, paragraph (b)</u>	<u>124E.05, subd. 1</u>
113.28	<u>124D.10, subd. 3, paragraph (c)</u>	<u>124E.05, subd. 2, paragraph (a)</u>
113.29	<u>124D.10, subd. 3, paragraph (d)</u>	<u>124E.05, subd. 3, paragraph (a)</u>
113.30	<u>124D.10, subd. 3, paragraph (e)</u>	<u>124E.05, subd. 4</u>
113.31	<u>124D.10, subd. 3, paragraph (f)</u>	<u>124E.05, subd. 3, paragraph (b)</u>
113.32	<u>124D.10, subd. 3, paragraph (g)</u>	<u>124E.05, subd. 7</u>
113.33	<u>124D.10, subd. 3, paragraph (h)</u>	<u>124E.05, subd. 2, paragraph (b)</u>
113.34	<u>124D.10, subd. 3, paragraph (i)</u>	<u>124E.05, subd. 5</u>
113.35	<u>124D.10, subd. 3, paragraph (j)</u>	<u>124E.05, subd. 6, paragraph (a)</u>
113.36	<u>124D.10, subd. 3, paragraph (k)</u>	<u>124E.05, subd. 6, paragraph (b)</u>
113.37	<u>124D.10, subd. 4, paragraph (a)</u>	<u>124E.06, subd. 1, paragraph (a)</u>
113.38	<u>124D.10, subd. 4, paragraph (b)</u>	<u>124E.06, subd. 2, paragraph (a)</u>

114.1	<u>124D.10, subd. 4, paragraph (c)</u>	<u>124E.06, subd. 2, paragraph (c)</u>
114.2	<u>124D.10, subd. 4, paragraph (d)</u>	<u>124E.06, subd. 4</u>
114.3	<u>124D.10, subd. 4, paragraph (e)</u>	<u>124E.06, subd. 3, paragraph (g)</u>
114.4	<u>124D.10, subd. 4, paragraph (f)</u>	<u>124E.06, subd. 2, paragraph (b)</u>
114.5	<u>124D.10, subd. 4, paragraph (g)</u>	<u>124E.07, subd. 1</u>
114.6	<u>124D.10, subd. 4, paragraph (h)</u>	<u>124E.07, subd. 5</u>
114.7	<u>124D.10, subd. 4, paragraph (i)</u>	<u>124E.07, subd. 8, paragraph (a)</u>
114.8	<u>124D.10, subd. 4, paragraph (j)</u>	<u>124E.07, subd. 8, paragraph (b)</u>
114.9	<u>124D.10, subd. 4, paragraph (k)</u>	<u>124E.17, subd. 2</u>
114.10	<u>124D.10, subd. 4, paragraph (l)</u>	<u>124E.07, subd. 7</u>
114.11	<u>124D.10, subd. 4, paragraph (m)</u>	<u>124E.07, subd. 2</u>
114.12	<u>124D.10, subd. 4, paragraph (n)</u>	<u>124E.07, subd. 3, paragraph (a)</u>
114.13	<u>124D.10, subd. 4, paragraph (o)</u>	<u>124E.07, subd. 4</u>
114.14	<u>124D.10, subd. 4, paragraph (p)</u>	<u>124E.10, subd. 2, paragraph (c)</u>
114.15	<u>124D.10, subd. 4, paragraph (q)</u>	<u>124E.10, subd. 2, paragraph (b)</u>
114.16	<u>124D.10, subd. 4, paragraph (r)</u>	<u>124E.10, subd. 2, paragraph (a)</u>
114.17	<u>124D.10, subd. 4, paragraph (s)</u>	<u>124E.06, subd. 5, paragraph (a)</u>
114.18	<u>124D.10, subd. 4, paragraph (t)</u>	<u>124E.06, subd. 5, paragraph (b)</u>
114.19	<u>124D.10, subd. 4a, paragraph (a)</u>	<u>124E.07, subd. 3, paragraph (b)</u>
114.20	<u>124D.10, subd. 4a, paragraph (b)</u>	<u>124E.14, paragraph (a)</u>
114.21	<u>124D.10, subd. 4a, paragraph (c)</u>	<u>124E.07, subd. 3, paragraph (c)</u>
114.22	<u>124D.10, subd. 4a, paragraph (d)</u>	<u>124E.07, subd. 3, paragraph (d)</u>
114.23	<u>124D.10, subd. 4a, paragraph (e)</u>	<u>124E.14, paragraph (b)</u>
114.24	<u>124D.10, subd. 4a, paragraph (f)</u>	<u>124E.14, paragraph (c)</u>
114.25	<u>124D.10, subd. 5</u>	<u>124E.06, subd. 6</u>
114.26	<u>124D.10, subd. 6</u>	<u>124E.10, subd. 1, paragraph (a)</u>
114.27	<u>124D.10, subd. 6a</u>	<u>124E.16, subd. 1, paragraphs (b) to</u>
114.28		<u>(e)</u>
114.29	<u>124D.10, subd. 7</u>	<u>124E.03, subd. 1</u>
114.30	<u>124D.10, subd. 8, paragraph (a)</u>	<u>124E.03, subd. 2, paragraph (a)</u>
114.31	<u>124D.10, subd. 8, paragraph (b)</u>	<u>124E.03, subd. 2, paragraph (b)</u>
114.32	<u>124D.10, subd. 8, paragraph (c)</u>	<u>124E.06, subd. 3, paragraph (e)</u>
114.33	<u>124D.10, subd. 8, paragraph (d)</u>	<u>124E.06, subd. 3, paragraph (b)</u>
114.34	<u>124D.10, subd. 8, paragraph (e)</u>	<u>124E.03, subd. 4, paragraph (a)</u>
114.35	<u>124D.10, subd. 8, paragraph (f)</u>	<u>124E.06, subd. 3, paragraph (c)</u>
114.36	<u>124D.10, subd. 8, paragraph (g)</u>	<u>124E.06, subd. 3, paragraph (a)</u>
114.37	<u>124D.10, subd. 8, paragraph (h)</u>	<u>124E.06, subd. 3, paragraph (f)</u>
114.38	<u>124D.10, subd. 8, paragraph (i)</u>	<u>124E.03, subd. 4, paragraph (b)</u>
114.39	<u>124D.10, subd. 8, paragraph (j)</u>	<u>124E.11, paragraph (g)</u>
114.40	<u>124D.10, subd. 8, paragraph (k)</u>	<u>124E.03, subd. 2, paragraph (c)</u>
114.41	<u>124D.10, subd. 8, paragraph (l)</u>	<u>124E.16, subd. 1, paragraph (a)</u>
114.42	<u>124D.10, subd. 8, paragraph (m)</u>	<u>124E.03, subd. 2, paragraph (d)</u>
114.43	<u>124D.10, subd. 8, paragraph (n)</u>	<u>124E.03, subd. 5, paragraph (a)</u>
114.44	<u>124D.10, subd. 8, paragraph (o)</u>	<u>124E.03, subd. 2, paragraph (e)</u>

115.1	<u>124D.10, subd. 8, paragraph (p)</u>	<u>124E.03, subd. 7, paragraph (a)</u>
115.2	<u>124D.10, subd. 8, paragraph (q)</u>	<u>124E.03, subd. 2, paragraph (f)</u>
115.3	<u>124D.10, subd. 8, paragraph (r)</u>	<u>124E.03, subd. 5, paragraph (b)</u>
115.4	<u>124D.10, subd. 8, paragraph (s)</u>	<u>124E.03, subd. 7, paragraph (b)</u>
115.5	<u>124D.10, subd. 8, paragraph (t)</u>	<u>124E.03, subd. 7, paragraph (c)</u>
115.6	<u>124D.10, subd. 8, paragraph (u)</u>	<u>124E.03, subd. 2, paragraph (g)</u>
115.7	<u>124D.10, subd. 8, paragraph (v)</u>	<u>124E.03, subd. 2, paragraph (h)</u>
115.8	<u>124D.10, subd. 8, paragraph (w)</u>	<u>124E.03, subd. 2, paragraph (i)</u>
115.9	<u>124D.10, subd. 8, paragraph (x)</u>	<u>124E.03, subd. 4, paragraph (c)</u>
115.10	<u>124D.10, subd. 8, paragraph (y)</u>	<u>124E.15, paragraph (a)</u>
115.11	<u>124D.10, subd. 8a</u>	<u>124E.25, subd. 3, paragraph (a)</u>
115.12	<u>124D.10, subd. 8b</u>	<u>124E.25, subd. 3, paragraph (b)</u>
115.13	<u>124D.10, subd. 9</u>	<u>124E.11, paragraphs (a) to (f)</u>
115.14	<u>124D.10, subd. 10</u>	<u>124E.10, subd. 1, paragraph (b)</u>
115.15	<u>124D.10, subd. 11, paragraph (a)</u>	<u>124E.12, subd. 1</u>
115.16	<u>124D.10, subd. 11, paragraph (b)</u>	<u>124E.12, subd. 2</u>
115.17	<u>124D.10, subd. 11, paragraph (c)</u>	<u>124E.07, subd. 6</u>
115.18	<u>124D.10, subd. 11, paragraph (d)</u>	<u>124E.12, subd. 5</u>
115.19	<u>124D.10, subd. 12</u>	<u>124E.03, subd. 3</u>
115.20	<u>124D.10, subd. 13</u>	<u>124E.03, subd. 6</u>
115.21	<u>124D.10, subd. 14</u>	<u>124E.16, subd. 2</u>
115.22	<u>124D.10, subd. 15, paragraphs (a)</u>	<u>124E.10, subd. 3, paragraphs (a) to</u>
115.23	<u>to (e)</u>	<u>(e)</u>
115.24	<u>124D.10, subd. 15, paragraph (f)</u>	<u>124E.05, subd. 8</u>
115.25	<u>124D.10, subd. 16</u>	<u>124E.15, paragraphs (b) to (d)</u>
115.26	<u>124D.10, subd. 17</u>	<u>124E.13, subd. 1</u>
115.27	<u>124D.10, subd. 17a</u>	<u>124E.13, subd. 3</u>
115.28	<u>124D.10, subd. 17b</u>	<u>124E.13, subd. 4</u>
115.29	<u>124D.10, subd. 19</u>	<u>124E.17, subd. 1</u>
115.30	<u>124D.10, subd. 20</u>	<u>124E.12, subd. 6</u>
115.31	<u>124D.10, subd. 21</u>	<u>124E.12, subd. 3</u>
115.32	<u>124D.10, subd. 22</u>	<u>124E.12, subd. 4</u>
115.33	<u>124D.10, subd. 23, paragraphs (a)</u>	<u>124E.10, subd. 4, paragraphs (a) and</u>
115.34	<u>and (b)</u>	<u>(b)</u>
115.35	<u>124D.10, subd. 23, paragraph (c)</u>	<u>124E.10, subd. 5</u>
115.36	<u>124D.10, subd. 23, paragraph (d)</u>	<u>124E.10, subd. 4, paragraph (c)</u>
115.37	<u>124D.10, subd. 23a, paragraph (a)</u>	<u>124E.13, subd. 2, paragraph (a)</u>
115.38	<u>124D.10, subd. 23a, paragraph (b)</u>	<u>124E.02, paragraph (b)</u>
115.39	<u>124D.10, subd. 23a, paragraph (c)</u>	<u>124E.13, subd. 2, paragraph (b)</u>
115.40	<u>124D.10, subd. 23a, paragraph (d)</u>	<u>124E.13, subd. 2, paragraph (c)</u>
115.41	<u>124D.10, subd. 24</u>	<u>124E.10, subd. 6</u>
115.42	<u>124D.10, subd. 25</u>	<u>124E.09</u>
115.43	<u>124D.10, subd. 27</u>	<u>124E.08</u>
115.44	<u>124D.11, subd. 1</u>	<u>124E.20, subd. 1</u>

116.1	<u>124D.11, subd. 2</u>	<u>124E.23</u>
116.2	<u>124D.11, subd. 3</u>	<u>124E.20, subd. 2</u>
116.3	<u>124D.11, subd. 4</u>	<u>124E.22</u>
116.4	<u>124D.11, subd. 5</u>	<u>124E.21</u>
116.5	<u>124D.11, subd. 6</u>	<u>124E.24</u>
116.6	<u>124D.11, subd. 7</u>	<u>124E.26</u>
116.7	<u>124D.11, subd. 9, paragraph (a)</u>	<u>124E.25, subd. 1, paragraph (a)</u>
116.8	<u>124D.11, subd. 9, paragraph (b)</u>	<u>124E.25, subd. 1, paragraph (b)</u>
116.9	<u>124D.11, subd. 9, paragraph (c)</u>	<u>124E.25, subd. 4, paragraph (a)</u>
116.10	<u>124D.11, subd. 9, paragraph (d)</u>	<u>124E.25, subd. 4, paragraph (b)</u>
116.11	<u>124D.11, subd. 9, paragraph (e)</u>	<u>124E.25, subd. 2, paragraph (a)</u>
116.12	<u>124D.11, subd. 9, paragraph (f)</u>	<u>124E.25, subd. 1, paragraph (c)</u>
116.13	<u>124D.11, subd. 9, paragraph (g)</u>	<u>124E.25, subd. 2, paragraph (b)</u>
116.14	<u>124D.11, subd. 9, paragraph (h)</u>	<u>124E.25, subd. 2, paragraph (c)</u>

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**120B.128 EDUCATIONAL PLANNING AND ASSESSMENT SYSTEM (EPAS) PROGRAM.**

(a) School districts and charter schools may elect to participate in the Educational Planning and Assessment System (EPAS) program offered by ACT, Inc. to provide a longitudinal, systematic approach to student educational and career planning, assessment, instructional support, and evaluation. The EPAS achievement tests include English, reading, mathematics, science, and components on planning for high school and postsecondary education, interest inventory, needs assessments, and student education plans. These tests are linked to the ACT assessment for college admission and allow students, parents, teachers, and schools to determine the student's college readiness before grades 11 and 12.

(b) The commissioner of education shall provide ACT Explore tests for students in grade 8 and the ACT Plan test for students in grade 10 to assess individual student academic strengths and weaknesses, academic achievement and progress, higher order thinking skills, and college readiness.

(c) Students enrolled in grade 8 through the 2011-2012 school year who have not yet demonstrated proficiency on the Minnesota Comprehensive Assessments, the graduation-required assessments for diploma, or the basic skills testing requirements prior to high school graduation may satisfy state high school graduation requirements for assessments in reading, mathematics, and writing by taking the graduation-required assessment for diploma in reading, mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1, paragraph (c), clauses (1) and (2), the WorkKeys job skills assessment, the Compass college placement test, a nationally recognized armed services vocation aptitude test, or the ACT assessment for college admission.

(d) The state shall pay the test costs for public school students to participate in the assessments under this section. The commissioner shall establish an application procedure and a process for state payment of costs.

**120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.**

Subd. 5. **Improving graduation rates for students with emotional or behavioral disorders.** (a) A district must develop strategies in conjunction with parents of students with emotional or behavioral disorders and the county board responsible for implementing sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in school, when the district has a drop-out rate for students with an emotional or behavioral disorder in grades 9 through 12 exceeding 25 percent.

(b) A district must develop a plan in conjunction with parents of students with emotional or behavioral disorders and the local mental health authority to increase the graduation rates of students with emotional or behavioral disorders. A district with a drop-out rate for children with an emotional or behavioral disturbance in grades 9 through 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight to the commissioner.

**125A.63 RESOURCE CENTERS; DEAF OR HARD OF HEARING AND BLIND OR VISUALLY IMPAIRED.**

Subdivision 1. **Also for multiply disabled.** Resource centers for the deaf or hard of hearing, and the blind or visually impaired, each also serving multiply disabled pupils, are transferred to the Department of Education.

**126C.12 LEARNING AND DEVELOPMENT REVENUE AMOUNT AND USE.**

Subd. 6. **Annual report.** By December 1 of each year, districts receiving revenue under subdivision 1 shall make available to the public a report on the amount of revenue the district has received and the use of the revenue. This report shall be in the form and manner determined by the commissioner and shall include the district average class sizes in kindergarten through grade 6 as of October 1 of the current school year and the class sizes for each site serving kindergarten through grade 6 students in the district. A copy of the report shall be filed with the commissioner by December 15.

**126C.41 BENEFITS LEVIES.**

Subdivision 1. **Health insurance.** (a) A district may levy the amount necessary to make employer contributions for insurance for retired employees under this subdivision.

APPENDIX

Repealed Minnesota Statutes: S1495-1

(b) The school board of a joint vocational technical district formed under the provisions formerly codified as sections 136C.60 to 136C.69 and the school board of a school district may provide employer-paid hospital, medical, and dental benefits to a person who:

(1) is eligible for employer-paid insurance under collective bargaining agreements or personnel plans in effect on June 30, 1992;

(2) has at least 25 years of service credit in the public pension plan of which the person is a member on the day before retirement or, in the case of a teacher, has a total of at least 25 years of service credit in the teachers retirement association, a first-class city teacher retirement fund, or any combination of these;

(3) upon retirement is immediately eligible for a retirement annuity;

(4) is at least 55 and not yet 65 years of age; and

(5) retires on or after May 15, 1992, and before July 21, 1992.

A school board paying insurance under this subdivision may not exclude any eligible employees.

(c) An employee who is eligible both for the health insurance benefit under this subdivision and for an early retirement incentive under a collective bargaining agreement or personnel plan established by the employer must select either the early retirement incentive provided under the collective bargaining agreement personnel plan or the incentive provided under this subdivision, but may not receive both. For purposes of this subdivision, a person retires when the person terminates active employment and applies for retirement benefits. The retired employee is eligible for single and dependent coverages and employer payments to which the person was entitled immediately before retirement, subject to any changes in coverage and employer and employee payments through collective bargaining or personnel plans, for employees in positions equivalent to the position from which the employee retired. The retired employee is not eligible for employer-paid life insurance. Eligibility ceases when the retired employee attains the age of 65, or when the employee chooses not to receive the retirement benefits for which the employee has applied, or when the employee is eligible for employer-paid health insurance from a new employer. Coverages must be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program.

(d) Unilateral implementation of this section by a public employer is not an unfair labor practice for purposes of chapter 179A. The authority provided in this subdivision for an employer to pay health insurance costs for certain retired employees is not subject to the limits in section 179A.20, subdivision 2a.

(e) If a school district levies according to this subdivision, it may not also levy according to section 123A.73, subdivision 12, for eligible employees.

**3500.1000 EXPERIMENTAL AND FLEXIBLE SCHOOL YEAR PROGRAMS.**

Subpart 1. **Request.** A district may request approval from the commissioner of education for an experimental program of study, a four-day school week, or a flexible school year program. They shall be designed to accomplish at least one of the following:

- A. improve instructional quality;
- B. increase cost-effectiveness;
- C. make better use of community resources or available technology; or
- D. establish an alternative eligibility criteria intended to identify pupils in need of special education services.

Subp. 2. **Exemption from state rules.** If the proposed program is approved, the commissioner of education shall provide an exemption to state rules that otherwise would apply.

Subp. 3. **Contents of proposal.** The proposal shall include: specific state rules from which the district requests exemption, the goals and objectives of the program, the activities to be used to accomplish the objectives, a definite time limit which may not exceed three years, and the evaluation procedures to be used.

Subp. 4. **Participation and approval.** The district shall provide evidence that the district staff, pupils, and parents who would be affected, participated in the development and will participate in the annual review of the proposal, and that the proposal has the approval of the district school board.

Parents whose children will be involved shall be fully informed at the IEP meeting and shall have the opportunity to approve or disapprove placement in the experimental program.

Subp. 5. **Criteria for continuation.** If the commissioner of education finds that the program has met the proposed goals and objectives, the commissioner shall authorize continuation of the program and specify the state rules from which the program is exempt and the period of time the program will be continued.