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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-NINTH SESSION

**H. F. No. 1591**

03/09/2015 Authored by Erickson

The bill was read for the first time and referred to the Committee on Education Innovation Policy

03/23/2015 Adoption of Report: Amended and re-referred to the Committee on Education Finance

A bill for an act

1.1 relating to education innovation; providing for education policy including  
1.2 educator preparation, licensure, and accountability, statewide standards  
1.3 and student assessments, educating students and young children, education  
1.4 programs, special education, charter schools, general education, libraries, other  
1.5 facilities, and technology, and state agencies; appropriating money; amending  
1.6 Minnesota Statutes 2014, sections 16A.103, subdivision 1c; 120A.41; 120B.02,  
1.7 subdivision 2; 120B.021, subdivision 4; 120B.022, subdivisions 1, 1a, 1b;  
1.8 120B.024, subdivision 2; 120B.11, subdivision 1a; 120B.12, subdivision 4a;  
1.9 120B.125; 120B.13, subdivision 4; 120B.30, subdivisions 1, 1a, 3; 120B.31,  
1.10 subdivision 4; 120B.36, subdivision 1; 122A.09, subdivision 4, by adding  
1.11 subdivisions; 122A.14, subdivision 3, by adding a subdivision; 122A.18,  
1.12 subdivision 2; 122A.20, subdivision 1; 122A.21, subdivision 2; 122A.23;  
1.13 122A.245, subdivisions 1, 3, 7; 122A.25; 122A.30; 122A.31, subdivisions 1, 2;  
1.14 122A.40, subdivisions 5, 8, 10, 11; 122A.41, subdivisions 2, 5, 14; 122A.414,  
1.15 subdivision 2; 122A.60, subdivision 1a; 122A.61, subdivision 1; 122A.69;  
1.16 122A.70, subdivision 1; 123A.24, subdivision 1; 123A.75, subdivision 1;  
1.17 123B.77, subdivision 3; 123B.88, subdivision 1; 124D.09, subdivisions 5, 5a, 8,  
1.18 9, 12; 124D.091, subdivision 1; 124D.10, subdivisions 1, 3, 4, 8, 9, 12, 14, 23, by  
1.19 adding a subdivision; 124D.11, subdivision 9; 124D.121; 124D.122; 124D.126,  
1.20 subdivision 1; 124D.127; 124D.128, subdivision 1; 124D.13, subdivision 4;  
1.21 124D.165, subdivisions 2, 3, 4, by adding subdivisions; 124D.50, by adding a  
1.22 subdivision; 124D.73, subdivisions 3, 4; 124D.74, subdivisions 1, 3, 6; 124D.75,  
1.23 subdivisions 1, 3, 9; 124D.76; 124D.78; 124D.79, subdivisions 1, 2; 124D.791,  
1.24 subdivision 4; 125A.01; 125A.023, subdivisions 3, 4; 125A.027; 125A.08;  
1.25 125A.085; 125A.0942, subdivision 3; 125A.21; 125A.28; 125A.63, subdivisions  
1.26 2, 3, 4, 5; 125A.75, subdivision 9; 125B.26, subdivision 2; 126C.10, subdivision  
1.27 13a; 126C.13, subdivisions 3a, 4; 126C.15, subdivision 1; 126C.17, subdivisions  
1.28 1, 2; 126C.48, subdivision 8; 127A.05, subdivision 6; 127A.49, subdivision  
1.29 1; 127A.70, subdivision 1; 134.20, subdivision 2; 135A.101, by adding a  
1.30 subdivision; 179A.20, by adding a subdivision; Laws 2013, chapter 116, article  
1.31 2, section 20, subdivision 3; Laws 2014, chapter 312, article 16, section 15;  
1.32 proposing coding for new law in Minnesota Statutes, chapter 125A; repealing  
1.33 Minnesota Statutes 2014, sections 120B.128; 120B.35, subdivision 5; 122A.40,  
1.34 subdivision 11; 125A.63, subdivision 1; 126C.12, subdivision 6; 126C.41,  
1.35 subdivision 1; Minnesota Rules, part 3500.1000.

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

## ARTICLE 1

## EDUCATOR PREPARATION, LICENSURE, AND ACCOUNTABILITY

Section 1. Minnesota Statutes 2014, section 122A.09, subdivision 4, is amended to read:

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

(b) The board must adopt rules requiring a person to pass a college-level skills examination in reading, writing, and mathematics or attain either a ~~composite score composed of the average of the~~ essentially equivalent passing scores in English and writing, reading, and mathematics on the ACT Plus Writing recommended by the board, or an ~~equivalent composite score composed of the average of the~~ essentially equivalent passing scores in critical reading, mathematics, and writing on the SAT recommended by the board, as a requirement for initial teacher licensure, except that the board may issue up to two temporary, one-year teaching licenses to an otherwise qualified candidate who has not yet passed the college-level skills exam or attained the ~~requisite composite score~~ essentially equivalent passing scores on the ACT Plus Writing or SAT. Such rules must require college and universities offering a board-approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the college-level skills examination or attain the ~~requisite composite score~~ essentially equivalent passing scores on the ACT Plus Writing or SAT, including those for whom English is a second language. The requirement to pass a reading, writing, and mathematics college-level skills examination or attain the ~~requisite composite score~~ essentially equivalent passing scores on the ACT Plus Writing or SAT does not apply to nonnative English speakers, as verified by qualified Minnesota school district personnel or Minnesota higher education faculty, who, after meeting the content and pedagogy requirements under this subdivision, apply for a teaching license to provide direct instruction in their native language or world language instruction under section 120B.022, subdivision 1. A teacher candidate's official ACT Plus Writing or SAT composite score report to the board must not be more than ten years old at the time of licensure.

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

3.1 (d) The board must provide the leadership and adopt rules for the redesign of teacher  
3.2 education programs to implement a research based, results-oriented curriculum that  
3.3 focuses on the skills teachers need in order to be effective. Among other components,  
3.4 teacher preparation programs are encouraged to provide a school-year-long student  
3.5 teaching program that combines clinical opportunities with academic coursework and  
3.6 in-depth student teaching experiences to offer students ongoing mentorship, coaching  
3.7 and assessment, help to prepare a professional development plan, and structured  
3.8 learning experiences. The board shall implement new systems of teacher preparation  
3.9 program evaluation to assure program effectiveness based on proficiency of graduates in  
3.10 demonstrating attainment of program outcomes. Teacher preparation programs including  
3.11 alternative teacher preparation programs under section 122A.245, among other programs,  
3.12 must include a content-specific, board-approved, performance-based assessment that  
3.13 measures teacher candidates in three areas: planning for instruction and assessment;  
3.14 engaging students and supporting learning; and assessing student learning. The board's  
3.15 redesign rules must include creating flexible, specialized teaching licenses, credentials,  
3.16 and other endorsement forms to increase students' participation in language immersion  
3.17 programs, world language instruction, career development opportunities, work-based  
3.18 learning, early college courses and careers, career and technical programs, Montessori  
3.19 schools, and project and place-based learning, among other career and college ready  
3.20 learning offerings.

3.21 (e) The board must adopt rules requiring candidates for initial licenses to pass an  
3.22 examination of general pedagogical knowledge and examinations of licensure-specific  
3.23 teaching skills. The rules shall be effective by September 1, 2001. The rules under this  
3.24 paragraph also must require candidates for initial licenses to teach prekindergarten or  
3.25 elementary students to pass, as part of the examination of licensure-specific teaching  
3.26 skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive,  
3.27 scientifically based reading instruction under section 122A.06, subdivision 4, and their  
3.28 knowledge and understanding of the foundations of reading development, the development  
3.29 of reading comprehension, and reading assessment and instruction, and their ability to  
3.30 integrate that knowledge and understanding.

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

3.34 (g) The board must grant licenses to interns and to candidates for initial licenses  
3.35 based on appropriate professional competencies that are aligned with the board's licensing  
3.36 system and students' diverse learning needs. All teacher candidates must have preparation

4.1 in English language development and content instruction for English learners in order to be  
4.2 able to effectively instruct the English learners in their classrooms. The board must include  
4.3 these licenses in a statewide differentiated licensing system that creates new leadership  
4.4 roles for successful experienced teachers premised on a collaborative professional culture  
4.5 dedicated to meeting students' diverse learning needs in the 21st century, recognizes the  
4.6 importance of cultural and linguistic competencies, including the ability to teach and  
4.7 communicate in culturally competent and aware ways, and formalizes mentoring and  
4.8 induction for newly licensed teachers provided through a teacher support framework.

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

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

4.17 (j) The board must grant life licenses to those who qualify according to requirements  
4.18 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and  
4.19 214.10. The board must not establish any expiration date for application for life licenses.

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

4.25 (l) In adopting rules to license public school teachers who provide health-related  
4.26 services for disabled children, the board shall adopt rules consistent with license or  
4.27 registration requirements of the commissioner of health and the health-related boards who  
4.28 license personnel who perform similar services outside of the school.

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

4.35 (n) The board must adopt rules that require all licensed teachers who are renewing  
4.36 their continuing license to include in their renewal requirements further preparation,

5.1 first, in understanding the key warning signs of early-onset mental illness in children  
5.2 and adolescents and then, during subsequent licensure renewal periods, preparation may  
5.3 include providing a more in-depth understanding of students' mental illness trauma,  
5.4 accommodations for students' mental illness, parents' role in addressing students' mental  
5.5 illness, Fetal Alcohol Spectrum Disorders, autism, the requirements of section 125A.0942  
5.6 governing restrictive procedures, and de-escalation methods, and suicide prevention  
5.7 training that is approved as a best practice, among other similar topics.

5.8 (o) The board must adopt rules by January 1, 2016, to license applicants under  
5.9 sections 122A.23 and 122A.245. The rules must permit applicants to demonstrate their  
5.10 qualifications through the board's recognition of a teaching license from another state  
5.11 in a similar content field, completion of a state-approved teacher preparation program,  
5.12 teaching experience as the teacher of record in a similar licensure field, depth of content  
5.13 knowledge, depth of content methods or general pedagogy, subject-specific professional  
5.14 development and contribution to the field, or classroom performance as determined by  
5.15 documented student growth on normed assessments or documented effectiveness on  
5.16 evaluations. The rules must adopt criteria for determining a "similar content field" and  
5.17 "similar licensure area."

5.18 **EFFECTIVE DATE.** This section is effective the day following final enactment  
5.19 and applies to all candidates seeking initial teacher licensure, including those holding a  
5.20 temporary, one-year teaching license.

5.21 Sec. 2. Minnesota Statutes 2014, section 122A.09, is amended by adding a subdivision  
5.22 to read:

5.23 **Subd. 4a. Teacher and administrator preparation and performance data;**  
5.24 **report.** (a) The Board of Teaching and the Board of School Administrators, in cooperation  
5.25 with the Minnesota Association of Colleges of Teacher Education and Minnesota colleges  
5.26 and universities offering board-approved teacher or administrator preparation programs,  
5.27 annually must collect and report summary data on teacher and administrator preparation  
5.28 and performance outcomes, consistent with this subdivision. The Board of Teaching  
5.29 and the Board of School Administrators annually by June 1 must update and post the  
5.30 reported summary preparation and performance data on teachers and administrators from  
5.31 the preceding school years on a Web site hosted jointly by the boards.

5.32 (b) Publicly reported summary data on teacher preparation programs must include:  
5.33 student entrance requirements for each Board of Teaching-approved program, including  
5.34 grade point average for enrolling students in the preceding year; the average college-level  
5.35 skills examination or ACT or SAT scores of students entering the program in the preceding

6.1 year; summary data on faculty qualifications, including at least the content areas of faculty  
6.2 undergraduate and graduate degrees and their years of experience either as kindergarten  
6.3 through grade 12 classroom teachers or school administrators; the average time resident  
6.4 and nonresident program graduates in the preceding year needed to complete the program;  
6.5 the current number and percent of students by program who graduated, received a standard  
6.6 Minnesota teaching license, and were hired to teach full time in their licensure field in a  
6.7 Minnesota district or school in the preceding year; the number of content area credits and  
6.8 other credits by undergraduate program that students in the preceding school year needed  
6.9 to complete to graduate; students' pass rates on skills and subject matter exams required for  
6.10 graduation in each program and licensure area in the preceding school year; survey results  
6.11 measuring student and graduate satisfaction with the program in the preceding school  
6.12 year; a standard measure of the satisfaction of school principals or supervising teachers  
6.13 with the student teachers assigned to a school or supervising teacher; and information  
6.14 under paragraphs (d) and (e). Program reporting must be consistent with subdivision 11.

6.15 (c) Publicly reported summary data on administrator preparation programs  
6.16 approved by the Board of School Administrators must include: summary data on faculty  
6.17 qualifications, including at least the content areas of faculty undergraduate and graduate  
6.18 degrees and their years of experience either as kindergarten through grade 12 classroom  
6.19 teachers or school administrators; the average time program graduates in the preceding  
6.20 year needed to complete the program; the current number and percent of students who  
6.21 graduated, received a standard Minnesota administrator license, and were employed as an  
6.22 administrator in a Minnesota school district or school in the preceding year; the number of  
6.23 credits by graduate program that students in the preceding school year needed to complete  
6.24 to graduate; survey results measuring student, graduate, and employer satisfaction with  
6.25 the program in the preceding school year; and information under paragraphs (f) and (g).  
6.26 Program reporting must be consistent with section 122A.14, subdivision 10.

6.27 (d) School districts annually by October 1 must report to the Board of Teaching  
6.28 the following information for all teachers who finished the probationary period and  
6.29 accepted a continuing contract position with the district from September 1 of the previous  
6.30 year through August 31 of the current year: the effectiveness category or rating of the  
6.31 teacher on the summative evaluation under section 122A.40, subdivision 8, or 122A.41,  
6.32 subdivision 5; the licensure area in which the teacher primarily taught during the  
6.33 three-year evaluation cycle; and the teacher preparation program preparing the teacher in  
6.34 the teacher's primary areas of instruction and licensure.

6.35 (e) School districts annually by October 1 must report to the Board of Teaching the  
6.36 following information for all probationary teachers in the district who were released or

7.1 whose contracts were not renewed from September 1 of the previous year through August  
7.2 31 of the current year: the licensure areas in which the probationary teacher taught; and  
7.3 the teacher preparation program preparing the teacher in the teacher's primary areas of  
7.4 instruction and licensure.

7.5 (f) School districts annually by October 1 must report to the Board of School  
7.6 Administrators the following information for all school principals and assistant principals  
7.7 who finished the probationary period and accepted a continuing contract position with the  
7.8 district from September 1 of the previous year through August 31 of the current year: the  
7.9 effectiveness category or rating of the principal or assistant principal on the summative  
7.10 evaluation under section 123B.147, subdivision 3; and the principal preparation program  
7.11 providing instruction to the principal or assistant principal.

7.12 (g) School districts annually by October 1 must report to the Board of School  
7.13 Administrators all probationary school principals and assistant principals in the district  
7.14 who were released or whose contracts were not renewed from September 1 of the previous  
7.15 year through August 31 of the current year.

7.16 **EFFECTIVE DATE.** This section is effective July 1, 2016.

7.17 Sec. 3. Minnesota Statutes 2014, section 122A.09, is amended by adding a subdivision  
7.18 to read:

7.19 **Subd. 11. Teacher preparation program reporting.** By December 31, 2018, and  
7.20 annually thereafter, the Board of Teaching shall report and publish on its Web site the  
7.21 cumulative summary results of at least three consecutive years of data reported to the board  
7.22 under subdivision 4a, paragraph (b). Where the data are sufficient to yield statistically  
7.23 reliable information and the results would not reveal personally identifiable information  
7.24 about an individual teacher, the board shall report the data by teacher preparation program.

7.25 Sec. 4. Minnesota Statutes 2014, section 122A.14, subdivision 3, is amended to read:

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

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

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

8.4 Sec. 5. Minnesota Statutes 2014, section 122A.14, is amended by adding a subdivision  
8.5 to read:

8.6 Subd. 10. **Principal preparation program reporting.** By December 31, 2018, and  
8.7 annually thereafter, the Board of School Administrators shall report and publish on its  
8.8 Web site the cumulative summary results of three years of data reported to the board under  
8.9 section 122A.09, subdivision 4a, paragraph (c), for each principal preparation program.

8.10 Sec. 6. Minnesota Statutes 2014, section 122A.18, subdivision 2, is amended to read:

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

8.15 (b) The board must require a person to pass an examination of college-level skills  
8.16 in reading, writing, and mathematics or attain either ~~a composite score composed of the~~  
8.17 ~~average of the passing~~ scores in English and writing, reading, and mathematics on the ACT  
8.18 Plus Writing recommended by the board, or ~~an equivalent composite score composed of~~  
8.19 ~~the average of the passing~~ scores in critical reading, mathematics, and writing on the SAT  
8.20 recommended by the board, before being granted an initial teaching license to provide  
8.21 direct instruction to pupils in prekindergarten, elementary, secondary, or special education  
8.22 programs, except that the board may issue up to two temporary, one-year teaching licenses  
8.23 to an otherwise qualified candidate who has not yet passed the college-level skills exam or  
8.24 attained ~~the requisite composite score~~ essentially equivalent passing scores on the ACT  
8.25 Plus Writing or SAT. The board must require colleges and universities offering a board  
8.26 approved teacher preparation program to make available upon request remedial assistance  
8.27 that includes a formal diagnostic component to persons enrolled in their institution who  
8.28 did not achieve a qualifying score on the college-level skills examination or attain ~~the~~  
8.29 ~~requisite composite~~ ACT Plus Writing or SAT score essentially equivalent passing scores,  
8.30 including those for whom English is a second language. The colleges and universities  
8.31 must make available assistance in the specific academic areas of candidates' deficiency.  
8.32 School districts may make available upon request similar, appropriate, and timely remedial  
8.33 assistance that includes a formal diagnostic component to those persons employed by the  
8.34 district who completed their teacher education program, who did not achieve a qualifying

9.1 score on the college-level skills examination, or attain ~~the requisite composite~~ ACT Plus  
9.2 Writing or SAT ~~score~~ essentially equivalent passing scores, and who received a temporary  
9.3 license to teach in Minnesota. The Board of Teaching shall report annually to the education  
9.4 committees of the legislature on the total number of teacher candidates during the most  
9.5 recent school year taking the college-level skills examination, the number who achieve a  
9.6 qualifying score on the examination, the number who do not achieve a qualifying score  
9.7 on the examination, the distribution of all candidates' scores, ~~the number of candidates~~  
9.8 ~~who have taken the examination at least once before, and the number of candidates who~~  
9.9 ~~have taken the examination at least once before and achieve a qualifying score~~, and the  
9.10 candidates who have not attained ~~the requisite composite~~ ACT Plus Writing or SAT ~~score~~  
9.11 essentially equivalent passing scores or have not passed a content or pedagogy exam,  
9.12 disaggregated by categories of race, ethnicity, and eligibility for financial aid.

9.13 (c) The Board of Teaching must grant continuing licenses only to those persons  
9.14 who ~~have met~~ meet board criteria for granting a continuing license, which includes  
9.15 passing the college-level skills examination in reading, writing, and mathematics or  
9.16 attaining ~~the requisite composite~~ ACT Plus Writing or SAT ~~score~~ essentially equivalent  
9.17 passing scores consistent with paragraph (b), and the exceptions in section 122A.09,  
9.18 subdivision 4, paragraph (b), that are consistent with this paragraph. The requirement to  
9.19 pass a reading, writing, and mathematics college-level skills examination, or attain ~~the~~  
9.20 ~~requisite composite score~~ essentially equivalent passing scores on the ACT Plus Writing  
9.21 or SAT does not apply to nonnative English speakers, as verified by qualified Minnesota  
9.22 school district personnel or Minnesota higher education faculty, who, after meeting the  
9.23 content and pedagogy requirements under this subdivision, apply for a teaching license to  
9.24 provide direct instruction in their native language or world language instruction under  
9.25 section 120B.022, subdivision 1. A teacher candidate's official ACT Plus Writing or SAT  
9.26 ~~composite score~~ passing scores report to the board must not be more than ten years old  
9.27 at the time of licensure.

9.28 (d) All colleges and universities approved by the board of teaching to prepare persons  
9.29 for teacher licensure must include in their teacher preparation programs a common core  
9.30 of teaching knowledge and skills to be acquired by all persons recommended for teacher  
9.31 licensure. Among other requirements, teacher candidates must demonstrate the knowledge  
9.32 and skills needed to provide appropriate instruction to English learners to support and  
9.33 accelerate their academic literacy, including oral academic language, and achievement in  
9.34 content areas in a regular classroom setting. This common core shall meet the standards  
9.35 developed by the interstate new teacher assessment and support consortium in its 1992  
9.36 "model standards for beginning teacher licensing and development." Amendments to

10.1 standards adopted under this paragraph are covered by chapter 14. The board of teaching  
 10.2 shall report annually to the education committees of the legislature on the performance  
 10.3 of teacher candidates on common core assessments of knowledge and skills under this  
 10.4 paragraph during the most recent school year.

10.5 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 10.6 and applies to all candidates seeking initial teacher licensure, including those holding a  
 10.7 temporary, one-year teaching license.

10.8 Sec. 7. Minnesota Statutes 2014, section 122A.20, subdivision 1, is amended to read:

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

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

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

10.20 (b) The Board of Teaching or Board of School Administrators, whichever  
 10.21 has jurisdiction over a teacher's licensure, shall refuse to issue, refuse to renew, or  
 10.22 automatically revoke a teacher's license to teach without the right to a hearing upon  
 10.23 receiving a certified copy of a conviction showing that the teacher has been convicted  
 10.24 of child abuse, as defined in section 609.185, sex trafficking in the first degree under  
 10.25 section 609.322, subdivision 1, sex trafficking in the second degree under section 609.322,  
 10.26 subdivision 1a, engaging in hiring, or agreeing to hire a minor to engage in prostitution  
 10.27 under section 609.324, subdivision 1, sexual abuse under section 609.342, 609.343,  
 10.28 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, solicitation of  
 10.29 children to engage in sexual conduct or communication of sexually explicit materials  
 10.30 to children under section 609.352, interference with privacy under section 609.746 or  
 10.31 stalking under section 609.749 and the victim was a minor, using minors in a sexual  
 10.32 performance under section 617.246, or possessing pornographic works involving a minor  
 10.33 under section 617.247, or any other offense not listed in this paragraph that requires the  
 10.34 person to register as a predatory offender under section 243.166, or a crime under a similar

11.1 law of another state or the United States. The board shall send notice of this licensing  
11.2 action to the district in which the teacher is currently employed.

11.3 (c) A person whose license to teach has been revoked, not issued, or not renewed  
11.4 under paragraph (b), may petition the board to reconsider the licensing action if the  
11.5 person's conviction for child abuse or sexual abuse is reversed by a final decision of the  
11.6 Court of Appeals or the Supreme Court or if the person has received a pardon for the  
11.7 offense. The petitioner shall attach a certified copy of the appellate court's final decision or  
11.8 the pardon to the petition. Upon receiving the petition and its attachment, the board shall  
11.9 schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2,  
11.10 unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding  
11.11 the reversal of the petitioner's criminal conviction or the issuance of a pardon, the  
11.12 petitioner is disqualified from teaching under paragraph (a), clause (1), the board shall  
11.13 affirm its previous licensing action. If the board finds that the petitioner is not disqualified  
11.14 from teaching under paragraph (a), clause (1), it shall reverse its previous licensing action.

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

11.17 Sec. 8. Minnesota Statutes 2014, section 122A.21, subdivision 2, is amended to read:

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

11.21 (b) A candidate for initial licensure must submit to the Educator Licensing Division  
11.22 at the department one portfolio demonstrating pedagogical competence and one portfolio  
11.23 demonstrating content competence.

11.24 (c) A candidate seeking to add a licensure field must submit to the Educator  
11.25 Licensing Division at the department one portfolio demonstrating content competence.

11.26 (d) The Board of Teaching must notify a candidate who submits a portfolio under  
11.27 paragraph (b) or (c) within 90 calendar days after the portfolio is received whether or not  
11.28 the portfolio was approved. If the portfolio was not approved, the board must immediately  
11.29 inform the candidate how to revise the portfolio to successfully demonstrate the requisite  
11.30 competence. The candidate may resubmit a revised portfolio at any time and the Educator  
11.31 Licensing Division at the department must approve or disapprove the portfolio within  
11.32 60 calendar days of receiving it.

11.33 (e) A candidate must pay to the executive secretary of the Board of Teaching a  
11.34 \$300 fee for the first portfolio submitted for review and a \$200 fee for any portfolio  
11.35 submitted subsequently. The fees must be paid to the executive secretary of the Board of

12.1 Teaching. The revenue generated from the fee must be deposited in an education licensure  
 12.2 portfolio account in the special revenue fund. The fees set by the Board of Teaching are  
 12.3 nonrefundable for applicants not qualifying for a license. The Board of Teaching may  
 12.4 waive or reduce fees for candidates based on financial need.

12.5 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 12.6 applies to all portfolios submitted to the Educator Licensing Division at the department  
 12.7 after that date.

12.8 Sec. 9. Minnesota Statutes 2014, section 122A.23, is amended to read:

12.9 **122A.23 APPLICANTS TRAINED IN OTHER STATES.**

12.10 Subdivision 1. **Preparation equivalency.** When a license to teach is authorized to  
 12.11 be issued to any holder of a diploma or a degree of a Minnesota state university, or of the  
 12.12 University of Minnesota, or of a liberal arts university, or a technical training institution,  
 12.13 such license may also, in the discretion of the Board of Teaching or the commissioner of  
 12.14 education, whichever has jurisdiction, be issued to any holder of a diploma or a degree  
 12.15 of a teacher training institution of equivalent rank and standing of any other state. The  
 12.16 diploma or degree must be granted by virtue of completing a ~~course~~ coursework in teacher  
 12.17 preparation ~~essentially equivalent in content to that required by such Minnesota state~~  
 12.18 ~~university or the University of Minnesota or a liberal arts university in Minnesota or a~~  
 12.19 ~~technical training institution~~ as preliminary to the granting of a diploma or a degree of the  
 12.20 same rank and class. For purposes of granting a Minnesota teaching license to a person  
 12.21 who receives a diploma or degree from a state-accredited, out-of-state teacher training  
 12.22 program leading to licensure, the Board of Teaching must establish criteria and streamlined  
 12.23 procedures by January 1, 2016, to recognize the experience and professional credentials of  
 12.24 the person holding the out-of-state diploma or degree and allow that person to demonstrate  
 12.25 to the board the person's qualifications for receiving a Minnesota teaching license based  
 12.26 on performance measures the board adopts by January 1, 2016, under this section.

12.27 Subd. 2. **Applicants licensed in other states.** (a) Subject to the requirements  
 12.28 of sections 122A.18, subdivision 8, and 123B.03, the Board of Teaching must issue a  
 12.29 teaching license or a temporary teaching license under paragraphs ~~(b)~~ (c) to ~~(e)~~ (f) to an  
 12.30 applicant who holds at least a baccalaureate degree from a regionally accredited college  
 12.31 or university and holds or held ~~a similar~~ an out-of-state teaching license that requires the  
 12.32 applicant to successfully complete a teacher preparation program approved by the issuing  
 12.33 state, which includes either (1) field-specific teaching methods and ~~and~~ student teaching, or

13.1 ~~essentially~~ equivalent experience, or (2) at least two years of teaching experience as the  
 13.2 teacher of record in a similar licensure field.

13.3 (b) The Board of Teaching may issue a standard license on the basis of teaching  
 13.4 experience and examination requirements only.

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

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

13.8 (2) holds or held an out-of-state teaching license to teach ~~the same~~ a similar content  
 13.9 field and grade levels if the scope of the out-of-state license is no more than two grade  
 13.10 levels less than a similar Minnesota license, and either (i) has completed field-specific  
 13.11 teaching methods, student teaching, or equivalent experience, or (ii) has at least two years  
 13.12 of teaching experience as the teacher of record in a similar licensure field.

13.13 ~~(e)~~ (d) The Board of Teaching, consistent with board rules and paragraph ~~(h)~~ (i),  
 13.14 must issue up to three one-year temporary teaching licenses to an applicant who holds or  
 13.15 held an out-of-state teaching license to teach ~~the same~~ a similar content field and grade  
 13.16 levels, where the scope of the out-of-state license is no more than two grade levels less  
 13.17 than a similar Minnesota license, but has not successfully completed all exams and human  
 13.18 relations preparation components required by the Board of Teaching.

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

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

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

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

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

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

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

14.3 ~~(f)~~ (g) The Board of Teaching must not issue to an applicant more than three  
 14.4 one-year temporary teaching licenses under this subdivision.

14.5 ~~(g)~~ (h) The Board of Teaching ~~must not~~ may issue a license under this subdivision if  
 14.6 the applicant has ~~not~~ attained the additional degrees, credentials, or licenses required in  
 14.7 a particular licensure field and the applicant can demonstrate competency by obtaining  
 14.8 qualifying scores on the college-level skills examination in reading, writing, and  
 14.9 mathematics or demonstrating attainment of essentially equivalent passing scores on the  
 14.10 ACT Plus Writing or SAT, and on applicable board-approved rigorous content area and  
 14.11 pedagogy examinations under section 122A.09, subdivision 4, paragraphs (a) and (e).

14.12 ~~(h)~~ (i) The Board of Teaching must require an applicant for a teaching license  
 14.13 or a temporary teaching license under this subdivision to pass a college-level skills  
 14.14 examination in reading, writing, and mathematics or demonstrate, consistent with section  
 14.15 122A.09, subdivision 4, the applicant's attainment of either ~~the requisite composite~~ ACT  
 14.16 Plus Writing or SAT ~~score~~ essentially equivalent passing scores before the board issues  
 14.17 the license unless, notwithstanding other provisions of this subdivision, an applicable  
 14.18 board-approved National Association of State Directors of Teacher Education interstate  
 14.19 reciprocity agreement exists to allow fully certified teachers from other states to transfer  
 14.20 their certification to Minnesota.

14.21 **Subd. 3. Teacher licensure agreements with adjoining states.** (a) Notwithstanding  
 14.22 other law to the contrary, the Board of Teaching must enter into interstate agreements for  
 14.23 teacher licensure to allow fully certified teachers from adjoining states to transfer their  
 14.24 certification to Minnesota and receive a full, five-year continuing teaching license without  
 14.25 having to complete any additional exams or other preparation requirements. The board  
 14.26 must enter into these interstate agreements only after determining that the rigor of the  
 14.27 teacher licensure or certification requirements in the adjoining state is commensurate with  
 14.28 the rigor of Minnesota's teacher licensure requirements. The board may limit an interstate  
 14.29 agreement to particular content fields or grade levels based on established priorities or  
 14.30 identified shortages. This subdivision does not apply to out-of-state applicants holding  
 14.31 only a provisional teaching license.

14.32 (b) The Board of Teaching is strongly encouraged to work with designated  
 14.33 authorities in adjoining states to establish reciprocal interstate teacher licensure  
 14.34 agreements under this section.

14.35 **EFFECTIVE DATE.** This section is effective August 1, 2015.

15.1 Sec. 10. Minnesota Statutes 2014, section 122A.245, subdivision 1, is amended to read:

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

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

15.11 (2) a school district ~~or~~, charter school, or nonprofit corporation organized under  
15.12 chapter 317A for an education-related purpose after consulting with a college or university  
15.13 with a board-approved teacher preparation program, ~~that forms a partnership with a~~  
15.14 ~~nonprofit corporation organized under chapter 317A for an education-related purpose that~~  
15.15 ~~has a board-approved teacher preparation program.~~

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

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

15.21 (2) pass the reading, writing, and mathematics college-level skills examination under  
15.22 section 122A.09, subdivision 4, paragraph (b), or demonstrate attainment of either ACT  
15.23 Plus Writing or SAT essentially equivalent passing scores; and

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

15.26 (c) The Board of Teaching must issue a two-year limited-term license to a person  
15.27 who enrolls in an alternative teacher preparation program. This limited term license is not  
15.28 a provisional license under section 122A.40 or 122A.41.

15.29 Sec. 11. Minnesota Statutes 2014, section 122A.245, subdivision 3, is amended to read:

15.30 Subd. 3. **Program approval; disapproval.** (a) The Board of Teaching must approve  
15.31 alternative teacher preparation programs under this section based on board-adopted  
15.32 criteria that reflect best practices for alternative teacher preparation programs, consistent  
15.33 with this section.

15.34 (b) The board must permit teacher candidates to demonstrate mastery of pedagogy  
15.35 and content standards in school-based settings and through other nontraditional means.

16.1 "Nontraditional means" must include a portfolio of previous experiences, teaching  
 16.2 experience, educator evaluations, certifications marking the completion of education  
 16.3 training programs, and essentially equivalent demonstrations.

16.4 (c) The board must use nontraditional criteria to determine the qualifications of  
 16.5 program instructors.

16.6 (d) The board may permit instructors to hold a baccalaureate degree only.

16.7 ~~(b)~~ (e) If the Board of Teaching determines that a teacher preparation program under  
 16.8 this section does not meet the requirements of this section, it may revoke its approval  
 16.9 of the program after it notifies the program provider of any deficiencies and gives the  
 16.10 program provider an opportunity to remedy the deficiencies.

16.11 Sec. 12. Minnesota Statutes 2014, section 122A.245, subdivision 7, is amended to read:

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

16.19 Sec. 13. Minnesota Statutes 2014, section 122A.25, is amended to read:

16.20 **122A.25 NONLICENSED COMMUNITY EXPERTS; VARIANCE.**

16.21 Subdivision 1. **Authorization.** Notwithstanding any law, Board of Teaching rule, or  
 16.22 commissioner of education rule to the contrary, the Board of Teaching may allow school  
 16.23 districts or charter schools to may hire nonlicensed community experts to teach in the  
 16.24 public schools or charter schools on a limited basis according to this section after making  
 16.25 efforts to obtain acceptable licensed teachers for the particular course or subject area,  
 16.26 consistent with subdivision 2, clause (3). A school district or charter school must notify a  
 16.27 student's parent or guardian before placing the student in the classroom of a nonlicensed  
 16.28 community expert hired by the district or school to provide instruction under this section.

16.29 Subd. 2. **Applications Reports; criteria.** The school district or charter school  
 16.30 shall ~~apply~~ report to the Board of Teaching ~~for approval~~ when it uses a variance to hire  
 16.31 nonlicensed teaching personnel from the community. In approving or disapproving the  
 16.32 application for each community expert, The board report shall consider include:

16.33 (1) the qualifications of the community person whom the district or charter school  
 16.34 ~~proposes to employ~~ employs;

17.1 (2) the unique and compelling reasons for the need for a variance from the teacher  
 17.2 licensure requirements;

17.3 (3) the district's efforts to obtain licensed teachers, who are acceptable to the school  
 17.4 board, for the particular course or subject area or the charter school's efforts to obtain  
 17.5 licensed teachers for the particular course or subject area;

17.6 (4) the amount of teaching time for which the community expert ~~would be~~ is hired;

17.7 (5) the extent to which the district or charter school ~~is utilizing~~ uses other  
 17.8 nonlicensed community experts under this section;

17.9 (6) the nature of the community expert's ~~proposed~~ teaching responsibility; and

17.10 (7) the ~~proposed~~ level of compensation to be paid to the community expert.

17.11 Subd. 3. ~~Approval of plan~~ Comment on variance. The Board of Teaching shall  
 17.12 ~~approve or disapprove an application~~ may comment on a district or charter school report  
 17.13 under subdivision 2 within 60 days of receiving it ~~from a school~~ and the district or charter  
 17.14 school must post the comment on its official Web site.

17.15 Subd. 4. **Background check**. A school district or charter school shall ~~provide~~  
 17.16 confirm to the Board of Teaching ~~with confirmation~~ that criminal background checks ~~have~~  
 17.17 ~~been~~ were completed for all nonlicensed community experts employed by the district or  
 17.18 charter school ~~and approved by the Board of Teaching~~ under this section.

17.19 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 17.20 and applies to all nonlicensed community experts hired or sponsored after that date.

17.21 Sec. 14. Minnesota Statutes 2014, section 122A.30, is amended to read:

17.22 **122A.30 EXEMPTION FOR TECHNICAL COLLEGE EDUCATION**  
 17.23 **INSTRUCTORS.**

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

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

17.30 Sec. 15. Minnesota Statutes 2014, section 122A.40, subdivision 5, is amended to read:

17.31 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's  
 17.32 first teaching experience in Minnesota in a single district is deemed to be a probationary  
 17.33 period of employment, and, the probationary period in each district in which the teacher is

18.1 thereafter employed shall be one year. The school board must adopt a plan for written  
18.2 evaluation of teachers during the probationary period that is consistent with subdivision  
18.3 8. Evaluation must occur at least three times periodically throughout each school year  
18.4 for a teacher performing services during that school year; the first evaluation must occur  
18.5 within the first 90 days of teaching service. Days devoted to parent-teacher conferences,  
18.6 teachers' workshops, and other staff development opportunities and days on which a  
18.7 teacher is absent from school must not be included in determining the number of school  
18.8 days on which a teacher performs services. Except as otherwise provided in paragraph  
18.9 (b), during the probationary period any annual contract with any teacher may or may not  
18.10 be renewed (1) as the school board shall see fit, or (2) consistent with the negotiated  
18.11 unrequested leave of absence plan in effect under subdivision 10. However, the board  
18.12 must give any such teacher whose contract it declines to renew for the following school  
18.13 year written notice to that effect before July 1. If the teacher requests reasons for any  
18.14 nonrenewal of a teaching contract, the board must give the teacher its reason in writing,  
18.15 including a statement that appropriate supervision was furnished describing the nature and  
18.16 the extent of such supervision furnished the teacher during the employment by the board,  
18.17 within ten days after receiving such request. The school board may, after a hearing held  
18.18 upon due notice, discharge a teacher during the probationary period for cause, effective  
18.19 immediately, under section 122A.44.

18.20 (b) A board must discharge a probationary teacher, effective immediately, upon  
18.21 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's  
18.22 license has been revoked due to a conviction for child abuse or sexual abuse.

18.23 (c) A probationary teacher whose first three years of consecutive employment are  
18.24 interrupted for active military service and who promptly resumes teaching consistent with  
18.25 federal reemployment timelines for uniformed service personnel under United States  
18.26 Code, title 38, section 4312(e), is considered to have a consecutive teaching experience  
18.27 for purposes of paragraph (a).

18.28 (d) A probationary teacher whose first three years of consecutive employment are  
18.29 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
18.30 months of when the leave began is considered to have a consecutive teaching experience  
18.31 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
18.32 three years of teaching service immediately before and after the leave.

18.33 (e) A probationary teacher must complete at least 120 days of teaching service each  
18.34 year during the probationary period. Days devoted to parent-teacher conferences, teachers'  
18.35 workshops, and other staff development opportunities and days on which a teacher is  
18.36 absent from school do not count as days of teaching service under this paragraph.

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

19.2 Sec. 16. Minnesota Statutes 2014, section 122A.40, subdivision 8, is amended to read:

19.3 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
19.4 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
19.5 representative of the teachers in the district, consistent with paragraph (b), may develop  
19.6 a teacher evaluation and peer review process for probationary and continuing contract  
19.7 teachers through joint agreement. If a school board and the exclusive representative of the  
19.8 teachers do not agree to an annual teacher evaluation and peer review process, then the  
19.9 school board and the exclusive representative of the teachers must implement the state  
19.10 teacher evaluation plan under paragraph (c). The process must include having trained  
19.11 observers serve as peer coaches or having teachers participate in professional learning  
19.12 communities, consistent with paragraph (b).

19.13 (b) To develop, improve, and support qualified teachers and effective teaching  
19.14 practices and improve student learning and success, the annual evaluation process for  
19.15 teachers:

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

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

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

19.24 (4) must coordinate staff development activities under sections 122A.60 and  
19.25 122A.61 with this evaluation process and teachers' evaluation outcomes;

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

19.28 (6) may include job-embedded learning opportunities such as professional learning  
19.29 communities;

19.30 (7) may include mentoring under section 122A.70 and induction programs;

19.31 (8) must include an option for teachers to develop and present a portfolio  
19.32 demonstrating evidence of reflection and professional growth, consistent with section  
19.33 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment  
19.34 based on student work samples and examples of teachers' work, which may include video  
19.35 among other activities for the summative evaluation;

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

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

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

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

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

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

20.22 (c) The department, in consultation with parents who may represent parent  
20.23 organizations and teacher and administrator representatives appointed by their respective  
20.24 organizations, representing the Board of Teaching, the Minnesota Association of School  
20.25 Administrators, the Minnesota School Boards Association, the Minnesota Elementary  
20.26 and Secondary Principals Associations, Education Minnesota, and representatives of  
20.27 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota  
20.28 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise  
20.29 in teacher evaluation, must create and publish a teacher evaluation process that complies  
20.30 with the requirements in paragraph (b) and applies to all teachers under this section and  
20.31 section 122A.41 for whom no agreement exists under paragraph (a) for an annual teacher  
20.32 evaluation and peer review process. The teacher evaluation process created under this  
20.33 subdivision does not create additional due process rights for probationary teachers under  
20.34 subdivision 5.

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

21.1 (1) for students in kindergarten through grade 4, a school administrator must not  
 21.2 place a student in consecutive school years in the classroom of a teacher with the lowest  
 21.3 evaluation rating in the previous school year unless no other teacher at the school teaches  
 21.4 that grade; and

21.5 (2) for students in grades 5 through 12, a school administrator must not place  
 21.6 students in consecutive school years in the classroom of a teacher with the lowest  
 21.7 evaluation rating in the previous school year unless no other teacher at the school teaches  
 21.8 that subject area and grade.

21.9 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and  
 21.10 later, except paragraph (b), clause (7), is effective for the 2015-2016 school year and later.

21.11 Sec. 17. Minnesota Statutes 2014, section 122A.40, subdivision 10, is amended to read:

21.12 Subd. 10. **Negotiated unrequested leave of absence.** (a) The school board  
 21.13 and the exclusive bargaining representative of the teachers ~~may~~ must negotiate a plan,  
 21.14 consistent with subdivision 8, providing for unrequested leave of absence without pay or  
 21.15 fringe benefits for as many teachers as may be necessary because of discontinuance of  
 21.16 position, lack of pupils, financial limitations, or merger of classes caused by consolidation  
 21.17 of districts. ~~Failing to successfully negotiate such a plan, the provisions of subdivision~~  
 21.18 ~~11 shall apply.~~ The negotiated plan must not include provisions which would result in  
 21.19 the exercise of seniority by a teacher holding only a provisional license, other than a  
 21.20 vocational education license, ~~contrary to the provisions of subdivision 11, paragraph (e)~~  
 21.21 ~~if required for the position,~~ or the reinstatement of a teacher holding only a provisional  
 21.22 license, other than a vocational education license, ~~contrary to the provisions of subdivision~~  
 21.23 ~~11, paragraph (e) required for the position.~~ The provisions of section 179A.16 do not  
 21.24 apply for the purposes of this subdivision.

21.25 (b) Beginning in the 2017-2018 school year and later, and notwithstanding any law  
 21.26 to the contrary, a school board must place teachers on unrequested leave of absence based  
 21.27 on their subject matter licensure fields, most recent evaluation outcomes and effectiveness  
 21.28 category or rating under subdivision 8, and other, locally determined criteria such as  
 21.29 teacher seniority, and may include both probationary teachers and continuing contract  
 21.30 teachers within an effectiveness category or rating. For purposes of placing a teacher on  
 21.31 unrequested leave of absence or recalling a teacher from unrequested leave of absence, a  
 21.32 school board is not required to reassign a teacher with more seniority to accommodate the  
 21.33 seniority claims of a teacher who is similarly licensed and effective but with less seniority.  
 21.34 Nothing in this paragraph permits a school board to use a teacher's remuneration as a basis  
 21.35 for making unrequested leave of absence decisions. Any executed employment contract

22.1 between the school board and the exclusive representative of the teachers must contain the  
22.2 negotiated unrequested leave of absence plan. The school board must publish in a readily  
22.3 accessible format the unrequested leave of absence plan it negotiates under this paragraph.

22.4 (c) A teacher who receives notice of being placed on unrequested leave of absence  
22.5 under paragraph (b) may submit to the board, within 14 days of receiving the notice, a  
22.6 written request for a hearing before a neutral hearing officer to establish whether the  
22.7 district met the following teacher evaluation requirements under subdivision 8: if the  
22.8 teacher is a probationary teacher, all evaluations required under subdivision 5 were  
22.9 provided; a three-year professional review cycle was established for the teacher; any  
22.10 summative evaluation of the teacher was performed by a qualified and trained evaluator;  
22.11 a peer review evaluation occurred in any year when the teacher was not evaluated by a  
22.12 qualified and trained evaluator; and if the teacher did not meet professional teaching  
22.13 standards, a teacher improvement process with goals and timelines was established. The  
22.14 school board and the exclusive representative of the teachers must agree on a panel of  
22.15 people and a process to select the person to hear the matter. The hearing officer must issue  
22.16 a decision within 14 days of the request for the hearing. Nothing in this subdivision  
22.17 prevents a school board and the exclusive representative of the teachers from negotiating a  
22.18 different process for determining whether the teacher evaluation requirements listed in  
22.19 this subdivision were met.

22.20 (d) Evaluation outcomes and effectiveness categories under paragraph (b) must not  
22.21 be used to place a teacher on unrequested leave of absence if the principal evaluating the  
22.22 teacher is on an improvement plan under section 123B.147, subdivision 3, paragraph  
22.23 (b), clause (8).

22.24 (e) For purposes of this subdivision, a provisional license is a license to teach issued  
22.25 by the Board of Teaching under a waiver or variance.

22.26 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
22.27 applies to negotiated plans for unrequested leave of absence agreed to on or after that date.

22.28 Sec. 18. Minnesota Statutes 2014, section 122A.40, subdivision 11, is amended to read:

22.29 Subd. 11. **Unrequested leave of absence.** (a) The board may place on unrequested  
22.30 leave of absence, without pay or fringe benefits, as many teachers as may be necessary  
22.31 because of discontinuance of position, lack of pupils, financial limitations, or merger of  
22.32 classes caused by consolidation or reorganization of districts under chapter 123A. The  
22.33 unrequested leave is effective at the close of the school year.

22.34 (b) In placing teachers on unrequested leave in the 2014-2015 through 2016-2017  
22.35 school years only, the board is governed by the following provisions: in this subdivision.

23.1           ~~(a)~~ (c) The board may place probationary teachers on unrequested leave first in the  
23.2 inverse order of their employment. A teacher who has acquired continuing contract rights  
23.3 must not be placed on unrequested leave of absence while probationary teachers are retained  
23.4 in positions for which the teacher who has acquired continuing contract rights is licensed;

23.5           ~~(b)~~ (d) Teachers who have acquired continuing contract rights shall be placed on  
23.6 unrequested leave of absence in fields in which they are licensed in the inverse order  
23.7 in which they were employed by the school district. In the case of equal seniority, the  
23.8 order in which teachers who have acquired continuing contract rights shall be placed on  
23.9 unrequested leave of absence in fields in which they are licensed is negotiable;

23.10          ~~(e)~~ (e) Notwithstanding the provisions of paragraph ~~(b)~~ (d), a teacher is not entitled  
23.11 to exercise any seniority when that exercise results in that teacher being retained by the  
23.12 district in a field for which the teacher holds only a provisional license, as defined by the  
23.13 board of teaching, unless that exercise of seniority results in the placement on unrequested  
23.14 leave of absence of another teacher who also holds a provisional license in the same field.  
23.15 The provisions of this paragraph do not apply to vocational education licenses; required  
23.16 for the available positions.

23.17          ~~(d)~~ (f) Notwithstanding paragraphs ~~(a)~~, ~~(b)~~, and ~~(c)~~, (d), and (e), if the placing of a  
23.18 probationary teacher on unrequested leave before a teacher who has acquired continuing  
23.19 rights, the placing of a teacher who has acquired continuing contract rights on unrequested  
23.20 leave before another teacher who has acquired continuing contract rights but who has  
23.21 greater seniority, or the restriction imposed by the provisions of paragraph ~~(e)~~ (e) would  
23.22 place the district in violation of its affirmative action program, the district may retain the  
23.23 probationary teacher, the teacher with less seniority, or the provisionally licensed teacher;

23.24          ~~(e)~~ (g) For purposes of placing a teacher on unrequested leave of absence or  
23.25 recalling a teacher from unrequested leave of absence, nothing in this subdivision requires  
23.26 a school board to reassign a teacher to accommodate the seniority claims of a teacher who  
23.27 is similarly licensed and effective but with less seniority.

23.28          (h) Teachers placed on unrequested leave of absence must be reinstated to the  
23.29 positions from which they have been given leaves of absence or, if not available, to  
23.30 other available positions in the school district in fields in which they are licensed.  
23.31 Reinstatement must be in the inverse order of placement on leave of absence. A teacher  
23.32 must not be reinstated to a position in a field in which the teacher holds only a provisional  
23.33 license, other than a vocational education license, while another teacher who holds a  
23.34 nonprovisional license in the same field remains on unrequested leave. The order of  
23.35 reinstatement of teachers who have equal seniority and who are placed on unrequested  
23.36 leave in the same school year is negotiable;

24.1           ~~(f)~~ (i) Appointment of a new teacher must not be made while there is available, on  
 24.2           unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the  
 24.3           teacher fails to advise the school board within 30 days of the date of notification that a  
 24.4           position is available to that teacher who may return to employment and assume the duties  
 24.5           of the position to which appointed on a future date determined by the board;

24.6           ~~(g)~~ (j) A teacher placed on unrequested leave of absence may engage in teaching  
 24.7           or any other occupation during the period of this leave;

24.8           ~~(h)~~ (k) The unrequested leave of absence must not impair the continuing contract  
 24.9           rights of a teacher or result in a loss of credit for previous years of service;

24.10          ~~(i)~~ (l) Consistent with subdivision 10, the unrequested leave of absence of a teacher  
 24.11          who is categorized as effective or better under subdivision 8, who is placed on unrequested  
 24.12          leave of absence, and who is not reinstated shall continue for a period of five years,  
 24.13          after which the right to reinstatement ~~shall terminate~~ terminates. The teacher's right to  
 24.14          reinstatement ~~shall~~ also ~~terminate~~ terminates if the teacher fails to file with the board by  
 24.15          April 1 of ~~any~~ each year a written statement requesting reinstatement;

24.16          (m) Consistent with subdivision 10, the unrequested leave of absence of a teacher  
 24.17          who is categorized as ineffective or less under subdivision 8, who is placed on unrequested  
 24.18          leave of absence, and who is not reinstated continues for the following school year  
 24.19          only, after which the teacher's right to reinstatement terminates. The teacher's right to  
 24.20          reinstatement also terminates if the teacher fails to file with the board by April 1 in that  
 24.21          following school year a written statement requesting reinstatement.

24.22          ~~(j)~~ (n) The same provisions applicable to terminations of probationary or continuing  
 24.23          contracts in subdivisions 5 and 7 must apply to placement on unrequested leave of absence;

24.24          ~~(k)~~ (o) Nothing in this subdivision shall be construed to impair the rights of teachers  
 24.25          placed on unrequested leave of absence to receive unemployment benefits if otherwise  
 24.26          eligible.

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

24.28          Sec. 19. Minnesota Statutes 2014, section 122A.41, subdivision 2, is amended to read:

24.29          Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in  
 24.30          the public schools in cities of the first class during the first three years of consecutive  
 24.31          employment shall be deemed to be in a probationary period of employment during which  
 24.32          period any annual contract with any teacher may, or may not, be renewed (1) as the school  
 24.33          board, after consulting with the peer review committee charged with evaluating the  
 24.34          probationary teachers under subdivision 3, shall see fit, or (2) consistent with the negotiated  
 24.35          plan for discontinuing or terminating teachers in effect under subdivision 14. The school

25.1 site management team or the school board if there is no school site management team, shall  
25.2 adopt a plan for a written evaluation of teachers during the probationary period according  
25.3 to subdivisions 3 and 5. Evaluation by the peer review committee charged with evaluating  
25.4 probationary teachers under subdivision 3 shall occur at least three times periodically  
25.5 throughout each school year for a teacher performing services during that school year; the  
25.6 first evaluation must occur within the first 90 days of teaching service. Days devoted to  
25.7 parent-teacher conferences, teachers' workshops, and other staff development opportunities  
25.8 and days on which a teacher is absent from school shall not be included in determining the  
25.9 number of school days on which a teacher performs services. The school board may, during  
25.10 such probationary period, discharge or demote a teacher for any of the causes as specified  
25.11 in this code. A written statement of the cause of such discharge or demotion shall be given  
25.12 to the teacher by the school board at least 30 days before such removal or demotion shall  
25.13 become effective, and the teacher so notified shall have no right of appeal therefrom.

25.14 (b) A probationary teacher whose first three years of consecutive employment are  
25.15 interrupted for active military service and who promptly resumes teaching consistent with  
25.16 federal reemployment timelines for uniformed service personnel under United States  
25.17 Code, title 38, section 4312(e), is considered to have a consecutive teaching experience  
25.18 for purposes of paragraph (a).

25.19 (c) A probationary teacher whose first three years of consecutive employment are  
25.20 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
25.21 months of when the leave began is considered to have a consecutive teaching experience  
25.22 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
25.23 three years of teaching service immediately before and after the leave.

25.24 (d) A probationary teacher must complete at least 120 days of teaching service each  
25.25 year during the probationary period. Days devoted to parent-teacher conferences, teachers'  
25.26 workshops, and other staff development opportunities and days on which a teacher is  
25.27 absent from school do not count as days of teaching service under this paragraph.

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

25.29 Sec. 20. Minnesota Statutes 2014, section 122A.41, subdivision 5, is amended to read:

25.30 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**  
25.31 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
25.32 representative of the teachers in the district, consistent with paragraph (b), may develop an  
25.33 annual teacher evaluation and peer review process for probationary and nonprobationary  
25.34 teachers through joint agreement. If a school board and the exclusive representative of  
25.35 the teachers in the district do not agree to an annual teacher evaluation and peer review

26.1 process, then the school board and the exclusive representative of the teachers must  
26.2 implement the state teacher evaluation plan developed under paragraph (c). The process  
26.3 must include having trained observers serve as peer coaches or having teachers participate  
26.4 in professional learning communities, consistent with paragraph (b).

26.5 (b) To develop, improve, and support qualified teachers and effective teaching  
26.6 practices and improve student learning and success, the annual evaluation process for  
26.7 teachers:

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

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

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

26.15 (4) must coordinate staff development activities under sections 122A.60 and  
26.16 122A.61 with this evaluation process and teachers' evaluation outcomes;

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

26.19 (6) may include job-embedded learning opportunities such as professional learning  
26.20 communities;

26.21 (7) may include mentoring under section 122A.70 and induction programs;

26.22 (8) must include an option for teachers to develop and present a portfolio  
26.23 demonstrating evidence of reflection and professional growth, consistent with section  
26.24 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment  
26.25 based on student work samples and examples of teachers' work, which may include video  
26.26 among other activities for the summative evaluation;

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

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

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

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

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

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

27.14 (c) The department, in consultation with parents who may represent parent  
27.15 organizations and teacher and administrator representatives appointed by their respective  
27.16 organizations, representing the Board of Teaching, the Minnesota Association of School  
27.17 Administrators, the Minnesota School Boards Association, the Minnesota Elementary  
27.18 and Secondary Principals Associations, Education Minnesota, and representatives of  
27.19 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota  
27.20 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise  
27.21 in teacher evaluation, must create and publish a teacher evaluation process that complies  
27.22 with the requirements in paragraph (b) and applies to all teachers under this section and  
27.23 section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher  
27.24 evaluation and peer review process. The teacher evaluation process created under this  
27.25 subdivision does not create additional due process rights for probationary teachers under  
27.26 subdivision 2.

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

27.28 (1) for students in kindergarten through grade 4, a school administrator must not  
27.29 place a student in consecutive school years in the classroom of a teacher with the lowest  
27.30 evaluation rating in the previous school year unless no other teacher at the school teaches  
27.31 that grade; and

27.32 (2) for students in grades 5 through 12, a school administrator must not place  
27.33 students in consecutive school years in the classroom of a teacher with the lowest  
27.34 evaluation rating in the previous school year unless no other teacher at the school teaches  
27.35 that subject area and grade.

28.1 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and  
28.2 later, except paragraph (b), clause (7), is effective for the 2015-2016 school year and later.

28.3 Sec. 21. Minnesota Statutes 2014, section 122A.41, subdivision 14, is amended to read:

28.4 Subd. 14. **Services terminated by discontinuance or lack of pupils; preference**  
28.5 **given.** (a) ~~A teacher whose services are terminated on account of discontinuance of~~  
28.6 ~~position or lack of pupils must receive first consideration for other positions in the district~~  
28.7 ~~for which that teacher is qualified.~~ In the event it becomes necessary to discontinue one  
28.8 or more positions in the 2014-2015 through the 2016-2017 school years, in making such  
28.9 discontinuance, teachers must receive first consideration for other positions in the district  
28.10 for which that teacher is qualified and must be discontinued in any department in the  
28.11 inverse order in which they were employed, unless.

28.12 (b) Beginning in the 2017-2018 school year and later, a board and the exclusive  
28.13 representative of teachers in the district must negotiate a plan providing otherwise,  
28.14 consistent with subdivision 5, for discontinuing and terminating teachers under this  
28.15 subdivision based on their subject matter licensure fields, most recent evaluation outcomes  
28.16 and effectiveness category or rating under subdivision 5, and other, locally determined  
28.17 criteria such as teacher seniority, and may include both probationary teachers and  
28.18 continuing contract teachers within an effectiveness category or rating. For purposes  
28.19 of discharging, demoting, or recalling a teacher whose services are discontinued or  
28.20 terminated under this subdivision, a school board is not required to reassign a teacher with  
28.21 more seniority to accommodate the seniority claims of a teacher who is similarly licensed  
28.22 and effective but with less seniority. Nothing in this paragraph permits a school board to  
28.23 use a teacher's remuneration as a basis for discontinuing or terminating a teacher. Any  
28.24 executed employment contract between the school board and the exclusive representative  
28.25 of the teachers must contain the negotiated plan for discontinuing or terminating teachers.  
28.26 The school board must publish in a readily accessible format any plan it negotiates for  
28.27 discontinuing or terminating teachers under this paragraph.

28.28 (c) A teacher who receives notice of discontinuance or termination under paragraph  
28.29 (b) may submit to the board, within 14 days of receiving the notice, a written request  
28.30 for a hearing before a neutral hearing officer to establish whether the district met the  
28.31 following teacher evaluation requirements under subdivision 5: if the teacher is a  
28.32 probationary teacher, all evaluations required under subdivision 2 were provided; a  
28.33 three-year professional review cycle was established for the teacher; any summative  
28.34 evaluation of the teacher was performed by a qualified and trained evaluator; a peer review  
28.35 evaluation occurred in any year when the teacher was not evaluated by a qualified and

29.1 trained evaluator; and if the teacher did not meet professional teaching standards, a teacher  
 29.2 improvement process with goals and timelines was established. The school board and the  
 29.3 exclusive representative of the teachers must agree on a panel of people and a process to  
 29.4 select the person to hear the matter. The hearing officer must issue a decision within 14 days  
 29.5 of the request for the hearing. Nothing in this subdivision prevents a school board and the  
 29.6 exclusive representative of the teachers from negotiating a different process for determining  
 29.7 whether the teacher evaluation requirements listed in this subdivision were met.

29.8 ~~(b)~~ (d) Notwithstanding the provisions of clause paragraph (a), for the 2014-2015  
 29.9 through 2016-2017 school years, a teacher is not entitled to exercise any seniority when  
 29.10 that exercise results in that teacher being retained by the district in a field for which the  
 29.11 teacher holds only a provisional license, as defined by the Board of Teaching, unless that  
 29.12 exercise of seniority results in the termination of terminating the services, on account  
 29.13 of discontinuance of position or lack of pupils, of another teacher who also holds a  
 29.14 provisional license in the same field. The provisions of this clause paragraph do not apply  
 29.15 to vocational education licenses.

29.16 ~~(e)~~ (e) Notwithstanding the provisions of clause paragraph (a), for the 2014-2015  
 29.17 through 2016-2017 school years, a teacher must not be reinstated to a position in a field  
 29.18 in which the teacher holds only a provisional license, other than a vocational education  
 29.19 license, while another teacher who holds a nonprovisional license in the same field is  
 29.20 available for reinstatement.

29.21 (f) Evaluation outcomes and effectiveness categories under paragraph (b) must not  
 29.22 be used to place a teacher on unrequested leave of absence if the principal evaluating the  
 29.23 teacher is on an improvement plan under section 123B.147, subdivision 3, paragraph  
 29.24 (b), clause (8).

29.25 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 29.26 and applies to negotiated plans for discontinuing or terminating teachers agreed to on or  
 29.27 after that date.

29.28 Sec. 22. Minnesota Statutes 2014, section 122A.414, subdivision 2, is amended to read:

29.29 **Subd. 2. Alternative teacher professional pay system.** (a) To participate in this  
 29.30 program, a school district, intermediate school district, school site, or charter school must  
 29.31 have an educational improvement plan under section 122A.413 and an alternative teacher  
 29.32 professional pay system agreement under paragraph (b). A charter school participant also  
 29.33 must comply with subdivision 2a.

29.34 (b) The alternative teacher professional pay system agreement must:

30.1 (1) describe how teachers can achieve career advancement and additional  
30.2 compensation;

30.3 (2) describe how the school district, intermediate school district, school site, or  
30.4 charter school will provide teachers with career advancement options that allow teachers  
30.5 to retain primary roles in student instruction and facilitate site-focused professional  
30.6 development that helps other teachers improve their skills;

30.7 (3) reform the "steps and lanes" salary schedule, which may include a hiring bonus  
30.8 or other added compensation for teachers identified as effective or highly effective  
30.9 under the local teacher professional review cycle who work in a hard-to-fill position or  
30.10 hard-to-staff school setting such as a school with a majority of students whose families  
30.11 meet federal poverty guidelines, a geographically isolated school, or a school identified by  
30.12 the state as eligible for targeted programs or services for its students. The salary schedule  
30.13 must prevent any teacher's compensation paid before implementing the pay system from  
30.14 being reduced as a result of participating in this system, base at least 60 percent of any  
30.15 compensation increase on teacher performance using:

30.16 (i) schoolwide student achievement gains under section 120B.35 or locally selected  
30.17 standardized assessment outcomes, or both;

30.18 (ii) measures of student growth and literacy that may include value-added models  
30.19 or student learning goals, consistent with section 122A.40, subdivision 8, clause (9), or  
30.20 122A.41, subdivision 5, clause (9), and other measures that include the academic literacy,  
30.21 oral academic language, and achievement of English learners under section 122A.40,  
30.22 subdivision 8, clause (10), or 122A.41, subdivision 5, clause (10); and

30.23 (iii) an objective evaluation program under section 122A.40, subdivision 8,  
30.24 paragraph (b), clause (2), or 122A.41, subdivision 5, paragraph (b), clause (2);

30.25 (4) provide for participation in job-embedded learning opportunities such as  
30.26 professional learning communities to improve instructional skills and learning that are  
30.27 aligned with student needs under section 122A.413, consistent with the staff development  
30.28 plan under section 122A.60 and led during the school day by trained teacher leaders  
30.29 such as master or mentor teachers;

30.30 (5) allow any teacher in a participating school district, intermediate school district,  
30.31 school site, or charter school that implements an alternative pay system to participate in  
30.32 that system without any quota or other limit; and

30.33 (6) encourage collaboration rather than competition among teachers.

30.34 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
30.35 applies to an alternative teacher professional pay agreement entered into or modified  
30.36 after that date.

31.1 Sec. 23. Minnesota Statutes 2014, section 122A.60, subdivision 1a, is amended to read:

31.2 Subd. 1a. **Effective staff development activities.** (a) Staff development activities  
31.3 must:

31.4 (1) focus on the school classroom and research-based strategies that improve student  
31.5 learning;

31.6 (2) provide opportunities for teachers to practice and improve their instructional  
31.7 skills over time;

31.8 (3) provide opportunities for teachers to use student data as part of their daily work  
31.9 to increase student achievement;

31.10 (4) enhance teacher content knowledge and instructional skills, including to  
31.11 accommodate the delivery of digital and blended learning and curriculum and engage  
31.12 students with technology;

31.13 (5) align with state and local academic standards;

31.14 (6) provide opportunities to build professional relationships, foster collaboration  
31.15 among principals and staff who provide instruction, and provide opportunities for  
31.16 teacher-to-teacher mentoring under section 122A.70 that may include a teacher mentor  
31.17 stipend;

31.18 (7) align with the plan of the district or site for an alternative teacher professional  
31.19 pay system;

31.20 (8) provide teachers of English learners, including English as a second language and  
31.21 content teachers, with differentiated instructional strategies critical for ensuring students'  
31.22 long-term academic success; the means to effectively use assessment data on the academic  
31.23 literacy, oral academic language, and English language development of English learners;  
31.24 and skills to support native and English language development across the curriculum; and

31.25 (9) provide opportunities for staff to learn about current workforce trends, the  
31.26 connections between workforce trends and postsecondary education, and training options,  
31.27 including career and technical education options.

31.28 Staff development activities may include curriculum development and curriculum training  
31.29 programs, and activities that provide teachers and other members of site-based teams  
31.30 training to enhance team performance. The school district also may implement other  
31.31 staff development activities required by law and activities associated with professional  
31.32 teacher compensation models.

31.33 (b) Release time provided for teachers to supervise students on field trips and school  
31.34 activities, or independent tasks not associated with enhancing the teacher's knowledge  
31.35 and instructional skills, such as preparing report cards, calculating grades, or organizing

32.1 classroom materials, may not be counted as staff development time that is financed with  
 32.2 staff development reserved revenue under section 122A.61.

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

32.5 Sec. 24. Minnesota Statutes 2014, section 122A.61, subdivision 1, is amended to read:

32.6 Subdivision 1. **Staff development revenue.** A district is required to reserve  
 32.7 an amount equal to at least two percent of the basic revenue under section 126C.10,  
 32.8 subdivision 2, for in-service education for programs under section 120B.22, subdivision 2,  
 32.9 for staff development plans, including plans for challenging instructional activities and  
 32.10 experiences under section 122A.60, and for curriculum development and programs, other  
 32.11 in-service education, teachers' mentoring under section 122A.70 and evaluation, teachers'  
 32.12 workshops, teacher conferences, the cost of substitute teachers for staff development  
 32.13 purposes, preservice and in-service education for special education professionals and  
 32.14 paraprofessionals, and other related costs for staff development efforts. A district may  
 32.15 annually waive the requirement to reserve their basic revenue under this section if a  
 32.16 majority vote of the licensed teachers in the district and a majority vote of the school board  
 32.17 agree to a resolution to waive the requirement. A district in statutory operating debt is  
 32.18 exempt from reserving basic revenue according to this section. Districts may expend an  
 32.19 additional amount of unreserved revenue for staff development based on their needs.

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

32.22 Sec. 25. Minnesota Statutes 2014, section 122A.69, is amended to read:

32.23 **122A.69 PRACTICE OR STUDENT TEACHERS.**

32.24 The Board of Teaching may, by agreements with teacher ~~preparing~~ preparation  
 32.25 institutions, arrange for classroom experience in the district for practice or student  
 32.26 teachers who have completed ~~not less than~~ at least two years of an approved teacher  
 32.27 ~~education~~ preparation program. Such practice and student teachers must be ~~provided with~~  
 32.28 ~~appropriate supervision~~ appropriately supervised by a fully qualified teacher under rules  
 32.29 ~~promulgated~~ adopted by the board. A practice or student teacher must be placed with a  
 32.30 cooperating licensed teacher who has at least three years of teaching experience and is  
 32.31 not in the improvement process under section 122A.40, subdivision 8, paragraph (b),  
 32.32 clause (12), or 122A.41, subdivision 5, paragraph (b), clause (12). Practice and student  
 32.33 teachers are ~~deemed~~ employees of the school district in which they are rendering services

33.1 for purposes of workers' compensation; liability insurance, if provided for other district  
33.2 employees ~~in accordance with~~ under section 123B.23; and legal counsel ~~in accordance~~  
33.3 ~~with the provisions of~~ under section 123B.25.

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

33.6 Sec. 26. Minnesota Statutes 2014, section 122A.70, subdivision 1, is amended to read:

33.7 Subdivision 1. **Teacher mentoring programs.** (a) School districts are encouraged  
33.8 to may develop teacher mentoring and implement programs for mentoring teachers new  
33.9 to the profession or district, including and may, at a minimum, include in the mentoring  
33.10 program teaching residents, teachers of color, teachers with special needs, or and  
33.11 experienced teachers under section 122A.40, subdivision 8, paragraph (b), clause (12), or  
33.12 122A.41, subdivision 5, paragraph (b), clause (12), in need of peer coaching.

33.13 (b) Teacher mentoring programs must support districts' teacher evaluation and peer  
33.14 review processes under section 122A.40, subdivision 8, or 122A.41, subdivision 5.

33.15 A district may use staff development revenue under sections 122A.60 and 122A.61 or  
33.16 another funding source to pay a stipend to a mentor who may be a district employee or  
33.17 a third-party contractor.

33.18 Sec. 27. Minnesota Statutes 2014, section 123A.75, subdivision 1, is amended to read:

33.19 Subdivision 1. **Teacher assignment.** (a) As of the effective date of a consolidation  
33.20 in which a district is divided or the dissolution of a district and its attachment to two or  
33.21 more existing districts, each teacher employed by an affected district shall be assigned to  
33.22 the newly created or enlarged district on the basis of a ratio of the pupils assigned to each  
33.23 district according to the new district boundaries. The district receiving the greatest number  
33.24 of pupils must be assigned the most effective teacher under section 122A.40, subdivision 8,  
33.25 with the greatest seniority, and the remaining teachers must be alternately assigned to each  
33.26 district from most to least effective and with most to least seniority within each category or  
33.27 rating of effectiveness until the district receiving the fewest pupils has received its ratio of  
33.28 teachers who will not be retiring before the effective date of the consolidation or dissolution.

33.29 (b) Notwithstanding paragraph (a), the board and the exclusive representative of  
33.30 teachers in each district involved in the consolidation or dissolution and attachment may  
33.31 negotiate a plan for assigning teachers to each newly created or enlarged district.

33.32 (c) Notwithstanding any other law to the contrary, the provisions of this section apply  
33.33 only to the extent they are consistent with section 122A.40, subdivisions 8, 10, and 11.

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

34.2 Sec. 28. Minnesota Statutes 2014, section 179A.20, is amended by adding a  
34.3 subdivision to read:

34.4 **Subd. 4a. Unrequested leave of absence for teachers.** A school board and the  
34.5 exclusive representative of the teachers may not execute a contract effective for the  
34.6 2017-2018 school year or later unless the contract contains a plan for unrequested leave of  
34.7 absence under section 122A.40, subdivision 10, or a plan for discontinuing or terminating  
34.8 teachers under section 122A.41, subdivision 14.

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

34.10 Sec. 29. **TEACHER LICENSURE AGREEMENTS WITH ADJOINING STATES.**

34.11 The Board of Teaching must prepare and submit a report to the K-12 education  
34.12 committees of the legislature by February 15, 2016, indicating the number, contracting  
34.13 states, and extent of the interstate agreements for teacher licensure under Minnesota  
34.14 Statutes, section 122A.23, subdivision 3, reached between August 1 and December 31,  
34.15 2015.

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

34.17 Sec. 30. **TEACHER PREPARATION PROGRAMS FOCUSED ON**  
34.18 **PROJECT-BASED LEARNING.**

34.19 (a) The Board of Teaching, in collaboration with education faculty at Minnesota  
34.20 State University, Mankato and other interested education faculty at other Minnesota  
34.21 postsecondary institutions; licensed career and technical education teachers; employers  
34.22 participating in cooperative career and technical education programs; other providers of  
34.23 project-based learning opportunities; and other interested education, teacher preparation,  
34.24 and work-related stakeholders, are encouraged to develop and submit to the K-12  
34.25 education committees of the legislature by February 1, 2017, a proposal to implement a  
34.26 research-based, results-oriented teacher preparation curriculum focused on the knowledge  
34.27 and skills teachers need to effectively provide and facilitate project-based learning.

34.28 (b) The proposal under paragraph (a) must include, at least, the following program  
34.29 components:

34.30 (1) recruitment of fully engaged and qualified individuals;

34.31 (2) culturally responsive preparation, project-based learning assessments, engaged  
34.32 students, qualified postsecondary faculty and mentors, and a project-based learning focus;

35.1 (3) support for P-20 wraparound services, scholarships, mentorships, access to  
35.2 technology, and professional learning opportunities; and

35.3 (4) multiple instruments that focus on and measure student learning and engagement,  
35.4 teacher performance, and program efficacy.

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

35.6 Sec. 31. **REPEALER.**

35.7 Minnesota Statutes 2014, section 122A.40, subdivision 11, is repealed.

35.8 **EFFECTIVE DATE.** This section is effective beginning in the 2017-2018 school  
35.9 year and later.

## 35.10 **ARTICLE 2**

### 35.11 **STATEWIDE STANDARDS AND STUDENT ASSESSMENTS**

35.12 Section 1. Minnesota Statutes 2014, section 120B.02, subdivision 2, is amended to read:

35.13 Subd. 2. **Graduation requirements.** To graduate from high school, students must  
35.14 demonstrate to their enrolling school district or school their satisfactory completion of  
35.15 the credit requirements under section 120B.024 and their understanding of academic  
35.16 standards ~~on a nationally normed college entrance exam~~ as required under section  
35.17 120B.30, subdivision 1, paragraph (c), clause (1). A school district must adopt graduation  
35.18 requirements that meet or exceed state graduation requirements established in law or rule.

35.19 **EFFECTIVE DATE.** This section is effective and applies to students entering grade  
35.20 9 in the 2015-2016 school year and later.

35.21 Sec. 2. Minnesota Statutes 2014, section 120B.021, subdivision 4, is amended to read:

35.22 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must  
35.23 revise and appropriately embed technology and information literacy standards consistent  
35.24 with recommendations from school media specialists into the state's academic standards  
35.25 and graduation requirements and implement a ten-year cycle to review and, consistent  
35.26 with the review, revise state academic standards and related benchmarks, consistent with  
35.27 this subdivision. During each ten-year review and revision cycle, the commissioner also  
35.28 must examine the alignment of each required academic standard and related benchmark  
35.29 with the knowledge and skills students need for career and college readiness and advanced  
35.30 work in the particular subject area. The commissioner must include the contributions of

36.1 Minnesota American Indian tribes and communities as related to the academic standards  
36.2 during the review and revision of the required academic standards.

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

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

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

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

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

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

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

36.27 Sec. 3. Minnesota Statutes 2014, section 120B.022, subdivision 1, is amended to read:

36.28 Subdivision 1. **Elective standards.** A district must establish its own standards in ~~the~~  
36.29 ~~following subject areas:~~

36.30 ~~(1) career and technical education; and~~

36.31 ~~(2) A district must use the current world languages standards developed by the~~  
36.32 American Council on the Teaching of Foreign Languages.

36.33 A school district must offer courses in all elective subject areas.

36.34 Sec. 4. Minnesota Statutes 2014, section 120B.024, subdivision 2, is amended to read:

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

37.5 (b) An agriculture science or career and technical education credit may fulfill the  
37.6 ~~credit in chemistry or physics~~ or the elective science credit required under subdivision 1,  
37.7 clause (4), if the credit meets the state ~~chemistry or physics, or district biology~~ physical  
37.8 science, life science, earth and space science, chemistry, or physics academic standards or  
37.9 a combination of these academic standards as approved by the district. An agriculture or  
37.10 career and technical education credit may fulfill the credit in chemistry or physics required  
37.11 under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic  
37.12 standards as approved by the district. A student must satisfy either all of the chemistry  
37.13 academic standards or all of the physics academic standards prior to graduation. An  
37.14 agriculture science or career and technical education credit may not fulfill the required  
37.15 biology credit under subdivision 1, clause (4).

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

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

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

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

37.25 Sec. 5. Minnesota Statutes 2014, section 120B.11, subdivision 1a, is amended to read:

37.26 Subd. 1a. **Performance measures.** Measures to determine school district and  
37.27 school site progress in striving to create the world's best workforce must include at least:

37.28 (1) student performance on the National Assessment of Education Progress where  
37.29 applicable;

37.30 (2) the size of the academic achievement gap, rigorous course taking under section  
37.31 120B.35, subdivision 3, paragraph (c), clause (2), and enrichment experiences by student  
37.32 subgroup;

37.33 (3) student performance on the Minnesota Comprehensive Assessments including  
37.34 attainment of readiness scores identified under section 120B.30, subdivision 1, paragraph  
37.35 (j);

- 38.1 (4) high school graduation rates; and  
38.2 (5) career and college readiness under section 120B.30, subdivision 1, paragraph (p).

38.3 Sec. 6. Minnesota Statutes 2014, section 120B.125, is amended to read:

38.4 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**  
38.5 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; PERSONAL**  
38.6 **LEARNING PLANS.**

38.7 (a) Consistent with sections ~~120B.128~~, 120B.13, 120B.131, 120B.132, 120B.14,  
38.8 120B.15, 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections,  
38.9 school districts, beginning in the 2013-2014 school year, must assist all students by no  
38.10 later than grade 9 to explore their educational, college, and career interests, aptitudes, and  
38.11 aspirations and develop a plan for a smooth and successful transition to postsecondary  
38.12 education or employment. All students' plans must:

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

38.17 (2) emphasize academic rigor and high expectations;

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

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

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

38.24 (6) integrate strong academic content into career-focused courses and applied and  
38.25 experiential learning opportunities and integrate relevant career-focused courses and  
38.26 applied and experiential learning opportunities into strong academic content;

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

38.31 (8) help identify collaborative partnerships among prekindergarten through grade  
38.32 12 schools, postsecondary institutions, economic development agencies, and local and  
38.33 regional employers that support students' transition to postsecondary education and  
38.34 employment and provide students with applied and experiential learning opportunities; and

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

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

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

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

39.19 Sec. 7. Minnesota Statutes 2014, section 120B.30, subdivision 1, is amended to read:

39.20 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts  
39.21 with appropriate technical qualifications and experience and stakeholders, consistent  
39.22 with subdivision 1a, shall include in the comprehensive assessment system, for each  
39.23 grade level to be tested, state-constructed tests developed as computer-adaptive reading  
39.24 and mathematics assessments for students that are aligned with the state's required  
39.25 academic standards under section 120B.021, include multiple choice questions, and are  
39.26 administered annually to all students in grades 3 through 7 8. ~~Reading and mathematics~~  
39.27 ~~assessments for all students in grade 8 must be aligned with the state's required reading and~~  
39.28 ~~mathematics standards, be administered annually, and include multiple choice questions.~~  
39.29 State-developed high school tests aligned with the state's required academic standards  
39.30 under section 120B.021 and administered to all high school students in a subject other than  
39.31 writing must include multiple choice questions. The commissioner shall establish one or  
39.32 more months during which schools shall administer the tests to students each school year.

39.33 (1) Students enrolled in grade 8 through the 2009-2010 school year are eligible  
39.34 to be assessed under (i) the graduation-required assessment for diploma in reading,  
39.35 mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1,

40.1 paragraphs (c), clauses (1) and (2), and (d), (ii) the WorkKeys job skills assessment, (iii)  
 40.2 the Compass college placement test, (iv) the ACT assessment for college admission, ~~or~~ (v)  
 40.3 a nationally recognized armed services vocational aptitude test, or (vi) the high school  
 40.4 assessments required under subdivision 1a.

40.5 (2) Students enrolled in grade 8 in the 2010-2011 or 2011-2012 school year are  
 40.6 eligible to be assessed under (i) the graduation-required assessment for diploma in reading,  
 40.7 mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision  
 40.8 1, paragraph (c), clauses (1) and (2), (ii) the WorkKeys job skills assessment, (iii) the  
 40.9 Compass college placement test, (iv) the ACT assessment for college admission, ~~or~~ (v)  
 40.10 a nationally recognized armed services vocational aptitude test, or (vi) the high school  
 40.11 assessments required under subdivision 1a.

40.12 (3) Students enrolled in grade 8 in the 2012-2013 or 2013-2014 school year are  
 40.13 eligible to be assessed under the ACT assessment for college admission or the high school  
 40.14 assessments required under subdivision 1a.

40.15 ~~(3)~~ (4) For students under clause (1) ~~or~~ (2), or (3), a school district may substitute  
 40.16 a score from an alternative, equivalent assessment to satisfy the requirements of this  
 40.17 paragraph.

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

40.20 (1) mathematics;

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

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

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

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

40.27 (c) For students enrolled in grade 8 in the ~~2012-2013~~ 2014-2015 school year  
 40.28 and later, students' state graduation requirements, based on a longitudinal, systematic  
 40.29 approach to student education and career planning, assessment, instructional support, and  
 40.30 evaluation, include the following:

40.31 (1) demonstrate understanding of required academic standards on ~~a nationally~~  
 40.32 ~~normed college entrance exam~~ high school assessments required under subdivision 1a;

40.33 (2) achievement and career and college readiness tests in mathematics, reading, and  
 40.34 writing, consistent with paragraph ~~(e)~~ (j) and to the extent available, to monitor students'  
 40.35 continuous development of and growth in requisite knowledge and skills; analyze  
 40.36 students' progress and performance levels, identifying students' academic strengths and

41.1 diagnosing areas where students require curriculum or instructional adjustments, targeted  
41.2 interventions, or remediation; and, based on analysis of students' progress and performance  
41.3 data, determine students' learning and instructional needs and the instructional tools and  
41.4 best practices that support academic rigor for the student; and

41.5 (3) consistent with this paragraph and section 120B.125, age-appropriate exploration  
41.6 and planning activities and career assessments to encourage students to identify personally  
41.7 relevant career interests and aptitudes and help students and their families develop a  
41.8 regularly reexamined transition plan for postsecondary education or employment without  
41.9 need for postsecondary remediation.

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

41.13 (d) Expectations of schools, districts, and the state for career or college readiness  
41.14 under this subdivision must be comparable in rigor, clarity of purpose, and rates of student  
41.15 completion. A student under paragraph (c), clause (2)<sub>2</sub> must receive targeted, relevant,  
41.16 academically rigorous, and resourced instruction, which may include a targeted instruction  
41.17 and intervention plan focused on improving the student's knowledge and skills in core  
41.18 subjects so that the student has a reasonable chance to succeed in a career or college  
41.19 without need for postsecondary remediation. Consistent with sections 120B.13, 124D.09,  
41.20 124D.091, 124D.49, and related sections, an enrolling school or district must actively  
41.21 encourage a student in grade 11 or 12 who is identified as academically ready for a career  
41.22 or college to participate in courses and programs awarding college credit to high school  
41.23 students. Students are not required to achieve a specified score or level of proficiency on  
41.24 an assessment under this subdivision to graduate from high school.

41.25 ~~(d) To improve the secondary and postsecondary outcomes of all students, the~~  
41.26 ~~alignment between secondary and postsecondary education programs and Minnesota's~~  
41.27 ~~workforce needs, and the efficiency and cost-effectiveness of secondary and postsecondary~~  
41.28 ~~programs, the commissioner, after consulting with the chancellor of the Minnesota State~~  
41.29 ~~Colleges and Universities and using a request for proposal process, shall contract for a~~  
41.30 ~~series of assessments that are consistent with this subdivision, aligned with state academic~~  
41.31 ~~standards, and include career and college readiness benchmarks. Mathematics, reading,~~  
41.32 ~~and writing assessments for students in grades 8 and 10 must be predictive of a nationally~~  
41.33 ~~normed assessment for career and college readiness.~~

41.34 This (e) A nationally recognized assessment must be that is a college entrance exam  
41.35 and given must be offered to students at no cost in grade 11 or 12. This series of assessments  
41.36 must include a college placement diagnostic exam and contain career exploration elements.

42.1           (f) The commissioner and the chancellor of the Minnesota State Colleges and  
42.2 Universities must collaborate in aligning instruction and assessments for adult basic  
42.3 education students and English learners to provide the students with diagnostic information  
42.4 about any targeted interventions, accommodations, modifications, and supports they  
42.5 need so that assessments and other performance measures are accessible to them and  
42.6 they may seek postsecondary education or employment without need for postsecondary  
42.7 remediation. When administering formative or summative assessments used to measure  
42.8 the academic progress, including the oral academic development, of English learners  
42.9 and inform their instruction, schools must ensure that the assessments are accessible to  
42.10 the students and students have the modifications and supports they need to sufficiently  
42.11 understand the assessments.

42.12           (+) (g) Districts and schools, on an annual basis, must use the career exploration  
42.13 elements in these assessments to help students, beginning no later than grade 9, and their  
42.14 families explore and plan for postsecondary education or careers based on the students'  
42.15 interests, aptitudes, and aspirations. Districts and schools must use timely regional labor  
42.16 market information and partnerships, among other resources, to help students and their  
42.17 families successfully develop, pursue, review, and revise an individualized plan for  
42.18 postsecondary education or a career. This process must help increase students' engagement  
42.19 in and connection to school, improve students' knowledge and skills, and deepen students'  
42.20 understanding of career pathways as a sequence of academic and career courses that lead  
42.21 to an industry-recognized credential, an associate's degree, or a bachelor's degree and are  
42.22 available to all students, whatever their interests and career goals.

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

42.30           (3) ~~All students except those eligible for alternative assessments must be given the~~  
42.31 ~~college entrance part of these assessments in grade 11. (h) A student under this clause~~  
42.32 ~~who demonstrates attainment of required state academic standards, which include career~~  
42.33 ~~and college readiness benchmarks, on these high school assessments under subdivision 1a~~  
42.34 ~~is academically ready for a career or college and is encouraged to participate in courses~~  
42.35 ~~awarding college credit to high school students. Such courses and programs may include~~

43.1 sequential courses of study within broad career areas and technical skill assessments  
43.2 that extend beyond course grades.

43.3 ~~(4)~~ (i) As appropriate, students through grade 12 must continue to participate in  
43.4 targeted instruction, intervention, or remediation and be encouraged to participate in  
43.5 courses awarding college credit to high school students.

43.6 ~~(5) A study to determine the alignment between these assessments and state  
43.7 academic standards under this chapter must be conducted. Where alignment exists, the  
43.8 commissioner must seek federal approval to, and immediately upon receiving approval,  
43.9 replace the federally required assessments referenced under subdivision 1a and section  
43.10 120B.35, subdivision 2, with assessments under this paragraph.~~

43.11 ~~(e)~~ (j) In developing, supporting, and improving students' academic readiness for a  
43.12 career or college, schools, districts, and the state must have a continuum of empirically  
43.13 derived, clearly defined benchmarks focused on students' attainment of knowledge and  
43.14 skills so that students, their parents, and teachers know how well students must perform to  
43.15 have a reasonable chance to succeed in a career or college without need for postsecondary  
43.16 remediation. The commissioner, in consultation with local school officials and educators,  
43.17 and Minnesota's public postsecondary institutions must ensure that the foundational  
43.18 knowledge and skills for students' successful performance in postsecondary employment or  
43.19 education and an articulated series of possible targeted interventions are clearly identified  
43.20 and satisfy Minnesota's postsecondary admissions requirements. The commissioner  
43.21 of education, in consultation with the chancellor of the Minnesota State Colleges and  
43.22 Universities, shall identify minimum score guidelines on the high school reading, writing,  
43.23 and mathematics Minnesota Comprehensive Assessments that demonstrate readiness for:

43.24 (1) a certificate level program;

43.25 (2) a two-year college program; and

43.26 (3) a four-year college program.

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

43.30 ~~(g)~~ (l) The school board granting students their diplomas may formally decide to  
43.31 include a notation of high achievement on the high school diplomas of those graduating  
43.32 seniors who, according to established school board criteria, demonstrate exemplary  
43.33 academic achievement during high school.

43.34 ~~(h)~~ (m) The 3rd through 7th 8th grade computer-adaptive assessment results ~~and grade~~  
43.35 8 and high school test results shall be available to districts for diagnostic purposes affecting  
43.36 student learning and district instruction and curriculum, and for establishing educational

44.1 accountability. The commissioner must establish empirically derived benchmarks on  
44.2 adaptive assessments in grades 3 through 7 8 that reveal a trajectory toward career and  
44.3 college readiness. The commissioner must disseminate to the public the computer-adaptive  
44.4 assessments, ~~grade 8~~, and high school test results upon receiving those results.

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

44.9 ~~(j)~~ (o) The commissioner shall include the following components in the statewide  
44.10 public reporting system:

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

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

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

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

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

44.28 ~~(h)~~ (q) For purposes of statewide accountability, "cultural competence," "cultural  
44.29 competency," or "culturally competent" means the ability and will to interact effectively  
44.30 with people of different cultures, native languages, and socioeconomic backgrounds.

44.31 (r) A nonpublic school student who transfers into a public school is subject only to  
44.32 the testing requirements under this subdivision specifically applicable to those grades in  
44.33 which the student is enrolled in the public school. For an out-of-state student transferring  
44.34 into a Minnesota school district or charter school, the district or charter school must  
44.35 administer statewide assessments to the student only to the extent the student did not take  
44.36 comparable assessments in another state as determined by the district or school.

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

45.3 Sec. 8. Minnesota Statutes 2014, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

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

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

45.23 (b) The commissioner must use fully adaptive mathematics and reading assessments  
45.24 for grades 3 through 7 ~~beginning in the 2015-2016 school year and later~~ 8.

45.25 (c) For purposes of conforming with existing federal educational accountability  
45.26 requirements, the commissioner must develop and implement computer-adaptive reading  
45.27 and mathematics assessments for grades 3 through 7 ~~8~~, state-developed ~~grade 8 and~~ high  
45.28 school reading, writing, and mathematics tests aligned with state academic standards, and  
45.29 science assessments under clause (2) that districts and sites must use to monitor student  
45.30 growth toward achieving those standards. The commissioner must not develop statewide  
45.31 assessments for academic standards in social studies, health and physical education, and  
45.32 the arts. The commissioner must require:

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

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

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

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

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

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

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

46.19 (e) The commissioner must ensure that all state tests administered to elementary and  
46.20 secondary students measure students' academic knowledge and skills and not students'  
46.21 values, attitudes, and beliefs.

46.22 (f) Reporting of state assessment results must:

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

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

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

46.27 (g) Consistent with applicable federal law, the commissioner must include  
46.28 appropriate, technically sound accommodations or alternative assessments for the very  
46.29 few students with disabilities for whom statewide assessments are inappropriate and  
46.30 for English learners.

46.31 (h) A school, school district, and charter school must administer statewide  
46.32 assessments under this section, as the assessments become available, to evaluate student  
46.33 progress toward career and college readiness in the context of the state's academic  
46.34 standards. A school, school district, or charter school may use a student's performance  
46.35 on a statewide assessment as one of multiple criteria to determine grade promotion or  
46.36 retention. A school, school district, or charter school may use a high school student's

47.1 performance on a statewide assessment as a percentage of the student's final grade in a  
 47.2 course, or place a student's assessment score on the student's transcript.

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

47.5 Sec. 9. Laws 2013, chapter 116, article 2, section 20, subdivision 3, is amended to read:

47.6 Subd. 3. **Educational planning and assessment system (EPAS) program.** For  
 47.7 the educational planning and assessment system program under Minnesota Statutes,  
 47.8 section 120B.128:

47.9 \$ 829,000 ..... 2014

47.10 \$ 0 ..... 2015

47.11 Any balance in the first year does not cancel but is available ~~in the second year~~  
 47.12 through the 2020 fiscal year.

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

47.14 Sec. 10. **REPEALER.**

47.15 Minnesota Statutes 2014, section 120B.128, is repealed.

### 47.16 ARTICLE 3

#### 47.17 EDUCATING STUDENTS AND YOUNG CHILDREN

47.18 Section 1. Minnesota Statutes 2014, section 120B.022, subdivision 1a, is amended to  
 47.19 read:

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

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

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

48.8 (d) ~~The Minnesota World Language Proficiency High Achievement Certificate~~  
48.9 ~~recognizes students who demonstrate listening, speaking, reading, and writing language~~  
48.10 ~~skills at the American Council on the Teaching of Foreign Languages' Pre-Advanced level~~  
48.11 ~~for K-12 learners on a valid and reliable assessment tool. For languages listed as Category~~  
48.12 ~~3 by the United States Foreign Service Institute or Category 4 by the United States~~  
48.13 ~~Defense Language Institute, the standard is Pre-Advanced for listening and speaking and~~  
48.14 ~~Intermediate-Mid for reading and writing.~~

48.15 Sec. 2. Minnesota Statutes 2014, section 120B.022, subdivision 1b, is amended to read:

48.16 Subd. 1b. **State bilingual and multilingual seals.** (a) Consistent with efforts to  
48.17 strive for the world's best workforce under sections 120B.11 and 124D.10, subdivision 8,  
48.18 paragraph (u), and close the academic achievement and opportunity gap under sections  
48.19 124D.861 and 124D.862, voluntary state bilingual and multilingual seals are established  
48.20 to recognize high school ~~graduates~~ students who demonstrate ~~level 3~~ an advanced low  
48.21 level or an intermediate high level of functional native proficiency in listening, speaking,  
48.22 reading, and writing on either ~~the Foreign Services Institute language assessments aligned~~  
48.23 with American Council on the Teaching of Foreign Languages' (ACTFL) proficiency  
48.24 tests guidelines or on equivalent valid and reliable assessments in one or more languages  
48.25 in addition to English. American Sign Language is a language other than English for  
48.26 purposes of this subdivision and a world language for purposes of subdivision 1a.

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

48.28 (1) students must satisfactorily complete all required English language arts credits;  
48.29 and

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

48.32 (c) Consistent with this subdivision, a high school graduate who demonstrates  
48.33 an intermediate high ACTFL level of functional native proficiency in one language  
48.34 in addition to English is eligible to receive the state bilingual gold seal. A high school  
48.35 graduate who demonstrates an intermediate high ACTFL level of functional native

49.1 proficiency in more than one language in addition to English is eligible to receive the  
 49.2 state multilingual gold seal. A high school graduate who demonstrates an advanced low  
 49.3 ACTFL level of functional proficiency in one language in addition to English is eligible  
 49.4 to receive the state bilingual platinum seal. A high school graduate who demonstrates  
 49.5 an advanced-low ACTFL level of functional proficiency in more than one language in  
 49.6 addition to English is eligible to receive the state multilingual platinum seal.

49.7 (d) ~~School districts and charter schools, in consultation with regional centers of~~  
 49.8 ~~excellence under section 120B.115, must~~ may give students periodic opportunities to  
 49.9 demonstrate their level of proficiency in listening, speaking, reading, and writing in a  
 49.10 language in addition to English. Where valid and reliable assessments are unavailable, a  
 49.11 school district or charter school may rely on ~~a licensed foreign language immersion teacher~~  
 49.12 ~~or a nonlicensed community expert under section 122A.25~~ evaluators trained in assessing  
 49.13 under ACTFL proficiency guidelines to assess a student's level of foreign, heritage, or  
 49.14 indigenous language proficiency under this section. School districts and charter schools  
 49.15 must maintain appropriate records to identify high school graduates eligible to receive the  
 49.16 state bilingual or multilingual seal gold and platinum seals. The school district or charter  
 49.17 school must affix the appropriate seal to the transcript of each high school graduate who  
 49.18 meets the requirements of this subdivision and may affix the seal to the student's diploma. A  
 49.19 school district or charter school must not charge the high school graduate a fee for this seal.

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

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

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

49.32 (h) By August 1, 2015, the colleges and universities of the Minnesota State Colleges  
 49.33 and Universities system must ~~award foreign language credits to a student who receives a~~  
 49.34 ~~state bilingual seal or a state multilingual seal under this subdivision and may establish~~  
 49.35 criteria to translate the seals into college credits based on the world language course  
 49.36 equivalencies identified by the Minnesota State Colleges and Universities faculty and

50.1 staff and, upon request from an enrolled student, the Minnesota State Colleges and  
50.2 Universities may award foreign language credits to a student who receives a Minnesota  
50.3 World Language Proficiency Certificate or a Minnesota World Language Proficiency  
50.4 High Achievement Certificate under subdivision 1a. A student who demonstrated the  
50.5 requisite level of language proficiency in grade 10, 11, or 12 to receive a seal or certificate  
50.6 and is enrolled in a Minnesota State Colleges and Universities institution must request  
50.7 college credits for the student's seal or proficiency certificate within three academic years  
50.8 after graduating from high school. The University of Minnesota is encouraged to award  
50.9 students foreign language academic credits consistent with this paragraph.

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

50.11 Sec. 3. Minnesota Statutes 2014, section 120B.13, subdivision 4, is amended to read:

50.12 Subd. 4. **Rigorous course taking information; AP, IB, and PSEO.** The  
50.13 commissioner shall submit the following information on rigorous course taking,  
50.14 disaggregated by student subgroup, school district, and postsecondary institution, to the  
50.15 education committees of the legislature each year by February 1:

50.16 (1) the number of pupils enrolled in postsecondary enrollment options under section  
50.17 124D.09, including concurrent enrollment, career and technical education courses offered  
50.18 as a concurrent enrollment course, advanced placement, and international baccalaureate  
50.19 courses in each school district;

50.20 (2) the number of teachers in each district attending training programs offered by the  
50.21 college board, International Baccalaureate North America, Inc., or Minnesota concurrent  
50.22 enrollment programs;

50.23 (3) the number of teachers in each district participating in support programs;

50.24 (4) recent trends in the field of postsecondary enrollment options under section  
50.25 124D.09, including concurrent enrollment, advanced placement, and international  
50.26 baccalaureate programs;

50.27 (5) expenditures for each category in this section and under sections 124D.09 and  
50.28 124D.091, including career and technical education courses offered as a concurrent  
50.29 enrollment course; and

50.30 (6) other recommendations for the state program or the postsecondary enrollment  
50.31 options under section 124D.09, including concurrent enrollment.

50.32 Sec. 4. Minnesota Statutes 2014, section 120B.30, subdivision 3, is amended to read:

50.33 Subd. 3. **Reporting.** The commissioner shall report test results publicly and to  
50.34 stakeholders, including the performance achievement levels developed from students'

51.1 unweighted test scores in each tested subject and a listing of demographic factors that  
51.2 strongly correlate with student performance, including student homelessness , among  
51.3 other factors. The test results must not include personally identifiable information as  
51.4 defined in Code of Federal Regulations, title 34, section 99.3. The commissioner shall  
51.5 also report data that compares performance results among school sites, school districts,  
51.6 Minnesota and other states, and Minnesota and other nations. The commissioner shall  
51.7 disseminate to schools and school districts a more comprehensive report containing  
51.8 testing information that meets local needs for evaluating instruction and curriculum. The  
51.9 commissioner shall disseminate to charter school authorizers a more comprehensive report  
51.10 containing testing information that contains anonymized data where cell count data are  
51.11 sufficient to protect student identity and that meets the authorizer's needs in fulfilling its  
51.12 obligations under section 124D.10.

51.13 **EFFECTIVE DATE.** This section is effective the day following final enactment  
51.14 and applies to school year reports for the 2015-2016 school year and later.

51.15 Sec. 5. Minnesota Statutes 2014, section 120B.31, subdivision 4, is amended to read:

51.16 Subd. 4. **Student performance data.** In developing policies and assessment  
51.17 processes to hold schools and districts accountable for high levels of academic standards  
51.18 under section 120B.021, the commissioner shall aggregate student data over time to  
51.19 report student performance and growth levels measured at the school, school district, and  
51.20 statewide level. When collecting and reporting the performance data, the commissioner  
51.21 shall organize and report the data so that state and local policy makers can understand the  
51.22 educational implications of changes in districts' demographic profiles over time, including  
51.23 student homelessness, among other demographic factors. Any report the commissioner  
51.24 disseminates containing summary data on student performance must integrate student  
51.25 performance and the demographic factors that strongly correlate with that performance.

51.26 **EFFECTIVE DATE.** This section is effective the day following final enactment  
51.27 and applies to school year reports for the 2015-2016 school year and later.

51.28 Sec. 6. Minnesota Statutes 2014, section 120B.36, subdivision 1, is amended to read:

51.29 Subdivision 1. **School performance reports.** (a) The commissioner shall report  
51.30 student academic performance under section 120B.35, subdivision 2; the percentages of  
51.31 students showing low, medium, and high growth under section 120B.35, subdivision  
51.32 3, paragraph (b); school safety and student engagement and connection under section  
51.33 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35,

52.1 subdivision 3, paragraph (c); the percentage of students under section 120B.35,  
52.2 subdivision 3, paragraph (b), clause (2), whose progress and performance levels are  
52.3 meeting career and college readiness benchmarks under sections 120B.30, subdivision 1,  
52.4 and 120B.35, subdivision 3, paragraph (e); longitudinal data on the progress of eligible  
52.5 districts in reducing disparities in students' academic achievement and realizing racial  
52.6 and economic integration under section 124D.861; the acquisition of English, and  
52.7 where practicable, native language academic literacy, including oral academic language,  
52.8 and the academic progress of English learners under section 124D.59, subdivisions  
52.9 2 and 2a; two separate student-to-teacher ratios that clearly indicate the definition of  
52.10 teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these  
52.11 ratios; staff characteristics excluding salaries; student enrollment demographics; student  
52.12 homelessness and district mobility; and extracurricular activities. The report also must  
52.13 indicate a school's adequate yearly progress status under applicable federal law, and must  
52.14 not set any designations applicable to high- and low-performing schools due solely to  
52.15 adequate yearly progress status.

52.16 (b) The commissioner shall develop, annually update, and post on the department  
52.17 Web site school performance reports.

52.18 (c) The commissioner must make available performance reports by the beginning  
52.19 of each school year.

52.20 (d) A school or district may appeal its adequate yearly progress status in writing to  
52.21 the commissioner within 30 days of receiving the notice of its status. The commissioner's  
52.22 decision to uphold or deny an appeal is final.

52.23 (e) School performance data are nonpublic data under section 13.02, subdivision 9,  
52.24 until the commissioner publicly releases the data. The commissioner shall annually post  
52.25 school performance reports to the department's public Web site no later than September 1,  
52.26 except that in years when the reports reflect new performance standards, the commissioner  
52.27 shall post the school performance reports no later than October 1.

52.28 **EFFECTIVE DATE.** This section is effective the day following final enactment  
52.29 and applies to school year reports for the 2015-2016 school year and later.

52.30 Sec. 7. Minnesota Statutes 2014, section 124D.09, subdivision 5, is amended to read:

52.31 Subd. 5. **Authorization; notification.** Notwithstanding any other law to the  
52.32 contrary, an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled  
52.33 tribal contract or grant school eligible for aid under section 124D.83, except a foreign  
52.34 exchange pupil enrolled in a district under a cultural exchange program, may apply to an  
52.35 eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by

53.1 that postsecondary institution. Notwithstanding any other law to the contrary, a 9th or 10th  
53.2 grade pupil enrolled in a district or an American Indian-controlled tribal contract or grant  
53.3 school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in  
53.4 a district under a cultural exchange program, may apply to enroll in nonsectarian courses  
53.5 offered under subdivision 10, if (1) after all 11th and 12th grade students have applied  
53.6 for a course, additional students are necessary to offer the course and the school district  
53.7 and the eligible postsecondary institution providing the course agree to the student's  
53.8 enrollment or (2) the course is a world language course currently available to 11th and  
53.9 12th grade students, and consistent with section 120B.022 governing world language  
53.10 standards, certificates, and seals. If an institution accepts a secondary pupil for enrollment  
53.11 under this section, the institution shall send written notice to the pupil, the pupil's school  
53.12 or school district, and the commissioner within ten days of acceptance. The notice must  
53.13 indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for  
53.14 postsecondary credit, the institution must notify the pupil about payment in the customary  
53.15 manner used by the institution.

53.16 Sec. 8. Minnesota Statutes 2014, section 124D.09, subdivision 8, is amended to read:

53.17 Subd. 8. **Limit on participation.** A pupil who first enrolls in grade 9 may not  
53.18 enroll in postsecondary courses under this section for secondary credit for more than  
53.19 the equivalent of four academic years. A pupil who first enrolls in grade 10 may not  
53.20 enroll in postsecondary courses under this section for secondary credit for more than  
53.21 the equivalent of three academic years. A pupil who first enrolls in grade 11 may not  
53.22 enroll in postsecondary courses under this section for secondary credit for more than the  
53.23 equivalent of two academic years. A pupil who first enrolls in grade 12 may not enroll in  
53.24 postsecondary courses under this section for secondary credit for more than the equivalent  
53.25 of one academic year. If a pupil in grade 9, 10, 11, or 12 first enrolls in a postsecondary  
53.26 course for secondary credit during the school year, the time of participation shall be  
53.27 reduced proportionately. If a pupil is in a learning year or other year-round program and  
53.28 begins each grade in the summer session, summer sessions shall not be counted against  
53.29 the time of participation. If a school district determines a pupil is not on track to graduate,  
53.30 the limit on participation does not apply to that pupil. A pupil who has graduated from  
53.31 high school cannot participate in a program under this section. A pupil who has completed  
53.32 course requirements for graduation but who has not received a diploma may participate in  
53.33 the program under this section.

53.34 Sec. 9. Minnesota Statutes 2014, section 124D.091, subdivision 1, is amended to read:

54.1 Subdivision 1. **Accreditation.** To establish a uniform standard by which  
54.2 concurrent enrollment courses and professional development activities may be measured,  
54.3 postsecondary institutions ~~are encouraged to apply for accreditation by~~ must adopt and  
54.4 implement the National Alliance of Concurrent Enrollment Partnership Partnership's  
54.5 program standards and required evidence for accreditation by the 2020-2021 school year  
54.6 and later.

54.7 Sec. 10. Minnesota Statutes 2014, section 124D.165, subdivision 2, is amended to read:

54.8 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,  
54.9 parents or guardians must meet the following eligibility requirements:

54.10 (1) have a child three or four years of age on September 1 of the current school year,  
54.11 who has not yet started kindergarten; and

54.12 (2) have income equal to or less than 185 percent of federal poverty level income  
54.13 in the current calendar year, or be able to document their child's current participation in  
54.14 the free and reduced-price lunch program or child and adult care food program, National  
54.15 School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food  
54.16 Distribution Program on Indian Reservations, Food and Nutrition Act, United States  
54.17 Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for  
54.18 School Readiness Act of 2007; Minnesota family investment program under chapter 256J;  
54.19 child care assistance programs under chapter 119B; the supplemental nutrition assistance  
54.20 program; or placement in foster care under section 260C.212.

54.21 (b) Notwithstanding the other provisions of this section, a parent under age 21 who  
54.22 is pursuing a high school or general education equivalency diploma or postsecondary  
54.23 training or education is eligible for an early learning scholarship if the parent has a child  
54.24 age zero to five years old and meets the income eligibility guidelines in this subdivision.

54.25 (c) Any siblings between the ages zero to five years old of a child who has been  
54.26 awarded a scholarship under this section must be awarded a scholarship upon request,  
54.27 provided the sibling attends the same program as long as funds are available.

54.28 (d) Beginning September 1, 2015, any child under the age of five years old on  
54.29 September 1 of the current school year who has not started kindergarten and is a recipient  
54.30 of an Early Learning Scholarship funded under the federal Race to the Top - Early Learning  
54.31 Challenge Grant must receive a scholarship under this section at the end of the child's Race  
54.32 to the Top - Early Learning Challenge Grant scholarship as long as funds are available.

54.33 ~~(d)~~ (e) A child who has received a scholarship under this section must continue to  
54.34 receive a scholarship each year until that child is eligible for kindergarten under section  
54.35 120A.20 and as long as funds are available.

55.1 ~~(e)~~ (f) Early learning scholarships may not be counted as earned income for the  
 55.2 purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L,  
 55.3 Minnesota family investment program under chapter 256J, child care assistance programs  
 55.4 under chapter 119B, or Head Start under the federal Improving Head Start for School  
 55.5 Readiness Act of 2007.

55.6 Sec. 11. Minnesota Statutes 2014, section 124D.165, subdivision 3, is amended to read:

55.7 Subd. 3. **Administration.** (a) The commissioner shall establish application  
 55.8 timelines and determine the schedule for awarding scholarships that meets operational  
 55.9 needs of eligible families and programs.

55.10 (b) The commissioner may prioritize applications on factors including:

55.11 (1) family income;

55.12 (2) geographic location; and

55.13 (3) whether the ~~child's family~~ child:

55.14 (i) is in foster care;

55.15 (ii) is experiencing homelessness;

55.16 (iii) is on a waiting list for a publicly funded program providing early education  
 55.17 or child care services; or

55.18 (iv) has a parent under age 21 who is pursuing a high school or postsecondary  
 55.19 training or education.

55.20 ~~(b)~~ (c) For fiscal years 2014 and 2015 only, scholarships may not exceed \$5,000  
 55.21 per year for each eligible child. For fiscal year 2016 and later, the commissioner shall  
 55.22 establish a target for the average scholarship amount per child based on the results of the  
 55.23 rate survey conducted under section 119B.02.

55.24 ~~(e)~~ (d) A four-star rated program that has children eligible for a scholarship enrolled  
 55.25 in or on a waiting list for a program beginning in July, August, or September may notify  
 55.26 the commissioner, in the form and manner prescribed by the commissioner, each year  
 55.27 of the program's desire to enhance program services or to serve more children than  
 55.28 current funding provides. The commissioner may designate a predetermined number of  
 55.29 scholarship slots for that program and notify the program of that number. Beginning July  
 55.30 1, 2016, a school district or Head Start program qualifying under this paragraph may  
 55.31 use its established registration process to enroll scholarship recipients and may verify a  
 55.32 scholarship recipient's family income in the same manner as for other program participants.

55.33 ~~(d)~~ (e) A scholarship is awarded for a 12-month period. If the scholarship recipient  
 55.34 has not been accepted and subsequently enrolled in a rated program within ~~ten~~ six months  
 55.35 of the awarding of the scholarship, the scholarship cancels and the recipient must reapply

56.1 in order to be eligible for another scholarship. A child may not be awarded more than one  
56.2 scholarship in a 12-month period.

56.3 ~~(e)~~ (f) A child who receives a scholarship who has not completed development  
56.4 screening under sections 121A.16 to 121A.19 must complete that screening within 90  
56.5 days of first attending an eligible program.

56.6 ~~(f)~~ (g) For fiscal year 2017 and later, a school district or Head Start program enrolling  
56.7 scholarship recipients under paragraph ~~(e)~~ (d) may apply to the commissioner, in the form  
56.8 and manner prescribed by the commissioner, for direct payment of state aid. Upon receipt  
56.9 of the application, the commissioner must pay each program directly for each approved  
56.10 scholarship recipient enrolled under paragraph ~~(e)~~ (d) according to the metered payment  
56.11 system or another schedule established by the commissioner.

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

56.13 Sec. 12. Minnesota Statutes 2014, section 124D.165, subdivision 4, is amended to read:

56.14 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept  
56.15 an early learning scholarship, a program must:

56.16 (1) participate in the quality rating and improvement system under section  
56.17 124D.142; and

56.18 (2) beginning July 1, 2016, have a three- or four-star rating in the quality rating  
56.19 and improvement system.

56.20 ~~(b) Any program accepting scholarships must use the revenue to supplement and not~~  
56.21 ~~supplant federal funding.~~

56.22 ~~(e)~~ (b) Notwithstanding paragraph (a), all Minnesota early learning foundation  
56.23 scholarship program pilot sites are eligible to accept an early learning scholarship under  
56.24 this section.

56.25 (c) A provider is not eligible to participate in the scholarship program under this  
56.26 section if:

56.27 (1) the provider has been disqualified from receiving payment for child care services  
56.28 from the child care assistance program under chapter 119B due to wrongfully obtaining  
56.29 child care assistance under section 256.98, subdivision 8, paragraph (c);

56.30 (2) the program or individual is currently on the national disqualified list for the  
56.31 Child and Adult Care Food Program; or

56.32 (3) the program or provider has been convicted of any activity that occurred during  
56.33 the past seven years indicating a lack of business integrity, including fraud, making false  
56.34 statements, receiving stolen property, making false claims, or obstruction of justice.

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

57.2 Sec. 13. Minnesota Statutes 2014, section 124D.165, is amended by adding a  
57.3 subdivision to read:

57.4 **Subd. 4a. Record-keeping requirements.** A program participating under  
57.5 this section must maintain and, at the commissioner's request, make available to the  
57.6 commissioner the attendance records and records of charges and payments for all children  
57.7 participating in this program, including payments from sources other than this program.

57.8 Sec. 14. Minnesota Statutes 2014, section 124D.165, is amended by adding a  
57.9 subdivision to read:

57.10 **Subd. 6. Use of funds.** (a) Scholarships must be used to supplement and not  
57.11 supplant federal funding.

57.12 (b) A scholarship must be used in a program the child regularly attends to ensure  
57.13 the child's access to the general curriculum of the program, consistent with the program  
57.14 schedule.

57.15 Sec. 15. Minnesota Statutes 2014, section 124D.73, subdivision 3, is amended to read:

57.16 **Subd. 3. ~~Advisory task force~~ Tribal Nations Education Committee.** "Advisory  
57.17 task force" "Tribal Nations Education Committee" means the ~~state advisory task force~~  
57.18 committee established through tribal directive that the commissioner consults with  
57.19 on American Indian education programs, policy, and all matters related to educating  
57.20 Minnesota's American Indian students.

57.21 Sec. 16. Minnesota Statutes 2014, section 124D.73, subdivision 4, is amended to read:

57.22 **Subd. 4. Participating school; American Indian school.** "Participating school"  
57.23 and "American Indian school" mean a school that:

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

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

57.27 Sec. 17. Minnesota Statutes 2014, section 124D.74, subdivision 1, is amended to read:

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

57.31 (1) support postsecondary preparation for pupils;

- 58.1 (2) support the academic achievement of American Indian students ~~with identified~~  
58.2 ~~focus to improve reading and mathematic skills;~~
- 58.3 (3) make the curriculum ~~more~~ relevant to the needs, interests, and cultural heritage  
58.4 of American Indian pupils;
- 58.5 (4) provide positive reinforcement of the self-image of American Indian pupils;
- 58.6 (5) develop intercultural awareness among pupils, parents, and staff; and
- 58.7 (6) supplement, not supplant, state and federal educational and cocurricular programs.

58.8 Program ~~components may include:~~ development of support components for students in  
58.9 ~~the areas of~~ services designed to increase completion and graduation rates of American  
58.10 Indian students must emphasize academic achievement, retention, and attendance;  
58.11 development of support ~~components~~ services for staff, including in-service training and  
58.12 technical assistance in methods of teaching American Indian pupils; research projects,  
58.13 including ~~experimentation with~~ innovative teaching approaches and evaluation of  
58.14 methods of relating to American Indian pupils; provision of ~~personal and vocational~~  
58.15 career counseling to American Indian pupils; modification of curriculum, instructional  
58.16 methods, and administrative procedures to meet the needs of American Indian pupils; and  
58.17 supplemental instruction in American Indian language, literature, history, and culture.  
58.18 Districts offering programs may make contracts for the provision of program ~~components~~  
58.19 services by establishing cooperative liaisons with tribal programs and American Indian  
58.20 social service agencies. These programs may also be provided as components of early  
58.21 childhood and family education programs.

58.22 Sec. 18. Minnesota Statutes 2014, section 124D.74, subdivision 3, is amended to read:

58.23 Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent  
58.24 it is economically feasible, a district or participating school may make provision for the  
58.25 voluntary enrollment of non-American Indian children in the instructional components of  
58.26 an American Indian education program in order that they may acquire an understanding of  
58.27 the cultural heritage of the American Indian children for whom that particular program is  
58.28 designed. However, in determining eligibility to participate in a program, priority must be  
58.29 given to American Indian children. American Indian children and other children enrolled  
58.30 in an existing nonpublic school system may be enrolled on a shared time basis in all  
58.31 academic, targeted services, and American Indian education programs.

58.32 Sec. 19. Minnesota Statutes 2014, section 124D.74, subdivision 6, is amended to read:

58.33 Subd. 6. **Nonverbal courses and extracurricular activities.** In predominantly  
58.34 nonverbal subjects, such as art, music, and physical education, American Indian children

59.1 shall participate fully and on an equal basis with their ~~contemporaries~~ peers in school  
59.2 classes provided for these subjects. Every school district or participating school shall  
59.3 ensure to children enrolled in American Indian education programs an equal and  
59.4 meaningful opportunity to participate fully with other children in all extracurricular  
59.5 activities. This subdivision shall not be construed to prohibit instruction in nonverbal  
59.6 subjects or extracurricular activities which relate to the cultural heritage of the American  
59.7 Indian children, or which are otherwise necessary to accomplish the objectives described  
59.8 in sections 124D.71 to 124D.82.

59.9 Sec. 20. Minnesota Statutes 2014, section 124D.75, subdivision 1, is amended to read:

59.10 Subdivision 1. **American Indian language and culture education licenses.** The  
59.11 Board of Teaching, in consultation with the Tribal Nations Education Committee, must  
59.12 grant initial and continuing teaching licenses in American Indian language and culture  
59.13 education that bear the same duration as other initial and continuing licenses. The board  
59.14 must grant licenses to persons who present satisfactory evidence that they:

59.15 (1) possess competence in an American Indian language or possess unique  
59.16 qualifications relative to or knowledge and understanding of American Indian history  
59.17 and culture; or

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

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

59.25 Sec. 21. Minnesota Statutes 2014, section 124D.75, subdivision 3, is amended to read:

59.26 Subd. 3. **Resolution or letter.** All persons applying for a license under this section  
59.27 must submit to the board a resolution or letter of support signed by an American Indian  
59.28 tribal government ~~or its designee~~. All persons holding a license under this section ~~on July~~  
59.29 ~~1, 1995~~, must have on file or file with the board a resolution or letter of support signed by  
59.30 a tribal government ~~or its designee by January 1, 1996, or the next renewal date of the~~  
59.31 ~~license thereafter~~.

59.32 Sec. 22. Minnesota Statutes 2014, section 124D.75, subdivision 9, is amended to read:

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

60.8 Sec. 23. Minnesota Statutes 2014, section 124D.76, is amended to read:

60.9 **124D.76 TEACHERS-AIDES; COMMUNITY COORDINATORS, INDIAN**  
 60.10 **HOME/SCHOOL LIAISONS, PARAPROFESSIONALS.**

60.11 In addition to employing American Indian language and culture education teachers,  
 60.12 each district or participating school providing programs pursuant to sections 124D.71 to  
 60.13 124D.82 may employ ~~teachers'-aides~~ paraprofessionals. ~~Teachers'-aides~~ Paraprofessionals  
 60.14 must not be employed for the purpose of supplanting American Indian language and  
 60.15 culture education teachers.

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

60.23 Sec. 24. Minnesota Statutes 2014, section 124D.78, is amended to read:

60.24 **124D.78 PARENT AND COMMUNITY PARTICIPATION.**

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

61.1 The American Indian education parent advisory committee must develop its  
61.2 recommendations in consultation with the curriculum advisory committee required by  
61.3 section 120B.11, subdivision 3. This committee must afford parents the necessary  
61.4 information and the opportunity effectively to express their views concerning all aspects  
61.5 of American Indian education and the educational needs of the American Indian children  
61.6 enrolled in the school or program. ~~The committee must also address the need for adult~~  
61.7 ~~education programs for American Indian people in the community.~~ The school board or  
61.8 American Indian school must ensure that programs are planned, operated, and evaluated  
61.9 with the involvement of and in consultation with parents of children students served by  
61.10 the programs.

61.11 Subd. 2. **Resolution of concurrence.** Prior to ~~December~~ March 1, the school  
61.12 board or American Indian school must submit to the department a copy of a resolution  
61.13 adopted by the American Indian education parent advisory committee. The copy must be  
61.14 signed by the chair of the committee and must state whether the committee concurs with  
61.15 the educational programs for American Indian children students offered by the school  
61.16 board or American Indian school. If the committee does not concur with the educational  
61.17 programs, the reasons for nonconcurrence and recommendations shall be submitted with  
61.18 the resolution. By resolution, the board must respond in writing within 60 days, in cases  
61.19 of nonconcurrence, to each recommendation made by the committee and state its reasons  
61.20 for not implementing the recommendations.

61.21 Subd. 3. **Membership.** The American Indian education parent advisory committee  
61.22 must be composed of parents of children eligible to be enrolled in American Indian  
61.23 education programs; secondary students eligible to be served; American Indian language  
61.24 and culture education teachers and aides paraprofessionals; American Indian teachers;  
61.25 counselors; adult American Indian people enrolled in educational programs; and  
61.26 representatives from community groups. A majority of each committee must be parents  
61.27 of children enrolled or eligible to be enrolled in the programs. The number of parents  
61.28 of American Indian and non-American Indian children shall reflect approximately the  
61.29 proportion of children of those groups enrolled in the programs.

61.30 Subd. 4. **Alternate committee.** If the organizational membership or the board  
61.31 of directors of an American Indian school consists of parents of children attending the  
61.32 school, that membership or board may serve also as the American Indian education parent  
61.33 advisory committee.

61.34 Sec. 25. Minnesota Statutes 2014, section 124D.79, subdivision 1, is amended to read:

62.1 Subdivision 1. **American Indian community involvement.** The commissioner  
 62.2 must provide for the maximum involvement of the ~~state committees on American Indian~~  
 62.3 ~~education~~ Tribal Nations Education Committee, parents of American Indian children,  
 62.4 secondary students eligible to be served, American Indian language and culture education  
 62.5 teachers, American Indian teachers, ~~teachers' aides~~ paraprofessionals, representatives of  
 62.6 community groups, and persons knowledgeable in the field of American Indian education,  
 62.7 in the formulation of policy and procedures relating to the administration of sections  
 62.8 124D.71 to 124D.82. The commissioner must annually hold a field hearing on Indian  
 62.9 education to gather input from American Indian educators, parents, and students on the  
 62.10 state of American Indian education in Minnesota. Results of the hearing must be made  
 62.11 available to all 11 tribal nations for review and comment.

62.12 Sec. 26. Minnesota Statutes 2014, section 124D.79, subdivision 2, is amended to read:

62.13 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance  
 62.14 to districts, schools and postsecondary institutions for preservice and in-service training  
 62.15 for teachers, American Indian education teachers and ~~teacher's aides~~, paraprofessionals  
 62.16 specifically designed to implement culturally responsive teaching methods, culturally  
 62.17 based curriculum development, testing and testing mechanisms, and the development of  
 62.18 materials for American Indian education programs.

62.19 Sec. 27. Minnesota Statutes 2014, section 124D.791, subdivision 4, is amended to read:

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

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

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

62.25 (3) engage the tribal bodies, community groups, parents of children eligible to be  
 62.26 served by American Indian education programs, American Indian administrators and  
 62.27 teachers, persons experienced in the training of teachers for American Indian education  
 62.28 programs, the tribally controlled schools, and other persons knowledgeable in the field of  
 62.29 American Indian education and seek their advice on policies that can improve the quality  
 62.30 of American Indian education;

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

62.32 (i) issues facing American Indian students;

62.33 (ii) policies for American Indian education;

- 63.1 (iii) awarding scholarships to eligible American Indian students and in administering  
63.2 the commissioner's duties regarding awarding of American Indian ~~postsecondary~~  
63.3 ~~preparation~~ education grants to school districts; and
- 63.4 (iv) administration of the commissioner's duties under sections 124D.71 to 124D.82  
63.5 and other programs for the education of American Indian people;
- 63.6 (5) propose to the commissioner legislative changes that will improve the quality  
63.7 of American Indian education;
- 63.8 (6) develop a strategic plan and a long-term framework for American Indian  
63.9 education, in conjunction with the Minnesota Indian Affairs Council, that is updated every  
63.10 five years and implemented by the commissioner, with goals to:
- 63.11 (i) increase American Indian student achievement, including increased levels of  
63.12 proficiency and growth on statewide accountability assessments;
- 63.13 (ii) increase the number of American Indian teachers in public schools;
- 63.14 (iii) close the achievement gap between American Indian students and their more  
63.15 advantaged peers;
- 63.16 (iv) increase the statewide graduation rate for American Indian students; and
- 63.17 (v) increase American Indian student placement in postsecondary programs and  
63.18 the workforce; and
- 63.19 (7) keep the American Indian community informed about the work of the department  
63.20 by reporting to the Tribal Nations Education Committee at each committee meeting.

63.21 **Sec. 28. REPORT ON ASSESSING STUDENTS' PROFICIENCY IN FOREIGN**  
63.22 **LANGUAGES FOR WHICH ACTFL ASSESSMENTS ARE NOT AVAILABLE.**

63.23 By February 1, 2016, the commissioner of education, in consultation with the  
63.24 chancellor of the Minnesota State Colleges and Universities, may prepare and submit to  
63.25 the K-12 and higher education committees of the legislature a report recommending how  
63.26 best to: assess students' foreign language proficiency under Minnesota Statutes, section  
63.27 120B.022, subdivisions 1a and 1b, when ACTFL or equivalent valid and reliable language  
63.28 proficiency assessments are not available; create guidelines for curriculum, instruction,  
63.29 and assessments for foreign languages for which no written forms exist; and, if needed,  
63.30 train a corps of individuals qualified to assess students' foreign language proficiency. The  
63.31 commissioner, when preparing the report, must also consult with postsecondary world  
63.32 languages faculty, teachers of English to speakers of other languages, other experts on  
63.33 teaching language and culture and acquiring language, state councils whose constituencies  
63.34 include nonnative English language speakers, and other stakeholders.

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

64.1 Sec. 29. **REPEALER.**

64.2 Minnesota Statutes 2014, sections 120B.35, subdivision 5; and 126C.12, subdivision  
64.3 6, are repealed.

64.4 **ARTICLE 4**

64.5 **EDUCATION PROGRAMS**

64.6 Section 1. Minnesota Statutes 2014, section 120A.41, is amended to read:

64.7 **120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

64.8 A school board's annual school calendar must include at least 425 hours of  
64.9 instruction for a kindergarten student without a disability, 935 hours of instruction for a  
64.10 student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7  
64.11 through 12, not including summer school. The school calendar for all-day kindergarten  
64.12 must include at least 850 hours of instruction for the school year. A school board's annual  
64.13 calendar must include at least 165 days of instruction for a student in grades 1 through  
64.14 11 unless a four-day week schedule has been approved by the ~~commissioner~~ board under  
64.15 section ~~124D.126~~ 124D.122.

64.16 Sec. 2. Minnesota Statutes 2014, section 120B.12, subdivision 4a, is amended to read:

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

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

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

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

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

64.31 (5) identification of staff development needs, including a program to meet those  
64.32 needs.

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

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

65.2 Sec. 3. Minnesota Statutes 2014, section 124D.09, subdivision 5a, is amended to read:

65.3 Subd. 5a. **Authorization; career or technical education.** A 10th, 11th, or 12th  
65.4 grade pupil enrolled in a district or an American Indian-controlled tribal contract or grant  
65.5 school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in  
65.6 a district under a cultural exchange program, may enroll in a career or technical education  
65.7 course offered by a Minnesota state college or university. A 10th grade pupil applying  
65.8 for enrollment in a career or technical education course under this subdivision must have  
65.9 received a passing score on the 8th grade Minnesota Comprehensive Assessment in  
65.10 reading as a condition of enrollment. A current 10th grade pupil who did not take the 8th  
65.11 grade Minnesota Comprehensive Assessment in reading may substitute another reading  
65.12 assessment accepted by the enrolling postsecondary institution. A secondary pupil may  
65.13 enroll in the pupil's first postsecondary options enrollment course under this subdivision.  
65.14 A student who is refused enrollment by a Minnesota state college or university under this  
65.15 subdivision may apply to an eligible institution offering a career or technical education  
65.16 course. The postsecondary institution must give priority to its students according to  
65.17 subdivision 9. If a secondary student receives a grade of "C" or better in the career or  
65.18 technical education course taken under this subdivision, the postsecondary institution  
65.19 must allow the student to take additional postsecondary courses for secondary credit at  
65.20 that institution, not to exceed the limits in subdivision 8. A "career or technical course" is  
65.21 a course that is part of a career and technical education program that provides individuals  
65.22 with coherent, rigorous content aligned with academic standards and relevant technical  
65.23 knowledge and skills needed to prepare for further education and careers in current and  
65.24 emerging professions and provide technical skill proficiency, an industry recognized  
65.25 credential, and a certificate, a diploma, or an associate degree.

65.26 Sec. 4. Minnesota Statutes 2014, section 124D.09, subdivision 9, is amended to read:

65.27 Subd. 9. **Enrollment priority.** (a) A postsecondary institution shall give priority to  
65.28 its postsecondary students when enrolling 10th, 11th, and 12th grade pupils in its courses.  
65.29 A postsecondary institution may provide information about its programs to a secondary  
65.30 school or to a pupil or parent and it may advertise or otherwise recruit or solicit a secondary  
65.31 pupil to enroll in its programs on educational and programmatic grounds only except,  
65.32 notwithstanding other law to the contrary, and for the 2014-2015 through 2019-2020  
65.33 school years only, an eligible postsecondary institution may advertise or otherwise recruit

66.1 ~~or solicit a secondary pupil residing in a school district with 700 students or more in grades~~  
 66.2 ~~10, 11, and 12, to enroll in its programs on educational, programmatic, or financial grounds.~~

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

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

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

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

66.19 Sec. 5. Minnesota Statutes 2014, section 124D.09, subdivision 12, is amended to read:

66.20 Subd. 12. **Credits.** A pupil must not audit a course under this section.

66.21 A district shall grant academic credit to a pupil enrolled in a course for secondary  
 66.22 credit if the pupil successfully completes the course. Seven quarter or four semester  
 66.23 college credits equal at least one full year of high school credit. Fewer college credits may  
 66.24 be prorated. A district must also grant academic credit to a pupil enrolled in a course for  
 66.25 postsecondary credit if secondary credit is requested by a pupil. If no comparable course is  
 66.26 offered by the district, the district must, as soon as possible, notify the commissioner, who  
 66.27 shall determine the number of credits that shall be granted to a pupil who successfully  
 66.28 completes a course. If a comparable course is offered by the district, the school board  
 66.29 shall grant a comparable number of credits to the pupil. If there is a dispute between the  
 66.30 district and the pupil regarding the number of credits granted for a particular course, the  
 66.31 pupil may appeal the board's decision to the commissioner. The commissioner's decision  
 66.32 regarding the number of credits shall be final.

66.33 The secondary credits granted to a pupil must be counted toward the graduation  
 66.34 requirements and subject area requirements of the district. Evidence of successful  
 66.35 completion of each course and secondary credits granted must be included in the pupil's

67.1 secondary school record. A pupil shall provide the school with a copy of the pupil's grade  
67.2 in each course taken for secondary credit under this section. Upon the request of a pupil,  
67.3 the pupil's secondary school record must also include evidence of successful completion  
67.4 and credits granted for a course taken for postsecondary credit. In either case, the record  
67.5 must indicate that the credits were earned at a postsecondary institution.

67.6 If a pupil enrolls in a postsecondary institution after leaving secondary school, the  
67.7 postsecondary institution must award postsecondary credit for any course successfully  
67.8 completed for secondary credit at that institution. Other postsecondary institutions may  
67.9 award, after a pupil leaves secondary school, postsecondary credit for any courses  
67.10 successfully completed under this section. An institution may not charge a pupil for  
67.11 the award of credit.

67.12 The Board of Trustees of the Minnesota State Colleges and Universities and  
67.13 the Board of Regents of the University of Minnesota must, and private nonprofit and  
67.14 proprietary postsecondary institutions should, award postsecondary credit for any  
67.15 successfully completed courses in a program certified by the National Alliance of  
67.16 Concurrent Enrollment Partnerships offered according to an agreement under subdivision  
67.17 10. Consistent with section 135A.101, subdivision 3, all MnSCU institutions must give  
67.18 full credit to a secondary pupil who completes for postsecondary credit a postsecondary  
67.19 course or program that is part or all of a goal area or a transfer curriculum at a MnSCU  
67.20 institution when the pupil enrolls in a MnSCU institution after leaving secondary school.  
67.21 Once one MnSCU institution certifies as completed a secondary student's postsecondary  
67.22 course or program that is part or all of a goal area or a transfer curriculum, every MnSCU  
67.23 institution must consider the student's course or program for that goal area or the transfer  
67.24 curriculum as completed.

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

67.27 Sec. 6. Minnesota Statutes 2014, section 124D.121, is amended to read:

67.28 **124D.121 DEFINITION OF FLEXIBLE LEARNING YEAR PROGRAM.**

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

68.1 Sec. 7. Minnesota Statutes 2014, section 124D.122, is amended to read:

68.2 **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.**

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

68.8 Sec. 8. Minnesota Statutes 2014, section 124D.126, subdivision 1, is amended to read:

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

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

68.11 ~~(2) (1) cooperate with and provide supervision of flexible learning year programs~~  
 68.12 ~~to determine compliance with the provisions of sections 124D.12 to 124D.127, the~~  
 68.13 ~~commissioner's standards and qualifications, and the proposed program as submitted~~  
 68.14 ~~and approved;~~

68.15 ~~(3) (2) provide any necessary adjustments of (a) attendance and membership~~  
 68.16 ~~computations and (b) the dates and percentages of apportionment of state aids; and~~

68.17 ~~(4) (3) consistent with the definition of "average daily membership" in section~~  
 68.18 ~~126C.05, subdivision 8, furnish the board of a district implementing a flexible learning~~  
 68.19 ~~year program with a formula for computing average daily membership. This formula must~~  
 68.20 ~~be computed so that tax levies to be made by the district, state aids to be received by the~~  
 68.21 ~~district, and any and all other formulas based upon average daily membership are not~~  
 68.22 ~~affected solely as a result of adopting this plan of instruction.~~

68.23 Sec. 9. Minnesota Statutes 2014, section 124D.127, is amended to read:

68.24 **124D.127 TERMINATION OF FLEXIBLE LEARNING YEAR PROGRAM.**

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

68.29 Sec. 10. Minnesota Statutes 2014, section 124D.128, subdivision 1, is amended to read:

68.30 Subdivision 1. **Program established.** A learning year program provides instruction  
 68.31 throughout the year on an extended year calendar, extended school day calendar, or  
 68.32 both. ~~A pupil may participate in the program and accelerate attainment of grade level~~  
 68.33 ~~requirements or graduation requirements.~~ A learning year program may begin after the

69.1 close of the regular school year in June. The program may be for students in one or more  
69.2 grade levels from kindergarten through grade 12.

69.3 Sec. 11. Minnesota Statutes 2014, section 124D.13, subdivision 4, is amended to read:

69.4 Subd. 4. **Home visiting program.** (a) A district that levies for home visiting under  
69.5 section 124D.135, subdivision 6, shall use this revenue to include as part of the early  
69.6 childhood family education programs a parent education component that is designed to  
69.7 reach isolated or at-risk families.

69.8 The home visiting program must:

69.9 (1) incorporate evidence-informed parenting education practices designed to support  
69.10 the healthy growth and development of children, with a priority focus on reaching those  
69.11 children who have high needs at as early an age as possible;

69.12 (2) establish clear objectives and protocols for home visits;

69.13 (3) encourage families to make a transition from home visits to site-based parenting  
69.14 programs;

69.15 (4) provide program services that are community-based, accessible, and culturally  
69.16 relevant;

69.17 (5) foster collaboration among existing agencies and community-based organizations  
69.18 that serve young children and their families, such as public health evidence-based models  
69.19 of home visiting and Head Start home visiting; and

69.20 (6) provide information about and assist in making arrangements for an early  
69.21 childhood health and developmental screening when the child nears his or her third birthday.

69.22 The home visiting program should be provided by licensed parenting educators,  
69.23 certified family life educators, or professionals with an equivalent license that reflect the  
69.24 demographic composition of the community to the extent possible.

69.25 (b) A home visiting program must include information focused on early brain  
69.26 development, including but not limited to brain development at different stages of life,  
69.27 expectations of cognitive functions at different stages of life, suggested activities to  
69.28 encourage healthy brain development, and suggested activities to discourage negative  
69.29 brain development based on a child's surroundings.

69.30 **EFFECTIVE DATE.** This section is effective July 1, 2015.

69.31 Sec. 12. Minnesota Statutes 2014, section 125A.01, is amended to read:

69.32 **125A.01 DEFINITIONS.**

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

70.3            Subd. 2. **Dyslexia.** "Dyslexia" means a specific learning disability that is  
70.4 neurological in origin. It is characterized by difficulties with accurate or fluent recognition  
70.5 of words and by poor spelling and decoding abilities. These difficulties typically result  
70.6 from a deficit in the phonological component of language that is often unexpected in  
70.7 relation to other cognitive abilities and the provision of effective classroom instruction.  
70.8 Secondary consequences may include problems in reading comprehension and reduced  
70.9 reading experience that can impede the growth of vocabulary and background knowledge.

70.10          Sec. 13. Minnesota Statutes 2014, section 135A.101, is amended by adding a  
70.11 subdivision to read:

70.12          Subd. 3. **Minnesota transfer curriculum.** Notwithstanding section 135A.08 or  
70.13 other law to the contrary, all MnSCU institutions must give full credit to a secondary pupil  
70.14 who completes for postsecondary credit a postsecondary course or program that is part or  
70.15 all of a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls  
70.16 in a MnSCU institution after leaving secondary school. Once one MnSCU institution  
70.17 certifies as completed a secondary student's postsecondary course or program that is part  
70.18 or all of a goal area or a transfer curriculum, every MnSCU institution must consider the  
70.19 student's course or program for that goal area or the transfer curriculum as completed.

70.20          **EFFECTIVE DATE.** This section is effective August 1, 2015.

70.21          Sec. 14. **COMMISSIONER OF EDUCATION RECOMMENDATIONS ON**  
70.22 **SERVICE LEARNING.**

70.23          The commissioner of education must make recommendations to the legislature on  
70.24 teacher preparation and licensure requirements in the area of service learning by February  
70.25 15, 2016, consistent with Minnesota Statutes, section 124D.50. The commissioner must  
70.26 consult with service-learning experts, representatives of teacher preparation programs and  
70.27 institutions, community-based service-learning practitioners, licensed teachers, and other  
70.28 interested stakeholders in developing recommendations.

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

70.30          Sec. 15. **TRANSFER CURRICULUM REPORT.**

70.31          By February 1, 2016, the chancellor of the Minnesota State Colleges and  
70.32 Universities must prepare and submit to the K-12 and higher education committees of

71.1 the legislature a report describing the implementation of the transfer curriculum policy  
71.2 for postsecondary enrollment options program students under Minnesota Statutes,  
71.3 sections 124D.09, subdivision 12, and 135A.101, subdivision 3, and how to standardize  
71.4 Advanced Placement, International Baccalaureate, and college-level exam program course  
71.5 equivalencies across all state colleges and universities.

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

71.7 Sec. 16. **REPEALER.**

71.8 Minnesota Rules, part 3500.1000, is repealed.

## 71.9 ARTICLE 5

### 71.10 SPECIAL EDUCATION

71.11 Section 1. Minnesota Statutes 2014, section 122A.31, subdivision 1, is amended to read:

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

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

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

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

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

71.27 (c) A mentor of a provisionally certified interpreter/transliterator must be an  
71.28 interpreter/transliterator who has either NAD level IV or V certification or RID  
71.29 certified interpreter and certified transliterator certification and have at least three  
71.30 years interpreting/transliterating experience in any educational setting. The mentor, in  
71.31 collaboration with the provisionally certified interpreter/transliterator, shall develop and  
71.32 implement an education plan designed to meet the requirements of paragraph (a), clause  
71.33 (1), and include a weekly on-site mentoring process.

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

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

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

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

72.12 As a condition of receiving the extension, the person must comply with a plan  
 72.13 and the accompanying time line for meeting the requirements of this subdivision. A  
 72.14 committee composed of the ~~director of the Minnesota Resource Center Serving Deaf and~~  
 72.15 ~~Hard-of-Hearing, or the director's designee~~ K-12 deaf and hard-of-hearing coordinator,  
 72.16 a representative of the Minnesota Association of Deaf Citizens, a representative of the  
 72.17 Minnesota Registry of Interpreters of the Deaf, and other appropriate persons selected  
 72.18 by the commissioner must develop the plan and time line for the person receiving the  
 72.19 extension.

72.20 (e) A school district may employ only an interpreter/transliterator who has been  
 72.21 certified under paragraph (a) or (b), or for whom a time-limited extension has been  
 72.22 granted under paragraph (d).

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

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

72.30 (b) To provide oral or cued speech transliterator services on a full-time or part-time  
 72.31 basis, a person employed in a school district must comply with paragraph (a). The  
 72.32 commissioner shall grant a nonrenewable, two-year certificate to a school district on behalf  
 72.33 of a person who has not yet attained a current applicable transliterator certificate under  
 72.34 paragraph (a). A person for whom a nonrenewable, two-year certificate is issued must  
 72.35 work under the direction of a licensed teacher who is skilled in language development

73.1 of individuals who are deaf or hard-of-hearing. A person for whom a nonrenewable,  
73.2 two-year certificate is issued also must enroll in a state-approved training program and  
73.3 demonstrate progress towards the certification required under paragraph (a) sufficient for  
73.4 the person to be certified at the end of the two-year period.

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

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

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

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

73.16 As a condition of receiving the extension, the person must comply with a plan  
73.17 and the accompanying time line for meeting the requirements of this subdivision. A  
73.18 committee composed of the ~~director of the Minnesota Resource Center Serving Deaf and~~  
73.19 ~~Hard-of-Hearing, or the director's designee~~ K-12 deaf and hard-of-hearing coordinator,  
73.20 a representative of the Minnesota Association of Deaf Citizens, a representative of the  
73.21 Minnesota Registry of Interpreters of the Deaf, and other appropriate persons selected  
73.22 by the commissioner must develop the plan and time line for the person receiving the  
73.23 extension.

73.24 Sec. 3. Minnesota Statutes 2014, section 123B.88, subdivision 1, is amended to read:

73.25 Subdivision 1. **Providing transportation.** The board may provide for the  
73.26 transportation of pupils to and from school and for any other purpose. The board may  
73.27 also provide for the transportation of pupils to schools in other districts for grades and  
73.28 departments not maintained in the district, including high school, at the expense of the  
73.29 district, when funds are available therefor and if agreeable to the district to which it is  
73.30 proposed to transport the pupils, for the whole or a part of the school year, as it may  
73.31 deem advisable, and subject to its rules. In any district, the board must arrange for the  
73.32 attendance of all pupils living two miles or more from the school, except pupils whose  
73.33 transportation privileges have been voluntarily surrendered under subdivision 2, or  
73.34 whose privileges have been revoked under section 123B.91, subdivision 1, clause (6), or  
73.35 123B.90, subdivision 2. The district may provide for the transportation of or the boarding

74.1 and rooming of the pupils who may be more economically and conveniently provided for  
 74.2 by that means. Arrangements for attendance may include a requirement that parents or  
 74.3 guardians request transportation before it is provided. The board must provide necessary  
 74.4 transportation to and from the home of, consistent with section 123B.92, subdivision 1,  
 74.5 paragraph (b), clause (4), for a child with a disability not yet enrolled in kindergarten  
 74.6 when for the provision of special instruction and services under sections 125A.03 to  
 74.7 125A.24, 125A.26 to 125A.48, and 125A.65 are provided in a location other than in  
 74.8 the child's home. Special instruction and services for a child with a disability not yet  
 74.9 enrolled in kindergarten include an individualized education program team placement  
 74.10 in an early childhood program when that placement is necessary to address the child's  
 74.11 level of functioning and needs. When transportation is provided, scheduling of routes,  
 74.12 establishment of the location of bus stops, manner and method of transportation, control  
 74.13 and discipline of school children, the determination of fees, and any other matter relating  
 74.14 thereto must be within the sole discretion, control, and management of the board. The  
 74.15 district may provide for the transportation of pupils or expend a reasonable amount  
 74.16 for room and board of pupils whose attendance at school can more economically and  
 74.17 conveniently be provided for by that means or who attend school in a building rented or  
 74.18 leased by a district within the confines of an adjacent district.

74.19 Sec. 4. Minnesota Statutes 2014, section 125A.023, subdivision 3, is amended to read:

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

74.22 (a) "Health plan" means:

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

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

74.25 (3) a self-insured health plan established by a local government under section  
 74.26 471.617; or

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

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

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

74.33 (1) services provided under the following programs or initiatives administered  
 74.34 by state or local agencies:

74.35 (i) the maternal and child health program under title V of the Social Security Act;

75.1 (ii) the Minnesota children with special health needs program under sections 144.05  
75.2 and 144.07;

75.3 (iii) the Individuals with Disabilities Education Act, Part B, section 619, and Part  
75.4 C as amended;

75.5 (iv) medical assistance under title 42, chapter 7, of the Social Security Act;

75.6 (v) developmental disabilities services under chapter 256B;

75.7 (vi) the Head Start Act under title 42, chapter 105, of the Social Security Act;

75.8 (vii) vocational rehabilitation services provided under chapters 248 and 268A and  
75.9 the Rehabilitation Act of 1973;

75.10 (viii) Juvenile Court Act services provided under sections 260.011 to 260.91;  
75.11 260B.001 to 260B.446; and 260C.001 to 260C.451;

75.12 (ix) Minnesota Comprehensive Children's Mental Health Act under section 245.487;

75.13 (x) the community health services grants under sections 145.88 to 145.9266;

75.14 (xi) the Local Public Health Act under chapter 145A; and

75.15 (xii) the Vulnerable Children and Adults Act, sections 256M.60 to 256M.80;

75.16 (2) service provision and funding that can be coordinated through:

75.17 (i) the children's mental health collaborative under section 245.493;

75.18 (ii) the family services collaborative under section 124D.23;

75.19 (iii) the community transition interagency committees under section 125A.22; and

75.20 (iv) the interagency early intervention committees under section 125A.259;

75.21 (3) financial and other funding programs to be coordinated including medical  
75.22 assistance under title 42, chapter 7, of the Social Security Act, the MinnesotaCare program  
75.23 under chapter 256L, Supplemental Social Security Income, Developmental Disabilities  
75.24 Assistance, and any other employment-related activities associated with the Social  
75.25 Security Administration; and services provided under a health plan in conformity with an  
75.26 individual family service plan or an individualized education program or an individual  
75.27 interagency intervention plan; and

75.28 (4) additional appropriate services that local agencies and counties provide on  
75.29 an individual need basis upon determining eligibility and receiving a request from (i)  
75.30 the ~~interagency early intervention committee~~ school board or county board and (ii) the  
75.31 child's parent.

75.32 (d) "Children with disabilities" has the meaning given in section 125A.02.

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

76.1 Sec. 5. Minnesota Statutes 2014, section 125A.023, subdivision 4, is amended to read:

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

76.11 (b) The committee shall:

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

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

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

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

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

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

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

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

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

77.1 Sec. 6. Minnesota Statutes 2014, section 125A.027, is amended to read:

77.2 **125A.027 INTERAGENCY EARLY INTERVENTION COMMITTEE**  
 77.3 **RESPONSIBILITIES LOCAL AGENCY COORDINATION RESPONSIBILITIES.**

77.4 Subdivision 1. ~~Additional duties~~ **School board and county board responsibilities.**

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

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

77.15 (c) School and county boards shall coordinate interagency services. Service  
 77.16 responsibilities for eligible children, ages three to 21, may be established in interagency  
 77.17 agreements or joint powers board agreements. In addition, interagency agreements or  
 77.18 joint powers board agreements may be developed to establish agency responsibility that  
 77.19 ensures that coordinated interagency services are coordinated, provided, and paid for and  
 77.20 that payment is facilitated from public and private sources. School boards must provide,  
 77.21 pay for, and facilitate payment for special education services as required under sections  
 77.22 125A.03 and 125A.06. County boards must provide, pay for, and facilitate payment for  
 77.23 those programs over which they have service and fiscal responsibility as referenced in  
 77.24 section 125A.023, subdivision 3, paragraph (c), clause (1).

77.25 Subd. 1a. **Local governance structure.** (a) The governing school boards of  
 77.26 the interagency early intervention committees and county boards are responsible for  
 77.27 developing and implementing interagency policies and procedures to coordinate services  
 77.28 at the local level for children with disabilities ages three to 21 under guidelines established  
 77.29 by the state interagency committee under section 125A.023, subdivision 4. Consistent  
 77.30 with the requirements in this section and section 125A.023, the governing school boards  
 77.31 of the interagency early intervention committees and county boards may organize as a  
 77.32 joint powers board under section 471.59 or enter into an interagency agreement that  
 77.33 establishes a governance structure.

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

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

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

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

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

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

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

78.22 (c) A health plan may not exclude any medically necessary covered service solely  
78.23 because the service is or could be identified in a child's individual family service plan,  
78.24 individualized education program, a plan established under section 504 of the federal  
78.25 Rehabilitation Act of 1973, or a student's individual health plan. This paragraph reaffirms  
78.26 the obligation of a health plan company to provide or pay for certain medically necessary  
78.27 covered services, and encourages a health plan company to coordinate this care with any  
78.28 other providers of similar services. Also, a health plan company may not exclude from a  
78.29 health plan any medically necessary covered service such as an assessment or physical  
78.30 examination solely because the resulting information may be used for an individualized  
78.31 education program or a standardized written plan.

78.32 ~~Subd. 4. **Responsibilities of school and county boards.** (a) It is the joint~~  
78.33 ~~responsibility of school and county boards to coordinate, provide, and pay for appropriate~~  
78.34 ~~services, and to facilitate payment for services from public and private sources.~~  
78.35 ~~Appropriate service for children eligible under section 125A.02 and receiving service~~  
78.36 ~~from two or more public agencies of which one is the public school must be determined in~~

79.1 ~~consultation with parents, physicians, and other education, medical health, and human~~  
79.2 ~~services providers. The services provided must be in conformity with a standardized~~  
79.3 ~~written plan for each eligible child ages 3 to 21.~~

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

79.7 ~~(c) School and county boards shall coordinate interagency services. Service~~  
79.8 ~~responsibilities for eligible children, ages 3 to 21, may be established in interagency~~  
79.9 ~~agreements or joint powers board agreements. In addition, interagency agreements or joint~~  
79.10 ~~powers board agreements may be developed to establish agency responsibility that assures~~  
79.11 ~~that coordinated interagency services are coordinated, provided, and paid for, and that~~  
79.12 ~~payment is facilitated from public and private sources. School boards must provide,~~  
79.13 ~~pay for, and facilitate payment for special education services as required under sections~~  
79.14 ~~125A.03 and 125A.06. County boards must provide, pay for, and facilitate payment for~~  
79.15 ~~those programs over which they have service and fiscal responsibility as referenced in~~  
79.16 ~~section 125A.023, subdivision 3, paragraph (c), clause (1).~~

79.17 Sec. 7. Minnesota Statutes 2014, section 125A.08, is amended to read:

79.18 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

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

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

79.22 (1) all students with disabilities are provided the special instruction and services  
79.23 which are appropriate to their needs. Where the individualized education program team  
79.24 has determined appropriate goals and objectives based on the student's needs, including  
79.25 the extent to which the student can be included in the least restrictive environment,  
79.26 and where there are essentially equivalent and effective instruction, related services, or  
79.27 assistive technology devices available to meet the student's needs, cost to the district may  
79.28 be among the factors considered by the team in choosing how to provide the appropriate  
79.29 services, instruction, or devices that are to be made part of the student's individualized  
79.30 education program. The individualized education program team shall consider and  
79.31 may authorize services covered by medical assistance according to section 256B.0625,  
79.32 subdivision 26. The student's needs and the special education instruction and services to  
79.33 be provided must be agreed upon through the development of an individualized education  
79.34 program. The program must address the student's need to develop skills to live and  
79.35 work as independently as possible within the community. The individualized education

80.1 program team must consider positive behavioral interventions, strategies, and supports  
80.2 that address behavior needs for children ~~with attention deficit disorder or attention deficit~~  
80.3 ~~hyperactivity disorder~~. During grade 9, the program must address the student's needs for  
80.4 transition from secondary services to postsecondary education and training, employment,  
80.5 community participation, recreation, and leisure and home living. In developing the  
80.6 program, districts must inform parents of the full range of transitional goals and related  
80.7 services that should be considered. The program must include a statement of the needed  
80.8 transition services, including a statement of the interagency responsibilities or linkages or  
80.9 both before secondary services are concluded;

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

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

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

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

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

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

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

80.34 (1) before or ~~immediately upon~~ beginning at the time of employment, each  
80.35 paraprofessional ~~develops~~ must develop sufficient knowledge and skills in emergency  
80.36 procedures, building orientation, roles and responsibilities, confidentiality, vulnerability,

81.1 and reportability, among other things, to begin meeting the needs, especially  
 81.2 disability-specific and behavioral needs, of the students with whom the paraprofessional  
 81.3 works;

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

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

81.13 Sec. 8. **[125A.083] STUDENT INFORMATION SYSTEMS; TRANSFERRING**  
 81.14 **RECORDS.**

81.15 To efficiently and effectively meet federal and state compliance and accountability  
 81.16 requirements using an online case management reporting system, school districts may  
 81.17 contract only with a student information system vendor employing a universal filing  
 81.18 system that is compatible with the online system for compliance reporting under section  
 81.19 125A.085 beginning in the 2018-2019 school year and later. A district's universal  
 81.20 filing system under this section must facilitate the seamless transfer of student records  
 81.21 for a student with disabilities who transfers between school districts, including records  
 81.22 containing the student's evaluation report, service plan, and other due process forms and  
 81.23 information, regardless of what filing system any one district uses.

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

81.27 Sec. 9. Minnesota Statutes 2014, section 125A.085, is amended to read:

81.28 **125A.085 ONLINE REPORTING OF REQUIRED DATA.**

81.29 (a) To ensure a strong focus on outcomes for children with disabilities informs  
 81.30 federal and state compliance and accountability requirements and to increase opportunities  
 81.31 for special educators and related-services providers to focus on teaching children with  
 81.32 disabilities, the commissioner must customize a streamlined, user-friendly statewide  
 81.33 online system, with a single model online form, for effectively and efficiently collecting

82.1 and reporting required special education-related data to individuals with a legitimate  
82.2 educational interest and who are authorized by law to access the data.

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

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

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

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

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

82.23 (c) The commissioner must use the federal Office of Special Education Programs  
82.24 model forms for the (1) individualized education program, (2) notice of procedural  
82.25 safeguards, and (3) prior written notice that are consistent with Part B of IDEA to integrate  
82.26 and customize a state-sponsored universal special education online case management  
82.27 system, consistent with the requirements of state law and this section for customizing a  
82.28 statewide online reporting system. The commissioner must use a request for proposal  
82.29 process to contract for the technology and software needed for customizing the online  
82.30 system in order for the system to be fully functional, consistent with the requirements of  
82.31 this section. This online system must be made available to school districts without charge  
82.32 beginning in the 2015-2016 school year. For the 2015-2016 ~~through 2017-2018~~ school  
82.33 years and later, school districts may use this online system or may contract with an outside  
82.34 vendor for compliance reporting. ~~Beginning in the 2018-2019 school year and later,~~  
82.35 ~~school districts must use this online system for compliance reporting.~~

83.1 (d) All data on individuals maintained in the statewide reporting system are  
83.2 classified as provided in chapter 13 or other applicable state or federal law. An authorized  
83.3 individual's ability to enter, update, or access data must be limited through the use of  
83.4 role-based access codes corresponding to that individual's official duties or training level,  
83.5 and the statutory authorization that grants access for a particular purpose. Any action  
83.6 in which data in the system are entered, updated, accessed, or shared or disseminated  
83.7 outside of the system must be recorded in an audit trail. The audit trail must identify the  
83.8 specific user responsible for the action, the date and time the action occurred, and the  
83.9 purpose for the action. Data contained in the audit trail maintain the same classification  
83.10 as the underlying data affected by the action, provided the responsible authority makes  
83.11 the data available to a student or the student's parent upon request, and the responsible  
83.12 authority may access the data to audit the system's user activity and security safeguards.  
83.13 Before entering data on a student, the responsible authority must provide the student or the  
83.14 student's parent written notice of the data practices rights and responsibilities required  
83.15 by this section and a reasonable opportunity to refuse consent to have the student's data  
83.16 included in the system. Upon receiving the student or the student's parent written refusal  
83.17 to consent, the school district must not enter data on that student into the system and must  
83.18 delete any existing data on that student currently in the system.

83.19 (e) Consistent with this section, the commissioner must establish a public Internet  
83.20 Web interface to provide information to educators, parents, and the public about the form  
83.21 and content of required special education reports, to respond to queries from educators,  
83.22 parents, and the public about specific aspects of special education reports and reporting,  
83.23 and to use the information garnered from the interface to streamline and revise special  
83.24 education reporting on the online system under this section. The public Internet Web  
83.25 interface must have a prominently linked page describing the rights and responsibilities  
83.26 of students and parents whose data are included in the statewide reporting system, and  
83.27 include information on the data practices rights of students and parents provided by this  
83.28 section and a form students or parents may use to refuse consent to have a student's data  
83.29 included in the system. The public Internet Web interface must not provide access to the  
83.30 educational records of any individual child.

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

83.33 Sec. 10. Minnesota Statutes 2014, section 125A.0942, subdivision 3, is amended to  
83.34 read:

84.1           Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be  
84.2 used only in an emergency. A school that uses physical holding or seclusion shall meet the  
84.3 following requirements:

84.4           (1) physical holding or seclusion is the least intrusive intervention that effectively  
84.5 responds to the emergency;

84.6           (2) physical holding or seclusion is not used to discipline a noncompliant child;

84.7           (3) physical holding or seclusion ends when the threat of harm ends and the staff  
84.8 determines the child can safely return to the classroom or activity;

84.9           (4) staff directly observes the child while physical holding or seclusion is being used;

84.10          (5) each time physical holding or seclusion is used, the staff person who implements  
84.11 or oversees the physical holding or seclusion documents, as soon as possible after the  
84.12 incident concludes, the following information:

84.13          (i) a description of the incident that led to the physical holding or seclusion;

84.14          (ii) why a less restrictive measure failed or was determined by staff to be  
84.15 inappropriate or impractical;

84.16          (iii) the time the physical holding or seclusion began and the time the child was  
84.17 released; and

84.18          (iv) a brief record of the child's behavioral and physical status;

84.19          (6) the room used for seclusion must:

84.20          (i) be at least six feet by five feet;

84.21          (ii) be well lit, well ventilated, adequately heated, and clean;

84.22          (iii) have a window that allows staff to directly observe a child in seclusion;

84.23          (iv) have tamperproof fixtures, electrical switches located immediately outside the  
84.24 door, and secure ceilings;

84.25          (v) have doors that open out and are unlocked, locked with keyless locks that  
84.26 have immediate release mechanisms, or locked with locks that have immediate release  
84.27 mechanisms connected with a fire and emergency system; and

84.28          (vi) not contain objects that a child may use to injure the child or others;

84.29          (7) before using a room for seclusion, a school must:

84.30          (i) receive written notice from local authorities that the room and the locking  
84.31 mechanisms comply with applicable building, fire, and safety codes; and

84.32          (ii) register the room with the commissioner, who may view that room; and

84.33          (8) until August 1, 2015, a school district may use prone restraints with children  
84.34 age five or older if:

84.35          (i) the district has provided to the department a list of staff who have had specific  
84.36 training on the use of prone restraints;

85.1 (ii) the district provides information on the type of training that was provided and  
85.2 by whom;

85.3 (iii) only staff who received specific training use prone restraints;

85.4 (iv) each incident of the use of prone restraints is reported to the department within  
85.5 five working days on a form provided by the department; and

85.6 (v) the district, before using prone restraints, must review any known medical or  
85.7 psychological limitations that contraindicate the use of prone restraints.

85.8 The department must collect data on districts' use of prone restraints and publish the data  
85.9 in a readily accessible format on the department's Web site on a quarterly basis.

85.10 (b) By February 1, 2015, and annually thereafter, stakeholders ~~must~~ may, as  
85.11 necessary, recommend to the commissioner specific and measurable implementation and  
85.12 outcome goals for reducing the use of restrictive procedures and the commissioner must  
85.13 submit to the legislature a report on districts' progress in reducing the use of restrictive  
85.14 procedures that recommends how to further reduce these procedures and eliminate  
85.15 the use of prone restraints. The statewide plan includes the following components:  
85.16 measurable goals; the resources, training, technical assistance, mental health services, and  
85.17 collaborative efforts needed to significantly reduce districts' use of prone restraints; and  
85.18 recommendations to clarify and improve the law governing districts' use of restrictive  
85.19 procedures. The commissioner must consult with interested stakeholders when preparing  
85.20 the report, including representatives of advocacy organizations, special education directors,  
85.21 teachers, paraprofessionals, intermediate school districts, school boards, day treatment  
85.22 providers, county social services, state human services department staff, mental health  
85.23 professionals, and autism experts. By June 30 each year, districts must report summary  
85.24 data on their use of restrictive procedures to the department, in a form and manner  
85.25 determined by the commissioner. The summary data must include information about the  
85.26 use of restrictive procedures, including use of reasonable force under section 121A.582.

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

85.28 Sec. 11. Minnesota Statutes 2014, section 125A.21, is amended to read:

85.29 **125A.21 THIRD-PARTY PAYMENT.**

85.30 Subdivision 1. **Obligation to pay.** Nothing in sections 125A.03 to 125A.24 and  
85.31 125A.65 relieves an insurer or similar third party from an otherwise valid obligation to  
85.32 pay, or changes the validity of an obligation to pay, for services rendered to a child with  
85.33 a disability, and the child's family. A school district shall pay the nonfederal share of  
85.34 medical assistance services provided according to section 256B.0625, subdivision 26.

86.1 Eligible expenditures must not be made from federal funds or funds used to match other  
86.2 federal funds. Any federal disallowances are the responsibility of the school district. A  
86.3 school district may pay or reimburse co-payments, coinsurance, deductibles, and other  
86.4 enrollee cost-sharing amounts, on behalf of the student or family, in connection with  
86.5 health and related services provided under an individual educational plan or individualized  
86.6 family service plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87.26 (2) regularly obtain from education- and health-related entities training and other  
87.27 appropriate technical assistance designed to improve the district's ability to access  
87.28 third-party payments for individualized education program or individualized family  
87.29 service plan health-related services; or

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

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

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

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

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

88.27 Sec. 12. Minnesota Statutes 2014, section 125A.28, is amended to read:

88.28 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

88.29 An Interagency Coordinating Council of at least 17, but not more than 25 members is  
88.30 established, in compliance with Public Law 108-446, section 641. The members must be  
88.31 appointed by the governor and reasonably represent the population of Minnesota. Council  
88.32 members must elect the council chair, who may not be a representative of the Department  
88.33 of Education. The council must be composed of at least five parents, including persons  
88.34 of color, of children with disabilities under age 12, including at least three parents of a  
88.35 child with a disability under age seven, five representatives of public or private providers

89.1 of services for children with disabilities under age five, including a special education  
89.2 director, county social service director, local Head Start director, and a community health  
89.3 services or public health nursing administrator, one member of the senate, one member of  
89.4 the house of representatives, one representative of teacher preparation programs in early  
89.5 childhood-special education or other preparation programs in early childhood intervention,  
89.6 at least one representative of advocacy organizations for children with disabilities under  
89.7 age five, one physician who cares for young children with special health care needs, one  
89.8 representative each from the commissioners of commerce, education, health, human  
89.9 services, a representative from the state agency responsible for child care, foster care,  
89.10 mental health, homeless coordinator of education of homeless children and youth, and a  
89.11 representative from Indian health services or a tribal council. Section 15.059, subdivisions  
89.12 2 to 4, apply to the council. The council must meet at least quarterly.

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

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

89.23 ~~On the date that Minnesota Part C Annual Performance Report is submitted to~~  
89.24 Within 30 days of receiving the annual determination from the federal Office of Special  
89.25 Education on the Minnesota Part C Annual Performance Report, the council must  
89.26 recommend to the governor and the commissioners of education, health, human services,  
89.27 commerce, and employment and economic development policies for a comprehensive  
89.28 and coordinated system.

89.29 Annually, the council must prepare and submit a report to the governor and the  
89.30 secretary of the federal Department of Education on the status of early intervention  
89.31 services and programs for infants and toddlers with disabilities and their families under  
89.32 the Individuals with Disabilities Education Act, United States Code, title 20, sections  
89.33 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The Minnesota  
89.34 Part C annual performance report may serve as the report.

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

90.4 Sec. 13. Minnesota Statutes 2014, section 125A.63, subdivision 2, is amended to read:

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

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

90.13 Sec. 14. Minnesota Statutes 2014, section 125A.63, subdivision 3, is amended to read:

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

90.17 Sec. 15. Minnesota Statutes 2014, section 125A.63, subdivision 4, is amended to read:

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

90.23 (b) The advisory ~~committee for the Resource-Center~~ committees for the deaf and  
 90.24 hard of hearing and for the blind and visually impaired shall meet periodically at least four  
 90.25 times per year and each submit an annual report to the commissioner, the education policy  
 90.26 and finance committees of the legislature, and the Commission of Deaf, DeafBlind, and  
 90.27 ~~Hard-of-Hearing~~ Hard-of-Hearing Minnesotans. The ~~report~~ reports must, at least:

90.28 (1) identify and report the aggregate, data-based education outcomes for children  
 90.29 with the primary disability classification of deaf and hard of hearing or of blind and  
 90.30 visually impaired, consistent with the commissioner's child count reporting practices, the  
 90.31 commissioner's state and local outcome data reporting system by district and region, and  
 90.32 the school performance report cards under section 120B.36, subdivision 1; and

91.1 (2) describe the implementation of a data-based plan for improving the education  
91.2 outcomes of deaf and hard of hearing or blind and visually impaired children that is  
91.3 premised on evidence-based best practices, and provide a cost estimate for ongoing  
91.4 implementation of the plan.

91.5 Sec. 16. Minnesota Statutes 2014, section 125A.63, subdivision 5, is amended to read:

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

91.7 The coordinator shall:

91.8 (1) collaborate with the early hearing detection and intervention coordinator for the  
91.9 Department of Health, ~~the director of the Department of Education Resource Center for~~  
91.10 ~~Deaf and Hard-of-Hearing K-12 deaf and hard-of-hearing coordinator~~, and the Department  
91.11 of Health Early Hearing Detection and Intervention Advisory Council;

91.12 (2) coordinate and support Department of Education early hearing detection and  
91.13 intervention teams;

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

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

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

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

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

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

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

92.4 Sec. 17. **SPECIAL EDUCATION EVALUATION.**

92.5 **Subdivision 1. Special education teachers' compliance with legal requirements.**

92.6 The Department of Education must identify ways to give teachers working with eligible  
92.7 children with disabilities sufficient written and online resources to make informed decisions  
92.8 about how to effectively comply with legal requirements related to providing special  
92.9 education programs and services, including writing individualized education programs and  
92.10 related documents, among other requirements. The department must work collaboratively  
92.11 with teachers working with eligible children with disabilities, other school and district staff,  
92.12 and representatives of affected organizations, including Education Minnesota, Minnesota  
92.13 School Boards Association, and Minnesota Administrators of Special Education, among  
92.14 others, to identify obstacles to and solutions for teachers' confusion about complying with  
92.15 legal requirements governing special education programs and services. The department  
92.16 must work with schools and districts to provide staff development training to better  
92.17 comply with applicable legal requirements while meeting the educational needs and  
92.18 improving the educational progress of eligible children with disabilities.

92.19 **Subd. 2. Efficiencies to reduce paperwork.** The Department of Education, in  
92.20 collaboration with teachers and administrators working with eligible children with  
92.21 disabilities in schools and districts, must identify strategies to effectively decrease the  
92.22 amount of time teachers spend completing paperwork for special education programs and  
92.23 services, evaluate whether the strategies are cost-effective, and determine whether other  
92.24 schools and districts are able to effectively use the strategies given available staff and  
92.25 resources. Where an evaluation shows that particular paperwork reduction strategies are  
92.26 cost-effective without undermining the purpose of the paperwork or the integrity of special  
92.27 education requirements, the department must electronically disseminate and promote the  
92.28 strategies to other schools and districts throughout the state.

92.29 **Subd. 3. Special education forms; reading level.** The Department of Education  
92.30 must determine the current reading level of its special education forms, establish a target  
92.31 reading level for such forms, and, based on that target level, determine whether alternative  
92.32 forms are needed to accommodate the lexical and sublexical cognitive processes of  
92.33 individual form users and readers. The department must work with interested special  
92.34 education stakeholders and reading experts in making the determinations and identification  
92.35 required in this subdivision.

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

93.2 Sec. 18. **TRAINING AND TECHNICAL ASSISTANCE TO REDUCE DISTRICT**  
 93.3 **USE OF SECLUSION AND RESTRAINT; APPROPRIATION.**

93.4 \$750,000 in fiscal year 2016 is appropriated from the general fund to the  
 93.5 commissioner of education for providing school districts with training and technical  
 93.6 assistance to reduce district use of seclusion and restraint on students with complex needs.  
 93.7 Of this appropriation, \$500,000 is available to the commissioner to reimburse school  
 93.8 districts for the cost of hiring experts to provide staff training in reducing district use of  
 93.9 seclusion and restraint on students with complex needs. Of this appropriation, \$250,000 is  
 93.10 available to the commissioner for the costs of providing specialized training and assistance  
 93.11 to school districts with a high use of seclusion and restraint on students with complex needs.  
 93.12 The commissioner may contract with experts from intermediate school districts teams or  
 93.13 level four programs to provide the specialized training and technical assistance. Any funds  
 93.14 unexpended in fiscal year 2016 do not cancel but carry forward into the next fiscal year.

93.15 **EFFECTIVE DATE.** This section is effective July 1, 2015.

93.16 Sec. 19. **REPEALER.**

93.17 Minnesota Statutes 2014, section 125A.63, subdivision 1, is repealed.

## 93.18 **ARTICLE 6**

### 93.19 **CHARTER SCHOOLS**

93.20 Section 1. Minnesota Statutes 2014, section 124D.10, subdivision 1, is amended to read:

93.21 Subdivision 1. **Purposes.** (a) The primary purpose of this section is to improve all  
 93.22 pupil learning and all student achievement. Additional purposes include to:

93.23 (1) increase learning opportunities for all pupils;

93.24 (2) encourage the use of different and innovative teaching methods;

93.25 (3) measure learning outcomes and create different and innovative forms of  
 93.26 measuring outcomes;

93.27 (4) establish new forms of accountability for schools; or

93.28 (5) create new professional opportunities for teachers, including the opportunity to  
 93.29 be responsible for the learning program at the school site.

93.30 (b) This section does not provide a means to keep open a school that a school board  
 93.31 decides to close. However, a school board may endorse or authorize the establishing of  
 93.32 a charter school to replace the school the board decided to close. Applicants seeking a

94.1 charter under this circumstance must demonstrate to the authorizer that the charter sought  
94.2 is substantially different in purpose and program from the school the board closed and  
94.3 that the proposed charter satisfies the requirements of this subdivision. If the school  
94.4 board that closed the school authorizes the charter, it must document in its affidavit to the  
94.5 commissioner that the charter is substantially different in program and purpose from  
94.6 the school it closed.

94.7 (c) An authorizer shall not approve an application submitted by a charter school  
94.8 developer under subdivision 4, paragraph (a), if the application does not comply with this  
94.9 subdivision. The commissioner shall not approve an affidavit submitted by an authorizer  
94.10 under subdivision 4, paragraph (b), if the affidavit does not comply with this subdivision.

94.11 Sec. 2. Minnesota Statutes 2014, section 124D.10, subdivision 3, is amended to read:

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

94.14 "Application" to receive approval as an authorizer means the proposal an eligible  
94.15 authorizer submits to the commissioner under paragraph ~~(e)~~ (d) before that authorizer is  
94.16 able to submit any affidavit to charter to a school.

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

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

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

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

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

95.1 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on  
95.2 Foundations;

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

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

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

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

95.16 (5) single-purpose authorizers formed as charitable, nonsectarian organizations  
95.17 under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state  
95.18 of Minnesota under chapter 317A as a corporation with no members or under section  
95.19 322B.975 as a nonprofit limited liability company for the sole purpose of chartering schools.

95.20 (c) Eligible organizations interested in being approved as an authorizer under this  
95.21 paragraph must submit a proposal to the commissioner that includes the provisions  
95.22 of paragraph ~~(e)~~ (d) and a five-year financial plan. Such authorizers shall consider and  
95.23 approve charter school applications using the criteria provided in subdivision 4 and shall  
95.24 not limit the applications it solicits, considers, or approves to any single curriculum,  
95.25 learning program, or method.

95.26 ~~(e)~~ (d) An eligible authorizer under this subdivision must apply to the commissioner  
95.27 for approval as an authorizer before submitting any affidavit to the commissioner to charter  
95.28 a school. The application for approval as a charter school authorizer must demonstrate  
95.29 the applicant's ability to implement the procedures and satisfy the criteria for chartering a  
95.30 school under this section. The commissioner must approve or disapprove an application  
95.31 within 45 business days of the application deadline. If the commissioner disapproves  
95.32 the application, the commissioner must notify the applicant of the specific deficiencies  
95.33 in writing and the applicant then has 20 business days to address the deficiencies to the  
95.34 commissioner's satisfaction. After the 20 business days expire, the commissioner has 15  
95.35 business days to make a final decision to approve or disapprove the application. Failing to  
95.36 address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to

96.1 be an authorizer. The commissioner, in establishing criteria for approval, must consider  
96.2 the applicant's:

- 96.3 (1) capacity and infrastructure;
- 96.4 (2) application criteria and process;
- 96.5 (3) contracting process;
- 96.6 (4) ongoing oversight and evaluation processes; and
- 96.7 (5) renewal criteria and processes.

96.8 ~~(d)~~ (e) An applicant must include in its application to the commissioner to be an  
96.9 approved authorizer at least the following:

96.10 (1) how chartering schools is a way for the organization to carry out its mission;

96.11 (2) a description of the capacity of the organization to serve as an authorizer,  
96.12 including the personnel who will perform the authorizing duties, their qualifications, the  
96.13 amount of time they will be assigned to this responsibility, and the financial resources  
96.14 allocated by the organization to this responsibility;

96.15 (3) a description of the application and review process the authorizer will use to  
96.16 make decisions regarding the granting of charters;

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

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

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

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

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

96.30 ~~(e)~~ (f) A disapproved applicant under this section may resubmit an application  
96.31 during a future application period.

96.32 ~~(f)~~ (g) If the governing board of an approved authorizer votes to withdraw as  
96.33 an approved authorizer for a reason unrelated to any cause under subdivision 23, the  
96.34 authorizer must notify all its chartered schools and the commissioner in writing by July 15  
96.35 of its intent to withdraw as an authorizer on June 30 in the next calendar year, regardless  
96.36 of when the authorizer's five-year term of approval ends. The commissioner may approve

97.1 the transfer of a charter school to a new authorizer under this paragraph after the new  
97.2 authorizer submits an affidavit to the commissioner.

97.3 ~~(g)~~ (h) The authorizer must participate in department-approved training.

97.4 ~~(h)~~ (i) The commissioner shall review an authorizer's performance every five years  
97.5 in a manner and form determined by the commissioner and may review an authorizer's  
97.6 performance more frequently at the commissioner's own initiative or at the request of a  
97.7 charter school operator, charter school board member, or other interested party. The  
97.8 commissioner, after completing the review, shall transmit a report with findings to the  
97.9 authorizer.

97.10 (j) If, consistent with this section, the commissioner finds that an authorizer has not  
97.11 fulfilled the requirements of this section, the commissioner may subject the authorizer  
97.12 to corrective action, which may include terminating the contract with the charter school  
97.13 board of directors of a school it chartered. The commissioner must notify the authorizer  
97.14 in writing of any findings that may subject the authorizer to corrective action and  
97.15 the authorizer then has 15 business days to request an informal hearing before the  
97.16 commissioner takes corrective action. If the commissioner terminates a contract between  
97.17 an authorizer and a charter school under this paragraph, the commissioner may assist the  
97.18 charter school in acquiring a new authorizer.

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

97.21 (1) failing to demonstrate the criteria under paragraph ~~(e)~~ (d) under which the  
97.22 commissioner approved the authorizer;

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

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

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

97.28 Sec. 3. Minnesota Statutes 2014, section 124D.10, subdivision 4, is amended to read:

97.29 Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from  
97.30 a school developer, may charter a licensed teacher under section 122A.18, subdivision  
97.31 1, or a group of individuals that includes one or more licensed teachers under section  
97.32 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the  
97.33 authorizer's affidavit under paragraph ~~(b)~~ (d).

98.1           **(b)** The school must be organized and operated as a nonprofit corporation under  
98.2 chapter 317A and the provisions under the applicable chapter shall apply to the school  
98.3 except as provided in this section.

98.4           **(c)** Notwithstanding sections 465.717 and 465.719, a school district, subject to this  
98.5 section and section 124D.11, may create a corporation for the purpose of establishing a  
98.6 charter school.

98.7           ~~(b)~~ **(d)** Before the operators may establish and operate a school, the authorizer must  
98.8 file an affidavit with the commissioner stating its intent to charter a school. An authorizer  
98.9 must file a separate affidavit for each school it intends to charter. An authorizer must file  
98.10 an affidavit ~~by May 1 to be able to charter a new school in the next school year after the~~  
98.11 ~~commissioner approves the authorizer's affidavit~~ at least 14 months before July 1 of the  
98.12 year the new charter school plans to serve students. The affidavit must state the terms and  
98.13 conditions under which the authorizer would charter a school and how the authorizer  
98.14 intends to oversee the fiscal and student performance of the charter school and to comply  
98.15 with the terms of the written contract between the authorizer and the charter school  
98.16 board of directors under subdivision 6. The commissioner must approve or disapprove  
98.17 the authorizer's affidavit within 60 business days of receipt of the affidavit. If the  
98.18 commissioner disapproves the affidavit, the commissioner shall notify the authorizer of  
98.19 the deficiencies in the affidavit and the authorizer then has 20 business days to address the  
98.20 deficiencies. The commissioner must notify the authorizer of final approval or disapproval  
98.21 within 15 business days after receiving the authorizer's response to the deficiencies in the  
98.22 affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction,  
98.23 the commissioner's disapproval is final. Failure to obtain commissioner approval precludes  
98.24 an authorizer from chartering the school that is the subject of this affidavit.

98.25           ~~(e)~~ **(e)** The authorizer may prevent an approved charter school from opening for  
98.26 operation if, among other grounds, the charter school violates this section or does not meet  
98.27 the ready-to-open standards that are part of the authorizer's oversight and evaluation  
98.28 process or are stipulated in the charter school contract.

98.29           ~~(d)~~ **(f)** The operators authorized to organize and operate a school, before entering  
98.30 into a contract or other agreement for professional or other services, goods, or facilities,  
98.31 must incorporate as a nonprofit corporation under chapter 317A ~~and~~.

98.32           **(g)** The operators authorized to organize and operate a school, before entering into a  
98.33 contract or other agreement for professional or other services, goods, or facilities, must  
98.34 establish a board of directors composed of at least five members who are not related parties  
98.35 until a timely election for members of the ongoing charter school board of directors is

99.1 held according to the school's articles and bylaws under paragraph ~~(f)~~ (l). ~~A charter school~~  
99.2 ~~board of directors must be composed of at least five members who are not related parties.~~

99.3 (h) Staff members employed at the school, including teachers providing instruction  
99.4 under a contract with a cooperative, members of the board of directors, and all parents  
99.5 or legal guardians of children enrolled in the school are the voters eligible to elect the  
99.6 members of the school's board of directors. A charter school must notify eligible voters of  
99.7 the school board election dates at least 30 days before the election.

99.8 (i) Board of director meetings must comply with chapter 13D.

99.9 ~~(e)~~ (j) A charter school shall publish and maintain on the school's official Web site:

99.10 (1) the minutes of meetings of the board of directors, and of members and committees  
99.11 having any board-delegated authority, for at least one calendar year from the date  
99.12 of publication; (2) directory information for members of the board of directors and  
99.13 committees having board-delegated authority; and (3) identifying and contact information  
99.14 for the school's authorizer. Identifying and contact information for the school's authorizer  
99.15 must be included in other school materials made available to the public.

99.16 (k) Upon request of an individual, the charter school must also make available in  
99.17 a timely fashion financial statements showing all operations and transactions affecting  
99.18 income, surplus, and deficit during the school's last annual accounting period; and a  
99.19 balance sheet summarizing assets and liabilities on the closing date of the accounting  
99.20 period. A charter school also must include that same information about its authorizer in  
99.21 other school materials that it makes available to the public.

99.22 ~~(f)~~ (l) Every charter school board member shall attend annual training throughout  
99.23 the member's term on the board. All new board members shall attend initial training on  
99.24 the board's role and responsibilities, employment policies and practices, and financial  
99.25 management. A new board member who does not begin the required initial training within  
99.26 six months after being seated and complete that training within 12 months of being seated  
99.27 on the board is automatically ineligible to continue to serve as a board member. The  
99.28 school shall include in its annual report the training attended by each board member  
99.29 during the previous year.

99.30 ~~(g)~~ (m) The ongoing board must be elected before the school completes its third  
99.31 year of operation. Board elections must be held during the school year but may not be  
99.32 conducted on days when the school is closed for holidays, breaks, or vacations.

99.33 (n) The charter school board of directors shall be composed of at least five nonrelated  
99.34 members and include: (i) at least one licensed teacher employed as a teacher at the school  
99.35 or providing instruction under contract between the charter school and a cooperative; (ii)  
99.36 at least one parent or legal guardian of a student enrolled in the charter school who is not

100.1 an employee of the charter school; and (iii) at least one interested community member  
100.2 who resides in Minnesota and is not employed by the charter school and does not have a  
100.3 child enrolled in the school. The board may include a majority of teachers described in  
100.4 this paragraph or parents or community members, or it may have no clear majority. The  
100.5 chief financial officer and the chief administrator may only serve as ex-officio nonvoting  
100.6 board members. No charter school employees shall serve on the board other than teachers  
100.7 under item (i). Contractors providing facilities, goods, or services to a charter school shall  
100.8 not serve on the board of directors of the charter school.

100.9 (o) Board bylaws shall outline the process and procedures for changing the board's  
100.10 governance structure, consistent with chapter 317A. A board may change its governance  
100.11 structure only:

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

100.15 (2) with the authorizer's approval.

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

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

100.20 ~~(i)~~ (q) The granting or renewal of a charter school by an authorizer must not be  
100.21 contingent on the charter school being required to contract, lease, or purchase services  
100.22 from the authorizer.

100.23 (r) Any potential contract, lease, or purchase of service from an authorizer must  
100.24 be disclosed to the commissioner, accepted through an open bidding process, and be a  
100.25 separate contract from the charter contract. The school must document the open bidding  
100.26 process. An authorizer must not enter into a contract to provide management and financial  
100.27 services for a school that it authorizes, unless the school documents that it received at  
100.28 least two competitive bids.

100.29 ~~(j)~~ (s) A charter school may apply to the authorizer to amend the school charter to  
100.30 expand the operation of the school to additional grades or sites that would be students'  
100.31 primary enrollment site beyond those defined in the original affidavit approved by the  
100.32 commissioner. After approving the school's application, the authorizer shall submit a  
100.33 supplementary affidavit in the form and manner prescribed by the commissioner. The  
100.34 authorizer must file a supplement affidavit by October 1 to be eligible to expand in the next  
100.35 school year. The supplementary affidavit must document that the school has demonstrated  
100.36 to the satisfaction of the authorizer the following:

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

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

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

101.8 (4) board capacity and an administrative and management plan to implement its  
 101.9 expansion.

101.10 ~~(k)~~ (t) The commissioner shall have 30 business days to review and comment on the  
 101.11 supplemental affidavit. The commissioner shall notify the authorizer in writing of any  
 101.12 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to  
 101.13 address, to the commissioner's satisfaction, any deficiencies in the supplemental affidavit.  
 101.14 The commissioner must notify the authorizer of final approval or disapproval within 15  
 101.15 business days after receiving the authorizer's response to the deficiencies in the affidavit.  
 101.16 The school may not expand grades or add sites until the commissioner has approved the  
 101.17 supplemental affidavit. The commissioner's approval or disapproval of a supplemental  
 101.18 affidavit is final.

101.19 Sec. 4. Minnesota Statutes 2014, section 124D.10, subdivision 8, is amended to read:

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

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

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

101.26 (d) A charter school must be nonsectarian in its programs, admission policies,  
 101.27 employment practices, and all other operations. An authorizer may not authorize a charter  
 101.28 school or program that is affiliated with a nonpublic sectarian school or a religious  
 101.29 institution.

101.30 (e) A charter school student must be released for religious instruction, consistent  
 101.31 with section 120A.22, subdivision 12, clause (3).

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

102.1           ~~(f)~~ (g) The primary focus of a charter school must be to provide a comprehensive  
102.2 program of instruction for at least one grade or age group from five through 18 years of  
102.3 age. Instruction may be provided to people older than 18 years of age. A charter school  
102.4 may offer a free or fee-based preschool or prekindergarten that meets high-quality early  
102.5 learning instructional program standards that are aligned with Minnesota's early learning  
102.6 standards for children. Students enrolled in a fee-based prekindergarten program are not  
102.7 eligible to be counted as pupil units under section 126C.05 and must not be included in the  
102.8 calculation of general education revenue under section 126C.10. A charter school with at  
102.9 least 90 percent of enrolled students who are eligible for special education services and  
102.10 have a primary disability of deaf or hard-of-hearing may enroll prekindergarten pupils  
102.11 with a disability under section 126C.05, subdivision 1, paragraph (a), and must comply  
102.12 with the federal Individuals with Disabilities Education Act under Code of Federal  
102.13 Regulations, title 34, section 300.324, subsection (2), clause (iv).

102.14           ~~(g)~~ (h) Except as provided in paragraph (g), a charter school may not charge tuition.

102.15           ~~(h)~~ (i) A charter school is subject to and must comply with chapter 363A and section  
102.16 121A.04.

102.17           ~~(i)~~ (j) Once a student is enrolled in the school, the student is considered enrolled  
102.18 in the school until the student formally withdraws or is expelled under the Pupil Fair  
102.19 Dismissal Act in sections 121A.40 to 121A.56. A charter school is subject to and must  
102.20 comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, ~~and~~.

102.21           (k) A charter school is subject to and must comply with the Minnesota Public School  
102.22 Fee Law, sections 123B.34 to 123B.39.

102.23           ~~(j)~~ (l) A charter school is subject to the same financial audits, audit procedures, and  
102.24 audit requirements as a district, except as required under subdivision 6a. Audits must be  
102.25 conducted in compliance with generally accepted governmental auditing standards, the  
102.26 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject  
102.27 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;  
102.28 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with  
102.29 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are  
102.30 necessary because of the program at the school. Deviations must be approved by the  
102.31 commissioner and authorizer. The Department of Education, state auditor, legislative  
102.32 auditor, or authorizer may conduct financial, program, or compliance audits. A charter  
102.33 school determined to be in statutory operating debt under sections 123B.81 to 123B.83  
102.34 must submit a plan under section 123B.81, subdivision 4.

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

103.1           ~~(h)~~ (n) A charter school must comply with chapters 13 and 13D; and sections  
103.2 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

103.3           ~~(m)~~ (o) A charter school is subject to the Pledge of Allegiance requirement under  
103.4 section 121A.11, subdivision 3.

103.5           ~~(n)~~ (p) A charter school offering online courses or programs must comply with  
103.6 section 124D.095.

103.7           ~~(o)~~ (q) A charter school and charter school board of directors are subject to chapter  
103.8 181.

103.9           ~~(p)~~ (r) A charter school must comply with section 120A.22, subdivision 7, governing  
103.10 the transfer of students' educational records and sections 138.163 and 138.17 governing  
103.11 the management of local records.

103.12           ~~(q)~~ (s) A charter school that provides early childhood health and developmental  
103.13 screening must comply with sections 121A.16 to 121A.19.

103.14           ~~(r)~~ (t) A charter school that provides school-sponsored youth athletic activities  
103.15 must comply with section 121A.38.

103.16           ~~(s)~~ (u) A charter school is subject to and must comply with continuing truant  
103.17 notification under section 260A.03.

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

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

103.25           ~~(v)~~ (x) A charter school must comply with section 121A.031 governing policies on  
103.26 prohibited conduct.

103.27           ~~(w)~~ (y) A charter school must comply with all pupil transportation requirements in  
103.28 section 123B.88, subdivision 1. A charter school must not require parents to surrender  
103.29 their rights to pupil transportation under section 123B.88, subdivision 2.

103.30           Sec. 5. Minnesota Statutes 2014, section 124D.10, subdivision 9, is amended to read:

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

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

103.33           (2) pupils who are eligible to participate in the graduation incentives program under

103.34 section 124D.68; or

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

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

104.8 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil  
104.9 and to a foster child of that pupil's parents and may give preference for enrolling children  
104.10 of the school's staff and children who are eligible to receive a free or reduced-price lunch  
104.11 before accepting other pupils by lot. A charter school that gives preference to enrolling  
104.12 the children of school staff or children who are eligible to receive a free or reduced-price  
104.13 lunch must identify in its admission and lottery policy and on its Web site the manner and  
104.14 order of preference for enrolling the children and give at least 180 days' notice on its Web  
104.15 site before discontinuing the enrollment preference. A charter school may give enrollment  
104.16 preference to children who are eligible to receive a free or reduced-price lunch when the  
104.17 percent of enrolled charter school students who are eligible to receive a meal benefit is  
104.18 lower than either the statewide percent of students who are eligible to receive a meal  
104.19 benefit or the districtwide percent of students who are eligible to receive a meal benefit  
104.20 in the district in which the charter school is located. A charter school must ask on its  
104.21 enrollment application whether the student is eligible for and interested in the enrollment  
104.22 preference. A charter school may send an application for educational benefits form to the  
104.23 household of an interested student and ask on the application form whether the household  
104.24 wants its student considered for the enrollment preference. Charter schools must use the  
104.25 department's direct certification and approval process for determining students' eligibility  
104.26 for meal benefits. Once established, this enrollment preference continues unless and until  
104.27 a majority of the members of the charter school board of directors votes to discontinue  
104.28 the enrollment preference. A charter school that is located in Duluth township in St.  
104.29 Louis County and admits students in kindergarten through grade 6 must give enrollment  
104.30 preference to students residing within a five-mile radius of the school and to the siblings  
104.31 of enrolled children. A If a charter school has a preschool or prekindergarten program  
104.32 under subdivision 8, paragraph (g), that is free to all participants, the charter school may  
104.33 give enrollment preference to children currently enrolled in the school's free preschool or  
104.34 prekindergarten program under subdivision 8, paragraph (f), who are eligible to enroll in  
104.35 kindergarten in the next school year.

105.1 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil,  
105.2 unless the pupil is at least five years of age on September 1 of the calendar year in which  
105.3 the school year for which the pupil seeks admission commences; or (2) as a first grade  
105.4 student, unless the pupil is at least six years of age on September 1 of the calendar year in  
105.5 which the school year for which the pupil seeks admission commences or has completed  
105.6 kindergarten; except that a charter school may establish and publish on its Web site a  
105.7 policy for admission of selected pupils at an earlier age, consistent with the enrollment  
105.8 process in paragraphs (b) and (c).

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

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

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

105.18 Sec. 6. Minnesota Statutes 2014, section 124D.10, subdivision 12, is amended to read:

105.19 Subd. 12. **Pupils with a disability.** A charter school must comply with sections  
105.20 125A.02, 125A.03 to 125A.24, ~~and~~ 125A.65, and 125A.75 and rules relating to the  
105.21 education of pupils with a disability as though it were a district. A charter school enrolling  
105.22 prekindergarten pupils with a disability under subdivision 8, paragraph (g), must comply  
105.23 with sections 125A.259 to 125A.48 and rules relating to the Interagency Early Intervention  
105.24 System as though it were a school district.

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

105.26 Sec. 7. Minnesota Statutes 2014, section 124D.10, subdivision 14, is amended to read:

105.27 Subd. 14. **Annual public reports.** (a) A charter school must publish an annual  
105.28 report approved by the board of directors. The annual report must at least include  
105.29 information on school enrollment, student attrition, governance and management, staffing,  
105.30 finances, academic performance, innovative practices and implementation, and future  
105.31 plans. A charter school may combine this report with the reporting required under section  
105.32 120B.11. A charter school must post the annual report on the school's official Web site. A  
105.33 charter school must also distribute the annual report by publication, mail, or electronic

106.1 means to its authorizer, school employees, and parents and legal guardians of students  
106.2 enrolled in the charter school. The reports are public data under chapter 13.

106.3 (b) The commissioner shall establish specifications for an authorizer's annual public  
106.4 report that is part of the system to evaluate authorizer performance under subdivision  
106.5 3, paragraph (h). The report shall at least include key indicators of school academic,  
106.6 operational, and financial performance.

106.7 Sec. 8. Minnesota Statutes 2014, section 124D.10, subdivision 23, is amended to read:

106.8 Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a)

106.9 The duration of the contract with an authorizer must be for the term contained in the  
106.10 contract according to subdivision 6. The authorizer may or may not renew a contract at  
106.11 the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally  
106.12 terminate a contract during the term of the contract for any ground listed in paragraph (b).

106.13 At least 60 business days before not renewing or terminating a contract, the authorizer  
106.14 shall notify the board of directors of the charter school of the proposed action in writing.

106.15 The notice shall state the grounds for the proposed action in reasonable detail and that the  
106.16 charter school's board of directors may request in writing an informal hearing before the  
106.17 authorizer within 15 business days of receiving notice of nonrenewal or termination of  
106.18 the contract. Failure by the board of directors to make a written request for an informal  
106.19 hearing within the 15-business-day period shall be treated as acquiescence to the proposed  
106.20 action. Upon receiving a timely written request for a hearing, the authorizer shall give ten  
106.21 business days' notice to the charter school's board of directors of the hearing date. The  
106.22 authorizer shall conduct an informal hearing before taking final action. The authorizer  
106.23 shall take final action to renew or not renew a contract no later than 20 business days  
106.24 before the proposed date for terminating the contract or the end date of the contract.

106.25 (b) A contract may be terminated or not renewed upon any of the following grounds:

106.26 (1) failure to demonstrate satisfactory academic achievement for all students,  
106.27 including the requirements for pupil performance contained in the contract;

106.28 (2) failure to meet generally accepted standards of fiscal management;

106.29 (3) violations of law; or

106.30 (4) other good cause shown.

106.31 If a contract is terminated or not renewed under this paragraph, the school must be  
106.32 dissolved according to the applicable provisions of chapter 317A.

106.33 (c) If the authorizer and the charter school board of directors mutually agree not to  
106.34 renew the contract, a change in authorizers is allowed. The authorizer and the school  
106.35 board must jointly submit a written and signed letter of their intent to the commissioner

107.1 to mutually not renew the contract. The authorizer that is a party to the existing contract  
107.2 must inform the proposed authorizer about the fiscal, operational, and student performance  
107.3 status of the school, as well as any outstanding contractual obligations that exist. The  
107.4 charter contract between the proposed authorizer and the school must identify and provide  
107.5 a plan to address any outstanding obligations from the previous contract. The proposed  
107.6 contract must be submitted at least 105 business days before the end of the existing  
107.7 charter contract. The commissioner shall have 30 business days to review and make a  
107.8 determination. The proposed authorizer and the school shall have 15 business days to  
107.9 respond to the determination and address any issues identified by the commissioner. A  
107.10 final determination by the commissioner shall be made no later than 45 business days  
107.11 before the end of the current charter contract. If no change in authorizer is approved, the  
107.12 school and the current authorizer may withdraw their letter of nonrenewal and enter into a  
107.13 new contract. If the transfer of authorizers is not approved and the current authorizer and  
107.14 the school do not withdraw their letter and enter into a new contract, the school must be  
107.15 dissolved according to applicable law and the terms of the contract.

107.16 (d) The commissioner, after providing reasonable notice to the board of directors of  
107.17 a charter school and the existing authorizer, and after providing an opportunity for a public  
107.18 hearing, may terminate the existing contract between the authorizer and the charter school  
107.19 board if the charter school has a history of:

- 107.20 (1) failure to meet pupil performance requirements consistent with state law;  
107.21 (2) financial mismanagement or failure to meet generally accepted standards of  
107.22 fiscal management; or  
107.23 (3) repeated or major violations of the law.

107.24 (e) Notwithstanding other provisions of this subdivision, the authorizer of a charter  
107.25 school may terminate an existing contract between the authorizer and the charter school at  
107.26 the end of the current school year, after notifying the charter school board of directors by  
107.27 December 1, if in each of the previous three consecutive school years the performance of  
107.28 the charter school based on federal school accountability measures and on state measures  
107.29 of student performance and growth would place the school in the bottom ten percent of all  
107.30 public schools as determined by the commissioner. If an authorizer chooses to terminate  
107.31 the contract, the school must be closed according to applicable law and the terms of the  
107.32 contract. The authorizer must work with the charter school's board of directors to ensure  
107.33 parents of children currently enrolled at the school are aware of school choice options  
107.34 and receive assistance in selecting an appropriate choice for their children for the next  
107.35 school year. If the authorizer chooses not to terminate the existing contract under these  
107.36 conditions, the authorizer must submit a public, written justification of its decision to the

108.1 commissioner by December 1. The federal and state measures identified in this paragraph  
108.2 do not prevent an authorizer from closing schools under other conditions, consistent with  
108.3 applicable law and contract terms.

108.4 Sec. 9. Minnesota Statutes 2014, section 124D.10, is amended by adding a subdivision  
108.5 to read:

108.6 Subd. 24a. **Merger.** (a) Two or more charter schools may merge under chapter  
108.7 317A. The effective date of a merger must be July 1. The merged school must continue  
108.8 under the identity of one of the merging schools. A new charter contract under subdivision  
108.9 6 must be executed by July 1. The authorizer must submit to the commissioner a copy of  
108.10 the new signed charter contract within ten business days of its execution.

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

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

108.18 Sec. 10. Minnesota Statutes 2014, section 124D.11, subdivision 9, is amended to read:

108.19 **Subd. 9. Payment of aids to charter schools.** (a) Notwithstanding section  
108.20 127A.45, subdivision 3, if the current year aid payment percentage under section  
108.21 127A.45, subdivision 2, paragraph (d), is 90 or greater, aid payments for the current  
108.22 fiscal year to a charter school shall be of an equal amount on each of the 24 payment  
108.23 dates. Notwithstanding section 127A.45, subdivision 3, if the current year aid payment  
108.24 percentage under section 127A.45, subdivision 2, paragraph (d), is less than 90, aid  
108.25 payments for the current fiscal year to a charter school shall be of an equal amount on  
108.26 each of the 16 payment dates in July through February.

108.27 (b) Notwithstanding paragraph (a) and section 127A.45, for a charter school ceasing  
108.28 operation on or prior to June 30 of a school year, for the payment periods occurring after  
108.29 the school ceases serving students, the commissioner shall withhold the estimated state aid  
108.30 owed the school. The charter school board of directors and authorizer must submit to the  
108.31 commissioner a closure plan under chapter 308A or 317A, and financial information about  
108.32 the school's liabilities and assets. After receiving the closure plan, financial information,  
108.33 an audit of pupil counts, documentation of lease expenditures, and monitoring of special  
108.34 education expenditures, the commissioner may release cash withheld and may continue

109.1 regular payments up to the current year payment percentages if further amounts are  
109.2 owed. If, based on audits and monitoring, the school received state aid in excess of the  
109.3 amount owed, the commissioner shall retain aid withheld sufficient to eliminate the aid  
109.4 overpayment. For a charter school ceasing operations prior to, or at the end of, a school  
109.5 year, notwithstanding section 127A.45, subdivision 3, preliminary final payments may  
109.6 be made after receiving the closure plan, audit of pupil counts, monitoring of special  
109.7 education expenditures, documentation of lease expenditures, and school submission of  
109.8 Uniform Financial Accounting and Reporting Standards (UFARS) financial data for the  
109.9 final year of operation. Final payment may be made upon receipt of audited financial  
109.10 statements under section 123B.77, subdivision 3.

109.11 (c) If a charter school fails to comply with the commissioner's directive to return,  
109.12 for cause, federal or state funds administered by the department, the commissioner may  
109.13 withhold an amount of state aid sufficient to satisfy the directive.

109.14 (d) If, within the timeline under section 471.425, a charter school fails to pay the state  
109.15 of Minnesota, a school district, intermediate school district, or service cooperative after  
109.16 receiving an undisputed invoice for goods and services, the commissioner may withhold  
109.17 an amount of state aid sufficient to satisfy the claim and shall distribute the withheld  
109.18 aid to the interested state agency, school district, intermediate school district, or service  
109.19 cooperative. An interested state agency, school district, intermediate school district, or  
109.20 education cooperative shall notify the commissioner when a charter school fails to pay an  
109.21 undisputed invoice within 75 business days of when it received the original invoice.

109.22 ~~(e) Notwithstanding section 127A.45, subdivision 3, and paragraph (a), 80 percent~~  
109.23 ~~of the start-up cost aid under subdivision 8 shall be paid within 45 days after the first day~~  
109.24 ~~of student attendance for that school year.~~

109.25 ~~(f)~~ (e) In order to receive state aid payments under this subdivision, a charter school  
109.26 in its first three years of operation must submit a school calendar in the form and manner  
109.27 requested by the department and a quarterly report to the Department of Education. The  
109.28 report must list each student by grade, show the student's start and end dates, if any,  
109.29 with the charter school, and for any student participating in a learning year program,  
109.30 the report must list the hours and times of learning year activities. The report must be  
109.31 submitted not more than two weeks after the end of the calendar quarter to the department.  
109.32 The department must develop a Web-based reporting form for charter schools to use  
109.33 when submitting enrollment reports. A charter school in its fourth and subsequent year of  
109.34 operation must submit a school calendar and enrollment information to the department in  
109.35 the form and manner requested by the department.

110.1 ~~(g)~~ (f) Notwithstanding sections 317A.701 to 317A.791, upon closure of a charter  
 110.2 school and satisfaction of creditors, cash and investment balances remaining shall be  
 110.3 returned to the state.

110.4 ~~(h)~~ (g) A charter school must have a valid, signed contract under section 124D.10,  
 110.5 subdivision 6, on file at the Department of Education at least 15 days prior to the date of  
 110.6 first payment of state aid for the fiscal year.

110.7 ~~(i)~~ (h) State aid entitlements shall be computed for a charter school only for the  
 110.8 portion of a school year for which it has a valid, signed contract under section 124D.10,  
 110.9 subdivision 6.

110.10 Sec. 11. **REVISOR'S INSTRUCTION.**

110.11 The revisor of statutes shall renumber the provisions of Minnesota Statutes listed  
 110.12 in column A to the references listed in column B. The revisor of statutes may alter the  
 110.13 renumbering to incorporate statutory changes made during the 2015 regular legislative  
 110.14 session. The revisor shall also make necessary cross-reference changes in Minnesota  
 110.15 Statutes and Minnesota Rules consistent with the renumbering in this instruction and the  
 110.16 relettering of paragraphs in sections 1 to 10.

	<u>Column A</u>	<u>Column B</u>
110.17	<u>124D.10, subd. 1, paragraph (a)</u>	<u>124E.01, subd. 1</u>
110.18	<u>124D.10, subd. 1, paragraph (b)</u>	<u>124E.06, subd. 3, paragraph (d)</u>
110.19	<u>124D.10, subd. 1, paragraph (c)</u>	<u>124E.06, subd. 1, paragraph (b)</u>
110.20	<u>124D.10, subd. 2</u>	<u>124E.01, subd. 2</u>
110.21	<u>124D.10, subd. 3, paragraph (a)</u>	<u>124E.02, paragraph (a)</u>
110.22	<u>124D.10, subd. 3, paragraph (b)</u>	<u>124E.05, subd. 1</u>
110.23	<u>124D.10, subd. 3, paragraph (c)</u>	<u>124E.05, subd. 2, paragraph (a)</u>
110.24	<u>124D.10, subd. 3, paragraph (d)</u>	<u>124E.05, subd. 3, paragraph (a)</u>
110.25	<u>124D.10, subd. 3, paragraph (e)</u>	<u>124E.05, subd. 4</u>
110.26	<u>124D.10, subd. 3, paragraph (f)</u>	<u>124E.05, subd. 3, paragraph (b)</u>
110.27	<u>124D.10, subd. 3, paragraph (g)</u>	<u>124E.05, subd. 7</u>
110.28	<u>124D.10, subd. 3, paragraph (h)</u>	<u>124E.05, subd. 2, paragraph (b)</u>
110.29	<u>124D.10, subd. 3, paragraph (i)</u>	<u>124E.05, subd. 5</u>
110.30	<u>124D.10, subd. 3, paragraph (j)</u>	<u>124E.05, subd. 6, paragraph (a)</u>
110.31	<u>124D.10, subd. 3, paragraph (k)</u>	<u>124E.05, subd. 6, paragraph (b)</u>
110.32	<u>124D.10, subd. 4, paragraph (a)</u>	<u>124E.06, subd. 1, paragraph (a)</u>
110.33	<u>124D.10, subd. 4, paragraph (b)</u>	<u>124E.06, subd. 2, paragraph (a)</u>
110.34	<u>124D.10, subd. 4, paragraph (c)</u>	<u>124E.06, subd. 2, paragraph (c)</u>
110.35	<u>124D.10, subd. 4, paragraph (d)</u>	<u>124E.06, subd. 4</u>
110.36	<u>124D.10, subd. 4, paragraph (e)</u>	<u>124E.06, subd. 3, paragraph (g)</u>
110.37	<u>124D.10, subd. 4, paragraph (f)</u>	<u>124E.06, subd. 2, paragraph (b)</u>
110.38	<u>124D.10, subd. 4, paragraph (g)</u>	<u>124E.07, subd. 1</u>

111.1	<u>124D.10, subd. 4, paragraph (h)</u>	<u>124E.07, subd. 5</u>
111.2	<u>124D.10, subd. 4, paragraph (i)</u>	<u>124E.07, subd. 8, paragraph (a)</u>
111.3	<u>124D.10, subd. 4, paragraph (j)</u>	<u>124E.07, subd. 8, paragraph (b)</u>
111.4	<u>124D.10, subd. 4, paragraph (k)</u>	<u>124E.17, subd. 2</u>
111.5	<u>124D.10, subd. 4, paragraph (l)</u>	<u>124E.07, subd. 7</u>
111.6	<u>124D.10, subd. 4, paragraph (m)</u>	<u>124E.07, subd. 2</u>
111.7	<u>124D.10, subd. 4, paragraph (n)</u>	<u>124E.07, subd. 3, paragraph (a)</u>
111.8	<u>124D.10, subd. 4, paragraph (o)</u>	<u>124E.07, subd. 4</u>
111.9	<u>124D.10, subd. 4, paragraph (p)</u>	<u>124E.10, subd. 2, paragraph (c)</u>
111.10	<u>124D.10, subd. 4, paragraph (q)</u>	<u>124E.10, subd. 2, paragraph (b)</u>
111.11	<u>124D.10, subd. 4, paragraph (r)</u>	<u>124E.10, subd. 2, paragraph (a)</u>
111.12	<u>124D.10, subd. 4, paragraph (s)</u>	<u>124E.06, subd. 5, paragraph (a)</u>
111.13	<u>124D.10, subd. 4, paragraph (t)</u>	<u>124E.06, subd. 5, paragraph (b)</u>
111.14	<u>124D.10, subd. 4a, paragraph (a)</u>	<u>124E.07, subd. 3, paragraph (b)</u>
111.15	<u>124D.10, subd. 4a, paragraph (b)</u>	<u>124E.14, paragraph (a)</u>
111.16	<u>124D.10, subd. 4a, paragraph (c)</u>	<u>124E.07, subd. 3, paragraph (c)</u>
111.17	<u>124D.10, subd. 4a, paragraph (d)</u>	<u>124E.07, subd. 3, paragraph (d)</u>
111.18	<u>124D.10, subd. 4a, paragraph (e)</u>	<u>124E.14, paragraph (b)</u>
111.19	<u>124D.10, subd. 4a, paragraph (f)</u>	<u>124E.14, paragraph (c)</u>
111.20	<u>124D.10, subd. 5</u>	<u>124E.06, subd. 6</u>
111.21	<u>124D.10, subd. 6</u>	<u>124E.10, subd. 1, paragraph (a)</u>
111.22	<u>124D.10, subd. 6a</u>	<u>124E.16, subd. 1, paragraphs (b) to</u>
111.23		<u>(e)</u>
111.24	<u>124D.10, subd. 7</u>	<u>124E.03, subd. 1</u>
111.25	<u>124D.10, subd. 8, paragraph (a)</u>	<u>124E.03, subd. 2, paragraph (a)</u>
111.26	<u>124D.10, subd. 8, paragraph (b)</u>	<u>124E.03, subd. 2, paragraph (b)</u>
111.27	<u>124D.10, subd. 8, paragraph (c)</u>	<u>124E.06, subd. 3, paragraph (e)</u>
111.28	<u>124D.10, subd. 8, paragraph (d)</u>	<u>124E.06, subd. 3, paragraph (b)</u>
111.29	<u>124D.10, subd. 8, paragraph (e)</u>	<u>124E.03, subd. 4, paragraph (a)</u>
111.30	<u>124D.10, subd. 8, paragraph (f)</u>	<u>124E.06, subd. 3, paragraph (c)</u>
111.31	<u>124D.10, subd. 8, paragraph (g)</u>	<u>124E.06, subd. 3, paragraph (a)</u>
111.32	<u>124D.10, subd. 8, paragraph (h)</u>	<u>124E.06, subd. 3, paragraph (f)</u>
111.33	<u>124D.10, subd. 8, paragraph (i)</u>	<u>124E.03, subd. 4, paragraph (b)</u>
111.34	<u>124D.10, subd. 8, paragraph (j)</u>	<u>124E.11, paragraph (g)</u>
111.35	<u>124D.10, subd. 8, paragraph (k)</u>	<u>124E.03, subd. 2, paragraph (c)</u>
111.36	<u>124D.10, subd. 8, paragraph (l)</u>	<u>124E.16, subd. 1, paragraph (a)</u>
111.37	<u>124D.10, subd. 8, paragraph (m)</u>	<u>124E.03, subd. 2, paragraph (d)</u>
111.38	<u>124D.10, subd. 8, paragraph (n)</u>	<u>124E.03, subd. 5, paragraph (a)</u>
111.39	<u>124D.10, subd. 8, paragraph (o)</u>	<u>124E.03, subd. 2, paragraph (e)</u>
111.40	<u>124D.10, subd. 8, paragraph (p)</u>	<u>124E.03, subd. 7, paragraph (a)</u>
111.41	<u>124D.10, subd. 8, paragraph (q)</u>	<u>124E.03, subd. 2, paragraph (f)</u>
111.42	<u>124D.10, subd. 8, paragraph (r)</u>	<u>124E.03, subd. 5, paragraph (b)</u>
111.43	<u>124D.10, subd. 8, paragraph (s)</u>	<u>124E.03, subd. 7, paragraph (b)</u>
111.44	<u>124D.10, subd. 8, paragraph (t)</u>	<u>124E.03, subd. 7, paragraph (c)</u>

112.1	<u>124D.10, subd. 8, paragraph (u)</u>	<u>124E.03, subd. 2, paragraph (g)</u>
112.2	<u>124D.10, subd. 8, paragraph (v)</u>	<u>124E.03, subd. 2, paragraph (h)</u>
112.3	<u>124D.10, subd. 8, paragraph (w)</u>	<u>124E.03, subd. 2, paragraph (i)</u>
112.4	<u>124D.10, subd. 8, paragraph (x)</u>	<u>124E.03, subd. 4, paragraph (c)</u>
112.5	<u>124D.10, subd. 8, paragraph (y)</u>	<u>124E.15, paragraph (a)</u>
112.6	<u>124D.10, subd. 8a</u>	<u>124E.25, subd. 3, paragraph (a)</u>
112.7	<u>124D.10, subd. 8b</u>	<u>124E.25, subd. 3, paragraph (b)</u>
112.8	<u>124D.10, subd. 9</u>	<u>124E.11, paragraphs (a) to (f)</u>
112.9	<u>124D.10, subd. 10</u>	<u>124E.10, subd. 1, paragraph (b)</u>
112.10	<u>124D.10, subd. 11, paragraph (a)</u>	<u>124E.12, subd. 1</u>
112.11	<u>124D.10, subd. 11, paragraph (b)</u>	<u>124E.12, subd. 2</u>
112.12	<u>124D.10, subd. 11, paragraph (c)</u>	<u>124E.07, subd. 6</u>
112.13	<u>124D.10, subd. 11, paragraph (d)</u>	<u>124E.12, subd. 5</u>
112.14	<u>124D.10, subd. 12</u>	<u>124E.03, subd. 3</u>
112.15	<u>124D.10, subd. 13</u>	<u>124E.03, subd. 6</u>
112.16	<u>124D.10, subd. 14</u>	<u>124E.16, subd. 2</u>
112.17	<u>124D.10, subd. 15, paragraphs (a)</u>	<u>124E.10, subd. 3, paragraphs (a) to</u>
112.18	<u>to (e)</u>	<u>(e)</u>
112.19	<u>124D.10, subd. 15, paragraph (f)</u>	<u>124E.05, subd. 8</u>
112.20	<u>124D.10, subd. 16</u>	<u>124E.15, paragraphs (b) to (d)</u>
112.21	<u>124D.10, subd. 17</u>	<u>124E.13, subd. 1</u>
112.22	<u>124D.10, subd. 17a</u>	<u>124E.13, subd. 3</u>
112.23	<u>124D.10, subd. 17b</u>	<u>124E.13, subd. 4</u>
112.24	<u>124D.10, subd. 19</u>	<u>124E.17, subd. 1</u>
112.25	<u>124D.10, subd. 20</u>	<u>124E.12, subd. 6</u>
112.26	<u>124D.10, subd. 21</u>	<u>124E.12, subd. 3</u>
112.27	<u>124D.10, subd. 22</u>	<u>124E.12, subd. 4</u>
112.28	<u>124D.10, subd. 23, paragraphs (a)</u>	<u>124E.10, subd. 4, paragraphs (a) and</u>
112.29	<u>and (b)</u>	<u>(b)</u>
112.30	<u>124D.10, subd. 23, paragraph (c)</u>	<u>124E.10, subd. 5</u>
112.31	<u>124D.10, subd. 23, paragraph (d)</u>	<u>124E.10, subd. 4, paragraph (c)</u>
112.32	<u>124D.10, subd. 23a, paragraph (a)</u>	<u>124E.13, subd. 2, paragraph (a)</u>
112.33	<u>124D.10, subd. 23a, paragraph (b)</u>	<u>124E.02, paragraph (b)</u>
112.34	<u>124D.10, subd. 23a, paragraph (c)</u>	<u>124E.13, subd. 2, paragraph (b)</u>
112.35	<u>124D.10, subd. 23a, paragraph (d)</u>	<u>124E.13, subd. 2, paragraph (c)</u>
112.36	<u>124D.10, subd. 24</u>	<u>124E.10, subd. 6</u>
112.37	<u>124D.10, subd. 25</u>	<u>124E.09</u>
112.38	<u>124D.10, subd. 27</u>	<u>124E.08</u>
112.39	<u>124D.11, subd. 1</u>	<u>124E.20, subd. 1</u>
112.40	<u>124D.11, subd. 2</u>	<u>124E.23</u>
112.41	<u>124D.11, subd. 3</u>	<u>124E.20, subd. 2</u>
112.42	<u>124D.11, subd. 4</u>	<u>124E.22</u>
112.43	<u>124D.11, subd. 5</u>	<u>124E.21</u>
112.44	<u>124D.11, subd. 6</u>	<u>124E.24</u>

113.1	<u>124D.11, subd. 7</u>	<u>124E.26</u>
113.2	<u>124D.11, subd. 9, paragraph (a)</u>	<u>124E.25, subd. 1, paragraph (a)</u>
113.3	<u>124D.11, subd. 9, paragraph (b)</u>	<u>124E.25, subd. 1, paragraph (b)</u>
113.4	<u>124D.11, subd. 9, paragraph (c)</u>	<u>124E.25, subd. 4, paragraph (a)</u>
113.5	<u>124D.11, subd. 9, paragraph (d)</u>	<u>124E.25, subd. 4, paragraph (b)</u>
113.6	<u>124D.11, subd. 9, paragraph (e)</u>	<u>124E.25, subd. 2, paragraph (a)</u>
113.7	<u>124D.11, subd. 9, paragraph (f)</u>	<u>124E.25, subd. 1, paragraph (c)</u>
113.8	<u>124D.11, subd. 9, paragraph (g)</u>	<u>124E.25, subd. 2, paragraph (b)</u>
113.9	<u>124D.11, subd. 9, paragraph (h)</u>	<u>124E.25, subd. 2, paragraph (c)</u>

**ARTICLE 7**

**GENERAL EDUCATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

114.11 ~~(1) general education revenue, excluding operating capital revenue, equity revenue,~~  
 114.12 ~~local optional revenue, and transition revenue, minus the student achievement levy,~~  
 114.13 ~~multiplied times the ratio of the actual amount of student achievement levy levied to the~~  
 114.14 ~~permitted student achievement levy; plus~~

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

114.16 ~~(2) (3) equity aid under section 126C.10, subdivision 30; plus~~

114.17 ~~(3) (4) transition aid under section 126C.10, subdivision 33; plus~~

114.18 ~~(4) (5) shared time aid under section 126C.10, subdivision 7; plus~~

114.19 ~~(5) (6) referendum aid under section 126C.17, subdivisions 7 and 7a; plus~~

114.20 ~~(6) (7) online learning aid under section 124D.096; plus~~

114.21 ~~(7) (8) local optional aid according to section 126C.10, subdivision 2d, paragraph (d).~~

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

114.23 Sec. 4. Minnesota Statutes 2014, section 126C.15, subdivision 1, is amended to read:

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

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

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

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

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

115.7 (5) comprehensive and ongoing staff development consistent with district and site  
115.8 plans according to section 122A.60 and to implement plans under section 120B.12,  
115.9 subdivision 4a, for teachers, teacher aides, principals, and other personnel to improve  
115.10 their ability to identify the needs of these learners and provide appropriate remediation,  
115.11 intervention, accommodations, or modifications;

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

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

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

115.21 (9) all-day kindergarten;

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

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

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

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

115.31 Sec. 5. Minnesota Statutes 2014, section 126C.17, subdivision 1, is amended to read:

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

115.34 (1) multiply the referendum allowance the district would have received for fiscal  
115.35 year 2015 under Minnesota Statutes 2012, section 126C.17, subdivision 1, based on

116.1 elections held before July 1, 2013, by the resident marginal cost pupil units the district  
116.2 would have counted for fiscal year 2015 under Minnesota Statutes 2012, section 126C.05;

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

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

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

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

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

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

116.16 (b) A district's referendum allowance equals the sum of the district's initial  
116.17 referendum allowance, plus any new referendum allowance authorized between July 1,  
116.18 2013, and December 31, 2013, under subdivision 9a, plus any additional referendum  
116.19 allowance per adjusted pupil unit authorized after December 31, 2013, minus any  
116.20 allowances expiring in fiscal year 2016 or later, provided that the allowance may not be  
116.21 less than zero. For a district with more than one referendum allowance for fiscal year  
116.22 2015 under Minnesota Statutes 2012, section 126C.17, the allowance calculated under  
116.23 paragraph (a), clause (3), must be divided into components such that the same percentage  
116.24 of the district's allowance expires at the same time as the old allowances would have  
116.25 expired under Minnesota Statutes 2012, section 126C.17. For a district with more than one  
116.26 allowance for fiscal year 2015 that expires in the same year, the reduction under paragraph  
116.27 (a), clause (6), to offset local optional revenue shall be made first from any allowances that  
116.28 do not have an inflation adjustment approved by the voters.

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

116.31 Sec. 6. Minnesota Statutes 2014, section 126C.17, subdivision 2, is amended to read:

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

116.35 (1) \$1,845;

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

117.7 (3) the product of the referendum allowance limit the district would have received  
117.8 for fiscal year 2015 under Minnesota Statutes 2012, section 126C.17, subdivision 2, and  
117.9 the resident marginal cost pupil units the district would have received for fiscal year 2015  
117.10 under Minnesota Statutes 2012, section 126C.05, subdivision 6, plus the adjustment the  
117.11 district would have received under Minnesota Statutes 2012, section 127A.47, subdivision  
117.12 7, paragraphs (a), (b), and (c), based on elections held before July 1, 2013, divided by  
117.13 the district's adjusted pupil units for fiscal year 2015; minus \$424 for a district receiving  
117.14 local optional revenue under section 126C.10, subdivision 2d, paragraph (a), minus  
117.15 \$212 for a district receiving local optional revenue under section 126C.10, subdivision  
117.16 2d, paragraph (b); or

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

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

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

117.28 Sec. 7. Minnesota Statutes 2014, section 126C.48, subdivision 8, is amended to read:

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

117.31 (2) Notwithstanding any other law to the contrary, districts that have revenue  
117.32 pursuant to sections 298.018; 298.225; 298.24 to 298.28, except an amount distributed  
117.33 under sections 298.26; 298.28, subdivision 4, paragraphs (c), clause (ii), and (d); 298.34 to  
117.34 298.39; 298.391 to 298.396; 298.405; 477A.15; and any law imposing a tax upon severed  
117.35 mineral values must reduce the levies authorized by this chapter and chapters 120B, 122A,

118.1 123A, 123B, 124A, 124D, 125A, and 127A, excluding the student achievement levy  
118.2 under section 126C.13, subdivision 3b, by 95 percent of the sum of the previous year's  
118.3 revenue specified under this clause and the amount attributable to the same production  
118.4 year distributed to the cities and townships within the school district under section 298.28,  
118.5 subdivision 2, paragraph (c).

118.6 (3) The amount of any voter approved referendum, facilities down payment, and  
118.7 debt levies shall not be reduced by more than 50 percent under this subdivision, except  
118.8 that payments under section 298.28, subdivision 7a, may reduce the debt service levy by  
118.9 more than 50 percent. In administering this paragraph, the commissioner shall first reduce  
118.10 the nonvoter approved levies of a district; then, if any payments, severed mineral value  
118.11 tax revenue or recognized revenue under paragraph (2) remains, the commissioner shall  
118.12 reduce any voter approved referendum levies authorized under section 126C.17; then, if  
118.13 any payments, severed mineral value tax revenue or recognized revenue under paragraph  
118.14 (2) remains, the commissioner shall reduce any voter approved facilities down payment  
118.15 levies authorized under section 123B.63 and then, if any payments, severed mineral value  
118.16 tax revenue or recognized revenue under paragraph (2) remains, the commissioner shall  
118.17 reduce any voter approved debt levies.

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

118.23 (5) To the extent the levy reduction calculated under paragraph (2) exceeds the  
118.24 limitation in paragraph (3), an amount equal to the excess must be distributed from the  
118.25 school district's distribution under sections 298.225, 298.28, and 477A.15 in the following  
118.26 year to the cities and townships within the school district in the proportion that their  
118.27 taxable net tax capacity within the school district bears to the taxable net tax capacity of  
118.28 the school district for property taxes payable in the year prior to distribution. No city or  
118.29 township shall receive a distribution greater than its levy for taxes payable in the year prior  
118.30 to distribution. The commissioner of revenue shall certify the distributions of cities and  
118.31 towns under this paragraph to the county auditor by September 30 of the year preceding  
118.32 distribution. The county auditor shall reduce the proposed and final levies of cities and  
118.33 towns receiving distributions by the amount of their distribution. Distributions to the cities  
118.34 and towns shall be made at the times provided under section 298.27.

118.35 Sec. 8. **REPEALER.**

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

119.2 **ARTICLE 8**

119.3 **LIBRARIES, OTHER FACILITIES, AND TECHNOLOGY**

119.4 Section 1. Minnesota Statutes 2014, section 125B.26, subdivision 2, is amended to read:

119.5 Subd. 2. **E-rates.** To be eligible for aid under this section, a district, charter school,  
119.6 or intermediate school district is required to file an e-rate application either separately or  
119.7 through its telecommunications access cluster ~~and have a current technology plan on file~~  
119.8 ~~with the department.~~ Discounts received on telecommunications expenditures shall be  
119.9 reflected in the costs submitted to the department for aid under this section.

119.10 Sec. 2. Minnesota Statutes 2014, section 134.20, subdivision 2, is amended to read:

119.11 Subd. 2. **Library board and chief administrative officer.** (a) The agreement  
119.12 establishing a regional public library system shall provide for a library board to govern the  
119.13 organization having all the powers and duties of city and county library boards as provided  
119.14 in sections 134.11, 134.12, and 134.13 and including exclusive determination of all library  
119.15 services to be provided under terms of the agreement as defined in section 134.001, and  
119.16 exclusive control of the expenditure of all funds for the services. The regional library  
119.17 system board may consist of as many members as the contracting parties deem necessary,  
119.18 appointed in a number from among the residents of the contracting parties and for terms  
119.19 by each party to the contract as determined by the contracting parties, irrespective of  
119.20 the existence of one or more city and county library boards already in existence in the  
119.21 participating cities and counties. Not more than one member from each contracting party  
119.22 shall be a member of the governing body of a contracting party and no member may be  
119.23 appointed to serve more than three consecutive three-year terms. In the participating cities  
119.24 and counties, the portion of the proceeds of the city and county library tax authorized  
119.25 by section 134.07, shall be used to support the regional public library system as the  
119.26 contracting agreement may provide.

119.27 (b) The governing board of a regional public library system must employ a chief  
119.28 administrative officer who is compensated by no more than one regional library system.

119.29 Sec. 3. **EXAMINING AND DEVELOPING STATEWIDE SWIMMING**  
119.30 **RESOURCES.**

119.31 (a) The commissioner of education must inventory and report to the education  
119.32 committees of the legislature by February 1, 2016, on the extent of existing resources and  
119.33 best practices available for swimming instruction in Minnesota public schools.

120.1 (b) The commissioner of education must establish a work group of interested  
120.2 stakeholders, including the commissioner or commissioner's designee, the commissioner  
120.3 of health or the commissioner's designee, and representatives of K-12 physical education  
120.4 teachers, K-12 school administrators, nonprofit fitness and recreational organizations,  
120.5 public parks and recreation departments, and other stakeholders, including community  
120.6 members underserved and disproportionately impacted by the current distribution of  
120.7 swimming resources, interested in swimming instruction and activities identified by the  
120.8 commissioner of education, to determine and report to the education committees of the  
120.9 legislature by February 1, 2017, on the curriculum, resources, personnel, and other costs  
120.10 needed to make swimming instruction available in all Minnesota public schools. The work  
120.11 group must consider the substance of the report under paragraph (a) in preparing its report.

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

## 120.13 **ARTICLE 9**

### 120.14 **STATE AGENCIES**

120.15 Section 1. Minnesota Statutes 2014, section 16A.103, subdivision 1c, is amended to  
120.16 read:

120.17 Subd. 1c. **Expenditure data.** (a) State agencies must submit any revisions  
120.18 in expenditure data the commissioner determines necessary for the forecast to the  
120.19 commissioner at least four weeks prior to the release of the forecast. The information  
120.20 submitted by state agencies and any modifications to that information made by the  
120.21 commissioner must be made available to legislative fiscal staff no later than three weeks  
120.22 prior to the release of the forecast.

120.23 (b) Notwithstanding paragraph (a), the Department of Education must submit any  
120.24 revisions in expenditure data to the commissioner at least three weeks before the release of  
120.25 the November forecast, and the commissioner must make E-12 expenditure data available to  
120.26 legislative fiscal staff no later than two weeks before the release of the November forecast.

120.27 Sec. 2. Minnesota Statutes 2014, section 123A.24, subdivision 1, is amended to read:

120.28 Subdivision 1. **Distribution of assets and liabilities.** (a) If a district withdraws  
120.29 from a cooperative unit defined in subdivision 2, the distribution of assets and assignment  
120.30 of liabilities to the withdrawing district shall be determined according to this subdivision.

120.31 (b) The withdrawing district remains responsible for its share of debt incurred by the  
120.32 cooperative unit according to section 123B.02, subdivision 3. The district and cooperative

121.1 unit may mutually agree, through a board resolution by each, to terms and conditions of  
121.2 the distribution of assets and the assignment of liabilities.

121.3 (c) If the cooperative unit and the district cannot agree on the terms and conditions,  
121.4 the commissioner shall resolve the dispute by determining the district's proportionate share  
121.5 of assets and liabilities based on the district's enrollment, financial contribution, usage, or  
121.6 other factor or combination of factors determined appropriate by the commissioner. If the  
121.7 dispute requires the commissioner to involve an administrative law judge, any fees due  
121.8 to the Office of Administrative Hearings must be equally split between the district and  
121.9 cooperative unit. The assets must be disbursed to the withdrawing district in a manner  
121.10 that minimizes financial disruption to the cooperative unit.

121.11 (d) Assets related to an insurance pool shall not be disbursed to a member district  
121.12 under paragraph (c).

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

121.14 Sec. 3. Minnesota Statutes 2014, section 123B.77, subdivision 3, is amended to read:

121.15 Subd. 3. **Statement for comparison and correction.** (a) By November ~~30~~ 15 of the  
121.16 calendar year of the submission of the unaudited financial data, the district must provide to  
121.17 the commissioner audited financial data for the preceding fiscal year. The audit must be  
121.18 conducted in compliance with generally accepted governmental auditing standards, the  
121.19 federal Single Audit Act, and the Minnesota legal compliance guide issued by the Office  
121.20 of the State Auditor. An audited financial statement prepared in a form which will allow  
121.21 comparison with and correction of material differences in the unaudited financial data shall  
121.22 be submitted to the commissioner and the state auditor by December ~~31~~ 15. The audited  
121.23 financial statement must also provide a statement of assurance pertaining to uniform  
121.24 financial accounting and reporting standards compliance and a copy of the management  
121.25 letter submitted to the district by the school district's auditor.

121.26 (b) By February ~~15~~ (1) of the calendar year following the submission of the  
121.27 unaudited financial data, the commissioner shall convert the audited financial data  
121.28 required by this subdivision into the consolidated financial statement format required  
121.29 under subdivision 1a and publish the information on the department's Web site.

121.30 Sec. 4. Minnesota Statutes 2014, section 124D.50, is amended by adding a subdivision  
121.31 to read:

121.32 Subd. 2a. **Service-learning specialist; service-learning work.** The commissioner  
121.33 shall create a service-learning specialist position in the department to advance  
121.34 evidence-based service learning, coordinate the service-learning grants program, and

122.1 provide technical assistance to school districts, schools, and school programs and to  
 122.2 their community-based partners or participants, such as nonprofit organizations, units  
 122.3 of government, higher education institutions, businesses or business organizations,  
 122.4 community leaders, or parents. The commissioner may provide or may contract for  
 122.5 specialized expertise in school- and community-based service-learning best practices,  
 122.6 professional development or training, service-learning research or evaluation, or  
 122.7 development of service-learning learning communities or user group support.

122.8 **EFFECTIVE DATE.** This section is effective July 1, 2015.

122.9 Sec. 5. Minnesota Statutes 2014, section 125A.75, subdivision 9, is amended to read:

122.10 Subd. 9. **Litigation costs; annual report.** (a) By November 30 of each year,  
 122.11 a school district must annually report the district's special education litigation costs,  
 122.12 including attorney fees and costs of due process hearings, to the commissioner of  
 122.13 education, consistent with the Uniform Financial Accounting and Reporting Standards.

122.14 (b) By ~~January 15~~ February 1 of each year, the commissioner shall report school  
 122.15 district special education litigation costs to the house of representatives and the senate  
 122.16 committees having jurisdiction over kindergarten through grade 12 education finance.

122.17 Sec. 6. Minnesota Statutes 2014, section 127A.05, subdivision 6, is amended to read:

122.18 Subd. 6. **Survey of districts.** The commissioner of education shall survey the state's  
 122.19 school districts and teacher preparation programs and report to the education committees  
 122.20 of the legislature by ~~January 15~~ February 1 of each odd-numbered year on the status of  
 122.21 teacher early retirement patterns, the teacher shortage, and the substitute teacher shortage,  
 122.22 including patterns and shortages in subject areas and regions of the state. The report must  
 122.23 also include how districts are making progress in hiring teachers and substitutes in the  
 122.24 areas of shortage and a five-year projection of teacher demand for each district.

122.25 Sec. 7. Minnesota Statutes 2014, section 127A.49, subdivision 1, is amended to read:

122.26 Subdivision 1. **Omissions.** No adjustments to any aid payments made pursuant  
 122.27 to this chapter or chapters 120B, 122A, 123A, 123B, 124D, 125A, and 126C resulting  
 122.28 from omissions in district reports, except those adjustments determined by the legislative  
 122.29 auditor, shall be made for any school year after December ~~30~~ 15 of the next school year,  
 122.30 unless otherwise specifically provided by law.

122.31 Sec. 8. Minnesota Statutes 2014, section 127A.70, subdivision 1, is amended to read:

123.1           Subdivision 1. **Establishment; membership.** (a) A P-20 education partnership is  
123.2 established to create a seamless system of education that maximizes achievements of  
123.3 all students, from early childhood through elementary, secondary, and postsecondary  
123.4 education, while promoting the efficient use of financial and human resources. The  
123.5 partnership shall consist of major statewide educational groups or constituencies or  
123.6 noneducational statewide organizations with a stated interest in P-20 education. The initial  
123.7 membership of the partnership includes the members serving on the Minnesota P-16  
123.8 Education Partnership and four legislators appointed as follows:

123.9           (1) one senator from the majority party and one senator from the minority party,  
123.10 appointed by the Subcommittee on Committees of the Committee on Rules and  
123.11 Administration; and

123.12           (2) one member of the house of representatives appointed by the speaker of the  
123.13 house and one member appointed by the minority leader of the house of representatives.

123.14           (b) The chair of the P-16 education partnership must convene the first meeting  
123.15 of the P-20 partnership. Prospective members may be nominated by any partnership  
123.16 member and new members will be added with the approval of a two-thirds majority of the  
123.17 partnership. The partnership will also seek input from nonmember organizations whose  
123.18 expertise can help inform the partnership's work.

123.19           (c) Partnership members shall be represented by the chief executives, presidents, or  
123.20 other formally designated leaders of their respective organizations, or their designees. The  
123.21 partnership shall meet at least three times during each calendar year.

123.22           (d) The P-20 education partnership shall be the state council for the Interstate  
123.23 Compact on Educational Opportunity for Military Children under section 127A.85 with  
123.24 ~~the chair~~ commissioner or commissioner's designee serving as the compact commissioner  
123.25 responsible for the administration and management of the state's participation in the  
123.26 compact. When conducting business required under section 127A.85, the P-20 partnership  
123.27 shall include a representative from a military installation appointed by the adjutant general  
123.28 of the Minnesota National Guard.

123.29           Sec. 9. Laws 2014, chapter 312, article 16, section 15, is amended to read:

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

123.31           (a) For fiscal year 2015 only, teacher development and evaluation revenue for a  
123.32 school district, intermediate school district, educational cooperative, education district,  
123.33 or charter school with any school site that does not have an alternative professional pay  
123.34 system agreement under Minnesota Statutes, section 122A.414, subdivision 2, equals \$302  
123.35 times the number of full-time equivalent teachers employed on October 1 of the previous

124.1 school year in each school site without an alternative professional pay system under  
124.2 Minnesota Statutes, section 122A.414, subdivision 2. Except for charter schools, revenue  
124.3 under this section must be reserved for teacher development and evaluation activities  
124.4 consistent with Minnesota Statutes, section 122A.40, subdivision 8, or Minnesota Statutes,  
124.5 section 122A.41, subdivision 5. For the purposes of this section, "teacher" has the  
124.6 meaning given it in Minnesota Statutes, section 122A.40, subdivision 1, or Minnesota  
124.7 Statutes, section 122A.41, subdivision 1.

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

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

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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.

**122A.40 EMPLOYMENT; CONTRACTS; TERMINATION.**

Subd. 11. **Unrequested leave of absence.** The board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. The unrequested leave is effective at the close of the school year. In placing teachers on unrequested leave, the board is governed by the following provisions:

(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. A teacher who has acquired continuing contract rights must not be placed on unrequested leave of absence while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is licensed;

(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district. In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed is negotiable;

(c) Notwithstanding the provisions of paragraph (b), a teacher is not entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the placement on unrequested leave of absence of another

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teacher who also holds a provisional license in the same field. The provisions of this paragraph do not apply to vocational education licenses;

(d) Notwithstanding paragraphs (a), (b), and (c), if the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction imposed by the provisions of paragraph (c) would place the district in violation of its affirmative action program, the district may retain the probationary teacher, the teacher with less seniority, or the provisionally licensed teacher;

(e) Teachers placed on unrequested leave of absence must be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are licensed. Reinstatement must be in the inverse order of placement on leave of absence. A teacher must not be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field remains on unrequested leave. The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year is negotiable;

(f) Appointment of a new teacher must not be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to that teacher who may return to employment and assume the duties of the position to which appointed on a future date determined by the board;

(g) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave;

(h) The unrequested leave of absence must not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service;

(i) The unrequested leave of absence of a teacher who is placed on unrequested leave of absence and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate. The teacher's right to reinstatement shall also terminate if the teacher fails to file with the board by April 1 of any year a written statement requesting reinstatement;

(j) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 5 and 7 must apply to placement on unrequested leave of absence;

(k) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment benefits if otherwise eligible.

### **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.

(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

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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.