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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2706

05/20/2017 Authored by Ward
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; education finance; health; workforce development; increasing
1.3 appropriations for school-linked mental health services; providing for school staff
1.4 and program development; requiring an intermediate school district program
1.5 evaluation; providing for additional supports for students attending alternative
1.6 learning centers in intermediate districts; providing additional support for homeless
1.7 students; creating professional development opportunities for staff who work with
1.8 homeless students; requiring affirmative consent standards in campus sexual assault
1.9 policies; establishing a sexual violence grant program; modifying certain
1.10 Postsecondary Enrollment Options Act provisions; amending the graduation
1.11 incentives program; establishing a youth skills training program; requiring reports;
1.12 appropriating money; amending Minnesota Statutes 2016, sections 120A.20,
1.13 subdivision 2; 120B.11, subdivision 2; 120B.115; 123B.92, subdivision 1; 124D.09,
1.14 subdivisions 9, 12, by adding a subdivision; 124D.68, subdivision 3; 125A.76,
1.15 subdivision 1; 135A.15, by adding a subdivision; proposing coding for new law
1.16 in Minnesota Statutes, chapters 136A; 175.

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

1.18 Section 1. Minnesota Statutes 2016, section 120A.20, subdivision 2, is amended to read:

1.19 Subd. 2. Education, residence, and transportation of homeless. (a) Notwithstanding
1.20 subdivision 1, a district must not deny free admission to a homeless pupil solely because
1.21 the district cannot determine that the pupil is a resident of the district.

1.22 (b) The school district of residence for a homeless pupil shall be the school district in
1.23 which the parent or legal guardian resides, unless: (1) parental rights have been terminated
1.24 by court order; (2) the parent or guardian is not living within the state; or (3) the parent or
1.25 guardian having legal custody of the child is an inmate of a Minnesota correctional facility
1.26 or is a resident of a halfway house under the supervision of the commissioner of corrections.
1.27 If any of clauses (1) to (3) apply, the school district of residence shall be the school district
1.28 in which the pupil resided when the qualifying event occurred. If no other district of residence

2.1 can be established, the school district of residence shall be the school district in which the  
 2.2 pupil currently resides. If there is a dispute between school districts regarding residency,  
 2.3 the district of residence is the district designated by the commissioner of education.

2.4 (c) The serving district is responsible for transporting a homeless pupil to and from the  
 2.5 pupil's district of residence. The district may transport from a permanent home in another  
 2.6 district ~~but only~~ through the end of the academic school year and, upon request from the  
 2.7 formerly homeless student, for the following academic year. When a pupil is enrolled in a  
 2.8 charter school, the district or school that provides transportation for other pupils enrolled  
 2.9 in the charter school is responsible for providing transportation. When a homeless student  
 2.10 with or without an individualized education program attends a public school other than an  
 2.11 independent or special school district or charter school, the district of residence is responsible  
 2.12 for transportation.

2.13 Sec. 2. Minnesota Statutes 2016, section 120B.11, subdivision 2, is amended to read:

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

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

2.20 (2) a process to assess and evaluate each student's progress toward meeting state and  
 2.21 local academic standards, assess and identify students to participate in gifted and talented  
 2.22 programs and accelerate their instruction, and adopt early-admission procedures consistent  
 2.23 with section 120B.15, and identifying the strengths and weaknesses of instruction in pursuit  
 2.24 of student and school success and curriculum affecting students' progress and growth toward  
 2.25 career and college readiness and leading to the world's best workforce;

2.26 (3) a system to periodically review and evaluate the effectiveness of all instruction and  
 2.27 curriculum, taking into account strategies and best practices, student outcomes, school  
 2.28 principal evaluations under section 123B.147, subdivision 3, students' access to effective  
 2.29 teachers who are members of populations underrepresented among the licensed teachers in  
 2.30 the district or school and who reflect the diversity of enrolled students under section 120B.35,  
 2.31 subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40,  
 2.32 subdivision 8, or 122A.41, subdivision 5;

3.1 (4) strategies for improving instruction, curriculum, and student achievement, including  
 3.2 the English and, where practicable, the native language development and the academic  
 3.3 achievement of English learners;

3.4 (5) strategies for improving instruction, curriculum, student achievement, and continuity  
 3.5 of services for homeless and formerly homeless students;

3.6 (6) a process to examine the equitable distribution of teachers and strategies to ensure  
 3.7 low-income and minority children are not taught at higher rates than other children by  
 3.8 inexperienced, ineffective, or out-of-field teachers;

3.9 ~~(6)~~ (7) education effectiveness practices that integrate high-quality instruction, rigorous  
 3.10 curriculum, technology, and a collaborative professional culture that develops and supports  
 3.11 teacher quality, performance, and effectiveness; and

3.12 ~~(7)~~ (8) an annual budget for continuing to implement the district plan.

3.13 Sec. 3. Minnesota Statutes 2016, section 120B.115, is amended to read:

3.14 **120B.115 REGIONAL CENTERS OF EXCELLENCE.**

3.15 (a) Regional centers of excellence are established to assist and support school boards,  
 3.16 school districts, school sites, and charter schools in implementing research-based  
 3.17 interventions and practices to increase the students' achievement within a region. The centers  
 3.18 must develop partnerships with local and regional service cooperatives, postsecondary  
 3.19 institutions, integrated school districts, the department, children's mental health providers,  
 3.20 or other local or regional entities interested in providing a cohesive and consistent regional  
 3.21 delivery system that serves all schools equitably. Centers must assist school districts, school  
 3.22 sites, and charter schools in developing similar partnerships. Center support may include  
 3.23 assisting school districts, school sites, and charter schools with common principles of  
 3.24 effective practice, including:

3.25 (1) defining measurable education goals under sections 120B.022, subdivisions 1a and  
 3.26 1b, and 120B.11, subdivision 2;

3.27 (2) implementing evidence-based practices, including applied and experiential learning,  
 3.28 contextualized learning, competency-based curricula and assessments, and other  
 3.29 nontraditional learning opportunities, among other practices;

3.30 (3) engaging in data-driven decision-making;

3.31 (4) providing multilayered levels of support;

4.1 (5) supporting culturally responsive teaching and learning aligning the development of  
 4.2 academic English proficiency, state and local academic standards, and career and college  
 4.3 readiness benchmarks;

4.4 (6) engaging parents, families, youth, and local community members in programs and  
 4.5 activities at the school district, school site, or charter school that foster collaboration and  
 4.6 shared accountability for the achievement of all students; ~~and~~

4.7 (7) providing staff development and training opportunities for school district and charter  
 4.8 school homeless liaisons and other staff supporting homeless students; and

4.9 (8) translating district forms and other information such as a multilingual glossary of  
 4.10 commonly used education terms and phrases.

4.11 Centers must work with school site leadership teams to build the expertise and experience  
 4.12 to implement programs that close the achievement gap, provide effective and differentiated  
 4.13 programs and instruction for different types of English learners, including English learners  
 4.14 with limited or interrupted formal schooling and long-term English learners under section  
 4.15 124D.59, subdivisions 2 and 2a, increase students' progress and growth toward career and  
 4.16 college readiness, and increase student graduation rates.

4.17 (b) The department must assist the regional centers of excellence to meet staff, facilities,  
 4.18 and technical needs, provide the centers with programmatic support, and work with the  
 4.19 centers to establish a coherent statewide system of regional support, including consulting,  
 4.20 training, and technical support, to help school boards, school districts, school sites, and  
 4.21 charter schools effectively and efficiently implement the world's best workforce goals under  
 4.22 section 120B.11 and other state and federal education initiatives, including secondary and  
 4.23 postsecondary career pathways and technical education.

4.24 Sec. 4. Minnesota Statutes 2016, section 123B.92, subdivision 1, is amended to read:

4.25 Subdivision 1. **Definitions.** For purposes of this section and section 125A.76, the terms  
 4.26 defined in this subdivision have the meanings given to them.

4.27 (a) "Actual expenditure per pupil transported in the regular and excess transportation  
 4.28 categories" means the quotient obtained by dividing:

4.29 (1) the sum of:

4.30 (i) all expenditures for transportation in the regular category, as defined in paragraph  
 4.31 (b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

5.1 (ii) an amount equal to one year's depreciation on the district's school bus fleet and  
5.2 mobile units computed on a straight line basis at the rate of 15 percent per year for districts  
5.3 operating a program under section 124D.128 for grades 1 to 12 for all students in the district  
5.4 and 12-1/2 percent per year for other districts of the cost of the fleet, plus

5.5 (iii) an amount equal to one year's depreciation on the district's type III vehicles, as  
5.6 defined in section 169.011, subdivision 71, which must be used a majority of the time for  
5.7 pupil transportation purposes, computed on a straight line basis at the rate of 20 percent per  
5.8 year of the cost of the type three school buses by:

5.9 (2) the number of pupils eligible for transportation in the regular category, as defined  
5.10 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause  
5.11 (2).

5.12 (b) "Transportation category" means a category of transportation service provided to  
5.13 pupils as follows:

5.14 (1) Regular transportation is:

5.15 (i) transportation to and from school during the regular school year for resident elementary  
5.16 pupils residing one mile or more from the public or nonpublic school they attend, and  
5.17 resident secondary pupils residing two miles or more from the public or nonpublic school  
5.18 they attend, excluding desegregation transportation and noon kindergarten transportation;  
5.19 but with respect to transportation of pupils to and from nonpublic schools, only to the extent  
5.20 permitted by sections 123B.84 to 123B.87;

5.21 (ii) transportation of resident pupils to and from language immersion programs;

5.22 (iii) transportation of a pupil who is a custodial parent and that pupil's child between the  
5.23 pupil's home and the child care provider and between the provider and the school, if the  
5.24 home and provider are within the attendance area of the school;

5.25 (iv) transportation to and from or board and lodging in another district, of resident pupils  
5.26 of a district without a secondary school; and

5.27 (v) transportation to and from school during the regular school year required under  
5.28 subdivision 3 for nonresident elementary pupils when the distance from the attendance area  
5.29 border to the public school is one mile or more, and for nonresident secondary pupils when  
5.30 the distance from the attendance area border to the public school is two miles or more,  
5.31 excluding desegregation transportation and noon kindergarten transportation.

5.32 For the purposes of this paragraph, a district may designate a licensed day care facility,  
5.33 school day care facility, respite care facility, the residence of a relative, or the residence of

6.1 a person or other location chosen by the pupil's parent or guardian, or an after-school program  
6.2 for children operated by a political subdivision of the state, as the home of a pupil for part  
6.3 or all of the day, if requested by the pupil's parent or guardian, and if that facility, residence,  
6.4 or program is within the attendance area of the school the pupil attends.

6.5 (2) Excess transportation is:

6.6 (i) transportation to and from school during the regular school year for resident secondary  
6.7 pupils residing at least one mile but less than two miles from the public or nonpublic school  
6.8 they attend, and transportation to and from school for resident pupils residing less than one  
6.9 mile from school who are transported because of full-service school zones, extraordinary  
6.10 traffic, drug, or crime hazards; and

6.11 (ii) transportation to and from school during the regular school year required under  
6.12 subdivision 3 for nonresident secondary pupils when the distance from the attendance area  
6.13 border to the school is at least one mile but less than two miles from the public school they  
6.14 attend, and for nonresident pupils when the distance from the attendance area border to the  
6.15 school is less than one mile from the school and who are transported because of full-service  
6.16 school zones, extraordinary traffic, drug, or crime hazards.

6.17 (3) Desegregation transportation is transportation within and outside of the district during  
6.18 the regular school year of pupils to and from schools located outside their normal attendance  
6.19 areas under a plan for desegregation mandated by the commissioner or under court order.

6.20 (4) "Transportation services for pupils with disabilities" is:

6.21 (i) transportation of pupils with disabilities who cannot be transported on a regular school  
6.22 bus between home or a respite care facility and school;

6.23 (ii) necessary transportation of pupils with disabilities from home or from school to  
6.24 other buildings, including centers such as developmental achievement centers, hospitals,  
6.25 and treatment centers where special instruction or services required by sections 125A.03 to  
6.26 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district  
6.27 where services are provided;

6.28 (iii) necessary transportation for resident pupils with disabilities required by sections  
6.29 125A.12, and 125A.26 to 125A.48;

6.30 (iv) board and lodging for pupils with disabilities in a district maintaining special classes;

6.31 (v) transportation from one educational facility to another within the district for resident  
6.32 pupils enrolled on a shared-time basis in educational programs, and necessary transportation  
6.33 required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils with disabilities

7.1 who are provided special instruction and services on a shared-time basis or if resident pupils  
 7.2 are not transported, the costs of necessary travel between public and private schools or  
 7.3 neutral instructional sites by essential personnel employed by the district's program for  
 7.4 children with a disability;

7.5 (vi) transportation for resident pupils with disabilities to and from board and lodging  
 7.6 facilities when the pupil is boarded and lodged for educational purposes;

7.7 (vii) transportation of pupils for a curricular field trip activity on a school bus equipped  
 7.8 with a power lift when the power lift is required by a student's disability or section 504 plan;  
 7.9 and

7.10 (viii) services described in clauses (i) to (vii), when provided for pupils with disabilities  
 7.11 in conjunction with a summer instructional program that relates to the pupil's individualized  
 7.12 education program or in conjunction with a learning year program established under section  
 7.13 124D.128.

7.14 For purposes of computing special education initial aid under section 125A.76, the cost  
 7.15 of providing transportation for children with disabilities includes (A) the additional cost of  
 7.16 transporting a homeless student from a temporary nonshelter home in another district to the  
 7.17 school of origin, or a formerly homeless student from a permanent home in another district  
 7.18 to the school of origin ~~but only~~ through the end of the academic year and, upon request from  
 7.19 the formerly homeless student, for the following academic year; and (B) depreciation on  
 7.20 district-owned school buses purchased after July 1, 2005, and used primarily for  
 7.21 transportation of pupils with disabilities, calculated according to paragraph (a), clauses (ii)  
 7.22 and (iii). Depreciation costs included in the disabled transportation category must be excluded  
 7.23 in calculating the actual expenditure per pupil transported in the regular and excess  
 7.24 transportation categories according to paragraph (a). For purposes of subitem (A), a school  
 7.25 district may transport a child who does not have a school of origin to the same school  
 7.26 attended by that child's sibling, if the siblings are homeless.

7.27 (5) "Nonpublic nonregular transportation" is:

7.28 (i) transportation from one educational facility to another within the district for resident  
 7.29 pupils enrolled on a shared-time basis in educational programs, excluding transportation  
 7.30 for nonpublic pupils with disabilities under clause (4);

7.31 (ii) transportation within district boundaries between a nonpublic school and a public  
 7.32 school or a neutral site for nonpublic school pupils who are provided pupil support services  
 7.33 pursuant to section 123B.44; and

8.1 (iii) late transportation home from school or between schools within a district for  
8.2 nonpublic school pupils involved in after-school activities.

8.3 (c) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational  
8.4 programs and services, including diagnostic testing, guidance and counseling services, and  
8.5 health services. A mobile unit located off nonpublic school premises is a neutral site as  
8.6 defined in section 123B.41, subdivision 13.

8.7 Sec. 5. Minnesota Statutes 2016, section 124D.09, subdivision 9, is amended to read:

8.8 Subd. 9. **Enrollment priority.** (a) A postsecondary institution shall give priority to its  
8.9 postsecondary students when enrolling 10th, 11th, and 12th grade pupils in its courses. A  
8.10 postsecondary institution may provide information about its programs to a secondary school  
8.11 or to a pupil or parent ~~and it may advertise or otherwise recruit or solicit a secondary pupil~~  
8.12 ~~to enroll in its programs on educational and programmatic grounds only except,~~  
8.13 ~~notwithstanding other law to the contrary, and for the 2014-2015 through 2019-2020 school~~  
8.14 ~~years only, an eligible postsecondary institution may advertise or otherwise recruit or solicit~~  
8.15 ~~a secondary pupil residing in a school district with 700 students or more in grades 10, 11,~~  
8.16 ~~and 12, to enroll in its programs on educational, programmatic, or financial grounds.~~

8.17 (b) An institution must not enroll secondary pupils, for postsecondary enrollment options  
8.18 purposes, in remedial, developmental, or other courses that are not college level except  
8.19 when a student eligible to participate and enrolled in the graduation incentives program  
8.20 under section 124D.68 enrolls full time in a middle or early college program. A middle or  
8.21 early college program must be specifically designed to allow the student to earn dual high  
8.22 school and college credit with a well-defined pathway to allow the student to earn a  
8.23 postsecondary degree or credential. In this case, the student shall receive developmental  
8.24 college credit and not college credit for completing remedial or developmental courses. A  
8.25 student enrolled in a charter school may participate in a middle or early college program  
8.26 and may enroll in a remedial or developmental course under this paragraph.

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

8.29 (d) If a postsecondary institution enrolls a secondary school pupil in a course under this  
8.30 section, the postsecondary institution also must enroll in the same course an otherwise  
8.31 enrolled and qualified postsecondary student who qualifies as a veteran under section  
8.32 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's  
8.33 established enrollment timelines were not practicable for that student.

9.1 Sec. 6. Minnesota Statutes 2016, section 124D.09, is amended by adding a subdivision to  
9.2 read:

9.3 Subd. 11a. **Access to building and technology.** (a) A school district must allow a student  
9.4 enrolled in a course under this section to remain at the school site during regular school  
9.5 hours.

9.6 (b) A school district must adopt a policy that provides a student enrolled in a course  
9.7 under this section with reasonable access during regular school hours to a computer and  
9.8 other technology resources that the student needs to complete coursework for a postsecondary  
9.9 enrollment course.

9.10 Sec. 7. Minnesota Statutes 2016, section 124D.09, subdivision 12, is amended to read:

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

9.13 (b) A district shall grant academic credit to a pupil enrolled in a course for secondary  
9.14 credit if the pupil successfully completes the course. Seven quarter or four semester college  
9.15 credits equal at least one full year of high school credit. Fewer college credits may be  
9.16 prorated. A district must also grant academic credit to a pupil enrolled in a course for  
9.17 postsecondary credit if secondary credit is requested by a pupil. If no comparable course is  
9.18 offered by the district, the district must, as soon as possible, notify the commissioner, who  
9.19 shall determine the number of credits that shall be granted to a pupil who successfully  
9.20 completes a course. If a comparable course is offered by the district, the school board shall  
9.21 grant a comparable number of credits to the pupil. If there is a dispute between the district  
9.22 and the pupil regarding the number of credits granted for a particular course, the pupil may  
9.23 appeal the board's decision to the commissioner. The commissioner's decision regarding  
9.24 the number of credits shall be final.

9.25 (c) A school board must adopt a policy regarding weighted grade point averages for any  
9.26 high school or dual enrollment course. The policy must state whether the district offers  
9.27 weighted grades. A school board must annually publish on its Web site a list of courses for  
9.28 which a student may earn a weighted grade.

9.29 (d) The secondary credits granted to a pupil must be counted toward the graduation  
9.30 requirements and subject area requirements of the district. Evidence of successful completion  
9.31 of each course and secondary credits granted must be included in the pupil's secondary  
9.32 school record. A pupil shall provide the school with a copy of the pupil's grade in each  
9.33 course taken for secondary credit under this section. Upon the request of a pupil, the pupil's

10.1 secondary school record must also include evidence of successful completion and credits  
10.2 granted for a course taken for postsecondary credit. In either case, the record must indicate  
10.3 that the credits were earned at a postsecondary institution.

10.4 (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the  
10.5 postsecondary institution must award postsecondary credit for any course successfully  
10.6 completed for secondary credit at that institution. Other postsecondary institutions may  
10.7 award, after a pupil leaves secondary school, postsecondary credit for any courses  
10.8 successfully completed under this section. An institution may not charge a pupil for the  
10.9 award of credit.

10.10 (f) The Board of Trustees of the Minnesota State Colleges and Universities and the  
10.11 Board of Regents of the University of Minnesota must, and private nonprofit and proprietary  
10.12 postsecondary institutions should, award postsecondary credit for any successfully completed  
10.13 courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships  
10.14 offered according to an agreement under subdivision 10. Consistent with section 135A.101,  
10.15 subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who  
10.16 completes for postsecondary credit a postsecondary course or program that is part or all of  
10.17 a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a  
10.18 MnSCU institution after leaving secondary school. Once one MnSCU institution certifies  
10.19 as completed a secondary student's postsecondary course or program that is part or all of a  
10.20 goal area or a transfer curriculum, every MnSCU institution must consider the student's  
10.21 course or program for that goal area or the transfer curriculum as completed.

10.22 Sec. 8. Minnesota Statutes 2016, section 124D.68, subdivision 3, is amended to read:

10.23 Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2 may  
10.24 enroll in a state-approved alternative program under sections 123A.05 to 123A.08 or a  
10.25 charter school under chapter 124E.

10.26 (b) A pupil who is eligible according to subdivision 2 and who is a high school junior  
10.27 or senior may enroll in postsecondary courses under section 124D.09.

10.28 (c) A pupil who is eligible under subdivision 2, may enroll in any public elementary or  
10.29 secondary education program.

10.30 (d) A pupil who is eligible under subdivision 2, may enroll in any nonpublic, nonsectarian  
10.31 school that has contracted with the serving school district to provide educational services.  
10.32 However, notwithstanding other provisions of this section, only a pupil who is eligible under

11.1 subdivision 2, clause (12), may enroll in a contract alternative school that is specifically  
11.2 structured to provide educational services to such a pupil.

11.3 (e) A pupil who is between the ages of 16 and 21 may enroll in any adult basic education  
11.4 programs approved under section 124D.52 and operated under the community education  
11.5 program contained in section 124D.19.

11.6 Sec. 9. Minnesota Statutes 2016, section 125A.76, subdivision 1, is amended to read:

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

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

11.12 (c) "Essential personnel" means teachers, cultural liaisons, related services, and support  
11.13 services staff providing services to students. Essential personnel may also include special  
11.14 education paraprofessionals or clericals providing support to teachers and students by  
11.15 preparing paperwork and making arrangements related to special education compliance  
11.16 requirements, including parent meetings and individualized education programs. Essential  
11.17 personnel does not include administrators and supervisors.

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

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

11.22 (f) "Nonfederal special education expenditure" means all direct expenditures that are  
11.23 necessary and essential to meet the district's obligation to provide special instruction and  
11.24 services to children with a disability according to sections 124D.454, 125A.03 to 125A.24,  
11.25 125A.259 to 125A.48, and 125A.65 as submitted by the district and approved by the  
11.26 department under section 125A.75, subdivision 4, excluding expenditures:

11.27 (1) reimbursed with federal funds;

11.28 (2) reimbursed with other state aids under this chapter;

11.29 (3) for general education costs of serving students with a disability;

11.30 (4) for facilities;

11.31 (5) for pupil transportation; and

12.1 (6) for postemployment benefits.

12.2 (g) "Old formula special education expenditures" means expenditures eligible for revenue  
12.3 under Minnesota Statutes 2012, section 125A.76, subdivision 2.

12.4 (h) For the Minnesota State Academy for the Deaf and the Minnesota State Academy  
12.5 for the Blind, expenditures under paragraphs (f) and (g) are limited to the salary and fringe  
12.6 benefits of one-to-one instructional and behavior management aides and one-to-one licensed,  
12.7 certified professionals assigned to a child attending the academy, if the aides or professionals  
12.8 are required by the child's individualized education program.

12.9 (i) "Cross subsidy reduction aid percentage" means 1.0 percent for fiscal year 2014 and  
12.10 2.27 percent for fiscal year 2015.

12.11 (j) "Cross subsidy reduction aid limit" means \$20 for fiscal year 2014 and \$48 for fiscal  
12.12 year 2015.

12.13 (k) "Special education aid increase limit" means \$80 for fiscal year 2016, \$100 for fiscal  
12.14 year 2017, and, for fiscal year 2018 and later, the sum of the special education aid increase  
12.15 limit for the previous fiscal year and \$40. A charter school or school district subject to the  
12.16 special education aid limit imposed by this paragraph may exceed the aid limit by the amount  
12.17 of any costs incurred providing transportation to homeless students under section 123B.92,  
12.18 subdivision 1.

12.19 (l) "District" means a school district, a charter school, or a cooperative unit as defined  
12.20 in section 123A.24, subdivision 2. Notwithstanding section 123A.26, cooperative units as  
12.21 defined in section 123A.24, subdivision 2, are eligible to receive special education aid under  
12.22 this section and section 125A.79.

12.23 Sec. 10. Minnesota Statutes 2016, section 135A.15, is amended by adding a subdivision  
12.24 to read:

12.25 Subd. 3a. **Affirmative consent.** The policy required under subdivision 1 shall include  
12.26 a provision that establishes an affirmative consent standard. An institution's affirmative  
12.27 consent standard, at a minimum, must incorporate the following elements:

12.28 (1) all parties to sexual activity must affirmatively express their consent to the activity.  
12.29 Consent must be knowing and voluntary and not the result of force, coercion, or intimidation.  
12.30 Consent must be active. Consent must be given by words or actions that create mutually  
12.31 understandable, unambiguous permission regarding willingness to engage in, and the  
12.32 conditions of, sexual activity;

- 13.1 (2) silence, without active indications of consent, is not consent;
- 13.2 (3) consent to any one form of sexual activity does not imply consent to any other forms
- 13.3 of sexual activity;
- 13.4 (4) consent may be withdrawn at any time;
- 13.5 (5) previous relationships or prior consent do not imply consent to future sexual acts;
- 13.6 and
- 13.7 (6) a person is deemed incapable of consenting when that person is:
- 13.8 (i) unable to communicate or understand the nature or extent of a sexual situation due
- 13.9 to mental or physical incapacitation or impairment; or
- 13.10 (ii) physically helpless, either due to the effects of drugs or alcohol, or because the person
- 13.11 is asleep.
- 13.12 **Sec. 11. [136A.903] SEXUAL VIOLENCE PREVENTION GRANTS.**
- 13.13 Subdivision 1. **Program established.** The commissioner, in consultation with the advisory
- 13.14 council established in subdivision 2, must award sexual violence prevention grants to
- 13.15 postsecondary institutions located in Minnesota.
- 13.16 Subd. 2. **Advisory council.** (a) The commissioner must appoint a ten-member advisory
- 13.17 council to evaluate applications for grants under this subdivision. The advisory council shall
- 13.18 consist of:
- 13.19 (1) one representative of the Minnesota State Colleges and Universities system;
- 13.20 (2) one representative of the University of Minnesota;
- 13.21 (3) one representative of a private postsecondary institution;
- 13.22 (4) one student representative from a University of Minnesota campus;
- 13.23 (5) one student representative from a Minnesota State Colleges and Universities campus;
- 13.24 (6) one student representative from a private postsecondary institution;
- 13.25 (7) one representative from a nonprofit organization working to prevent sexual violence
- 13.26 and support survivors of sexual violence;
- 13.27 (8) one representative from a law enforcement agency that responds to incidents of
- 13.28 campus sexual violence;
- 13.29 (9) one representative of the Office of Higher Education; and

14.1 (10) one representative of the Department of Health with expertise in sexual violence  
 14.2 prevention.

14.3 (b) The advisory council shall be organized and administered under section 15.059,  
 14.4 except that subdivision 2 shall not apply. The commissioner must appoint council members  
 14.5 to two-year terms and appoint one member as chair.

14.6 (c) The council must develop criteria for evaluating grant proposals and awarding grants  
 14.7 under this section. The council must make public the criteria at least two months prior to  
 14.8 the deadline for applications established by the commissioner.

14.9 Subd. 3. **Applications.** To receive a grant under this section, an institution must apply  
 14.10 in the form and manner specified by the commissioner.

14.11 Subd. 4. **Grant amounts.** The commissioner, in consultation with the advisory council  
 14.12 in subdivision 2, may decide the amount of a grant under this section based on the merits  
 14.13 of a grant proposal, provided that no institution may receive a grant of more than \$100,000.

14.14 Subd. 5. **Reporting.** (a) The commissioner, in consultation with the advisory council in  
 14.15 subdivision 2, must develop reporting requirements for grant recipients.

14.16 (b) By February 1 of each year beginning in 2019, the commissioner must report to the  
 14.17 committees of the house of representatives and senate with jurisdiction over higher education  
 14.18 and public safety on the results achieved by the grant program under this section. At a  
 14.19 minimum, the report must include:

14.20 (1) a list of postsecondary institutions receiving grants under this section;

14.21 (2) the amount of grant funds received by each institution; and

14.22 (3) a description of each project funded.

14.23 **Sec. 12. [175.46] YOUTH SKILLS TRAINING PROGRAM.**

14.24 Subdivision 1. **Program established; grants authorized.** The commissioner shall  
 14.25 approve youth skills training programs established for the purpose of providing work-based  
 14.26 skills training for student learners age 16 and older. The commissioner shall award grants  
 14.27 to local partnerships for the implementation and coordination of local youth skills training  
 14.28 programs as provided in this section.

14.29 Subd. 2. **Definitions.** (a) For purposes of this section, the terms in this subdivision have  
 14.30 the meanings given.

14.31 (b) "School district" means a school district or charter school.

15.1 (c) "Local partnership" means a school district, nonpublic school, intermediate school  
15.2 district, or postsecondary institution, in partnership with other school districts, nonpublic  
15.3 schools, intermediate school districts, postsecondary institutions, workforce development  
15.4 authorities, economic development authorities, nonprofit organizations, or individuals who  
15.5 have an agreement with one or more local employers to be responsible for implementing  
15.6 and coordinating a local youth skills training program.

15.7 (d) "Student learner" means a student who is both enrolled in a course of study at a public  
15.8 or nonpublic school to obtain related instruction for academic credit and is employed under  
15.9 a written agreement to obtain on-the-job skills training under a youth skills training program  
15.10 approved under this section.

15.11 Subd. 3. **Duties.** (a) The commissioner shall:

15.12 (1) approve youth skills training programs that provide:

15.13 (i) that the work of the student learner in the occupations declared particularly hazardous  
15.14 shall be incidental to the training;

15.15 (ii) that the work shall be intermittent and for short periods of time and under the direct  
15.16 and close supervision of a qualified and experienced person;

15.17 (iii) that safety instruction shall be provided to the student learner and may be given by  
15.18 the school and correlated by the employer with on-the-job training;

15.19 (iv) a schedule of organized and progressive work processes to be performed on the job;

15.20 (v) a schedule of wage rates in compliance with section 177.24; and

15.21 (vi) whether the student learner will obtain secondary school academic credit,  
15.22 postsecondary credit, or both, for the training program;

15.23 (2) approve occupations and maintain a list of approved occupations for programs under  
15.24 this section;

15.25 (3) issue requests for proposals for grants;

15.26 (4) work with individuals representing industry and labor to develop new youth skills  
15.27 training programs;

15.28 (5) develop model program guides;

15.29 (6) monitor youth skills training programs;

15.30 (7) provide technical assistance to local partnership grantees;

16.1 (8) work with providers to identify paths for receiving postsecondary credit for  
 16.2 participation in the youth skills training program; and

16.3 (9) approve other activities as necessary to implement the program.

16.4 (b) The commissioner shall collaborate with stakeholders including, but not limited to,  
 16.5 representatives of secondary school institutions, career and technical education instructors,  
 16.6 postsecondary institutions, businesses, and labor, in developing youth skills training programs  
 16.7 and identifying and approving occupations and competencies for youth skills training  
 16.8 programs.

16.9 Subd. 4. **Training agreement.** Each student learner shall sign a written training agreement  
 16.10 on a form prescribed by the commissioner. Each agreement shall contain the name of the  
 16.11 student learner and be signed by the employer, the school coordinator or administrator, and  
 16.12 the student learner or, if the student learner is a minor, by the student's parent or legal  
 16.13 guardian. Copies of each agreement shall be kept on file by both the school and the employer.

16.14 Subd. 5. **Program approval.** The commissioner may grant exemptions from the  
 16.15 provisions of chapter 181A for student learners participating in youth skills training programs  
 16.16 approved by the commissioner under this section. The approval of a youth skills training  
 16.17 program will be reviewed annually. The approval of a youth skills training program may  
 16.18 be revoked at any time if the commissioner finds that:

16.19 (1) all provisions of subdivision 3 have not been met in the previous year; or

16.20 (2) reasonable precautions have not been observed for the safety of minors.

16.21 The commissioner shall maintain and annually update a list of occupations and tasks suitable  
 16.22 for student learners in compliance with federal law.

16.23 Subd. 6. **Interactions with education finance.** (a) For the purpose of computing state  
 16.24 aids for the enrolling school district, the hours a student learner participates in a youth skills  
 16.25 training program under this section must be counted in the student's hours of average daily  
 16.26 membership under section 126C.05.

16.27 (b) Educational expenses for a participating student learner must be included in the  
 16.28 enrolling district's career and technical revenue as provided under section 124D.4531.

16.29 Subd. 7. **Academic credit.** A school district may grant academic credit to student learners  
 16.30 participating in youth skills training programs under this section in accordance with local  
 16.31 requirements.

17.1 Subd. 8. **Postsecondary credit.** A postsecondary institution may award postsecondary  
17.2 credit to a student learner who successfully completes a youth skills training program.

17.3 Subd. 9. **Work-based learning program.** A youth skills training program shall qualify  
17.4 as a work-based learning program if it meets requirements for a career and technical education  
17.5 program and is supervised by a qualified teacher with appropriate licensure for a work-based  
17.6 learning teacher-coordinator.

17.7 Subd. 10. **School coordinator.** Unless otherwise required for a work-based learning  
17.8 program, a youth skills training program may be supervised by a qualified teacher or by an  
17.9 administrator as determined by the school district.

17.10 Subd. 11. **Other apprenticeship programs.** (a) This section shall not affect programs  
17.11 under section 124D.47.

17.12 (b) A registered apprenticeship program governed by chapter 178 may grant credit  
17.13 toward the completion of a registered apprenticeship for the successful completion of a  
17.14 youth skills training program under this section.

17.15 Subd. 12. **Grant applications.** (a) Applications for grants must be made to the  
17.16 commissioner on a form provided by the commissioner.

17.17 (b) A local partnership may apply for a grant and shall include in its grant application:

17.18 (1) the identity of each school district, public agency, nonprofit organization, or individual  
17.19 who is a participant in the local partnership;

17.20 (2) the identity of each employer who is a participant in the local partnership and the  
17.21 amount of matching funds provided by each employer, if any;

17.22 (3) a plan to accomplish the implementation and coordination of activities specified in  
17.23 this subdivision; and

17.24 (4) the identity of a fiscal agent responsible for receiving, managing, and accounting for  
17.25 the grant.

17.26 Subd. 13. **Grant awards.** (a) A local partnership awarded a grant under this section  
17.27 must use the grant award for any of the following implementation and coordination activities:

17.28 (1) recruiting additional employers to provide on-the-job training and supervision for  
17.29 student learners and providing technical assistance to those employers;

17.30 (2) recruiting students to participate in the local youth skills training program and  
17.31 monitoring the progress of student learners participating in the program and monitoring  
17.32 program outcomes;

18.1 (3) coordinating youth skills training activities within participating school districts and  
 18.2 among participating school districts, postsecondary institutions, and employers;

18.3 (4) coordinating academic, vocational and occupational learning, school-based and  
 18.4 work-based learning, and secondary and postsecondary education for participants in the  
 18.5 local youth skills training program;

18.6 (5) coordinating transportation for student learners participating in the local youth skills  
 18.7 training program; and

18.8 (6) any other implementation or coordination activity that the commissioner may direct  
 18.9 or permit the local partnership to perform.

18.10 (b) Grant awards may not be used to directly or indirectly pay the wages of a student  
 18.11 learner.

18.12 Subd. 14. **Outcomes.** The following outcomes are expected of a local youth skills training  
 18.13 program:

18.14 (1) at least 80 percent of the student learners who participate in a youth skills training  
 18.15 program receive a high school diploma when eligible on completion of the training program;  
 18.16 and

18.17 (2) at least 60 percent of the student learners who participate in a youth skills training  
 18.18 program receive a recognized credential on completion of the training program.

18.19 Subd. 15. **Reporting.** (a) By February 1, 2019, and annually thereafter, the commissioner  
 18.20 shall report on the activity and outcomes of the program for the preceding fiscal year to the  
 18.21 chairs of the legislative committees with jurisdiction over jobs and economic growth policy  
 18.22 and finance. At a minimum, the report must include:

18.23 (1) the number of student learners who commenced the training program and the number  
 18.24 who completed the training program; and

18.25 (2) recommendations, if any, for changes to the program.

18.26 (b) The initial report shall include a detailed description of the differences between the  
 18.27 state and federal systems in child safety standards.

18.28 Sec. 13. **APPROPRIATIONS.**

18.29 Subdivision 1. **Department of Education.** The sums in this section are appropriated  
 18.30 from the general fund to the Department of Education for the fiscal years designated.

19.1 Subd. 2. Homeless pupil transportation. For the purpose of fully funding transportation  
19.2 services for homeless students:

19.3 \$ ..... 2018

19.4 \$ ..... 2019

19.5 This amount is added to the appropriation in Laws 2016, chapter 189, article 29, section  
19.6 15, subdivision 2.

19.7 Subd. 3. Consent curriculum. For a grant to the Sexual Violence Center for the creation  
19.8 of an age-appropriate affirmative consent curriculum to be available for voluntary use in  
19.9 middle and high schools:

19.10 \$ ..... 2018

19.11 \$ ..... 2019

19.12 **Sec. 14. APPROPRIATION; SEXUAL VIOLENCE PREVENTION GRANTS.**

19.13 \$..... in fiscal year 2018 and \$..... in fiscal year 2019 are appropriated from the general  
19.14 fund to the commissioner of higher education for sexual violence prevention grants under  
19.15 Minnesota Statutes, section 136A.903.

19.16 **Sec. 15. APPROPRIATIONS; YOUTH SKILLS TRAINING PROGRAM.**

19.17 (a) \$100,000 in fiscal year 2018 is appropriated from the workforce development fund  
19.18 to the commissioner of labor and industry to administer the youth skills training program  
19.19 under Minnesota Statutes, section 175.46. This is an ongoing appropriation.

19.20 (b) \$500,000 in fiscal year 2019 is appropriated from the workforce development fund  
19.21 to the commissioner of labor and industry for grants to local partnerships located throughout  
19.22 the state. The base amount for this program is \$500,000 each year beginning in fiscal year  
19.23 2020.

19.24 **Sec. 16. INTERMEDIATE SCHOOL DISTRICT MENTAL HEALTH INNOVATION**  
19.25 **GRANT PROGRAM; APPROPRIATION.**

19.26 (a) \$2,450,000 in fiscal year 2018 and \$2,450,000 in fiscal year 2019 are appropriated  
19.27 from the general fund to the commissioner of human services for a grant program to fund  
19.28 innovative projects to improve mental health outcomes for youth attending a qualifying  
19.29 school unit.

19.30 (b) A "qualifying school unit" means an intermediate district organized under Minnesota  
19.31 Statutes, section 136D.01, or a service cooperative organized under Minnesota Statutes,

20.1 section 123A.21, subdivision 1, paragraph (a), clause (2), that provides instruction to students  
20.2 in a setting of federal instructional level four or higher. Grants under paragraph (a) must be  
20.3 awarded to eligible applicants such that the services are proportionately provided among  
20.4 qualifying school units. The commissioner shall calculate the share of the appropriation to  
20.5 be used in each qualifying school unit by dividing the qualifying school unit's average daily  
20.6 membership in a setting of federal instructional level 4 or higher for fiscal year 2016 by the  
20.7 total average daily membership in a setting of federal instructional level 4 or higher for the  
20.8 same year for all qualifying school units.

20.9 (c) An eligible applicant is an entity that has demonstrated capacity to serve the youth  
20.10 identified in paragraph (a) and that is:

20.11 (1) certified under Minnesota Rules, parts 9520.0750 to 9520.0870;

20.12 (2) a community mental health center under Minnesota Statutes, section 256B.0625,  
20.13 subdivision 5;

20.14 (3) an Indian health service facility or facility owned and operated by a tribe or tribal  
20.15 organization operating under United States Code, title 25, section 5321; or

20.16 (4) a provider of children's therapeutic services and supports as defined in Minnesota  
20.17 Statutes, section 256B.0943.

20.18 (d) An eligible applicant must employ or contract with at least two licensed mental health  
20.19 professionals as defined in Minnesota Statutes, section 245.4871, subdivision 27, clauses  
20.20 (1) to (6), who have formal training in evidence-based practices.

20.21 (e) A qualifying school unit must submit an application to the commissioner in the form  
20.22 and manner specified by the commissioner. The commissioner may approve an application  
20.23 that describes models for innovative projects to serve the needs of the schools and students.  
20.24 The commissioner may provide technical assistance to the qualifying school unit. The  
20.25 commissioner shall then solicit grant project proposals and award grant funding to the  
20.26 eligible applicants whose project proposals best meet the requirements of this section and  
20.27 most closely adhere to the models created by the intermediate districts and service  
20.28 cooperatives.

20.29 (f) To receive grant funding, an eligible applicant must obtain a letter of support for the  
20.30 applicant's grant project proposal from each qualifying school unit the eligible applicant is  
20.31 proposing to serve. An eligible applicant must also demonstrate the following:

20.32 (1) the ability to seek third-party reimbursement for services;

20.33 (2) the ability to report data and outcomes as required by the commissioner; and

21.1 (3) the existence of partnerships with counties, tribes, substance use disorder providers,  
21.2 and mental health service providers, including providers of mobile crisis services.

21.3 (g) Grantees shall obtain all available third-party reimbursement sources as a condition  
21.4 of receiving grant funds. For purposes of this grant program, a third-party reimbursement  
21.5 source does not include a public school as defined in Minnesota Statutes, section 120A.20,  
21.6 subdivision 1.

21.7 (h) The base budget for this program is \$0. This appropriation is available until June 30,  
21.8 2020.

21.9 Sec. 17. **REVISOR'S INSTRUCTION.**

21.10 In the next edition of Minnesota Statutes, the revisor of statutes shall codify Laws 2016,  
21.11 chapter 189, article 24, section 22, as amended by this act.