

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3086

(SENATE AUTHORS: PRATT)

DATE	D-PG	OFFICIAL STATUS
03/08/2018	6359	Introduction and first reading
		Referred to E-12 Policy
04/09/2018		Comm report: To pass as amended
		Second reading

1.1 A bill for an act

1.2 relating to education; providing for prekindergarten through grade 12 education,

1.3 including general education, education excellence, teachers, facilities and

1.4 technology, nutrition, early childhood and family support, and self-sufficiency and

1.5 lifelong learning; amending Minnesota Statutes 2016, sections 123B.14, subdivision

1.6 7; 124D.111, subdivisions 3, 4; 124D.78, subdivision 2; 124D.98, subdivision 3;

1.7 125B.07, subdivision 6; 126C.15, subdivision 5; 127A.45, subdivisions 11, 16;

1.8 128D.06, subdivision 1; Minnesota Statutes 2017 Supplement, sections 120B.35,

1.9 subdivision 3; 121A.335, subdivision 3; 122A.09, by adding a subdivision;

1.10 122A.183, subdivision 2; 123B.52, subdivision 7; 124D.165, subdivisions 2, 3, 4;

1.11 124D.549; 136A.246, subdivision 4; 155A.30, subdivision 12; 609A.03, subdivision

1.12 7a; 626.556, subdivision 2; Laws 2017, First Special Session chapter 5, article 2,

1.13 section 57, subdivision 23; repealing Minnesota Statutes 2016, sections 120B.35,

1.14 subdivisions 4, 5; 123A.26, subdivision 3; 125A.75, subdivision 9; 128D.06,

1.15 subdivision 3.

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

1.17 **ARTICLE 1**

1.18 **GENERAL EDUCATION**

1.19 Section 1. Minnesota Statutes 2016, section 127A.45, subdivision 11, is amended to read:

1.20 Subd. 11. **Payment percentage for reimbursement aids.** One hundred percent of the

1.21 aid for the previous fiscal year must be paid in the current year for the following aids:

1.22 telecommunications/Internet access equity and according to section 125B.26, special

1.23 education special pupil aid according to section 125A.75, subdivision 3, ~~aid for litigation~~

1.24 ~~costs according to section 125A.75, subdivision 9,~~ aid for court-placed special education

1.25 expenses according to section 125A.79, subdivision 4, and aid for special education

1.26 out-of-state tuition according to section 125A.79, subdivision 8, and shared time aid

1.27 according to section 126C.01, subdivision 7.

2.1 Sec. 2. Minnesota Statutes 2016, section 127A.45, subdivision 16, is amended to read:

2.2 Subd. 16. **Payments to third parties.** Notwithstanding subdivision 3, the current year
2.3 aid payment percentage of the ~~amounts~~ amount under ~~sections 123A.26, subdivision 3, and~~
2.4 section 124D.041; shall be paid in equal installments on August 30, December 30, and
2.5 March 30, with a final adjustment payment on October 30 of the next fiscal year of the
2.6 remaining amount.

2.7 ARTICLE 2

2.8 EDUCATION EXCELLENCE

2.9 Section 1. Minnesota Statutes 2017 Supplement, section 120B.35, subdivision 3, is amended
2.10 to read:

2.11 Subd. 3. **State growth target; other state measures.** (a)(1) The state's educational
2.12 assessment system measuring individual students' educational growth is based on indicators
2.13 of achievement growth that show an individual student's prior achievement. Indicators of
2.14 achievement and prior achievement must be based on highly reliable statewide or districtwide
2.15 assessments.

2.16 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and
2.17 report separate categories of information using the student categories identified under the
2.18 federal Elementary and Secondary Education Act, as most recently reauthorized, and, in
2.19 addition to "other" for each race and ethnicity, and the Karen community, seven of the most
2.20 populous Asian ~~and Pacific Islander~~ groups, three of the most populous Native groups,
2.21 seven of the most populous Hispanic/Latino groups, and five of the most populous Black
2.22 and African Heritage groups as determined by the total Minnesota population based on the
2.23 most recent American Community Survey in consultation with the state demographer;
2.24 English learners under section 124D.59; home language; free or reduced-price lunch; and
2.25 all students enrolled in a Minnesota public school who are currently or were previously in
2.26 foster care, except that such disaggregation and cross tabulation is not required if the number
2.27 of students in a category is insufficient to yield statistically reliable information or the results
2.28 would reveal personally identifiable information about an individual student.

2.29 (b) The commissioner, in consultation with a stakeholder group that includes assessment
2.30 and evaluation directors, district staff, experts in culturally responsive teaching, and
2.31 researchers, must implement a model that uses a value-added growth indicator and includes
2.32 criteria for identifying schools and school districts that demonstrate medium and high growth
2.33 under section 120B.299, subdivisions 8 and 9, and may recommend other value-added

3.1 measures under section 120B.299, subdivision 3. The model may be used to advance
3.2 educators' professional development and replicate programs that succeed in meeting students'
3.3 diverse learning needs. Data on individual teachers generated under the model are personnel
3.4 data under section 13.43. The model must allow users to:

3.5 (1) report student growth consistent with this paragraph; and

3.6 (2) for all student categories, report and compare aggregated and disaggregated state
3.7 student growth and, under section 120B.11, subdivision 2, clause (2), student learning and
3.8 outcome data using the student categories identified under the federal Elementary and
3.9 Secondary Education Act, as most recently reauthorized, and other student categories under
3.10 paragraph (a), clause (2).

3.11 The commissioner must report measures of student growth and, under section 120B.11,
3.12 subdivision 2, clause (2), student learning and outcome data, consistent with this paragraph,
3.13 including the English language development, academic progress, and oral academic
3.14 development of English learners and their native language development if the native language
3.15 is used as a language of instruction, and include data on all pupils enrolled in a Minnesota
3.16 public school course or program who are currently or were previously counted as an English
3.17 learner under section 124D.59.

3.18 (c) When reporting student performance under section 120B.36, subdivision 1, the
3.19 commissioner annually, beginning July 1, 2011, must report two core measures indicating
3.20 the extent to which current high school graduates are being prepared for postsecondary
3.21 academic and career opportunities:

3.22 (1) a preparation measure indicating the number and percentage of high school graduates
3.23 in the most recent school year who completed course work important to preparing them for
3.24 postsecondary academic and career opportunities, consistent with the core academic subjects
3.25 required for admission to Minnesota's public colleges and universities as determined by the
3.26 Office of Higher Education under chapter 136A; and

3.27 (2) a rigorous coursework measure indicating the number and percentage of high school
3.28 graduates in the most recent school year who successfully completed one or more
3.29 college-level advanced placement, international baccalaureate, postsecondary enrollment
3.30 options including concurrent enrollment, other rigorous courses of study under section
3.31 120B.021, subdivision 1a, or industry certification courses or programs.

3.32 When reporting the core measures under clauses (1) and (2), the commissioner must also
3.33 analyze and report separate categories of information using the student categories identified

4.1 under the federal Elementary and Secondary Education Act, as most recently reauthorized,
4.2 and other student categories under paragraph (a), clause (2).

4.3 (d) When reporting student performance under section 120B.36, subdivision 1, the
4.4 commissioner annually, beginning July 1, 2014, must report summary data on school safety
4.5 and students' engagement and connection at school, consistent with the student categories
4.6 identified under paragraph (a), clause (2). The summary data under this paragraph are
4.7 separate from and must not be used for any purpose related to measuring or evaluating the
4.8 performance of classroom teachers. The commissioner, in consultation with qualified experts
4.9 on student engagement and connection and classroom teachers, must identify highly reliable
4.10 variables that generate summary data under this paragraph. The summary data may be used
4.11 at school, district, and state levels only. Any data on individuals received, collected, or
4.12 created that are used to generate the summary data under this paragraph are nonpublic data
4.13 under section 13.02, subdivision 9.

4.14 (e) For purposes of statewide educational accountability, the commissioner must identify
4.15 and report measures that demonstrate the success of learning year program providers under
4.16 sections 123A.05 and 124D.68, among other such providers, in improving students'
4.17 graduation outcomes. The commissioner, beginning July 1, 2015, must annually report
4.18 summary data on:

4.19 (1) the four- and six-year graduation rates of students under this paragraph;

4.20 (2) the percent of students under this paragraph whose progress and performance levels
4.21 are meeting career and college readiness benchmarks under section 120B.30, subdivision
4.22 1; and

4.23 (3) the success that learning year program providers experience in:

4.24 (i) identifying at-risk and off-track student populations by grade;

4.25 (ii) providing successful prevention and intervention strategies for at-risk students;

4.26 (iii) providing successful recuperative and recovery or reenrollment strategies for off-track
4.27 students; and

4.28 (iv) improving the graduation outcomes of at-risk and off-track students.

4.29 The commissioner may include in the annual report summary data on other education
4.30 providers serving a majority of students eligible to participate in a learning year program.

4.31 (f) The commissioner, in consultation with recognized experts with knowledge and
4.32 experience in assessing the language proficiency and academic performance of all English

5.1 learners enrolled in a Minnesota public school course or program who are currently or were
 5.2 previously counted as an English learner under section 124D.59, must identify and report
 5.3 appropriate and effective measures to improve current categories of language difficulty and
 5.4 assessments, and monitor and report data on students' English proficiency levels, program
 5.5 placement, and academic language development, including oral academic language.

5.6 (g) When reporting ~~four- and six-year~~ graduation rates, the commissioner or school
 5.7 district must disaggregate the data by student categories according to paragraph (a), clause
 5.8 (2).

5.9 (h) A school district must inform parents and guardians that volunteering information
 5.10 on student categories not required by the most recent reauthorization of the Elementary and
 5.11 Secondary Education Act is optional and will not violate the privacy of students or their
 5.12 families, parents, or guardians. The notice must state the purpose for collecting the student
 5.13 data.

5.14 Sec. 2. Minnesota Statutes 2017 Supplement, section 122A.09, is amended by adding a
 5.15 subdivision to read:

5.16 Subd. 4b. **Essential data.** The Professional Educator Licensing and Standards Board
 5.17 shall maintain a list of essential data elements which must be recorded and stored about
 5.18 each licensed and nonlicensed staff member. Each school district must provide the essential
 5.19 data to the board in the form and manner prescribed by the board.

5.20 Sec. 3. Minnesota Statutes 2016, section 123B.14, subdivision 7, is amended to read:

5.21 Subd. 7. **Clerk records.** The clerk shall keep a record of all meetings of the district and
 5.22 the board in books provided by the district for that purpose. The clerk shall, within three
 5.23 days after an election, notify all persons elected of their election. By September 15 of each
 5.24 year the clerk shall file with the board a report of the revenues, expenditures and balances
 5.25 in each fund for the preceding fiscal year. The report together with vouchers and supporting
 5.26 documents shall subsequently be examined by a public accountant or the state auditor, either
 5.27 of whom shall be paid by the district, as provided in section 123B.77, subdivision 3. The
 5.28 board shall by resolution approve the report or require a further or amended report. ~~By~~
 5.29 ~~September 15 of each year, the clerk shall make and transmit to the commissioner certified~~
 5.30 ~~reports, showing:~~

5.31 ~~(1) the revenues and expenditures in detail, and such other financial information required~~
 5.32 ~~by law, rule, or as may be called for by the commissioner;~~

6.1 ~~(2) the length of school term and the enrollment and attendance by grades; and~~

6.2 ~~(3) such other items of information as may be called for by the commissioner.~~

6.3 The clerk shall enter in the clerk's record book copies of all reports and of the teachers'
6.4 term reports, as they appear in the registers, and of the proceedings of any meeting as
6.5 furnished by the clerk pro tem, and keep an itemized account of all the expenses of the
6.6 district. The clerk shall furnish to the auditor of the proper county, by September 30 of each
6.7 year, an attested copy of the clerk's record, showing the amount of proposed property tax
6.8 voted by the district or the board for school purposes; draw and sign all orders upon the
6.9 treasurer for the payment of money for bills allowed by the board for salaries of officers
6.10 and for teachers' wages and all claims, to be countersigned by the chair. Such orders must
6.11 state the consideration, payee, and the fund and the clerk shall take a receipt therefor.
6.12 Teachers' wages shall have preference in the order in which they become due, and no money
6.13 applicable for teachers' wages shall be used for any other purpose, nor shall teachers' wages
6.14 be paid from any fund except that raised or apportioned for that purpose.

6.15 Sec. 4. Minnesota Statutes 2016, section 124D.78, subdivision 2, is amended to read:

6.16 Subd. 2. **Resolution of concurrence.** Prior to March 1, the school board or American
6.17 Indian school must submit to the department a copy of a resolution adopted by the American
6.18 Indian education parent advisory committee. The copy must be signed by the chair of the
6.19 committee and must state whether the committee concurs with the educational programs
6.20 for American Indian students offered by the school board or American Indian school. If the
6.21 committee does not concur with the educational programs, the reasons for nonconcurrence
6.22 and recommendations shall be submitted directly to the school board with the resolution.
6.23 By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence,
6.24 to each recommendation made by the committee and state its reasons for not implementing
6.25 the recommendations.

6.26 Sec. 5. Minnesota Statutes 2016, section 124D.98, subdivision 3, is amended to read:

6.27 Subd. 3. **Growth aid.** The growth aid for each school in a district that has submitted to
6.28 the commissioner its local literacy plan under section 120B.12, subdivision 4a, is equal to
6.29 the product of the school's growth allowance times the number of fourth grade pupils enrolled
6.30 at the school on October 1 of the previous fiscal year. A school's growth allowance is equal
6.31 to the percentage of students at that school ~~making medium or high growth, under section~~
6.32 ~~120B.299, scoring at least one-half standard deviation below the state expected scores on~~
6.33 the fourth grade reading Minnesota Comprehensive Assessment, averaged across the previous

7.1 three test administrations, times \$530. The state expected scores are based on the average
7.2 assessment scores for students with similar third grade assessment scores on the Minnesota
7.3 Comprehensive Assessment.

7.4 Sec. 6. Minnesota Statutes 2016, section 125B.07, subdivision 6, is amended to read:

7.5 Subd. 6. **Essential data.** The department shall maintain a list of essential data elements
7.6 which must be recorded and stored about each pupil, ~~licensed and nonlicensed staff member,~~
7.7 and educational program. Each school district must provide the essential data to the
7.8 department in the form and format prescribed by the department.

7.9 Sec. 7. Minnesota Statutes 2016, section 126C.15, subdivision 5, is amended to read:

7.10 Subd. 5. **Annual expenditure report.** Each year a district that receives basic skills
7.11 revenue must submit a report identifying the expenditures it incurred to meet the needs of
7.12 eligible learners under subdivision 1. The report must conform to uniform financial and
7.13 reporting standards established for this purpose. Using valid and reliable data and
7.14 measurement criteria, ~~the a report also must determine~~ that determines whether increased
7.15 expenditures raised student achievement levels must be reported under section 120B.11.

7.16 Sec. 8. Minnesota Statutes 2016, section 128D.06, subdivision 1, is amended to read:

7.17 Subdivision 1. **Board's annual report.** The board of education shall, as soon as
7.18 practicable after the close of each fiscal year, cause to be printed, published, and distributed
7.19 a report of the condition of the public school program under its charge, and of all the property
7.20 under its control, ~~with full and accurate account of all receipts and of all expenditures of~~
7.21 ~~the school district during the preceding year including operating and maintenance expenses~~
7.22 ~~as well as all expenses for capital outlay and building site improvement.~~

7.23 Sec. 9. Minnesota Statutes 2017 Supplement, section 609A.03, subdivision 7a, is amended
7.24 to read:

7.25 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
7.26 of an expungement order related to a charge supported by probable cause, the DNA samples
7.27 and DNA records held by the Bureau of Criminal Apprehension and collected under authority
7.28 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
7.29 destroyed.

7.30 (b) Notwithstanding the issuance of an expungement order:

8.1 (1) except as provided in clause (2), an expunged record may be opened, used, or
8.2 exchanged between criminal justice agencies without a court order for the purposes of
8.3 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing
8.4 purposes or providing probation or other correctional services;

8.5 (2) when a criminal justice agency seeks access to a record that was sealed under section
8.6 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
8.7 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
8.8 sentencing, the requesting agency must obtain an ex parte court order after stating a
8.9 good-faith basis to believe that opening the record may lead to relevant information;

8.10 (3) an expunged record of a conviction may be opened for purposes of evaluating a
8.11 prospective employee in a criminal justice agency without a court order;

8.12 (4) an expunged record of a conviction may be opened for purposes of a background
8.13 study under section 245C.08 unless the commissioner had been properly served with notice
8.14 of the petition for expungement and the court order for expungement is directed specifically
8.15 to the commissioner of human services;

8.16 (5) an expunged record of a conviction may be opened for purposes of a background
8.17 check required under section 122A.18, subdivision 8, unless the court order for expungement
8.18 is directed specifically to the Professional Educator Licensing and Standards Board or the
8.19 licensing division of the Department of Education; and

8.20 (6) the court may order an expunged record opened upon request by the victim of the
8.21 underlying offense if the court determines that the record is substantially related to a matter
8.22 for which the victim is before the court.

8.23 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
8.24 in a manner that provides access to the record by a criminal justice agency under paragraph
8.25 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
8.26 of Criminal Apprehension shall notify the commissioner of human services, and the
8.27 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~
8.28 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access
8.29 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to
8.30 the expungement order shall provide access to the record to the commissioner of human
8.31 services, the Professional Educator Licensing and Standards Board, or the licensing division
8.32 of the Department of Education under paragraph (b), clause (4) or (5).

8.33 (d) An expunged record that is opened or exchanged under this subdivision remains
8.34 subject to the expungement order in the hands of the person receiving the record.

9.1 (e) A criminal justice agency that receives an expunged record under paragraph (b),
9.2 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the
9.3 record to the investigation, prosecution, or sentencing for which it was obtained.

9.4 (f) For purposes of this section, a "criminal justice agency" means a court or government
9.5 agency that performs the administration of criminal justice under statutory authority.

9.6 (g) This subdivision applies to expungement orders subject to its limitations and effective
9.7 on or after January 1, 2015.

9.8 Sec. 10. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 2, is amended
9.9 to read:

9.10 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
9.11 given them unless the specific content indicates otherwise:

9.12 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence
9.13 or event which:

9.14 (1) is not likely to occur and could not have been prevented by exercise of due care; and

9.15 (2) if occurring while a child is receiving services from a facility, happens when the
9.16 facility and the employee or person providing services in the facility are in compliance with
9.17 the laws and rules relevant to the occurrence or event.

9.18 (b) "Commissioner" means the commissioner of human services.

9.19 (c) "Facility" means:

9.20 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,
9.21 residential facility, agency, hospital, sanitarium, or other facility or institution required to
9.22 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter
9.23 144H, 245D, or 245H;

9.24 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E;
9.25 or

9.26 (3) a nonlicensed personal care provider organization as defined in section 256B.0625,
9.27 subdivision 19a.

9.28 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
9.29 subsequent child maltreatment, and family strengths and needs that is applied to a child
9.30 maltreatment report that does not allege sexual abuse or substantial child endangerment.
9.31 Family assessment does not include a determination as to whether child maltreatment

10.1 occurred but does determine the need for services to address the safety of family members
10.2 and the risk of subsequent maltreatment.

10.3 (e) "Investigation" means fact gathering related to the current safety of a child and the
10.4 risk of subsequent maltreatment that determines whether child maltreatment occurred and
10.5 whether child protective services are needed. An investigation must be used when reports
10.6 involve sexual abuse or substantial child endangerment, and for reports of maltreatment in
10.7 facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under
10.8 sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05,
10.9 subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider
10.10 association as defined in section 256B.0625, subdivision 19a.

10.11 (f) "Mental injury" means an injury to the psychological capacity or emotional stability
10.12 of a child as evidenced by an observable or substantial impairment in the child's ability to
10.13 function within a normal range of performance and behavior with due regard to the child's
10.14 culture.

10.15 (g) "Neglect" means the commission or omission of any of the acts specified under
10.16 clauses (1) to (9), other than by accidental means:

10.17 (1) failure by a person responsible for a child's care to supply a child with necessary
10.18 food, clothing, shelter, health, medical, or other care required for the child's physical or
10.19 mental health when reasonably able to do so;

10.20 (2) failure to protect a child from conditions or actions that seriously endanger the child's
10.21 physical or mental health when reasonably able to do so, including a growth delay, which
10.22 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due
10.23 to parental neglect;

10.24 (3) failure to provide for necessary supervision or child care arrangements appropriate
10.25 for a child after considering factors as the child's age, mental ability, physical condition,
10.26 length of absence, or environment, when the child is unable to care for the child's own basic
10.27 needs or safety, or the basic needs or safety of another child in their care;

10.28 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
10.29 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
10.30 child with sympathomimetic medications, consistent with section 125A.091, subdivision
10.31 5;

10.32 (5) nothing in this section shall be construed to mean that a child is neglected solely
10.33 because the child's parent, guardian, or other person responsible for the child's care in good

11.1 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
11.2 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,
11.3 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of
11.4 medical care may cause serious danger to the child's health. This section does not impose
11.5 upon persons, not otherwise legally responsible for providing a child with necessary food,
11.6 clothing, shelter, education, or medical care, a duty to provide that care;

11.7 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
11.8 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
11.9 the child at birth, results of a toxicology test performed on the mother at delivery or the
11.10 child at birth, medical effects or developmental delays during the child's first year of life
11.11 that medically indicate prenatal exposure to a controlled substance, or the presence of a
11.12 fetal alcohol spectrum disorder;

11.13 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

11.14 (8) chronic and severe use of alcohol or a controlled substance by a parent or person
11.15 responsible for the care of the child that adversely affects the child's basic needs and safety;
11.16 or

11.17 (9) emotional harm from a pattern of behavior which contributes to impaired emotional
11.18 functioning of the child which may be demonstrated by a substantial and observable effect
11.19 in the child's behavior, emotional response, or cognition that is not within the normal range
11.20 for the child's age and stage of development, with due regard to the child's culture.

11.21 (h) "Nonmaltreatment mistake" means:

11.22 (1) at the time of the incident, the individual was performing duties identified in the
11.23 center's child care program plan required under Minnesota Rules, part 9503.0045;

11.24 (2) the individual has not been determined responsible for a similar incident that resulted
11.25 in a finding of maltreatment for at least seven years;

11.26 (3) the individual has not been determined to have committed a similar nonmaltreatment
11.27 mistake under this paragraph for at least four years;

11.28 (4) any injury to a child resulting from the incident, if treated, is treated only with
11.29 remedies that are available over the counter, whether ordered by a medical professional or
11.30 not; and

11.31 (5) except for the period when the incident occurred, the facility and the individual
11.32 providing services were both in compliance with all licensing requirements relevant to the
11.33 incident.

12.1 This definition only applies to child care centers licensed under Minnesota Rules, chapter
12.2 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated
12.3 maltreatment by the individual, the commissioner of human services shall determine that a
12.4 nonmaltreatment mistake was made by the individual.

12.5 (i) "Operator" means an operator or agency as defined in section 245A.02.

12.6 (j) "Person responsible for the child's care" means (1) an individual functioning within
12.7 the family unit and having responsibilities for the care of the child such as a parent, guardian,
12.8 or other person having similar care responsibilities, or (2) an individual functioning outside
12.9 the family unit and having responsibilities for the care of the child such as a teacher, school
12.10 administrator, other school employees or agents, or other lawful custodian of a child having
12.11 either full-time or short-term care responsibilities including, but not limited to, day care,
12.12 babysitting whether paid or unpaid, counseling, teaching, and coaching.

12.13 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,
12.14 inflicted by a person responsible for the child's care on a child other than by accidental
12.15 means, or any physical or mental injury that cannot reasonably be explained by the child's
12.16 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
12.17 that have not been authorized under section 125A.0942 or 245.825.

12.18 Abuse does not include reasonable and moderate physical discipline of a child
12.19 administered by a parent or legal guardian which does not result in an injury. Abuse does
12.20 not include the use of reasonable force by a teacher, principal, or school employee as allowed
12.21 by section 121A.582. Actions which are not reasonable and moderate include, but are not
12.22 limited to, any of the following:

12.23 (1) throwing, kicking, burning, biting, or cutting a child;

12.24 (2) striking a child with a closed fist;

12.25 (3) shaking a child under age three;

12.26 (4) striking or other actions which result in any nonaccidental injury to a child under 18
12.27 months of age;

12.28 (5) unreasonable interference with a child's breathing;

12.29 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

12.30 (7) striking a child under age one on the face or head;

12.31 (8) striking a child who is at least age one but under age four on the face or head, which
12.32 results in an injury;

13.1 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
13.2 substances which were not prescribed for the child by a practitioner, in order to control or
13.3 punish the child; or other substances that substantially affect the child's behavior, motor
13.4 coordination, or judgment or that results in sickness or internal injury, or subjects the child
13.5 to medical procedures that would be unnecessary if the child were not exposed to the
13.6 substances;

13.7 (10) unreasonable physical confinement or restraint not permitted under section 609.379,
13.8 including but not limited to tying, caging, or chaining; or

13.9 (11) in a school facility or school zone, an act by a person responsible for the child's
13.10 care that is a violation under section 121A.58.

13.11 (l) "Practice of social services," for the purposes of subdivision 3, includes but is not
13.12 limited to employee assistance counseling and the provision of guardian ad litem and
13.13 parenting time expeditor services.

13.14 (m) "Report" means any communication received by the local welfare agency, police
13.15 department, county sheriff, or agency responsible for child protection pursuant to this section
13.16 that describes neglect or physical or sexual abuse of a child and contains sufficient content
13.17 to identify the child and any person believed to be responsible for the neglect or abuse, if
13.18 known.

13.19 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
13.20 care, by a person who has a significant relationship to the child, as defined in section 609.341,
13.21 or by a person in a position of authority, as defined in section 609.341, subdivision 10, to
13.22 any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first
13.23 degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual
13.24 conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), ~~or~~
13.25 609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children
13.26 to engage in sexual conduct; communication of sexually explicit materials to children).

13.27 Sexual abuse also includes any act which involves a minor which constitutes a violation of
13.28 prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017,
13.29 sexual abuse includes all reports of known or suspected child sex trafficking involving a
13.30 child who is identified as a victim of sex trafficking. Sexual abuse includes child sex
13.31 trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes
13.32 threatened sexual abuse which includes the status of a parent or household member who
13.33 has committed a violation which requires registration as an offender under section 243.166,

14.1 subdivision 1b, paragraph (a) or (b), or required registration under section 243.166,

14.2 subdivision 1b, paragraph (a) or (b).

14.3 (o) "Substantial child endangerment" means a person responsible for a child's care, by
14.4 act or omission, commits or attempts to commit an act against a child under their care that
14.5 constitutes any of the following:

14.6 (1) egregious harm as defined in section 260C.007, subdivision 14;

14.7 (2) abandonment under section 260C.301, subdivision 2;

14.8 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's
14.9 physical or mental health, including a growth delay, which may be referred to as failure to
14.10 thrive, that has been diagnosed by a physician and is due to parental neglect;

14.11 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

14.12 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

14.13 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

14.14 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

14.15 (8) criminal sexual conduct under sections 609.342 to 609.3451;

14.16 (9) solicitation of children to engage in sexual conduct under section 609.352;

14.17 (10) malicious punishment or neglect or endangerment of a child under section 609.377
14.18 or 609.378;

14.19 (11) use of a minor in sexual performance under section 617.246; or

14.20 (12) parental behavior, status, or condition which mandates that the county attorney file
14.21 a termination of parental rights petition under section 260C.503, subdivision 2.

14.22 (p) "Threatened injury" means a statement, overt act, condition, or status that represents
14.23 a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes,
14.24 but is not limited to, exposing a child to a person responsible for the child's care, as defined
14.25 in paragraph (j), clause (1), who has:

14.26 (1) subjected a child to, or failed to protect a child from, an overt act or condition that
14.27 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law
14.28 of another jurisdiction;

14.29 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
14.30 (b), clause (4), or a similar law of another jurisdiction;

15.1 (3) committed an act that has resulted in an involuntary termination of parental rights
 15.2 under section 260C.301, or a similar law of another jurisdiction; or

15.3 (4) committed an act that has resulted in the involuntary transfer of permanent legal and
 15.4 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,
 15.5 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law
 15.6 of another jurisdiction.

15.7 A child is the subject of a report of threatened injury when the responsible social services
 15.8 agency receives birth match data under paragraph (q) from the Department of Human
 15.9 Services.

15.10 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth
 15.11 record or recognition of parentage identifying a child who is subject to threatened injury
 15.12 under paragraph (p), the Department of Human Services shall send the data to the responsible
 15.13 social services agency. The data is known as "birth match" data. Unless the responsible
 15.14 social services agency has already begun an investigation or assessment of the report due
 15.15 to the birth of the child or execution of the recognition of parentage and the parent's previous
 15.16 history with child protection, the agency shall accept the birth match data as a report under
 15.17 this section. The agency may use either a family assessment or investigation to determine
 15.18 whether the child is safe. All of the provisions of this section apply. If the child is determined
 15.19 to be safe, the agency shall consult with the county attorney to determine the appropriateness
 15.20 of filing a petition alleging the child is in need of protection or services under section
 15.21 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is
 15.22 determined not to be safe, the agency and the county attorney shall take appropriate action
 15.23 as required under section 260C.503, subdivision 2.

15.24 (r) Persons who conduct assessments or investigations under this section shall take into
 15.25 account accepted child-rearing practices of the culture in which a child participates and
 15.26 accepted teacher discipline practices, which are not injurious to the child's health, welfare,
 15.27 and safety.

15.28 Sec. 11. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23,
 15.29 is amended to read:

15.30 Subd. 23. **Paraprofessional pathway to teacher licensure.** (a) For grants to school
 15.31 districts for Grow Your Own new teacher programs:

15.32 \$ 1,500,000 2018

15.33 \$ 1,500,000 2019

16.1 (b) The grants are for school districts and charter schools with more than 30 percent
 16.2 minority students for a ~~Board of Teaching-approved~~ Professional Educator Licensing and
 16.3 Standards Board-approved nonconventional teacher residency pilot program. The program
 16.4 must provide tuition scholarships or stipends to enable school district and charter school
 16.5 employees or community members affiliated with a school district or charter school who
 16.6 seek an education license to participate in a nonconventional teacher preparation program.
 16.7 School districts and charter schools that receive funds under this subdivision are strongly
 16.8 encouraged to recruit candidates of color and American Indian candidates to participate in
 16.9 the Grow Your Own new teacher programs. Districts or schools providing financial support
 16.10 may require a commitment as determined by the district to teach in the district or school
 16.11 for a reasonable amount of time that does not exceed five years.

16.12 (c) School districts and charter schools may also apply for grants to develop innovative
 16.13 expanded Grow Your Own programs that encourage secondary school students to pursue
 16.14 teaching, including developing and offering dual-credit postsecondary course options in
 16.15 schools for "Introduction to Teaching" or "Introduction to Education" courses consistent
 16.16 with Minnesota Statutes, section 124D.09, subdivision 10.

16.17 (d) Programs must annually report to the commissioner by the date determined by the
 16.18 commissioner on their activities under this section, including the number of participants,
 16.19 the percentage of participants who are of color or who are American Indian, and an
 16.20 assessment of program effectiveness, including participant feedback, areas for improvement,
 16.21 the percentage of participants continuing to pursue teacher licensure, and the number of
 16.22 participants hired in the school or district as teachers after completing preparation programs.

16.23 (e) The department may retain up to three percent of the appropriation amount to monitor
 16.24 and administer the grant program.

16.25 (f) Any balance in the first year does not cancel but is available in the second year.

16.26 **Sec. 12. REPEALER.**

16.27 Minnesota Statutes 2016, sections 120B.35, subdivisions 4 and 5; 123A.26, subdivision
 16.28 3; 125A.75, subdivision 9; and 128D.06, subdivision 3, are repealed.

16.29 **ARTICLE 3**

16.30 **TEACHERS**

16.31 Section 1. Minnesota Statutes 2017 Supplement, section 122A.183, subdivision 2, is
 16.32 amended to read:

17.1 Subd. 2. **Coursework.** A candidate for a Tier 3 license must meet the coursework
17.2 requirement by demonstrating one of the following:

17.3 (1) completion of a Minnesota-approved teacher preparation program;

17.4 (2) completion of a state-approved teacher preparation program that includes field-specific
17.5 student teaching equivalent to field-specific student teaching in Minnesota-approved teacher
17.6 preparation programs. The field-specific student teaching requirement does not apply to a
17.7 candidate that has two years of teaching experience;

17.8 (3) submission of a content-specific licensure portfolio; or

17.9 (4) a professional teaching license from another state, evidence that the candidate's
17.10 license is in good standing, and two years of teaching experience; ~~or~~

17.11 ~~(5) three years of teaching experience under a Tier 2 license and evidence of summative~~
17.12 ~~teacher evaluations that did not result in placing or otherwise keeping the teacher on an~~
17.13 ~~improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41,~~
17.14 ~~subdivision 5.~~

17.15 ARTICLE 4

17.16 FACILITIES AND TECHNOLOGY

17.17 Section 1. Minnesota Statutes 2017 Supplement, section 121A.335, subdivision 3, is
17.18 amended to read:

17.19 Subd. 3. **Frequency of testing.** (a) The plan under subdivision 2 must include a testing
17.20 schedule for every building serving prekindergarten through grade 12 students. The schedule
17.21 must require that each building be tested at least once every five years. A school district
17.22 must begin testing school buildings by July 1, 2018, and complete testing of all buildings
17.23 that serve students within ~~five~~ two years.

17.24 (b) A school district that finds the presence of lead in any water source that can provide
17.25 water for consumption must remediate that water source or shut off the water source and
17.26 must provide an alternate source of water, such as using bottled water, if another acceptable
17.27 water source is not within a reasonable distance.

17.28 ARTICLE 5

17.29 NUTRITION

17.30 Section 1. Minnesota Statutes 2017 Supplement, section 123B.52, subdivision 7, is amended
17.31 to read:

18.1 Subd. 7. **Food service contracts.** A contract between a school board and a food service
18.2 management company that complies with Code of Federal Regulations, title 7, section
18.3 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for
18.4 not more than four additional years.

18.5 Sec. 2. Minnesota Statutes 2016, section 124D.111, subdivision 3, is amended to read:

18.6 Subd. 3. **School food service fund.** (a) The expenses described in this subdivision must
18.7 be recorded as provided in this subdivision.

18.8 (b) In each district, the expenses for a school food service program for pupils must be
18.9 attributed to a school food service fund. Under a food service program, the school food
18.10 service may prepare or serve milk, meals, or snacks in connection with school or community
18.11 service activities.

18.12 (c) Revenues and expenditures for food service activities must be recorded in the food
18.13 service fund. The costs of processing applications, accounting for meals, preparing and
18.14 serving food, providing kitchen custodial services, and other expenses involving the preparing
18.15 of meals or the kitchen section of the lunchroom may be charged to the food service fund
18.16 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial
18.17 services, lunchroom utilities, and other administrative costs of the food service program
18.18 must be charged to the general fund.

18.19 That portion of superintendent and fiscal manager costs that can be documented as
18.20 attributable to the food service program may be charged to the food service fund provided
18.21 that the school district does not employ or contract with a food service director or other
18.22 individual who manages the food service program, or food service management company.
18.23 If the cost of the superintendent or fiscal manager is charged to the food service fund, the
18.24 charge must be at a wage rate not to exceed the statewide average for food service directors
18.25 as determined by the department.

18.26 (d) Capital expenditures for the purchase of food service equipment must be made from
18.27 the general fund and not the food service fund, unless the restricted balance in the food
18.28 service fund at the end of the last fiscal year is greater than the cost of the equipment to be
18.29 purchased.

18.30 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
18.31 from the food service fund.

18.32 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
18.33 is not eliminated by revenues from food service operations in the next fiscal year, then the

19.1 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
 19.2 that second fiscal year. However, if a district contracts with a food service management
 19.3 company during the period in which the deficit has accrued, the deficit must be eliminated
 19.4 by a payment from the food service management company. A district's meal charge policy
 19.5 may allow a district to collect unpaid meal debt that contributes to a food service fund
 19.6 deficit. Such collection efforts must be consistent with subdivision 4.

19.7 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund
 19.8 for up to three years without making the permanent transfer if the district submits to the
 19.9 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at
 19.10 the end of the third fiscal year.

19.11 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
 19.12 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,
 19.13 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food
 19.14 service program charged to the general fund according to paragraph (c) and charge those
 19.15 costs to the food service fund in a total amount not to exceed the amount of surplus in the
 19.16 food service fund.

19.17 Sec. 3. Minnesota Statutes 2016, section 124D.111, subdivision 4, is amended to read:

19.18 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must
 19.19 make lunch available without charge to all participating students who qualify for free or
 19.20 reduced-price meals. The participant must also ensure that any reminders for payment of
 19.21 outstanding student meal balances do not demean or stigmatize any child participating in
 19.22 the school lunch program, including but not limited to dumping meals, announcing or listing
 19.23 student names publicly, or affixing stickers, stamps, or pins. Notwithstanding section
 19.24 123B.38, the participant must not limit a student's participation in any school activities,
 19.25 field trips, athletics, activity clubs, or other extracurricular activities; access to materials,
 19.26 technology, or other items provided to other students; or any other restriction prohibited
 19.27 under section 123B.37 due to unpaid student meal balances or any other unpaid fee.

19.28 ARTICLE 6

19.29 EARLY CHILDHOOD AND FAMILY SUPPORT

19.30 Section 1. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 2, is
 19.31 amended to read:

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

20.1 (1) have an eligible child; and

20.2 (2) have income equal to or less than 185 percent of federal poverty level income in the
20.3 current calendar year, or be able to document their child's current participation in the free
20.4 and reduced-price lunch program or Child and Adult Care Food Program, National School
20.5 Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution
20.6 Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections
20.7 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act
20.8 of 2007; Minnesota family investment program under chapter 256J; child care assistance
20.9 programs under chapter 119B; the supplemental nutrition assistance program; or placement
20.10 in foster care under section 260C.212. Parents or guardians are not required to provide
20.11 income verification under this clause if the child is an eligible child under paragraph (b),
20.12 clause (4) or (5).

20.13 (b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

20.14 (1) at least three but not yet five years of age on September 1 of the current school year;

20.15 (2) a sibling from birth to age five of a child who has been awarded a scholarship under
20.16 this section provided the sibling attends the same program as long as funds are available;

20.17 (3) the child of a parent under age 21 who is pursuing a high school degree or a course
20.18 of study for a high school equivalency test; or

20.19 ~~(4) homeless, in foster care, or in need of child protective services.~~

20.20 (4) designated as a child in need of child protective services as defined under section
20.21 260C.007; or

20.22 (5) designated as homeless under the federal McKinney-Vento Homeless Assistance
20.23 Act, United States Code, title 42, section 11434a.

20.24 (c) A child who has received a scholarship under this section must continue to receive
20.25 a scholarship each year until that child is eligible for kindergarten under section 120A.20
20.26 and as long as funds are available.

20.27 (d) Early learning scholarships may not be counted as earned income for the purposes
20.28 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota
20.29 family investment program under chapter 256J, child care assistance programs under chapter
20.30 119B, or Head Start under the federal Improving Head Start for School Readiness Act of
20.31 2007.

21.1 (e) A child from an adjoining state whose family resides at a Minnesota address as
21.2 assigned by the United States Postal Service, who has received developmental screening
21.3 under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district,
21.4 and whose family meets the criteria of paragraph (a) is eligible for an early learning
21.5 scholarship under this section.

21.6 Sec. 2. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 3, is amended
21.7 to read:

21.8 Subd. 3. **Administration.** (a) The commissioner shall establish application timelines
21.9 and determine the schedule for awarding scholarships that meets operational needs of eligible
21.10 families and programs. The commissioner must give highest priority to applications from
21.11 children who:

21.12 (1) have a parent under age 21 who is pursuing a high school diploma or a course of
21.13 study for a high school equivalency test;

21.14 (2) are in foster care or otherwise in need of protection or services; or

21.15 (3) have experienced homelessness in the last 24 months, as defined under the federal
21.16 McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.

21.17 The commissioner may prioritize applications on additional factors including family
21.18 income, geographic location, and whether the child's family is on a waiting list for a publicly
21.19 funded program providing early education or child care services.

21.20 (b) The commissioner shall establish a target for the average scholarship amount per
21.21 child based on the results of the rate survey conducted under section 119B.02.

21.22 (c) A four-star rated program that has children eligible for a scholarship enrolled in or
21.23 on a waiting list for a program beginning in July, August, or September may notify the
21.24 commissioner, in the form and manner prescribed by the commissioner, each year of the
21.25 program's desire to enhance program services or to serve more children than current funding
21.26 provides. The commissioner may designate a predetermined number of scholarship slots
21.27 for that program and notify the program of that number. For fiscal year 2018 and later, the
21.28 statewide amount of funding directly designated by the commissioner must not exceed the
21.29 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district
21.30 or Head Start program qualifying under this paragraph may use its established registration
21.31 process to enroll scholarship recipients and may verify a scholarship recipient's family
21.32 income in the same manner as for other program participants.

22.1 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not
 22.2 been accepted and subsequently enrolled in a rated program within ten months of the
 22.3 awarding of the scholarship, the scholarship cancels and the recipient must reapply in order
 22.4 to be eligible for another scholarship. A child may not be awarded more than one scholarship
 22.5 in a 12-month period.

22.6 (e) A child who receives a scholarship who has not completed development screening
 22.7 under sections 121A.16 to 121A.19 must complete that screening within 90 days of first
 22.8 attending an eligible program: or within 90 days after the child's third birthday if a child
 22.9 under the age of three is awarded a scholarship.

22.10 (f) For fiscal year 2017 and later, a school district or Head Start program enrolling
 22.11 scholarship recipients under paragraph (c) may apply to the commissioner, in the form and
 22.12 manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of
 22.13 the application, the commissioner must pay each program directly for each approved
 22.14 scholarship recipient enrolled under paragraph (c) according to the metered payment system
 22.15 or another schedule established by the commissioner.

22.16 Sec. 3. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 4, is amended
 22.17 to read:

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

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

22.22 (2) beginning July 1, 2020, have a three- or four-star rating in the quality rating and
 22.23 improvement system.

22.24 (b) Any program accepting scholarships must use the revenue to supplement and not
 22.25 supplant federal funding.

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

22.28 ARTICLE 7

22.29 SELF-SUFFICIENCY AND LIFELONG LEARNING

22.30 Section 1. Minnesota Statutes 2017 Supplement, section 124D.549, is amended to read:

23.1 **124D.549 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY**23.2 **~~TEST TESTS.~~**

23.3 The commissioner, in consultation with adult basic education stakeholders, must select
 23.4 ~~a~~ at least one high school equivalency test. The commissioner may issue a high school
 23.5 equivalency diploma to a Minnesota resident 19 years of age or older who has not earned
 23.6 a high school diploma, who has not previously been issued a general education development
 23.7 (GED) certification, and who has exceeded or achieved a minimum passing score on ~~the~~
 23.8 an approved equivalency test established by the publisher. The commissioner of education
 23.9 may waive the minimum age requirement if supportive evidence is provided by an employer
 23.10 or a recognized education or rehabilitation provider.

23.11 Sec. 2. Minnesota Statutes 2017 Supplement, section 136A.246, subdivision 4, is amended
 23.12 to read:

23.13 Subd. 4. **Application.** Applications must be made to the commissioner on a form provided
 23.14 by the commissioner. The commissioner must, to the extent possible, make the application
 23.15 form as short and simple to complete as is reasonably possible. The commissioner shall
 23.16 establish a schedule for applications and grants. The application must include, without
 23.17 limitation:

23.18 (1) the projected number of employee trainees;

23.19 (2) the number of projected employee trainees who graduated from high school or passed
 23.20 ~~the~~ a commissioner of education-selected high school equivalency test in the current or
 23.21 immediately preceding calendar year;

23.22 (3) the competency standard for which training will be provided;

23.23 (4) the credential the employee will receive upon completion of training;

23.24 (5) the name and address of the training institution or program and a signed statement
 23.25 by the institution or program that it is able and agrees to provide the training;

23.26 (6) the period of the training; and

23.27 (7) the cost of the training charged by the training institution or program and certified
 23.28 by the institution or program. The cost of training includes tuition, fees, and required books
 23.29 and materials.

23.30 An application may be made for training of employees of multiple employers either by
 23.31 the employers or by an organization on their behalf.

24.1 Sec. 3. Minnesota Statutes 2017 Supplement, section 155A.30, subdivision 12, is amended
24.2 to read:

24.3 Subd. 12. **Minnesota state authorization.** A cosmetology school licensed or applying
24.4 for licensure under this section shall maintain recognition as an institution of postsecondary
24.5 study by meeting the following conditions, in addition to the provisions of Minnesota Rules,
24.6 ~~parts~~ part 2110.0310 and 2110.0370:

24.7 (1) the school must admit as regular students only those individuals who have a high
24.8 school diploma or a diploma based on passing a commissioner of education-selected high
24.9 school equivalency tests or their equivalent test, or who are beyond the age of compulsory
24.10 education as prescribed by section 120A.22; and

24.11 (2) the school must be licensed by name and authorized by the Office of Higher Education
24.12 and the board to offer one or more training programs beyond the secondary level.

APPENDIX
Article locations in SF3086-0

ARTICLE 1	GENERAL EDUCATION.....	Page.Ln 1.17
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120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.

Subd. 4. **Improving schools.** Consistent with the requirements of this section, beginning June 20, 2012, the commissioner of education must annually report to the public and the legislature best practices implemented in those schools that are identified as high performing under federal expectations.

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.

123A.26 COOPERATIVE UNITS; PROHIBITED AID AND LEVIES.

Subd. 3. **Allocation from members.** By July 15 of each year, a school district may, by board resolution, request the department to make a payment to a third party. The total sum of the payments for the year may not exceed the lesser of (a) the district's general education aid for the fiscal year beginning July 1, according to sections 127A.47, subdivision 7, and 126C.13, subdivision 4, or (b) an amount equal to \$100 times the adjusted pupil units for the fiscal year beginning July 1. By July 30 of each year, the school district must report to the commissioner the amount allocated. The amount shall be paid to the third party according to section 127A.45, subdivision 16. Amounts paid to third parties under this subdivision shall be recognized and reported as revenues and expenditures on the school district's books of account under sections 123B.75 and 123B.76.

125A.75 SPECIAL EDUCATION PROGRAMS; APPROVAL; AID PAYMENTS; TRAVEL AID; LITIGATION COSTS.

Subd. 9. **Litigation costs; annual report.** (a) By November 30 of each year, a school district must annually report the district's special education litigation costs, including attorney fees and costs of due process hearings, to the commissioner of education, consistent with the Uniform Financial Accounting and Reporting Standards.

(b) By February 1 of each year, the commissioner shall report school district special education litigation costs to the house of representatives and the senate committees having jurisdiction over kindergarten through grade 12 education finance.

128D.06 BOARD'S ANNUAL REPORT AND BUDGETS.

Subd. 3. **Annual operating and capital budgets.** Not later than the 15th day of the last month of each fiscal year the board shall adopt and cause to be published two separate budgets, an operating budget and a capital budget for the subsequent fiscal year.