

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	7153a	Comm report: To pass as amended
	7252	Second reading
05/01/2018	8487a	Special Order: Amended
	8496	Third reading Passed See SF3656, Art. 47, Sec. 3, 18-19, 28; Art. 48, 50

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, special education,

1.4 facilities and technology, nutrition, early childhood and family support, and

1.5 self-sufficiency and lifelong learning, and state agencies; amending Minnesota

1.6 Statutes 2016, sections 13.321, by adding a subdivision; 120A.20, subdivision 2;

1.7 120A.22, subdivisions 7, 12; 121A.22, subdivision 1, by adding a subdivision;

1.8 121A.39; 121A.41, by adding subdivisions; 121A.42; 121A.45; 121A.46,

1.9 subdivisions 2, 3, by adding subdivisions; 121A.47, subdivision 2; 121A.53,

1.10 subdivision 1; 121A.55; 121A.61; 121A.67, by adding a subdivision; 123B.14,

1.11 subdivision 7; 123B.41, subdivision 5; 123B.42, subdivision 3; 124D.111; 124D.78,

1.12 subdivision 2; 125B.07, subdivision 6; 126C.15, subdivision 5; 127A.45,

1.13 subdivisions 11, 16; 128C.03; 128C.20; 299F.30, subdivisions 1, 2; 626.556,

1.14 subdivision 10a; Minnesota Statutes 2017 Supplement, sections 120B.021,

1.15 subdivision 1; 120B.12, subdivision 2; 120B.125; 120B.35, subdivision 3;

1.16 121A.335, subdivisions 3, 5, by adding a subdivision; 122A.07, by adding a

1.17 subdivision; 122A.09, by adding a subdivision; 122A.187, subdivision 5; 122A.20,

1.18 subdivision 1; 122A.40, subdivision 13; 122A.41, subdivision 6; 123B.41,

1.19 subdivision 2; 123B.52, subdivision 7; 124D.09, subdivision 3; 124D.165,

1.20 subdivisions 2, 3, 4; 124D.549; 124D.99, subdivisions 3, 5; 124E.03, subdivision

1.21 2; 136A.246, subdivision 4; 155A.30, subdivision 12; 609A.03, subdivision 7a;

1.22 626.556, subdivisions 2, 3, 10e; Laws 2017, First Special Session chapter 5, article

1.23 2, sections 52, subdivision 2; 56; 57, subdivision 23; article 3, sections 3; 4; 5; 6;

1.24 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 36; proposing coding for new law in Minnesota

1.25 Statutes, chapters 120B; 121A; 125B; repealing Minnesota Statutes 2016, sections

1.26 120B.35, subdivisions 4, 5; 123A.26, subdivision 3; 125A.75, subdivision 9;

1.27 128C.02, subdivision 6.

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

1.29 **ARTICLE 1**

1.30 **GENERAL EDUCATION**

1.31 Section 1. Minnesota Statutes 2017 Supplement, section 123B.41, subdivision 2, is amended

1.32 to read:

2.1 Subd. 2. **Textbook.** (a) "Textbook" means any book or book substitute, including
 2.2 electronic books as well as other printed materials delivered electronically, which a pupil
 2.3 uses as a text or text substitute in a particular class or program in the school regularly
 2.4 attended and a copy of which is expected to be available for the individual use of each pupil
 2.5 in this class or program. Textbook includes an online book with an annual subscription cost.
 2.6 Textbook includes teacher materials that accompany materials that a pupil uses.

2.7 (b) For purposes of calculating the annual nonpublic pupil aid entitlement for textbooks,
 2.8 the term shall be limited to books, workbooks, or manuals, whether bound or in loose-leaf
 2.9 form, as well as electronic books and other printed materials delivered electronically,
 2.10 intended for use as a principal source of study material for a given class or a group of students
 2.11 and must not include teacher materials that accompany materials that a pupil uses.

2.12 (c) For purposes of sections 123B.40 to 123B.48, the terms "textbook" and "software
 2.13 or other educational technology" include only such secular, neutral, and nonideological
 2.14 materials as are available, used by, or of benefit to Minnesota public school pupils.

2.15 Sec. 2. Minnesota Statutes 2016, section 123B.41, subdivision 5, is amended to read:

2.16 Subd. 5. **Individualized instructional or cooperative learning materials.** (a)
 2.17 "Individualized instructional or cooperative learning materials" means educational materials
 2.18 which:

2.19 ~~(a)~~ (1) are designed primarily for individual pupil use or use by pupils in a cooperative
 2.20 learning group in a particular class or program in the school the pupil regularly attends,
 2.21 including teacher materials that accompany materials that a pupil uses;

2.22 ~~(b)~~ (2) are secular, neutral, nonideological and not capable of diversion for religious
 2.23 use; and

2.24 ~~(c)~~ (3) are available, used by, or of benefit to Minnesota public school pupils.

2.25 (b) Subject to the requirements in paragraph (a), clauses ~~(a)~~ (1), ~~(b)~~ (2), and ~~(c)~~ (3),
 2.26 "individualized instructional or cooperative learning materials" include, but are not limited
 2.27 to, the following if they do not fall within the definition of "textbook" in subdivision 2:
 2.28 published materials; periodicals; documents; pamphlets; photographs; reproductions; pictorial
 2.29 or graphic works; prerecorded video programs; prerecorded tapes, cassettes and other sound
 2.30 recordings; manipulative materials; desk charts; games; study prints and pictures; desk
 2.31 maps; models; learning kits; blocks or cubes; flash cards; individualized multimedia systems;
 2.32 prepared instructional computer software programs; choral and band sheet music; electronic
 2.33 books and other printed materials delivered electronically; and CD-Rom.

3.1 (c) "Individualized instructional or cooperative learning materials" do not include
 3.2 instructional equipment, instructional hardware, or ordinary daily consumable classroom
 3.3 supplies.

3.4 (d) For purposes of calculating the annual nonpublic aid entitlement for individualized
 3.5 instructional or cooperative learning materials, the term must not include teacher materials
 3.6 that accompany materials that a pupil uses.

3.7 Sec. 3. Minnesota Statutes 2016, section 123B.42, subdivision 3, is amended to read:

3.8 Subd. 3. **Cost; limitation.** (a) The cost per pupil of the textbooks, individualized
 3.9 instructional or cooperative learning materials, software or other educational technology,
 3.10 and standardized tests provided for in this section for each school year must not exceed the
 3.11 statewide average expenditure per pupil, adjusted pursuant to clause (b), by the Minnesota
 3.12 public elementary and secondary schools for textbooks, individualized instructional materials
 3.13 and standardized tests as computed and established by the department by February 1 of the
 3.14 preceding school year from the most recent public school year data then available.

3.15 (b) The cost computed in clause (a) shall be increased by an inflation adjustment equal
 3.16 to the percent of increase in the formula allowance, pursuant to section 126C.10, subdivision
 3.17 2, from the second preceding school year to the current school year. ~~Notwithstanding the~~
 3.18 ~~amount of the formula allowance for fiscal years 2015 and 2016 in section 126C.10,~~
 3.19 ~~subdivision 2, the commissioner shall use the amount of the formula allowance for the~~
 3.20 ~~current year minus \$414 in determining the inflation adjustment for fiscal years 2015 and~~
 3.21 ~~2016.~~

3.22 (c) The commissioner shall allot to the districts or intermediary service areas the total
 3.23 cost for each school year of providing or loaning the textbooks, individualized instructional
 3.24 or cooperative learning materials, software or other educational technology, and standardized
 3.25 tests for the pupils in each nonpublic school. The allotment shall not exceed the product of
 3.26 the statewide average expenditure per pupil, according to clause (a), adjusted pursuant to
 3.27 clause (b), multiplied by the number of nonpublic school pupils who make requests pursuant
 3.28 to this section and who are enrolled as of September 15 of the current school year.

3.29 Sec. 4. Minnesota Statutes 2017 Supplement, section 124D.09, subdivision 3, is amended
 3.30 to read:

3.31 Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings
 3.32 given to them.

4.1 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,
 4.2 nonprofit two-year trade and technical school granting associate degrees, an accredited
 4.3 opportunities industrialization center accredited by the ~~North Central Association of Colleges~~
 4.4 ~~and Schools~~ Council on Occupational Education or Accreditation Commission of Career
 4.5 Schools and Colleges, or a private, residential, two-year or four-year, liberal arts,
 4.6 degree-granting college or university located in Minnesota.

4.7 (b) "Course" means a course or program.

4.8 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under
 4.9 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by
 4.10 a secondary teacher or a postsecondary faculty member, and are offered at a high school
 4.11 for which the district is eligible to receive concurrent enrollment program aid under section
 4.12 124D.091.

4.13 **EFFECTIVE DATE.** This section is effective June 1, 2018.

4.14 Sec. 5. Minnesota Statutes 2016, section 127A.45, subdivision 11, is amended to read:

4.15 Subd. 11. **Payment percentage for reimbursement aids.** One hundred percent of the
 4.16 aid for the previous fiscal year must be paid in the current year for the following aids:
 4.17 telecommunications/Internet access equity and according to section 125B.26, special
 4.18 education special pupil aid according to section 125A.75, subdivision 3, ~~aid for litigation~~
 4.19 ~~costs according to section 125A.75, subdivision 9~~, aid for court-placed special education
 4.20 expenses according to section 125A.79, subdivision 4, and aid for special education
 4.21 out-of-state tuition according to section 125A.79, subdivision 8, and shared time aid
 4.22 according to section 126C.01, subdivision 7.

4.23 Sec. 6. Minnesota Statutes 2016, section 127A.45, subdivision 16, is amended to read:

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

4.29 Sec. 7. **REPEALER.**

4.30 Minnesota Statutes 2016, sections 123A.26, subdivision 3; and 125A.75, subdivision 9,
 4.31 are repealed.

5.1 **ARTICLE 2**

5.2 **EDUCATION EXCELLENCE**

5.3 Section 1. Minnesota Statutes 2016, section 120A.22, subdivision 7, is amended to read:

5.4 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that
5.5 receives services or aid under sections 123B.40 to 123B.48 from which a student is
5.6 transferring must transmit the student's educational records, within ten business days of a
5.7 request, to the district, the charter school, or the nonpublic school in which the student is
5.8 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under
5.9 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the
5.10 charter school, or the nonpublic school in which a transferring student is next enrolling in
5.11 order to comply with this subdivision.

5.12 (b) A closed charter school must transfer the student's educational records, within ten
5.13 business days of the school's closure, to the student's school district of residence where the
5.14 records must be retained unless the records are otherwise transferred under this subdivision.

5.15 (c) A school district, a charter school, or a nonpublic school that receives services or aid
5.16 under sections 123B.40 to 123B.48 that transmits a student's educational records to another
5.17 school district or other educational entity, charter school, or nonpublic school to which the
5.18 student is transferring must include in the transmitted records information about any formal
5.19 suspension, expulsion, and exclusion disciplinary action or pupil withdrawal under sections
5.20 121A.40 to 121A.56. The transmitted records must include services a pupil needs to prevent
5.21 the inappropriate behavior from recurring. The district, the charter school, or the nonpublic
5.22 school that receives services or aid under sections 123B.40 to 123B.48 must provide notice
5.23 to a student and the student's parent or guardian that formal disciplinary records will be
5.24 transferred as part of the student's educational record, in accordance with data practices
5.25 under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States
5.26 Code, title 20, section 1232(g).

5.27 (d) Notwithstanding section 138.17, a principal or chief administrative officer must
5.28 remove from a student's educational record and destroy a probable cause notice received
5.29 under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the
5.30 date of the notice and the principal or chief administrative officer has not received a
5.31 disposition or court order related to the offense described in the notice. This paragraph does
5.32 not apply if the student no longer attends the school when this one-year period expires.

5.33 (e) A principal or chief administrative officer who receives a probable cause notice under
5.34 section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that

6.1 data in the student's educational records if they are transmitted to another school, unless the
 6.2 data are required to be destroyed under paragraph (d) or section 121A.75.

6.3 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

6.4 Sec. 2. Minnesota Statutes 2016, section 120A.22, subdivision 12, is amended to read:

6.5 Subd. 12. **Legitimate exemptions.** (a) A parent, guardian, or other person having control
 6.6 of a child may apply to a school district to have the child excused from attendance for the
 6.7 whole or any part of the time school is in session during any school year. Application may
 6.8 be made to any member of the board, a truant officer, a principal, or the superintendent.
 6.9 The school district may state in its school attendance policy that it may ask the student's
 6.10 parent or legal guardian to verify in writing the reason for the child's absence from school.
 6.11 A note from a physician or a licensed mental health professional stating that the child cannot
 6.12 attend school is a valid excuse. The board of the district in which the child resides may
 6.13 approve the application upon the following being demonstrated to the satisfaction of that
 6.14 board:

6.15 (1) that the child's physical or mental health is such as to prevent attendance at school
 6.16 or application to study for the period required, which includes:

6.17 (i) child illness, medical, dental, orthodontic, or counseling appointments;

6.18 (ii) family emergencies;

6.19 (iii) the death or serious illness or funeral of an immediate family member;

6.20 ~~(iv) active duty in any military branch of the United States;~~

6.21 ~~(v)~~ (iv) the child has a condition that requires ongoing treatment for a mental health
 6.22 diagnosis; or

6.23 ~~(vi)~~ (v) other exemptions included in the district's school attendance policy;

6.24 (2) that the child is in active duty in any branch of the United States armed forces;

6.25 (3) that the child is participating in any activity necessary for the child to join any branch
 6.26 of the United States armed forces and may be excused for up to three days for such purpose;

6.27 ~~(2)~~ (4) that the child has already completed state and district standards required for
 6.28 graduation from high school; or

6.29 ~~(3)~~ (5) that it is the wish of the parent, guardian, or other person having control of the
 6.30 child, that the child attend for a period or periods not exceeding in the aggregate three hours
 6.31 in any week, a school for religious instruction conducted and maintained by some church,

7.1 or association of churches, or any Sunday school association incorporated under the laws
7.2 of this state, or any auxiliary thereof. This school for religious instruction must be conducted
7.3 and maintained in a place other than a public school building, and it must not, in whole or
7.4 in part, be conducted and maintained at public expense. However, a child may be absent
7.5 from school on such days as the child attends upon instruction according to the ordinances
7.6 of some church.

7.7 (b) Notwithstanding subdivision 6, paragraph (a), a parent may withdraw a child from
7.8 an all-day, every day kindergarten program and put their child in a half-day program, if
7.9 offered, or an alternate-day program without being truant. A school board must excuse a
7.10 kindergarten child from a part of a school day at the request of the child's parent.

7.11 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

7.12 Sec. 3. Minnesota Statutes 2017 Supplement, section 120B.021, subdivision 1, is amended
7.13 to read:

7.14 Subdivision 1. **Required academic standards.** (a) The following subject areas are
7.15 required for statewide accountability:

7.16 (1) language arts;

7.17 (2) mathematics;

7.18 (3) science;

7.19 (4) social studies, including history, geography, economics, and government and
7.20 citizenship that includes civics consistent with section 120B.02, subdivision 3;

7.21 (5) physical education;

7.22 (6) health, for which locally developed academic standards apply; and

7.23 (7) the arts, for which statewide or locally developed academic standards apply, as
7.24 determined by the school district. Public elementary and middle schools must offer at least
7.25 three and require at least two of the following four arts areas: dance; music; theater; and
7.26 visual arts. Public high schools must offer at least three and require at least one of the
7.27 following five arts areas: media arts; dance; music; theater; and visual arts.

7.28 (b) For purposes of applicable federal law, the academic standards for language arts,
7.29 mathematics, and science apply to all public school students, except the very few students
7.30 with extreme cognitive or physical impairments for whom an individualized education
7.31 program team has determined that the required academic standards are inappropriate. An

8.1 individualized education program team that makes this determination must establish
8.2 alternative standards.

8.3 (c) The department must adopt the most recent SHAPE America (Society of Health and
8.4 Physical Educators) kindergarten through grade 12 standards and benchmarks for physical
8.5 education as the required physical education academic standards. The department may
8.6 modify and adapt the national standards to accommodate state interest. The modification
8.7 and adaptations must maintain the purpose and integrity of the national standards. The
8.8 department must make available sample assessments, which school districts may use as an
8.9 alternative to local assessments, to assess students' mastery of the physical education
8.10 standards beginning in the 2018-2019 school year.

8.11 (d) A school district may include child sexual abuse and sexual exploitation prevention
8.12 instruction and consent instruction to prevent and reduce the incidence of sexual assault in
8.13 a health curriculum, consistent with paragraph (a), clause (6). Child sexual abuse, sexual
8.14 exploitation prevention, and consent instruction may include age-appropriate instruction
8.15 on recognizing sexual abuse ~~and~~ assault, and sexual exploitation; boundary violations_; and
8.16 ways offenders identify, groom, or desensitize victims, as well as strategies to promote
8.17 disclosure, reduce self-blame, and mobilize bystanders. A school district may consult with
8.18 other federal, state, or local agencies and community-based organizations to identify
8.19 research-based tools, curricula, and programs to prevent child sexual abuse and sexual
8.20 exploitation and develop consent instruction to prevent and reduce the incidence of sexual
8.21 assault. A school district may provide instruction under this paragraph in a variety of ways,
8.22 including at an annual assembly or classroom presentation. A school district may also
8.23 provide parents information on the warning signs of child sexual abuse and sexual
8.24 exploitation and available resources. Child sexual exploitation prevention instruction must
8.25 be consistent with the definition of sexually exploited youth under section 260C.007,
8.26 subdivision 31.

8.27 (e) A school district may include instruction in a health curriculum for students in grades
8.28 5, 6, 8, 10, and 12 on substance misuse prevention, including opioids, controlled substances
8.29 as defined in section 152.01, subdivision 4, prescription and nonprescription medications,
8.30 and illegal drugs. A school district is not required to use a specific methodology or
8.31 curriculum.

8.32 (f) District efforts to develop, implement, or improve instruction or curriculum as a result
8.33 of the provisions of this section must be consistent with sections 120B.10, 120B.11, and
8.34 120B.20.

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

9.2 Sec. 4. Minnesota Statutes 2017 Supplement, section 120B.12, subdivision 2, is amended
9.3 to read:

9.4 Subd. 2. **Identification; report.** (a) Each school district ~~shall~~ must identify before the
9.5 end of kindergarten, grade 1, and grade 2 students who are not reading at grade level before
9.6 the end of the current school year and ~~shall~~ must identify students in grade 3 or higher who
9.7 demonstrate a reading difficulty to a classroom teacher. A school district must screen for
9.8 dyslexia: (1) all students between the beginning of kindergarten and the beginning of grade
9.9 2; and (2) any student in grade 2 or higher who is identified as not reading at grade level.

9.10 (b) Reading assessments in English, and in the predominant languages of district students
9.11 where practicable, must identify and evaluate students' areas of academic need related to
9.12 literacy. The district also must monitor the progress and provide reading instruction
9.13 appropriate to the specific needs of English learners. The district must use a locally adopted,
9.14 developmentally appropriate, and culturally responsive assessment and annually report
9.15 summary assessment results to the commissioner by July 1.

9.16 (c) The district ~~also~~ must annually report to the commissioner by July 1 a summary of
9.17 the district's efforts to screen and identify students with:

9.18 (1) dyslexia, using screening tools such as those recommended by the department's
9.19 dyslexia and literacy specialist; or

9.20 (2) convergence insufficiency disorder.

9.21 ~~(b)~~ (d) A student identified under this subdivision must be provided with alternate
9.22 instruction under section 125A.56, subdivision 1.

9.23 **EFFECTIVE DATE.** This section is effective July 1, 2019.

9.24 Sec. 5. Minnesota Statutes 2017 Supplement, section 120B.125, is amended to read:

9.25 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION TO**
9.26 **POSTSECONDARY EDUCATION AND EMPLOYMENT; PERSONAL LEARNING**
9.27 **PLANS.**

9.28 (a) Consistent with sections 120B.13, 120B.131, 120B.132, 120B.14, 120B.15, 120B.30,
9.29 subdivision 1, paragraph (c), 125A.08, and other related sections, school districts, beginning
9.30 in the 2013-2014 school year, must assist all students by no later than grade 9 to explore
9.31 their educational, college, and career interests, aptitudes, and aspirations and develop a plan

10.1 for a smooth and successful transition to postsecondary education or employment. All
10.2 students' plans must:

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

10.7 (2) emphasize academic rigor and high expectations and inform the student, and the
10.8 student's parent or guardian if the student is a minor, of the student's achievement level
10.9 score on the Minnesota Comprehensive Assessments that are administered during high
10.10 school;

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

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

10.16 (5) help students access education and career options, including armed forces career
10.17 options;

10.18 (6) integrate strong academic content into career-focused courses and applied and
10.19 experiential learning opportunities and integrate relevant career-focused courses and applied
10.20 and experiential learning opportunities into strong academic content;

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

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

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

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

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

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

11.13 (e) If a student with a disability has an individualized education program (IEP) or
11.14 standardized written plan that meets the plan components of this section, the IEP satisfies
11.15 the requirement and no additional transition plan is needed.

11.16 (f) Students who do not meet or exceed Minnesota academic standards, as measured by
11.17 the Minnesota Comprehensive Assessments that are administered during high school, shall
11.18 be informed that admission to a public school is free and available to any resident under 21
11.19 years of age or who meets the requirements of section 120A.20, subdivision 1, paragraph
11.20 (c). A student's plan under this section shall continue while the student is enrolled.

11.21 (g) A school district must provide military recruiters the same access to secondary school
11.22 students as the district provides to institutions of higher education or to prospective employers
11.23 of students.

11.24 (h) School districts are encouraged to sponsor an armed forces career opportunity day
11.25 each school year prior to the third Thursday of November. A school district that sponsors
11.26 an armed forces career opportunity day shall extend invitations to recruiters from each
11.27 branch of the United States armed forces and allow the recruiters to make presentations to
11.28 all interested secondary school students.

11.29 Sec. 6. **[120B.219] CHILD ABUSE AWARENESS POSTERS.**

11.30 (a) The commissioner may, in consultation with local, state, and federal agencies and
11.31 nonprofit organizations, create a poster that notifies children of the appropriate number to
11.32 call to report child abuse or neglect. The poster shall:

11.33 (1) include a note that directs a child to dial 911 in case of emergency;

- 12.1 (2) include a spot to insert the phone number for the county's child protection services;
 12.2 (3) be no smaller than 8-1/2 inches by 11 inches; and
 12.3 (4) be produced in as many languages as practicable other than English that are spoken
 12.4 in the state as determined by the commissioner.

12.5 (b) If created, the commissioner shall make all versions of the poster available to the
 12.6 public on the department's Web site.

12.7 (c) If created, a school district, charter school, and nonpublic school may post the
 12.8 commissioner-created poster or a district-created poster that meets the requirements in
 12.9 paragraph (a) in an area of the school where students frequently congregate. The district or
 12.10 school may post versions of the poster in languages spoken by a significant portion of the
 12.11 student body.

12.12 Sec. 7. Minnesota Statutes 2017 Supplement, section 120B.35, subdivision 3, is amended
 12.13 to read:

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

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

12.32 (b) The commissioner, ~~in consultation with a stakeholder group that includes assessment~~
 12.33 ~~and evaluation directors, district staff, experts in culturally responsive teaching, and~~

13.1 ~~researchers, must implement a model that uses a value-added growth indicator and includes~~
 13.2 ~~criteria for identifying schools and school districts that demonstrate medium and high growth~~
 13.3 ~~under section 120B.299, subdivisions 8 and 9, and may recommend other value-added~~
 13.4 ~~measures under section 120B.299, subdivision 3. The model may be used to advance~~
 13.5 ~~educators' professional development and replicate programs that succeed in meeting students'~~
 13.6 ~~diverse learning needs. Data on individual teachers generated under the model are personnel~~
 13.7 ~~data under section 13.43. The model must allow users to:~~

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

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

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

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

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

13.30 (2) a rigorous coursework measure indicating the number and percentage of high school
 13.31 graduates in the most recent school year who successfully completed one or more
 13.32 college-level advanced placement, international baccalaureate, postsecondary enrollment
 13.33 options including concurrent enrollment, other rigorous courses of study under section
 13.34 120B.021, subdivision 1a, or industry certification courses or programs.

14.1 When reporting the core measures under clauses (1) and (2), the commissioner must also
14.2 analyze and report separate categories of information using the student categories identified
14.3 under the federal Elementary and Secondary Education Act, as most recently reauthorized,
14.4 and other student categories under paragraph (a), clause (2).

14.5 (d) When reporting student performance under section 120B.36, subdivision 1, the
14.6 commissioner annually, beginning July 1, 2014, must report summary data on school safety
14.7 and students' engagement and connection at school, consistent with the student categories
14.8 identified under paragraph (a), clause (2). The summary data under this paragraph are
14.9 separate from and must not be used for any purpose related to measuring or evaluating the
14.10 performance of classroom teachers. The commissioner, in consultation with qualified experts
14.11 on student engagement and connection and classroom teachers, must identify highly reliable
14.12 variables that generate summary data under this paragraph. The summary data may be used
14.13 at school, district, and state levels only. Any data on individuals received, collected, or
14.14 created that are used to generate the summary data under this paragraph are nonpublic data
14.15 under section 13.02, subdivision 9.

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

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

14.22 (2) the percent of students under this paragraph whose progress and performance levels
14.23 are meeting career and college readiness benchmarks under section 120B.30, subdivision
14.24 1; and

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

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

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

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

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

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

15.1 (f) The commissioner, in consultation with recognized experts with knowledge and
 15.2 experience in assessing the language proficiency and academic performance of all English
 15.3 learners enrolled in a Minnesota public school course or program who are currently or were
 15.4 previously counted as an English learner under section 124D.59, must identify and report
 15.5 appropriate and effective measures to improve current categories of language difficulty and
 15.6 assessments, and monitor and report data on students' English proficiency levels, program
 15.7 placement, and academic language development, including oral academic language.

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

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

15.16 Sec. 8. [121A.12] NATIONAL MOTTO.

15.17 (a) To the extent funds or in-kind contributions are available under paragraph (b), a
 15.18 school board may prominently display in a conspicuous place in each school an easily
 15.19 readable durable poster, framed copy, or mounted plaque of the national motto of the United
 15.20 States, "In God We Trust."

15.21 (b) A school board may accept nonpublic funds or in-kind contributions to implement
 15.22 this section.

15.23 Sec. 9. Minnesota Statutes 2016, section 121A.22, subdivision 1, is amended to read:

15.24 Subdivision 1. **Applicability.** (a) This section applies only:

15.25 (1) when the parent of a pupil requests school personnel to administer drugs or medicine
 15.26 to the pupil; or

15.27 (2) when administration is allowed by the individualized education program of a child
 15.28 with a disability.

15.29 The request of a parent may be oral or in writing. An oral request must be reduced to
 15.30 writing within two school days, provided that the district may rely on an oral request until
 15.31 a written request is received.

16.1 (b) If the administration of a drug or medication described in paragraph (a) requires the
16.2 school to store the drugs or medication, the parent or legal guardian must inform the school
16.3 if the drug or medication is a controlled substance. For drugs or medications that are not
16.4 controlled substances, the request must include a provision designating the school district
16.5 as an authorized entity to transport the drug or medication for the purpose of destruction if
16.6 any unused drug or medication is left in the possession of school personnel. For drugs or
16.7 medications that are controlled substances, the request must specify that the parent or legal
16.8 guardian is required to retrieve the drug when requested by the school.

16.9 Sec. 10. Minnesota Statutes 2016, section 121A.22, is amended by adding a subdivision
16.10 to read:

16.11 Subd. 4a. **Unclaimed drugs or medications.** (a) Each school district shall adopt a
16.12 procedure for the collection and transport of any unclaimed or abandoned prescription drugs
16.13 or over-the-counter medications left in the possession of school personnel in accordance
16.14 with this subdivision. The procedure must ensure that before the transportation of any
16.15 prescription drug under this subdivision, the school district shall make a reasonable attempt
16.16 to return the unused prescription drug to the student's parent or legal guardian. The procedure
16.17 must provide that transportation of unclaimed or unused prescription drugs or
16.18 over-the-counter medications occur at least annually, or more frequently as determined by
16.19 the school district.

16.20 (b) If the unclaimed or abandoned prescription drug is not a controlled substance as
16.21 defined under section 152.01, subdivision 4, or is an over-the-counter medication, the school
16.22 district may designate an individual who shall be responsible for transporting these drugs
16.23 or medications to a designated drop-off box or collection bin or may request a law
16.24 enforcement agency to transport the drugs or medications to a drop-off box or collection
16.25 bin on behalf of the school district.

16.26 (c) If the unclaimed or abandoned prescription drug is a controlled substance as defined
16.27 in section 152.01, subdivision 4, a school district or school personnel is prohibited from
16.28 transporting the prescription drug to a drop-off box or collection site for prescription drugs
16.29 identified under this paragraph. The school district must request a law enforcement agency
16.30 to transport the prescription drug or medication to a collection bin that complies with Drug
16.31 Enforcement Agency regulations, or if a bin is not available, under the agency's procedure
16.32 for transporting drugs.

17.1 Sec. 11. **[121A.35] THREAT ASSESSMENT POLICY.**

17.2 A school board and a charter school must adopt a threat assessment policy that establishes
 17.3 a process for the assessment of and intervention with students whose behavior may pose a
 17.4 threat to the safety of school staff or students. The policy must be consistent with the
 17.5 Minnesota school safety center's recommendations. The policy must include procedures for
 17.6 parent notification and student referrals as appropriate. Nothing in this section precludes
 17.7 school personnel from acting immediately to address an imminent threat.

17.8 Sec. 12. Minnesota Statutes 2016, section 121A.39, is amended to read:

17.9 **121A.39 SCHOOL COUNSELORS.**

17.10 (a) A school district is strongly encouraged to have an adequate student-to-counselor
 17.11 ratio for its students beginning in the 2015-2016 school year and later.

17.12 (b) A school counselor shall assist a student in meeting the requirements for high school
 17.13 graduation, college and career exploration, and selection, college affordability planning,
 17.14 and successful transitions into postsecondary education or training. As part of college and
 17.15 career exploration, a counselor is encouraged to present and explain the career opportunities
 17.16 and benefits offered by the United States armed forces and share information provided to
 17.17 the counselor by armed forces recruiters. In discussing military service with a student or a
 17.18 student's parent, a school counselor is encouraged to provide the student or parent information
 17.19 concerning the military enlistment test.

17.20 Sec. 13. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision
 17.21 to read:

17.22 **Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil**
 17.23 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means
 17.24 policies and practices that are alternatives to removing a pupil from class or dismissing a
 17.25 pupil from school, including, but not limited to, positive behavioral interventions and
 17.26 supports and alternative education services, that require school officials to intervene in,
 17.27 redirect, and support a pupil's behavior before removing a pupil from class or beginning
 17.28 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are
 17.29 not limited to the policies and practices under sections 121A.031, subdivision 4, paragraph
 17.30 (a), clause (1); 121A.575, clauses (1) and (2); and 121A.61, subdivision 3, paragraph (q).

17.31 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

18.1 Sec. 14. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision
18.2 to read:

18.3 Subd. 13. **Pupil withdrawal agreements.** "Pupil withdrawal agreements" means a verbal
18.4 or written agreement between a school or district administrator and a pupil's parent or
18.5 guardian to withdraw a student from the school district to avoid expulsion or exclusion
18.6 dismissal proceedings. The duration of the withdrawal agreement may be no longer than
18.7 12 months.

18.8 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

18.9 Sec. 15. Minnesota Statutes 2016, section 121A.42, is amended to read:

18.10 **121A.42 POLICY.**

18.11 (a) No public school shall deny due process or equal protection of the law to any public
18.12 school pupil involved in a dismissal proceeding which may result in suspension, exclusion,
18.13 or expulsion.

18.14 (b) School officials are encouraged to use nonexclusionary disciplinary policies and
18.15 practices before beginning dismissal proceedings.

18.16 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

18.17 Sec. 16. Minnesota Statutes 2016, section 121A.45, is amended to read:

18.18 **121A.45 GROUNDS FOR DISMISSAL.**

18.19 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil
18.20 without attempting to provide alternative educational services or use nonexclusionary
18.21 disciplinary policies and practices before dismissal proceedings, except where it appears
18.22 that the pupil will create an immediate and substantial danger to self or to surrounding
18.23 persons or property.

18.24 Subd. 2. **Grounds for dismissal.** A pupil may be dismissed ~~on any of the following~~
18.25 ~~grounds~~ for:

18.26 ~~(a) (1) willful violation of any reasonable school board regulation. Such regulation must~~
18.27 ~~be~~ that is specific and sufficiently clear and definite to provide notice to pupils that they
18.28 must conform their conduct to its requirements;

18.29 ~~(b) (2) willful conduct that significantly disrupts the rights of others to an education, or~~
18.30 the ability of school personnel to perform their duties, or school sponsored extracurricular
18.31 activities; or

19.1 (e) (3) willful conduct that endangers the pupil or other pupils, or surrounding persons,
 19.2 including school district employees, or property of the school.

19.3 ~~Subd. 3. **Parent notification and meeting.** If a pupil's total days of removal from school~~
 19.4 ~~exceeds ten cumulative days in a school year, the school district shall make reasonable~~
 19.5 ~~attempts to convene a meeting with the pupil and the pupil's parent or guardian before~~
 19.6 ~~subsequently removing the pupil from school and, with the permission of the parent or~~
 19.7 ~~guardian, arrange for a mental health screening for the pupil. The district is not required to~~
 19.8 ~~pay for the mental health screening. The purpose of this meeting is to attempt to determine~~
 19.9 ~~the pupil's need for assessment or other services or whether the parent or guardian should~~
 19.10 ~~have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a~~
 19.11 ~~mental health disorder.~~

19.12 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

19.13 Sec. 17. Minnesota Statutes 2016, section 121A.46, subdivision 2, is amended to read:

19.14 Subd. 2. **Administrator notifies pupil of grounds for suspension.** At the informal
 19.15 administrative conference, a school administrator shall notify the pupil of the grounds for
 19.16 the suspension, ~~provide an explanation of~~ and explain the evidence the authorities have,
 19.17 ~~and the pupil may present the pupil's version of the facts. The pupil may present the pupil's~~
 19.18 ~~version of the facts and ask questions but is not required to do so.~~

19.19 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

19.20 Sec. 18. Minnesota Statutes 2016, section 121A.46, subdivision 3, is amended to read:

19.21 Subd. 3. **Written notice of grounds for suspension.** A written notice ~~containing~~ of
 19.22 grounds for suspension shall be personally served upon the pupil at or before the time the
 19.23 suspension is to take effect and served upon the pupil's parent or guardian electronically or
 19.24 by mail within 48 hours of the conference. A written notice required under this section must
 19.25 contain:

19.26 (1) the grounds for suspension;

19.27 (2) a brief statement of the facts;

19.28 (3) a description of the testimony;

19.29 (4) documents indicating the nonexclusionary disciplinary policies and practices initially
 19.30 used with the pupil, if applicable;

19.31 (5) the length of the suspension;

20.1 (6) a readmission plan; that includes the pupil's date of return to school;

20.2 (7) a request for a meeting with the pupil's parent or guardian consistent with subdivision
 20.3 3a; and

20.4 (8) a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at
 20.5 or before the time the suspension is to take effect, and upon the pupil's parent or guardian
 20.6 by mail within 48 hours of the conference.

20.7 The district shall make reasonable efforts to notify the parents of the suspension by telephone
 20.8 or electronically as soon as possible following the suspension. In the event a pupil is
 20.9 suspended without an informal administrative conference on the grounds that the pupil will
 20.10 create an immediate and substantial danger to surrounding persons or property, the written
 20.11 notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of
 20.12 the suspension. Service by mail is complete upon mailing.

20.13 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

20.14 Sec. 19. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision
 20.15 to read:

20.16 Subd. 3a. **Parent notification and meeting; suspension; mental health screening.** (a)
 20.17 After suspending a pupil from school, a school official must make reasonable attempts to
 20.18 convene a meeting with the pupil and the pupil's parent or guardian within 30 calendar days
 20.19 of the dismissal. The purpose of the meeting is to engage the pupil's parent or guardian in
 20.20 developing a plan to help the pupil succeed in school by addressing the behavior that led
 20.21 to the dismissal.

20.22 (b) If a pupil's total days of removal from school exceeds ten cumulative days in a school
 20.23 year, the school district shall make reasonable attempts to convene a meeting with the pupil
 20.24 and the pupil's parent or guardian before subsequently removing the pupil from school and,
 20.25 with the permission of the parent or guardian, arrange for a mental health screening for the
 20.26 pupil. The district is not required to pay for the mental health screening. The purpose of
 20.27 this meeting is to attempt to determine the pupil's need for assessment or other services or
 20.28 whether the parent or guardian should have the pupil assessed or diagnosed to determine
 20.29 whether the pupil needs treatment for a mental health disorder.

20.30 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

21.1 Sec. 20. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision
21.2 to read:

21.3 Subd. 5. **Minimum education services.** School officials must give a suspended pupil
21.4 a reasonable opportunity to complete all school work assigned during the pupil's suspension
21.5 and to receive full credit for satisfactorily completing the assignments. The school principal
21.6 or other person having administrative control of the school building or program is encouraged
21.7 to designate a district or school employee as a liaison to work with the pupil's teachers to
21.8 allow the suspended pupil to (1) receive timely course materials and other information, and
21.9 (2) complete daily and weekly assignments and receive teachers' feedback.

21.10 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

21.11 Sec. 21. Minnesota Statutes 2016, section 121A.47, subdivision 2, is amended to read:

21.12 Subd. 2. **Written notice.** Written notice of intent to take action shall:

21.13 ~~(a)~~ (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;

21.14 ~~(b)~~ (2) contain a complete statement of the facts, a list of the witnesses and a description
21.15 of their testimony;

21.16 ~~(c)~~ (3) explain the grounds for expelling the pupil instead of imposing nonexclusionary
21.17 disciplinary policies and practices under section 121A.41, subdivision 12;

21.18 (4) state the date, time, and place of the hearing;

21.19 ~~(d)~~ (5) be accompanied by a copy of sections 121A.40 to 121A.56;

21.20 ~~(e)~~ (6) describe alternative educational services accorded the pupil in an attempt to avoid
21.21 the exclusion or expulsion proceedings; and

21.22 ~~(f)~~ (7) inform the pupil and parent or guardian of the right to:

21.23 ~~(1)~~ (i) have a representative of the pupil's own choosing, including legal counsel, at the
21.24 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost
21.25 legal assistance may be available and that a legal assistance resource list is available from
21.26 the Department of Education;

21.27 ~~(2)~~ (ii) examine the pupil's records before the hearing;

21.28 ~~(3)~~ (iii) present evidence; and

21.29 ~~(4)~~ (iv) confront and cross-examine witnesses.

21.30 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

22.1 Sec. 22. Minnesota Statutes 2016, section 121A.53, subdivision 1, is amended to read:

22.2 Subdivision 1. **Exclusions and expulsions; physical assaults.** Consistent with
 22.3 subdivision 2, the school board must ~~report through~~ use the department electronic reporting
 22.4 system to report to the commissioner each exclusion or expulsion ~~and~~, each physical assault
 22.5 of a district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30
 22.6 days of the effective date of the dismissal action or assault ~~to the commissioner of education~~.
 22.7 This report must ~~include a statement of alternative educational services, or other sanction,~~
 22.8 ~~intervention, or resolution in response to the assault given the pupil and the reason for,~~
 22.9 identify:

22.10 (1) the pupil's behavior leading to the discipline;

22.11 (2) the nonexclusionary disciplinary policies and practices used, if applicable;

22.12 (3) any attempts to provide the pupil with alternative education services before excluding
 22.13 or expelling the pupil;

22.14 (4) the effective date, and of the disciplinary action; and

22.15 (5) the duration of the exclusion or expulsion or other sanction, intervention, or resolution.

22.16 The report must also include the ~~student's~~ pupil's age, grade, gender, race, and special
 22.17 education status.

22.18 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

22.19 Sec. 23. Minnesota Statutes 2016, section 121A.55, is amended to read:

22.20 **121A.55 POLICIES TO BE ESTABLISHED.**

22.21 (a) The commissioner of education shall promulgate guidelines to assist each school
 22.22 board. Each school board shall establish uniform criteria for dismissal and adopt written
 22.23 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
 22.24 shall emphasize preventing dismissals through early detection of problems and shall be
 22.25 designed to address ~~students'~~ pupils' inappropriate behavior from recurring.

22.26 (b) The policies shall recognize the continuing responsibility of the school for the
 22.27 education of the pupil during the dismissal period. The alternative educational services, if
 22.28 the pupil wishes to take advantage of them, must be adequate to allow the pupil to make
 22.29 progress towards meeting the graduation standards adopted under section 120B.02 and help
 22.30 prepare the pupil for readmission, and are consistent with section 121A.46, subdivision 5.

23.1 (c) For expulsion and exclusion dismissals, as well as pupil withdrawal agreements as
 23.2 defined in section 121A.41, subdivision 13:

23.3 (1) if school-linked mental health services are provided in the district under section
 23.4 245.4889, pupils continue to be eligible for those services until they are enrolled in a new
 23.5 district; and

23.6 (2) the district must provide to the pupil's parent or guardian a list of mental health and
 23.7 counseling services available to the pupil after expulsion. The list must also be posted on
 23.8 the district's Web site.

23.9 ~~(b)~~ (d) An area learning center under section 123A.05 may not prohibit an expelled or
 23.10 excluded pupil from enrolling solely because a district expelled or excluded the pupil. The
 23.11 board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to
 23.12 exclude a pupil or to require an admission plan.

23.13 ~~(e)~~ (e) Each school district shall develop a policy and report it to the commissioner on
 23.14 the appropriate use of peace and school resource officers and crisis teams to remove ~~students~~
 23.15 pupils who have an individualized education program from school grounds.

23.16 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

23.17 Sec. 24. Minnesota Statutes 2016, section 121A.61, is amended to read:

23.18 **121A.61 DISCIPLINE AND REMOVAL OF ~~STUDENTS~~ PUPILS FROM CLASS.**

23.19 Subdivision 1. **Required policy.** Each school board must adopt a written districtwide
 23.20 school discipline policy which includes written rules of conduct for ~~students~~ pupils, ~~minimum~~
 23.21 potential consequences for violations of the rules, parental notification requirements, and
 23.22 grounds and procedures for removal of a ~~student~~ pupil from class. The board must develop
 23.23 the policy ~~must be developed~~ in consultation with administrators, teachers, employees,
 23.24 pupils, parents, community members, law enforcement agencies, county attorney offices,
 23.25 social service agencies, and such other individuals or organizations as the board determines
 23.26 appropriate. A school site council may adopt additional provisions to the policy subject to
 23.27 the approval of the school board.

23.28 Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds
 23.29 for which a ~~student~~ pupil may be removed from a class in the district for a period of time
 23.30 under the procedures specified in the policy. The policy must include a procedure for
 23.31 notifying and meeting with a ~~student's~~ pupil's parent or guardian to discuss the problem that
 23.32 is causing the ~~student~~ pupil to be removed from class after the ~~student~~ pupil has been removed
 23.33 from class more than ~~ten~~ five times in one school year. The grounds in the policy must

24.1 include at least the following provisions as well as other grounds determined appropriate
24.2 by the board:

24.3 (a) willful conduct that significantly disrupts the rights of others to an education, including
24.4 conduct that interferes with a teacher's ability to teach or communicate effectively with
24.5 ~~students~~ pupils in a class or with the ability of other ~~students~~ pupils to learn;

24.6 (b) willful conduct that endangers surrounding persons, including school district
24.7 employees, the ~~student~~ pupil, or other ~~students~~ pupils, or the property of the school; and

24.8 (c) willful violation of any rule of conduct specified in the discipline policy adopted by
24.9 the board.

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

24.11 (a) rules governing ~~student~~ pupil conduct and procedures for informing ~~students~~ pupils
24.12 of the rules;

24.13 (b) the grounds for removal of a ~~student~~ pupil from a class;

24.14 (c) the authority of the classroom teacher to remove ~~students~~ pupils from the classroom
24.15 pursuant to procedures and rules established in the district's policy;

24.16 (d) the procedures for removal of a ~~student~~ pupil from a class by a teacher, school
24.17 administrator, or other school district employee;

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

24.20 (f) provisions relating to the responsibility for and custody of a ~~student~~ pupil removed
24.21 from a class;

24.22 (g) the procedures for return of a ~~student~~ pupil to the specified class from which the
24.23 ~~student~~ pupil has been removed;

24.24 (h) the procedures for notifying a ~~student~~ pupil and the ~~student's~~ pupil's parents or
24.25 guardian of violations of the rules of conduct and of resulting disciplinary actions;

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

24.28 (j) any procedures determined appropriate for encouraging early detection of behavioral
24.29 problems;

24.30 (k) any procedures determined appropriate for referring a ~~student~~ pupil in need of special
24.31 education services to those services;

25.1 (1) the procedures for consideration of whether there is a need for a further assessment
 25.2 or of whether there is a need for a review of the adequacy of a current individualized
 25.3 education program of a ~~student~~ pupil with a disability who is removed from class;

25.4 (m) procedures for detecting and addressing chemical abuse problems of a ~~student~~ pupil
 25.5 while on the school premises;

25.6 (n) the ~~minimum~~ potential consequences for violations of the code of conduct;

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

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

25.11 (q) an agreement regarding procedures to coordinate crisis services to the extent funds
 25.12 are available with the county board responsible for implementing sections 245.487 to
 25.13 245.4889 for ~~students~~ pupils with a serious emotional disturbance or other ~~students~~ pupils
 25.14 who have an individualized education program whose behavior may be addressed by crisis
 25.15 intervention; and

25.16 (r) a provision that states a ~~student~~ pupil must be removed from class immediately if the
 25.17 ~~student~~ pupil engages in assault or violent behavior. For purposes of this paragraph, "assault"
 25.18 has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period
 25.19 of time deemed appropriate by the principal, in consultation with the teacher.

25.20 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

25.21 Sec. 25. Minnesota Statutes 2016, section 121A.67, is amended by adding a subdivision
 25.22 to read:

25.23 **Subd. 3. Parent notification.** A school administrator must make and document efforts
 25.24 to immediately contact the parent or guardian of a pupil removed from a school building
 25.25 or school grounds by a peace or school resource officer unless such notice is specifically
 25.26 prohibited by law. If a pupil is secluded, a school administrator must make reasonable efforts
 25.27 to notify the pupil's parent or guardian of the seclusion by the end of the same school day.

25.28 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

26.1 Sec. 26. Minnesota Statutes 2017 Supplement, section 122A.09, is amended by adding a
 26.2 subdivision to read:

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

26.7 Sec. 27. Minnesota Statutes 2016, section 123B.14, subdivision 7, is amended to read:

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

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

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

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

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

27.1 Sec. 28. Minnesota Statutes 2016, section 124D.78, subdivision 2, is amended to read:

27.2 Subd. 2. **Resolution of concurrence.** Prior to March 1, the school board or American
27.3 Indian school must submit to the department a copy of a resolution adopted by the American
27.4 Indian education parent advisory committee. The copy must be signed by the chair of the
27.5 committee and must state whether the committee concurs with the educational programs
27.6 for American Indian students offered by the school board or American Indian school. If the
27.7 committee does not concur with the educational programs, the reasons for nonconcurrence
27.8 and recommendations shall be submitted directly to the school board with the resolution.
27.9 By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence,
27.10 to each recommendation made by the committee and state its reasons for not implementing
27.11 the recommendations.

27.12 Sec. 29. Minnesota Statutes 2017 Supplement, section 124E.03, subdivision 2, is amended
27.13 to read:

27.14 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall
27.15 meet all federal, state, and local health and safety requirements applicable to school districts.

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

27.18 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
27.19 123B.34 to 123B.39.

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

27.21 (e) A charter school must comply with the Pledge of Allegiance requirement under
27.22 section 121A.11, subdivision 3.

27.23 (f) A charter school and charter school board of directors must comply with chapter 181
27.24 governing requirements for employment.

27.25 (g) A charter school must comply with continuing truant notification under section
27.26 260A.03.

27.27 (h) A charter school must develop and implement a teacher evaluation and peer review
27.28 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place
27.29 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).
27.30 The teacher evaluation process in this paragraph does not create any additional employment
27.31 rights for teachers.

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

28.4 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,
 28.5 sections 121A.40 to 121A.56.

28.6 (k) A charter school must comply with the national motto requirement under section
 28.7 121A.12.

28.8 Sec. 30. Minnesota Statutes 2016, section 125B.07, subdivision 6, is amended to read:

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

28.13 Sec. 31. Minnesota Statutes 2016, section 126C.15, subdivision 5, is amended to read:

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

28.20 Sec. 32. Minnesota Statutes 2017 Supplement, section 609A.03, subdivision 7a, is amended
 28.21 to read:

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

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

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

29.1 (2) when a criminal justice agency seeks access to a record that was sealed under section
29.2 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
29.3 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
29.4 sentencing, the requesting agency must obtain an ex parte court order after stating a
29.5 good-faith basis to believe that opening the record may lead to relevant information;

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

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

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

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

29.19 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
29.20 in a manner that provides access to the record by a criminal justice agency under paragraph
29.21 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
29.22 of Criminal Apprehension shall notify the commissioner of human services, and the
29.23 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~
29.24 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access
29.25 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to
29.26 the expungement order shall provide access to the record to the commissioner of human
29.27 services, the Professional Educator Licensing and Standards Board, or the licensing division
29.28 of the Department of Education under paragraph (b), clause (4) or (5).

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

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

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

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

30.5 Sec. 33. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 2, is amended
30.6 to read:

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

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

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

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

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

30.16 (c) "Facility" means:

30.17 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,
30.18 residential facility, agency, hospital, sanitarium, or other facility or institution required to
30.19 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter
30.20 144H, 245D, or 245H;

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

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

30.25 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
30.26 subsequent child maltreatment, and family strengths and needs that is applied to a child
30.27 maltreatment report that does not allege sexual abuse or substantial child endangerment.
30.28 Family assessment does not include a determination as to whether child maltreatment
30.29 occurred but does determine the need for services to address the safety of family members
30.30 and the risk of subsequent maltreatment.

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

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

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

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

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

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

31.26 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
31.27 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
31.28 child with sympathomimetic medications, consistent with section 125A.091, subdivision
31.29 5;

31.30 (5) nothing in this section shall be construed to mean that a child is neglected solely
31.31 because the child's parent, guardian, or other person responsible for the child's care in good
31.32 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
31.33 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,
31.34 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of

32.1 medical care may cause serious danger to the child's health. This section does not impose
 32.2 upon persons, not otherwise legally responsible for providing a child with necessary food,
 32.3 clothing, shelter, education, or medical care, a duty to provide that care;

32.4 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
 32.5 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
 32.6 the child at birth, results of a toxicology test performed on the mother at delivery or the
 32.7 child at birth, medical effects or developmental delays during the child's first year of life
 32.8 that medically indicate prenatal exposure to a controlled substance, or the presence of a
 32.9 fetal alcohol spectrum disorder;

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

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

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

32.18 (h) "Nonmaltreatment mistake" means:

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

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

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

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

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

32.31 This definition only applies to child care centers licensed under Minnesota Rules, chapter
 32.32 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated

33.1 maltreatment by the individual, the commissioner of human services shall determine that a
33.2 nonmaltreatment mistake was made by the individual.

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

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

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

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

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

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

33.23 (3) shaking a child under age three;

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

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

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

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

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

33.31 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
33.32 substances which were not prescribed for the child by a practitioner, in order to control or

34.1 punish the child; or other substances that substantially affect the child's behavior, motor
 34.2 coordination, or judgment or that results in sickness or internal injury, or subjects the child
 34.3 to medical procedures that would be unnecessary if the child were not exposed to the
 34.4 substances;

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

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

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

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

34.17 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
 34.18 care, by a person who has a significant relationship to the child, as defined in section 609.341,
 34.19 or by a person in a position of authority, as defined in section 609.341, subdivision 10, to
 34.20 any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first
 34.21 degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual
 34.22 conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), ~~or~~
 34.23 609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children
 34.24 to engage in sexual conduct; communication of sexually explicit materials to children).

34.25 Sexual abuse also includes any act which involves a minor which constitutes a violation of
 34.26 prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017,
 34.27 sexual abuse includes all reports of known or suspected child sex trafficking involving a
 34.28 child who is identified as a victim of sex trafficking. Sexual abuse includes child sex
 34.29 trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes
 34.30 threatened sexual abuse which includes the status of a parent or household member who
 34.31 has committed a violation which requires registration as an offender under section 243.166,
 34.32 subdivision 1b, paragraph (a) or (b), or required registration under section 243.166,
 34.33 subdivision 1b, paragraph (a) or (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36.8 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth
36.9 record or recognition of parentage identifying a child who is subject to threatened injury
36.10 under paragraph (p), the Department of Human Services shall send the data to the responsible
36.11 social services agency. The data is known as "birth match" data. Unless the responsible
36.12 social services agency has already begun an investigation or assessment of the report due
36.13 to the birth of the child or execution of the recognition of parentage and the parent's previous
36.14 history with child protection, the agency shall accept the birth match data as a report under
36.15 this section. The agency may use either a family assessment or investigation to determine
36.16 whether the child is safe. All of the provisions of this section apply. If the child is determined
36.17 to be safe, the agency shall consult with the county attorney to determine the appropriateness
36.18 of filing a petition alleging the child is in need of protection or services under section
36.19 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is
36.20 determined not to be safe, the agency and the county attorney shall take appropriate action
36.21 as required under section 260C.503, subdivision 2.

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

36.26 Sec. 34. Laws 2017, First Special Session chapter 5, article 2, section 52, subdivision 2,
36.27 is amended to read:

36.28 Subd. 2. **Exemptions from laws and rules.** (a) Notwithstanding any other law to the
36.29 contrary, an innovation zone partner with an approved plan is exempt from each of the
36.30 following state education laws and rules specifically identified in its plan:

36.31 (1) any law or rule from which a district-created, site-governed school under Minnesota
36.32 Statutes, section 123B.045, is exempt;

37.1 (2) any statute or rule from which the commissioner has exempted another district or
 37.2 charter school, as identified in the list published on the Department of Education's Web site
 37.3 under subdivision 4, paragraph (b);

37.4 (3) online learning program approval under Minnesota Statutes, section 124D.095,
 37.5 subdivision 7, if the school district or charter school offers a course or program online
 37.6 combined with direct access to a teacher for a portion of that course or program;

37.7 (4) restrictions on extended time revenue under Minnesota Statutes, section 126C.10,
 37.8 subdivision 2a, for a student who meets the criteria of Minnesota Statutes, section 124D.68,
 37.9 subdivision 2; and

37.10 (5) any required hours of instruction in any class or subject area for a student who is
 37.11 meeting all competencies consistent with the graduation standards described in the innovation
 37.12 zone plan.

37.13 (b) The exemptions under this subdivision must not be construed as exempting an
 37.14 innovation zone partner from the Minnesota Comprehensive Assessments, except that the
 37.15 commissioner may authorize an innovation zone partner to substitute the high school
 37.16 Minnesota Comprehensive Assessments required for graduation with a nationally normed
 37.17 college entrance exam that is (1) aligned with the state academic standards and (2) includes
 37.18 career and college readiness benchmarks.

37.19 Sec. 35. Laws 2017, First Special Session chapter 5, article 2, section 56, is amended to
 37.20 read:

37.21 Sec. 56. **INTERMEDIATE SCHOOL DISTRICT MENTAL HEALTH**
 37.22 **INNOVATION GRANT PROGRAM; APPROPRIATION.**

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

37.27 (b) A "qualifying school unit" means an intermediate district organized under Minnesota
 37.28 Statutes, section 136D.01, or a service cooperative organized under Minnesota Statutes,
 37.29 section 123A.21, subdivision 1, paragraph (a), clause (2), that provides instruction to students
 37.30 in a setting of federal instructional level 4 or higher. Grants under paragraph (a) must be
 37.31 awarded to eligible applicants such that the services are proportionately provided among
 37.32 qualifying school units. The commissioner shall calculate the share of the appropriation to
 37.33 be used in each qualifying school unit by dividing the qualifying school unit's average daily

38.1 membership in a setting of federal instructional level 4 or higher for fiscal year 2016 by the
38.2 total average daily membership in a setting of federal instructional level 4 or higher for the
38.3 same year for all qualifying school units.

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

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

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

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

38.11 (4) a provider of children's therapeutic services and supports as defined in Minnesota
38.12 Statutes, section 256B.0943~~;~~ or

38.13 (5) enrolled in medical assistance as a mental health or substance use disorder provider
38.14 agency and must employ at least two full-time equivalent mental health professionals as
38.15 defined in section 245.4871, subdivision 27, clauses (1) to (6), or alcohol and drug counselors
38.16 licensed or exempt from licensure under chapter 148F who are qualified to provide clinical
38.17 services to children and families.

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

38.21 (e) A qualifying school unit must submit an application to the commissioner in the form
38.22 and manner specified by the commissioner. The commissioner may approve an application
38.23 that describes models for innovative projects to serve the needs of the schools and students.
38.24 The commissioner may provide technical assistance to the qualifying school unit. The
38.25 commissioner shall then solicit grant project proposals and award grant funding to the
38.26 eligible applicants whose project proposals best meet the requirements of this section and
38.27 most closely adhere to the models created by the intermediate districts and service
38.28 cooperatives.

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

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

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

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

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

39.8 (h) The base budget for this program is \$0. This appropriation is available until June 30,
39.9 2020.

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

39.11 Sec. 36. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23,
39.12 is amended to read:

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

39.15 \$ 1,500,000 2018

39.16 \$ 1,500,000 2019

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

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

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

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

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

40.10 Sec. 37. **REPEALER.**

40.11 Minnesota Statutes 2016, section 120B.35, subdivisions 4 and 5, are repealed.

40.12 **ARTICLE 3**

40.13 **TEACHERS**

40.14 Section 1. Minnesota Statutes 2017 Supplement, section 122A.07, is amended by adding
 40.15 a subdivision to read:

40.16 Subd. 6. **Public employer compensation reduction prohibited.** The public employer
 40.17 of a member shall not reduce the member's compensation or benefits for the member's
 40.18 absence from employment when engaging in the business of the board.

40.19 Sec. 2. Minnesota Statutes 2017 Supplement, section 122A.187, subdivision 5, is amended
 40.20 to read:

40.21 Subd. 5. **Reading preparation.** (a) The Professional Educator Licensing and Standards
 40.22 Board must adopt rules that require all licensed teachers who are renewing a Tier 3 or Tier
 40.23 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the
 40.24 renewal requirements further reading preparation, consistent with section 122A.06,
 40.25 subdivision 4.

40.26 (b) The reading preparation under this subdivision must include at least two clock hours
 40.27 of training to enable a teacher to:

40.28 (1) understand dyslexia as defined in section 125A.01, subdivision 2, and recognize
 40.29 dyslexia characteristics in students; and

41.1 (2) identify and access Department of Education personnel and professional resources
 41.2 using evidence-based dyslexia best practices in each license renewal period.

41.3 (c) The Department of Education must provide guidance on evidence-based approaches
 41.4 and best practices for trainings.

41.5 (d) The rules adopted under this subdivision do not take effect until they are approved
 41.6 by law. Teachers who do not provide direct instruction including, at least, counselors, school
 41.7 psychologists, school nurses, school social workers, audiovisual directors and coordinators,
 41.8 and recreation personnel are exempt from this section.

41.9 **EFFECTIVE DATE.** This section is effective for teachers who are renewing their Tier
 41.10 3 or Tier 4 license on or after July 1, 2019.

41.11 Sec. 3. Minnesota Statutes 2017 Supplement, section 122A.20, subdivision 1, is amended
 41.12 to read:

41.13 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Professional
 41.14 Educator Licensing and Standards Board or Board of School Administrators, whichever
 41.15 has jurisdiction over a teacher's licensure, may, on the written complaint of the school board
 41.16 employing a teacher, a teacher organization, or any other interested person, refuse to issue,
 41.17 refuse to renew, suspend, or revoke a teacher's license to teach for any of the following
 41.18 causes:

41.19 (1) immoral character or conduct;

41.20 (2) failure, without justifiable cause, to teach for the term of the teacher's contract;

41.21 (3) gross inefficiency or willful neglect of duty;

41.22 (4) failure to meet licensure requirements; ~~or~~

41.23 (5) fraud or misrepresentation in obtaining a license; or

41.24 (6) intentional and inappropriate patting, touching, pinching, or other physical contact
 41.25 with a student that is unwelcome and sexually motivated.

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

41.27 (b) The Professional Educator Licensing and Standards Board or Board of School
 41.28 Administrators, whichever has jurisdiction over a teacher's licensure, ~~shall~~ must refuse to
 41.29 issue, refuse to renew, or automatically revoke a teacher's license to teach without the right
 41.30 to a hearing upon receiving a certified copy of a conviction showing that the teacher has
 41.31 been convicted of:

- 42.1 (1) child abuse, as defined in section 609.185;
 42.2 (2) sex trafficking in the first degree under section 609.322, subdivision 1;
 42.3 (3) sex trafficking in the second degree under section 609.322, subdivision 1a;
 42.4 (4) engaging in hiring, or agreeing to hire a minor to engage in prostitution under section
 42.5 609.324, subdivision 1, ~~sexual abuse;~~
 42.6 (5) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, or
 42.7 609.3451, subdivision 3, ~~or 617.23, subdivision 3;~~
 42.8 (6) indecent exposure under section 617.23, subdivision 3;
 42.9 (7) solicitation of children to engage in sexual conduct or communication of sexually
 42.10 explicit materials to children under section 609.352;
 42.11 (8) interference with privacy under section 609.746 or stalking under section 609.749
 42.12 and the victim was a minor;
 42.13 (9) using minors in a sexual performance under section 617.246;
 42.14 (10) possessing pornographic works involving a minor under section 617.247; or
 42.15 (11) any other offense not listed in this paragraph that requires the person to register as
 42.16 a predatory offender under section 243.166, or a crime under a similar law of another state
 42.17 or the United States.

42.18 The board ~~shall~~ must send notice of this licensing action to the district in which the teacher
 42.19 is currently employed.

42.20 (c) A person whose license to teach has been revoked, not issued, or not renewed under
 42.21 paragraph (b), may petition the board to reconsider the licensing action if the person's
 42.22 conviction ~~for child abuse or sexual abuse~~ is reversed by a final decision of the Court of
 42.23 Appeals or the Supreme Court or if the person has received a pardon for the offense. The
 42.24 petitioner ~~shall~~ must attach a certified copy of the appellate court's final decision or the
 42.25 pardon to the petition. Upon receiving the petition and its attachment, the board ~~shall~~ must
 42.26 schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2,
 42.27 unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding
 42.28 the reversal of the petitioner's criminal conviction or the issuance of a pardon, the petitioner
 42.29 is disqualified from teaching under paragraph (a), clause (1), the board ~~shall~~ must affirm
 42.30 its previous licensing action. If the board finds that the petitioner is not disqualified from
 42.31 teaching under paragraph (a), clause (1), it ~~shall~~ must reverse its previous licensing action.

43.1 (d) The Professional Educator Licensing and Standards Board or Board of School
43.2 Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue,
43.3 refuse to renew, or revoke a teacher's license to teach if the teacher has engaged in sexual
43.4 penetration as defined in section 609.321, subdivision 11, with a student enrolled in a school
43.5 where the teacher works or volunteers. The board may suspend a teacher's license pending
43.6 an investigation into a report of conduct that would be grounds for revocation under this
43.7 paragraph. Section 122A.188 does not apply to a decision by the board to refuse to issue,
43.8 refuse to renew, or revoke a license under this paragraph. A person whose license has been
43.9 revoked, not issued, or not renewed may appeal the decision by filing a written request with
43.10 the Professional Educator Licensing and Standards Board or the Board of School
43.11 Administrators, as appropriate, within 30 days of notice of the licensing action. The board
43.12 must then initiate a contested case under the Administrative Procedure Act, sections 14.001
43.13 to 14.69.

43.14 (e) The Professional Educator Licensing and Standards Board or Board of School
43.15 Administrators, whichever has jurisdiction over a teacher's licensure, must review and may
43.16 refuse to issue, refuse to renew, or revoke a teacher's license to teach upon receiving a
43.17 certified copy of a conviction showing that the teacher has been convicted of:

43.18 (1) a qualified domestic violence-related offense as defined in section 609.02, subdivision
43.19 16;

43.20 (2) embezzlement of public funds under section 609.54; or

43.21 (3) a felony involving a minor as the victim.

43.22 If an offense included in clauses (1) to (3) is already included in paragraph (b), the provisions
43.23 of paragraph (b) apply to the conduct. Section 122A.188 does not apply to a decision by
43.24 the board to refuse to issue, refuse to renew, or revoke a license under this paragraph. A
43.25 person whose license has been revoked, not issued, or not renewed may appeal the decision
43.26 by filing a written request with the Professional Educator Licensing and Standards Board
43.27 or the Board of School Administrators, as appropriate, within 30 days of notice of the
43.28 licensing action. The board must then initiate a contested case under the Administrative
43.29 Procedure Act, sections 14.001 to 14.69.

43.30 (f) The Professional Educator Licensing and Standards Board may suspend a teacher's
43.31 license to teach during the board's disciplinary investigation of a report of teacher misconduct
43.32 if the teacher has been charged with a violation of a crime listed in paragraph (b). The
43.33 teacher's license is suspended until the licensing board completes their disciplinary
43.34 investigation and makes a determination whether or not disciplinary action is necessary.

44.1 ~~(d)~~ (g) For purposes of this subdivision, the Professional Educator Licensing and
 44.2 Standards Board is delegated the authority to suspend or revoke coaching licenses.

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

44.4 Sec. 4. Minnesota Statutes 2017 Supplement, section 122A.40, subdivision 13, is amended
 44.5 to read:

44.6 Subd. 13. **Immediate discharge.** (a) Except as otherwise provided in paragraph (b), a
 44.7 board may discharge a continuing-contract teacher, effective immediately, upon any of the
 44.8 following grounds:

44.9 (1) immoral conduct, insubordination, or conviction of a felony;

44.10 (2) conduct unbecoming a teacher which requires the immediate removal of the teacher
 44.11 from classroom or other duties;

44.12 (3) failure without justifiable cause to teach without first securing the written release of
 44.13 the school board;

44.14 (4) gross inefficiency which the teacher has failed to correct after reasonable written
 44.15 notice;

44.16 (5) willful neglect of duty; or

44.17 (6) continuing physical or mental disability subsequent to a 12 months leave of absence
 44.18 and inability to qualify for reinstatement in accordance with subdivision 12.

44.19 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
 44.20 discriminatory practice described in section 363A.13.

44.21 Prior to discharging a teacher under this paragraph, the board must notify the teacher in
 44.22 writing and state its ground for the proposed discharge in reasonable detail. Within ten days
 44.23 after receipt of this notification the teacher may make a written request for a hearing before
 44.24 the board and it ~~shall~~ must be granted before final action is taken. The board may suspend
 44.25 a teacher with pay pending the conclusion of the hearing and determination of the issues
 44.26 raised in the hearing after charges have been filed which constitute ground for discharge.
 44.27 If a teacher has been charged with a felony and the underlying conduct that is the subject
 44.28 of the felony charge is a ground for a proposed immediate discharge, the suspension pending
 44.29 the conclusion of the hearing and determination of the issues may be without pay. If a
 44.30 hearing under this paragraph is held, the board must reimburse the teacher for any salary
 44.31 or compensation withheld if the final decision of the board or the arbitrator does not result
 44.32 in a penalty to or suspension, termination, or discharge of the teacher.

45.1 (b) A board must discharge a continuing-contract teacher, effective immediately, upon
45.2 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's
45.3 license has been revoked due to a conviction for:

45.4 (1) child abuse, as defined in section 609.185;

45.5 (2) sex trafficking in the first degree under section 609.322, subdivision 1;

45.6 (3) sex trafficking in the second degree under section 609.322, subdivision 1a;

45.7 (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section
45.8 609.324, subdivision 1;

45.9 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,
45.10 609.3451, subdivision 3, or 617.23, subdivision 3;

45.11 (6) indecent exposure under section 617.23, subdivision 3;

45.12 (7) solicitation of children to engage in sexual conduct or communication of sexually
45.13 explicit materials to children under section 609.352;

45.14 (8) interference with privacy under section 609.746 or stalking under section 609.749
45.15 and the victim was a minor;

45.16 (9) using minors in a sexual performance under section 617.246;

45.17 (10) possessing pornographic works involving a minor under section 617.247; or

45.18 (11) any other offense not listed in this paragraph that requires the person to register as
45.19 a predatory offender under section 243.166, or a crime under a similar law of another state
45.20 or the United States; or

45.21 (12) any other offense not listed in this paragraph that requires notice of a licensing
45.22 action to the district in accordance with section 122A.20, subdivision 1, paragraph (d).

45.23 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
45.24 a final determination of child maltreatment involving a teacher under section 626.556,
45.25 subdivision 11, the school principal or other person having administrative control of the
45.26 school must include in the teacher's employment record the information contained in the
45.27 record of the disciplinary action or the final maltreatment determination, consistent with
45.28 the definition of public data under section 13.41, subdivision 5, and must provide the
45.29 Professional Educator Licensing and Standards Board and the licensing division at the
45.30 department with the necessary and relevant information to enable the Professional Educator
45.31 Licensing and Standards Board and the department's licensing division to fulfill their statutory
45.32 and administrative duties related to issuing, renewing, suspending, or revoking a teacher's

46.1 license. Information received by the Professional Educator Licensing and Standards Board
46.2 or the licensing division at the department under this paragraph is governed by section 13.41
46.3 or other applicable law governing data of the receiving entity. In addition to the background
46.4 check required under section 123B.03, a school board or other school hiring authority must
46.5 contact the Professional Educator Licensing and Standards Board and the department to
46.6 determine whether the teacher's license has been suspended or revoked, consistent with the
46.7 discharge and final maltreatment determinations identified in this paragraph. Unless restricted
46.8 by federal or state data practices law or by the terms of a collective bargaining agreement,
46.9 the responsible authority for a school district must disseminate to another school district
46.10 private personnel data on a current or former teacher employee or contractor of the district,
46.11 including the results of background investigations, if the requesting school district seeks
46.12 the information because the subject of the data has applied for employment with the
46.13 requesting school district.

46.14 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

46.15 Sec. 5. Minnesota Statutes 2017 Supplement, section 122A.41, subdivision 6, is amended
46.16 to read:

46.17 Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided in
46.18 paragraph (b), causes for the discharge or demotion of a teacher either during or after the
46.19 probationary period must be:

46.20 (1) immoral character, conduct unbecoming a teacher, or insubordination;

46.21 (2) failure without justifiable cause to teach without first securing the written release of
46.22 the school board having the care, management, or control of the school in which the teacher
46.23 is employed;

46.24 (3) inefficiency in teaching or in the management of a school, consistent with subdivision
46.25 5, paragraph (b);

46.26 (4) affliction with a communicable disease must be considered as cause for removal or
46.27 suspension while the teacher is suffering from such disability; or

46.28 (5) discontinuance of position or lack of pupils.

46.29 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
46.30 discriminatory practice described in section 363A.13.

47.1 (b) A probationary or continuing-contract teacher must be discharged immediately upon
47.2 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's
47.3 license has been revoked due to a conviction for:

47.4 (1) child abuse, as defined in section 609.185;

47.5 (2) sex trafficking in the first degree under section 609.322, subdivision 1;

47.6 (3) sex trafficking in the second degree under section 609.322, subdivision 1a;

47.7 (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section
47.8 609.324, subdivision 1;

47.9 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,
47.10 609.3451, subdivision 3, or 617.23, subdivision 3;

47.11 (6) indecent exposure under section 617.23, subdivision 3;

47.12 (7) solicitation of children to engage in sexual conduct or communication of sexually
47.13 explicit materials to children under section 609.352;

47.14 (8) interference with privacy under section 609.746 or stalking under section 609.749
47.15 and the victim was a minor;

47.16 (9) using minors in a sexual performance under section 617.246;

47.17 (10) possessing pornographic works involving a minor under section 617.247; or

47.18 (11) any other offense not listed in this paragraph that requires the person to register as
47.19 a predatory offender under section 243.166, or a crime under a similar law of another state
47.20 or the United States; or

47.21 (12) any other offense not listed in this paragraph that requires notice of a licensing
47.22 action to the district in accordance with section 122A.20, subdivision 1, paragraph (d).

47.23 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
47.24 a final determination of child maltreatment involving a teacher under section 626.556,
47.25 subdivision 11, the school principal or other person having administrative control of the
47.26 school must include in the teacher's employment record the information contained in the
47.27 record of the disciplinary action or the final maltreatment determination, consistent with
47.28 the definition of public data under section 13.41, subdivision 5, and must provide the
47.29 Professional Educator Licensing and Standards Board and the licensing division at the
47.30 department with the necessary and relevant information to enable the Professional Educator
47.31 Licensing and Standards Board and the department's licensing division to fulfill their statutory
47.32 and administrative duties related to issuing, renewing, suspending, or revoking a teacher's

48.1 license. Information received by the Professional Educator Licensing and Standards Board
 48.2 or the licensing division at the department under this paragraph is governed by section 13.41
 48.3 or other applicable law governing data of the receiving entity. In addition to the background
 48.4 check required under section 123B.03, a school board or other school hiring authority must
 48.5 contact the Professional Educator Licensing and Standards Board and the department to
 48.6 determine whether the teacher's license has been suspended or revoked, consistent with the
 48.7 discharge and final maltreatment determinations identified in this paragraph. Unless restricted
 48.8 by federal or state data practices law or by the terms of a collective bargaining agreement,
 48.9 the responsible authority for a school district must disseminate to another school district
 48.10 private personnel data on a current or former teacher employee or contractor of the district,
 48.11 including the results of background investigations, if the requesting school district seeks
 48.12 the information because the subject of the data has applied for employment with the
 48.13 requesting school district.

48.14 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

48.15 Sec. 6. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 3, is amended
 48.16 to read:

48.17 Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A person
 48.18 who knows or has reason to believe a child is being neglected or physically or sexually
 48.19 abused, as defined in subdivision 2, or has been neglected or physically or sexually abused
 48.20 within the preceding three years, shall immediately report the information to the local welfare
 48.21 agency, agency responsible for assessing or investigating the report, police department,
 48.22 county sheriff, tribal social services agency, or tribal police department if the person is:

48.23 (1) a professional or professional's delegate who is engaged in the practice of the healing
 48.24 arts, social services, hospital administration, psychological or psychiatric treatment, child
 48.25 care, education, correctional supervision, probation and correctional services, or law
 48.26 enforcement; ~~or~~

48.27 (2) employed as a member of the clergy and received the information while engaged in
 48.28 ministerial duties, provided that a member of the clergy is not required by this subdivision
 48.29 to report information that is otherwise privileged under section 595.02, subdivision 1,
 48.30 paragraph (c); or

48.31 (3) a member of the Professional Educator Licensing and Standards Board or the Board
 48.32 of School Administrators.

49.1 (b) Any person may voluntarily report to the local welfare agency, agency responsible
 49.2 for assessing or investigating the report, police department, county sheriff, tribal social
 49.3 services agency, or tribal police department if the person knows, has reason to believe, or
 49.4 suspects a child is being or has been neglected or subjected to physical or sexual abuse.

49.5 (c) A person mandated to report physical or sexual child abuse or neglect occurring
 49.6 within a licensed facility shall report the information to the agency responsible for licensing
 49.7 or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16;
 49.8 or chapter 144H, 245D, or 245H; or a nonlicensed personal care provider organization as
 49.9 defined in section 256B.0625, subdivision 19a. A health or corrections agency receiving a
 49.10 report may request the local welfare agency to provide assistance pursuant to subdivisions
 49.11 10, 10a, and 10b. A board or other entity whose licensees perform work within a school
 49.12 facility, upon receiving a complaint of alleged maltreatment, shall provide information about
 49.13 the circumstances of the alleged maltreatment to the commissioner of education. Section
 49.14 13.03, subdivision 4, applies to data received by the commissioner of education from a
 49.15 licensing entity.

49.16 (d) Notification requirements under subdivision 10 apply to all reports received under
 49.17 this section.

49.18 (e) For purposes of this section, "immediately" means as soon as possible but in no event
 49.19 longer than 24 hours.

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

49.21 Sec. 7. Minnesota Statutes 2016, section 626.556, subdivision 10a, is amended to read:

49.22 Subd. 10a. **Law enforcement agency responsibility for investigation; welfare agency**
 49.23 **reliance on law enforcement fact-finding; welfare agency offer of services.** (a) If the
 49.24 report alleges neglect, physical abuse, or sexual abuse by a person who is not a parent,
 49.25 guardian, sibling, person responsible for the child's care functioning within the family unit,
 49.26 or a person who lives in the child's household and who has a significant relationship to the
 49.27 child, in a setting other than a facility as defined in subdivision 2, the local welfare agency
 49.28 shall immediately notify the appropriate law enforcement agency, which shall conduct an
 49.29 investigation of the alleged abuse or neglect if a violation of a criminal statute is alleged.

49.30 (b) The local agency may rely on the fact-finding efforts of the law enforcement
 49.31 investigation conducted under this subdivision to make a determination whether or not
 49.32 threatened injury or other maltreatment has occurred under subdivision 2 if an alleged
 49.33 offender has minor children or lives with minors.

50.1 (c) If a child is the victim of an alleged crime under paragraph (a), the law enforcement
50.2 agency shall immediately notify the local welfare agency, which shall offer appropriate
50.3 social services for the purpose of safeguarding and enhancing the welfare of the abused or
50.4 neglected minor.

50.5 (d) The law enforcement agency must report to the Professional Educator Licensing and
50.6 Standards Board an investigation under paragraph (a), involving a person licensed by the
50.7 board.

50.8 Sec. 8. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 10e, is amended
50.9 to read:

50.10 Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family
50.11 assessment or the investigation within 45 days of the receipt of a report. The conclusion of
50.12 the assessment or investigation may be extended to permit the completion of a criminal
50.13 investigation or the receipt of expert information requested within 45 days of the receipt of
50.14 the report.

50.15 (b) After conducting a family assessment, the local welfare agency shall determine
50.16 whether services are needed to address the safety of the child and other family members
50.17 and the risk of subsequent maltreatment.

50.18 (c) After conducting an investigation, the local welfare agency shall make two
50.19 determinations: first, whether maltreatment has occurred; and second, whether child
50.20 protective services are needed. No determination of maltreatment shall be made when the
50.21 alleged perpetrator is a child under the age of ten.

50.22 (d) If the commissioner of education conducts an assessment or investigation, the
50.23 commissioner shall determine whether maltreatment occurred and what corrective or
50.24 protective action was taken by the school facility. If a determination is made that
50.25 maltreatment has occurred, the commissioner shall report to the employer, the school board,
50.26 and any appropriate licensing entity the determination that maltreatment occurred and what
50.27 corrective or protective action was taken by the school facility. In all other cases, the
50.28 commissioner shall inform the school board or employer and any appropriate licensing
50.29 entity that a report was received, the subject of the report, the date of the initial report, the
50.30 category of maltreatment alleged as defined in paragraph (f), the fact that maltreatment was
50.31 not determined, and a summary of the specific reasons for the determination.

50.32 (e) When maltreatment is determined in an investigation involving a facility, the
50.33 investigating agency shall also determine whether the facility or individual was responsible,

51.1 or whether both the facility and the individual were responsible for the maltreatment using
51.2 the mitigating factors in paragraph (i). Determinations under this subdivision must be made
51.3 based on a preponderance of the evidence and are private data on individuals or nonpublic
51.4 data as maintained by the commissioner of education.

51.5 (f) For the purposes of this subdivision, "maltreatment" means any of the following acts
51.6 or omissions:

51.7 (1) physical abuse as defined in subdivision 2, paragraph (k);

51.8 (2) neglect as defined in subdivision 2, paragraph (g);

51.9 (3) sexual abuse as defined in subdivision 2, paragraph (n);

51.10 (4) mental injury as defined in subdivision 2, paragraph (f); or

51.11 (5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (c).

51.12 (g) For the purposes of this subdivision, a determination that child protective services
51.13 are needed means that the local welfare agency has documented conditions during the
51.14 assessment or investigation sufficient to cause a child protection worker, as defined in
51.15 section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment
51.16 if protective intervention is not provided and that the individuals responsible for the child's
51.17 care have not taken or are not likely to take actions to protect the child from maltreatment
51.18 or risk of maltreatment.

51.19 (h) This subdivision does not mean that maltreatment has occurred solely because the
51.20 child's parent, guardian, or other person responsible for the child's care in good faith selects
51.21 and depends upon spiritual means or prayer for treatment or care of disease or remedial care
51.22 of the child, in lieu of medical care. However, if lack of medical care may result in serious
51.23 danger to the child's health, the local welfare agency may ensure that necessary medical
51.24 services are provided to the child.

51.25 (i) When determining whether the facility or individual is the responsible party, or
51.26 whether both the facility and the individual are responsible for determined maltreatment in
51.27 a facility, the investigating agency shall consider at least the following mitigating factors:

51.28 (1) whether the actions of the facility or the individual caregivers were according to,
51.29 and followed the terms of, an erroneous physician order, prescription, individual care plan,
51.30 or directive; however, this is not a mitigating factor when the facility or caregiver was
51.31 responsible for the issuance of the erroneous order, prescription, individual care plan, or
51.32 directive or knew or should have known of the errors and took no reasonable measures to
51.33 correct the defect before administering care;

52.1 (2) comparative responsibility between the facility, other caregivers, and requirements
 52.2 placed upon an employee, including the facility's compliance with related regulatory standards
 52.3 and the adequacy of facility policies and procedures, facility training, an individual's
 52.4 participation in the training, the caregiver's supervision, and facility staffing levels and the
 52.5 scope of the individual employee's authority and discretion; and

52.6 (3) whether the facility or individual followed professional standards in exercising
 52.7 professional judgment.

52.8 The evaluation of the facility's responsibility under clause (2) must not be based on the
 52.9 completeness of the risk assessment or risk reduction plan required under section 245A.66,
 52.10 but must be based on the facility's compliance with the regulatory standards for policies
 52.11 and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota
 52.12 Rules.

52.13 (j) Notwithstanding paragraph (i), when maltreatment is determined to have been
 52.14 committed by an individual who is also the facility license or certification holder, both the
 52.15 individual and the facility must be determined responsible for the maltreatment, and both
 52.16 the background study disqualification standards under section 245C.15, subdivision 4, and
 52.17 the licensing or certification actions under section 245A.06, 245A.07, 245H.06, or 245H.07
 52.18 apply.

52.19 Sec. 9. Laws 2017, First Special Session chapter 5, article 3, section 3, the effective date,
 52.20 is amended to read:

52.21 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

52.22 Sec. 10. Laws 2017, First Special Session chapter 5, article 3, section 4, the effective date,
 52.23 is amended to read:

52.24 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

52.25 Sec. 11. Laws 2017, First Special Session chapter 5, article 3, section 5, the effective date,
 52.26 is amended to read:

52.27 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

52.28 Sec. 12. Laws 2017, First Special Session chapter 5, article 3, section 6, the effective date,
 52.29 is amended to read:

52.30 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.1 Sec. 13. Laws 2017, First Special Session chapter 5, article 3, section 7, the effective date,
53.2 is amended to read:

53.3 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.4 Sec. 14. Laws 2017, First Special Session chapter 5, article 3, section 8, the effective date,
53.5 is amended to read:

53.6 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.7 Sec. 15. Laws 2017, First Special Session chapter 5, article 3, section 9, the effective date,
53.8 is amended to read:

53.9 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.10 Sec. 16. Laws 2017, First Special Session chapter 5, article 3, section 10, the effective
53.11 date, is amended to read:

53.12 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.13 Sec. 17. Laws 2017, First Special Session chapter 5, article 3, section 11, the effective
53.14 date, is amended to read:

53.15 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.16 Sec. 18. Laws 2017, First Special Session chapter 5, article 3, section 12, the effective
53.17 date, is amended to read:

53.18 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.19 Sec. 19. Laws 2017, First Special Session chapter 5, article 3, section 13, the effective
53.20 date, is amended to read:

53.21 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

53.22 Sec. 20. Laws 2017, First Special Session chapter 5, article 3, section 14, the effective
53.23 date, is amended to read:

53.24 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

54.1 Sec. 21. Laws 2017, First Special Session chapter 5, article 3, section 15, the effective
54.2 date, is amended to read:

54.3 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

54.4 Sec. 22. Laws 2017, First Special Session chapter 5, article 3, section 16, the effective
54.5 date, is amended to read:

54.6 **EFFECTIVE DATE.** This section is effective ~~July~~ September 1, 2018.

54.7 Sec. 23. Laws 2017, First Special Session chapter 5, article 3, section 36, is amended to
54.8 read:

54.9 Sec. 36. **REPEALER.**

54.10 (a) Minnesota Statutes 2016, sections 122A.14, subdivision 5; and 122A.162, are repealed
54.11 effective January 1, 2018.

54.12 (b) Minnesota Statutes 2016, sections 122A.163; 122A.18, subdivisions 2a, 3, 3a, 4, 4a,
54.13 6, 7, and 7b; 122A.21, subdivision 2; 122A.23, subdivisions 1 and 2; 122A.245; and 122A.25,
54.14 are repealed effective ~~July~~ September 1, 2018.

54.15 **ARTICLE 4**

54.16 **SPECIAL EDUCATION**

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

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

54.21 (b) The school district of residence for a homeless pupil shall be the school district in
54.22 which the parent or legal guardian resides, unless: (1) parental rights have been terminated
54.23 by court order; (2) the parent or guardian is not living within the state; or (3) the parent or
54.24 guardian having legal custody of the child is an inmate of a Minnesota correctional facility
54.25 or is a resident of a halfway house under the supervision of the commissioner of corrections.
54.26 If any of clauses (1) to (3) apply, the school district of residence shall be the school district
54.27 in which the pupil resided when the qualifying event occurred. If no other district of residence
54.28 can be established, the school district of residence shall be the school district in which the
54.29 pupil currently resides. If there is a dispute between school districts regarding residency,
54.30 the district of residence is the district designated by the commissioner of education.

55.1 (c) Except as provided in paragraph (d), the serving district is responsible for transporting
55.2 a homeless pupil to and from the pupil's district of residence. The district may transport
55.3 from a permanent home in another district but only through the end of the academic school
55.4 year. When a pupil is enrolled in a charter school, the district or school that provides
55.5 transportation for other pupils enrolled in the charter school is responsible for providing
55.6 transportation. When a homeless student with or without an individualized education program
55.7 attends a public school other than an independent or special school district or charter school,
55.8 the district of residence is responsible for transportation.

55.9 (d) For a homeless pupil with an individualized education plan enrolled in a program
55.10 authorized by an intermediate school district, special education cooperative, service
55.11 cooperative, or education district, the serving district at the time of the pupil's enrollment
55.12 in the program remains responsible for transporting that pupil for the remainder of the school
55.13 year, unless the initial serving district and the current serving district mutually agree that
55.14 the current serving district is responsible for transporting the homeless pupil.

55.15 **EFFECTIVE DATE.** This section is effective July 1, 2018.

55.16 **Sec. 2. SPECIAL EDUCATION LEGISLATIVE WORKING GROUP.**

55.17 Subdivision 1. **Duties.** (a) A legislative working group on special education is created
55.18 to review special education delivery and cost containment in Minnesota, to consult with
55.19 stakeholders, and to submit a written report to the legislature recommending policy changes
55.20 to reduce costs. The special education legislative working group must examine and consider:

55.21 (1) how school districts, charter schools, intermediate school districts, special education
55.22 cooperatives, education districts, and service cooperatives deliver special education services
55.23 and the costs associated with each model;

55.24 (2) relevant state and federal special education laws and regulations and where state
55.25 mandates exceed federal requirements;

55.26 (3) trends in special education enrollment, the reasons for the increased proportion of
55.27 Minnesota students receiving special education, and the role that reading instruction
55.28 effectiveness plays;

55.29 (4) strategies or programs that would be effective in reducing the need for special
55.30 education services;

55.31 (5) funding for nonresident children in accordance with Minnesota Statutes, sections
55.32 125A.11 and 127A.47, and tuition billing reports for the most recent five-year period;

56.1 (6) the effect of the 2013 statutory changes to the state special education funding formulas,
 56.2 including interactions and conformity with federal funding formulas;

56.3 (7) how school districts and charter schools use section 504 plans, including criteria
 56.4 used to determine when a section 504 plan is appropriate and the prevalence of section 504
 56.5 plans in school districts and charter schools; and

56.6 (8) the 2013 evaluation report by the Office of the Legislative Auditor on special
 56.7 education and the status of implementing its recommendations.

56.8 (b) In making its recommendations, the special education legislative working group
 56.9 must consider a ten-year strategic plan informed by the policy findings in paragraph (a) to
 56.10 help reduce the costs contributing to the special education cross-subsidy and overall special
 56.11 education funding.

56.12 Subd. 2. **Membership.** (a) The legislative working group on special education consists
 56.13 of:

56.14 (1) six duly elected and currently serving members of the house of representatives, three
 56.15 appointed by the speaker of the house and three appointed by the house minority leader,
 56.16 one of whom must be the current chair of the house of representatives Education Innovation
 56.17 Policy Committee; and

56.18 (2) six duly elected and currently serving senators, three appointed by the senate majority
 56.19 leader and three appointed by the senate minority leader, one of whom must be the current
 56.20 chair of the senate Education Policy Committee.

56.21 (b) Only duly elected and currently serving members of the house of representatives or
 56.22 senate may be members of the special education legislative working group.

56.23 Subd. 3. **Organization; process; administrative and technical support.** The special
 56.24 education legislative working group appointments must be made by July 1, 2018. If a vacancy
 56.25 occurs, the leader of the caucus in the house of representatives or senate to which the vacating
 56.26 working group member belonged must fill the vacancy. The chair of the house of
 56.27 representatives Education Innovation Policy Committee shall serve as a cochair of the
 56.28 working group and shall convene the first meeting. The chair of the senate Education Policy
 56.29 Committee shall serve as a cochair of the working group. The working group must meet
 56.30 periodically. Meetings of the working group must be open to the public. The Legislative
 56.31 Coordinating Commission shall provide administrative assistance upon request. The
 56.32 Minnesota Department of Education must provide technical assistance upon request.

57.1 Subd. 4. **Consultation with stakeholders.** In developing its recommendations, the
 57.2 special education legislative working group must consult with interested and affected
 57.3 stakeholders.

57.4 Subd. 5. **Report.** The special education legislative working group must submit a report
 57.5 providing its findings and policy recommendations to the legislature by January 15, 2019.

57.6 Subd. 6. **Expiration.** The special education legislative working group expires on January
 57.7 16, 2019, unless extended by law.

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

57.9 **ARTICLE 5**

57.10 **FACILITIES AND TECHNOLOGY**

57.11 Section 1. Minnesota Statutes 2016, section 13.321, is amended by adding a subdivision
 57.12 to read:

57.13 Subd. 12. **Student online privacy.** Section 125B.27 governs student privacy and
 57.14 information practices of operators of online services for school purposes.

57.15 Sec. 2. Minnesota Statutes 2017 Supplement, section 121A.335, subdivision 3, is amended
 57.16 to read:

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

57.22 (b) A school district, that finds the presence of lead at 20 parts per billion or more in a
 57.23 water source that provides water for consumption, must immediately shut off the water
 57.24 source or make it unavailable until remediated.

57.25 Sec. 3. Minnesota Statutes 2017 Supplement, section 121A.335, subdivision 5, is amended
 57.26 to read:

57.27 Subd. 5. **Reporting.** A school district that has tested its buildings for the presence of
 57.28 lead shall make the results of the testing available to the public for review and must notify
 57.29 parents of the availability of the information. If a test conducted under subdivision 3,
 57.30 paragraph (a), reveals the presence of lead at 20 parts per billion or more, the school district
 57.31 must, within 30 days of receiving the test result, either:

- 58.1 (1) remediate the presence of lead to less than 20 parts per billion, as verified by a retest;
58.2 or
58.3 (2) directly notify parents of the test result.

58.4 Sec. 4. Minnesota Statutes 2017 Supplement, section 121A.335, is amended by adding a
58.5 subdivision to read:

58.6 Subd. 6. **Federal law.** Nothing in this section relieves the commissioners of health and
58.7 education, a school district, or charter school of any federal obligation relating to lead in
58.8 water.

58.9 Sec. 5. Minnesota Statutes 2017 Supplement, section 124E.03, subdivision 2, is amended
58.10 to read:

58.11 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall
58.12 meet all federal, state, and local health and safety requirements applicable to school districts.

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

58.15 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
58.16 123B.34 to 123B.39.

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

58.18 (e) A charter school must comply with the Pledge of Allegiance requirement under
58.19 section 121A.11, subdivision 3.

58.20 (f) A charter school and charter school board of directors must comply with chapter 181
58.21 governing requirements for employment.

58.22 (g) A charter school must comply with continuing truant notification under section
58.23 260A.03.

58.24 (h) A charter school must develop and implement a teacher evaluation and peer review
58.25 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place
58.26 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).
58.27 The teacher evaluation process in this paragraph does not create any additional employment
58.28 rights for teachers.

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

59.1 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,
59.2 sections 121A.40 to 121A.56.

59.3 (k) A charter school must comply with lead in school drinking water requirements under
59.4 section 121A.335.

59.5 (l) A charter school must adopt a threat assessment policy consistent with section
59.6 121A.35.

59.7 Sec. 6. **[125B.27] STUDENT ONLINE PRIVACY.**

59.8 Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

59.9 (b) "Covered information" means personally identifiable information or material, or
59.10 information that is linked to personally identifiable information or material, in any media
59.11 or format that is not publicly available and is any of the following:

59.12 (1) created by or provided to an operator by a student, or the student's parent or legal
59.13 guardian, in the course of the student's, parent's, or legal guardian's use of the operator's
59.14 site, service, or application for school purposes;

59.15 (2) created by or provided to an operator by an employee or agent of a school or school
59.16 district for school purposes; or

59.17 (3) gathered by an operator through the operation of its site, service, or application for
59.18 school purposes and personally identifies a student including but not limited to information
59.19 in the student's educational record or e-mail, first and last name, home address, telephone
59.20 number, e-mail address, other information that allows physical or online contact, discipline
59.21 records, test results, special education data, juvenile dependency records, grades, evaluations,
59.22 criminal records, medical records, health records, Social Security number, biometric
59.23 information, disabilities, socioeconomic information, food purchases, political affiliations,
59.24 religious information, text messages, documents, student identifiers, search activity, photos,
59.25 voice recordings, or geolocation information.

59.26 (c) "Interactive computer service" has the meaning given in United States Code, title
59.27 47, section 230.

59.28 (d) "Operator" means, to the extent that it is operating in this capacity, the operator of
59.29 an Internet Web site, online service, online application, or mobile application with actual
59.30 knowledge that the site, service, or application is used primarily for school purposes and
59.31 was designed and marketed for school purposes. Operator includes:

60.1 (1) an agent or assignee of the operator or a person acting under the supervision or control
60.2 of the operator; or

60.3 (2) a vendor.

60.4 (e) "School purposes" means purposes that are directed by or that customarily take place
60.5 at the direction of a school, teacher, or school district; aid in the administration of school
60.6 activities including but not limited to instruction in the classroom or at home, administrative
60.7 activities, and collaboration between students, school personnel, or parents or legal guardians
60.8 or are otherwise for the use and benefit of the school.

60.9 (f) "Student" means a student in prekindergarten through grade 12.

60.10 (g) "Targeted advertising" means presenting advertisements to a student where the
60.11 advertisement is selected based on information obtained or inferred over time from that
60.12 student's online behavior, usage of applications, or covered information. It does not include
60.13 advertising to a student at an online location based upon that student's current visit to that
60.14 location, or in response to that student's request for information or feedback, without the
60.15 retention of that student's online activities or requests over time for the purpose of targeting
60.16 subsequent advertisements.

60.17 (h) "Vendor" means a person who contracts with a school or school district to provide
60.18 access to an Internet Web site, online service, online application, or mobile application for
60.19 school purposes.

60.20 Subd. 2. **Prohibited activities.** (a) An operator must not do any of the following:

60.21 (1) engage in targeted advertising on the operator's site, service, or application or target
60.22 advertising on any other site, service, or application, or by any other means, if the targeting
60.23 of the advertising is based on any information, including covered information and persistent
60.24 unique identifiers, that the operator has acquired because of the use of that operator's site,
60.25 service, or application for school purposes;

60.26 (2) use information, including persistent unique identifiers, created or gathered by the
60.27 operator's site, service, or application to amass a profile about a student except in furtherance
60.28 of school purposes. "Amass a profile" does not include the collection and retention of account
60.29 information that remains under the control of the student, the student's parent or legal
60.30 guardian, or the school;

60.31 (3) sell or rent a student's information, including covered information. This clause does
60.32 not apply to the purchase, merger, or other type of acquisition of an operator by another

61.1 entity if the operator or successor entity complies with this section regarding previously
 61.2 acquired student information; or

61.3 (4) except as otherwise provided under subdivision 4, disclose covered information
 61.4 unless the disclosure is:

61.5 (i) in furtherance of the school purpose of the site, service, or application if the recipient
 61.6 of the covered information disclosed under this item does not further disclose the information
 61.7 unless done to allow or improve operability and functionality of the operator's site, service,
 61.8 or application;

61.9 (ii) to ensure legal and regulatory compliance or protect against liability;

61.10 (iii) to respond to or participate in the judicial process;

61.11 (iv) to protect the safety or integrity of users of the site or others or the security of the
 61.12 site, service, or application;

61.13 (v) for a school, educational, or employment purpose requested by the student or the
 61.14 student's parent or guardian, provided that the information is not used or further disclosed
 61.15 for any other purpose;

61.16 (vi) to a national assessment provider if the provider secures the express written consent
 61.17 of the student, parent, or legal guardian given in response to clear and conspicuous notice,
 61.18 solely for the purpose of providing access to employment, educational scholarships or
 61.19 financial aid, or postsecondary educational opportunities; or

61.20 (vii) to a third party, if the operator contractually prohibits the third party from using
 61.21 any covered information for any purpose other than providing the contracted service to or
 61.22 on behalf of the operator, prohibits the third party from disclosing any covered information
 61.23 provided by the operator with subsequent third parties, and requires the third party to
 61.24 implement and maintain reasonable security procedures and practices.

61.25 (b) Nothing in this subdivision prohibits the operator's use of information for maintaining,
 61.26 developing, supporting, improving, or diagnosing the operator's site, service, or application.

61.27 **Subd. 3. Security procedures and practices; return or destruction of information.**

61.28 (a) An operator must implement and maintain security procedures and practices in writing
 61.29 that are appropriate to the nature of the covered information and designed to ensure protection
 61.30 of covered information from unauthorized access, destruction, use, modification, or
 61.31 disclosure.

62.1 (b) Within 30 days of a request from a student, parent, or legal guardian, an operator
 62.2 that is not a vendor shall destroy or return the covered information to the student, parent,
 62.3 or legal guardian. A vendor shall comply with the provisions of subdivision 7 governing
 62.4 destruction or return of data to the school.

62.5 Subd. 4. **Permissible disclosures.** An operator may use or disclose covered information
 62.6 of a student under the following circumstances:

62.7 (1) if other provisions of federal or state law require the operator to disclose the
 62.8 information and the operator complies with the requirements of federal and state law in
 62.9 protecting and disclosing that information;

62.10 (2) for legitimate research purposes as required by state or federal law and subject to
 62.11 the restrictions under applicable state and federal law or as allowed by state or federal law
 62.12 and under the direction of a school, school district, or the Department of Education if covered
 62.13 information is not used for advertising or to amass a profile on the student for purposes
 62.14 other than school purposes; or

62.15 (3) to a state or local educational agency, including schools and school districts, for
 62.16 school purposes as permitted by state or federal law.

62.17 Subd. 5. **Use of information by operator.** This section does not prohibit an operator
 62.18 from doing any of the following:

62.19 (1) using covered information to improve educational products if that information is not
 62.20 associated with an identified student within the operator's site, service, or application or
 62.21 other sites, services, or applications owned by the operator;

62.22 (2) using covered information that is not associated with an identified student to
 62.23 demonstrate the effectiveness of the operator's products or services, including in their
 62.24 marketing;

62.25 (3) sharing covered information that is not associated with an identified student for the
 62.26 development and improvement of educational sites, services, or applications; or

62.27 (4) responding to a student's request for information or for feedback without the
 62.28 information or response being determined in whole or in part by payment or other
 62.29 consideration from a third party.

62.30 Subd. 6. **Certain activities not affected.** This section does not:

62.31 (1) limit the authority of a law enforcement agency to obtain any content or information
 62.32 from an operator as authorized by law or under a court order;

63.1 (2) limit the ability of an operator to use student data, including covered information,
 63.2 for adaptive learning or customized student learning purposes;

63.3 (3) apply to general audience Internet Web sites, general audience online services, general
 63.4 audience online applications, or general audience mobile applications even if the login
 63.5 credentials created for an operator's site, service, or application may be used to access those
 63.6 general audience sites, services, or applications;

63.7 (4) limit service providers from providing Internet connectivity to schools or students
 63.8 and their families;

63.9 (5) prohibit an operator of an Internet Web site, online service, online application, or
 63.10 mobile application from marketing educational products directly to parents or legal guardians
 63.11 if the marketing did not result from the use of covered information obtained by the operator
 63.12 through the provision of services covered under this section;

63.13 (6) impose a duty upon a provider of an electronic store, gateway, marketplace, or other
 63.14 means of purchasing or downloading software or applications to review or enforce
 63.15 compliance with this section on those applications or software;

63.16 (7) impose a duty upon a provider of an interactive computer service to review or enforce
 63.17 compliance with this section by third-party content providers; or

63.18 (8) prohibit students from downloading, exporting, transferring, saving, or maintaining
 63.19 their own student data or documents.

63.20 Subd. 7. **Special requirements applicable to vendors.** (a) In addition to the requirements
 63.21 of subdivisions 2 to 6, a vendor must comply with this subdivision.

63.22 (b) A vendor is subject to the provisions of section 13.05, subdivision 11. Covered
 63.23 information created, received, or maintained by a vendor pursuant or incidental to the
 63.24 contract are the property of the school and are not the property of the vendor. Unless renewal
 63.25 of the contract is reasonably anticipated, within 30 days of expiration of the contract, or
 63.26 within 30 days of a request from the school, the vendor must destroy or return the covered
 63.27 information to the school.

63.28 Sec. 7. Minnesota Statutes 2016, section 299F.30, subdivision 1, is amended to read:

63.29 Subdivision 1. **Duties of fire marshal.** Consistent with sections 121A.035, 121A.037,
 63.30 and this section, it shall be the duty of the state fire marshal, deputies and assistants, to
 63.31 require public and private schools and educational institutions to have at least five fire drills
 63.32 each school year, including at least three drills as provided under subdivision 2, paragraph

64.1 (a), and to keep all doors and exits unlocked from the inside of the building during school
64.2 hours.

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

64.4 Sec. 8. Minnesota Statutes 2016, section 299F.30, subdivision 2, is amended to read:

64.5 Subd. 2. **Fire drill.** (a) Each superintendent, principal, or other person in charge of a
64.6 public or private school, educational institution, children's home or orphanage housing 20
64.7 or more students or other persons, shall instruct and train such students or other persons to
64.8 quickly and expeditiously quit the premises in case of fire or other emergency by means of
64.9 drills or rapid dismissals while such school, institution, home, or orphanage is in operation.

64.10 (b) In addition to the drills required under paragraph (a), a public or private school or
64.11 educational institution may implement an alternative fire drill that does not require students
64.12 or other persons to quit the premises. A school or educational institution choosing to develop
64.13 and implement nonevacuating fire drill protocols must work in partnership with the local
64.14 fire chief or the fire chief's designee and chief law enforcement officers or their designee.

64.15 (c) Records of such fire drills shall be posted so that such records are available for review
64.16 by the state fire marshal at all times and shall include the type of drill conducted,
64.17 nonevacuation or evacuation, and drill date and the time required to evacuate the building,
64.18 if the drill required an evacuation.

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

64.20 **ARTICLE 6**

64.21 **NUTRITION**

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

64.24 Subd. 7. **Food service contracts.** A contract between a school board and a food service
64.25 management company that complies with Code of Federal Regulations, title 7, section
64.26 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for
64.27 not more than four additional years.

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

64.29 **124D.111 SCHOOL MEALS POLICIES; LUNCH AID; FOOD SERVICE**
64.30 **ACCOUNTING.**

65.1 Subdivision 1. **School ~~lunch aid computation~~ meals policies.** (a) Each Minnesota
65.2 participant in the national school lunch program must adopt and post to its Web site, or the
65.3 Web site of the organization where the meal is served, a school meals policy.

65.4 (b) The policy must be in writing and clearly communicate student meal charges when
65.5 payment cannot be collected at the point of service. The policy must be reasonable and
65.6 well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise
65.7 ostracizing the student.

65.8 (c) The policy must address whether the participant uses a collections agency to collect
65.9 unpaid school meals debt.

65.10 (d) The policy must ensure that once a participant has placed a meal on a tray or otherwise
65.11 served the meal to a student, the meal may not be subsequently withdrawn from the student
65.12 by the cashier or other school official, whether or not the student has an outstanding meals
65.13 balance.

65.14 (e) The policy must ensure that a student who has been determined eligible for free and
65.15 reduced-price lunch must always be served a reimbursable meal even if the student has an
65.16 outstanding debt.

65.17 (f) If a school contracts with a third party for its meal services, it must provide the vendor
65.18 with its school meals policy. Any contract between the school and a third-party provider
65.19 entered into or modified after the July 1, 2018, effective date of this act, must ensure that
65.20 the third-party provider adheres to the participant's school meals policy.

65.21 **Subd. 1a. School lunch aid amounts.** Each school year, the state must pay participants
65.22 in the national school lunch program the amount of 12.5 cents for each full paid and free
65.23 student lunch and 52.5 cents for each reduced-price lunch served to students.

65.24 **Subd. 2. Application.** A school district, charter school, nonpublic school, or other
65.25 participant in the national school lunch program shall apply to the department for this
65.26 payment on forms provided by the department.

65.27 **Subd. 2a. Federal child and adult care food program; criteria and notice.** The
65.28 commissioner must post on the department's Web site eligibility criteria and application
65.29 information for nonprofit organizations interested in applying to the commissioner for
65.30 approval as a multisite sponsoring organization under the federal child and adult care food
65.31 program. The posted criteria and information must inform interested nonprofit organizations
65.32 about:

66.1 (1) the criteria the commissioner uses to approve or disapprove an application, including
66.2 how an applicant demonstrates financial viability for the Minnesota program, among other
66.3 criteria;

66.4 (2) the commissioner's process and time line for notifying an applicant when its
66.5 application is approved or disapproved and, if the application is disapproved, the explanation
66.6 the commissioner provides to the applicant; and

66.7 (3) any appeal or other recourse available to a disapproved applicant.

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

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

66.14 (c) Revenues and expenditures for food service activities must be recorded in the food
66.15 service fund. The costs of processing applications, accounting for meals, preparing and
66.16 serving food, providing kitchen custodial services, and other expenses involving the preparing
66.17 of meals or the kitchen section of the lunchroom may be charged to the food service fund
66.18 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial
66.19 services, lunchroom utilities, and other administrative costs of the food service program
66.20 must be charged to the general fund.

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

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

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

67.1 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
67.2 is not eliminated by revenues from food service operations in the next fiscal year, then the
67.3 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
67.4 that second fiscal year. However, if a district contracts with a food service management
67.5 company during the period in which the deficit has accrued, the deficit must be eliminated
67.6 by a payment from the food service management company.

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

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

67.17 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must
67.18 make lunch available without charge to all participating students who qualify for free or
67.19 reduced-price meals.

67.20 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students
67.21 in a respectful manner according to the policy adopted under subdivision 1. The participant
67.22 must ensure that any reminders for payment of outstanding student meal balances do not
67.23 demean or stigmatize any child participating in the school lunch program-, including, but
67.24 not limited to, dumping meals, withdrawing a meal that has been served, announcing or
67.25 listing students names publicly, or affixing stickers, stamps, or pins. The participant must
67.26 not impose any other restriction prohibited under section 123B.37 due to unpaid student
67.27 meal balances. The participant must not limit a student's participation in graduation
67.28 ceremonies due to an unpaid student meal balance.

67.29 (b) If the commissioner or the commissioner's designee determines a participant has
67.30 violated the requirement to provide meals to participating students in a respectful manner,
67.31 the commissioner or the commissioner's designee must send a letter of noncompliance to
67.32 the participant. The participant is required to respond and, if applicable, remedy the practice
67.33 within 60 days.

67.34 **EFFECTIVE DATE.** This section is effective July 1, 2018.

68.1

ARTICLE 7

68.2

EARLY CHILDHOOD AND FAMILY SUPPORT

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

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

68.7 (1) have an eligible child; and

68.8 (2) have income equal to or less than 185 percent of federal poverty level income in the
68.9 current calendar year, or be able to document their child's current participation in the free
68.10 and reduced-price lunch program or Child and Adult Care Food Program, National School
68.11 Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution
68.12 Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections
68.13 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act
68.14 of 2007; Minnesota family investment program under chapter 256J; child care assistance
68.15 programs under chapter 119B; the supplemental nutrition assistance program; or placement
68.16 in foster care under section 260C.212. Parents or guardians are not required to provide
68.17 income verification under this clause if the child is an eligible child under paragraph (b),
68.18 clause (4) or (5).

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

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

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

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

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

68.26 (4) designated as a child in need of protection or services as defined under section
68.27 260C.007; or

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

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

69.1 (d) Early learning scholarships may not be counted as earned income for the purposes
69.2 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota
69.3 family investment program under chapter 256J, child care assistance programs under chapter
69.4 119B, or Head Start under the federal Improving Head Start for School Readiness Act of
69.5 2007.

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

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

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

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

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

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

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

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

69.27 (c) A four-star rated program that has children eligible for a scholarship enrolled in or
69.28 on a waiting list for a program beginning in July, August, or September may notify the
69.29 commissioner, in the form and manner prescribed by the commissioner, each year of the
69.30 program's desire to enhance program services or to serve more children than current funding
69.31 provides. The commissioner may designate a predetermined number of scholarship slots
69.32 for that program and notify the program of that number. For fiscal year 2018 and later, the
69.33 statewide amount of funding directly designated by the commissioner must not exceed the

70.1 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district
70.2 or Head Start program qualifying under this paragraph may use its established registration
70.3 process to enroll scholarship recipients and may verify a scholarship recipient's family
70.4 income in the same manner as for other program participants.

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

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

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

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

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

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

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

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

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

71.1 Sec. 4. Minnesota Statutes 2017 Supplement, section 124D.99, subdivision 3, is amended
71.2 to read:

71.3 Subd. 3. **Administration; design.** (a) The commissioner shall establish program
71.4 requirements, an application process and timeline for each tier of grants specified in
71.5 subdivision 4, criteria for evaluation of applications, and a grant awards process. The
71.6 commissioner's process must minimize administrative costs, minimize burdens for applicants
71.7 and grant recipients, and provide a framework that permits flexibility in program design
71.8 and implementation among grant recipients.

71.9 (b) To the extent practicable, the commissioner shall design the program to align with
71.10 programs implemented or proposed by organizations in Minnesota that:

71.11 (1) identify and increase the capacity of organizations that are focused on achieving
71.12 data-driven, locally controlled positive outcomes for children and youth throughout an entire
71.13 neighborhood or geographic area through programs such as Strive Together, Promise
71.14 Neighborhood, and the Education Partnerships Coalition members;

71.15 (2) build a continuum of educational family and community supports with academically
71.16 rigorous schools at the center;

71.17 (3) maximize program efficiencies by integrating programmatic activities and eliminating
71.18 administrative barriers;

71.19 (4) develop local infrastructure needed to sustain and scale up proven and effective
71.20 solutions beyond the initial neighborhood or geographic area; ~~and~~

71.21 (5) utilize appropriate outcome measures based on unique community needs and interests
71.22 and apply rigorous evaluation on a periodic basis to be used to both monitor outcomes and
71.23 allow for continuous improvements to systems;

71.24 (6) collect and utilize data to improve student outcomes;

71.25 (7) share disaggregated performance data with the community to set community-level
71.26 outcomes;

71.27 (8) employ continuous improvement processes;

71.28 (9) have an anchor entity to manage the partnership;

71.29 (10) convene a cross-sector leadership group and have a documented accountability
71.30 structure; and

71.31 (11) demonstrate use of nonstate funds, from multiple sources, including in-kind
71.32 contributions.

- 72.1 (c) A grant recipient's supportive services programming must address:
- 72.2 (1) kindergarten readiness and youth development;
- 72.3 (2) grade 3 reading proficiency;
- 72.4 (3) middle school mathematics;
- 72.5 ~~(3)~~ (4) high school graduation;
- 72.6 ~~(4)~~ (5) postsecondary educational ~~attainment~~ enrollment;
- 72.7 (6) postsecondary education completion;
- 72.8 ~~(5)~~ (7) physical and mental health;
- 72.9 ~~(6)~~ (8) development of career skills and readiness;
- 72.10 ~~(7)~~ (9) parental engagement and development;
- 72.11 ~~(8)~~ (10) community engagement and programmatic alignment; and
- 72.12 ~~(9)~~ (11) reduction of remedial education.
- 72.13 (d) The commissioner, in consultation with grant recipients, must:
- 72.14 (1) develop and revise core indicators of progress toward outcomes specifying impacts
- 72.15 for each tier identified under subdivision 4;
- 72.16 (2) establish a reporting system for grant recipients to measure program outcomes using
- 72.17 data sources and program goals; and
- 72.18 (3) evaluate effectiveness based on the core indicators established by each partnership
- 72.19 for each tier.
- 72.20 Sec. 5. Minnesota Statutes 2017 Supplement, section 124D.99, subdivision 5, is amended
- 72.21 to read:
- 72.22 Subd. 5. **Grants.** (a) The commissioner shall award Tier 1 and Tier 2 grants to qualifying
- 72.23 recipients that can demonstrate a nonstate source of funds, including in-kind contributions.
- 72.24 (b) For Tier 2 grants authorized for fiscal year 2020 and later, the commissioner must
- 72.25 give priority to otherwise qualified past grant recipients that have made progress toward
- 72.26 identified program outcomes under subdivision 3, paragraph (d).

73.1

ARTICLE 8

73.2

SELF-SUFFICIENCY AND LIFELONG LEARNING

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

73.4 **124D.549 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY**

73.5 **TEST TESTS.**

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

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

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

73.21 (1) the projected number of employee trainees;

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

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

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

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

73.29 (6) the period of the training; and

74.1 (7) the cost of the training charged by the training institution or program and certified
 74.2 by the institution or program. The cost of training includes tuition, fees, and required books
 74.3 and materials.

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

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

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

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

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

74.18 ARTICLE 9

74.19 STATE AGENCIES

74.20 Section 1. Minnesota Statutes 2016, section 128C.03, is amended to read:

74.21 **128C.03 ELIGIBILITY BYLAWS, POLICIES, AND PROCEDURES.**

74.22 **Subdivision 1. Public input and access to proposed eligibility bylaws, policies, and**
 74.23 **procedures.** (a) The league shall adopt procedures to ensure public notice of all eligibility
 74.24 ~~rules and~~ bylaws, policies, and procedures that will afford the opportunity for public hearings
 74.25 on proposed eligibility ~~rules~~ bylaws, policies, and procedures. If requested by ~~100~~ 25 or
 74.26 more parents or guardians of students, the public hearing must be conducted by an
 74.27 administrative law judge from the Office of Administrative Hearings, or by a person hired
 74.28 under contract by the Office of Administrative Hearings, ~~or by an independent hearing~~
 74.29 ~~officer appointed by the commissioner of education from a list maintained for that purpose.~~
 74.30 At the conclusion of a public hearing ~~requested by 100 or more parents or guardians of~~
 74.31 ~~students~~, the person conducting the hearing shall write a report evaluating the extent to
 74.32 which the league has shown that the proposed ~~rule is~~ bylaws, policies, and procedures are

75.1 needed and reasonable and the legality of the proposed ~~rule~~ bylaws, policies, and procedures.

75.2 The league shall pay for hearings under this section.

75.3 (b) The league shall:

75.4 (1) maintain a public docket on the league's Web site that includes historical and proposed
75.5 changes in eligibility bylaws, policies, and procedures;

75.6 (2) post notice and final versions of all proposed changes to eligibility policies,
75.7 procedures, and definitions to the league Web site for at least 30 days prior to board meetings;

75.8 (3) include publication dates on all versions of the league's official handbook or other
75.9 advisory documents regarding league eligibility bylaws, policies, procedures, and definitions;
75.10 and

75.11 (4) reconcile and remove duplicate eligibility policies and procedures.

75.12 Subd. 2. Eligibility review process. (a) The league must establish a process for student
75.13 eligibility review that provides students and parents with a reasonable opportunity to present
75.14 information regarding the student's eligibility. The league must:

75.15 (1) publish general criteria by which a request for review may qualify for a review by
75.16 the league's eligibility committee;

75.17 (2) publish general criteria by which a review may qualify for further review by an
75.18 independent hearing officer;

75.19 (3) indicate the conditions, timelines, and procedures for administering any review under
75.20 clause (1) or (2); and

75.21 (4) provide specific reasons for denying the request for reviews for which the league
75.22 denies a request.

75.23 (b) The eligibility review process contained in this section does not create a property
75.24 right or liberty interest in extracurricular varsity athletic competition.

75.25 Sec. 2. Minnesota Statutes 2016, section 128C.20, is amended to read:

75.26 **128C.20 LEAGUE INFORMATION REVIEW AND REPORT; COMMISSIONER**
75.27 **REVIEW OF LEAGUE RECOMMENDATIONS.**

75.28 Subdivision 1. **Annually.** (a) Each year the commissioner of education league shall
75.29 obtain and review the following information about the league:

76.1 (1) an accurate and concise summary of the annual financial and compliance audit
76.2 prepared by the state auditor that includes information about the compensation of and the
76.3 expenditures by the executive director of the league and league staff;

76.4 (2) a list of all complaints filed with the league and all lawsuits filed against the league
76.5 and the disposition of those complaints and lawsuits;

76.6 (3) an explanation of the executive director's performance review;

76.7 (4) information about the extent to which the league has implemented its affirmative
76.8 action policy, its comparable worth plan, and its sexual harassment and violence policy and
76.9 rules; ~~and~~

76.10 (5) an evaluation of ~~any proposed changes in league policy~~ bylaws, policies, procedures,
76.11 and definitions, including those that have been proposed, for compliance with Department
76.12 of Education programs and applicable state and federal law; and

76.13 (6) an explanation of recent and proposed changes to eligibility bylaws, policies, and
76.14 procedures, including the eligibility review process under section 128C.03, subdivision 2.

76.15 The league shall post the review on the league's Web site and present written copies of
76.16 the review to the commissioner of education and the chairs and ranking minority members
76.17 of the legislative committees with jurisdiction over kindergarten through grade 12 education.

76.18 (b) The commissioner may examine any league activities or league-related issues when
76.19 the commissioner believes this review is warranted.

76.20 Subd. 2. **Recommend laws.** The commissioner may recommend to the legislature
76.21 whether any legislation is made necessary by league activities.

76.22 Sec. 3. **REPEALER.**

76.23 Minnesota Statutes 2016, section 128C.02, subdivision 6, is repealed.

APPENDIX
Article locations for SF3086-2

ARTICLE 1	GENERAL EDUCATION.....	Page.Ln 1.29
ARTICLE 2	EDUCATION EXCELLENCE.....	Page.Ln 5.1
ARTICLE 3	TEACHERS.....	Page.Ln 40.12
ARTICLE 4	SPECIAL EDUCATION.....	Page.Ln 54.15
ARTICLE 5	FACILITIES AND TECHNOLOGY.....	Page.Ln 57.9
ARTICLE 6	NUTRITION.....	Page.Ln 64.20
ARTICLE 7	EARLY CHILDHOOD AND FAMILY SUPPORT.....	Page.Ln 68.1
ARTICLE 8	SELF-SUFFICIENCY AND LIFELONG LEARNING.....	Page.Ln 73.1
ARTICLE 9	STATE AGENCIES.....	Page.Ln 74.18

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.

128C.02 DUTIES, POLICIES, CRITERIA, RULES OF BOARD.

Subd. 6. **Annual report.** The board annually shall prepare a written report containing the information about the league that the commissioner is required to obtain and review under section 128C.20. The board shall present copies of the report in a timely manner to the education committees of the legislature.