

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 1495

(SENATE AUTHORS: WIGER)

DATE	D-PG	OFFICIAL STATUS
03/09/2015	605	Introduction and first reading Referred to Education
03/23/2015	1096a 1188 1218	Comm report: To pass as amended Rule 12.10: report of votes in committee Second reading
04/29/2015		Special Order: Amended Third reading Passed

A bill for an act

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

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

2.1 **ARTICLE 1**

2.2 **GENERAL EDUCATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) \$1,845;

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 7. REPEALER.

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

ARTICLE 2

EDUCATION EXCELLENCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13.25 (2) emphasize academic rigor and high expectations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(1) mathematics;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23.32 (b) Reporting of state assessment results must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

122A.30 EXEMPTION FOR TECHNICAL COLLEGE EDUCATION INSTRUCTORS.

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

(b) This section expires June 30, 2020.

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

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

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

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

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

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

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

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

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

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

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

37.20 (7) may include mentoring and induction programs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39.29 (7) may include mentoring and induction programs;

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

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

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

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

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

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

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

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

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

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

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

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

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

122A.69 PRACTICE OR STUDENT TEACHERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) unsatisfactory performance as an approved authorizer; or

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

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

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

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

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

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

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

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

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

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

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

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

49.29 (2) with the authorizer's approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

124D.121 DEFINITION OF FLEXIBLE LEARNING YEAR PROGRAM.

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

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

124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.

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

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

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

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

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

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

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

124D.127 TERMINATION OF FLEXIBLE LEARNING YEAR PROGRAM.

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

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

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

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

124D.72 POLICY.

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

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

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

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

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

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

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

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

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

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

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

(1) support postsecondary preparation for pupils;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

124D.78 PARENT AND COMMUNITY PARTICIPATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

64.23 (i) issues facing American Indian students;

64.24 (ii) policies for American Indian education;

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

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

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

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

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

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

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

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

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

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

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

124D.98 LITERACY INCENTIVE AID.

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

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

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

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

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

125A.01 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) all-day kindergarten;

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

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

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

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

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

Sec. 15. TEACHER DEVELOPMENT AND EVALUATION REVENUE.

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

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

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

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

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

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

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

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

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

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

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

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

69.8 Sec. 69. **REPEALER.**

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

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

69.12 **ARTICLE 3**

69.13 **SPECIAL PROGRAMS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

70.31 (4) implement an alternate restorative consequence;

70.32 (5) impose an in-school suspension;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) "Health plan" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

76.13 (viii) Juvenile Court Act services provided under sections 260.011 to 260.91;
 76.14 260B.001 to 260B.446; and 260C.001 to 260C.451;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

77.15 (b) The committee shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

125A.085 ONLINE REPORTING OF REQUIRED DATA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

90.2 The report must, at least:

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

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

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

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

90.13 The coordinator shall:

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

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

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

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

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

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

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

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

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

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

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

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

91.18 (c) "Essential personnel" means teachers, cultural liaisons, related services, and
 91.19 support services staff providing services to students. Essential personnel may also include
 91.20 special education paraprofessionals or clericals providing support to teachers and students
 91.21 by preparing paperwork and making arrangements related to special education compliance
 91.22 requirements, including parent meetings and individualized education programs. Essential
 91.23 personnel does not include administrators and supervisors.

91.24 (d) "Average daily membership" has the meaning given it in section 126C.05.

91.25 (e) "Program growth factor" means 1.046 for fiscal years 2012 through 2015, 1.0
 91.26 for fiscal year 2016, 1.046 for fiscal year 2017, and the product of 1.046 and the program
 91.27 growth factor for the previous year for fiscal year 2018 and later.

91.28 (f) "Nonfederal special education expenditure" means all direct expenditures that
 91.29 are necessary and essential to meet the district's obligation to provide special instruction
 91.30 and services to children with a disability according to sections 124D.454, 125A.03 to
 91.31 125A.24, 125A.259 to 125A.48, and 125A.65 as submitted by the district and approved by
 91.32 the department under section 125A.75, subdivision 4, excluding expenditures:

- 91.33 (1) reimbursed with federal funds;
- 91.34 (2) reimbursed with other state aids under this chapter;
- 91.35 (3) for general education costs of serving students with a disability;

- 92.1 (4) for facilities;
 92.2 (5) for pupil transportation; and
 92.3 (6) for postemployment benefits.

92.4 (g) "Old formula special education expenditures" means expenditures eligible for
 92.5 revenue under Minnesota Statutes 2012, section 125A.76, subdivision 2.

92.6 (h) For the Minnesota State Academy for the Deaf and the Minnesota State Academy
 92.7 for the Blind, expenditures under paragraphs (f) and (g) are limited to the salary and
 92.8 fringe benefits of one-to-one instructional and behavior management aides and one-to-one
 92.9 licensed, certified professionals assigned to a child attending the academy, if the aides or
 92.10 professionals are required by the child's individualized education program.

92.11 (i) "Cross subsidy reduction aid percentage" means 1.0 percent for fiscal year 2014
 92.12 and 2.27 percent for fiscal year 2015.

92.13 (j) "Cross subsidy reduction aid limit" means \$20 for fiscal year 2014 and \$48
 92.14 for fiscal year 2015.

92.15 (k) "Special education aid increase limit" means \$80 for fiscal year 2016, \$100 for
 92.16 fiscal year 2017, and, for fiscal year 2018 and later, the sum of the special education aid
 92.17 increase limit for the previous fiscal year and \$40.

92.18 (l) "District" means a school district, a charter school, or a cooperative unit as
 92.19 defined in section 123A.24, subdivision 2. Notwithstanding section 123A.26, cooperative
 92.20 units as defined in section 123A.24, subdivision 2, are eligible to receive special education
 92.21 aid under this section and section 125A.79.

92.22 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

92.23 Sec. 24. Minnesota Statutes 2014, section 125A.76, subdivision 2c, is amended to read:

92.24 Subd. 2c. **Special education aid.** (a) For fiscal year 2014 and fiscal year 2015, a
 92.25 district's special education aid equals the sum of the district's special education aid under
 92.26 subdivision 5, the district's cross subsidy reduction aid under subdivision 2b, and the
 92.27 district's excess cost aid under section 125A.79, subdivision 7.

92.28 (b) For fiscal year 2016 and later, a district's special education aid equals the sum of
 92.29 the district's special education initial aid under subdivision 2a and the district's excess cost
 92.30 aid under section 125A.79, subdivision 5.

92.31 (c) Notwithstanding paragraph (b), for fiscal year 2016, the special education aid for
 92.32 a school district must not exceed the sum of the special education aid the district would
 92.33 have received for fiscal year 2016 under Minnesota Statutes 2012, sections 125A.76
 92.34 and 125A.79, as adjusted according to Minnesota Statutes 2012, sections 125A.11 and

127A.47, subdivision 7, and the product of the district's average daily membership served and the special education aid increase limit.

(d) Notwithstanding paragraph (b), for fiscal year 2017 and later, the special education aid for a school district must not exceed the sum of: (i) the product of the district's average daily membership served and the special education aid increase limit and (ii) the product of the sum of the special education aid the district would have received for fiscal year 2016 under Minnesota Statutes 2012, sections 125A.76 and 125A.79, as adjusted according to Minnesota Statutes 2012, sections 125A.11 and 127A.47, subdivision 7, the ratio of the district's average daily membership served for the current fiscal year to the district's average daily membership served for fiscal year 2016, and the program growth factor.

(e) Notwithstanding paragraph (b), for fiscal year 2016 and later the special education aid for a school district, not including a charter school or cooperative unit as defined in section 123A.24, must not be less than the lesser of (1) the district's nonfederal special education expenditures for that fiscal year or (2) the product of the sum of the special education aid the district would have received for fiscal year 2016 under Minnesota Statutes 2012, sections 125A.76 and 125A.79, as adjusted according to Minnesota Statutes 2012, sections 125A.11 and 127A.47, subdivision 7, the ratio of the district's adjusted daily membership for the current fiscal year to the district's average daily membership for fiscal year 2016, and the program growth factor.

(f) Notwithstanding subdivision 2a and section 125A.79, a charter school in its first year of operation shall generate special education aid based on current year data. A newly formed cooperative unit as defined in section 123A.24 may apply to the commissioner for approval to generate special education aid for its first year of operation based on current year data, with an offsetting adjustment to the prior year data used to calculate aid for programs at participating school districts or previous cooperatives that were replaced by the new cooperative.

Sec. 25. **REPEALER.**

Minnesota Statutes 2014, section 125A.63, subdivision 1, is repealed.

ARTICLE 4

FACILITIES AND TECHNOLOGY

Section 1. Minnesota Statutes 2014, section 125B.26, subdivision 2, is amended to read:

Subd. 2. **E-rates.** To be eligible for aid under this section, a district, charter school, or intermediate school district is required to file an e-rate application either separately or through its telecommunications access cluster ~~and have a current technology plan on file~~

94.1 ~~with the department.~~ Discounts received on telecommunications expenditures shall be
94.2 reflected in the costs submitted to the department for aid under this section.

94.3 **ARTICLE 5**

94.4 **EARLY CHILDHOOD EDUCATION**

94.5 Section 1. Minnesota Statutes 2014, section 124D.165, subdivision 2, is amended to
94.6 read:

94.7 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,
94.8 parents or guardians must meet the following eligibility requirements:

94.9 (1) have a child three or four years of age on September 1 of the current school year,
94.10 who has not yet started kindergarten; and

94.11 (2) have income equal to or less than 185 percent of federal poverty level income
94.12 in the current calendar year, or be able to document their child's current participation in
94.13 the free and reduced-price lunch program or child and adult care food program, National
94.14 School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food
94.15 Distribution Program on Indian Reservations, Food and Nutrition Act, United States
94.16 Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for
94.17 School Readiness Act of 2007; Minnesota family investment program under chapter 256J;
94.18 child care assistance programs under chapter 119B; the supplemental nutrition assistance
94.19 program; or placement in foster care under section 260C.212.

94.20 (b) Notwithstanding the other provisions of this section, a parent under age 21 who
94.21 is pursuing a high school or general education equivalency diploma or postsecondary
94.22 education or training is eligible for an early learning scholarship if the parent has a child
94.23 age zero to five years old and meets the income eligibility guidelines in this subdivision.

94.24 (c) Any siblings between the ages zero to five years old of a child who has been
94.25 awarded a scholarship under this section must be awarded a scholarship upon request,
94.26 provided the sibling attends the same program as long as funds are available.

94.27 (d) Beginning September 1, 2015, any child under the age of five years old on
94.28 September 1 of the current school year who has not started kindergarten and is a recipient
94.29 of an Early Learning Scholarship funded under the federal Race to the Top - Early
94.30 Learning Challenge Grant must receive a scholarship under this section at the end of the
94.31 child's Race to the Top - Early Learning Challenge Grant scholarship in an equal amount
94.32 as long as funds are available.

94.33 ~~(d)~~ (e) A child who has received a scholarship under this section must continue to
94.34 receive a scholarship each year until that child is eligible for kindergarten under section
94.35 120A.20 and as long as funds are available.

95.1 ~~(e)~~ (f) Early learning scholarships may not be counted as earned income for the
95.2 purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L,
95.3 Minnesota family investment program under chapter 256J, child care assistance programs
95.4 under chapter 119B, or Head Start under the federal Improving Head Start for School
95.5 Readiness Act of 2007.

95.6 Sec. 2. Minnesota Statutes 2014, section 124D.165, subdivision 3, is amended to read:

95.7 Subd. 3. **Administration.** (a) The commissioner shall establish application
95.8 timelines and determine the schedule for awarding scholarships that meets operational
95.9 needs of eligible families and programs.

95.10 (b) The commissioner may prioritize applications on factors including:

95.11 (1) family income;

95.12 (2) geographic location; and

95.13 (3) whether the ~~child's family~~ child:

95.14 (i) is in foster care;

95.15 (ii) is experiencing homelessness;

95.16 (iii) is on a waiting list for a publicly funded program providing early education
95.17 or child care services; or

95.18 (iv) has a parent under age 21 who is pursuing a high school or general education
95.19 equivalency diploma or postsecondary education or training.

95.20 ~~(b)~~ (c) For fiscal years 2014 and 2015 only, scholarships may not exceed \$5,000
95.21 per year for each eligible child. For fiscal year 2016 and later, the commissioner shall
95.22 establish a target for the average scholarship amount per child based on the results of the
95.23 rate survey conducted under section 119B.02.

95.24 ~~(e)~~ (d) A four-star rated program that has children eligible for a scholarship enrolled
95.25 in or on a waiting list for a program beginning in July, August, or September may notify
95.26 the commissioner, in the form and manner prescribed by the commissioner, each year
95.27 of the program's desire to enhance program services or to serve more children than
95.28 current funding provides. The commissioner may designate a predetermined number of
95.29 scholarship slots for that program and notify the program of that number. Beginning July
95.30 1, 2016, a school district or Head Start program qualifying under this paragraph may
95.31 use its established registration process to enroll scholarship recipients and may verify a
95.32 scholarship recipient's family income in the same manner as for other program participants.

95.33 ~~(d)~~ (e) A scholarship is awarded for a 12-month period. If the scholarship recipient
95.34 has not been accepted and subsequently enrolled in a rated program within ~~ten~~ six months
95.35 of the awarding of the scholarship, the scholarship cancels and the recipient must reapply

96.1 in order to be eligible for another scholarship. A child may not be awarded more than one
96.2 scholarship in a 12-month period.

96.3 ~~(e)~~ (f) A child who receives a scholarship who has not completed development
96.4 screening under sections 121A.16 to 121A.19 must complete that screening within 90
96.5 days of first attending an eligible program.

96.6 ~~(f)~~ (g) For fiscal year 2017 and later, a school district or Head Start program enrolling
96.7 scholarship recipients under paragraph ~~(e)~~ (d) may apply to the commissioner, in the form
96.8 and manner prescribed by the commissioner, for direct payment of state aid. Upon receipt
96.9 of the application, the commissioner must pay each program directly for each approved
96.10 scholarship recipient enrolled under paragraph ~~(e)~~ (d) according to the metered payment
96.11 system or another schedule established by the commissioner.

96.12 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

96.13 Sec. 3. Minnesota Statutes 2014, section 124D.165, subdivision 4, is amended to read:

96.14 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept
96.15 an early learning scholarship, a program must:

96.16 (1) participate in the quality rating and improvement system under section
96.17 124D.142; and

96.18 (2) beginning July 1, 2016, have a three- or four-star rating in the quality rating
96.19 and improvement system.

96.20 ~~(b) Any program accepting scholarships must use the revenue to supplement and not~~
96.21 ~~supplant federal funding.~~

96.22 ~~(e)~~ (b) Notwithstanding paragraph (a), all Minnesota early learning foundation
96.23 scholarship program pilot sites are eligible to accept an early learning scholarship under
96.24 this section.

96.25 (c) A provider is not eligible to participate in the scholarship program under this
96.26 section if:

96.27 (1) the provider has been disqualified from receiving payment for child care services
96.28 from the child care assistance program under chapter 119B due to wrongfully obtaining
96.29 child care assistance under section 256.98, subdivision 8, paragraph (c);

96.30 (2) the program or individual is currently on the national disqualified list for the
96.31 Child and Adult Care Food Program; or

96.32 (3) the program or provider has been convicted of any activity that occurred during
96.33 the past seven years indicating a lack of business integrity, including fraud, making false
96.34 statements, receiving stolen property, making false claims, or obstruction of justice.

97.1 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.

97.2 Sec. 4. Minnesota Statutes 2014, section 124D.165, is amended by adding a
97.3 subdivision to read:

97.4 Subd. 4a. **Record-keeping requirements.** A program participating under this
97.5 section must maintain and make available upon request by the commissioner of education
97.6 attendance records and records of charges and payments for all children participating in
97.7 this program, including payments from sources other than this program.

97.8 Sec. 5. Minnesota Statutes 2014, section 124D.165, is amended by adding a
97.9 subdivision to read:

97.10 Subd. 6. **Use of funds.** (a) Scholarships must be used to supplement and not
97.11 supplant federal funding.

97.12 (b) A scholarship must be used in a program that the child attends on a regular basis
97.13 respective to that program's schedule in order to ensure the child's access to the general
97.14 curriculum of the program.

97.15 ARTICLE 6

97.16 STATE AGENCIES

97.17 Section 1. Minnesota Statutes 2014, section 120B.12, subdivision 2, is amended to read:

97.18 Subd. 2. **Identification; report.** For the 2011-2012 school year and later, each school
97.19 district shall identify before the end of kindergarten, grade 1, and grade 2 students who are
97.20 not reading at grade level before the end of the current school year. Reading assessments
97.21 in English, and in the predominant languages of district students where practicable, must
97.22 identify and evaluate students' areas of academic need related to literacy. The district also
97.23 must monitor the progress and provide reading instruction appropriate to the specific needs
97.24 of English learners. The district must use a locally adopted, developmentally appropriate,
97.25 and culturally responsive assessment and annually report summary assessment results to
97.26 ~~the commissioner by July 1~~ in the report required under section 120B.11, subdivision 5.

97.27 Sec. 2. Minnesota Statutes 2014, section 122A.414, subdivision 3, is amended to read:

97.28 Subd. 3. **Report; continued funding.** (a) Participating districts, intermediate
97.29 school districts, school sites, and charter schools must report on the implementation and
97.30 effectiveness of the alternative teacher professional pay system, particularly addressing
97.31 each requirement under subdivision 2 and make annual recommendations by June 15
97.32 to their school boards. The school board or board of directors shall ~~transmit~~ include a

98.1 copy of the report with a summary of the findings and recommendations of the district,
98.2 intermediate school district, school site, or charter school ~~to the commissioner~~ in the report
98.3 required under section 120B.11, subdivision 5.

98.4 (b) If the commissioner determines that a school district, intermediate school district,
98.5 school site, or charter school that receives alternative teacher compensation revenue is not
98.6 complying with the requirements of this section, the commissioner may withhold funding
98.7 from that participant. Before making the determination, the commissioner must notify the
98.8 participant of any deficiencies and provide the participant an opportunity to comply.

98.9 Sec. 3. Minnesota Statutes 2014, section 122A.60, subdivision 4, is amended to read:

98.10 Subd. 4. **Staff development report.** (a) ~~By October 15 of each year,~~ The district
98.11 and site staff development committees shall write ~~and submit~~ a report of staff development
98.12 activities and expenditures for the previous year, in the form and manner determined by
98.13 the commissioner to be included in the report required under section 120B.11, subdivision
98.14 5. The report, signed by the district superintendent and staff development chair, must
98.15 include assessment and evaluation data indicating progress toward district and site staff
98.16 development goals based on teaching and learning outcomes, including the percentage
98.17 of teachers and other staff involved in instruction who participate in effective staff
98.18 development activities under subdivision 3.

98.19 (b) The report must break down expenditures for:

98.20 (1) curriculum development and curriculum training programs; and

98.21 (2) staff development training models, workshops, and conferences, and the cost of
98.22 releasing teachers or providing substitute teachers for staff development purposes.

98.23 The report also must indicate whether the expenditures were incurred at the district
98.24 level or the school site level, and whether the school site expenditures were made possible
98.25 by grants to school sites that demonstrate exemplary use of allocated staff development
98.26 revenue. These expenditures must be reported using the uniform financial and accounting
98.27 and reporting standards.

98.28 (c) The commissioner shall report the staff development progress and expenditure
98.29 data to the house of representatives and senate committees having jurisdiction over
98.30 education by February ~~15~~ 1 each year.

98.31 Sec. 4. Minnesota Statutes 2014, section 123A.24, subdivision 1, is amended to read:

98.32 Subdivision 1. **Distribution of assets and liabilities.** (a) If a district withdraws
98.33 from a cooperative unit defined in subdivision 2, the distribution of assets and assignment
98.34 of liabilities to the withdrawing district shall be determined according to this subdivision.

99.1 (b) The withdrawing district remains responsible for its share of debt incurred by the
 99.2 cooperative unit according to section 123B.02, subdivision 3. The district and cooperative
 99.3 unit may mutually agree, through a board resolution by each, to terms and conditions of
 99.4 the distribution of assets and the assignment of liabilities.

99.5 (c) If the cooperative unit and the district cannot agree on the terms and conditions,
 99.6 the commissioner shall resolve the dispute by determining the district's proportionate share
 99.7 of assets and liabilities based on the district's enrollment, financial contribution, usage, or
 99.8 other factor or combination of factors determined appropriate by the commissioner. If the
 99.9 dispute requires the commissioner to involve an administrative law judge, any fees due
 99.10 to the Office of Administrative Hearings must be equally split between the district and
 99.11 cooperative unit. The assets must be disbursed to the withdrawing district in a manner
 99.12 that minimizes financial disruption to the cooperative unit.

99.13 (d) Assets related to an insurance pool shall not be disbursed to a member district
 99.14 under paragraph (c).

99.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

99.16 Sec. 5. Minnesota Statutes 2014, section 123B.77, subdivision 3, is amended to read:

99.17 Subd. 3. **Statement for comparison and correction.** (a) By November ~~30~~ 15 of the
 99.18 calendar year of the submission of the unaudited financial data, the district must provide to
 99.19 the commissioner audited financial data for the preceding fiscal year. The audit must be
 99.20 conducted in compliance with generally accepted governmental auditing standards, the
 99.21 federal Single Audit Act, and the Minnesota legal compliance guide issued by the Office
 99.22 of the State Auditor. An audited financial statement prepared in a form which will allow
 99.23 comparison with and correction of material differences in the unaudited financial data shall
 99.24 be submitted to the commissioner and the state auditor by December ~~31~~ 15. The audited
 99.25 financial statement must also provide a statement of assurance pertaining to uniform
 99.26 financial accounting and reporting standards compliance and a copy of the management
 99.27 letter submitted to the district by the school district's auditor.

99.28 (b) By February ~~15~~ 1 of the calendar year following the submission of the unaudited
 99.29 financial data, the commissioner shall convert the audited financial data required by this
 99.30 subdivision into the consolidated financial statement format required under subdivision 1a
 99.31 and publish the information on the department's Web site.

99.32 Sec. 6. Minnesota Statutes 2014, section 125A.75, subdivision 9, is amended to read:

99.33 Subd. 9. **Litigation costs; annual report.** (a) By November 30 of each year,
 99.34 a school district must annually report the district's special education litigation costs,

100.1 including attorney fees and costs of due process hearings, to the commissioner of
100.2 education, consistent with the Uniform Financial Accounting and Reporting Standards.

100.3 (b) By ~~January 15~~ February 1 of each year, the commissioner shall report school
100.4 district special education litigation costs to the house of representatives and the senate
100.5 committees having jurisdiction over kindergarten through grade 12 education finance.

100.6 Sec. 7. Minnesota Statutes 2014, section 127A.05, subdivision 6, is amended to read:

100.7 Subd. 6. **Survey of districts.** The commissioner of education shall survey the state's
100.8 school districts and teacher preparation programs and report to the education committees
100.9 of the legislature by ~~January 15~~ February 1 of each odd-numbered year on the status of
100.10 teacher early retirement patterns, the teacher shortage, and the substitute teacher shortage,
100.11 including patterns and shortages in subject areas and regions of the state. The report must
100.12 also include how districts are making progress in hiring teachers and substitutes in the
100.13 areas of shortage and a five-year projection of teacher demand for each district.

100.14 Sec. 8. Minnesota Statutes 2014, section 127A.05, is amended by adding a subdivision
100.15 to read:

100.16 Subd. 7. **Annual reports.** The commissioner of education may combine into
100.17 one report to be delivered annually by February 1 to the legislative committees with
100.18 jurisdiction over education policy and finance the following reports:

- 100.19 (1) dangerous weapons and disciplinary incidents under section 121A.06;
100.20 (2) staff development under section 122A.60, subdivision 4;
100.21 (3) achievement and integration plan evaluation under section 124D.861, subdivision
100.22 5;
100.23 (4) reducing the use of restrictive procedures under section 125A.0942, subdivision 3;
100.24 (5) students who are deaf or hard-of-hearing under section 125A.63, subdivision 4;
100.25 (6) special education litigation costs under section 125A.75, subdivision 9;
100.26 (7) teacher supply and demand under subdivision 6; and
100.27 (8) Minnesota High School League under section 128C.20.

100.28 Sec. 9. Minnesota Statutes 2014, section 127A.49, subdivision 1, is amended to read:

100.29 Subdivision 1. **Omissions.** No adjustments to any aid payments made pursuant
100.30 to this chapter or chapters 120B, 122A, 123A, 123B, 124D, 125A, and 126C resulting
100.31 from omissions in district reports, except those adjustments determined by the legislative
100.32 auditor, shall be made for any school year after December ~~30~~ 15 of the next school year,
100.33 unless otherwise specifically provided by law.

Sec. 10. Minnesota Statutes 2014, section 127A.70, subdivision 1, is amended to read:

Subdivision 1. **Establishment; membership.** (a) A P-20 education partnership is established to create a seamless system of education that maximizes achievements of all students, from early childhood through elementary, secondary, and postsecondary education, while promoting the efficient use of financial and human resources. The partnership shall consist of major statewide educational groups or constituencies or noneducational statewide organizations with a stated interest in P-20 education. The initial membership of the partnership includes the members serving on the Minnesota P-16 Education Partnership and four legislators appointed as follows:

(1) one senator from the majority party and one senator from the minority party, appointed by the Subcommittee on Committees of the Committee on Rules and Administration; and

(2) one member of the house of representatives appointed by the speaker of the house and one member appointed by the minority leader of the house of representatives.

(b) The chair of the P-16 education partnership must convene the first meeting of the P-20 partnership. Prospective members may be nominated by any partnership member and new members will be added with the approval of a two-thirds majority of the partnership. The partnership will also seek input from nonmember organizations whose expertise can help inform the partnership's work.

(c) Partnership members shall be represented by the chief executives, presidents, or other formally designated leaders of their respective organizations, or their designees. The partnership shall meet at least three times during each calendar year.

(d) The P-20 education partnership shall be the state council for the Interstate Compact on Educational Opportunity for Military Children under section 127A.85 with ~~the chair~~ commissioner or commissioner's designee serving as the compact commissioner responsible for the administration and management of the state's participation in the compact. When conducting business required under section 127A.85, the P-20 partnership shall include a representative from a military installation appointed by the adjutant general of the Minnesota National Guard.

ARTICLE 7

CHARTER SCHOOL STATUTES RECODIFICATION

Section 1. Minnesota Statutes 2014, section 124D.10, subdivision 1, is amended to read:

Subdivision 1. **Purposes.** (a) The primary purpose of this section is to improve all pupil learning and all student achievement. Additional purposes include to:

(1) increase learning opportunities for all pupils;

102.1 (2) encourage the use of different and innovative teaching methods;

102.2 (3) measure learning outcomes and create different and innovative forms of
102.3 measuring outcomes;

102.4 (4) establish new forms of accountability for schools; or

102.5 (5) create new professional opportunities for teachers, including the opportunity to
102.6 be responsible for the learning program at the school site.

102.7 (b) This section does not provide a means to keep open a school that a school board
102.8 decides to close. However, a school board may endorse or authorize the establishing of
102.9 a charter school to replace the school the board decided to close. Applicants seeking a
102.10 charter under this circumstance must demonstrate to the authorizer that the charter sought
102.11 is substantially different in purpose and program from the school the board closed and
102.12 that the proposed charter satisfies the requirements of this subdivision. If the school
102.13 board that closed the school authorizes the charter, it must document in its affidavit to the
102.14 commissioner that the charter is substantially different in program and purpose from
102.15 the school it closed.

102.16 (c) An authorizer shall not approve an application submitted by a charter school
102.17 developer under subdivision 4, paragraph (a), if the application does not comply with this
102.18 subdivision. The commissioner shall not approve an affidavit submitted by an authorizer
102.19 under subdivision 4, paragraph (b), if the affidavit does not comply with this subdivision.

102.20 Sec. 2. Minnesota Statutes 2014, section 124D.10, subdivision 3, is amended to read:

102.21 Subd. 3. **Authorizer.** (a) For purposes of this section, the terms defined in this
102.22 subdivision have the meanings given them.

102.23 "Application" to receive approval as an authorizer means the proposal an eligible
102.24 authorizer submits to the commissioner under paragraph ~~(e)~~ (d) before that authorizer is
102.25 able to submit any affidavit to charter to a school.

102.26 "Application" under subdivision 4 means the charter school business plan a
102.27 school developer submits to an authorizer for approval to establish a charter school that
102.28 documents the school developer's mission statement, school purposes, program design,
102.29 financial plan, governance and management structure, and background and experience,
102.30 plus any other information the authorizer requests. The application also shall include a
102.31 "statement of assurances" of legal compliance prescribed by the commissioner.

102.32 "Affidavit" means a written statement the authorizer submits to the commissioner
102.33 for approval to establish a charter school under subdivision 4 attesting to its review and
102.34 approval process before chartering a school.

102.35 (b) The following organizations may authorize one or more charter schools:

103.1 (1) a school board, intermediate school district school board, or education district
103.2 organized under sections 123A.15 to 123A.19;

103.3 (2) a charitable organization under section 501(c)(3) of the Internal Revenue Code
103.4 of 1986, excluding a nonpublic sectarian or religious institution; any person other than a
103.5 natural person that directly or indirectly, through one or more intermediaries, controls,
103.6 is controlled by, or is under common control with the nonpublic sectarian or religious
103.7 institution; and any other charitable organization under this clause that in the federal IRS
103.8 Form 1023, Part IV, describes activities indicating a religious purpose, that:

103.9 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on
103.10 Foundations;

103.11 (ii) is registered with the attorney general's office; and

103.12 (iii) is incorporated in the state of Minnesota and has been operating continuously
103.13 for at least five years but does not operate a charter school;

103.14 (3) a Minnesota private college, notwithstanding clause (2), that grants two- or
103.15 four-year degrees and is registered with the Minnesota Office of Higher Education under
103.16 chapter 136A; community college, state university, or technical college governed by the
103.17 Board of Trustees of the Minnesota State Colleges and Universities; or the University
103.18 of Minnesota;

103.19 (4) a nonprofit corporation subject to chapter 317A, described in section 317A.905,
103.20 and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code
103.21 of 1986, may authorize one or more charter schools if the charter school has operated
103.22 for at least three years under a different authorizer and if the nonprofit corporation has
103.23 existed for at least 25 years; or

103.24 (5) single-purpose authorizers formed as charitable, nonsectarian organizations
103.25 under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state
103.26 of Minnesota under chapter 317A as a corporation with no members or under section
103.27 322B.975 as a nonprofit limited liability company for the sole purpose of chartering schools.

103.28 (c) Eligible organizations interested in being approved as an authorizer under this
103.29 paragraph must submit a proposal to the commissioner that includes the provisions
103.30 of paragraph ~~(e)~~ (d) and a five-year financial plan. Such authorizers shall consider and
103.31 approve charter school applications using the criteria provided in subdivision 4 and shall
103.32 not limit the applications it solicits, considers, or approves to any single curriculum,
103.33 learning program, or method.

103.34 ~~(e)~~ (d) An eligible authorizer under this subdivision must apply to the commissioner
103.35 for approval as an authorizer before submitting any affidavit to the commissioner to charter
103.36 a school. The application for approval as a charter school authorizer must demonstrate

104.1 the applicant's ability to implement the procedures and satisfy the criteria for chartering a
104.2 school under this section. The commissioner must approve or disapprove an application
104.3 within 45 business days of the application deadline. If the commissioner disapproves
104.4 the application, the commissioner must notify the applicant of the specific deficiencies
104.5 in writing and the applicant then has 20 business days to address the deficiencies to the
104.6 commissioner's satisfaction. After the 20 business days expire, the commissioner has 15
104.7 business days to make a final decision to approve or disapprove the application. Failing to
104.8 address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to
104.9 be an authorizer. The commissioner, in establishing criteria for approval, must consider
104.10 the applicant's:

- 104.11 (1) capacity and infrastructure;
- 104.12 (2) application criteria and process;
- 104.13 (3) contracting process;
- 104.14 (4) ongoing oversight and evaluation processes; and
- 104.15 (5) renewal criteria and processes.

104.16 ~~(d)~~ (e) An applicant must include in its application to the commissioner to be an
104.17 approved authorizer at least the following:

- 104.18 (1) how chartering schools is a way for the organization to carry out its mission;
- 104.19 (2) a description of the capacity of the organization to serve as an authorizer,
104.20 including the personnel who will perform the authorizing duties, their qualifications, the
104.21 amount of time they will be assigned to this responsibility, and the financial resources
104.22 allocated by the organization to this responsibility;
- 104.23 (3) a description of the application and review process the authorizer will use to
104.24 make decisions regarding the granting of charters;
- 104.25 (4) a description of the type of contract it will arrange with the schools it charts
104.26 that meets the provisions of subdivision 6;
- 104.27 (5) the process to be used for providing ongoing oversight of the school consistent
104.28 with the contract expectations specified in clause (4) that assures that the schools chartered
104.29 are complying with both the provisions of applicable law and rules, and with the contract;
- 104.30 (6) a description of the criteria and process the authorizer will use to grant expanded
104.31 applications under subdivision 4, paragraph ~~(j)~~ (s);
- 104.32 (7) the process for making decisions regarding the renewal or termination of
104.33 the school's charter based on evidence that demonstrates the academic, organizational,
104.34 and financial competency of the school, including its success in increasing student
104.35 achievement and meeting the goals of the charter school agreement; and

(8) an assurance specifying that the organization is committed to serving as an authorizer for the full five-year term.

~~(e)~~ (f) A disapproved applicant under this section may resubmit an application during a future application period.

~~(f)~~ (g) If the governing board of an approved authorizer votes to withdraw as an approved authorizer for a reason unrelated to any cause under subdivision 23, the authorizer must notify all its chartered schools and the commissioner in writing by July 15 of its intent to withdraw as an authorizer on June 30 in the next calendar year. The commissioner may approve the transfer of a charter school to a new authorizer under this paragraph after the new authorizer submits an affidavit to the commissioner.

~~(g)~~ (h) The authorizer must participate in department-approved training.

~~(h)~~ (i) The commissioner shall review an authorizer's performance every five years in a manner and form determined by the commissioner and may review an authorizer's performance more frequently at the commissioner's own initiative or at the request of a charter school operator, charter school board member, or other interested party. The commissioner, after completing the review, shall transmit a report with findings to the authorizer.

(j) If, consistent with this section, the commissioner finds that an authorizer has not fulfilled the requirements of this section, the commissioner may subject the authorizer to corrective action, which may include terminating the contract with the charter school board of directors of a school it chartered. The commissioner must notify the authorizer in writing of any findings that may subject the authorizer to corrective action and the authorizer then has 15 business days to request an informal hearing before the commissioner takes corrective action. If the commissioner terminates a contract between an authorizer and a charter school under this paragraph, the commissioner may assist the charter school in acquiring a new authorizer.

~~(i)~~ (k) The commissioner may at any time take corrective action against an authorizer, including terminating an authorizer's ability to charter a school for:

(1) failing to demonstrate the criteria under paragraph ~~(e)~~ (d) under which the commissioner approved the authorizer;

(2) violating a term of the chartering contract between the authorizer and the charter school board of directors;

(3) unsatisfactory performance as an approved authorizer; or

(4) any good cause shown that provides the commissioner a legally sufficient reason to take corrective action against an authorizer.

Sec. 3. Minnesota Statutes 2014, section 124D.10, subdivision 4, is amended to read:

Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from a school developer, may charter a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the authorizer's affidavit under paragraph ~~(b)~~ (d).

(b) The school must be organized and operated as a nonprofit corporation under chapter 317A and the provisions under the applicable chapter shall apply to the school except as provided in this section.

(c) Notwithstanding sections 465.717 and 465.719, a school district, subject to this section and section 124D.11, may create a corporation for the purpose of establishing a charter school.

~~(b)~~ (d) Before the operators may establish and operate a school, the authorizer must file an affidavit with the commissioner stating its intent to charter a school. An authorizer must file a separate affidavit for each school it intends to charter. An authorizer must file an affidavit by May 1 to be able to charter a new school in the next school year after the commissioner approves the authorizer's affidavit. The affidavit must state the terms and conditions under which the authorizer would charter a school and how the authorizer intends to oversee the fiscal and student performance of the charter school and to comply with the terms of the written contract between the authorizer and the charter school board of directors under subdivision 6. The commissioner must approve or disapprove the authorizer's affidavit within 60 business days of receipt of the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business days to address the deficiencies. The commissioner must notify the authorizer of final approval or disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction, the commissioner's disapproval is final. Failure to obtain commissioner approval precludes an authorizer from chartering the school that is the subject of this affidavit.

~~(e)~~ (e) The authorizer may prevent an approved charter school from opening for operation if, among other grounds, the charter school violates this section or does not meet the ready-to-open standards that are part of the authorizer's oversight and evaluation process or are stipulated in the charter school contract.

~~(d)~~ (f) The operators authorized to organize and operate a school, before entering into a contract or other agreement for professional or other services, goods, or facilities, must incorporate as a nonprofit corporation under chapter 317A ~~and~~.

107.1 (g) The operators authorized to organize and operate a school, before entering into a
107.2 contract or other agreement for professional or other services, goods, or facilities, must
107.3 establish a board of directors composed of at least five members who are not related parties
107.4 until a timely election for members of the ongoing charter school board of directors is
107.5 held according to the school's articles and bylaws under paragraph (f) (l). ~~A charter school~~
107.6 ~~board of directors must be composed of at least five members who are not related parties.~~

107.7 (h) Staff members employed at the school, including teachers providing instruction
107.8 under a contract with a cooperative, members of the board of directors, and all parents
107.9 or legal guardians of children enrolled in the school are the voters eligible to elect the
107.10 members of the school's board of directors. A charter school must notify eligible voters of
107.11 the school board election dates at least 30 days before the election.

107.12 (i) Board of director meetings must comply with chapter 13D.

107.13 ~~(e)~~ (j) A charter school shall publish and maintain on the school's official Web site:

107.14 (1) the minutes of meetings of the board of directors, and of members and committees
107.15 having any board-delegated authority, for at least one calendar year from the date
107.16 of publication; (2) directory information for members of the board of directors and
107.17 committees having board-delegated authority; and (3) identifying and contact information
107.18 for the school's authorizer. Identifying and contact information for the school's authorizer
107.19 must be included in other school materials made available to the public.

107.20 (k) Upon request of an individual, the charter school must also make available in
107.21 a timely fashion financial statements showing all operations and transactions affecting
107.22 income, surplus, and deficit during the school's last annual accounting period; and a
107.23 balance sheet summarizing assets and liabilities on the closing date of the accounting
107.24 period. A charter school also must include that same information about its authorizer in
107.25 other school materials that it makes available to the public.

107.26 ~~(f)~~ (l) Every charter school board member shall attend annual training throughout
107.27 the member's term on the board. All new board members shall attend initial training on
107.28 the board's role and responsibilities, employment policies and practices, and financial
107.29 management. A new board member who does not begin the required initial training within
107.30 six months after being seated and complete that training within 12 months of being seated
107.31 on the board is automatically ineligible to continue to serve as a board member. The
107.32 school shall include in its annual report the training attended by each board member
107.33 during the previous year.

107.34 ~~(g)~~ (m) The ongoing board must be elected before the school completes its third
107.35 year of operation. Board elections must be held during the school year but may not be
107.36 conducted on days when the school is closed for holidays, breaks, or vacations.

108.1 (n) The charter school board of directors shall be composed of at least five nonrelated
108.2 members and include: (i) at least one licensed teacher employed as a teacher at the school
108.3 or providing instruction under contract between the charter school and a cooperative; (ii)
108.4 at least one parent or legal guardian of a student enrolled in the charter school who is not
108.5 an employee of the charter school; and (iii) at least one interested community member
108.6 who resides in Minnesota and is not employed by the charter school and does not have a
108.7 child enrolled in the school. The board may include a majority of teachers described in
108.8 this paragraph or parents or community members, or it may have no clear majority. The
108.9 chief financial officer and the chief administrator may only serve as ex-officio nonvoting
108.10 board members. No charter school employees shall serve on the board other than teachers
108.11 under item (i). Contractors providing facilities, goods, or services to a charter school shall
108.12 not serve on the board of directors of the charter school.

108.13 (o) Board bylaws shall outline the process and procedures for changing the board's
108.14 governance structure, consistent with chapter 317A. A board may change its governance
108.15 structure only:

108.16 (1) by a majority vote of the board of directors and a majority vote of the licensed
108.17 teachers employed by the school as teachers, including licensed teachers providing
108.18 instruction under a contract between the school and a cooperative; and

108.19 (2) with the authorizer's approval.

108.20 Any change in board governance structure must conform with the composition of
108.21 the board established under this paragraph.

108.22 ~~(h)~~ (p) The granting or renewal of a charter by an authorizer must not be conditioned
108.23 upon the bargaining unit status of the employees of the school.

108.24 ~~(i)~~ (q) The granting or renewal of a charter school by an authorizer must not be
108.25 contingent on the charter school being required to contract, lease, or purchase services
108.26 from the authorizer.

108.27 (r) Any potential contract, lease, or purchase of service from an authorizer must
108.28 be disclosed to the commissioner, accepted through an open bidding process, and be a
108.29 separate contract from the charter contract. The school must document the open bidding
108.30 process. An authorizer must not enter into a contract to provide management and financial
108.31 services for a school that it authorizes, unless the school documents that it received at
108.32 least two competitive bids.

108.33 ~~(j)~~ (s) A charter school may apply to the authorizer to amend the school charter to
108.34 expand the operation of the school to additional grades or sites that would be students'
108.35 primary enrollment site beyond those defined in the original affidavit approved by the
108.36 commissioner. After approving the school's application, the authorizer shall submit a

supplementary affidavit in the form and manner prescribed by the commissioner. The authorizer must file a supplement affidavit by October 1 to be eligible to expand in the next school year. The supplementary affidavit must document that the school has demonstrated to the satisfaction of the authorizer the following:

(1) the need for the expansion with supporting long-range enrollment projections;

(2) a longitudinal record of demonstrated student academic performance and growth on statewide assessments under chapter 120B or on other academic assessments that measure longitudinal student performance and growth approved by the charter school's board of directors and agreed upon with the authorizer;

(3) a history of sound school finances and a finance plan to implement the expansion in a manner to promote the school's financial sustainability; and

(4) board capacity and an administrative and management plan to implement its expansion.

~~(k)~~ (t) The commissioner shall have 30 business days to review and comment on the supplemental affidavit. The commissioner shall notify the authorizer in writing of any deficiencies in the supplemental affidavit and the authorizer then has 20 business days to address, to the commissioner's satisfaction, any deficiencies in the supplemental affidavit. The commissioner must notify the authorizer of final approval or disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. The school may not expand grades or add sites until the commissioner has approved the supplemental affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

Sec. 4. Minnesota Statutes 2014, section 124D.10, subdivision 8, is amended to read:

Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.

(b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.

(c) A school authorized by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

(d) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. An authorizer may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(e) A charter school student must be released for religious instruction, consistent with section 120A.22, subdivision 12, clause (3).

110.1 ~~(e)~~ (f) Charter schools must not be used as a method of providing education or
110.2 generating revenue for students who are being home-schooled. This paragraph does not
110.3 apply to shared time aid under section 126C.19.

110.4 ~~(f)~~ (g) The primary focus of a charter school must be to provide a comprehensive
110.5 program of instruction for at least one grade or age group from five through 18 years of age.
110.6 Instruction may be provided to people older than 18 years of age. A charter school may
110.7 offer a free preschool or prekindergarten that meets high-quality early learning instructional
110.8 program standards that are aligned with Minnesota's early learning standards for children.

110.9 ~~(g)~~ (h) A charter school may not charge tuition.

110.10 ~~(h)~~ (i) A charter school is subject to and must comply with chapter 363A and section
110.11 121A.04.

110.12 ~~(i)~~ (j) Once a student is enrolled in the school, the student is considered enrolled
110.13 in the school until the student formally withdraws or is expelled under the Pupil Fair
110.14 Dismissal Act in sections 121A.40 to 121A.56. A charter school is subject to and must
110.15 comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, ~~and~~.

110.16 (k) A charter school is subject to and must comply with the Minnesota Public School
110.17 Fee Law, sections 123B.34 to 123B.39.

110.18 ~~(j)~~ (l) A charter school is subject to the same financial audits, audit procedures, and
110.19 audit requirements as a district, except as required under subdivision 6a. Audits must be
110.20 conducted in compliance with generally accepted governmental auditing standards, the
110.21 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject
110.22 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;
110.23 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with
110.24 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are
110.25 necessary because of the program at the school. Deviations must be approved by the
110.26 commissioner and authorizer. The Department of Education, state auditor, legislative
110.27 auditor, or authorizer may conduct financial, program, or compliance audits. A charter
110.28 school determined to be in statutory operating debt under sections 123B.81 to 123B.83
110.29 must submit a plan under section 123B.81, subdivision 4.

110.30 ~~(k)~~ (m) A charter school is a district for the purposes of tort liability under chapter 466.

110.31 ~~(l)~~ (n) A charter school must comply with chapters 13 and 13D; and sections
110.32 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

110.33 ~~(m)~~ (o) A charter school is subject to the Pledge of Allegiance requirement under
110.34 section 121A.11, subdivision 3.

110.35 ~~(n)~~ (p) A charter school offering online courses or programs must comply with
110.36 section 124D.095.

111.1 ~~(o)~~ (q) A charter school and charter school board of directors are subject to chapter
111.2 181.

111.3 ~~(p)~~ (r) A charter school must comply with section 120A.22, subdivision 7, governing
111.4 the transfer of students' educational records and sections 138.163 and 138.17 governing
111.5 the management of local records.

111.6 ~~(q)~~ (s) A charter school that provides early childhood health and developmental
111.7 screening must comply with sections 121A.16 to 121A.19.

111.8 ~~(r)~~ (t) A charter school that provides school-sponsored youth athletic activities
111.9 must comply with section 121A.38.

111.10 ~~(s)~~ (u) A charter school is subject to and must comply with continuing truant
111.11 notification under section 260A.03.

111.12 ~~(t)~~ (v) A charter school must develop and implement a teacher evaluation and
111.13 peer review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to
111.14 (13). The teacher evaluation process in this paragraph does not create any additional
111.15 employment rights for teachers.

111.16 ~~(u)~~ (w) A charter school must adopt a policy, plan, budget, and process, consistent
111.17 with section 120B.11, to review curriculum, instruction, and student achievement and
111.18 strive for the world's best workforce.

111.19 ~~(v)~~ (x) A charter school must comply with section 121A.031 governing policies on
111.20 prohibited conduct.

111.21 ~~(w)~~ (y) A charter school must comply with all pupil transportation requirements in
111.22 section 123B.88, subdivision 1. A charter school must not require parents to surrender
111.23 their rights to pupil transportation under section 123B.88, subdivision 2.

111.24 Sec. 5. Minnesota Statutes 2014, section 124D.11, subdivision 9, is amended to read:

111.25 Subd. 9. **Payment of aids to charter schools.** (a) Notwithstanding section
111.26 127A.45, subdivision 3, if the current year aid payment percentage under section
111.27 127A.45, subdivision 2, paragraph (d), is 90 or greater, aid payments for the current
111.28 fiscal year to a charter school shall be of an equal amount on each of the 24 payment
111.29 dates. Notwithstanding section 127A.45, subdivision 3, if the current year aid payment
111.30 percentage under section 127A.45, subdivision 2, paragraph (d), is less than 90, aid
111.31 payments for the current fiscal year to a charter school shall be of an equal amount on
111.32 each of the 16 payment dates in July through February.

111.33 (b) Notwithstanding paragraph (a) and section 127A.45, for a charter school ceasing
111.34 operation on or prior to June 30 of a school year, for the payment periods occurring after
111.35 the school ceases serving students, the commissioner shall withhold the estimated state aid

owed the school. The charter school board of directors and authorizer must submit to the commissioner a closure plan under chapter 308A or 317A, and financial information about the school's liabilities and assets. After receiving the closure plan, financial information, an audit of pupil counts, documentation of lease expenditures, and monitoring of special education expenditures, the commissioner may release cash withheld and may continue regular payments up to the current year payment percentages if further amounts are owed. If, based on audits and monitoring, the school received state aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to eliminate the aid overpayment. For a charter school ceasing operations prior to, or at the end of, a school year, notwithstanding section 127A.45, subdivision 3, preliminary final payments may be made after receiving the closure plan, audit of pupil counts, monitoring of special education expenditures, documentation of lease expenditures, and school submission of Uniform Financial Accounting and Reporting Standards (UFARS) financial data for the final year of operation. Final payment may be made upon receipt of audited financial statements under section 123B.77, subdivision 3.

(c) If a charter school fails to comply with the commissioner's directive to return, for cause, federal or state funds administered by the department, the commissioner may withhold an amount of state aid sufficient to satisfy the directive.

(d) If, within the timeline under section 471.425, a charter school fails to pay the state of Minnesota, a school district, intermediate school district, or service cooperative after receiving an undisputed invoice for goods and services, the commissioner may withhold an amount of state aid sufficient to satisfy the claim and shall distribute the withheld aid to the interested state agency, school district, intermediate school district, or service cooperative. An interested state agency, school district, intermediate school district, or education cooperative shall notify the commissioner when a charter school fails to pay an undisputed invoice within 75 business days of when it received the original invoice.

~~(e) Notwithstanding section 127A.45, subdivision 3, and paragraph (a), 80 percent of the start-up cost aid under subdivision 8 shall be paid within 45 days after the first day of student attendance for that school year.~~

~~(f)~~ (e) In order to receive state aid payments under this subdivision, a charter school in its first three years of operation must submit a school calendar in the form and manner requested by the department and a quarterly report to the Department of Education. The report must list each student by grade, show the student's start and end dates, if any, with the charter school, and for any student participating in a learning year program, the report must list the hours and times of learning year activities. The report must be submitted not more than two weeks after the end of the calendar quarter to the department.

The department must develop a Web-based reporting form for charter schools to use when submitting enrollment reports. A charter school in its fourth and subsequent year of operation must submit a school calendar and enrollment information to the department in the form and manner requested by the department.

~~(g)~~ (f) Notwithstanding sections 317A.701 to 317A.791, upon closure of a charter school and satisfaction of creditors, cash and investment balances remaining shall be returned to the state.

~~(h)~~ (g) A charter school must have a valid, signed contract under section 124D.10, subdivision 6, on file at the Department of Education at least 15 days prior to the date of first payment of state aid for the fiscal year.

~~(i)~~ (h) State aid entitlements shall be computed for a charter school only for the portion of a school year for which it has a valid, signed contract under section 124D.10, subdivision 6.

Sec. 6. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall renumber the provisions of Minnesota Statutes listed in column A to the references listed in column B. The revisor of statutes may alter the renumbering to incorporate statutory changes made during the 2015 regular legislative session. The revisor shall also make necessary cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the renumbering in this instruction and the relettering of paragraphs in sections 1 to 5.

<u>Column A</u>	<u>Column B</u>
<u>124D.10, subd. 1, paragraph (a)</u>	<u>124E.01, subd. 1</u>
<u>124D.10, subd. 1, paragraph (b)</u>	<u>124E.06, subd. 3, paragraph (d)</u>
<u>124D.10, subd. 1, paragraph (c)</u>	<u>124E.06, subd. 1, paragraph (b)</u>
<u>124D.10, subd. 2</u>	<u>124E.01, subd. 2</u>
<u>124D.10, subd. 3, paragraph (a)</u>	<u>124E.02, paragraph (a)</u>
<u>124D.10, subd. 3, paragraph (b)</u>	<u>124E.05, subd. 1</u>
<u>124D.10, subd. 3, paragraph (c)</u>	<u>124E.05, subd. 2, paragraph (a)</u>
<u>124D.10, subd. 3, paragraph (d)</u>	<u>124E.05, subd. 3, paragraph (a)</u>
<u>124D.10, subd. 3, paragraph (e)</u>	<u>124E.05, subd. 4</u>
<u>124D.10, subd. 3, paragraph (f)</u>	<u>124E.05, subd. 3, paragraph (b)</u>
<u>124D.10, subd. 3, paragraph (g)</u>	<u>124E.05, subd. 7</u>
<u>124D.10, subd. 3, paragraph (h)</u>	<u>124E.05, subd. 2, paragraph (b)</u>
<u>124D.10, subd. 3, paragraph (i)</u>	<u>124E.05, subd. 5</u>
<u>124D.10, subd. 3, paragraph (j)</u>	<u>124E.05, subd. 6, paragraph (a)</u>
<u>124D.10, subd. 3, paragraph (k)</u>	<u>124E.05, subd. 6, paragraph (b)</u>
<u>124D.10, subd. 4, paragraph (a)</u>	<u>124E.06, subd. 1, paragraph (a)</u>
<u>124D.10, subd. 4, paragraph (b)</u>	<u>124E.06, subd. 2, paragraph (a)</u>

114.1	<u>124D.10, subd. 4, paragraph (c)</u>	<u>124E.06, subd. 2, paragraph (c)</u>
114.2	<u>124D.10, subd. 4, paragraph (d)</u>	<u>124E.06, subd. 4</u>
114.3	<u>124D.10, subd. 4, paragraph (e)</u>	<u>124E.06, subd. 3, paragraph (g)</u>
114.4	<u>124D.10, subd. 4, paragraph (f)</u>	<u>124E.06, subd. 2, paragraph (b)</u>
114.5	<u>124D.10, subd. 4, paragraph (g)</u>	<u>124E.07, subd. 1</u>
114.6	<u>124D.10, subd. 4, paragraph (h)</u>	<u>124E.07, subd. 5</u>
114.7	<u>124D.10, subd. 4, paragraph (i)</u>	<u>124E.07, subd. 8, paragraph (a)</u>
114.8	<u>124D.10, subd. 4, paragraph (j)</u>	<u>124E.07, subd. 8, paragraph (b)</u>
114.9	<u>124D.10, subd. 4, paragraph (k)</u>	<u>124E.17, subd. 2</u>
114.10	<u>124D.10, subd. 4, paragraph (l)</u>	<u>124E.07, subd. 7</u>
114.11	<u>124D.10, subd. 4, paragraph (m)</u>	<u>124E.07, subd. 2</u>
114.12	<u>124D.10, subd. 4, paragraph (n)</u>	<u>124E.07, subd. 3, paragraph (a)</u>
114.13	<u>124D.10, subd. 4, paragraph (o)</u>	<u>124E.07, subd. 4</u>
114.14	<u>124D.10, subd. 4, paragraph (p)</u>	<u>124E.10, subd. 2, paragraph (c)</u>
114.15	<u>124D.10, subd. 4, paragraph (q)</u>	<u>124E.10, subd. 2, paragraph (b)</u>
114.16	<u>124D.10, subd. 4, paragraph (r)</u>	<u>124E.10, subd. 2, paragraph (a)</u>
114.17	<u>124D.10, subd. 4, paragraph (s)</u>	<u>124E.06, subd. 5, paragraph (a)</u>
114.18	<u>124D.10, subd. 4, paragraph (t)</u>	<u>124E.06, subd. 5, paragraph (b)</u>
114.19	<u>124D.10, subd. 4a, paragraph (a)</u>	<u>124E.07, subd. 3, paragraph (b)</u>
114.20	<u>124D.10, subd. 4a, paragraph (b)</u>	<u>124E.14, paragraph (a)</u>
114.21	<u>124D.10, subd. 4a, paragraph (c)</u>	<u>124E.07, subd. 3, paragraph (c)</u>
114.22	<u>124D.10, subd. 4a, paragraph (d)</u>	<u>124E.07, subd. 3, paragraph (d)</u>
114.23	<u>124D.10, subd. 4a, paragraph (e)</u>	<u>124E.14, paragraph (b)</u>
114.24	<u>124D.10, subd. 4a, paragraph (f)</u>	<u>124E.14, paragraph (c)</u>
114.25	<u>124D.10, subd. 5</u>	<u>124E.06, subd. 6</u>
114.26	<u>124D.10, subd. 6</u>	<u>124E.10, subd. 1, paragraph (a)</u>
114.27	<u>124D.10, subd. 6a</u>	<u>124E.16, subd. 1, paragraphs (b) to</u>
114.28		<u>(e)</u>
114.29	<u>124D.10, subd. 7</u>	<u>124E.03, subd. 1</u>
114.30	<u>124D.10, subd. 8, paragraph (a)</u>	<u>124E.03, subd. 2, paragraph (a)</u>
114.31	<u>124D.10, subd. 8, paragraph (b)</u>	<u>124E.03, subd. 2, paragraph (b)</u>
114.32	<u>124D.10, subd. 8, paragraph (c)</u>	<u>124E.06, subd. 3, paragraph (e)</u>
114.33	<u>124D.10, subd. 8, paragraph (d)</u>	<u>124E.06, subd. 3, paragraph (b)</u>
114.34	<u>124D.10, subd. 8, paragraph (e)</u>	<u>124E.03, subd. 4, paragraph (a)</u>
114.35	<u>124D.10, subd. 8, paragraph (f)</u>	<u>124E.06, subd. 3, paragraph (c)</u>
114.36	<u>124D.10, subd. 8, paragraph (g)</u>	<u>124E.06, subd. 3, paragraph (a)</u>
114.37	<u>124D.10, subd. 8, paragraph (h)</u>	<u>124E.06, subd. 3, paragraph (f)</u>
114.38	<u>124D.10, subd. 8, paragraph (i)</u>	<u>124E.03, subd. 4, paragraph (b)</u>
114.39	<u>124D.10, subd. 8, paragraph (j)</u>	<u>124E.11, paragraph (g)</u>
114.40	<u>124D.10, subd. 8, paragraph (k)</u>	<u>124E.03, subd. 2, paragraph (c)</u>
114.41	<u>124D.10, subd. 8, paragraph (l)</u>	<u>124E.16, subd. 1, paragraph (a)</u>
114.42	<u>124D.10, subd. 8, paragraph (m)</u>	<u>124E.03, subd. 2, paragraph (d)</u>
114.43	<u>124D.10, subd. 8, paragraph (n)</u>	<u>124E.03, subd. 5, paragraph (a)</u>
114.44	<u>124D.10, subd. 8, paragraph (o)</u>	<u>124E.03, subd. 2, paragraph (e)</u>

115.1	<u>124D.10, subd. 8, paragraph (p)</u>	<u>124E.03, subd. 7, paragraph (a)</u>
115.2	<u>124D.10, subd. 8, paragraph (q)</u>	<u>124E.03, subd. 2, paragraph (f)</u>
115.3	<u>124D.10, subd. 8, paragraph (r)</u>	<u>124E.03, subd. 5, paragraph (b)</u>
115.4	<u>124D.10, subd. 8, paragraph (s)</u>	<u>124E.03, subd. 7, paragraph (b)</u>
115.5	<u>124D.10, subd. 8, paragraph (t)</u>	<u>124E.03, subd. 7, paragraph (c)</u>
115.6	<u>124D.10, subd. 8, paragraph (u)</u>	<u>124E.03, subd. 2, paragraph (g)</u>
115.7	<u>124D.10, subd. 8, paragraph (v)</u>	<u>124E.03, subd. 2, paragraph (h)</u>
115.8	<u>124D.10, subd. 8, paragraph (w)</u>	<u>124E.03, subd. 2, paragraph (i)</u>
115.9	<u>124D.10, subd. 8, paragraph (x)</u>	<u>124E.03, subd. 4, paragraph (c)</u>
115.10	<u>124D.10, subd. 8, paragraph (y)</u>	<u>124E.15, paragraph (a)</u>
115.11	<u>124D.10, subd. 8a</u>	<u>124E.25, subd. 3, paragraph (a)</u>
115.12	<u>124D.10, subd. 8b</u>	<u>124E.25, subd. 3, paragraph (b)</u>
115.13	<u>124D.10, subd. 9</u>	<u>124E.11, paragraphs (a) to (f)</u>
115.14	<u>124D.10, subd. 10</u>	<u>124E.10, subd. 1, paragraph (b)</u>
115.15	<u>124D.10, subd. 11, paragraph (a)</u>	<u>124E.12, subd. 1</u>
115.16	<u>124D.10, subd. 11, paragraph (b)</u>	<u>124E.12, subd. 2</u>
115.17	<u>124D.10, subd. 11, paragraph (c)</u>	<u>124E.07, subd. 6</u>
115.18	<u>124D.10, subd. 11, paragraph (d)</u>	<u>124E.12, subd. 5</u>
115.19	<u>124D.10, subd. 12</u>	<u>124E.03, subd. 3</u>
115.20	<u>124D.10, subd. 13</u>	<u>124E.03, subd. 6</u>
115.21	<u>124D.10, subd. 14</u>	<u>124E.16, subd. 2</u>
115.22	<u>124D.10, subd. 15, paragraphs (a)</u>	<u>124E.10, subd. 3, paragraphs (a) to</u>
115.23	<u>to (e)</u>	<u>(e)</u>
115.24	<u>124D.10, subd. 15, paragraph (f)</u>	<u>124E.05, subd. 8</u>
115.25	<u>124D.10, subd. 16</u>	<u>124E.15, paragraphs (b) to (d)</u>
115.26	<u>124D.10, subd. 17</u>	<u>124E.13, subd. 1</u>
115.27	<u>124D.10, subd. 17a</u>	<u>124E.13, subd. 3</u>
115.28	<u>124D.10, subd. 17b</u>	<u>124E.13, subd. 4</u>
115.29	<u>124D.10, subd. 19</u>	<u>124E.17, subd. 1</u>
115.30	<u>124D.10, subd. 20</u>	<u>124E.12, subd. 6</u>
115.31	<u>124D.10, subd. 21</u>	<u>124E.12, subd. 3</u>
115.32	<u>124D.10, subd. 22</u>	<u>124E.12, subd. 4</u>
115.33	<u>124D.10, subd. 23, paragraphs (a)</u>	<u>124E.10, subd. 4, paragraphs (a) and</u>
115.34	<u>and (b)</u>	<u>(b)</u>
115.35	<u>124D.10, subd. 23, paragraph (c)</u>	<u>124E.10, subd. 5</u>
115.36	<u>124D.10, subd. 23, paragraph (d)</u>	<u>124E.10, subd. 4, paragraph (c)</u>
115.37	<u>124D.10, subd. 23a, paragraph (a)</u>	<u>124E.13, subd. 2, paragraph (a)</u>
115.38	<u>124D.10, subd. 23a, paragraph (b)</u>	<u>124E.02, paragraph (b)</u>
115.39	<u>124D.10, subd. 23a, paragraph (c)</u>	<u>124E.13, subd. 2, paragraph (b)</u>
115.40	<u>124D.10, subd. 23a, paragraph (d)</u>	<u>124E.13, subd. 2, paragraph (c)</u>
115.41	<u>124D.10, subd. 24</u>	<u>124E.10, subd. 6</u>
115.42	<u>124D.10, subd. 25</u>	<u>124E.09</u>
115.43	<u>124D.10, subd. 27</u>	<u>124E.08</u>
115.44	<u>124D.11, subd. 1</u>	<u>124E.20, subd.1</u>

116.1	<u>124D.11, subd. 2</u>	<u>124E.23</u>
116.2	<u>124D.11, subd. 3</u>	<u>124E.20, subd. 2</u>
116.3	<u>124D.11, subd. 4</u>	<u>124E.22</u>
116.4	<u>124D.11, subd. 5</u>	<u>124E.21</u>
116.5	<u>124D.11, subd. 6</u>	<u>124E.24</u>
116.6	<u>124D.11, subd. 7</u>	<u>124E.26</u>
116.7	<u>124D.11, subd. 9, paragraph (a)</u>	<u>124E.25, subd. 1, paragraph (a)</u>
116.8	<u>124D.11, subd. 9, paragraph (b)</u>	<u>124E.25, subd. 1, paragraph (b)</u>
116.9	<u>124D.11, subd. 9, paragraph (c)</u>	<u>124E.25, subd. 4, paragraph (a)</u>
116.10	<u>124D.11, subd. 9, paragraph (d)</u>	<u>124E.25, subd. 4, paragraph (b)</u>
116.11	<u>124D.11, subd. 9, paragraph (e)</u>	<u>124E.25, subd. 2, paragraph (a)</u>
116.12	<u>124D.11, subd. 9, paragraph (f)</u>	<u>124E.25, subd. 1, paragraph (c)</u>
116.13	<u>124D.11, subd. 9, paragraph (g)</u>	<u>124E.25, subd. 2, paragraph (b)</u>
116.14	<u>124D.11, subd. 9, paragraph (h)</u>	<u>124E.25, subd. 2, paragraph (c)</u>

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120B.128 EDUCATIONAL PLANNING AND ASSESSMENT SYSTEM (EPAS) PROGRAM.

(a) School districts and charter schools may elect to participate in the Educational Planning and Assessment System (EPAS) program offered by ACT, Inc. to provide a longitudinal, systematic approach to student educational and career planning, assessment, instructional support, and evaluation. The EPAS achievement tests include English, reading, mathematics, science, and components on planning for high school and postsecondary education, interest inventory, needs assessments, and student education plans. These tests are linked to the ACT assessment for college admission and allow students, parents, teachers, and schools to determine the student's college readiness before grades 11 and 12.

(b) The commissioner of education shall provide ACT Explore tests for students in grade 8 and the ACT Plan test for students in grade 10 to assess individual student academic strengths and weaknesses, academic achievement and progress, higher order thinking skills, and college readiness.

(c) Students enrolled in grade 8 through the 2011-2012 school year who have not yet demonstrated proficiency on the Minnesota Comprehensive Assessments, the graduation-required assessments for diploma, or the basic skills testing requirements prior to high school graduation may satisfy state high school graduation requirements for assessments in reading, mathematics, and writing by taking the graduation-required assessment for diploma in reading, mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1, paragraph (c), clauses (1) and (2), the WorkKeys job skills assessment, the Compass college placement test, a nationally recognized armed services vocation aptitude test, or the ACT assessment for college admission.

(d) The state shall pay the test costs for public school students to participate in the assessments under this section. The commissioner shall establish an application procedure and a process for state payment of costs.

120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.

Subd. 5. **Improving graduation rates for students with emotional or behavioral disorders.** (a) A district must develop strategies in conjunction with parents of students with emotional or behavioral disorders and the county board responsible for implementing sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in school, when the district has a drop-out rate for students with an emotional or behavioral disorder in grades 9 through 12 exceeding 25 percent.

(b) A district must develop a plan in conjunction with parents of students with emotional or behavioral disorders and the local mental health authority to increase the graduation rates of students with emotional or behavioral disorders. A district with a drop-out rate for children with an emotional or behavioral disturbance in grades 9 through 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight to the commissioner.

125A.63 RESOURCE CENTERS; DEAF OR HARD OF HEARING AND BLIND OR VISUALLY IMPAIRED.

Subdivision 1. **Also for multiply disabled.** Resource centers for the deaf or hard of hearing, and the blind or visually impaired, each also serving multiply disabled pupils, are transferred to the Department of Education.

126C.12 LEARNING AND DEVELOPMENT REVENUE AMOUNT AND USE.

Subd. 6. **Annual report.** By December 1 of each year, districts receiving revenue under subdivision 1 shall make available to the public a report on the amount of revenue the district has received and the use of the revenue. This report shall be in the form and manner determined by the commissioner and shall include the district average class sizes in kindergarten through grade 6 as of October 1 of the current school year and the class sizes for each site serving kindergarten through grade 6 students in the district. A copy of the report shall be filed with the commissioner by December 15.

126C.41 BENEFITS LEVIES.

Subdivision 1. **Health insurance.** (a) A district may levy the amount necessary to make employer contributions for insurance for retired employees under this subdivision.

APPENDIX

Repealed Minnesota Statutes: S1495-1

(b) The school board of a joint vocational technical district formed under the provisions formerly codified as sections 136C.60 to 136C.69 and the school board of a school district may provide employer-paid hospital, medical, and dental benefits to a person who:

(1) is eligible for employer-paid insurance under collective bargaining agreements or personnel plans in effect on June 30, 1992;

(2) has at least 25 years of service credit in the public pension plan of which the person is a member on the day before retirement or, in the case of a teacher, has a total of at least 25 years of service credit in the teachers retirement association, a first-class city teacher retirement fund, or any combination of these;

(3) upon retirement is immediately eligible for a retirement annuity;

(4) is at least 55 and not yet 65 years of age; and

(5) retires on or after May 15, 1992, and before July 21, 1992.

A school board paying insurance under this subdivision may not exclude any eligible employees.

(c) An employee who is eligible both for the health insurance benefit under this subdivision and for an early retirement incentive under a collective bargaining agreement or personnel plan established by the employer must select either the early retirement incentive provided under the collective bargaining agreement personnel plan or the incentive provided under this subdivision, but may not receive both. For purposes of this subdivision, a person retires when the person terminates active employment and applies for retirement benefits. The retired employee is eligible for single and dependent coverages and employer payments to which the person was entitled immediately before retirement, subject to any changes in coverage and employer and employee payments through collective bargaining or personnel plans, for employees in positions equivalent to the position from which the employee retired. The retired employee is not eligible for employer-paid life insurance. Eligibility ceases when the retired employee attains the age of 65, or when the employee chooses not to receive the retirement benefits for which the employee has applied, or when the employee is eligible for employer-paid health insurance from a new employer. Coverages must be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program.

(d) Unilateral implementation of this section by a public employer is not an unfair labor practice for purposes of chapter 179A. The authority provided in this subdivision for an employer to pay health insurance costs for certain retired employees is not subject to the limits in section 179A.20, subdivision 2a.

(e) If a school district levies according to this subdivision, it may not also levy according to section 123A.73, subdivision 12, for eligible employees.

3500.1000 EXPERIMENTAL AND FLEXIBLE SCHOOL YEAR PROGRAMS.

Subpart 1. **Request.** A district may request approval from the commissioner of education for an experimental program of study, a four-day school week, or a flexible school year program. They shall be designed to accomplish at least one of the following:

- A. improve instructional quality;
- B. increase cost-effectiveness;
- C. make better use of community resources or available technology; or
- D. establish an alternative eligibility criteria intended to identify pupils in need of special education services.

Subp. 2. **Exemption from state rules.** If the proposed program is approved, the commissioner of education shall provide an exemption to state rules that otherwise would apply.

Subp. 3. **Contents of proposal.** The proposal shall include: specific state rules from which the district requests exemption, the goals and objectives of the program, the activities to be used to accomplish the objectives, a definite time limit which may not exceed three years, and the evaluation procedures to be used.

Subp. 4. **Participation and approval.** The district shall provide evidence that the district staff, pupils, and parents who would be affected, participated in the development and will participate in the annual review of the proposal, and that the proposal has the approval of the district school board.

Parents whose children will be involved shall be fully informed at the IEP meeting and shall have the opportunity to approve or disapprove placement in the experimental program.

Subp. 5. **Criteria for continuation.** If the commissioner of education finds that the program has met the proposed goals and objectives, the commissioner shall authorize continuation of the program and specify the state rules from which the program is exempt and the period of time the program will be continued.