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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 428

01/28/2019 Authored by Gruenhagen and Quam
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying the definition of textbook; deleting obsolete
1.3 language; amending Minnesota Statutes 2018, sections 123B.41, subdivisions 2,
1.4 5; 123B.42, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2018, section 123B.41, subdivision 2, is amended to read:

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

1.13 (b) For purposes of calculating the annual nonpublic pupil aid entitlement for textbooks,
1.14 the term shall be limited to books, workbooks, or manuals, whether bound or in loose-leaf
1.15 form, as well as electronic books and other printed materials delivered electronically,
1.16 intended for use as a principal source of study material for a given class or a group of
1.17 students.

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

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

2.1 Sec. 2. Minnesota Statutes 2018, section 123B.41, subdivision 5, is amended to read:

2.2 Subd. 5. **Individualized instructional or cooperative learning materials.** (a)

2.3 "Individualized instructional or cooperative learning materials" means educational materials
2.4 which:

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

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

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

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

2.20 (c) "Individualized instructional or cooperative learning materials" do not include
2.21 instructional equipment, instructional hardware, or ordinary daily consumable classroom
2.22 supplies.

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

2.24 Sec. 3. Minnesota Statutes 2018, section 123B.42, subdivision 3, is amended to read:

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

3.1 (b) The cost computed in ~~elause paragraph~~ (a) shall be increased by an inflation
3.2 adjustment equal to the percent of increase in the formula allowance, pursuant to section
3.3 126C.10, subdivision 2, from the second preceding school year to the current school year.
3.4 ~~Notwithstanding the amount of the formula allowance for fiscal years 2015 and 2016 in~~
3.5 ~~section 126C.10, subdivision 2, the commissioner shall use the amount of the formula~~
3.6 ~~allowance for the current year minus \$414 in determining the inflation adjustment for fiscal~~
3.7 ~~years 2015 and 2016.~~

3.8 (c) The commissioner shall allot to the districts or intermediary service areas the total
3.9 cost for each school year of providing or loaning the textbooks, individualized instructional
3.10 or cooperative learning materials, software or other educational technology, and standardized
3.11 tests for the pupils in each nonpublic school. The allotment shall not exceed the product of
3.12 the statewide average expenditure per pupil, according to ~~elause paragraph~~ (a), adjusted
3.13 pursuant to ~~elause paragraph~~ (b), multiplied by the number of nonpublic school pupils who
3.14 make requests pursuant to this section and who are enrolled as of September 15 of the current
3.15 school year.