

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH LEGISLATURE**

**S.F. No. 978**

(SENATE AUTHORS: TORRES RAY)

DATE	D-PG	OFFICIAL STATUS
03/04/2013	473	Introduction and first reading Referred to Education
03/20/2013	1189a	Comm report: To pass as amended and re-refer to Finance
04/24/2013		Comm report: Amended Comm report: No recommendation Second reading

A bill for an act

1.1 relating to education; modifying policies for early childhood through grade  
1.2 12 education, including general education, education excellence, special  
1.3 programs, libraries, and early childhood education; amending Minnesota  
1.4 Statutes 2012, sections 15.059, subdivision 5b; 120A.22, subdivisions 5, 8, 11;  
1.5 120A.24, subdivision 1; 120A.41; 120B.02; 120B.021, subdivision 1; 120B.023;  
1.6 120B.024; 120B.125; 120B.128; 120B.15; 120B.30, subdivisions 1, 1a; 120B.31,  
1.7 subdivision 1; 120B.36, subdivision 1; 122A.09, subdivision 4; 123B.88,  
1.8 subdivision 22; 123B.92, subdivision 1; 124D.10; 124D.111, subdivision 1;  
1.9 124D.122; 124D.52, by adding a subdivision; 124D.79, subdivision 1, by adding  
1.10 a subdivision; 125A.27, subdivisions 8, 11, 14; 125A.28; 125A.29; 125A.30;  
1.11 125A.32; 125A.33; 125A.35, subdivision 1; 125A.36; 125A.43; 126C.01, by  
1.12 adding a subdivision; 126C.05, subdivision 8; 126C.10, subdivisions 1, 14, by  
1.13 adding a subdivision; 126C.15, subdivisions 1, 2; 126C.44; 260A.02, subdivision  
1.14 3; 260A.03; 260A.05, subdivision 1; 260A.07, subdivision 1; 260C.007,  
1.15 subdivision 19; Laws 2011, First Special Session chapter 11, article 7, section 2,  
1.16 subdivision 8, as amended; proposing coding for new law in Minnesota Statutes,  
1.17 chapters 120B; 124D; repealing Minnesota Statutes 2012, section 125A.35,  
1.18 subdivisions 4, 5; Minnesota Rules, parts 3501.0010; 3501.0020; 3501.0030,  
1.19 subparts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16; 3501.0040; 3501.0050;  
1.20 3501.0060; 3501.0090; 3501.0100; 3501.0110; 3501.0120; 3501.0130;  
1.21 3501.0140; 3501.0150; 3501.0160; 3501.0170; 3501.0180; 3501.0200;  
1.22 3501.0210; 3501.0220; 3501.0230; 3501.0240; 3501.0250; 3501.0270;  
1.23 3501.0280, subparts 1, 2; 3501.0290; 3501.0505; 3501.0510; 3501.0515;  
1.24 3501.0520; 3501.0525; 3501.0530; 3501.0535; 3501.0540; 3501.0545;  
1.25 3501.0550; 3501.1000; 3501.1020; 3501.1030; 3501.1040; 3501.1050;  
1.26 3501.1110; 3501.1120; 3501.1130; 3501.1140; 3501.1150; 3501.1160;  
1.27 3501.1170; 3501.1180; 3501.1190.

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

**ARTICLE 1**

**GENERAL EDUCATION**

1.30 Section 1. Minnesota Statutes 2012, section 120A.41, is amended to read:

1.31 **120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

2.1 A school board's annual school calendar must include at least 425 hours of  
 2.2 instruction for a kindergarten student without a disability, 935 hours of instruction for a  
 2.3 student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7  
 2.4 through 12, not including summer school. ~~Nothing in this section permits a school district~~  
 2.5 ~~to adopt~~ A school board's annual calendar must include at least 165 days of instruction  
 2.6 for a student in grades 1 through 11 unless a four-day week schedule unless has been  
 2.7 approved by the commissioner under section 124D.126.

2.8 Sec. 2. Minnesota Statutes 2012, section 123B.88, subdivision 22, is amended to read:

2.9 Subd. 22. **Postsecondary enrollment options pupils.** Districts may provide bus  
 2.10 transportation along school bus routes when space is available, for pupils attending  
 2.11 programs at a postsecondary institution under the postsecondary enrollment options  
 2.12 program. ~~The transportation is permitted only if it does not increase the district's~~  
 2.13 ~~expenditures for transportation.~~ Fees collected for this service under section 123B.36,  
 2.14 subdivision 1, paragraph (13), shall be subtracted from the authorized cost for nonregular  
 2.15 transportation for the purpose of section 123B.92. A school district may provide  
 2.16 transportation for a pupil participating in an articulated program operated under an  
 2.17 agreement between the school district and the postsecondary institution.

2.18 Sec. 3. Minnesota Statutes 2012, section 123B.92, subdivision 1, is amended to read:

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

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

2.23 (1) the sum of:

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

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

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

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

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

3.5 (1) Regular transportation is:

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

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

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

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

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

3.23 For the purposes of this paragraph, a district may designate a licensed day care facility,  
3.24 school day care facility, respite care facility, the residence of a relative, or the residence  
3.25 of a person or other location chosen by the pupil's parent or guardian, or an after-school  
3.26 program for children operated by a political subdivision of the state, as the home of a pupil  
3.27 for part or all of the day, if requested by the pupil's parent or guardian, and if that facility,  
3.28 residence, or program is within the attendance area of the school the pupil attends.

3.29 (2) Excess transportation is:

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

3.35 (ii) transportation to and from school during the regular school year required under  
3.36 subdivision 3 for nonresident secondary pupils when the distance from the attendance area

4.1 border to the school is at least one mile but less than two miles from the public school  
4.2 they attend, and for nonresident pupils when the distance from the attendance area border  
4.3 to the school is less than one mile from the school and who are transported because of  
4.4 full-service school zones, extraordinary traffic, drug, or crime hazards.

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

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

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

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

4.17 (iii) necessary transportation for resident pupils with disabilities required by sections  
4.18 125A.12, and 125A.26 to 125A.48;

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

4.21 (v) transportation from one educational facility to another within the district for  
4.22 resident pupils enrolled on a shared-time basis in educational programs, and necessary  
4.23 transportation required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils  
4.24 with disabilities who are provided special instruction and services on a shared-time basis  
4.25 or if resident pupils are not transported, the costs of necessary travel between public  
4.26 and private schools or neutral instructional sites by essential personnel employed by the  
4.27 district's program for children with a disability;

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

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

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

5.1 For purposes of computing special education initial aid under section 125A.76,  
 5.2 subdivision 2, the cost of providing transportation for children with disabilities includes  
 5.3 (A) the additional cost of transporting a homeless student from a temporary nonshelter  
 5.4 home in another district to the school of origin, or a formerly homeless student from a  
 5.5 permanent home in another district to the school of origin but only through the end of  
 5.6 the academic year; and (B) depreciation on district-owned school buses purchased after  
 5.7 July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated  
 5.8 according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the  
 5.9 disabled transportation category must be excluded in calculating the actual expenditure  
 5.10 per pupil transported in the regular and excess transportation categories according to  
 5.11 paragraph (a). For purposes of subitem (A), a school district may transport a child who  
 5.12 does not have a school of origin to the same school attended by that child's sibling, if  
 5.13 the siblings are homeless.

5.14 (5) "Nonpublic nonregular transportation" is:

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

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

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

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

5.27 **EFFECTIVE DATE.** This section is effective July 1, 2013.

5.28 Sec. 4. **[124D.695] APPROVED RECOVERY PROGRAM FUNDING.**

5.29 An approved recovery program, as defined in section 126C.01, subdivision 12, is  
 5.30 eligible for recovery program support staff aid under this section. Recovery support staff  
 5.31 means licensed alcohol and chemical dependency counselors, licensed school counselors,  
 5.32 licensed school psychologists, licensed school nurses, and licensed school social workers.  
 5.33 Recovery program support staff aid for each approved recovery program equals 20 percent  
 5.34 of the salary of each recovery support staff person, prorated for the portion of the school  
 5.35 day that the support staff person spends in the approved recovery program.

6.1 **EFFECTIVE DATE.** This section is effective for revenue for fiscal years 2014  
6.2 and later.

6.3 Sec. 5. Minnesota Statutes 2012, section 126C.01, is amended by adding a subdivision  
6.4 to read:

6.5 Subd. 12. **Approved recovery program.** "Approved recovery program" means  
6.6 a course of instruction offered by a recovery school that provides academic services,  
6.7 assistance with recovery, and continuing care to students recovering from substance abuse  
6.8 or dependency. A recovery program may be offered in a transitional academic setting  
6.9 designed to meet graduation requirements. A recovery program must be approved by the  
6.10 commissioner of education. The commissioner may specify the manner and form of the  
6.11 application for the approval of a recovery school or recovery program.

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

6.13 Sec. 6. Minnesota Statutes 2012, section 126C.05, subdivision 8, is amended to read:

6.14 **Subd. 8. Average daily membership.** (a) Membership for pupils in grades  
6.15 kindergarten through 12 and for prekindergarten pupils with disabilities shall mean the  
6.16 number of pupils on the current roll of the school, counted from the date of entry until  
6.17 withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves  
6.18 the school or the date it is officially known that the pupil has left or has been legally  
6.19 excused. However, a pupil, regardless of age, who has been absent from school for 15  
6.20 consecutive school days during the regular school year or for five consecutive school days  
6.21 during summer school or intersession classes of flexible school year programs without  
6.22 receiving instruction in the home or hospital shall be dropped from the roll and classified  
6.23 as withdrawn. Nothing in this section shall be construed as waiving the compulsory  
6.24 attendance provisions cited in section 120A.22. Average daily membership equals the  
6.25 sum for all pupils of the number of days of the school year each pupil is enrolled in the  
6.26 district's schools divided by the number of days the schools are in session. Days of  
6.27 summer school or intersession classes of flexible school year programs are only included  
6.28 in the computation of membership for pupils with a disability not appropriately served  
6.29 primarily in the regular classroom.

6.30 (b) A student, other than a pupil in an approved recovery program, must not be  
6.31 counted as more than 1.2 pupils in average daily membership under this section. When the  
6.32 initial total average daily membership exceeds 1.2 for a pupil enrolled in more than one  
6.33 school district during the fiscal year, each district's average daily membership must be  
6.34 reduced proportionately.

7.1 (c) A student in an approved recovery program must not be counted as more than 1.7  
 7.2 pupils in average daily membership under this section. When the initial total average daily  
 7.3 membership exceeds 1.7 for a pupil enrolled in more than one school district during the  
 7.4 fiscal year, each district's average daily membership must be reduced proportionately.

7.5 ~~(b)~~ (d) A student must not be counted as more than one pupil in average daily  
 7.6 membership except for purposes of section 126C.10, ~~subdivision~~ subdivisions 2a and 2d.

7.7 **EFFECTIVE DATE.** This section is effective for revenue for fiscal years 2014  
 7.8 and later.

7.9 Sec. 7. Minnesota Statutes 2012, section 126C.10, subdivision 1, is amended to read:

7.10 Subdivision 1. **General education revenue.** The general education revenue for each  
 7.11 district equals the sum of the district's basic revenue, extended time revenue, gifted and  
 7.12 talented revenue, small schools revenue, recovery program revenue, basic skills revenue,  
 7.13 training and experience revenue, secondary sparsity revenue, elementary sparsity revenue,  
 7.14 transportation sparsity revenue, total operating capital revenue, equity revenue, alternative  
 7.15 teacher compensation revenue, and transition revenue.

7.16 **EFFECTIVE DATE.** This section is effective for revenue for fiscal years 2014  
 7.17 and later.

7.18 Sec. 8. Minnesota Statutes 2012, section 126C.10, is amended by adding a subdivision  
 7.19 to read:

7.20 Subd. 2d. **Recovery program revenue.** A school district's recovery program  
 7.21 revenue equals the basic formula allowance for that year times the sum of the adjusted  
 7.22 marginal cost pupil units of the district for each pupil in average daily membership in  
 7.23 excess of 1.2 and less than 1.7 according to section 126C.05, subdivision 8, paragraph (c).

7.24 **EFFECTIVE DATE.** This section is effective for revenue for fiscal years 2014  
 7.25 and later.

7.26 Sec. 9. Minnesota Statutes 2012, section 126C.10, subdivision 14, is amended to read:

7.27 Subd. 14. **Uses of total operating capital revenue.** Total operating capital revenue  
 7.28 may be used only for the following purposes:

7.29 (1) to acquire land for school purposes;

7.30 (2) to acquire or construct buildings for school purposes;

7.31 (3) to rent or lease buildings, including the costs of building repair or improvement  
 7.32 that are part of a lease agreement;

- 8.1 (4) to improve and repair school sites and buildings, and equip or reequip school  
8.2 buildings with permanent attached fixtures, including library media centers;
- 8.3 (5) for a surplus school building that is used substantially for a public nonschool  
8.4 purpose;
- 8.5 (6) to eliminate barriers or increase access to school buildings by individuals with a  
8.6 disability;
- 8.7 (7) to bring school buildings into compliance with the State Fire Code adopted  
8.8 according to chapter 299F;
- 8.9 (8) to remove asbestos from school buildings, encapsulate asbestos, or make  
8.10 asbestos-related repairs;
- 8.11 (9) to clean up and dispose of polychlorinated biphenyls found in school buildings;
- 8.12 (10) to clean up, remove, dispose of, and make repairs related to storing heating fuel  
8.13 or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined  
8.14 in section 296A.01;
- 8.15 (11) for energy audits for school buildings and to modify buildings if the audit  
8.16 indicates the cost of the modification can be recovered within ten years;
- 8.17 (12) to improve buildings that are leased according to section 123B.51, subdivision 4;
- 8.18 (13) to pay special assessments levied against school property but not to pay  
8.19 assessments for service charges;
- 8.20 (14) to pay principal and interest on state loans for energy conservation according to  
8.21 section 216C.37 or loans made under the Douglas J. Johnson Economic Protection Trust  
8.22 Fund Act according to sections 298.292 to 298.298;
- 8.23 (15) to purchase or lease interactive telecommunications equipment;
- 8.24 (16) by board resolution, to transfer money into the debt redemption fund to: (i)  
8.25 pay the amounts needed to meet, when due, principal and interest payments on certain  
8.26 obligations issued according to chapter 475; or (ii) pay principal and interest on debt  
8.27 service loans or capital loans according to section 126C.70;
- 8.28 (17) to pay operating capital-related assessments of any entity formed under a  
8.29 cooperative agreement between two or more districts;
- 8.30 (18) to purchase or lease computers and related ~~materials~~ hardware, initial purchase  
8.31 of related software, but not annual licensing fees, copying machines, telecommunications  
8.32 equipment, and other noninstructional equipment;
- 8.33 (19) to purchase or lease assistive technology or equipment for instructional  
8.34 programs;
- 8.35 (20) to purchase textbooks as defined in section 123B.41, subdivision 2;
- 8.36 (21) to purchase new and replacement library media resources or technology;

9.1 (22) to lease or purchase vehicles;

9.2 (23) to purchase or lease telecommunications equipment, computers, and related  
9.3 equipment for integrated information management systems for:

9.4 (i) managing and reporting learner outcome information for all students under a  
9.5 results-oriented graduation rule;

9.6 (ii) managing student assessment, services, and achievement information required  
9.7 for students with individualized education programs; and

9.8 (iii) other classroom information management needs;

9.9 (24) to pay personnel costs directly related to the acquisition, operation, and  
9.10 maintenance of telecommunications systems, computers, related equipment, and network  
9.11 and applications software; and

9.12 (25) to pay the costs directly associated with closing a school facility, including  
9.13 moving and storage costs.

9.14 Sec. 10. Minnesota Statutes 2012, section 126C.15, subdivision 1, is amended to read:

9.15 Subdivision 1. **Use of revenue.** The basic skills revenue under section 126C.10,  
9.16 subdivision 4, must be reserved and used to meet the educational needs of pupils who  
9.17 enroll under-prepared to learn and whose progress toward meeting state or local content  
9.18 or performance standards is below the level that is appropriate for learners of their age.  
9.19 Basic skills revenue may also be used for programs designed to prepare children and their  
9.20 families for kindergarten, provided such programming is cost-effective, research-based,  
9.21 and includes an evaluation component to measure, record, and publicly report its level of  
9.22 effectiveness. Any of the following may be provided to meet these learners' needs:

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

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

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

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

9.33 (5) comprehensive and ongoing staff development consistent with district and site  
9.34 plans according to section 122A.60, for teachers, teacher aides, principals, and other

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

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

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

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

10.12 (9) all day kindergarten;

10.13 (10) early education programs, parent-training programs, school readiness programs,  
 10.14 kindergarten programs for four-year-olds, and other outreach efforts designed to prepare  
 10.15 children for kindergarten;

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

10.17 ~~(11)~~ (12) substantial parent involvement in developing and implementing remedial  
 10.18 education or intervention plans for a learner, including learning contracts between the  
 10.19 school, the learner, and the parent that establish achievement goals and responsibilities of  
 10.20 the learner and the learner's parent or guardian.

10.21 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 10.22 and later.

10.23 Sec. 11. Minnesota Statutes 2012, section 126C.15, subdivision 2, is amended to read:

10.24 Subd. 2. **Building allocation.** (a) A district or cooperative must allocate its  
 10.25 compensatory revenue to each school building in the district or cooperative where  
 10.26 the children who have generated the revenue are served unless the school district or  
 10.27 cooperative has received permission under Laws 2005, First Special Session chapter 5,  
 10.28 article 1, section 50, to allocate compensatory revenue according to student performance  
 10.29 measures developed by the school board.

10.30 (b) Notwithstanding paragraph (a), a district or cooperative may allocate up to  
 10.31 five percent of the amount of compensatory revenue that the district receives to school  
 10.32 sites according to a plan adopted by the school board, and a district or cooperative may  
 10.33 allocate up to an additional five percent of its compensatory revenue for activities under  
 10.34 subdivision 1, clause (10), according to a plan adopted by the school board. The money  
 10.35 reallocated under this paragraph must be spent for the purposes listed in subdivision 1, but

11.1 may be spent on students in any grade, including students attending school readiness or  
 11.2 other prekindergarten programs.

11.3 (c) For the purposes of this section and section 126C.05, subdivision 3, "building"  
 11.4 means education site as defined in section 123B.04, subdivision 1.

11.5 (d) Notwithstanding section 123A.26, subdivision 1, compensatory revenue  
 11.6 generated by students served at a cooperative unit shall be paid to the cooperative unit.

11.7 (e) A district or cooperative with school building openings, school building  
 11.8 closings, changes in attendance area boundaries, or other changes in programs or student  
 11.9 demographics between the prior year and the current year may reallocate compensatory  
 11.10 revenue among sites to reflect these changes. A district or cooperative must report to the  
 11.11 department any adjustments it makes according to this paragraph and the department must  
 11.12 use the adjusted compensatory revenue allocations in preparing the report required under  
 11.13 section 123B.76, subdivision 3, paragraph (c).

11.14 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014  
 11.15 and later.

11.16 Sec. 12. Minnesota Statutes 2012, section 126C.44, is amended to read:

11.17 **126C.44 SAFE SCHOOLS LEVY.**

11.18 (a) Each district may make a levy on all taxable property located within the district  
 11.19 for the purposes specified in this section. The maximum amount which may be levied for  
 11.20 all costs under this section shall be equal to ~~\$30~~ \$45 multiplied by the district's adjusted  
 11.21 marginal cost pupil units for the school year. The proceeds of the levy must be reserved  
 11.22 and used for directly funding the following purposes or for reimbursing the cities and  
 11.23 counties who contract with the district for the following purposes: (1) to pay the costs  
 11.24 incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for  
 11.25 liaison in services in the district's schools; (2) to pay the costs for a drug abuse prevention  
 11.26 program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary  
 11.27 schools; (3) to pay the costs for a gang resistance education training curriculum in the  
 11.28 district's schools; (4) to pay the costs for security in the district's schools and on school  
 11.29 property; (5) to pay the costs for other crime prevention, drug abuse, student and staff  
 11.30 safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken  
 11.31 by the school district; ~~or~~ (6) to pay costs for licensed school counselors, licensed school  
 11.32 nurses, licensed school social workers, licensed school psychologists, and licensed alcohol  
 11.33 and chemical dependency counselors to help provide early responses to problems; or (7)  
 11.34 to pay the costs for colocating and collaborating with mental health professionals who

12.1 are not district employees or contractors. For expenditures under clause (1), the district  
 12.2 must initially attempt to contract for services to be provided by peace officers or sheriffs  
 12.3 with the police department of each city or the sheriff's department of the county within  
 12.4 the district containing the school receiving the services. If a local police department or a  
 12.5 county sheriff's department does not wish to provide the necessary services, the district  
 12.6 may contract for these services with any other police or sheriff's department located  
 12.7 entirely or partially within the school district's boundaries.

12.8 (b) A school district that is a member of an intermediate school district may  
 12.9 include in its authority under this section the costs associated with safe schools activities  
 12.10 authorized under paragraph (a) for intermediate school district programs. This authority  
 12.11 must not exceed ~~\$10~~ \$15 times the adjusted marginal cost pupil units of the member  
 12.12 districts. This authority is in addition to any other authority authorized under this section.  
 12.13 Revenue raised under this paragraph must be transferred to the intermediate school district.

12.14 **EFFECTIVE DATE.** This section is effective for taxes payable in 2013 and later.

12.15 Sec. 13. Minnesota Statutes 2012, section 260A.02, subdivision 3, is amended to read:

12.16 Subd. 3. **Continuing truant.** "Continuing truant" means a child who is subject to the  
 12.17 compulsory instruction requirements of section 120A.22 and is absent from instruction in a  
 12.18 school, as defined in section 120A.05, without valid excuse within a single school year for:

12.19 (1) three days if the child is in elementary school; or

12.20 (2) three or more class periods on three days if the child is in middle school, junior  
 12.21 high school, or high school.

12.22 Nothing in this section shall prevent a school district or charter school from notifying  
 12.23 a truant child's parent or legal guardian of the child's truancy or otherwise addressing a  
 12.24 child's attendance problems prior to the child becoming a continuing truant.

12.25 Sec. 14. Minnesota Statutes 2012, section 260A.03, is amended to read:

12.26 **260A.03 NOTICE TO PARENT OR GUARDIAN WHEN CHILD IS A**  
 12.27 **CONTINUING TRUANT.**

12.28 Upon a child's initial classification as a continuing truant, the school attendance  
 12.29 officer or other designated school official shall notify the child's parent or legal guardian,  
 12.30 by first-class mail or other reasonable means, of the following:

12.31 (1) that the child is truant;

12.32 (2) that the parent or guardian should notify the school if there is a valid excuse  
 12.33 for the child's absences;

13.1 (3) that the parent or guardian is obligated to compel the attendance of the child  
 13.2 at school pursuant to section 120A.22 and parents or guardians who fail to meet this  
 13.3 obligation may be subject to prosecution under section 120A.34;

13.4 (4) that this notification serves as the notification required by section 120A.34;

13.5 (5) that alternative educational programs and services may be available in the child's  
 13.6 enrolling or resident district;

13.7 (6) that the parent or guardian has the right to meet with appropriate school personnel  
 13.8 to discuss solutions to the child's truancy;

13.9 (7) that if the child continues to be truant, the parent and child may be subject to  
 13.10 juvenile court proceedings under chapter 260C;

13.11 (8) that if the child is subject to juvenile court proceedings, the child may be subject  
 13.12 to suspension, restriction, or delay of the child's driving privilege pursuant to section  
 13.13 260C.201; and

13.14 (9) that it is recommended that the parent or guardian accompany the child to school  
 13.15 and attend classes with the child for one day.

13.16 Sec. 15. Minnesota Statutes 2012, section 260A.05, subdivision 1, is amended to read:

13.17 Subdivision 1. **Establishment.** A school district or charter school may establish  
 13.18 one or more school attendance review boards to exercise the powers and duties in this  
 13.19 section. The school district or charter school board shall appoint the members of the  
 13.20 school attendance review board and designate the schools within the board's jurisdiction.  
 13.21 Members of a school attendance review board may include:

13.22 (1) the superintendent of the school district or the superintendent's designee or  
 13.23 charter director or the director's designee;

13.24 (2) a principal and one or more other school officials from within the district or  
 13.25 charter school;

13.26 (3) parent representatives;

13.27 (4) representatives from community agencies that provide services for truant  
 13.28 students and their families;

13.29 (5) a juvenile probation officer;

13.30 (6) school counselors and attendance officers; and

13.31 (7) law enforcement officers.

13.32 Sec. 16. Minnesota Statutes 2012, section 260A.07, subdivision 1, is amended to read:

13.33 Subdivision 1. **Establishment; referrals.** A county attorney may establish a truancy  
 13.34 mediation program for the purpose of resolving truancy problems without court action. If

14.1 a student is in a school district or charter school that has established a school attendance  
 14.2 review board, the student may be referred to the county attorney under section 260A.06,  
 14.3 subdivision 3. If the student's school district or charter school has not established a board,  
 14.4 the student may be referred to the county attorney by the school district or charter school  
 14.5 if the student continues to be truant after the parent or guardian has been sent or conveyed  
 14.6 the notice under section 260A.03.

14.7 Sec. 17. **APPROPRIATIONS.**

14.8 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 14.9 appropriated from the general fund to the Department of Education for the fiscal years  
 14.10 designated.

14.11 Subd. 2. **General education aid; approved recovery schools.** For additional  
 14.12 general education aid for approved recovery programs under Minnesota Statutes, section  
 14.13 126C.10, subdivision 2d:

14.14 \$            .....        ..... 2014

14.15 \$            .....        ..... 2015

14.16 Subd. 3. **Approved recovery program support staff aid.** For recovery program  
 14.17 support staff aid under Minnesota Statutes, section 124D.695:

14.18 \$            .....        ..... 2014

14.19 \$            .....        ..... 2015

14.20 Subd. 4. **Positive behavioral interventions and supports.** For training on  
 14.21 schoolwide positive behavioral interventions and supports:

14.22 \$            .....        ..... 2014

14.23 **ARTICLE 2**

14.24 **EDUCATION EXCELLENCE**

14.25 Section 1. Minnesota Statutes 2012, section 120A.22, subdivision 5, is amended to read:

14.26 Subd. 5. **Ages and terms.** (a) Every child between seven and ~~16~~ 17 years of age must  
 14.27 receive instruction unless the child has graduated. Every child under the age of seven who  
 14.28 is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days,  
 14.29 or other kindergarten programs shall receive instruction. Except as provided in subdivision  
 14.30 6, a parent may withdraw a child under the age of seven from enrollment at any time.

15.1 (b) A school district by annual board action may require children subject to this  
15.2 subdivision to receive instruction in summer school. A district that acts to require children  
15.3 to receive instruction in summer school shall establish at the time of its action the criteria  
15.4 for determining which children must receive instruction.

15.5 (c) A pupil 16 years of age or older who meets the criteria of section 124D.68,  
15.6 subdivision 2, may be assigned to an area learning center. Such assignment may be made  
15.7 only after consultation with the principal, area learning center director, and parent or  
15.8 guardian.

15.9 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
15.10 later.

15.11 Sec. 2. Minnesota Statutes 2012, section 120A.22, subdivision 8, is amended to read:

15.12 Subd. 8. **Withdrawal from school.** Any student ~~between 16 and 18~~ who is 17 years  
15.13 old who seeks to withdraw from school, and the student's parent or guardian must:

15.14 (1) attend a meeting with school personnel to discuss the educational opportunities  
15.15 available to the student, including alternative educational opportunities; and

15.16 (2) sign a written election to withdraw from school.

15.17 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
15.18 later.

15.19 Sec. 3. Minnesota Statutes 2012, section 120A.22, subdivision 11, is amended to read:

15.20 Subd. 11. **Assessment of performance.** (a) Each year the performance of every  
15.21 child ages seven through 16 and every child ages 16 through 17 for which an initial  
15.22 report was filed pursuant to section 120A.24, subdivision 1, after the child is 16 and who  
15.23 is not enrolled in a public school must be assessed using a nationally norm-referenced  
15.24 standardized achievement examination. The superintendent of the district in which the  
15.25 child receives instruction and the person in charge of the child's instruction must agree about  
15.26 the specific examination to be used and the administration and location of the examination.

15.27 (b) To the extent the examination in paragraph (a) does not provide assessment in  
15.28 all of the subject areas in subdivision 9, the parent must assess the child's performance  
15.29 in the applicable subject area. This requirement applies only to a parent who provides  
15.30 instruction and does not meet the requirements of subdivision 10, clause (1), (2), or (3).

15.31 (c) If the results of the assessments in paragraphs (a) and (b) indicate that the  
15.32 child's performance on the total battery score is at or below the 30th percentile or one  
15.33 grade level below the performance level for children of the same age, the parent must

16.1 obtain additional evaluation of the child's abilities and performance for the purpose of  
 16.2 determining whether the child has learning problems.

16.3 (d) A child receiving instruction from a nonpublic school, person, or institution that  
 16.4 is accredited by an accrediting agency, recognized according to section 123B.445, or  
 16.5 recognized by the commissioner, is exempt from the requirements of this subdivision.

16.6 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
 16.7 later.

16.8 Sec. 4. Minnesota Statutes 2012, section 120A.24, subdivision 1, is amended to read:

16.9 Subdivision 1. **Reports to superintendent.** (a) The person or nonpublic school in  
 16.10 charge of providing instruction to a child must submit to the superintendent of the district  
 16.11 in which the child resides the name, birth date, and address of the child; the annual tests  
 16.12 intended to be used under section 120A.22, subdivision 11, if required; the name of each  
 16.13 instructor; and evidence of compliance with one of the requirements specified in section  
 16.14 120A.22, subdivision 10:

16.15 (1) by October 1 of the first school year the child receives instruction after reaching  
 16.16 the age of seven;

16.17 (2) within 15 days of when a parent withdraws a child from public school after  
 16.18 age seven to provide instruction in a nonpublic school that is not accredited by a  
 16.19 state-recognized accredited agency;

16.20 (3) within 15 days of moving out of a district; and

16.21 (4) by October 1 after a new resident district is established.

16.22 (b) The person or nonpublic school in charge of providing instruction to a child  
 16.23 between the ages of seven and 16 and every child ages 16 through 17 for which an  
 16.24 initial report was filed pursuant to this subdivision after the child is 16 must submit, by  
 16.25 October 1 of each school year, a letter of intent to continue to provide instruction under  
 16.26 this section for all students under the person's or school's supervision and any changes to  
 16.27 the information required in paragraph (a) for each student.

16.28 (c) The superintendent may collect the required information under this section  
 16.29 through an electronic or Web-based format, but must not require electronic submission of  
 16.30 information under this section from the person in charge of reporting under this subdivision.

16.31 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
 16.32 later.

16.33 Sec. 5. **[120B.018] DEFINITIONS.**

17.1 Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

17.2 Subd. 2. **Academic standard.** "Academic standard" means a summary description  
 17.3 of student learning in a required content area under section 120B.021 or elective content  
 17.4 area under section 120B.022.

17.5 Subd. 3. **Benchmark.** "Benchmark" means specific knowledge or skill that a  
 17.6 student must master to complete part of an academic standard by the end of the grade  
 17.7 level or grade band.

17.8 Subd. 4. **Credit.** "Credit" means the determination by the local school district  
 17.9 that a student has successfully completed an academic year of study or mastered the  
 17.10 applicable subject matter.

17.11 Subd. 5. **Elective standard.** "Elective standard" means a locally adopted  
 17.12 expectation for student learning in career and technical education and world languages.

17.13 Subd. 6. **Required standard.** "Required standard" means (1) a statewide adopted  
 17.14 expectation for student learning in the content areas of language arts, mathematics,  
 17.15 science, social studies, physical education, and the arts or (2) a locally adopted expectation  
 17.16 for student learning in health and the arts.

17.17 Subd. 7. **School site.** "School site" means a separate facility, or a separate program  
 17.18 within a facility that a local school board recognizes as a school site for funding purposes.

17.19 Sec. 6. Minnesota Statutes 2012, section 120B.02, is amended to read:

17.20 **120B.02 EDUCATIONAL EXPECTATIONS AND GRADUATION**  
 17.21 **REQUIREMENTS FOR MINNESOTA'S STUDENTS.**

17.22 Subdivision 1. **Educational expectations.** (a) The legislature is committed to  
 17.23 establishing rigorous academic standards for Minnesota's public school students. To  
 17.24 that end, the commissioner shall adopt in rule statewide academic standards. The  
 17.25 commissioner shall not prescribe in rule or otherwise the delivery system, classroom  
 17.26 assessments, or form of instruction that school sites must use. ~~For purposes of this chapter,~~  
 17.27 ~~a school site is a separate facility, or a separate program within a facility that a local school~~  
 17.28 ~~board recognizes as a school site for funding purposes.~~

17.29 (b) All commissioner actions regarding the rule must be premised on the following:

17.30 (1) the rule is intended to raise academic expectations for students, teachers, and  
 17.31 schools;

17.32 (2) any state action regarding the rule must evidence consideration of school district  
 17.33 autonomy; and

17.34 (3) the Department of Education, with the assistance of school districts, must make  
 17.35 available information about all state initiatives related to the rule to students and parents,

18.1 teachers, and the general public in a timely format that is appropriate, comprehensive, and  
 18.2 readily understandable.

18.3 ~~(e) When fully implemented, the requirements for high school graduation in~~  
 18.4 ~~Minnesota must require students to satisfactorily complete, as determined by the school~~  
 18.5 ~~district, the course credit requirements under section 120B.024, all state academic~~  
 18.6 ~~standards or local academic standards where state standards do not apply, and successfully~~  
 18.7 ~~pass graduation examinations as required under section 120B.30.~~

18.8 ~~(d)~~ (c) The commissioner shall periodically review and report on the state's  
 18.9 assessment process.

18.10 ~~(e)~~ (d) School districts are not required to adopt specific provisions of the federal  
 18.11 School-to-Work programs.

18.12 Subd. 2. Graduation requirements. The state minimum requirements for high  
 18.13 school graduation are satisfactorily completing the credit and academic standards  
 18.14 requirements under section 120B.024, as determined by the school district, and  
 18.15 successfully passing the graduation examinations under section 120B.30. A school district  
 18.16 must adopt graduation requirements that meet or exceed state graduation requirements  
 18.17 established in law or rule.

18.18 EFFECTIVE DATE. This section is effective August 1, 2013, and applies to  
 18.19 students entering 9th grade in the 2013-2014 school year and later.

18.20 Sec. 7. Minnesota Statutes 2012, section 120B.021, subdivision 1, is amended to read:

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

18.23 (1) language arts;

18.24 (2) mathematics;

18.25 (3) science;

18.26 (4) social studies, including history, geography, economics, and government and  
 18.27 citizenship;

18.28 (5) physical education;

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

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

19.1 ~~The commissioner must submit proposed standards in science and social studies to~~  
 19.2 ~~the legislature by February 1, 2004.~~

19.3 (b) For purposes of applicable federal law, the academic standards for language arts,  
 19.4 mathematics, and science apply to all public school students, except the very few students  
 19.5 with extreme cognitive or physical impairments for whom an individualized education  
 19.6 program team has determined that the required academic standards are inappropriate. An  
 19.7 individualized education program team that makes this determination must establish  
 19.8 alternative standards.

19.9 ~~A school district, no later than the 2007-2008 school year, must adopt graduation~~  
 19.10 ~~requirements that meet or exceed state graduation requirements established in law or rule.~~  
 19.11 ~~A school district that incorporates these state graduation requirements before the 2007-2008~~  
 19.12 ~~school year must provide students who enter the 9th grade in or before the 2003-2004~~  
 19.13 ~~school year the opportunity to earn a diploma based on existing locally established~~  
 19.14 ~~graduation requirements in effect when the students entered the 9th grade. (c) District~~  
 19.15 ~~efforts to develop, implement, or improve instruction or curriculum as a result of the~~  
 19.16 ~~provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.~~

19.17 ~~The commissioner must include the contributions of Minnesota American Indian~~  
 19.18 ~~tribes and communities as they relate to the academic standards during the review and~~  
 19.19 ~~revision of the required academic standards.~~

19.20 Sec. 8. Minnesota Statutes 2012, section 120B.023, is amended to read:

19.21 **120B.023 BENCHMARKS.**

19.22 Subdivision 1. **Benchmarks implement, supplement statewide academic**  
 19.23 **standards.** (a) The commissioner must supplement required state academic standards with  
 19.24 grade-level benchmarks. High school benchmarks may cover more than one grade. The  
 19.25 ~~benchmarks must implement statewide academic standards by specifying the academic~~  
 19.26 ~~knowledge and skills that Schools must offer and students must achieve all benchmarks for~~  
 19.27 ~~an academic standard to satisfactorily complete a that state standard. The commissioner~~  
 19.28 ~~must publish benchmarks to inform and guide parents, teachers, school districts, and other~~  
 19.29 ~~interested persons and to use in developing tests consistent with the benchmarks.~~

19.30 (b) The commissioner shall publish benchmarks in the State Register to inform and  
 19.31 guide parents, teachers, school districts, and other interested persons and transmit the  
 19.32 benchmarks in any other manner that makes them accessible to the general public. The  
 19.33 commissioner must use benchmarks in developing tests under section 120B.30. The  
 19.34 commissioner may charge a reasonable fee for publications.

20.1 (c) Once established, the commissioner may change the benchmarks only with  
 20.2 specific legislative authorization and after completing a review under subdivision 2.

20.3 ~~(d) The commissioner must develop and implement a system for reviewing each  
 20.4 of the required academic standards and related benchmarks and elective standards on a  
 20.5 periodic cycle, consistent with subdivision 2.~~

20.6 ~~(e)~~ (d) The benchmarks are not subject to chapter 14 and section 14.386 does not  
 20.7 apply.

20.8 Subd. 2. **Revisions and reviews required.** (a) The commissioner of education must  
 20.9 revise and appropriately embed technology and information literacy standards consistent  
 20.10 with recommendations from school media specialists into the state's academic standards  
 20.11 and graduation requirements and implement a review cycle for state academic standards  
 20.12 and related benchmarks, consistent with this subdivision. During each review cycle, the  
 20.13 commissioner also must examine the alignment of each required academic standard and  
 20.14 related benchmark with the knowledge and skills students need for college readiness  
 20.15 and advanced work in the particular subject area. The commissioner must include the  
 20.16 contributions of Minnesota American Indian tribes and communities as they relate to the  
 20.17 academic standards during the review and revision of the required academic standards.

20.18 ~~(b) The commissioner in the 2006-2007 school year must revise and align the state's  
 20.19 academic standards and high school graduation requirements in mathematics to require  
 20.20 that students satisfactorily complete the revised mathematics standards, beginning in the  
 20.21 2010-2011 school year. Under the revised standards:~~

20.22 ~~(1) students must satisfactorily complete an algebra I credit by the end of eighth  
 20.23 grade; and~~

20.24 ~~(2) students scheduled to graduate in the 2014-2015 school year or later must  
 20.25 satisfactorily complete an algebra II credit or its equivalent.~~

20.26 (b) The commissioner also must ensure that the statewide mathematics assessments  
 20.27 administered to students in grades 3 through 8 and 11 are aligned with the state academic  
 20.28 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph  
 20.29 (b). The commissioner must implement a review of the academic standards and related  
 20.30 benchmarks in mathematics beginning in the 2015-2016 school year.

20.31 ~~(c) The commissioner in the 2007-2008 school year must revise and align the state's  
 20.32 academic standards and high school graduation requirements in the arts to require that  
 20.33 students satisfactorily complete the revised arts standards beginning in the 2010-2011  
 20.34 school year. The commissioner must implement a review of the academic standards and  
 20.35 related benchmarks in arts beginning in the 2016-2017 school year.~~

21.1 (d) ~~The commissioner in the 2008-2009 school year must revise and align the state's~~  
 21.2 ~~academic standards and high school graduation requirements in science to require that~~  
 21.3 ~~students satisfactorily complete the revised science standards, beginning in the 2011-2012~~  
 21.4 ~~school year. Under the revised standards, students scheduled to graduate in the 2014-2015~~  
 21.5 ~~school year or later must satisfactorily complete a chemistry or physics credit or a career~~  
 21.6 ~~and technical education credit that meets standards underlying the chemistry, physics,~~  
 21.7 ~~or biology credit or a combination of those standards approved by the district. The~~  
 21.8 commissioner must implement a review of the academic standards and related benchmarks  
 21.9 in science beginning in the 2017-2018 school year.

21.10 (e) ~~The commissioner in the 2009-2010 school year must revise and align the state's~~  
 21.11 ~~academic standards and high school graduation requirements in language arts to require~~  
 21.12 ~~that students satisfactorily complete the revised language arts standards beginning in the~~  
 21.13 ~~2012-2013 school year. The commissioner must implement a review of the academic~~  
 21.14 standards and related benchmarks in language arts beginning in the 2018-2019 school year.

21.15 (f) The commissioner in the 2010-2011 school year must revise and align the state's  
 21.16 academic standards and high school graduation requirements in social studies to require  
 21.17 that students satisfactorily complete the revised social studies standards beginning in the  
 21.18 2013-2014 school year. The commissioner must implement a review of the academic  
 21.19 standards and related benchmarks in social studies beginning in the 2019-2020 school year.

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

21.26 Sec. 9. Minnesota Statutes 2012, section 120B.024, is amended to read:

21.27 **120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS.**

21.28 Subdivision 1. Graduation requirements. (a) Students beginning 9th grade in the  
 21.29 2011-2012 school year and later must successfully complete the following high school  
 21.30 level ~~course~~ credits for graduation:

21.31 (1) four credits of language arts sufficient to satisfy all of the academic standards  
 21.32 in English language arts;

21.33 (2) three credits of mathematics, ~~encompassing at least algebra, geometry, statistics,~~  
 21.34 ~~and probability~~ including an algebra II credit or its equivalent, sufficient to satisfy all of  
 21.35 the academic standard standards in mathematics;

22.1 (3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th  
 22.2 grade standards in mathematics;

22.3 ~~(3) (4) three credits of science, including at least: (i) one credit in of biology; and~~  
 22.4 ~~(ii) one chemistry or physics credit or a career and technical education credit that meets~~  
 22.5 ~~standards underlying the chemistry, physics, or biology credit or a combination of those~~  
 22.6 ~~standards approved by the district, but meeting biology standards under this item does not~~  
 22.7 ~~meet the biology requirement under item (i), one credit of chemistry or physics, and one~~  
 22.8 ~~elective credit of science. The combination of credits under this clause must be sufficient~~  
 22.9 ~~to satisfy (i) all of the academic standards in either chemistry or physics and (ii) all other~~  
 22.10 ~~academic standards in science;~~

22.11 ~~(4) (5) three and one-half credits of social studies, encompassing at least United~~  
 22.12 ~~States history, geography, government and citizenship, world history, and economics or~~  
 22.13 ~~three credits of social studies encompassing at least United States history, geography,~~  
 22.14 ~~government and citizenship, and world history, and one-half credit of economics taught in~~  
 22.15 ~~a school's social studies, agriculture education, or business department sufficient to satisfy~~  
 22.16 ~~all of the academic standards in social studies;~~

22.17 ~~(5) (6) one credit in of the arts sufficient to satisfy all of the state or local academic~~  
 22.18 ~~standards in the arts; and~~

22.19 ~~(6) (7) a minimum of seven elective course credits.~~

22.20 ~~A course credit is equivalent to a student successfully completing an academic~~  
 22.21 ~~year of study or a student mastering the applicable subject matter, as determined by the~~  
 22.22 ~~local school district.~~

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

22.27 (b) An agriculture science course or career and technical education credit may fulfill  
 22.28 a the elective science credit requirement other than the specified science credit in biology  
 22.29 under paragraph (a), clause (3). subdivision 1, clause (4), if the course meets academic  
 22.30 standards in science as approved by the district. An agriculture science or career and  
 22.31 technical education credit may fulfill the credit in chemistry or physics required under  
 22.32 subdivision 1, clause (4), if (1) the credit meets a combination of the chemistry, physics,  
 22.33 and biology academic standards as approved by the district and (2) the student satisfies  
 22.34 either all of the chemistry academic standards or all of the physics academic standards  
 22.35 prior to graduation. An agriculture science or career and technical education credit may  
 22.36 not fulfill the biology credit required under subdivision 1, clause (4).

23.1 (c) A career and technical education course credit may fulfill a mathematics or arts  
 23.2 credit requirement ~~or a science credit requirement other than the specified science credit in~~  
 23.3 ~~biology~~ under ~~paragraph (a)~~ subdivision 1, clause (2), ~~(3)~~, or ~~(5)~~ (6).

23.4 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to  
 23.5 students entering 9th grade in the 2013-2014 school year and later.

23.6 Sec. 10. Minnesota Statutes 2012, section 120B.125, is amended to read:

23.7 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**  
 23.8 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; INVOLUNTARY**  
 23.9 **CAREER TRACKING PROHIBITED.**

23.10 (a) Consistent with sections 120B.128, 120B.13, 120B.131, 120B.132, 120B.14,  
 23.11 120B.15, 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections,  
 23.12 school districts ~~are strongly encouraged to~~, beginning in the 2013-2014 school year, must  
 23.13 assist all students by no later than grade 9 to explore their college and career interests and  
 23.14 aspirations and develop a plan for a smooth and successful transition to postsecondary  
 23.15 education or employment. All students' plans must be designed to:

23.16 (1) provide a comprehensive academic plan for completing a college and  
 23.17 career-ready curriculum premised on meeting state and local academic standards and  
 23.18 developing 21st century skills such as team work, collaboration, and good work habits;

23.19 (2) emphasize academic rigor and high expectations;

23.20 (3) help students identify personal learning styles that may affect their postsecondary  
 23.21 education and employment choices;

23.22 (4) help students ~~succeed at~~ gaining gain access to postsecondary education and  
 23.23 career options;

23.24 (5) integrate strong academic content into career-focused courses and integrate  
 23.25 relevant career-focused courses into strong academic content;

23.26 (6) help students and families identify and gain access to appropriate counseling  
 23.27 and other supports and assistance that enable students to complete required coursework,  
 23.28 prepare for postsecondary education and careers, and obtain information about  
 23.29 postsecondary education costs and eligibility for financial aid and scholarship;

23.30 (7) help students and families identify collaborative partnerships of kindergarten  
 23.31 through grade 12 schools, postsecondary institutions, economic development agencies, and  
 23.32 employers that support students' transition to postsecondary education and employment  
 23.33 and provide students with experiential learning opportunities; and

24.1 (8) be reviewed and revised at least annually by the student, the student's parent or  
 24.2 guardian, and the school or district to ensure that the student's course-taking schedule  
 24.3 keeps the student "~~on track~~" making adequate progress to meet state and local high school  
 24.4 graduation requirements and with a reasonable chance to succeed with employment or  
 24.5 postsecondary education without the need to first complete remedial course work.

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

24.10 (c) School districts are encouraged to seek and use revenue and in-kind contributions  
 24.11 from nonstate sources and to seek administrative cost savings through innovative local  
 24.12 funding arrangements, such as the Collaboration Among Rochester Educators (CARE)  
 24.13 model for funding postsecondary enrollment options, among other sources, for purposes  
 24.14 of implementing this section.

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

24.16 Sec. 11. Minnesota Statutes 2012, section 120B.128, is amended to read:

24.17 **120B.128 EDUCATIONAL PLANNING AND ASSESSMENT SYSTEM**  
 24.18 **(EPAS) PROGRAM.**

24.19 (a) School districts and charter schools may elect to participate in the Educational  
 24.20 Planning and Assessment System (EPAS) program offered by ACT, Inc. to provide a  
 24.21 longitudinal, systematic approach to student educational and career planning, assessment,  
 24.22 instructional support, and evaluation. The EPAS achievement tests include English,  
 24.23 reading, mathematics, science, and components on planning for high school and  
 24.24 postsecondary education, interest inventory, needs assessments, and student education  
 24.25 plans. These tests are linked to the ACT assessment for college admission and allow  
 24.26 students, parents, teachers, and schools to determine the student's college readiness before  
 24.27 grades 11 and 12.

24.28 (b) The commissioner of education shall provide ACT Explore tests for students  
 24.29 in grade 8 or grade 9 but not in grade 8 and grade 9 and the ACT Plan test for students  
 24.30 in grade 10 to assess individual student academic strengths and weaknesses, academic  
 24.31 achievement and progress, higher order thinking skills, and college readiness.

24.32 (c) Students entering grade 9 before the 2013-2014 school year who have not  
 24.33 yet demonstrated proficiency on the Minnesota comprehensive assessments, the  
 24.34 graduation-required assessments for diploma, or the basic skills testing requirements

25.1 may satisfy state high school graduation requirements for assessments in reading, math,  
 25.2 and writing by taking the ACT assessment for college admission in their senior year  
 25.3 of high school.

25.4 (d) The state shall pay the test costs for school districts and charter schools ~~that~~  
 25.5 ~~choose to participate in the EPAS program~~ to participate in the assessments under this  
 25.6 section. The commissioner shall establish an application procedure and a process for  
 25.7 state payment of costs.

25.8 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 25.9 and applies through the 2015-2016 school year.

25.10 Sec. 12. Minnesota Statutes 2012, section 120B.15, is amended to read:

25.11 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS.**

25.12 (a) School districts may identify students, locally develop programs addressing  
 25.13 instructional and affective needs, provide staff development, and evaluate programs to  
 25.14 provide gifted and talented students with challenging and appropriate educational programs.

25.15 (b) School districts ~~may~~ must adopt guidelines for assessing and identifying students  
 25.16 for participation in gifted and talented programs. The guidelines should include the use of:

25.17 (1) multiple and objective criteria; and

25.18 (2) assessments and procedures that are valid and reliable, fair, and based on current  
 25.19 theory and research. Assessments and procedures should be sensitive to underrepresented

25.20 groups, including, but not limited to, low-income, minority, twice-exceptional, and  
 25.21 English learners.

25.22 (c) School districts must adopt procedures for the academic acceleration of gifted  
 25.23 and talented students. These procedures must include how the district will:

25.24 (1) assess a student's readiness and motivation for acceleration; and

25.25 (2) match the level, complexity, and pace of the curriculum to a student to achieve  
 25.26 the best type of academic acceleration for that student.

25.27 (d) School districts must adopt procedures for early admission to kindergarten  
 25.28 or first grade of gifted and talented learners. The procedures must be sensitive to  
 25.29 underrepresented groups and must address how the district or charter school will:

25.30 (1) assess a child's readiness and motivation for accelerations;

25.31 (2) assess a child's cognitive abilities, achievement, and performance; and

25.32 (3) monitor the child's adjustment postacceleration.

25.33 The school district shall admit a gifted and talented child to kindergarten or first  
 25.34 grade who fails to meet the age requirement under section 120A.20, subdivision 1,

26.1 paragraph (b), provided the child completes the procedures and meets the criteria for early  
 26.2 entrance adopted by the school board under this subdivision.

26.3 Sec. 13. **[120B.21] MENTAL HEALTH EDUCATION.**

26.4 School districts and charter schools must provide mental health instruction for  
 26.5 students in grades 6 through 12 aligned with local health and physical education standards  
 26.6 and integrated into existing programs, curriculum, or the general school environment of  
 26.7 a district or charter school. The commissioner, in consultation with the commissioner  
 26.8 of human services and mental health organizations, shall provide districts and charter  
 26.9 schools with:

26.10 (1) age-appropriate model learning activities for grades 6 through 12 that encompass  
 26.11 the mental health components of the National Health Education Standards and the  
 26.12 benchmarks developed by the department's quality teaching network in health and physical  
 26.13 education, and best practices in mental health education; and

26.14 (2) a directory of resources for planning and implementing age-appropriate mental  
 26.15 health curriculum and instruction in grades 6 through 12.

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

26.17 Sec. 14. Minnesota Statutes 2012, section 120B.30, subdivision 1, is amended to read:

26.18 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts  
 26.19 with appropriate technical qualifications and experience and stakeholders, consistent  
 26.20 with subdivision 1a, shall include in the comprehensive assessment system, for each  
 26.21 grade level to be tested, state-constructed tests developed ~~from and~~ as computer-adaptive  
 26.22 reading and mathematics assessments for students that are aligned with the state's required  
 26.23 academic standards under section 120B.021, include multiple choice questions, and be  
 26.24 are administered annually to all students in grades 3 through 8. State-developed high  
 26.25 school tests aligned with the state's required academic standards under section 120B.021  
 26.26 and administered to all high school students in a subject other than writing must include  
 26.27 multiple choice questions. The commissioner shall establish one or more months during  
 26.28 which schools shall administer the tests to students each school year. ~~For students enrolled~~  
 26.29 ~~in grade 8 before the 2005-2006 school year, Minnesota basic skills tests in reading,~~  
 26.30 ~~mathematics, and writing shall fulfill students' basic skills testing requirements for a~~  
 26.31 ~~passing state notation. The passing scores of basic skills tests in reading and mathematics~~  
 26.32 ~~are the equivalent of 75 percent correct for students entering grade 9 based on the first~~  
 26.33 ~~uniform test administered in February 1998. Students who have not successfully passed a~~  
 26.34 Minnesota basic skills test by the end of the 2011-2012 school year ~~must pass~~ and students

27.1 in their senior year who have not yet demonstrated proficiency on the graduation-required  
 27.2 assessments for diploma under paragraph (e), except that for the 2012-2013 and 2013-2014  
 27.3 school years only, these students may satisfy the state's graduation test requirement for math  
 27.4 by complying with paragraph (d), clauses (1) and (3) by the end of the 2012-2013 school  
 27.5 year must take a college admission assessment under paragraph (c) and consistent with  
 27.6 section 120B.128, paragraph (c), that supports career and college readiness for all students.

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

27.9 (1) mathematics;

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

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

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

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

27.16 (c) For students enrolled in grade 8 in the ~~2005-2006~~ 2012-2013 school year and  
 27.17 later, ~~only the following options shall fulfill~~ students' state graduation test requirements,  
 27.18 based on a longitudinal, systematic approach to student education and career planning,  
 27.19 assessment, instructional support, and evaluation, include the following:

27.20 (1) ~~for reading and mathematics:~~

27.21 (i) ~~obtaining an achievement level equivalent to or greater than proficient as~~  
 27.22 ~~determined through a standard setting process on the Minnesota comprehensive~~  
 27.23 ~~assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing~~  
 27.24 ~~score as determined through a standard setting process on the graduation-required~~  
 27.25 ~~assessment for diploma in grade 10 for reading and grade 11 for mathematics or~~  
 27.26 ~~subsequent retests;~~

27.27 (ii) ~~achieving a passing score as determined through a standard setting process~~  
 27.28 ~~on the state-identified language proficiency test in reading and the mathematics test for~~  
 27.29 ~~English learners or the graduation-required assessment for diploma equivalent of those~~  
 27.30 ~~assessments for students designated as English learners;~~

27.31 (iii) ~~achieving an individual passing score on the graduation-required assessment for~~  
 27.32 ~~diploma as determined by appropriate state guidelines for students with an individualized~~  
 27.33 ~~education program or 504 plan;~~

27.34 (iv) ~~obtaining achievement level equivalent to or greater than proficient as~~  
 27.35 ~~determined through a standard setting process on the state-identified alternate assessment~~

28.1 ~~or assessments in grade 10 for reading and grade 11 for mathematics for students with~~  
 28.2 ~~an individualized education program; or~~

28.3 ~~(v) achieving an individual passing score on the state-identified alternate assessment~~  
 28.4 ~~or assessments as determined by appropriate state guidelines for students with an~~  
 28.5 ~~individualized education program; and~~

28.6 ~~(2) for writing:~~

28.7 ~~(i) achieving a passing score on the graduation-required assessment for diploma;~~

28.8 ~~(ii) achieving a passing score as determined through a standard-setting process on~~  
 28.9 ~~the state-identified language proficiency test in writing for students designated as English~~  
 28.10 ~~learners;~~

28.11 ~~(iii) achieving an individual passing score on the graduation-required assessment for~~  
 28.12 ~~diploma as determined by appropriate state guidelines for students with an individualized~~  
 28.13 ~~education program or 504 plan; or~~

28.14 ~~(iv) achieving an individual passing score on the state-identified alternate assessment~~  
 28.15 ~~or assessments as determined by appropriate state guidelines for students with an~~  
 28.16 ~~individualized education program.~~

28.17 (1) attainment of required academic standards and career and college readiness  
 28.18 benchmarks under section 120B.023 as demonstrated on a nationally normed college  
 28.19 entrance exam;

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

28.28 (3) consistent with this paragraph and section 120B.125, age-appropriate exploration  
 28.29 and planning activities and career assessments to encourage students to identify personally  
 28.30 relevant career interests and aptitudes and help students and their families develop a  
 28.31 regularly reexamined transition plan for postsecondary education or employment without  
 28.32 need for postsecondary remediation.

28.33 Expectations of schools, districts, and the state for career or college readiness under  
 28.34 this subdivision must be comparable in rigor, clarity of purpose, and rates of student  
 28.35 completion. A student under clause (2) must receive targeted, relevant, academically  
 28.36 rigorous, and resourced instruction, which may include a targeted instruction and

29.1 intervention plan focused on improving the student's knowledge and skills in core subjects  
29.2 so that the student has a reasonable chance to succeed in a career or college without need  
29.3 for postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091,  
29.4 124D.49, and related sections, an enrolling school or district must actively encourage a  
29.5 student in grade 11 or 12 who is identified as academically ready for a career or college  
29.6 to participate in courses and programs awarding college credit to high school students.  
29.7 Students are not required to achieve a specified score or level of proficiency on an  
29.8 assessment under this subdivision to graduate from high school.

29.9 ~~(d) Students enrolled in grade 8 in any school year from the 2005-2006 school~~  
29.10 ~~year to the 2009-2010 school year who do not pass the mathematics graduation-required~~  
29.11 ~~assessment for diploma under paragraph (e) are eligible to receive a high school diploma~~  
29.12 ~~if they:~~

29.13 ~~(1) complete with a passing score or grade all state and local coursework and credits~~  
29.14 ~~required for graduation by the school board granting the students their diploma;~~

29.15 ~~(2) participate in district-prescribed academic remediation in mathematics; and~~

29.16 ~~(3) fully participate in at least two retests of the mathematics GRAD test or until~~  
29.17 ~~they pass the mathematics GRAD test, whichever comes first. To improve the secondary~~  
29.18 and postsecondary outcomes of all students, the alignment between secondary and  
29.19 postsecondary education programs and Minnesota's workforce needs, and the efficiency  
29.20 and cost-effectiveness of secondary and postsecondary programs, the commissioner, after  
29.21 consulting with the Minnesota State Colleges and Universities chancellor and using a  
29.22 request for proposal process, shall contract for a series of assessments that are consistent  
29.23 with this subdivision, aligned with state academic standards, and include career and  
29.24 college readiness benchmarks. Mathematics, reading, and writing assessments for students  
29.25 in grades 8 and 10 must be predictive of and aligned with a nationally normed assessment  
29.26 for career and college readiness. This nationally recognized assessment must be a college  
29.27 entrance exam and given to students in grade 11 or 12. The series of assessments must  
29.28 include a college placement diagnostic exam and contain career exploration elements.  
29.29 The commissioner and the Minnesota State Colleges and Universities chancellor must  
29.30 collaborate in aligning instruction and assessments for adult basic education students to  
29.31 provide the students with diagnostic information about any targeted interventions they  
29.32 need so that they may seek postsecondary education or employment without need for  
29.33 postsecondary remediation.

29.34 (1) Districts and schools, on an annual basis, must use the career exploration  
29.35 elements in these assessments to help students, beginning no later than grade 9, and their  
29.36 families explore and plan for postsecondary education or careers based on the students'

30.1 interests, aptitudes, and aspirations. Districts and schools must use timely regional labor  
30.2 market information and partnerships, among other resources, to help students and their  
30.3 families successfully develop, pursue, review, and revise an individualized plan for  
30.4 postsecondary education or a career. This process must help increase students' engagement  
30.5 in and connection to school, improve students' knowledge and skills, and deepen students'  
30.6 understanding of career pathways as a sequence of academic and career courses that lead  
30.7 to an industry-recognized credential, an associate's degree, or a bachelor's degree and are  
30.8 available to all students, whatever their interests and career goals.

30.9 (2) Students who, based on their growth in academic achievement between grades  
30.10 8 and 10, show adequate progress toward meeting state career and college readiness  
30.11 benchmarks must be given the college entrance exam part of these assessments in grade  
30.12 11. A student under this clause who demonstrates attainment of required state academic  
30.13 standards, which include career and college readiness benchmarks, on these assessments  
30.14 is academically ready for a career or college and is encouraged to participate in courses  
30.15 and programs awarding college credit to high school students. Such courses and programs  
30.16 may include sequential courses of study within broad career areas and technical skill  
30.17 assessments that extend beyond course grades.

30.18 (3) All students in grade 11 not subject to clause (2) must be given the college  
30.19 placement diagnostic exam so that the students, their families, the school, and the district  
30.20 can use the results to diagnose areas for targeted instruction, intervention, or remediation  
30.21 and improve students' knowledge and skills in core subjects sufficient for the student  
30.22 to graduate and have a reasonable chance to succeed in a career or college without  
30.23 remediation. These students must be given the college entrance exam part of these  
30.24 assessments in grade 12.

30.25 (4) A student in clause (3) who demonstrates (i) attainment of required state  
30.26 academic standards, which include career and college readiness benchmarks, on these  
30.27 assessments, (ii) attainment of career and college readiness benchmarks on the college  
30.28 placement diagnostic part of these assessments, and, where applicable, (iii) successfully  
30.29 completes targeted instruction, intervention, or remediation approved by the commissioner  
30.30 and the Minnesota State Colleges and Universities chancellor after consulting with local  
30.31 school officials and educators, is academically ready for a career or college and is  
30.32 encouraged to participate in courses and programs awarding college credit to high school  
30.33 students. Such courses and programs may include sequential courses of study within  
30.34 broad career areas and technical skill assessments that extend beyond course grades.

30.35 (5) The commissioner and the assessments vendor must conduct a study to determine  
30.36 the alignment between these assessments and state academic standards under this chapter.

31.1 Where alignment exists, the commissioner must seek federal approval to, and immediately  
 31.2 upon receiving approval replace the federally required assessments referenced under  
 31.3 subdivision 1a and section 120B.35, subdivision 2, with assessments under this paragraph.  
 31.4 The commissioner shall require the assessment vendor to provide an individual student  
 31.5 item analysis of exam results and a summary of specific diagnostic strand areas targeted  
 31.6 for instruction, intervention, and remediation.

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

31.17 (f) A school, district, or charter school must place record on the high school  
 31.18 transcript a student's current pass status for each subject that has a required graduation  
 31.19 assessment progress toward career and college readiness.

31.20 ~~In addition,~~ (g) The school board granting the students their diplomas may formally  
 31.21 decide to include a notation of high achievement on the high school diplomas of those  
 31.22 graduating seniors who, according to established school board criteria, demonstrate  
 31.23 exemplary academic achievement during high school.

31.24 ~~(e)~~ (h) The 3rd through 8th grade computer-adaptive assessment results and  
 31.25 high school test results shall be available to districts for diagnostic purposes affecting  
 31.26 student learning and district instruction and curriculum, and for establishing educational  
 31.27 accountability. The commissioner must establish empirically derived benchmarks on  
 31.28 adaptive assessments in grades 3 through 8 that reveal a trajectory toward career and  
 31.29 college readiness. The commissioner must disseminate to the public the computer-adaptive  
 31.30 assessments and high school test results upon receiving those results.

31.31 ~~(f)~~ (i) The 3rd through 8th grade computer-adaptive assessments and high school  
 31.32 tests must be aligned with state academic standards. The commissioner shall determine the  
 31.33 testing process and the order of administration. The statewide results shall be aggregated  
 31.34 at the site and district level, consistent with subdivision 1a.

32.1 ~~(g) In addition to the testing and reporting requirements under this section,~~ (j) The  
 32.2 commissioner shall include the following components in the statewide public reporting  
 32.3 system:

32.4 (1) uniform statewide ~~testing~~ computer-adaptive assessments of all students  
 32.5 in grades 3 through 8 and testing at the high school level that provides appropriate,  
 32.6 technically sound accommodations ~~or alternate assessments~~;

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

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

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

32.15 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 32.16 and applies to the 2013-2014 school year and later except that paragraph (a) applies  
 32.17 the day following final enactment and the requirements for using computer-adaptive  
 32.18 mathematics and reading assessments for grades 3 through 8 apply in the 2015-2016  
 32.19 school year and later.

32.20 Sec. 15. Minnesota Statutes 2012, section 120B.30, subdivision 1a, is amended to read:

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

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

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

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

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

32.34 (5) "Below-grade level" test items contain subject area content that is below the  
 32.35 grade level of the student taking the test and is considered aligned with state academic

33.1 standards to the extent it is aligned with content represented in state academic standards  
33.2 below the student's current grade level. Notwithstanding the student's grade level,  
33.3 administering below-grade level test items to a student does not violate the requirement  
33.4 that state assessments must be aligned with state standards.

33.5 (b) The commissioner must use fully adaptive mathematics and reading assessments  
33.6 for grades 3 through 8 beginning in the 2015-2016 school year and later.

33.7 (c) For purposes of conforming with existing federal educational accountability  
33.8 requirements, the commissioner must develop and implement computer-adaptive reading  
33.9 and mathematics assessments for grades 3 through 8, state-developed high school reading  
33.10 and mathematics tests aligned with state academic standards, and science assessments  
33.11 under clause (2) that districts and sites must use to monitor student growth toward  
33.12 achieving those standards. The commissioner must not develop statewide assessments  
33.13 for academic standards in social studies, health and physical education, and the arts.

33.14 The commissioner must require:

33.15 (1) annual computer-adaptive reading and mathematics assessments in grades 3  
33.16 through 8, and high school reading and mathematics tests; and

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

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

33.22 (1) individual student performance data and achievement reports are available within  
33.23 three school days of when students take an assessment;

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

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

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

33.34 ~~(b)~~ (e) The commissioner must ensure that all statewide tests administered to  
33.35 elementary and secondary students measure students' academic knowledge and skills and  
33.36 not students' values, attitudes, and beliefs.

34.1 ~~(e)~~ (f) Reporting of assessment results must:

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

34.4 (2) include a ~~value-added~~ growth indicator of student achievement under section  
34.5 120B.35, subdivision 3, paragraph (b); and

34.6 ~~(3)(i) for students enrolled in grade 8 before the 2005-2006 school year, determine  
34.7 whether students have met the state's basic skills requirements; and~~

34.8 ~~(ii) for students enrolled in grade 8 in the 2005-2006 school year and later, determine  
34.9 whether students have met the state's academic standards.~~

34.10 ~~(d)~~ (g) Consistent with applicable federal law ~~and subdivision 1, paragraph (d),  
34.11 clause (1),~~ the commissioner must include appropriate, technically sound accommodations  
34.12 or alternative assessments for the very few students with disabilities for whom statewide  
34.13 assessments are inappropriate and for English learners.

34.14 ~~(e)~~ (h) A school, school district, and charter school must administer statewide  
34.15 assessments under this section, as the assessments become available, to evaluate student  
34.16 ~~proficiency~~ progress toward career and college readiness in the context of the state's ~~grade  
34.17 level~~ academic standards. ~~If a state assessment is not available, a school, school district,  
34.18 and charter school must determine locally if a student has met the required academic  
34.19 standards.~~ A school, school district, or charter school may use a student's performance  
34.20 on a statewide assessment as one of multiple criteria to determine grade promotion or  
34.21 retention. A school, school district, or charter school may use a high school student's  
34.22 performance on a statewide assessment as a percentage of the student's final grade in a  
34.23 course, or place a student's assessment score on the student's transcript.

34.24 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and  
34.25 later except the requirements for using computer-adaptive mathematics and reading  
34.26 assessments for grades 3 through 8 apply in the 2015-2016 school year and later.

34.27 Sec. 16. Minnesota Statutes 2012, section 120B.31, subdivision 1, is amended to read:

34.28 Subdivision 1. **Educational accountability and public reporting.** Consistent  
34.29 with the direction to adopt statewide academic standards under section 120B.02, the  
34.30 department, in consultation with education and other system stakeholders, must establish a  
34.31 coordinated and comprehensive system of educational accountability and public reporting  
34.32 that promotes greater academic achievement, preparation for higher academic education,  
34.33 preparation for the world of work, citizenship ~~under sections 120B.021, subdivision 1,  
34.34 clause (4), and 120B.024, paragraph (a), clause (4),~~ and the arts.

35.1 Sec. 17. Minnesota Statutes 2012, section 120B.36, subdivision 1, is amended to read:

35.2 Subdivision 1. **School performance report cards reports.** (a) The commissioner  
35.3 shall report student academic performance under section 120B.35, subdivision 2; the  
35.4 percentages of students showing low, medium, and high growth under section 120B.35,  
35.5 subdivision 3, paragraph (b); school safety and student engagement and connection  
35.6 under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section  
35.7 120B.35, subdivision 3, paragraph (c), the percentage of students whose progress and  
35.8 performance levels are meeting career and college readiness benchmarks under section  
35.9 120B.30, subdivision 1; two separate student-to-teacher ratios that clearly indicate the  
35.10 definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of  
35.11 determining these ratios; staff characteristics excluding salaries; student enrollment  
35.12 demographics; district mobility; and extracurricular activities. The report also must  
35.13 indicate a school's adequate yearly progress status under applicable federal law, and must  
35.14 not set any designations applicable to high- and low-performing schools due solely to  
35.15 adequate yearly progress status.

35.16 (b) The commissioner shall develop, annually update, and post on the department  
35.17 Web site school performance ~~report cards~~ reports.

35.18 (c) The commissioner must make available performance ~~report cards~~ reports by the  
35.19 beginning of each school year.

35.20 (d) A school or district may appeal its adequate yearly progress status in writing to  
35.21 the commissioner within 30 days of receiving the notice of its status. The commissioner's  
35.22 decision to uphold or deny an appeal is final.

35.23 (e) School performance ~~report card~~ reports data are nonpublic data under section  
35.24 13.02, subdivision 9, until the commissioner publicly releases the data. The commissioner  
35.25 shall annually post school performance ~~report cards~~ reports to the department's public Web  
35.26 site no later than September 1, except that in years when the ~~report card reflects~~ reports  
35.27 reflect new performance standards, the commissioner shall post the school performance  
35.28 ~~report cards~~ reports no later than October 1.

35.29 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and  
35.30 later.

35.31 Sec. 18. Minnesota Statutes 2012, section 122A.09, subdivision 4, is amended to read:

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

35.34 (b) The board must adopt rules requiring a person to pass a skills examination in  
35.35 reading, writing, and mathematics as a requirement for initial teacher licensure. Such

36.1 rules must require college and universities offering a board-approved teacher preparation  
36.2 program to provide remedial assistance to persons who did not achieve a qualifying score  
36.3 on the skills examination, including those for whom English is a second language.

36.4 (c) The board must adopt rules to approve teacher preparation programs. The board,  
36.5 upon the request of a postsecondary student preparing for teacher licensure or a licensed  
36.6 graduate of a teacher preparation program, shall assist in resolving a dispute between the  
36.7 person and a postsecondary institution providing a teacher preparation program when the  
36.8 dispute involves an institution's recommendation for licensure affecting the person or the  
36.9 person's credentials. At the board's discretion, assistance may include the application  
36.10 of chapter 14.

36.11 (d) The board must provide the leadership and adopt rules for the redesign of teacher  
36.12 education programs to implement a research based, results-oriented curriculum that  
36.13 focuses on the skills teachers need in order to be effective. The board shall implement new  
36.14 systems of teacher preparation program evaluation to assure program effectiveness based  
36.15 on proficiency of graduates in demonstrating attainment of program outcomes. Teacher  
36.16 preparation programs including alternative teacher preparation programs under section  
36.17 122A.245, among other programs, must include a content-specific, board-approved,  
36.18 performance-based assessment that measures teacher candidates in three areas: planning  
36.19 for instruction and assessment; engaging students and supporting learning; and assessing  
36.20 student learning.

36.21 (e) The board must adopt rules requiring candidates for initial licenses to pass an  
36.22 examination of general pedagogical knowledge and examinations of licensure-specific  
36.23 teaching skills. The rules shall be effective by September 1, 2001. The rules under this  
36.24 paragraph also must require candidates for initial licenses to teach prekindergarten or  
36.25 elementary students to pass, as part of the examination of licensure-specific teaching  
36.26 skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive,  
36.27 scientifically based reading instruction under section 122A.06, subdivision 4, and their  
36.28 knowledge and understanding of the foundations of reading development, the development  
36.29 of reading comprehension, and reading assessment and instruction, and their ability to  
36.30 integrate that knowledge and understanding.

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

36.34 (g) The board must grant licenses to interns and to candidates for initial licenses  
36.35 based on appropriate professional competencies that are aligned with the board's licensing  
36.36 system and students' diverse learning needs. The board must include these licenses in a

37.1 statewide differentiated licensing system that creates new leadership roles for successful  
37.2 experienced teachers premised on a collaborative professional culture dedicated to meeting  
37.3 students' diverse learning needs in the 21st century and formalizes mentoring and induction  
37.4 for newly licensed teachers that is provided through a teacher support framework.

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

37.8 (i) The board must receive recommendations from local committees as established  
37.9 by the board for the renewal of teaching licenses.

37.10 (j) The board must grant life licenses to those who qualify according to requirements  
37.11 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and  
37.12 214.10. The board must not establish any expiration date for application for life licenses.

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

37.18 (l) In adopting rules to license public school teachers who provide health-related  
37.19 services for disabled children, the board shall adopt rules consistent with license or  
37.20 registration requirements of the commissioner of health and the health-related boards who  
37.21 license personnel who perform similar services outside of the school.

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

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

37.36 **EFFECTIVE DATE.** This section is effective August 1, 2014.

38.1 Sec. 19. Minnesota Statutes 2012, section 124D.10, is amended to read:

38.2 **124D.10 CHARTER SCHOOLS.**

38.3 Subdivision 1. **Purposes.** (a) The primary purpose of this section is to:

38.4 ~~(1)~~ improve pupil learning and student achievement; Additional purposes include to:

38.5 ~~(2)~~ (1) increase learning opportunities for pupils;

38.6 ~~(3)~~ (2) encourage the use of different and innovative teaching methods;

38.7 ~~(4)~~ (3) measure learning outcomes and create different and innovative forms of  
38.8 measuring outcomes;

38.9 ~~(5)~~ (4) establish new forms of accountability for schools; and or

38.10 ~~(6)~~ (5) create new professional opportunities for teachers, including the opportunity  
38.11 to be responsible for the learning program at the school site.

38.12 (b) This section does not provide a means to keep open a school that a school board  
38.13 decides to close. However, a school board may endorse or authorize the establishing of  
38.14 a charter school to replace the school the board decided to close. Applicants seeking a  
38.15 charter under this circumstance must demonstrate to the authorizer that the charter sought  
38.16 is substantially different in purpose and program from the school the board closed and  
38.17 that the proposed charter satisfies the requirements of this subdivision. If the school  
38.18 board that closed the school authorizes the charter, it must document in its affidavit to the  
38.19 commissioner that the charter is substantially different in program and purpose from  
38.20 the school it closed.

38.21 An authorizer shall not approve an application submitted by a charter school  
38.22 developer under subdivision 4, paragraph (a), if the application does not comply with this  
38.23 subdivision. The commissioner shall not approve an affidavit submitted by an authorizer  
38.24 under subdivision 4, paragraph (b), if the affidavit does not comply with this subdivision.

38.25 Subd. 2. **Applicability.** This section applies only to charter schools formed and  
38.26 operated under this section.

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

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

38.32 "Application" under subdivision 4 means the charter school business plan a  
38.33 school developer submits to an authorizer for approval to establish a charter school that  
38.34 documents the school developer's mission statement, school purposes, program design,  
38.35 financial plan, governance and management structure, and background and experience,

39.1 plus any other information the authorizer requests. The application also shall include a  
39.2 "statement of assurances" of legal compliance prescribed by the commissioner.

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

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

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

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

39.15 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on  
39.16 Foundations;

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

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

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

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

39.30 (5) single-purpose authorizers that are charitable, nonsectarian organizations formed  
39.31 under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state  
39.32 of Minnesota whose sole purpose is to charter schools. Eligible organizations interested  
39.33 in being approved as an authorizer under this paragraph must submit a proposal to the  
39.34 commissioner that includes the provisions of paragraph (c) and a five-year financial plan.  
39.35 Such authorizers shall consider and approve charter school applications using the criteria

40.1 provided in subdivision 4 and shall not limit the applications it solicits, considers, or  
40.2 approves to any single curriculum, learning program, or method.

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

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

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

- 40.23 (1) how chartering schools is a way for the organization to carry out its mission;
- 40.24 (2) a description of the capacity of the organization to serve as an authorizer,  
40.25 including the personnel who will perform the authorizing duties, their qualifications, the  
40.26 amount of time they will be assigned to this responsibility, and the financial resources  
40.27 allocated by the organization to this responsibility;
- 40.28 (3) a description of the application and review process the authorizer will use to  
40.29 make decisions regarding the granting of charters;
- 40.30 (4) a description of the type of contract it will arrange with the schools it charters  
40.31 that meets the provisions of subdivision 6;
- 40.32 (5) the process to be used for providing ongoing oversight of the school consistent  
40.33 with the contract expectations specified in clause (4) that assures that the schools chartered  
40.34 are complying with both the provisions of applicable law and rules, and with the contract;
- 40.35 (6) a description of the criteria and process the authorizer will use to grant expanded  
40.36 applications under subdivision 4, paragraph (j);

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

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

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

41.9 (f) If the governing board of an approved authorizer votes to withdraw as an  
41.10 approved authorizer for a reason unrelated to any cause under subdivision 23, the  
41.11 authorizer must notify all its chartered schools and the commissioner in writing by July  
41.12 15 of its intent to withdraw as an authorizer on June 30 in the next calendar year. The  
41.13 commissioner may approve the transfer of a charter school to a new authorizer under this  
41.14 paragraph after the new authorizer submits an affidavit to the commissioner.

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

41.16 ~~(h) An authorizer that chartered a school before August 1, 2009, must apply by~~  
41.17 ~~June 30, 2012, to the commissioner for approval, under paragraph (e), to continue as an~~  
41.18 ~~authorizer under this section. For purposes of this paragraph, an authorizer that fails to~~  
41.19 ~~submit a timely application is ineligible to charter a school.~~

41.20 ~~(i)~~ (h) The commissioner shall review an authorizer's performance every five years  
41.21 in a manner and form determined by the commissioner and may review an authorizer's  
41.22 performance more frequently at the commissioner's own initiative or at the request of a  
41.23 charter school operator, charter school board member, or other interested party. The  
41.24 commissioner, after completing the review, shall transmit a report with findings to the  
41.25 authorizer. If, consistent with this section, the commissioner finds that an authorizer has  
41.26 not fulfilled the requirements of this section, the commissioner may subject the authorizer  
41.27 to corrective action, which may include terminating the contract with the charter school  
41.28 board of directors of a school it chartered. The commissioner must notify the authorizer  
41.29 in writing of any findings that may subject the authorizer to corrective action and  
41.30 the authorizer then has 15 business days to request an informal hearing before the  
41.31 commissioner takes corrective action. If the commissioner terminates a contract between  
41.32 an authorizer and a charter school under this paragraph, the commissioner may assist the  
41.33 charter school in acquiring a new authorizer.

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

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

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

42.5 (3) unsatisfactory performance as an approved authorizer; or

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

42.8 Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from  
42.9 a school developer, may charter a licensed teacher under section 122A.18, subdivision  
42.10 1, or a group of individuals that includes one or more licensed teachers under section  
42.11 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the  
42.12 authorizer's affidavit under paragraph (b). The school must be organized and operated as a  
42.13 nonprofit corporation under chapter 317A and the provisions under the applicable chapter  
42.14 shall apply to the school except as provided in this section.

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

42.18 (b) Before the operators may establish and operate a school, the authorizer must file  
42.19 an affidavit with the commissioner stating its intent to charter a school. An authorizer  
42.20 must file a separate affidavit for each school it intends to charter. The affidavit must state  
42.21 the terms and conditions under which the authorizer would charter a school and how the  
42.22 authorizer intends to oversee the fiscal and student performance of the charter school and to  
42.23 comply with the terms of the written contract between the authorizer and the charter school  
42.24 board of directors under subdivision 6. The commissioner must approve or disapprove the  
42.25 authorizer's affidavit within 60 business days of receipt of the affidavit. If the commissioner  
42.26 disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies  
42.27 in the affidavit and the authorizer then has 20 business days to address the deficiencies.  
42.28 If the authorizer does not address deficiencies to the commissioner's satisfaction, the  
42.29 commissioner's disapproval is final. Failure to obtain commissioner approval precludes an  
42.30 authorizer from chartering the school that is the subject of this affidavit.

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

42.35 (d) The operators authorized to organize and operate a school, before entering into a  
42.36 contract or other agreement for professional or other services, goods, or facilities, must

43.1 incorporate as a nonprofit corporation under chapter 317A and must establish a board of  
 43.2 directors composed of at least five members who are not related parties until a timely  
 43.3 election for members of the ongoing charter school board of directors is held according to  
 43.4 the school's articles and bylaws under paragraph (f). A charter school board of directors  
 43.5 must be composed of at least five members who are not related parties. Staff members  
 43.6 employed at the school, including teachers providing instruction under a contract with a  
 43.7 cooperative, and all parents or legal guardians of children enrolled in the school are the  
 43.8 voters eligible to elect the members of the school's board of directors. A charter school  
 43.9 must notify eligible voters of the school board election dates at least 30 days before the  
 43.10 election. Board of director meetings must comply with chapter 13D.

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

43.25 (f) Every charter school board member shall attend ongoing training throughout  
 43.26 the member's term on board governance, including training on the board's role and  
 43.27 responsibilities, employment policies and practices, and financial management. A board  
 43.28 member who does not begin the required initial training within six months after being  
 43.29 seated and complete that training within 12 months of being seated on the board is  
 43.30 ineligible to continue to serve as a board member. The school shall include in its annual  
 43.31 report the training attended by each board member during the previous year.

43.32 (g) The ongoing board must be elected before the school completes its third year of  
 43.33 operation. Board elections must be held during the school year but may not be conducted  
 43.34 on days when the school is closed for holidays, breaks, or vacations. The charter school  
 43.35 board of directors shall be composed of at least five nonrelated members and include: (i)  
 43.36 at least one licensed teacher employed as a teacher at the school or a ~~licensed teacher~~

44.1 providing instruction under contract between the charter school and a cooperative; (ii) the  
44.2 parent or legal guardian of a student enrolled in the charter school who is not an employee  
44.3 of the charter school; and (iii) an interested community member who is not employed by  
44.4 the charter school and does not have a child enrolled in the school. The board may be  
44.5 a teacher majority board composed of teachers described in this paragraph. The chief  
44.6 financial officer and the chief administrator may only serve as ex-officio nonvoting board  
44.7 members ~~and may not serve as a voting member of the board~~. Charter school employees  
44.8 shall not serve on the board unless item (i) applies. Contractors providing facilities, goods,  
44.9 or services to a charter school shall not serve on the board of directors of the charter school.  
44.10 Board bylaws shall outline the process and procedures for changing the board's governance  
44.11 model, consistent with chapter 317A. A board may change its governance model only:

44.12 (1) by a majority vote of the board of directors and the licensed teachers employed  
44.13 by the school, including licensed teachers providing instruction under a contract between  
44.14 the school and a cooperative; and

44.15 (2) with the authorizer's approval.

44.16 Any change in board governance must conform with the board structure established  
44.17 under this paragraph.

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

44.20 (i) The granting or renewal of a charter school by an authorizer must not be  
44.21 contingent on the charter school being required to contract, lease, or purchase services  
44.22 from the authorizer. Any potential contract, ~~lease,~~ or purchase of service from an  
44.23 authorizer must be disclosed to the commissioner, accepted through an open bidding  
44.24 process, and be a separate contract from the charter contract. The school must document  
44.25 the open bidding process. An authorizer must not enter into a contract to provide  
44.26 management and financial services for a school that it authorizes, unless the school  
44.27 documents that it received at least two competitive bids.

44.28 (j) An authorizer may permit the board of directors of a charter school to expand  
44.29 the operation of the charter school to additional sites or ~~to add additional grades~~ at the  
44.30 school beyond those described in the authorizer's original affidavit as approved by  
44.31 the commissioner only after submitting a supplemental affidavit for approval to the  
44.32 commissioner in a form and manner prescribed by the commissioner. The supplemental  
44.33 affidavit must document that:

44.34 (1) the proposed expansion plan demonstrates need and projected enrollment;

45.1 (2) the expansion is warranted, at a minimum, by longitudinal data demonstrating  
45.2 students' improved academic performance and growth on statewide assessments under  
45.3 chapter 120B;

45.4 (3) the charter school is financially sound and the financing it needs to implement  
45.5 the proposed expansion exists; and

45.6 (4) the charter school has the governance structure and management capacity to  
45.7 carry out its expansion.

45.8 (k) The commissioner shall have 30 business days to review and comment on the  
45.9 supplemental affidavit. The commissioner shall notify the authorizer of any deficiencies in  
45.10 the supplemental affidavit and the authorizer then has 20 business days to address, to the  
45.11 commissioner's satisfaction, any deficiencies in the supplemental affidavit. The school  
45.12 may not expand grades or add sites until the commissioner has approved the supplemental  
45.13 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

45.14 Subd. 4a. **Conflict of interest.** (a) An individual is prohibited from serving as a  
45.15 member of the charter school board of directors if the individual, an immediate family  
45.16 member, or the individual's partner is an owner, employee or agent of, or a contractor with a  
45.17 for-profit or nonprofit entity or individual with whom the charter school contracts, directly  
45.18 or indirectly, for professional services, goods, or facilities. A violation of this prohibition  
45.19 renders a contract voidable at the option of the commissioner or the charter school board  
45.20 of directors. A member of a charter school board of directors who violates this prohibition  
45.21 is individually liable to the charter school for any damage caused by the violation.

45.22 (b) No member of the board of directors, employee, officer, or agent of a charter  
45.23 school shall participate in selecting, awarding, or administering a contract if a conflict  
45.24 of interest exists. A conflict exists when:

45.25 (1) the board member, employee, officer, or agent;

45.26 (2) the immediate family of the board member, employee, officer, or agent;

45.27 (3) the partner of the board member, employee, officer, or agent; or

45.28 (4) an organization that employs, or is about to employ any individual in clauses

45.29 (1) to (3),

45.30 has a financial or other interest in the entity with which the charter school is contracting.

45.31 A violation of this prohibition renders the contract void.

45.32 (c) Any employee, agent, or board member of the authorizer who participates  
45.33 in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or  
45.34 nonrenewal process or decision is ineligible to serve on the board of directors of a school  
45.35 chartered by that authorizer.

46.1 (d) An individual may serve as a member of the board of directors if no conflict of  
46.2 interest under paragraph (a) exists.

46.3 (e) The conflict of interest provisions under this subdivision do not apply to  
46.4 compensation paid to a teacher employed as a teacher by the charter school who or a  
46.5 teacher who provides instructional services to the charter school through a cooperative  
46.6 formed under chapter 308A when the teacher also serves as a member of on the charter  
46.7 school board of directors.

46.8 ~~(f) The conflict of interest provisions under this subdivision do not apply to a teacher~~  
46.9 ~~who provides services to a charter school through a cooperative formed under chapter~~  
46.10 ~~308A when the teacher also serves on the charter school board of directors.~~

46.11 Subd. 5. **Conversion of existing schools.** A board of an independent or special  
46.12 school district may convert one or more of its existing schools to charter schools under  
46.13 this section if 60 percent of the full-time teachers at the school sign a petition seeking  
46.14 conversion. The conversion must occur at the beginning of an academic year.

46.15 Subd. 6. **Charter contract.** The authorization for a charter school must be in the  
46.16 form of a written contract signed by the authorizer and the board of directors of the charter  
46.17 school. The contract must be completed within 45 business days of the commissioner's  
46.18 approval of the authorizer's affidavit. The authorizer shall submit to the commissioner a  
46.19 copy of the signed charter contract within ten business days of its execution. The contract  
46.20 for a charter school must be in writing and contain at least the following:

46.21 (1) a declaration that the charter school will carry out the primary purpose in  
46.22 subdivision 1 and how the school will report its implementation of the primary purpose;

46.23 ~~(1) (2)~~ (2) a declaration of the any additional purposes in subdivision 1 that the school  
46.24 intends to carry out and how the school will report its implementation of those purposes;

46.25 ~~(2) (3)~~ (3) a description of the school program and the specific academic and  
46.26 nonacademic outcomes that pupils must achieve;

46.27 ~~(3) (4)~~ (4) a statement of admission policies and procedures;

46.28 ~~(4) (5)~~ (5) a governance, management, and administration plan for the school;

46.29 ~~(5) (6)~~ (6) signed agreements from charter school board members to comply with all  
46.30 federal and state laws governing organizational, programmatic, and financial requirements  
46.31 applicable to charter schools;

46.32 ~~(6) (7)~~ (7) the criteria, processes, and procedures that the authorizer will use for  
46.33 ongoing oversight of operational, financial, and academic performance to monitor and  
46.34 evaluate the fiscal, operational, and academic performance consistent with subdivision  
46.35 15, paragraphs (a) and (b);

47.1 ~~(7)~~ (8) for contract renewal, the formal written performance evaluation of the school  
 47.2 that is a prerequisite for reviewing a charter contract under subdivision 15;

47.3 ~~(8)~~ (9) types and amounts of insurance liability coverage to be obtained by the  
 47.4 charter school, consistent with subdivision 8, paragraph (k);

47.5 ~~(9)~~ (10) consistent with subdivision 25, paragraph (d), a provision to indemnify and  
 47.6 hold harmless the authorizer and its officers, agents, and employees from any suit, claim,  
 47.7 or liability arising from any operation of the charter school, and the commissioner and  
 47.8 department officers, agents, and employees notwithstanding section 3.736;

47.9 ~~(10)~~ (11) the term of the initial contract, which may be up to five years plus an  
 47.10 additional preoperational planning year, and up to five years for a renewed contract or a  
 47.11 contract with a new authorizer after a transfer of authorizers, if warranted by the school's  
 47.12 academic, financial, and operational performance;

47.13 ~~(11)~~ (12) how the board of directors or the operators of the charter school will  
 47.14 provide special instruction and services for children with a disability under sections  
 47.15 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within  
 47.16 which the charter school will operate to provide the special instruction and services to  
 47.17 children with a disability;

47.18 ~~(12) the process and criteria the authorizer intends to use to monitor and evaluate the~~  
 47.19 ~~fiscal and student performance of the charter school, consistent with subdivision 15; and~~

47.20 (13) the specific conditions for contract renewal, which identify performance under  
 47.21 the primary purpose of subdivision 1 as the most important factor in determining contract  
 47.22 renewal; and

47.23 ~~(13)~~ (14) the plan for an orderly closing of the school under chapter 317A, ~~if~~  
 47.24 whether the closure is a termination for cause, a voluntary termination, or a nonrenewal  
 47.25 of the contract, ~~and~~ that includes establishing the responsibilities of the school board of  
 47.26 directors and the authorizer and notifying the commissioner, authorizer, school district in  
 47.27 which the charter school is located, and parents of enrolled students about the closure,  
 47.28 the transfer of student records to students' resident districts, and procedures for closing  
 47.29 financial operations.

47.30 Subd. 6a. **Audit report.** (a) The charter school must submit an audit report to the  
 47.31 commissioner and its authorizer by December 31 each year.

47.32 (b) The charter school, with the assistance of the auditor conducting the audit,  
 47.33 must include with the report, as supplemental information, a copy of all charter school  
 47.34 agreements for corporate management services, including parent company or other  
 47.35 administrative, financial, and staffing services. If the entity that provides the professional  
 47.36 services to the charter school is exempt from taxation under section 501 of the Internal

48.1 Revenue Code of 1986, that entity must file with the commissioner by February 15 a copy  
48.2 of the annual return required under section 6033 of the Internal Revenue Code of 1986.

48.3 (c) A charter school independent audit report shall include audited financial data of  
48.4 an affiliated building corporation or other component unit.

48.5 ~~(e)~~ (d) If the audit report finds that a material weakness exists in the financial  
48.6 reporting systems of a charter school, the charter school must submit a written report to  
48.7 the commissioner explaining how the material weakness will be resolved. An auditor,  
48.8 as a condition of providing financial services to a charter school, must agree to make  
48.9 available information about a charter school's financial audit to the commissioner and  
48.10 authorizer upon request.

48.11 Subd. 7. **Public status; exemption from statutes and rules.** A charter school is  
48.12 a public school and is part of the state's system of public education. A charter school is  
48.13 exempt from all statutes and rules applicable to a school, school board, or school district  
48.14 unless a statute or rule is made specifically applicable to a charter school or is included  
48.15 in this section.

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

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

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

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

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

48.30 (f) The primary focus of a charter school must be to provide a comprehensive  
48.31 program of instruction for at least one grade or age group from five through 18 years  
48.32 of age. Instruction may be provided to people younger than five years and older than  
48.33 18 years of age.

48.34 (g) A charter school may not charge tuition.

48.35 (h) A charter school is subject to and must comply with chapter 363A and section  
48.36 121A.04.

49.1 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal  
49.2 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections  
49.3 123B.34 to 123B.39.

49.4 (j) A charter school is subject to the same financial audits, audit procedures, and  
49.5 audit requirements as a district, except as required under subdivision 6a. Audits must be  
49.6 conducted in compliance with generally accepted governmental auditing standards, the  
49.7 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject  
49.8 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;  
49.9 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with  
49.10 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are  
49.11 necessary because of the program at the school. Deviations must be approved by the  
49.12 commissioner and authorizer. The Department of Education, state auditor, legislative  
49.13 auditor, or authorizer may conduct financial, program, or compliance audits. A charter  
49.14 school determined to be in statutory operating debt under sections 123B.81 to 123B.83  
49.15 must submit a plan under section 123B.81, subdivision 4.

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

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

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

49.21 (n) A charter school offering online courses or programs must comply with section  
49.22 124D.095.

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

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

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

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

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

49.33 Subd. 8a. **Aid reduction.** The commissioner may reduce a charter school's state aid  
49.34 under section 127A.42 or 127A.43 if the charter school board fails to correct a violation  
49.35 under this section.

50.1 Subd. 8b. **Aid reduction for violations.** The commissioner may reduce a charter  
50.2 school's state aid by an amount not to exceed 60 percent of the charter school's basic  
50.3 revenue for the period of time that a violation of law occurs.

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

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

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

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

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

50.15 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil  
50.16 and to a foster child of that pupil's parents and may give preference for enrolling children  
50.17 of the school's staff before accepting other pupils by lot.

50.18 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil,  
50.19 unless the pupil is at least five years of age on September 1 of the calendar year in which  
50.20 the school year for which the pupil seeks admission commences; or (2) as a first grade  
50.21 student, unless the pupil is at least six years of age on September 1 of the calendar year in  
50.22 which the school year for which the pupil seeks admission commences or has completed  
50.23 kindergarten; except that a charter school may establish and publish on its Web site a  
50.24 policy for admission of selected pupils at an earlier age, consistent with the enrollment  
50.25 process in paragraphs (b) and (c).

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

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

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

51.1 contained in the contract may exceed the achievement levels of any outcomes adopted by  
51.2 the commissioner for public school students.

51.3 Subd. 11. **Employment and other operating matters.** (a) A charter school must  
51.4 employ or contract with necessary teachers, as defined by section 122A.15, subdivision 1,  
51.5 who hold valid licenses to perform the particular service for which they are employed in  
51.6 the school. The charter school's state aid may be reduced under section 127A.43 if the  
51.7 school employs a teacher who is not appropriately licensed or approved by the board of  
51.8 teaching. The school may employ necessary employees who are not required to hold  
51.9 teaching licenses to perform duties other than teaching and may contract for other services.  
51.10 The school may discharge teachers and nonlicensed employees. The charter school board  
51.11 is subject to section 181.932. When offering employment to a prospective employee, a  
51.12 charter school must give that employee a written description of the terms and conditions  
51.13 of employment and the school's personnel policies.

51.14 (b) A person, without holding a valid administrator's license, may perform  
51.15 administrative, supervisory, or instructional leadership duties. The board of directors shall  
51.16 establish qualifications for persons that hold administrative, supervisory, or instructional  
51.17 leadership roles. The qualifications shall include at least the following areas: instruction  
51.18 and assessment; human resource and personnel management; financial management;  
51.19 legal and compliance management; effective communication; and board, authorizer, and  
51.20 community relationships. The board of directors shall use those qualifications as the basis  
51.21 for job descriptions, hiring, and performance evaluations of those who hold administrative,  
51.22 supervisory, or instructional leadership roles. The board of directors and an individual  
51.23 who does not hold a valid administrative license and who serves in an administrative,  
51.24 supervisory, or instructional leadership position shall develop a professional development  
51.25 plan. Documentation of the implementation of the professional development plan of these  
51.26 persons shall be included in the school's annual report.

51.27 (c) The board of directors also shall decide and be responsible for matters related to  
51.28 the operation of the school, including budgeting, curriculum and operating procedures.

51.29 Subd. 12. **Pupils with a disability.** A charter school must comply with sections  
51.30 125A.02, 125A.03 to 125A.24, and 125A.65 and rules relating to the education of pupils  
51.31 with a disability as though it were a district.

51.32 Subd. 13. **Length of school year.** A charter school must provide instruction each  
51.33 year for at least the number of hours required by section 120A.41. It may provide  
51.34 instruction throughout the year according to sections 124D.12 to 124D.127 or 124D.128.

51.35 Subd. 14. **Annual public reports.** A charter school must publish an annual report  
51.36 approved by the board of directors. The annual report must at least include information

52.1 on school enrollment, student attrition, governance and management, staffing, finances,  
 52.2 academic performance, ~~operational performance~~, innovative practices and implementation,  
 52.3 and future plans. A charter school must post the annual report on the school's official Web  
 52.4 site. The charter school must also distribute the annual report by publication, mail, or  
 52.5 electronic means to ~~the commissioner,~~ its authorizer, school employees, and parents and  
 52.6 legal guardians of students enrolled in the charter school ~~and must also post the report on~~  
 52.7 ~~the charter school's official Web site.~~ The reports are public data under chapter 13.

52.8 Subd. 15. **Review and comment.** (a) The authorizer shall provide a formal written  
 52.9 evaluation of the school's performance before the authorizer renews the charter contract.  
 52.10 The department must review and comment on the authorizer's evaluation process at the  
 52.11 time the authorizer submits its application for approval and each time the authorizer  
 52.12 undergoes its five-year review under subdivision 3, paragraph (i).

52.13 (b) An authorizer shall monitor and evaluate the ~~fee~~, academic, financial, and  
 52.14 operational, ~~and student~~ performance of the school, and may for this purpose annually  
 52.15 assess a charter school a fee according to paragraph (c). The agreed-upon fee structure  
 52.16 must be stated in the charter school contract.

52.17 (c) The fee that ~~each charter school pays to an authorizer each year~~ an authorizer  
 52.18 may annually assess is the greater of:

52.19 (1) the basic formula allowance for that year; or

52.20 (2) the lesser of:

52.21 (i) the maximum fee factor times the basic formula allowance for that year; or

52.22 (ii) the fee factor times the basic formula allowance for that year times the charter  
 52.23 school's adjusted marginal cost pupil units for that year. The fee factor equals ~~.005 in fiscal~~  
 52.24 ~~year 2010, .01 in fiscal year 2011, .013 in fiscal year 2012, and .015 in fiscal years 2013~~  
 52.25 ~~and later.~~ The maximum fee factor equals ~~1.5 in fiscal year 2010, 2.0 in fiscal year 2011,~~  
 52.26 ~~3.0 in fiscal year 2012, and 4.0 in fiscal years 2013 and later.~~

52.27 (d) An authorizer may not assess a fee for any required services other than as  
 52.28 provided in this subdivision.

52.29 (e) For the preoperational planning period, after a school is chartered, the authorizer  
 52.30 may assess a charter school a fee equal to the basic formula allowance.

52.31 (f) By September 30 of each year, an authorizer shall submit to the commissioner a  
 52.32 statement of income and expenditures related to chartering activities during the previous  
 52.33 school year ending June 30. A copy of the statement shall be given to all schools chartered  
 52.34 by the authorizer.

52.35 Subd. 16. **Transportation.** (a) A charter school after its first fiscal year of operation  
 52.36 by March 1 of each fiscal year and a charter school by July 1 of its first fiscal year of

53.1 operation must notify the district in which the school is located and the Department of  
53.2 Education if it will provide its own transportation or use the transportation services of the  
53.3 district in which it is located for the fiscal year.

53.4 (b) If a charter school elects to provide transportation for pupils, the transportation  
53.5 must be provided by the charter school within the district in which the charter school is  
53.6 located. The state must pay transportation aid to the charter school according to section  
53.7 124D.11, subdivision 2.

53.8 For pupils who reside outside the district in which the charter school is located, the  
53.9 charter school is not required to provide or pay for transportation between the pupil's  
53.10 residence and the border of the district in which the charter school is located. A parent  
53.11 may be reimbursed by the charter school for costs of transportation from the pupil's  
53.12 residence to the border of the district in which the charter school is located if the pupil is  
53.13 from a family whose income is at or below the poverty level, as determined by the federal  
53.14 government. The reimbursement may not exceed the pupil's actual cost of transportation  
53.15 or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for  
53.16 more than 250 miles per week.

53.17 At the time a pupil enrolls in a charter school, the charter school must provide the  
53.18 parent or guardian with information regarding the transportation.

53.19 (c) If a charter school does not elect to provide transportation, transportation for  
53.20 pupils enrolled at the school must be provided by the district in which the school is  
53.21 located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a  
53.22 pupil residing in the same district in which the charter school is located. Transportation  
53.23 may be provided by the district in which the school is located, according to sections  
53.24 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in a different  
53.25 district. If the district provides the transportation, the scheduling of routes, manner and  
53.26 method of transportation, control and discipline of the pupils, and any other matter relating  
53.27 to the transportation of pupils under this paragraph shall be within the sole discretion,  
53.28 control, and management of the district.

53.29 Subd. 17. **Leased space.** A charter school may lease space from an independent  
53.30 or special school board ~~eligible to be an authorizer~~, other public organization, private,  
53.31 nonprofit nonsectarian organization, private property owner, or a sectarian organization  
53.32 if the leased space is constructed as a school facility. The department must review and  
53.33 approve or disapprove leases in a timely manner.

53.34 Subd. 17a. **Affiliated nonprofit building corporation.** (a) Before a charter school  
53.35 may organize an affiliated nonprofit building corporation (i) to renovate or purchase an  
53.36 existing facility to serve as a school or (ii) to expand an existing building or construct

54.1 a new school facility, an authorizer must submit an affidavit to the commissioner for  
 54.2 approval in the form and manner the commissioner prescribes, and consistent with  
 54.3 paragraphs (b) and (c) or (d).

54.4 (b) An affiliated nonprofit building corporation under this subdivision must:

54.5 (1) be incorporated under section 317A;

54.6 (2) comply with applicable Internal Revenue Service regulations, including  
 54.7 regulations for "supporting organizations" as defined by the Internal Revenue Service;

54.8 (3) submit to the commissioner each fiscal year a list of current board members  
 54.9 and a copy of its annual audit; and

54.10 (4) comply with government data practices law under chapter 13.

54.11 An affiliated nonprofit building corporation must not serve as the leasing agent for  
 54.12 property or facilities it does not own. A charter school that leases a facility from an  
 54.13 affiliated nonprofit building corporation that does not own the leased facility is ineligible  
 54.14 to receive charter school lease aid. The state is immune from liability resulting from a  
 54.15 contract between a charter school and an affiliated nonprofit building corporation.

54.16 (c) A charter school may organize an affiliated nonprofit building corporation to  
 54.17 renovate or purchase an existing facility to serve as a school if the charter school:

54.18 (1) has been operating for at least five consecutive school years;

54.19 (2) has had a net positive unreserved general fund balance as of June 30 in the  
 54.20 preceding five fiscal years;

54.21 (3) has a long-range strategic and financial plan;

54.22 (4) completes a feasibility study of available buildings;

54.23 (5) documents enrollment projections and the need to use an affiliated building  
 54.24 corporation to renovate or purchase an existing facility to serve as a school; and

54.25 (6) has a plan for the renovation or purchase, which describes the parameters and  
 54.26 budget for the project.

54.27 (d) A charter school may organize an affiliated nonprofit building corporation to  
 54.28 expand an existing school facility or construct a new school facility if the charter school:

54.29 (1) demonstrates the lack of facilities available to serve as a school;

54.30 (2) has been operating for at least eight consecutive school years;

54.31 (3) has had a net positive unreserved general fund balance as of June 30 in the  
 54.32 preceding five fiscal years;

54.33 (4) completes a feasibility study of facility options;

54.34 (5) has a long-range strategic and financial plan that includes enrollment projections  
 54.35 and demonstrates the need for constructing a new school facility; and

55.1 (6) has a plan for the expansion or new school facility, which describes the  
55.2 parameters and budget for the project.

55.3 Subd. 17b. Positive review and comment. (e) A charter school or an affiliated  
55.4 nonprofit building corporation organized by a charter school must not initiate an  
55.5 installment contract for purchase, or a lease agreement, or solicit bids for new construction,  
55.6 expansion, or remodeling of an educational facility that requires an expenditure in  
55.7 excess of \$1,400,000, unless it meets the criteria in subdivision 17a, paragraph (b) and  
55.8 paragraph (c) or (d), as applicable, and receives a positive review and comment from  
55.9 the commissioner under section 123B.71.

55.10 Subd. 19. Disseminate information. (a) ~~The authorizer, the operators,~~ Authorizers  
55.11 and the department must disseminate information to the public on how to form and  
55.12 operate a charter school. Charter schools must disseminate information about how to  
55.13 use the offerings of a charter school. Targeted groups include low-income families and  
55.14 communities, students of color, and students who are at risk of academic failure.

55.15 (b) Authorizers, operators, and the department also may disseminate information  
55.16 about the successful best practices in teaching and learning demonstrated by charter  
55.17 schools.

55.18 Subd. 20. Leave to teach in a charter school. If a teacher employed by a district  
55.19 makes a written request for an extended leave of absence to teach at a charter school,  
55.20 the district must grant the leave. The district must grant a leave not to exceed a total of  
55.21 five years. Any request to extend the leave shall be granted only at the discretion of the  
55.22 school board. The district may require that the request for a leave or extension of leave  
55.23 be made before February 1 in the school year preceding the school year in which the  
55.24 teacher intends to leave, or February 1 of the calendar year in which the teacher's leave is  
55.25 scheduled to terminate. Except as otherwise provided in this subdivision and except for  
55.26 section 122A.46, subdivision 7, the leave is governed by section 122A.46, including, but  
55.27 not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

55.28 During a leave, the teacher may continue to aggregate benefits and credits in the  
55.29 Teachers' Retirement Association account under chapters 354 and 354A, consistent with  
55.30 subdivision 22.

55.31 Subd. 21. Collective bargaining. Employees of the board of directors of a charter  
55.32 school may, if otherwise eligible, organize under chapter 179A and comply with its  
55.33 provisions. The board of directors of a charter school is a public employer, for the  
55.34 purposes of chapter 179A, upon formation of one or more bargaining units at the school.  
55.35 Bargaining units at the school must be separate from any other units within an authorizing  
55.36 district, except that bargaining units may remain part of the appropriate unit within an

56.1 authorizing district, if the employees of the school, the board of directors of the school,  
 56.2 the exclusive representative of the appropriate unit in the authorizing district, and the  
 56.3 board of the authorizing district agree to include the employees in the appropriate unit of  
 56.4 the authorizing district.

56.5 Subd. 22. **Teacher and other employee retirement.** (a) Teachers in a charter  
 56.6 school must be public school teachers for the purposes of chapters 354 and 354A.

56.7 (b) Except for teachers under paragraph (a), employees in a charter school must be  
 56.8 public employees for the purposes of chapter 353.

56.9 Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a)  
 56.10 The duration of the contract with an authorizer must be for the term contained in the  
 56.11 contract according to subdivision 6. The authorizer may or may not renew a contract at  
 56.12 the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally  
 56.13 terminate a contract during the term of the contract for any ground listed in paragraph (b).  
 56.14 At least 60 business days before not renewing or terminating a contract, the authorizer  
 56.15 shall notify the board of directors of the charter school of the proposed action in writing.  
 56.16 The notice shall state the grounds for the proposed action in reasonable detail and that the  
 56.17 charter school's board of directors may request in writing an informal hearing before the  
 56.18 authorizer within 15 business days of receiving notice of nonrenewal or termination of  
 56.19 the contract. Failure by the board of directors to make a written request for an informal  
 56.20 hearing within the 15-business-day period shall be treated as acquiescence to the proposed  
 56.21 action. Upon receiving a timely written request for a hearing, the authorizer shall give ten  
 56.22 business days' notice to the charter school's board of directors of the hearing date. The  
 56.23 authorizer shall conduct an informal hearing before taking final action. The authorizer  
 56.24 shall take final action to renew or not renew a contract no later than 20 business days  
 56.25 before the proposed date for terminating the contract or the end date of the contract.

56.26 (b) A contract may be terminated or not renewed upon any of the following grounds:

56.27 (1) failure to ~~meet~~ demonstrate satisfactory academic achievement for all groups of  
 56.28 students, including the requirements for pupil performance contained in the contract;

56.29 (2) failure to meet generally accepted standards of fiscal management;

56.30 (3) violations of law; or

56.31 (4) other good cause shown.

56.32 If a contract is terminated or not renewed under this paragraph, the school must be  
 56.33 dissolved according to the applicable provisions of chapter 317A.

56.34 (c) If the authorizer and the charter school board of directors mutually agree to  
 56.35 terminate or not renew the contract, a change in authorizers is allowed if the commissioner  
 56.36 approves the change to a different eligible authorizer to authorize the charter school.

57.1 Both parties must jointly submit their intent in writing to the commissioner to mutually  
 57.2 terminate the contract. The authorizer that is a party to the existing contract must inform  
 57.3 the proposed authorizer about the fiscal and operational status and student performance  
 57.4 of the school. Before the commissioner determines whether to approve a change in  
 57.5 authorizer, the proposed authorizer must identify any outstanding issues in the proposed  
 57.6 charter contract that were unresolved in the previous charter contract and have the charter  
 57.7 school agree to resolve those issues. If no change in authorizer is approved, the school  
 57.8 must be dissolved according to applicable law and the terms of the contract.

57.9 (d) The commissioner, after providing reasonable notice to the board of directors of  
 57.10 a charter school and the existing authorizer, and after providing an opportunity for a public  
 57.11 hearing, may terminate the existing contract between the authorizer and the charter school  
 57.12 board if the charter school has a history of:

- 57.13 (1) failure to meet pupil performance requirements consistent with state law;
- 57.14 (2) financial mismanagement or failure to meet generally accepted standards of  
 57.15 fiscal management; or
- 57.16 (3) repeated or major violations of the law.

57.17 Subd. 23a. **Related party lease costs.** (a) A charter school is prohibited from  
 57.18 entering a lease of real property with a related party unless the lessor is a nonprofit  
 57.19 corporation under chapter 317A or a cooperative under chapter 308A, and the lease cost is  
 57.20 reasonable under section 124D.11, subdivision 4, clause (1).

57.21 (b) For purposes of this section and section 124D.11:

- 57.22 (1) "related party" means an affiliate or immediate relative of the other party in  
 57.23 question, an affiliate of an immediate relative, or an immediate relative of an affiliate;
- 57.24 (2) "affiliate" means a person that directly or indirectly, through one or more  
 57.25 intermediaries, controls, is controlled by, or is under common control with another person;
- 57.26 (3) "immediate family" means an individual whose relationship by blood, marriage,  
 57.27 adoption, or partnering is no more remote than first cousin;
- 57.28 (4) "person" means an individual or entity of any kind; and
- 57.29 (5) "control" means the ability to affect the management, operations, or policy  
 57.30 actions or decisions of a person, whether through ownership of voting securities, by  
 57.31 contract, or otherwise.

57.32 (c) A lease of real property to be used for a charter school, not excluded in paragraph  
 57.33 (a), must contain the following statement: "This lease is subject to Minnesota Statutes,  
 57.34 section 124D.10, subdivision 23a."

57.35 (d) If a charter school enters into as lessee a lease with a related party and the  
 57.36 charter school subsequently closes, the commissioner has the right to recover from the

58.1 lessor any lease payments in excess of those that are reasonable under section 124D.11,  
58.2 subdivision 4, clause (1).

58.3 Subd. 24. **Pupil enrollment upon nonrenewal or termination of charter school**  
58.4 **contract.** If a contract is not renewed or is terminated according to subdivision 23, a  
58.5 pupil who attended the school, siblings of the pupil, or another pupil who resides in the  
58.6 same place as the pupil may enroll in the resident district or may submit an application  
58.7 to a nonresident district according to section 124D.03 at any time. Applications and  
58.8 notices required by section 124D.03 must be processed and provided in a prompt manner.  
58.9 The application and notice deadlines in section 124D.03 do not apply under these  
58.10 circumstances. The closed charter school must transfer the student's educational records  
58.11 within ten business days of closure to the student's school district of residence where the  
58.12 records must be retained or transferred under section 120A.22, subdivision 7.

58.13 Subd. 25. **Extent of specific legal authority.** (a) The board of directors of a charter  
58.14 school may sue and be sued.

58.15 (b) The board may not levy taxes or issue bonds.

58.16 (c) The commissioner, an authorizer, members of the board of an authorizer in  
58.17 their official capacity, and employees of an authorizer are immune from civil or criminal  
58.18 liability with respect to all activities related to a charter school they approve or authorize.  
58.19 The board of directors shall obtain at least the amount of and types of insurance up to the  
58.20 applicable tort liability limits under chapter 466. The charter school board must submit  
58.21 a copy of the insurance policy to its authorizer ~~and the commissioner~~ before starting  
58.22 operations. The charter school board must submit changes in its insurance carrier or policy  
58.23 to its authorizer ~~and the commissioner~~ within 20 business days of the change.

58.24 (d) Notwithstanding section 3.736, the charter school shall assume full liability for  
58.25 its activities and indemnify and hold harmless the authorizer and its officers, agents, and  
58.26 employees from any suit, claim, or liability arising from any operation of the charter school  
58.27 and the commissioner and department officers, agents, and employees. A charter school  
58.28 is not required to indemnify or hold harmless a state employee if the state would not be  
58.29 required to indemnify and hold the employee harmless under section 3.736, subdivision 9.

58.30 Subd. 27. **Collaboration between charter school and school district.** (a) A charter  
58.31 school board may voluntarily enter into a two-year, renewable agreement for collaboration  
58.32 to enhance student achievement with a school district within whose geographic boundary  
58.33 it operates.

58.34 (b) A school district need not be an approved authorizer to enter into a collaboration  
58.35 agreement with a charter school. A charter school need not be authorized by the school  
58.36 district with which it seeks to collaborate.

59.1 (c) A charter school authorizer is prohibited from requiring a collaboration agreement  
59.2 as a condition of entering into or renewing a charter contract as defined in subdivision 6.

59.3 (d) Nothing in this subdivision or in the collaboration agreement may impact in any  
59.4 way the authority or autonomy of the charter school.

59.5 (e) Nothing in this subdivision or in the collaboration agreement shall cause the state  
59.6 to pay twice for the same student, service, or facility or otherwise impact state funding, or  
59.7 the flow thereof, to the school district or the charter school.

59.8 (f) The collaboration agreement may include, but need not be limited to,  
59.9 collaboration regarding facilities, transportation, training, student achievement,  
59.10 assessments, mutual performance standards, and other areas of mutual agreement.

59.11 (g) The school district may include the academic performance of the students of a  
59.12 collaborative charter school site operating within the geographic boundaries of the school  
59.13 district, for purposes of student assessment and reporting to the state.

59.14 (h) Districts, authorizers, or charter schools entering into a collaborative agreement  
59.15 are equally and collectively subject to the same state and federal accountability measures  
59.16 for student achievement, school performance outcomes, and school improvement  
59.17 strategies. The collaborative agreement and all accountability measures must be posted  
59.18 on the district, charter school, and authorizer Web sites.

59.19 Sec. 20. Minnesota Statutes 2012, section 124D.122, is amended to read:

59.20 **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.**

59.21 The board of any district or a consortium of districts, with the approval of the  
59.22 commissioner, may establish and operate a flexible learning year program in one or  
59.23 more of the day or residential facilities for children with a disability within the district.

59.24 Consortiums may use a single application and evaluation process, though results, public  
59.25 hearings, and board approvals must be obtained for each district.

59.26 Sec. 21. Minnesota Statutes 2012, section 124D.79, subdivision 1, is amended to read:

59.27 Subdivision 1. **Community involvement.** The commissioner must provide for the  
59.28 maximum involvement of the state committees on American Indian education, parents  
59.29 of American Indian children, secondary students eligible to be served, American Indian  
59.30 language and culture education teachers, American Indian teachers, teachers' aides,  
59.31 representatives of community groups, and persons knowledgeable in the field of American  
59.32 Indian education, in the formulation of policy and procedures relating to the administration  
59.33 of sections 124D.71 to 124D.82. The commissioner must annually hold a field hearing on  
59.34 Indian education to gather input from American Indian educators, parents, and students on

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

60.3 Sec. 22. Minnesota Statutes 2012, section 124D.79, is amended by adding a  
 60.4 subdivision to read:

60.5 Subd. 4. **Consultation with the tribal nations education committee.** (a) The  
 60.6 commissioner shall seek consultation with the Tribal Nations Education Committee on all  
 60.7 issues relating to American Indian education including:

60.8 (1) administration of the commissioner's duties under sections 124D.71 to 124D.82  
 60.9 and other programs;

60.10 (2) administration of other programs for the education of American Indian people, as  
 60.11 determined by the commissioner;

60.12 (3) awarding of scholarships to eligible American Indian students;

60.13 (4) administration of the commissioner's duties regarding awarding of American  
 60.14 Indian postsecondary preparation grants to school districts; and

60.15 (5) recommendations of education policy changes for American Indians.

60.16 (b) Membership in the Tribal Nations Education Committee is the sole discretion  
 60.17 of the committee and nothing in this subdivision gives the commissioner authority to  
 60.18 dictate committee membership.

60.19 Sec. 23. [124D.791] INDIAN EDUCATION DIRECTOR.

60.20 Subdivision 1. **Appointment.** An Indian education director shall be appointed by  
 60.21 the commissioner.

60.22 Subd. 2. **Qualifications.** The commissioner shall select the Indian education  
 60.23 director on the basis of outstanding professional qualifications and knowledge of  
 60.24 American Indian education, culture, practices, and beliefs. The Indian education director  
 60.25 serves in the unclassified service. The commissioner may remove the Indian education  
 60.26 director for cause. The commissioner is encouraged to seek qualified applicants who  
 60.27 are enrolled members of a tribe.

60.28 Subd. 3. **Compensation.** Compensation of the Indian education director shall be  
 60.29 established under chapter 15A.

60.30 Subd. 4. **Duties; powers.** (a) The Indian education director shall:

60.31 (1) serve as the liaison for the department with the Tribal Nations Education  
 60.32 Committee, the 11 reservations, the Minnesota Chippewa tribe, the Minnesota Indian  
 60.33 Affairs Council, and the urban advisory council;

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

61.1 (3) engage the tribal bodies, community groups, parents of children eligible to  
 61.2 be served by Indian education programs, American Indian administrators and teachers,  
 61.3 persons experienced in the training of teachers for American Indian education programs,  
 61.4 the tribally controlled schools, and other persons knowledgeable in the field of American  
 61.5 Indian education and seek their advice on policies that can improve the quality of  
 61.6 American Indian education;

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

61.8 (i) issues facing American Indian students;

61.9 (ii) policies for American Indian education;

61.10 (iii) awarding scholarships to eligible American Indian students and in administering  
 61.11 the commissioner's duties regarding awarding of American Indian postsecondary  
 61.12 preparation grants to school districts; and

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

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

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

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

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

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

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

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

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

61.30 Sec. 24. Minnesota Statutes 2012, section 260C.007, subdivision 19, is amended to read:

61.31 Subd. 19. **Habitual truant.** "Habitual truant" means a child under the age of ~~16~~  
 61.32 17 years who is absent from attendance at school without lawful excuse for seven school  
 61.33 days per school year if the child is in elementary school or for one or more class periods  
 61.34 on seven school days per school year if the child is in middle school, junior high school,  
 61.35 or high school, ~~or a child who is 16 or 17 years of age who is absent from attendance at~~

62.1 ~~school without lawful excuse for one or more class periods on seven school days and who~~  
62.2 ~~has not lawfully withdrawn from school under section 120A.22, subdivision 8.~~

62.3 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and  
62.4 later.

62.5 Sec. 25. **STATEWIDE ASSESSMENT AND ACCOUNTABILITY; TRANSITION.**

62.6 Notwithstanding other law to the contrary, students enrolled in grade 8 before the  
62.7 2012-2013 school year are eligible to be assessed under the amended provisions of  
62.8 Minnesota Statutes, section 120B.30, subdivision 1, to the extent such assessments are  
62.9 available, or under Minnesota Statutes, section 120B.128. Other measures of statewide  
62.10 accountability, including student performance, preparation, rigorous course taking,  
62.11 engagement and connection, and transition into postsecondary education or the workforce  
62.12 remain in effect.

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

62.14 Sec. 26. **CAREER AND TECHNICAL EDUCATION ADVISORY TASK FORCE.**

62.15 Subdivision 1. **Recommendations.** (a) A career and technical education advisory  
62.16 task force is established to make recommendations to the Minnesota legislature for  
62.17 improving (1) student outcomes in grades 11 to 14, (2) alignment between secondary and  
62.18 postsecondary education programs serving students in grades 11 to 14, (3) alignment  
62.19 between education programs for students in grades 11 to 14 and Minnesota's workforce  
62.20 needs, and (4) the efficiency and cost-effectiveness of Minnesota's public secondary and  
62.21 postsecondary programs serving students in grades 11 to 14. Advisory task force members  
62.22 must examine the role of education providers, employers, policy makers, and other  
62.23 interested stakeholders in realizing these improvements.

62.24 (b) In developing recommendations for improving student outcomes, advisory task  
62.25 force members must at least consider how to (1) better inform students about career options,  
62.26 occupational trends, and educational paths leading to viable and rewarding careers, (2)  
62.27 develop and adapt as needed an education and work plan for each student aligned with the  
62.28 student's personal and professional interests, abilities, skills, and aspirations, (3) monitor,  
62.29 assess, and increase students' achievement levels in high school, (4) better prepare high  
62.30 school students for postsecondary education meeting their career goals, and (5) increase the  
62.31 rates at which students complete a postsecondary certificate, industry license, or degree.

62.32 (c) In developing recommendations for better aligning Minnesota's secondary and  
62.33 postsecondary education programs for students in grades 11 to 14, advisory task force

63.1 members must at least consider how to (1) improve monitoring of high school students'  
 63.2 progress to better target interventions and support and remove the need for remedial  
 63.3 instruction, (2) better align high school courses and expectations and postsecondary  
 63.4 credit-bearing courses, (3) better align high school standards and assessments with  
 63.5 postsecondary readiness measures and entrance requirements, and (4) increase student  
 63.6 persistence and completion rates.

63.7 (d) In developing recommendations for better aligning education programs for  
 63.8 students in grades 11 to 14 and the preparation necessary to meet Minnesota's workforce  
 63.9 needs, advisory task force members must at least consider how to (1) more closely  
 63.10 align state kindergarten through grade 12 academic standards, high school graduation  
 63.11 requirements, and the expectations of postsecondary institutions and Minnesota employers,  
 63.12 (2) enable more high school students to pursue postsecondary education and training  
 63.13 leading to a certificate, industry license, or degree in a high-demand and high-reward  
 63.14 field, (3) reduce the gap between the demand for and preparation of a skilled Minnesota  
 63.15 workforce, and (4) provide graduates of two-year and four-year postsecondary institutions  
 63.16 with the foundational skills needed for civic engagement, ongoing employment, and  
 63.17 continuous learning.

63.18 (e) In developing recommendations for better aligning efficient and cost-effective  
 63.19 secondary and postsecondary programs for students in grades 11 to 14, advisory task force  
 63.20 members must at least consider how to (1) give high school students earlier and increased  
 63.21 access to postsecondary credit-bearing courses, and (2) provide targeted interventions and  
 63.22 support to help high school students avoid postsecondary remedial instruction.

63.23 (f) In developing recommendations under this subdivision, advisory task force  
 63.24 members are encouraged to consider how to structurally redesign secondary and  
 63.25 postsecondary education to (1) align Minnesota's statewide high school assessment system  
 63.26 with measures of readiness for postsecondary education, (2) provide targeted intervention  
 63.27 and support to students who are at risk of not graduating or off track for graduating from  
 63.28 high school, (3) increase and accelerate opportunities for secondary students to earn  
 63.29 postsecondary credits leading to a certificate, industry license, or degree, and (4) better  
 63.30 understand students' personal and professional interests, abilities, skills, and aspirations  
 63.31 and align that understanding with postsecondary education and careers.

63.32 Subd. 2. **Task force membership and operation.** (a) Advisory task force  
 63.33 members must include representatives of the following entities selected by that entity:  
 63.34 the Minnesota Association of Career and Technical Administrators; the Minnesota  
 63.35 Association for Career and Technical Education; University of Minnesota and Minnesota  
 63.36 State Colleges and Universities faculty working to develop career and technical educators

64.1 in Minnesota; the National Research Center for Career and Technical Education; the  
 64.2 Minnesota Department of Education; the Minnesota Department of Employment and  
 64.3 Economic Development; the Minnesota Board of Teaching; the Minnesota Association of  
 64.4 Colleges for Teacher Education; and any other representatives selected by the task force  
 64.5 members. The education commissioner, or the commissioner's designee, must convene the  
 64.6 task force. Task force members are not eligible for compensation or reimbursement for  
 64.7 expenses related to task force activities.

64.8 (b) The education commissioner, upon request, must provide technical assistance to  
 64.9 the task force.

64.10 (c) The task force must submit its recommendations under this section to the  
 64.11 legislative committees with jurisdiction over kindergarten through grade 12 education by  
 64.12 February 15, 2014.

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

64.14 Sec. 27. **APPROPRIATIONS.**

64.15 Subdivision 1. **Minnesota Department of Education.** The sums indicated in this  
 64.16 section are appropriated from the general fund to the Department of Education for the  
 64.17 fiscal years designated.

64.18 Subd. 2. **College and career ready assessments.** For the costs necessary for school  
 64.19 district and charter school students to participate in the required assessments:

64.20 \$            .....        ..... 2014

64.21 \$            .....        ..... 2015

64.22 Any balance in the first year does not cancel but is available in the second year.

64.23 Subd. 3. **Computer-adapted tests.** For the development costs associated with  
 64.24 state-developed, computer-adapted tests:

64.25 \$            .....        ..... 2014

64.26 \$            .....        ..... 2015

64.27 Any balance in the first year does not cancel but is available in the second year.

64.28 Subd. 4. **Request for proposals; assessments.** For the costs associated with  
 64.29 developing the request for proposals for assessments:

64.30 \$            .....        ..... 2014

64.31 \$            .....        ..... 2015

64.32 Any balance in the first year does not cancel but is available in the second year.

65.1 Subd. 5. Career Pathways Advisory Task Force. For the costs of the Career  
 65.2 Pathways Advisory Task Force:

65.3 \$ ..... 2014

65.4 \$ ..... 2015

65.5 Any balance in the first year does not cancel but is available in the second year.

65.6 Sec. 28. **REVISOR'S INSTRUCTION.**

65.7 The revisor of statutes shall renumber Minnesota Statutes, section 120B.023,  
 65.8 subdivision 2, as Minnesota Statutes, section 120B.021, subdivision 4. The revisor shall  
 65.9 make necessary cross-reference changes consistent with the renumbering.

65.10 Sec. 29. **REPEALER.**

65.11 (a) Minnesota Rules, parts 3501.0505; 3501.0510; 3501.0515; 3501.0520;  
 65.12 3501.0525; 3501.0530; 3501.0535; 3501.0540; 3501.0545; and 3501.0550, are repealed,  
 65.13 effective for 2014-2015 school year and later.

65.14 (b) Minnesota Rules, parts 3501.0010; 3501.0020; 3501.0030, subparts 1, 2, 3, 4,  
 65.15 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, and 16; 3501.0040; 3501.0050; 3501.0060; 3501.0090;  
 65.16 3501.0100; 3501.0110; 3501.0120; 3501.0130; 3501.0140; 3501.0150; 3501.0160;  
 65.17 3501.0170; 3501.0180; 3501.0200; 3501.0210; 3501.0220; 3501.0230; 3501.0240;  
 65.18 3501.0250; 3501.0270; 3501.0280, subparts 1 and 2; 3501.0290; 3501.1000; 3501.1020;  
 65.19 3501.1030; 3501.1040; 3501.1050; 3501.1110; 3501.1120; 3501.1130; 3501.1140;  
 65.20 3501.1150; 3501.1160; 3501.1170; 3501.1180; and 3501.1190, are repealed effective the  
 65.21 day following final enactment.

### 65.22 **ARTICLE 3**

#### 65.23 **SPECIAL PROGRAMS**

65.24 Section 1. Minnesota Statutes 2012, section 15.059, subdivision 5b, is amended to read:

65.25 Subd. 5b. **Continuation dependent on federal law.** Notwithstanding this section,  
 65.26 the following councils and committees do not expire unless federal law no longer requires  
 65.27 the existence of the council or committee:

65.28 (1) Rehabilitation Council for the Blind, created in section 248.10;

65.29 (2) Juvenile Justice Advisory Committee, created in section 299A.72;

65.30 (3) Governor's Workforce Development Council, created in section 116L.665;

65.31 (4) local workforce councils, created in section 116L.666, subdivision 2;

65.32 (5) Rehabilitation Council, created in section 268A.02, subdivision 2; ~~and~~

- 66.1 (6) Statewide Independent Living Council, created in section 268A.02, subdivision  
 66.2 2; and  
 66.3 (7) Interagency Coordinating Council, created in section 125A.28.

66.4 Sec. 2. Minnesota Statutes 2012, section 125A.27, subdivision 8, is amended to read:

66.5 Subd. 8. **Eligibility for Part C.** "Eligibility for Part C" means eligibility for  
 66.6 ~~early childhood special education~~ infant and toddler intervention services under section  
 66.7 125A.02 and Minnesota Rules.

66.8 Sec. 3. Minnesota Statutes 2012, section 125A.27, subdivision 11, is amended to read:

66.9 Subd. 11. **Interagency child find systems.** "Interagency child find systems" means  
 66.10 activities developed on an interagency basis with the involvement of interagency early  
 66.11 intervention committees and other relevant community groups, including primary referral  
 66.12 sources included in Code of Federal Regulations, title 34, section 303.303(c), using  
 66.13 rigorous standards to actively seek out, identify, and refer infants and young children,  
 66.14 with, or at risk of, disabilities, and their families, ~~including a child~~ to reduce the need for  
 66.15 future services. The child find system must mandate referrals for a child under the age of  
 66.16 three who: (1) is involved in the subject of a substantiated case of abuse or neglect, or  
 66.17 (2) is identified as directly affected by illegal substance abuse, or withdrawal symptoms  
 66.18 resulting from prenatal drug exposure, to reduce the need for future services. The referral  
 66.19 procedures must specify that a referral must occur within seven calendar days from the  
 66.20 date of identification.

66.21 Sec. 4. Minnesota Statutes 2012, section 125A.27, subdivision 14, is amended to read:

66.22 Subd. 14. **Parent.** "Parent" means ~~the biological parent with parental rights,~~  
 66.23 ~~adoptive parent, legal guardian, or surrogate parent~~ "parent" as defined by Code of Federal  
 66.24 Regulations, title 34, section 303.27, or a surrogate parent appointed in accordance with  
 66.25 Code of Federal Regulations, title 34, section 303.422, or United States Code, title 20,  
 66.26 section 1439(a)(5).

66.27 Sec. 5. Minnesota Statutes 2012, section 125A.28, is amended to read:

66.28 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

66.29 An Interagency Coordinating Council of at least 17, but not more than 25 members  
 66.30 is established, in compliance with Public Law 108-446, section 641. The members must  
 66.31 be appointed by the governor and reasonably represent the population of Minnesota.  
 66.32 Council members must elect the council chair, who may not be a representative of the

67.1 Department of Education. ~~The representative of the commissioner may not serve as the~~  
67.2 ~~chair.~~ The council must be composed of at least five parents, including persons of color,  
67.3 of children with disabilities under age 12, including at least three parents of a child  
67.4 with a disability under age seven, five representatives of public or private providers  
67.5 of services for children with disabilities under age five, including a special education  
67.6 director, county social service director, local Head Start director, and a community health  
67.7 services or public health nursing administrator, one member of the senate, one member of  
67.8 the house of representatives, one representative of teacher preparation programs in early  
67.9 childhood-special education or other preparation programs in early childhood intervention,  
67.10 at least one representative of advocacy organizations for children with disabilities under  
67.11 age five, one physician who cares for young children with special health care needs, one  
67.12 representative each from the commissioners of commerce, education, health, human  
67.13 services, a representative from the state agency responsible for child care, foster care,  
67.14 mental health, homeless coordinator of education of homeless children and youth, and a  
67.15 representative from Indian health services or a tribal council. Section 15.059, subdivisions  
67.16 2 to 5, apply to the council. The council must meet at least quarterly.

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

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

67.27 On the date that Minnesota Part C Annual Performance Report is submitted to the  
67.28 federal Office of Special Education, the council must recommend to the governor and the  
67.29 commissioners of education, health, human services, commerce, and employment and  
67.30 economic development policies for a comprehensive and coordinated system.

67.31 On an annual basis, the council must prepare and submit an annual report to the  
67.32 governor and the secretary of the federal Department of Education on the status of early  
67.33 intervention services and programs for infants and toddlers with disabilities and their  
67.34 families under the Individuals with Disabilities Education Act, United States Code, title  
67.35 20, sections 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The  
67.36 Minnesota Part C annual performance report may serve as the report.

68.1 Notwithstanding any other law to the contrary, the State Interagency Coordinating  
 68.2 Council ~~expires on June 30, 2014~~ does not expire unless federal law no longer requires  
 68.3 the existence of the council or committee.

68.4 Sec. 6. Minnesota Statutes 2012, section 125A.29, is amended to read:

68.5 **125A.29 RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL**  
 68.6 **BOARDS.**

68.7 (a) It is the joint responsibility of county boards and school boards to coordinate,  
 68.8 provide, and pay for appropriate services, and to facilitate payment for services from public  
 68.9 and private sources. Appropriate services for children eligible under section 125A.02 must  
 68.10 be determined in consultation with parents, physicians, and other educational, medical,  
 68.11 health, and human services providers. The services provided must be in conformity with:

68.12 (1) an IFSP for each eligible infant and toddler from birth through age two and  
 68.13 the infant's or toddler's family including:

68.14 (i) American Indian infants and toddlers with disabilities and their families residing  
 68.15 on a reservation geographically located in the state;

68.16 (ii) infants and toddlers with disabilities who are homeless children and their  
 68.17 families; and

68.18 (iii) infants and toddlers with disabilities who are wards of the state; or

68.19 (2) an individualized education program (IEP) or individual service plan (ISP) for  
 68.20 each eligible child ages three through four.

68.21 (b) Appropriate early intervention services include ~~family education and~~  
 68.22 ~~counseling, home visits, occupational and physical therapy, speech pathology, audiology,~~  
 68.23 ~~psychological services, special instruction, nursing, respite, nutrition, assistive technology,~~  
 68.24 ~~transportation and related costs, social work, vision services, case management~~ services  
 68.25 provided in conformity with an IFSP that are designed to meet the special developmental  
 68.26 needs of an eligible child and the needs of the child's family related to enhancing the  
 68.27 child's development and that are selected in collaboration with the parent. These services  
 68.28 include core early intervention services and additional early intervention services listed in  
 68.29 this section and infant and toddler intervention services defined under United States Code,  
 68.30 title 20, sections 1431 to 1444, and Code of Federal Regulations, title 34, section 303,  
 68.31 including service coordination under section 125A.33, ~~medical services for diagnostic and~~  
 68.32 ~~evaluation purposes, early identification, and screening, assessment, and health services~~  
 68.33 ~~necessary to enable children with disabilities to benefit from early intervention services.~~

69.1 (c) School and county boards shall coordinate early intervention services. In the  
 69.2 absence of agreements established according to section 125A.39, service responsibilities  
 69.3 for children birth through age two are as follows:

69.4 (1) school boards must provide, pay for, and facilitate payment for special education  
 69.5 and related services required under sections 125A.03 and 125A.06;

69.6 (2) county boards must provide, pay for, and facilitate payment for noneducational  
 69.7 services of social work, psychology, transportation and related costs, nursing, respite, and  
 69.8 nutrition services not required under clause (1).

69.9 (d) School and county boards may develop an interagency agreement according  
 69.10 to section 125A.39 to establish agency responsibility that assures early intervention  
 69.11 services are coordinated, provided, paid for, and that payment is facilitated from public  
 69.12 and private sources.

69.13 (e) County and school boards must jointly determine the primary agency in this  
 69.14 cooperative effort and must notify the commissioner of the state lead agency of their  
 69.15 decision.

69.16 Sec. 7. Minnesota Statutes 2012, section 125A.30, is amended to read:

69.17 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

69.18 (a) A school district, group of districts, or special education cooperative, in  
 69.19 cooperation with the health and human service agencies located in the county or counties  
 69.20 in which the district or cooperative is located, must establish an Interagency Early  
 69.21 Intervention Committee for children with disabilities under age five and their families  
 69.22 under this section, and for children with disabilities ages three to 22 consistent with  
 69.23 the requirements under sections 125A.023 and 125A.027. Committees must include  
 69.24 representatives of local health, education, and county human service agencies, county  
 69.25 boards, school boards, early childhood family education programs, Head Start, parents of  
 69.26 young children with disabilities under age 12, child care resource and referral agencies,  
 69.27 school readiness programs, current service providers, and may also include representatives  
 69.28 from other private or public agencies and school nurses. The committee must elect a chair  
 69.29 from among its members and must meet at least quarterly.

69.30 (b) The committee must develop and implement interagency policies and procedures  
 69.31 concerning the following ongoing duties:

69.32 (1) develop public awareness systems designed to inform potential recipient families,  
 69.33 especially parents with premature infants, or infants with other physical risk factors  
 69.34 associated with learning or development complications, of available programs and services;

70.1 (2) to reduce families' need for future services, and especially parents with premature  
 70.2 infants, or infants with other physical risk factors associated with learning or development  
 70.3 complications, implement interagency child find systems designed to actively seek out,  
 70.4 identify, and refer infants and young children with, or at risk of, disabilities, including  
 70.5 a child under the age of three who: (i) is ~~involved in~~ the subject of a substantiated case  
 70.6 of abuse or neglect or (ii) is identified as directly affected by illegal substance abuse, or  
 70.7 withdrawal symptoms resulting from prenatal drug exposure;

70.8 (3) establish and evaluate the identification, referral, ~~child~~ screening, evaluation,  
 70.9 child- and family-directed assessment systems, procedural safeguard process,  
 70.10 and community learning systems to recommend, where necessary, alterations and  
 70.11 improvements;

70.12 (4) assure the development of individualized family service plans for all eligible  
 70.13 infants and toddlers with disabilities from birth through age two, and their families,  
 70.14 and individualized education programs and individual service plans when necessary to  
 70.15 appropriately serve children with disabilities, age three and older, and their families and  
 70.16 recommend assignment of financial responsibilities to the appropriate agencies;

70.17 (5) implement a process for assuring that services involve cooperating agencies at all  
 70.18 steps leading to individualized programs;

70.19 (6) facilitate the development of a ~~transitional~~ transition plan ~~if a service provider is~~  
 70.20 ~~not recommended to continue to provide services~~ in the individual family service plan by  
 70.21 the time a child is two years and nine months old;

70.22 (7) identify the current services and funding being provided within the community  
 70.23 for children with disabilities under age five and their families;

70.24 (8) develop a plan for the allocation and expenditure of ~~additional state and federal~~  
 70.25 early intervention funds under United States Code, title 20, section 1471 et seq. (Part C,  
 70.26 Public Law 108-446) and United States Code, title 20, section 631, et seq. (Chapter I,  
 70.27 Public Law 89-313); and

70.28 (9) develop a policy that is consistent with section 13.05, subdivision 9, and federal  
 70.29 law to enable a member of an interagency early intervention committee to allow another  
 70.30 member access to data classified as not public.

70.31 (c) The local committee shall also:

70.32 (1) participate in needs assessments and program planning activities conducted by  
 70.33 local social service, health and education agencies for young children with disabilities  
 70.34 and their families; ~~and.~~

70.35 (2) ~~review and comment on the early intervention section of the total special~~  
 70.36 ~~education system for the district, the county social service plan, the section or sections of~~

71.1 ~~the community health services plan that address needs of and service activities targeted~~  
 71.2 ~~to children with special health care needs, the section on children with special needs in~~  
 71.3 ~~the county child care fund plan, sections in Head Start plans on coordinated planning and~~  
 71.4 ~~services for children with special needs, any relevant portions of early childhood education~~  
 71.5 ~~plans, such as early childhood family education or school readiness, or other applicable~~  
 71.6 ~~coordinated school and community plans for early childhood programs and services, and~~  
 71.7 ~~the section of the maternal and child health special project grants that address needs of and~~  
 71.8 ~~service activities targeted to children with chronic illness and disabilities.~~

71.9 Sec. 8. Minnesota Statutes 2012, section 125A.32, is amended to read:

71.10 **125A.32 INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP).**

71.11 (a) A team must participate in IFSP meetings to develop the IFSP. The team shall  
 71.12 include:

71.13 (1) a parent or parents of the child, as defined in Code of Federal Regulations,  
 71.14 title 34, section 303.27;

71.15 (2) other family members, as requested by the parent, if feasible to do so;

71.16 (3) an advocate or person outside of the family, if the parent requests that the  
 71.17 person participate;

71.18 (4) the service coordinator who has been working with the family since the  
 71.19 initial referral, or who has been designated by the public agency to be responsible for  
 71.20 implementation of the IFSP and coordination with other agencies including transition  
 71.21 services; ~~and~~

71.22 (5) a person or persons involved in conducting evaluations and assessments; and

71.23 (6) as appropriate, persons who will be providing early intervention services under  
 71.24 the plan to the child or family.

71.25 (b) The IFSP must include:

71.26 (1) information about the child's developmental status;

71.27 (2) family information, with the consent of the family;

71.28 (3) measurable results or major outcomes expected to be achieved by the child with  
 71.29 the family's assistance, that include developmentally appropriate preliteracy and language  
 71.30 skills for the child, and the criteria, procedures, and timelines;

71.31 (4) specific early intervention services based on peer-reviewed research, to the  
 71.32 extent practicable, necessary to meet the unique needs of the child and the family to  
 71.33 achieve the outcomes;

71.34 (5) payment arrangements, if any;

72.1 (6) medical and other services that the child needs, but that are not required under  
 72.2 the Individual with Disabilities Education Act, United States Code, title 20, section 1471  
 72.3 et seq. (Part C, Public Law 108-446) including funding sources to be used in paying for  
 72.4 those services and the steps that will be taken to secure those services through public  
 72.5 or private sources;

72.6 (7) dates and duration of early intervention services;

72.7 (8) name of the service coordinator;

72.8 (9) steps to be taken to support a child's transition from early infant and toddler  
 72.9 intervention services to other appropriate services, including convening a transition  
 72.10 conference at least 90 days or, at the discretion of all parties, not more than nine months  
 72.11 before the child is eligible for preschool services; and

72.12 (10) ~~signature of the parent and~~ authorized signatures of the agencies responsible  
 72.13 for providing, paying for, or facilitating payment, or any combination of these, for early  
 72.14 infant and toddler intervention services.

72.15 Sec. 9. Minnesota Statutes 2012, section 125A.33, is amended to read:

72.16 **125A.33 SERVICE COORDINATION.**

72.17 (a) The team responsible for the initial evaluation and the child- and family-directed  
 72.18 assessment and for developing the IFSP under section 125A.32, if appropriate, must  
 72.19 select a service coordinator to carry out service coordination activities on an interagency  
 72.20 basis. Service coordination must actively promote a family's capacity and competency  
 72.21 to identify, obtain, coordinate, monitor, and evaluate resources and services to meet the  
 72.22 family's needs. Service coordination activities include:

72.23 (1) coordinating the performance of evaluations and assessments;

72.24 (2) facilitating and participating in the development, review, and evaluation of  
 72.25 individualized family service plans;

72.26 (3) assisting families in identifying available service providers;

72.27 (4) coordinating and monitoring the delivery of available services;

72.28 (5) informing families of the availability of advocacy services;

72.29 (6) coordinating with medical, health, and other service providers;

72.30 (7) facilitating the development of a transition plan to preschool, school, or if  
 72.31 appropriate, to other services, at least 90 days before the time the child is no longer  
 72.32 eligible for early infant and toddler intervention services or, at the discretion of all parties,  
 72.33 not more than nine months prior to the child's ~~eligibility for preschool services~~ third  
 72.34 birthday, if appropriate;

73.1 (8) managing the early intervention record and submitting additional information to  
73.2 the local primary agency at the time of periodic review and annual evaluations; and

73.3 (9) notifying a local primary agency when disputes between agencies impact service  
73.4 delivery required by an IFSP.

73.5 (b) A service coordinator must be knowledgeable about children and families  
73.6 receiving services under this section, requirements of state and federal law, and services  
73.7 available in the interagency early childhood intervention system. The IFSP must include  
73.8 the name of the services coordinator from the profession most relevant to the child's or  
73.9 family's needs or who is otherwise qualified to carry out all applicable responsibilities  
73.10 under the Individuals with Disabilities Education Act, United States Code, title 20,  
73.11 sections 1471 to 1485 (Part C, Public Law 102-119), who will be responsible for  
73.12 implementing the early intervention services identified in the child's IFSP, including  
73.13 transition services, and coordination with other agencies and persons.

73.14 Sec. 10. Minnesota Statutes 2012, section 125A.35, subdivision 1, is amended to read:

73.15 Subdivision 1. **Lead agency; allocation of resources.** The state lead agency must  
73.16 administer the early intervention account that consists of federal allocations. The Part C  
73.17 state plan must state the amount of federal resources in the early intervention account  
73.18 available for use by local agencies. The state lead agency must distribute the funds to the  
73.19 local primary agency designated by an Interagency Early Intervention Committee based  
73.20 on a formula that includes a December 1 count of the prior year of Part C eligible children  
73.21 for the following purposes:

73.22 (1) as provided in Code of Federal Regulations, title 34, part ~~303.425~~ 303.430, to  
73.23 arrange for payment for early intervention services not elsewhere available, or to pay for  
73.24 services during the pendency of a conflict procedure, including mediation, complaints, due  
73.25 process hearings, and interagency disputes; and

73.26 (2) to support interagency child find system activities.

73.27 Sec. 11. Minnesota Statutes 2012, section 125A.36, is amended to read:

73.28 **125A.36 PAYMENT FOR SERVICES.**

73.29 Core early intervention services must be provided at public expense with no cost to  
73.30 parents. Parents must be requested to assist in the cost of additional early intervention  
73.31 services by using third-party payment sources ~~and applying for available resources.~~  
73.32 Payment structures permitted under state law must be used to pay for additional early  
73.33 intervention services. Parental financial responsibility must be clearly defined in the

74.1 IFSP. A parent's inability to pay must not prohibit a child from receiving needed early  
74.2 intervention services.

74.3 Sec. 12. Minnesota Statutes 2012, section 125A.43, is amended to read:

74.4 **125A.43 MEDIATION PROCEDURE.**

74.5 (a) The commissioner, or the commissioner's designee, of the state lead agency must  
74.6 use federal funds to provide mediation for the activities in paragraphs (b) and (c).

74.7 (b) A parent may resolve a dispute regarding issues in section 125A.42, paragraph  
74.8 (b), clause (5), through mediation. If the parent chooses mediation, mediation must be  
74.9 voluntary on the part of the parties. The parent and the public agencies must complete the  
74.10 mediation process within 30 calendar days of the date the ~~Office of Dispute Resolution~~  
74.11 Department of Education receives a parent's written request for mediation signed by  
74.12 the parent and the district. The mediation process may not be used to delay a parent's  
74.13 right to a due process hearing. The resolution of the mediation is ~~not~~ binding on ~~any~~  
74.14 party both parties.

74.15 (c) Resolution of a dispute through mediation, or other form of alternative dispute  
74.16 resolution, is not limited to formal disputes arising from the objection of a parent or  
74.17 guardian and is not limited to the period following a request for a due process hearing.

74.18 (d) The commissioner shall provide training and resources to school districts to  
74.19 facilitate early identification of disputes and access to mediation.

74.20 (e) The local primary agency may request mediation on behalf of involved agencies  
74.21 when there are disputes between agencies regarding responsibilities to coordinate, provide,  
74.22 pay for, or facilitate payment for early intervention services.

74.23 Sec. 13. **REPEALER.**

74.24 Minnesota Statutes 2012, section 125A.35, subdivisions 4 and 5, are repealed.

74.25 **ARTICLE 4**

74.26 **LIBRARIES AND NUTRITION**

74.27 Section 1. Minnesota Statutes 2012, section 124D.111, subdivision 1, is amended to  
74.28 read:

74.29 Subdivision 1. **School lunch aid computation.** (a) Each school year, the state  
74.30 must pay participants in the national school lunch program the amount of 12 cents for  
74.31 each full paid, ~~reduced,~~ and free student lunch served to students, and 52 cents for each  
74.32 reduced-price lunch.

75.1 (b) A school that receives school lunch aid under this section must make lunch  
 75.2 available without charge to all participating students who qualify for free or reduced-price  
 75.3 meals.

75.4 **EFFECTIVE DATE.** This section is effective July 1, 2013.

75.5 Sec. 2. **APPROPRIATIONS.**

75.6 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 75.7 appropriated from the general fund to the Department of Education for the fiscal years  
 75.8 designated.

75.9 Subd. 2. **School lunch aid.** For school lunch aid under Minnesota Statutes, section  
 75.10 124D.111, and Code of Federal Regulations, title 7, section 210.17:

75.11	\$	.....	.....	<u>2014</u>
75.12	\$	.....	.....	<u>2015</u>

75.13 Sec. 3. **REVISOR'S INSTRUCTION.**

75.14 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall substitute  
 75.15 the term "Division of State Library Services" for "Library Development and Services,"  
 75.16 "Office of Library Development and Services," or "LDS" where "LDS" stands for "Library  
 75.17 Development and Services." The revisor shall also make grammatical changes related  
 75.18 to the changes in terms.

75.19 **ARTICLE 5**

75.20 **EARLY CHILDHOOD EDUCATION, SELF-SUFFICIENCY, AND**  
 75.21 **LIFELONG LEARNING**

75.22 Section 1. Minnesota Statutes 2012, section 124D.52, is amended by adding a  
 75.23 subdivision to read:

75.24 Subd. 8. **Standard high school diploma for adults.** (a) The commissioner shall  
 75.25 adopt rules for providing a standard adult high school diploma to persons who:

- 75.26 (1) are not eligible for kindergarten through grade 12 services;
- 75.27 (2) do not have a high school diploma; and
- 75.28 (3) successfully complete an adult basic education program of instruction approved  
 75.29 by the commissioner of education necessary to earn an adult high school diploma.

75.30 (b) Persons participating in an approved adult basic education program of instruction  
 75.31 must demonstrate proficiency in a standard set of competencies that reflect the knowledge  
 75.32 and skills sufficient to ensure that postsecondary programs and institutions and potential

76.1 employers regard persons with a standard high school diploma and persons with a standard  
 76.2 adult high school diploma as equally well prepared and qualified graduates. Approved  
 76.3 adult basic education programs of instruction under this subdivision must issue a standard  
 76.4 adult high school diploma to persons who successfully demonstrate proficiency in the  
 76.5 competencies, knowledge, and skills required by the program.

76.6 **EFFECTIVE DATE.** This section is effective July 1, 2014.

76.7 Sec. 2. Laws 2011, First Special Session chapter 11, article 7, section 2, subdivision 8,  
 76.8 as amended by Laws 2012, chapter 239, article 3, section 4, is amended to read:

76.9 Subd. 8. **Early childhood education scholarships.** For grants to early childhood  
 76.10 education scholarships for public or private early childhood preschool programs for  
 76.11 children ages 3 to 5:

76.12 \$ 2,000,000 ..... 2013

76.13 (a) All children whose parents or legal guardians meet the eligibility requirements  
 76.14 of paragraph (b) established by the commissioner are eligible to receive early childhood  
 76.15 education scholarships under this section.

76.16 (b) A parent or legal guardian is eligible for an early childhood education scholarship  
 76.17 if the parent or legal guardian:

76.18 (1) has a child three or four years of age on September 1, beginning in calendar  
 76.19 year 2012; and

76.20 (2)(i) has income equal to or less than 47 percent of the state median income in the  
 76.21 current calendar year; or

76.22 (ii) can document their child's identification through another public funding  
 76.23 eligibility process, including the Free and Reduced Price Lunch Program, National School  
 76.24 Lunch Act, United States Code, title 42, section 1751, part 210; Head Start under federal  
 76.25 Improving Head Start for School Readiness Act of 2007; Minnesota family investment  
 76.26 program under chapter 256J; and child care assistance programs under chapter 119B.

76.27 Early childhood scholarships may not be counted as earned income for the purposes of  
 76.28 medical assistance, MinnesotaCare, MFIP, child care assistance, or Head Start programs.

76.29 Each year, if this appropriation is insufficient to provide early childhood education  
 76.30 scholarships to all eligible children, the Department of Education shall make scholarships  
 76.31 available on a first-come, first-served basis.

76.32 The commissioner of education shall submit a written report to the education  
 76.33 committees of the legislature by January 15, 2012, describing its plan for implementation  
 76.34 of scholarships under this subdivision for the 2012-2013 school year.

- 77.1 Any balance in the first year does not cancel but is available in the second year.
- 77.2 The base for this program is \$3,000,000 each year.

APPENDIX  
Article locations in S0978-1

ARTICLE 1	GENERAL EDUCATION .....	Page.Ln 1.30
ARTICLE 2	EDUCATION EXCELLENCE .....	Page.Ln 14.23
ARTICLE 3	SPECIAL PROGRAMS .....	Page.Ln 65.22
ARTICLE 4	LIBRARIES AND NUTRITION .....	Page.Ln 74.25
ARTICLE 5	EARLY CHILDHOOD EDUCATION, SELF-SUFFICIENCY, AND LIFELONG LEARNING .....	Page.Ln 75.19

**125A.35 EARLY INTERVENTION SERVICE DOLLARS.**

Subd. 4. **Expenditures; early intervention services.** Each county board must continue to spend for early intervention services under section 125A.27, subdivision 6, an amount equal to the total county expenditure during the period from January 1, 1993, to December 31, 1993, for these same services. The commissioner of human services, in consultation with the commissioner of health and the association of Minnesota counties, must establish a process for determining base year 1993 expenditures.

Subd. 5. **Increased costs.** County boards that have submitted base year 1993 expenditures as required under subdivision 4 are not required to pay any increased cost over the base year 1993 for early intervention services resulting from implementing the early intervention system. Increased costs to county boards may be paid for with early intervention service dollars.

**3501.0010 PURPOSE.**

The purpose of parts 3501.0010 to 3501.0180 is to establish statewide standards that define what a Minnesota public high school graduate should know and be able to do to function effectively as a purposeful thinker, effective communicator, self-directed learner, productive group participant, and responsible citizen.

**3501.0020 SCOPE.**

Parts 3501.0010 to 3501.0180 govern the graduation standards that Minnesota public schools must require for a high school diploma for all students who enter ninth grade in 1996 or a subsequent year.

**3501.0030 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 3501.0010 to 3501.0180 have the meanings given them in this part.

**3501.0030 DEFINITIONS.**

Subp. 2. **Accommodation.** "Accommodation" means an adjustment in a testing condition, such as the setting for or scheduling of the test, or a change in the method of administering a test. An accommodation does not compromise the security or the confidentiality of the test, does not alter the meaning of the score, or render the student's score incomparable to the scores of those students who took the test under standard conditions. Among accommodations is providing a student with the same test in a large-print version.

**3501.0030 DEFINITIONS.**

Subp. 3. **Degrees of Reading Power Index of Readability or DRP.** The "Degrees of Reading Power Index of Readability" or "DRP" means the Degrees of Reading Power Index of Readability described in the DRP Teacher's Manual: Primary and Standard Test Forms issued by Touchstone Applied Science Associates (TASA), Inc. (Brewster, New York, 1989). This document is incorporated by reference and is available through the Minitex interlibrary loan system. This index is not subject to frequent change.

**3501.0030 DEFINITIONS.**

Subp. 4. **Department.** "Department" means the Department of Education.

**3501.0030 DEFINITIONS.**

Subp. 5. **District.** "District" means a school district.

**3501.0030 DEFINITIONS.**

Subp. 6. **Exemption.** "Exemption" means a temporary or permanent waiver of the requirement that a student take a test in the basic requirements.

**3501.0030 DEFINITIONS.**

Subp. 7. **Individualized education program or IEP.** "Individualized education program" or "IEP" means a written statement developed for a student eligible for special education and services pursuant to Minnesota Statutes, sections 125A.03 to 125A.24, and Public Law 101-476, the Individuals with Disabilities Education Act.

**3501.0030 DEFINITIONS.**

Subp. 9. **Modification.** "Modification" means an adjustment of a test that results in changing the standard for a particular student. Among adjustments are: a modification of only part of a test, a change in test questions, and a change in the performance standard.

**3501.0030 DEFINITIONS.**

Subp. 10. **Parent.** "Parent" means, for a student under age 18, the mother, father, guardian, person acting as the parent of the child, conservator, or surrogate parent who has been appointed in accordance with parts 3525.2435 to 3525.2455. For a pupil age 18 or over, parent or parents also includes the pupil unless a guardian or conservator has been appointed, in which case it means the guardian or conservator. When the parents are separated or divorced, it means the

APPENDIX  
Repealed Minnesota Rule: S0978-1

parent who has the legal right, by court decree or agreement, to determine the pupil's education, even though the pupil may be living with the other parent.

**3501.0030 DEFINITIONS.**

Subp. 11. **Public schools.** "Public schools" means all public schools as defined in Minnesota Statutes, section 120A.05, and includes, but is not limited to, public school districts, charter schools, the state academies for the deaf and the blind, and the Center for Arts Education.

**3501.0030 DEFINITIONS.**

Subp. 12. **Section 504 accommodation plan.** "Section 504 accommodation plan" means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities. This section of the federal Rehabilitation Act of 1973, Public Law 91-230 as amended in Public Law 101-476, extends protection to a much broader student population than just those students with IEPs.

**3501.0030 DEFINITIONS.**

Subp. 13. **State test.** "State test" means a test of a basic requirement that has been developed using the specifications created for a statewide standard in reading or mathematics. The test shall be designated by the department as the official state test.

**3501.0030 DEFINITIONS.**

Subp. 14. **Statewide standards.** "Statewide standards" means statements of what a student should know and be able to do. Statewide standards are concerned with the knowledge that a student should acquire, the concepts and processes a student should master, and the minimum level of competency a student should develop in the course of the student's prekindergarten through grade 12 experience.

**3501.0030 DEFINITIONS.**

Subp. 15. **Student.** "Student" means a person admitted to a public school as defined in Minnesota Statutes, section 120A.05, in accordance with Minnesota Statutes, section 120A.20.

**3501.0030 DEFINITIONS.**

Subp. 16. **Test specifications.** "Test specifications" means statements of the basic requirements that tests must include and how tests are designed. The specifications define the required content, format, level of difficulty, types of items, and length of the tests.

**3501.0040 STATEWIDE GRADUATION STANDARDS.**

Subpart 1. **Basic requirements.** The basic requirements for mathematics and reading are established in this chapter. The statewide standards for mathematics are specified in subpart 2 and the statewide standards for reading are specified in subpart 3.

To qualify for a high school diploma, a student shall demonstrate competency in the statewide standards for mathematics and reading through a state test except for decisions consistent with parts 3501.0090 and 3501.0100. School districts may require higher standards in mathematics and reading than the statewide standards.

Subp. 2. **Statewide standard in mathematics.** To meet the basic requirement in mathematics, a student shall demonstrate the ability to solve mathematical problems derived from situations commonly encountered in adult life. Among common situations is the estimation of distance traveled when the elapsed time and average rate are known.

Subp. 3. **Statewide standard in reading.** To meet the basic requirement in reading, a student shall demonstrate the ability to read and comprehend English passages representative of widely circulated material commonly encountered in adult life. Among widely circulated material is a newspaper feature article.

**3501.0050 TESTING FOR STATEWIDE STANDARDS IN BASIC REQUIREMENTS.**

Subpart 1. **School district testing.** A school district shall test for competency in the statewide standards in basic requirements by using the state basic skills tests:

- A. a state test;
- B. one of the state-approved nationally normed, commercially published tests; or
- C. a local test.

APPENDIX  
Repealed Minnesota Rule: S0978-1

Subp. 2. **Offering tests in basic requirements.** A district shall not offer the test of a basic requirement before grade 8. Once the test has first been offered to a group of students, the district shall continue to offer the test of that basic requirement to that group of students at least once a year.

Subp. 3. **Additional testing opportunities.** A district shall establish a process for additional testing of students, who by April 1 of their anticipated graduation year have not passed one or more of the basic requirement tests.

The process shall include:

- A. how a parent, student, or both can request:
  - (1) an additional opportunity to take basic requirement tests; and
  - (2) testing accommodations;
- B. the procedure that a district shall use to act on a request in item A; and
- C. how a parent, student, or both can appeal the district's action under item B.

In addition to the regularly scheduled annual availability of the state tests, the state tests shall also be made available by the department at a district's request for one additional retesting of seniors.

Subp. 4. **Transfer students.** A student transferring into a district shall not be required to take a test of a basic requirement if the student's former school record verifies that the student has already passed a test of that basic requirement consistent with this part. This subpart applies even if the student transfers into a district that has higher standards than the statewide standard in the basic requirement.

### **3501.0060 STATE TEST.**

#### **Subpart 1. District use of state test.**

- A. The department shall establish and maintain state tests in the basic requirements.
- B. When a district uses a state test, it shall:
  - (1) accept as final and conclusive the department's determination on the content of the test, the scoring of the answers, and the determination of the minimum passing score;
  - (2) administer the state test according to the standard conditions for administration that shall be provided to the district with each state test of basic requirements;
  - (3) return the administered state test to the state for scoring; and
  - (4) adopt a passing score no lower than the passing score given in part 3501.0180 for that basic requirement test.

Subp. 2. **Specifications for state test of mathematics.** The state test of mathematics shall assess the statewide standard in mathematics by including the topics described in items A to H:

- A. problems involving whole numbers, fractions, decimals, and integers; for example, finding the change from a \$20 bill after purchasing two items of known cost;
- B. problems involving percents, rate, ratios, and proportions; for example, determining which size of a grocery item represents the best buy;
- C. problems using concepts of number sense, place value, and number relationships to compare, order, and determine equivalence of whole numbers, fractions, decimals, percents, and integers; for example, determining which of two numbers is larger if one is in fraction form and one in decimal form;
- D. problems using estimation; for example, estimating the approximate distance traveled when the elapsed time and average rate are known;
- E. problems applying measurement concepts; for example, using a ruler to determine the length of the side of a figure;
- F. problems in reading, interpreting, and using one- and two-dimensional graphic forms to analyze data, identify patterns, and make predictions; for example, using a table to determine in which month a show had the highest attendance;
- G. problems using elementary concepts of probability and statistics; for example, finding the average of five bowling scores; and
- H. problems applying geometric and spatial relationships; for example, finding the total number of boxes stacked in a display.

A student shall be permitted to use a calculator on the state test of mathematics.

Subp. 3. **Specifications for state test of reading.** The state test shall assess the statewide standard in reading. The test shall be written according to items A to D.

A. Test questions shall test reading comprehension as an integrated skill, with no testing of subskills or strategies.

B. The test shall be composed of passages of English nonfiction prose that are either narrative or expository.

C. Passages shall be selected from published readings commonly used by adults as sources of information.

D. Passages shall have a level of difficulty measured by the Degrees of Reading Power Index of Readability. The total test shall have an average difficulty of at least 64 DRP units.

### **3501.0090 STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS OR SECTION 504 ACCOMMODATION PLANS.**

#### **Subpart 1. Considerations for students with IEPs or section 504 accommodation plans.**

A. The IEP or section 504 accommodation plan for a student with a disability shall identify one of the following decisions for each of the basic requirements:

(1) the student is expected to achieve the statewide standard with or without testing accommodations;

(2) the student is expected to achieve the statewide standard at an individually modified level of difficulty; or

(3) the student is exempt from the statewide standard.

An exemption from the statewide standard shall be granted to a special needs student when the student cannot demonstrate the required degree of learning with appropriate accommodations or modifications if:

(a) the student's IEP or section 504 accommodation plan does not and never has included the requirements on which the tests are based; or

(b) the student is enrolled in special education classes for the subject matter included in the test, but the student's IEP or section 504 accommodation plan does not include a majority of concepts tested.

B. Adoption of modifications or exemptions for a student as stated in item A, shall occur concurrently with the adoption of transition goals and objectives as required in Minnesota Statutes, section 125A.08, paragraph (a), clause (1).

#### **Subp. 2. Testing students with IEPs or section 504 accommodation plans.**

A. All students shall be tested under standard conditions as specified by the developer of the test except those students whose IEPs specify other decisions consistent with subpart 1, item A.

B. Decisions regarding appropriate testing conditions including a decision to provide accommodations for a student with special needs shall be made by the local school district through the IEP process or the section 504 accommodation plan process and shall be reviewed annually.

C. Where subpart 1, item A, subitem (2), applies, the student's IEP or section 504 accommodation plan shall define an appropriate assessment of the statewide standard at a modified level of difficulty. Achievement of the individually modified standard shall be certified only through documented student performance of the defined assessment.

### **3501.0100 TESTING CONSIDERATIONS FOR ENGLISH LEARNERS (EL).**

Subpart 1. **Scope.** This part applies to individuals whose first language is not English and whose test performance may be negatively impacted by lack of English language proficiency.

Subp. 2. **District process.** Each district shall establish a process for determining whether individual students whose first language is not English shall take basic requirements tests under standard test conditions, with language accommodations, with language translation of the mathematics test, or be temporarily exempted from testing. Parents of English learners, teachers of English learners, and district personnel responsible for testing shall be involved in establishing this process.

Subp. 3. **Temporary exemption.** A student may be temporarily exempted from participation in testing if the student has been enrolled for three or fewer years in a school in which the primary language of instruction is English. If the student is temporarily exempted, the exemption shall be reviewed annually according to the process in subpart 2.

APPENDIX  
Repealed Minnesota Rule: S0978-1

Subp. 4. **Test of reading.** Language accommodations and language translations to basic requirements tests shall not be applied to the testing of reading. Students shall demonstrate English language competence in the testing of reading.

Subp. 5. **Language translations.** A district may translate the mathematics test into a language other than English.

Subp. 6. **Learning opportunities.** Part 3501.0110 applies to students granted considerations under this part.

**3501.0110 OPPORTUNITIES TO LEARN AND REMEDIATION.**

A school district's curriculum shall include opportunities for all students to learn the basic requirements. At least two years before the anticipated date of the student's graduation, the district shall develop a plan for remediation for students who have not passed one or more basic requirements tests except for exempt students under part 3501.0090, subpart 1, item A, subitem (3).

**3501.0120 REQUIRED NOTIFICATION TO PARENTS AND STUDENTS.**

Subpart 1. **Written notice.** A school district shall establish and maintain a system to provide written notice to parents and students about graduation requirements.

Subp. 2. **Notice of graduation requirements.** No later than 30 working days after the date of the entrance into the 9th grade or transfer of a student into the district during or after 9th grade, the school district shall provide to the parents and the student written notice of:

- A. the graduation requirements; and
- B. the grade in which the student shall have the first opportunity to take a test in basic requirements.

Subp. 3. **Notice of test results and remediation opportunities.** The school district shall provide no later than 90 days after a student takes a test of basic requirements, written notice to parents and the student of:

- A. basic requirement test results; and
- B. consistent with part 3501.0050, subpart 3, if the student is in the graduating year:
  - (1) the process by which a parent or student can request additional testing and testing accommodations after April 1; and
  - (2) how a parent or student can appeal the district's decision in subitem (1).

**3501.0130 STUDENT RECORD KEEPING.**

Subpart 1. **Test results.** The district shall keep a record on each student that includes:

- A. the basic requirement tests taken; and
- B. the results of the most recent basic requirement tests given.

Subp. 2. **Student progress.** Individual student progress shall be reported on a student record as described in items A to D.

A. "Pass-state level" shall be noted on the record of a student who passes a basic requirement test under standard conditions or with an accommodation. The records for students passing with an accommodation shall not be different from the records of students passing the test under standard conditions.

B. "Pass-individual level" shall be noted on the record of a student who passes a basic requirement test with a modification established in the IEP or section 504 accommodation plan in accordance with part 3501.0090.

C. "Pass-translation" shall be noted on the record of a student who passes a basic requirement test that has been translated into a language other than English and has not been validated by the state as a state test with a set passing score.

D. "Exempt" shall be noted on the record of a student who has been exempted from a basic requirement test.

**3501.0140 TEST ADMINISTRATION.**

Subpart 1. **Testing conditions.** The school district shall administer the test of a basic requirement under standard testing conditions defined by the developer of the particular test using the directions provided with the test. Test administration with accommodations or modifications

APPENDIX  
Repealed Minnesota Rule: S0978-1

to standard testing conditions shall occur only in accordance with part 3501.0050, subpart 3, or 3501.0090.

Subp. 2. **District testing plan.** The district board shall annually adopt and publish a basic requirement test administration plan. The plan shall be filed with the department and delivered to all households in the district by October 15 of each year. At a minimum, the plan shall include:

- A. the graduation requirements;
- B. how many opportunities a student shall have to retake tests of basic requirements during each year;
- C. the opportunities for remediation for a student who has not passed tests of the basic requirements;
- D. the process for requesting an additional testing opportunity and accommodations for a senior who has met all other graduation requirements but has not passed one or more basic requirements;
- E. the process for appealing the district's response to requests in item D; and
- F. how to report breaches in test security procedures to the district and the department.

**3501.0150 TEST SECURITY.**

Subpart 1. **Security requirements.** When administering tests for the basic requirements, the district shall observe the following test security measures:

- A. all test booklets, answer sheets, and test materials shall be placed in locked storage before and after the test administration;
- B. the tests, testing materials, and answer sheets are nonpublic data under Minnesota Statutes, section 13.34;
- C. no copies of test booklets or answer sheets shall be made; and
- D. school districts shall report any known violations of test security to the department. The department shall receive reports of violations of test security from anyone with knowledge of such an incident.

Subp. 2. **Security violations.** The department shall investigate any reported incidents of breaches in test security. The consequences of a violation in test security may include:

- A. the invalidation of test scores if a violation is found to justify serious questions about the integrity of the results of the test administration; or
- B. other reasonable sanctions that are necessary to preserve the security and confidentiality of future tests and test administrations.

**3501.0160 DISTRICT REPORTING REQUIREMENTS.**

A. The district shall report the information in item C to the department annually by October 15 in a format to be determined by the department.

B. The district shall prepare and disseminate annually by October 15 a public report of the information in item C, through the newspaper officially designated for school district notices or through publication sent to all households in the district.

C. The reports required in items A and B shall include:

- (1) the number of students enrolled at each grade level 9 through 12 according to the end of the year Minnesota Automated Reporting Student System (MARSS) report;
- (2) the number of students at each grade level 9 through 12 passing each basic requirement at the state standard level;
- (3) the number of students at each grade level 9 through 12 passing each basic requirement at an individualized level under an IEP and a section 504 accommodation plan;
- (4) the number of students at each grade level 9 through 12 passing tests in each basic requirement that has been translated into a language other than English;
- (5) the number of students at each grade level 9 through 12 exempt from testing in each basic requirement; and
- (6) for grade 12 of the previous year only, the number of students currently denied a high school diploma because of not passing the state standard for a basic requirement when all other graduation requirements have been met.

**3501.0170 REQUIRED DOCUMENTATION FOR PROGRAM AUDIT.**

APPENDIX  
Repealed Minnesota Rule: S0978-1

The school district shall maintain records necessary for program audits conducted by the department. The records must include documentation that:

- A. required notifications to parents and students meet the requirements of part 3501.0120;
- B. required student records meet the requirements of part 3501.0130;
- C. the district's process for additional testing of students meets the requirements of part 3501.0050;
- D. test security procedures comply with part 3501.0150;
- E. local district decisions regarding testing accommodations, modifications, and granting exemptions are in compliance with parts 3501.0090 and 3501.0100;
- F. the school district's curriculum and instruction provides appropriate learning opportunities in the basic requirements in compliance with part 3501.0110;
- G. remediation plans for students are on file consistent with part 3501.0110;
- H. the basic requirement test administration plan complies with part 3501.0140, subpart 2;
- I. the documentation for students granted accommodations or exempted from testing complies with part 3501.0090;
- J. the assessments and documentation of performance for students granted modifications of statewide standards comply with part 3501.0090, subpart 2, item C; and
- K. the district's process for testing considerations for English learners complies with part 3501.0100.

**3501.0180 PASSING SCORES FOR STATE TESTS OF BASIC REQUIREMENTS.**

Subpart 1. **Setting scores.** The scores in this part are established for each grade 9 class beginning with the class entering in 1996. Once set, the basic requirements passing scores shall not change for a particular group of entering grade 9 students.

Subp. 2. **Mathematics.** The passing score for the state test of mathematics is 70 percent for students entering grade 9 in 1996; and is 75 percent for students entering grade 9 in 1997 and thereafter.

Subp. 3. **Reading.** The passing score for the state test of reading is 70 percent for students entering grade 9 in 1996; and is 75 percent for students entering grade 9 in 1997 and thereafter.

**3501.0200 PURPOSE.**

The purpose of parts 3501.0200 to 3501.0290 is to establish a statewide standard that describes what a Minnesota public high school student must demonstrate in written composition to be eligible for a high school diploma.

**3501.0210 SCOPE.**

Parts 3501.0200 to 3501.0290 govern the written composition standard for a high school diploma that Minnesota public schools must require of all students who enter ninth grade in 1997 or a subsequent year.

**3501.0220 DEFINITIONS.**

Subpart 1. **Scope.** For the purposes of parts 3501.0200 to 3501.0290, the terms defined in part 3501.0030 have the same meaning unless otherwise clearly indicated.

Subp. 2. **Definitions for basic requirement in written composition testing.** For the purposes of parts 3501.0200 to 3501.0290, the following terms have the meanings given them.

A. "Prompt" means a statement of a writing task for which the student is to create a written composition for a specified adult reader.

B. "Scoring criteria" means the five writing characteristics in part 3501.0230, subpart 2, to be used by trained raters in determining to what degree a written response to a prompt does or does not meet the statewide standard for written composition.

C. "Written composition" or "composition" means the composite acts of formulating and preparing, in English, a clearly focused, organized, developed, coherent, and clearly expressed message to be communicated to an adult reader in a written format.

**3501.0230 STATEWIDE GRADUATION STANDARD FOR WRITTEN COMPOSITION.**

APPENDIX  
Repealed Minnesota Rule: S0978-1

Subpart 1. **Basic requirements.** The basic graduation requirement for written composition is established in parts 3501.0210 to 3501.0290. The statewide standard for written composition is specified in subpart 2.

Except for decisions consistent with parts 3501.0090 and 3501.0100, to qualify for a high school diploma, a student shall demonstrate competency in the statewide standard for written composition through one of the testing options in part 3501.0250, subpart 1. Districts may require higher standards, additional demonstrations, or both of competency in written composition beyond the statewide standards.

Subp. 2. **Statewide standard in written composition.** A student shall demonstrate the ability to create, in English, a written composition. An adequate written composition must show:

A. clarity of central ideas such that the composition responds directly and specifically to the task presented in the prompt;

B. coherent focus such that the supporting ideas expressed in the composition relate clearly to the central idea and that there is a clear connection among ideas. Coherent focus may be accomplished through transitions, parallel structure, or other unifying devices;

C. organization such that the ideas are expressed in an order which is logical and clear and the composition contains a beginning, middle, and end. The student may choose one of a variety of organizational strategies such as cause/effect, problem/solution, chronological sequence, topical order, or spatial organization;

D. detailed support or elaboration of ideas. The composition must include any or all of the following: information; verbal illustrations; explanations; and examples, which sufficiently clarify and expand the student's central idea for the reader. These details must be logically connected to the central idea; and

E. language conventions such that the composition includes features of language that are acceptable in standard written discourse. Language conventions are important to ensure that the meaning of the written composition is not impaired. The writer shall apply rules of sentence formation, language choice and order, and language mechanics including punctuation, capitalization, and spelling, of standard written English.

Subp. 3. **Scoring.** When scoring written compositions, there shall be a no minimum length requirement. Ratings shall be based on the overall quality of the written response relative to the scoring criteria. The general guidelines for score scale points in part 3501.0240 shall be used to evaluate adequate demonstration of the characteristics in subpart 2.

Handwriting must be decipherable. While students should be encouraged to write as neatly as they can, there shall be no penalty for poor handwriting, except that only compositions that are legible shall be scored.

### **3501.0240 GENERAL GUIDELINES FOR SCORE SCALE POINTS.**

Subpart 1. **Scoring criteria.** Trained raters shall apply the scoring criteria under part 3501.0230, subpart 2, for the basic requirement in written composition to assign score scale points according to subparts 2 to 6.

Subp. 2. **Four-point rating.** A more than adequate student response in composition shall receive four points. A student response is more than adequate if the composition:

A. is related to the prompt;

B. has a central idea that is clearly expressed;

C. is well developed with supporting details;

D. has a beginning, middle, and end; and

E. demonstrates excellent control of the language that enhances the overall quality of the response.

Subp. 3. **Three-point rating.** An adequate student response in composition shall receive three points. A student response is adequate if the composition:

A. is related to the prompt;

B. has a central idea that is clearly expressed;

C. is developed with supporting details but may present minor obstacles to the reader in moving from one idea to another;

D. has a beginning, middle, and end; and

APPENDIX  
Repealed Minnesota Rule: S0978-1

E. demonstrates adequate control of the language in that the composition may have minor errors in sentence formation, usage, or mechanics, but these do not substantially detract from the overall quality of the composition.

Subp. 4. **Two-point rating.** A less than adequate student response in composition shall receive two points. A student response is less than adequate if the composition:

- A. is related to the prompt; but
- B. is not well focused;
- C. presents obstacles to the reader in moving from idea to idea;
- D. lacks a beginning, middle, or end; or

E. contains errors in sentence formation, word usage, and mechanics that are frequent enough to detract from the overall quality of the composition.

Subp. 5. **One-point rating.** A very inadequate student response shall receive one point. A student response is very inadequate if the composition:

- A. is related to the prompt; but
- B. lacks a central idea or coherent focus;
- C. is difficult to follow;
- D. is not clearly organized; or

E. contains errors in sentence formation, word usage, and mechanics that are frequent enough to detract from the overall quality of the composition.

Subp. 6. **Not scorable (N).** A student response that cannot be evaluated shall receive an N. A student response shall be designated not scorable when a rater and the scoring leader agree that the composition:

- A. is not related to the prompt;
- B. is not readable because it is illegible or incoherent;
- C. is written in a language other than English;
- D. contains an insufficient amount of writing to evaluate; or
- E. is blank in that no response is given.

**3501.0250 TESTING FOR STATEWIDE STANDARDS IN THE BASIC REQUIREMENT OF WRITTEN COMPOSITION.**

Subpart 1. **District testing.** A school district shall test for competency in the statewide standard in the basic requirement of written composition by using the state basic skills test of written composition.

Subp. 2. **Offering tests in basic requirements.** A district shall first offer the test of the basic requirement in written composition to students in grade 10. Nonpassing students shall be given the opportunity to retake the test of the basic requirement in written composition at least annually.

Subp. 3. **Additional testing opportunities.** A district shall establish a process for additional testing of students who by April 1 of their anticipated graduation year have not passed a test in the basic requirement in written composition.

The process shall include:

- A. how the parent, student, or both can request:
  - (1) an additional testing opportunity to take the basic requirement in written composition test; and
  - (2) testing accommodations;
- B. the procedure that the district shall use to act on a request in item A; and
- C. how a parent, student, or both can appeal the district's action under item B.

In addition to the regularly scheduled annual availability of a new form of the state test, an additional statewide administration of the state test shall be made available by the department for one additional retesting of seniors.

Subp. 4. **Transfer students.** A student transferring into a district shall not be required to take a test of the basic requirement for written composition if the student's record from the former school verifies that the student has already passed a test of that basic requirement consistent with this part. This subpart applies even if the student transfers into a district that has higher standards than the statewide standard for the basic requirement in written composition.

APPENDIX  
Repealed Minnesota Rule: S0978-1

Subp. 5. **Specifications for state test in written composition.** The state test shall assess the statewide standard for the basic requirement in written composition. The state test shall be written, administered, and scored according to subparts 6 to 8.

Subp. 6. **Test contents.** The state test shall require a student to compose a single composition in response to one prompt. The prompt shall:

- A. require no prior preparation for response;
- B. indicate that the response should be written for a specific adult reader;
- C. accommodate a variety of writing strategies and instruction;
- D. contain a topic that is unknown to students, their parents, teachers, or test proctors before the actual testing session; and
- E. elicit demonstration of the general scoring criteria of the statewide standard for the basic requirement in written composition.

Subp. 7. **Test administration.** The state test shall be administered according to standard conditions for administration that shall be provided to the district with the test.

A. The state test shall be untimed but must be completed in an unbroken block of time. Once the student is excused for lunch, another class, activity, or to go home, the testing session has been concluded.

B. The state test shall require that the student's response be written directly in the test booklets without the use of word processors or writing tools other than pencils and pens, except when the district determines that a student has a physical condition that prevents the student writing by hand or as provided for under part 3501.0090.

C. A student shall not use a dictionary, thesaurus, or other published or prepared reference or preparation material of any type during testing.

Subp. 8. **Test scoring.** Tests shall be scored independently by members of a state-approved, trained scoring panel using the scoring criteria and the scoring process specified by the state. The state scoring process for the test of the basic requirement in written composition shall be according to items A to E.

A. The state shall contract with an independent vendor chosen for its experience and reliability in training and conducting the scoring of tests of written composition.

B. The contracted vendor shall train each rater on the prompt to be scored and each rater shall satisfactorily complete a qualifying assessment prior to scoring actual student responses. The contractor shall provide periodic reports of interrater agreement as scoring progresses and summary data on interrater agreement when scoring has been completed. The contractor shall also periodically recheck the accuracy of each rater. To qualify for scoring student responses, an individual rater shall demonstrate at least a 90 percent rate of agreement with scores assigned by scoring leaders.

C. A rubric, which is the scoring criteria applied to example compositions unique to a specific prompt, shall be developed as part of the rater training process for rating a specific prompt.

D. Each composition shall be rated independently by two raters. Raters shall assign ratings on a scale of one to four (1-4) or assign a designation of not scorable according to the general scoring criteria in part 3501.0240 and the rubric developed for the specific prompt being scored. When a rater assigns N, the scoring leader shall either determine that the final score is N or declare the test scorable. A test, declared scorable through this procedure, shall be returned to begin the rating process again. Raters may assign only whole number ratings. Except as provided in item E, the written composition score for each student shall be the average of the two assigned ratings. An average score of at least 3.0 shall be required to pass the written composition test.

E. A student composition shall be evaluated by a third rater who is a scoring leader when the composition receives two ratings that:

- (1) differ by more than one point; or
- (2) consist of one 2 and one 3 rating.

The scoring leader shall independently assign a third rating to the composition. The final score shall be calculated by averaging the two ratings that are on the same side of the pass/not pass line. Final scores that are possible under this item are: 1, 1.5, 2, 3, 3.5, and 4. An assigned score of at least 3.0 shall be required to pass the written composition test.

Subp. 9. **Test review.** All written compositions shall be returned to districts after scoring is completed so that schools, teachers, and students have the opportunity to review them for diagnosis of student writing proficiency and identification of needs for further instruction.

APPENDIX  
Repealed Minnesota Rule: S0978-1

Districts may request, in advance of scoring, that compositions with failing scores be returned with analytic scoring to provide additional assistance in preparing the student for retesting.

**3501.0270 SCHOOL DISTRICT RESPONSIBILITIES.**

For the purposes of parts 3501.0200 to 3501.0290, parts 3501.0090 to 3501.0170 apply.

**3501.0280 TEST OF WRITTEN COMPOSITION; ENGLISH LEARNERS (EL).**

Subpart 1. **Testing considerations.** For the purposes of parts 3501.0200 to 3501.0290, part 3501.0100 applies when testing English learners (EL).

**3501.0280 TEST OF WRITTEN COMPOSITION; ENGLISH LEARNERS (EL).**

Subp. 2. **Test prompts.** A district may translate into another language test prompts for tests of written composition.

**3501.0290 PASSING SCORE FOR STATE TESTS OF WRITTEN COMPOSITION.**

The passing score for the state test of written composition is a rating of 3, consistent with part 3501.0250, subpart 8, items D and E.

**3501.0505 KINDERGARTEN STANDARDS.**

Subpart 1. **Reading and literature.** The student will listen to and begin to read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness) and of the sound-symbol relationship (phonics).

B. Vocabulary expansion. The student will use a variety of strategies to develop and expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will listen to and understand the meaning of text.

D. Literature. The student will read or listen to a variety of texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. Writing is addressed in subpart 1, item A.

B. Elements of composition. Standards under this heading may be locally determined.

C. Spelling, grammar, and usage. The student will begin to recognize correct spelling and punctuation.

D. Research. Standards under this heading may be locally determined.

E. Handwriting and word processing. The student will form letters and numbers.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will communicate effectively through listening and speaking.

B. Viewing. The student will become familiar with the structure of printed material.

**3501.0510 GRADE 1 STANDARDS.**

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness), the sound-symbol relationship (phonics), and word recognition strategies to read grade-level materials with accuracy and emerging fluency.

B. Vocabulary expansion. The student will use a variety of strategies to develop and expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will actively engage in the reading process and use a variety of comprehension strategies to understand the meaning of texts that have been read or listened to.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

APPENDIX  
Repealed Minnesota Rule: S0978-1

Subp. 2. **Writing.** The student will write clearly and coherently to communicate effectively for a variety of audiences and purposes.

- A. Types of writing. The student will compose various pieces of writing.
- B. Elements of composition. The student will demonstrate emerging knowledge of a writing process with attention to organization, topic, and quality of ideas.
- C. Spelling, grammar, and usage. The student will demonstrate emerging knowledge of punctuation, spelling, and capitalization.
- D. Research. The student will locate and use information in reference materials.
- E. Handwriting and word processing. The student will improve the student's handwriting.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

- A. Speaking and listening. The student will communicate effectively through listening and speaking.
- B. Viewing. The student will become familiar with the structure of printed material.

**3501.0515 GRADE 2 STANDARDS.**

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

- A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness), the sound-symbol relationship (phonics), and word recognition strategies to read grade-level materials with accuracy and fluency.
- B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.
- C. Comprehension. The student will actively engage in the reading process and use a variety of comprehension strategies to understand the meaning of texts that have been read.
- D. Literature. The student will actively engage in the reading process and read, understand, respond to, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes, demonstrating an emerging knowledge and application of skills.

- A. Types of writing. The student will compose narrative and informational pieces of writing.
- B. Elements of composition. The student will demonstrate increased emerging knowledge in a writing process, with attention to organization, focus, and quality of ideas.
- C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.
- D. Research. The student will locate and use information in reference materials.
- E. Handwriting and word processing. The student will begin to write legibly.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

- A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.
- B. Viewing. The student will become familiar with the structure of printed material.

**3501.0520 GRADE 3 STANDARDS.**

Subpart 1. **Word recognition, analysis, and fluency.** The student will read and understand grade-appropriate English language text.

- A. Word recognition, analysis, and fluency. The student will apply word recognition strategies to decode unfamiliar multisyllabic words and will read grade-appropriate text with accuracy and fluency.
- B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

APPENDIX  
Repealed Minnesota Rule: S0978-1

C. Comprehension. The student will understand the meaning of texts using a variety of comprehension strategies and will demonstrate literal, interpretive, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to communicate effectively for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, and quality of ideas.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly.

Subp. 3. **Speaking, listening, and viewing.**

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

**3501.0525 GRADE 4 STANDARDS.**

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will decode unfamiliar words using phonetic and structural analysis and will read with fluency and expression.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will engage in writing, with attention to organization, focus, and quality of ideas.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and use a keyboard.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

**3501.0530 GRADE 5 STANDARDS.**

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will decode unfamiliar words using phonetic and structural analysis and will read with fluency and expression.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

APPENDIX  
Repealed Minnesota Rule: S0978-1

C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, quality of ideas, audience, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

**3501.0535 GRADE 6 STANDARDS.**

Subpart 1. **Reading and literature.** Students will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will read with accuracy and fluency.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of informational, expository, or persuasive texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will create informative, expressive, and persuasive writing.

B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

**3501.0540 GRADE 7 STANDARDS.**

APPENDIX  
Repealed Minnesota Rule: S0978-1

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will read with accuracy and fluency.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently for a variety of audiences and purposes.

A. Types of writing. The student will create informative, expressive, and persuasive writing.

B. Elements of composition. The student will engage in a writing process, with attention to context, organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

**3501.0545 GRADE 8 STANDARDS.**

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. Standards under this heading may be locally determined and based on the individual needs of the student.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts using a variety of strategies and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will create informative, expressive, and persuasive writing.

B. Elements of composition. The student will engage in a writing process with attention to context, organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences, and actively listen to, view, and evaluate oral communication and media.

APPENDIX  
Repealed Minnesota Rule: S0978-1

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

**3501.0550 GRADES 9 THROUGH 12 STANDARDS.**

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. Standards under this heading may be locally determined.

B. Vocabulary expansion. The student will apply a variety of strategies to expand vocabulary.

C. Comprehension. The student will understand the meaning of informational, expository, or persuasive texts, using a variety of strategies and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently for a variety of audiences and purposes.

A. Type of writing. The student will write in narrative, expository, descriptive, persuasive, and critical modes.

B. Elements of composition. The student will engage in a writing process with attention to audience, organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. Standards under this heading may be locally determined.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

**3501.1000 PURPOSE.**

The purpose of parts 3501.1000 to 3501.1190 is to establish statewide graduation test standards and rules for administration and implementation of the graduation-required assessment for diploma (GRAD).

**3501.1020 SCOPE.**

Parts 3501.1000 to 3501.1190 govern the graduation standards that Minnesota public schools must require for a high school diploma for all students enrolled in grade 8 in the 2005-2006 school year and later.

**3501.1030 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 3501.1000 to 3501.1190 have the meanings given them in this part.

Subp. 2. **Accommodation.** "Accommodation" means an adjustment in a testing condition, such as the setting for or scheduling of the test, or a change in the method of administering a test. An accommodation does not compromise the security or the confidentiality of the test, does not alter the meaning of the score, or render the student's score incomparable to the scores of those students who took the test under standard conditions.

Subp. 3. **Department.** "Department" means the Department of Education.

Subp. 4. **District.** "District" means a school district.

APPENDIX  
Repealed Minnesota Rule: S0978-1

Subp. 5. **Graduation-required assessment for diploma (GRAD).** "Graduation-required assessment for diploma" or "GRAD" means the assessment that measures the reading, writing, and mathematics proficiency of high school students.

Subp. 6. **Individualized education program or IEP.** "Individualized education program" or "IEP" means a written statement developed for a student eligible for special education and services pursuant to Minnesota Statutes, sections 125A.03 to 125A.24, and the Individuals with Disabilities Education Act, as amended in 2004, Public Law 108-446.

Subp. 7. **Modification.** "Modification" means an adjustment of a test that results in changing the standard for a particular student.

Subp. 8. **Parent.** "Parent" means, for a student under age 18, the mother, father, guardian, person acting as the parent of the student, conservator, or surrogate parent who has been appointed according to parts 3525.2435 to 3525.2455. For a student age 18 or over, parent also includes the student unless a guardian or conservator has been appointed, in which case it means the guardian or conservator. When the parents are separated or divorced, it means the parent who has the legal right, by court decree or agreement, to determine the student's education, even though the student may be living with the other parent.

Subp. 9. **Public schools.** "Public schools" means all public schools as defined in Minnesota Statutes, section 120A.05, and includes, but is not limited to, public school districts, charter schools, the state academies for the deaf and the blind, and the Center for Arts Education.

Subp. 10. **Section 504 accommodation plan.** "Section 504 accommodation plan" means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities. This section of the federal Rehabilitation Act of 1973, Public Law 91-230, as amended in Public Law 101-476, extends protection to a much broader student population than just those students with IEPs.

Subp. 11. **Statewide graduation standards.** "Statewide graduation standards" means statements of what a student should know and be able to do as described by Minnesota Statutes, sections 120B.02 and 120B.021.

Subp. 12. **Student.** "Student" means a person admitted to a public school as defined in Minnesota Statutes, section 120A.05, in accordance with Minnesota Statutes, section 120A.20.

Subp. 13. **Test design.** "Test design" means statements of the requirements that tests must include and how tests are designed. These design documents define the required content, format, level of difficulty, types of items, and length of the tests.

### **3501.1040 GRAD REQUIREMENTS.**

The GRAD requirements for reading, mathematics, and writing are established in this chapter.

To qualify for a high school diploma, a student must demonstrate competency in the statewide standards for reading, mathematics, and writing by fulfilling the graduation test requirements established by Minnesota Statutes, sections 120B.02 and 120B.30.

### **3501.1050 TESTING FOR STATEWIDE GRAD STANDARDS.**

Subpart 1. **District testing.** A district must test for proficiency in statewide graduation standards by using the graduation-required assessment for diploma.

Subp. 2. **Offering GRAD.** A district must not offer the GRAD before the grade of its first census administration. Once the test has first been offered to a group of students, the district must continue to offer the GRAD to that group of students at least once a year.

### **3501.1110 OPPORTUNITIES TO LEARN AND REMEDIATION.**

A district's curriculum must include opportunities for all students to learn the GRAD requirements and subject matter. The district must develop a plan for remediation for a student who, after two retest opportunities, has not passed a specific GRAD.

### **3501.1120 REQUIRED NOTIFICATION TO PARENTS AND STUDENTS.**

Subpart 1. **Written notice.** A district must establish and maintain a system to provide written notice to parents and students about graduation requirements.

Subp. 2. **Notice of graduation requirements.** Beginning in the 2008-2009 school year and each subsequent year the district must provide to parents and students written notice of:

- A. the graduation requirements; and
- B. the grade in which the student will have the first opportunity to take a GRAD.

APPENDIX  
Repealed Minnesota Rule: S0978-1

Subp. 3. **Notice of test results and remediation opportunities.** The district must provide written notice to parents and the student of GRAD results no later than 60 days after the district receives the results of a GRAD. After the date of receiving test results, students must have a minimum of six weeks for remediation before the next testing opportunity.

**3501.1130 STUDENT RECORD KEEPING.**

Subpart 1. **Test results.** The district must keep a record on each student that includes:

- A. the GRAD taken; and
- B. the results of the most recent GRAD given.

Subp. 2. **Student progress.** Individual student progress must be reported on a student record as described in this part.

"Pass" or "p" must be noted on the record of a student who passes a GRAD under standard conditions or with an accommodation.

"Pass" or "p" must also be noted on the record of a student who passes a GRAD with a modification established in the IEP or section 504 accommodation plan in accordance with part 3501.1190. This notation is also used as a GRAD notation for any other modified or alternate assessment used for accountability purposes for students with disabilities. The records for students passing with an accommodation or a modification or who pass an alternate assessment must not differ from the records of students passing the test under standard conditions.

**3501.1140 TEST ADMINISTRATION.**

The district must administer the GRAD under standard testing conditions defined by the developer of the particular test. The district must use the directions provided with the test. Test administration with accommodations or modifications to standard testing conditions must occur only in accordance with part 3501.1190.

**3501.1150 TEST SECURITY.**

Subpart 1. **Security requirements.** When administering GRAD, the district must observe the following test security measures:

- A. all test materials must be secured, either physically or electronically, before and after the test administration;
- B. all testing materials are nonpublic data under Minnesota Statutes, section 13.34;
- C. a student is required to present a valid photo ID before being admitted to the testing site if:
  - (1) the student is not enrolled in the testing district; or
  - (2) the student is unknown to the test proctor when testing in the enrolled district; and
- D. districts must report any known violations of test security to the department. The department must accept reports of violations of test security from anyone with knowledge of such an incident.

Subp. 2. **Security violations.** The department must investigate any reported incidents of breaches in test security. The consequences of a violation in test security may include:

- A. the invalidation of test scores if a violation is found to justify serious questions about the integrity of the results of the test administration; or
- B. other reasonable sanctions that are necessary to preserve the security and confidentiality of future tests and test administrations.

**3501.1160 REQUIRED DOCUMENTATION FOR PROGRAM AUDIT.**

The district must maintain records necessary for program audits conducted by the department. The records must include documentation that:

- A. remediation plans for students are developed consistent with part 3501.1110;
- B. the district's curriculum and instruction provides appropriate learning opportunities in the state graduation requirements in compliance with part 3501.1110;
- C. notifications to parents and students meet the requirements of part 3501.1120;
- D. student records meet the requirements of part 3501.1130;
- E. the GRAD administration plan complies with part 3501.1140;
- F. test security procedures comply with part 3501.1150;

APPENDIX  
Repealed Minnesota Rule: S0978-1

G. the district's process for testing considerations for English learners complies with part 3501.1180;

H. the documentation for students granted accommodations for testing complies with part 3501.1190; and

I. the assessments and documentation of performance for students granted modifications of statewide standards comply with part 3501.1190.

**3501.1170 PASSING SCORES FOR GRAD.**

Subpart 1. **Passing scores.** Passing scores for purposes of this part reflect an achievement level equivalent to or greater than the level determined through a standard setting process.

Subp. 2. **Reading and mathematics.** The passing scores for the GRAD in reading and mathematics are as provided by Minnesota Statutes, section 120B.30, subdivision 1, for students enrolled in grade 8 in the 2005-2006 school year and later.

Subp. 3. **Writing.** The passing score for the GRAD in writing is as provided by Minnesota Statutes, section 120B.30, subdivision 2, for students enrolled in grade 8 in the 2005-2006 school year and later.

**3501.1180 STUDENTS IN UNIQUE SITUATIONS.**

Subpart 1. **Dual enrolled students.** Dual enrolled students are public school students. To graduate from a Minnesota public high school, a dual enrolled student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 2. **English learners (EL).** English learners (EL) who are public school students and are designated in the Minnesota Automated Reporting Student System (MARSS) as English learners (EL) are required to pass the GRAD if they have been enrolled in any Minnesota school for at least four consecutive years. An EL student who first enrolls in a Minnesota school in grade 9 or above and who completes the course work and any other state and district requirements to graduate within a four-year period is not required to pass the GRAD.

Subp. 3. **Foreign exchange students.** To graduate from a Minnesota public high school, a foreign exchange student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30. If a foreign exchange student will not receive a diploma from a Minnesota public high school, the student is not required to fulfill the graduation test requirements.

Subp. 4. **Home school students.** Home school students are not public school students and passing the GRAD is not required. To graduate from a Minnesota public high school, a home school student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 5. **Open enrollment students.** Open enrollment students are public school students. To graduate from a Minnesota public high school, an open enrollment student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 6. **Postsecondary enrollment option (PSEO) students.** Postsecondary enrollment option (PSEO) students are public school students. To graduate from a Minnesota public high school, a PSEO student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

A PSEO student who is present on the day of testing should participate in the current series Minnesota Comprehensive Assessments (MCA). A PSEO student who is not present for the current series MCA must take the GRAD at a later date.

Subp. 7. **Shared-time students.** Shared-time students are private school students attending a public school class; these students are not public school students and passing the GRAD is not required. To graduate from a Minnesota public high school, a shared-time student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 8. **Transfer students who passed a graduation examination in another state.** A district may submit a passing score report for a transfer student and the department will request test design documents from the other state for review. As graduation examinations from other states are received, the department will maintain a list of states with acceptable substitute graduation examinations. The department will seek reciprocity for the GRAD in other states when it accepts their assessments.

APPENDIX  
Repealed Minnesota Rule: S0978-1

Subp. 9. **District-placed students and students attending school under a tuition agreement.** District-placed students and students attending school under a tuition agreement are public school students. To graduate from a Minnesota public high school, district-placed students and students attending school under a tuition agreement must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 10. **Care and treatment; correctional facility students.** To graduate from a Minnesota public high school, a student placed for care and treatment or a student in a correctional facility must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30, unless the student has an IEP or a section 504 accommodation plan, in which case part 3501.1190 applies.

**3501.1190 STUDENTS WITH IEP PLANS OR SECTION 504 ACCOMMODATION PLANS.**

Subpart 1. **Considerations for students with IEPs or section 504 accommodation plans.** The individualized education program or section 504 accommodation plan for a student with a disability must identify one of the following decisions for each subject area of the GRAD:

A. the student is expected to achieve the statewide standard with or without testing accommodations, resulting in a "pass" or "p" notation on the record when achieving a passing score; or

B. the student is expected to achieve the statewide standard at an individually modified level of difficulty, resulting in a "pass" or "p" notation on the record when achieving the modified level. A Minnesota alternate assessment must be used when an IEP team chooses to replace the GRAD. Adoption of modifications for a student must occur concurrently with the adoption of transition goals and objectives as required by Minnesota Statutes, section 125A.08, paragraph (a), clause (1).

Subp. 2. **Testing students with IEPs or section 504 accommodation plans.** All students must be tested under standard conditions as specified by the developer of the test except those students whose IEPs or section 504 accommodation plans specify other decisions consistent with subpart 1.

A. Decisions regarding appropriate testing conditions, including a decision to provide accommodations for a student, must be made by the IEP team or through the section 504 accommodation plan process and must be reviewed annually.

B. Where subpart 1, item B, applies, the student's IEP or section 504 accommodation plan must define an appropriate assessment of the statewide standard at a modified level of difficulty. Achievement of the individually modified standard shall be certified only through documented student performance of the defined assessment.