

A bill for an act
relating to education; establishing enrollment options for students at
low-performing schools; proposing coding for new law in Minnesota Statutes,
chapter 124D.

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

Section 1. **[124D.031] ENROLLMENT OPTIONS FOR STUDENTS AT
LOW-PERFORMING SCHOOLS.**

Subdivision 1. **Student enrollment options.** (a) A student who attends a persistently
low-performing school for at least one school year and whose family income is equal to or
less than 175 percent of the federal poverty level is eligible to enroll in a nonpublic school
under this section or a nonresident district school or program under section 124D.03.

(b) For the purposes of this section, "persistently low-performing school" means
a school that has student performance levels for at least three consecutive school years
immediately preceding the school year a student is enrolling in a nonpublic school under
this section or a nonresident district school or program under section 124D.03 in one
or more of the following:

(1) the combined total percentage of students scoring at the "does not meet
standards" level for either the reading or mathematics Minnesota Comprehensive
Assessments exceeds 40 percent for all grades tested;

(2) the combined percentage of students having academic growth in reading or
mathematics of "proficient, low growth," "not proficient, low growth," and "not proficient,
medium growth" exceeds 50 percent; or

(3) 50 percent or more students in secondary school do not receive a passing score when first tested on the graduation required assessment for diploma in reading, mathematics, or writing.

Subd. 2. Eligible nonpublic schools. To be eligible to participate under this section, a nonpublic school must comply with section 121A.04 and chapter 363A; accommodate students by making reasonable accommodations and meeting the requirements under the Americans with Disabilities Act, Public Law 101-336; adopt an antidiscrimination, harassment, and violence prevention policy that complies with section 121A.03, and an anti-intimidation and bullying policy that complies with section 121A.0695; submit data to the commissioner in the form and manner required by the commissioner so that the school may be included in the state's annual school performance report cards under section 120B.36; accept students on a random basis, except that the nonpublic school may give preference to the siblings of students already enrolled in the nonpublic school; and notify the commissioner of its intent to participate. The nonpublic school must administer either the statewide reading and math tests under section 120B.30 or a nationally norm-referenced standardized achievement exam to its enrolled students.

The commissioner shall ensure that the nonpublic school complies with the requirements of this subdivision.

Subd. 3. Tuition funding for students transferring to nonpublic schools. If a student transfers to a nonpublic school under this section, and upon receiving proof that the student is enrolled in the nonpublic school, the commissioner shall make quarterly payments to the student's parent or guardian in an amount equal to the lesser of the state average general education revenue per pupil unit, calculated without transportation sparsity revenue or the nonpublic school's operating and debt service cost per pupil that is related to educational programming, as determined by the commissioner. The commissioner shall send the check to the nonpublic school and the parent or guardian shall restrictively endorse the check for the nonpublic school's use.

Subd. 4. Student transportation. A resident school district is responsible for providing transportation within the district's borders for a student who enrolls in a nonpublic school under this section and shall receive transportation funding equal to the actual costs in the current school year for those transportation services.

Subd. 5. Funding for student testing. The state shall pay the nonpublic school costs of administering tests given under section 120B.30.

Subd. 6. Curriculum review; exemption from instruction. A nonpublic school must provide a procedure for a parent, guardian, or an adult student, 18 years of age or

3.1 older, to review the content of instructional materials, and if found objectionable, the
3.2 student shall be exempt from the instruction upon request.

3.3 Subd. 7. **Financial audit.** A nonpublic school enrolling students under this section
3.4 must submit to the commissioner by November 15 of each year a summary of audited
3.5 financial data for the preceding fiscal year.

3.6 Subd. 8. **List of nonpublic schools.** The commissioner shall publish a list of
3.7 participating nonpublic schools.

3.8 **EFFECTIVE DATE.** This section is effective the day following final enactment
3.9 and applies to the 2011-2012 school year and later.