

1.1 CONFERENCE COMMITTEE REPORT ON H. F. No. 2397

1.2 A bill for an act
1.3 relating to education; providing for policy and technical modifications in early
1.4 childhood and family, kindergarten through grade 12, and adult education
1.5 including general education, education excellence, English learners and language
1.6 proficiency, special programs, nutrition, libraries, unsession and conforming
1.7 changes, and an interstate compact; amending Minnesota Statutes 2012,
1.8 sections 13.32, subdivision 6; 119A.535; 120A.22, subdivision 2; 120A.32;
1.9 120B.022; 120B.12; 120B.31, by adding a subdivision; 120B.35, subdivision
1.10 4; 121A.36; 121A.582, subdivision 1; 122A.06, subdivision 4; 122A.09,
1.11 subdivision 7; 122A.14, subdivisions 2, 3; 122A.18, subdivisions 2a, 4; 122A.19;
1.12 122A.40, subdivision 5; 122A.41, subdivision 2; 122A.413, subdivision 2;
1.13 122A.414, subdivision 2; 122A.48, subdivision 3; 122A.60, subdivisions 1a,
1.14 2, 3; 122A.68, subdivision 3; 122A.74; 123A.06, subdivision 2; 123B.04,
1.15 subdivision 4; 123B.147, subdivision 3; 124D.03, subdivisions 3, 4, 5, 6, by
1.16 adding a subdivision; 124D.08, by adding a subdivision; 124D.09, subdivision
1.17 9; 124D.111, subdivision 3; 124D.13, subdivision 2; 124D.141, subdivision
1.18 3; 124D.15, subdivision 3; 124D.49, subdivision 3; 124D.52, as amended;
1.19 124D.522; 124D.59, subdivision 2, by adding a subdivision; 124D.895;
1.20 124D.8955; 124D.896; 125A.023, subdivisions 3, 4; 125A.027, subdivisions 1,
1.21 4; 125A.03; 125A.08; 125A.22; 127A.065; 127A.41, subdivision 7; 127A.70,
1.22 subdivision 1, by adding a subdivision; 128C.02, subdivision 5; 134.355,
1.23 subdivision 8; 260D.06, subdivision 2; Minnesota Statutes 2013 Supplement,
1.24 sections 120A.22, subdivision 5; 120B.021, subdivision 4; 120B.11; 120B.115;
1.25 120B.125; 120B.30, subdivision 1; 120B.35, subdivision 3; 120B.36, subdivision
1.26 1; 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.23, subdivision 2;
1.27 122A.40, subdivision 8; 122A.41, subdivision 5; 124D.10, subdivisions 1, 3,
1.28 4, 6, 6a, 8, 9, 17a, 17b; 124D.11, subdivision 4; 124D.165, subdivisions 2, 4;
1.29 124D.4531, subdivisions 1, 3, 3a; 124D.52, subdivision 8; 124D.861, subdivision
1.30 3; 125A.30; 127A.70, subdivision 2; 626.556, subdivision 2; Laws 2011, First
1.31 Special Session chapter 11, article 2, section 12; Laws 2012, chapter 263,
1.32 section 1; proposing coding for new law in Minnesota Statutes, chapters 123A;
1.33 124D; 127A; repealing Minnesota Statutes 2012, sections 119A.04, subdivision
1.34 3; 119A.08; 120A.30; 120B.19; 120B.24; 121A.17, subdivision 9; 122A.19,
1.35 subdivision 3; 122A.52; 122A.53; 122A.61, subdivision 2; 123B.15; 123B.16;
1.36 123B.17; 123B.18; 123B.26; 123B.27; 124D.24; 124D.25; 124D.26; 124D.27;
1.37 124D.28; 124D.29; 124D.30; 124D.31; 125A.027, subdivision 3.

1.38 May 1, 2014
1.39 The Honorable Paul Thissen
1.40 Speaker of the House of Representatives

2.1 The Honorable Sandra L. Pappas
2.2 President of the Senate

2.3 We, the undersigned conferees for H. F. No. 2397 report that we have agreed upon
2.4 the items in dispute and recommend as follows:

2.5 That the Senate recede from its amendments and that H. F. No. 2397 be further
2.6 amended as follows:

2.7 Delete everything after the enacting clause and insert:

2.8 **"ARTICLE 1**

2.9 **ENGLISH LEARNERS AND WORLD LANGUAGE PROFICIENCY**

2.10 Section 1. Minnesota Statutes 2012, section 119A.50, subdivision 3, is amended to read:

2.11 Subd. 3. **Early childhood literacy programs.** (a) A research-based early childhood
2.12 literacy program premised on actively involved parents, ongoing professional staff
2.13 development, and high quality early literacy program standards is established to increase
2.14 the literacy skills of children participating in Head Start to prepare them to be successful
2.15 readers and to increase families' participation in providing early literacy experiences to
2.16 their children. Program providers must:

2.17 (1) work to prepare children to be successful learners;

2.18 (2) work to close the achievement gap for at-risk children;

2.19 (3) use ~~an~~ a culturally relevant integrated approach to early literacy that daily offers
2.20 a literacy-rich classroom learning environment composed of books, writing materials,
2.21 writing centers, labels, rhyming, and other related literacy materials and opportunities;

2.22 (4) support children's home language while helping the children master English and
2.23 use multiple literacy strategies to provide a cultural bridge between home and school;

2.24 (5) use literacy mentors, ongoing literacy groups, and other teachers and staff to
2.25 provide appropriate, extensive professional development opportunities in early literacy
2.26 and classroom strategies for preschool teachers and other preschool staff;

2.27 (6) use ongoing data-based assessments that enable preschool teachers to understand,
2.28 plan, and implement literacy strategies, activities, and curriculum that meet children's
2.29 literacy needs and continuously improve children's literacy; ~~and~~

2.30 (7) foster participation by parents, community stakeholders, literacy advisors, and
2.31 evaluation specialists; and

2.32 (8) provide parents of English learners with oral and written information to monitor
2.33 the program's impact on their children's English language development, to know whether
2.34 their children are progressing in developing their English proficiency and, where
2.35 practicable, their native language proficiency, and to actively engage with their children in
2.36 developing their English and native language proficiency.

3.1 Program providers are encouraged to collaborate with qualified, community-based
3.2 early childhood providers in implementing this program and to seek nonstate funds to
3.3 supplement the program.

3.4 (b) Program providers under paragraph (a) interested in extending literacy programs
3.5 to children in kindergarten through grade 3 may elect to form a partnership with an
3.6 eligible organization under section 124D.38, subdivision 2, or 124D.42, subdivision 6,
3.7 clause (3), schools enrolling children in kindergarten through grade 3, and other interested
3.8 and qualified community-based entities to provide ongoing literacy programs that offer
3.9 seamless literacy instruction focused on closing the literacy achievement gap. To close the
3.10 literacy achievement gap by the end of third grade, partnership members must agree to use
3.11 best efforts and practices and to work collaboratively to implement a seamless literacy
3.12 model from age three to grade 3, consistent with paragraph (a). Literacy programs under
3.13 this paragraph must collect and use literacy data to:

3.14 (1) evaluate children's literacy skills; ~~and~~

3.15 (2) monitor the progress and provide reading instruction appropriate to the specific
3.16 needs of English learners; and

3.17 (3) formulate specific intervention strategies to provide reading instruction to
3.18 children premised on the outcomes of formative and summative assessments and
3.19 research-based indicators of literacy development.

3.20 The literacy programs under this paragraph also must train teachers and other
3.21 providers working with children to use the assessment outcomes under clause (2) to
3.22 develop and use effective, long-term literacy coaching models that are specific to the
3.23 program providers.

3.24 Sec. 2. Minnesota Statutes 2012, section 119A.535, is amended to read:

3.25 **119A.535 APPLICATION REQUIREMENTS.**

3.26 Eligible Head Start organizations must submit a plan to the department for approval
3.27 on a form and in the manner prescribed by the commissioner. The plan must include:

3.28 (1) the number of low-income children and families the program will be able to serve;

3.29 (2) a description of the program design and service delivery area which meets the
3.30 needs of and encourages access by low-income working families;

3.31 (3) a program design that ensures fair and equitable access to Head Start services for
3.32 all populations and parts of the service area;

3.33 (4) a plan for providing Head Start services in conjunction with full-day child care
3.34 programs to minimize child transitions, increase program intensity and duration, and
3.35 improve child and family outcomes as required in section 119A.5411; ~~and~~

4.1 (5) identification of regular Head Start, early Head Start, full-day services identified
4.2 in section 119A.5411, and innovative services based upon demonstrated needs to be
4.3 provided; and

4.4 (6) evidence parents of English learners are provided with oral or written information
4.5 to monitor the program's impact on their children's English language development, know
4.6 whether their children are progressing in developing their English proficiency, and, where
4.7 practicable, their native language proficiency, and actively engage with their children in
4.8 developing their English and native language proficiency.

4.9 Sec. 3. Minnesota Statutes 2012, section 120B.022, is amended to read:

4.10 **120B.022 ELECTIVE STANDARDS.**

4.11 Subdivision 1. **Elective standards.** ~~(a)~~ A district must establish its own standards in
4.12 the following subject areas:

4.13 (1) career and technical education; and

4.14 (2) world languages.

4.15 A school district must offer courses in all elective subject areas.

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

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

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

4.34 (d) The Minnesota World Language Proficiency High Achievement Certificate
4.35 recognizes students who demonstrate listening, speaking, reading, and writing language

5.1 skills at the American Council on the Teaching of Foreign Languages' Pre-Advanced level
5.2 for K-12 learners on a valid and reliable assessment tool. For languages listed as Category
5.3 3 by the United States Foreign Service Institute or Category 4 by the United States
5.4 Defense Language Institute, the standard is Pre-Advanced for listening and speaking and
5.5 Intermediate-Mid for reading and writing.

5.6 Subd. 1b. State bilingual and multilingual seals. (a) Consistent with efforts to
5.7 strive for the world's best workforce under sections 120B.11 and 124D.10, subdivision 8,
5.8 paragraph (u), and close the academic achievement and opportunity gap under sections
5.9 124D.861 and 124D.862, voluntary state bilingual and multilingual seals are established to
5.10 recognize high school graduates who demonstrate level 3 functional native proficiency in
5.11 listening, speaking, reading, and writing on either the Foreign Services Institute language
5.12 proficiency tests or on equivalent valid and reliable assessments in one or more languages
5.13 in addition to English. American Sign Language is a language other than English for
5.14 purposes of this subdivision and a world language for purposes of subdivision 1a.

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

5.16 (1) students must satisfactorily complete all required English language arts credits;
5.17 and

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

5.20 (c) Consistent with this subdivision, a high school graduate who demonstrates
5.21 functional native proficiency in one language in addition to English is eligible to receive
5.22 the state bilingual seal. A high school graduate who demonstrates functional native
5.23 proficiency in more than one language in addition to English is eligible to receive the
5.24 state multilingual seal.

5.25 (d) School districts and charter schools, in consultation with regional centers
5.26 of excellence under section 120B.115, must give students periodic opportunities to
5.27 demonstrate their level of proficiency in listening, speaking, reading, and writing in a
5.28 language in addition to English. Where valid and reliable assessments are unavailable, a
5.29 school district or charter school may rely on a licensed foreign language immersion teacher
5.30 or a nonlicensed community expert under section 122A.25 to assess a student's level of
5.31 foreign, heritage, or indigenous language proficiency under this section. School districts
5.32 and charter schools must maintain appropriate records to identify high school graduates
5.33 eligible to receive the state bilingual or multilingual seal. The school district or charter
5.34 school must affix the appropriate seal to the transcript of each high school graduate who
5.35 meets the requirements of this subdivision and may affix the seal to the student's diploma. A
5.36 school district or charter school must not charge the high school graduate a fee for this seal.

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

6.4 (f) A school district or charter school may award community service credit to a
6.5 student who demonstrates level 3 functional native proficiency in listening, speaking,
6.6 reading, and writing in a language other than English and who participates in community
6.7 service activities that are integrated into the curriculum, involve the participation of
6.8 teachers, and support biliteracy in the school or local community.

6.9 (g) The commissioner must develop a Web page for the electronic delivery of these
6.10 seals. The commissioner must list on the Web page those assessments that are equivalent
6.11 to the Foreign Services Institute language proficiency tests.

6.12 (h) The colleges and universities of the Minnesota State Colleges and Universities
6.13 system must award foreign language credits to a student who receives a state bilingual seal
6.14 or a state multilingual seal under this subdivision and may award foreign language credits to
6.15 a student who receives a Minnesota World Language Proficiency Certificate or a Minnesota
6.16 World Language Proficiency High Achievement Certificate under subdivision 1a.

6.17 Subd. 2. **Local assessments.** A district must use a locally selected assessment to
6.18 determine if a student has achieved an elective standard.

6.19 **EFFECTIVE DATE.** This section is effective the day following final enactment
6.20 and applies to the 2014-2015 school year and later, except subdivision 1b, paragraph
6.21 (h), is effective for students enrolling in a MnSCU system college or university in the
6.22 2015-2016 school year or later.

6.23 Sec. 4. Minnesota Statutes 2013 Supplement, section 120B.11, is amended to read:

6.24 **120B.11 SCHOOL DISTRICT PROCESS FOR REVIEWING CURRICULUM,**
6.25 **INSTRUCTION, AND STUDENT ACHIEVEMENT; STRIVING FOR THE**
6.26 **WORLD'S BEST WORKFORCE.**

6.27 Subdivision 1. **Definitions.** For the purposes of this section and section 120B.10,
6.28 the following terms have the meanings given them.

6.29 (a) "Instruction" means methods of providing learning experiences that enable a
6.30 student to meet state and district academic standards and graduation requirements.

6.31 (b) "Curriculum" means district or school adopted programs and written plans for
6.32 providing students with learning experiences that lead to expected knowledge and skills
6.33 and career and college readiness.

7.1 (c) "World's best workforce" means striving to: meet school readiness goals; have
7.2 all third grade students achieve grade-level literacy; close the academic achievement gap
7.3 among all racial and ethnic groups of students and between students living in poverty and
7.4 students not living in poverty; have all students attain career and college readiness before
7.5 graduating from high school; and have all students graduate from high school.

7.6 Subd. 1a. **Performance measures.** Measures to determine school district and
7.7 school site progress in striving to create the world's best workforce must include at least:

7.8 (1) student performance on the National ~~Association~~ Assessment of Education
7.9 Progress;

7.10 (2) the size of the academic achievement gap, rigorous course taking under section
7.11 120B.35, subdivision 3, paragraph (c), clause (2), and enrichment experiences by student
7.12 subgroup;

7.13 (3) student performance on the Minnesota Comprehensive Assessments;

7.14 (4) high school graduation rates; and

7.15 (5) career and college readiness under section 120B.30, subdivision 1.

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

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

7.22 (2) a process for assessing and evaluating each student's progress toward meeting state
7.23 and local academic standards and identifying the strengths and weaknesses of instruction
7.24 in pursuit of student and school success and curriculum affecting students' progress and
7.25 growth toward career and college readiness and leading to the world's best workforce;

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

7.30 (4) strategies for improving instruction, curriculum, and student achievement,
7.31 including the English and, where practicable, the native language development and the
7.32 academic achievement of English learners;

7.33 (5) education effectiveness practices that integrate high-quality instruction, rigorous
7.34 curriculum, technology, and a collaborative professional culture that develops and
7.35 supports teacher quality, performance, and effectiveness; and

7.36 (6) an annual budget for continuing to implement the district plan.

8.1 Subd. 3. **District advisory committee.** Each school board shall establish an
8.2 advisory committee to ensure active community participation in all phases of planning and
8.3 improving the instruction and curriculum affecting state and district academic standards,
8.4 consistent with subdivision 2. A district advisory committee, to the extent possible,
8.5 shall reflect the diversity of the district and its school sites, ~~and shall~~ include teachers,
8.6 parents, support staff, students, and other community residents, and provide translation
8.7 to the extent appropriate and practicable. The district advisory committee shall pursue
8.8 community support to accelerate the academic and native literacy and achievement of
8.9 English learners with varied needs, from young children to adults, consistent with section
8.10 124D.59, subdivisions 2 and 2a. The district may establish site teams as subcommittees
8.11 of the district advisory committee under subdivision 4. The district advisory committee
8.12 shall recommend to the school board rigorous academic standards, student achievement
8.13 goals and measures consistent with subdivision 1a and sections 120B.022, ~~subdivision~~
8.14 ~~1, paragraphs (b) and (e)~~ subdivisions 1a and 1b, and 120B.35, district assessments, and
8.15 program evaluations. School sites may expand upon district evaluations of instruction,
8.16 curriculum, assessments, or programs. Whenever possible, parents and other community
8.17 residents shall comprise at least two-thirds of advisory committee members.

8.18 Subd. 4. **Site team.** A school may establish a site team to develop and implement
8.19 strategies and education effectiveness practices to improve instruction, curriculum,
8.20 cultural competencies, including cultural awareness and cross-cultural communication,
8.21 and student achievement at the school site, consistent with subdivision 2. The team advises
8.22 the board and the advisory committee about developing the annual budget and revising an
8.23 instruction and curriculum improvement plan that aligns curriculum, assessment of student
8.24 progress, and growth in meeting state and district academic standards and instruction.

8.25 Subd. 5. **Report.** Consistent with requirements for school performance reports
8.26 under section 120B.36, subdivision 1, the school board shall publish a report in the local
8.27 newspaper with the largest circulation in the district, by mail, or by electronic means on
8.28 the district Web site. The school board shall hold an annual public meeting to review,
8.29 and revise where appropriate, student achievement goals, local assessment outcomes,
8.30 plans, strategies, and practices for improving curriculum and instruction and cultural
8.31 competency, and to review district success in realizing the previously adopted student
8.32 achievement goals and related benchmarks and the improvement plans leading to the
8.33 world's best workforce. The school board must transmit an electronic summary of its
8.34 report to the commissioner in the form and manner the commissioner determines.

8.35 Subd. 7. **Periodic report.** Each school district shall periodically survey affected
8.36 constituencies, in their native languages where appropriate and practicable, about their

9.1 connection to and level of satisfaction with school. The district shall include the results of
9.2 this evaluation in the summary report required under subdivision 5.

9.3 Subd. 9. **Annual evaluation.** (a) The commissioner must identify effective
9.4 strategies, practices, and use of resources by districts and school sites in striving for the
9.5 world's best workforce. The commissioner must assist districts and sites throughout the
9.6 state in implementing these effective strategies, practices, and use of resources.

9.7 (b) The commissioner must identify those districts in any consecutive three-year
9.8 period not making sufficient progress toward improving teaching and learning for all
9.9 students, including English learners with varied needs, consistent with section 124D.59,
9.10 subdivisions 2 and 2a, and striving for the world's best workforce. The commissioner, in
9.11 collaboration with the identified district, may require the district to use up to two percent
9.12 of its basic general education revenue per fiscal year during the proximate three school
9.13 years to implement commissioner-specified strategies and practices, consistent with
9.14 paragraph (a), to improve and accelerate its progress in realizing its goals under this
9.15 section. In implementing this section, the commissioner must consider districts' budget
9.16 constraints and legal obligations.

9.17 Sec. 5. Minnesota Statutes 2013 Supplement, section 120B.115, is amended to read:

9.18 **120B.115 REGIONAL CENTERS OF EXCELLENCE.**

9.19 (a) Regional centers of excellence are established to assist and support school
9.20 boards, school districts, school sites, and charter schools in implementing research-based
9.21 interventions and practices to increase the students' achievement within a region.
9.22 The centers must develop partnerships with local and regional service cooperatives,
9.23 postsecondary institutions, integrated school districts, the department, children's mental
9.24 health providers, or other local or regional entities interested in providing a cohesive
9.25 and consistent regional delivery system that serves all schools equitably. Centers must
9.26 assist school districts, school sites, and charter schools in developing similar partnerships.
9.27 Center support may include assisting school districts, school sites, and charter schools
9.28 with common principles of effective practice, including:

9.29 (1) defining measurable education goals under ~~section~~ sections 120B.022,
9.30 subdivisions 1a and 1b, and 120B.11, subdivision 2;

9.31 (2) implementing evidence-based practices;

9.32 (3) engaging in data-driven decision-making;

9.33 (4) providing multilayered levels of support;

10.1 (5) supporting culturally responsive teaching and learning aligning the development
10.2 of academic English proficiency, state and local academic standards, and career and
10.3 college readiness benchmarks; and

10.4 (6) engaging parents, families, youth, and local community members in programs
10.5 and activities at the school district, school site, or charter school that foster collaboration
10.6 and shared accountability for the achievement of all students; and

10.7 (7) translating district forms and other information such as a multilingual glossary of
10.8 commonly used education terms and phrases.

10.9 Centers must work with school site leadership teams to build capacity the expertise and
10.10 experience to implement programs that close the achievement gap, provide effective and
10.11 differentiated programs and instruction for different types of English learners, including
10.12 English learners with limited or interrupted formal schooling and long-term English
10.13 learners under section 124D.59, subdivisions 2 and 2a, increase students' progress and
10.14 growth toward career and college readiness, and increase student graduation rates.

10.15 (b) The department must assist the regional centers of excellence to meet staff,
10.16 facilities, and technical needs, provide the centers with programmatic support, and work
10.17 with the centers to establish a coherent statewide system of regional support, including
10.18 consulting, training, and technical support, to help school boards, school districts, school
10.19 sites, and charter schools effectively and efficiently implement the world's best workforce
10.20 goals under section 120B.11 and other state and federal education initiatives.

10.21 Sec. 6. Minnesota Statutes 2012, section 120B.12, is amended to read:

10.22 **120B.12 READING PROFICIENTLY NO LATER THAN THE END OF**
10.23 **GRADE 3.**

10.24 Subdivision 1. **Literacy goal.** The legislature seeks to have every child reading at or
10.25 above grade level no later than the end of grade 3, including English learners, and that
10.26 teachers provide comprehensive, scientifically based reading instruction consistent with
10.27 section 122A.06, subdivision 4.

10.28 Subd. 2. **Identification; report.** For the 2011-2012 school year and later, each
10.29 school district shall identify before the end of kindergarten, grade 1, and grade 2 students
10.30 who are not reading at grade level before the end of the current school year. Reading
10.31 assessments in English, and in the predominant languages of district students where
10.32 practicable, must identify and evaluate students' areas of academic need related to literacy.
10.33 The district also must monitor the progress and provide reading instruction appropriate
10.34 to the specific needs of English learners. The district must use a locally adopted,

11.1 developmentally appropriate, and culturally responsive assessment and annually report
11.2 summary assessment results to the commissioner by July 1.

11.3 Subd. 2a. **Parent notification and involvement.** Schools, at least annually,
11.4 must give the parent of each student who is not reading at or above grade level timely
11.5 information about:

11.6 (1) student's reading proficiency as measured by a locally adopted assessment;

11.7 (2) reading-related services currently being provided to the student; and

11.8 (3) strategies for parents to use at home in helping their student succeed in becoming
11.9 grade-level proficient in reading in English and in their native language.

11.10 Subd. 3. **Intervention.** For each student identified under subdivision 2, the district
11.11 shall provide reading intervention to accelerate student growth ~~in order to~~ and reach the
11.12 goal of reading at or above grade level by the end of the current grade and school year.

11.13 District intervention methods shall encourage ~~parental involvement~~ family engagement
11.14 and, where possible, collaboration with appropriate school and community programs.

11.15 Intervention methods may include, but are not limited to, requiring attendance in summer
11.16 school, intensified reading instruction that may require that the student be removed from
11.17 the regular classroom for part of the school day ~~or~~, extended-day programs, or programs
11.18 that strengthen students' cultural connections.

11.19 Subd. 4. **Staff development.** Each district shall use the data under subdivision 2 to
11.20 identify the staff development needs so that:

11.21 (1) elementary teachers are able to implement comprehensive, scientifically based
11.22 reading and oral language instruction in the five reading areas of phonemic awareness,
11.23 phonics, fluency, vocabulary, and comprehension as defined in section 122A.06,
11.24 subdivision 4, and other literacy-related areas including writing until the student achieves
11.25 grade-level reading proficiency;

11.26 (2) elementary teachers have sufficient training to provide comprehensive,
11.27 scientifically based reading and oral language instruction that meets students'
11.28 developmental, linguistic, and literacy needs using the intervention methods or programs
11.29 selected by the district for the identified students;

11.30 (3) licensed teachers employed by the district have regular opportunities to improve
11.31 reading and writing instruction; ~~and~~

11.32 (4) licensed teachers recognize students' diverse needs in cross-cultural settings
11.33 and are able to serve the oral language and linguistic needs of students who are English
11.34 learners by maximizing strengths in their native languages in order to cultivate students'
11.35 English language development, including oral academic language development, and
11.36 build academic literacy; and

12.1 (5) licensed teachers are well trained in culturally responsive pedagogy that enables
12.2 students to master content, develop skills to access content, and build relationships.

12.3 Subd. 4a. **Local literacy plan.** Consistent with this section, a school district must
12.4 adopt a local literacy plan to have every child reading at or above grade level no later than
12.5 the end of grade 3, including English learners. The plan must include a process to assess
12.6 students' level of reading proficiency, notify and involve parents, intervene with students
12.7 who are not reading at or above grade level, and identify and meet staff development
12.8 needs. The district must post its literacy plan on the official school district Web site.

12.9 Subd. 5. **Commissioner.** The commissioner shall recommend to districts multiple
12.10 assessment tools to assist districts and teachers with identifying students under subdivision
12.11 2. The commissioner shall also make available examples of nationally recognized and
12.12 research-based instructional methods or programs to districts to provide comprehensive,
12.13 scientifically based reading instruction and intervention under this section.

12.14 Sec. 7. Minnesota Statutes 2013 Supplement, section 120B.125, is amended to read:

12.15 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**
12.16 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; INVOLUNTARY**
12.17 **CAREER TRACKING PROHIBITED.**

12.18 (a) Consistent with sections 120B.128, 120B.13, 120B.131, 120B.132, 120B.14,
12.19 120B.15, 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections,
12.20 school districts, beginning in the 2013-2014 school year, must assist all students by no
12.21 later than grade 9 to explore their college and career interests and aspirations and develop
12.22 a plan for a smooth and successful transition to postsecondary education or employment.
12.23 All students' plans must be designed to:

12.24 (1) provide a comprehensive academic plan for completing a college and
12.25 career-ready curriculum premised on meeting state and local academic standards
12.26 and developing 21st century skills such as team work, collaboration, creativity,
12.27 communication, critical thinking, and good work habits;

12.28 (2) emphasize academic rigor and high expectations;

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

12.31 (4) help students gain access to postsecondary education and career options;

12.32 (5) integrate strong academic content into career-focused courses and integrate
12.33 relevant career-focused courses into strong academic content;

12.34 (6) help students and families identify and gain access to appropriate counseling
12.35 and other supports and assistance that enable students to complete required coursework,

13.1 prepare for postsecondary education and careers, and obtain information about
13.2 postsecondary education costs and eligibility for financial aid and scholarship;
13.3 (7) help students and families identify collaborative partnerships of ~~kindergarten~~
13.4 prekindergarten through grade 12 schools, postsecondary institutions, economic
13.5 development agencies, and employers that support students' transition to postsecondary
13.6 education and employment and provide students with experiential learning opportunities;
13.7 and

13.8 (8) be reviewed and revised at least annually by the student, the student's parent or
13.9 guardian, and the school or district to ensure that the student's course-taking schedule
13.10 keeps the student making adequate progress to meet state and local high school graduation
13.11 requirements and with a reasonable chance to succeed with employment or postsecondary
13.12 education without the need to first complete remedial course work.

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

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

13.21 Sec. 8. Minnesota Statutes 2013 Supplement, section 120B.30, subdivision 1, is
13.22 amended to read:

13.23 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts
13.24 with appropriate technical qualifications and experience and stakeholders, consistent
13.25 with subdivision 1a, shall include in the comprehensive assessment system, for each
13.26 grade level to be tested, state-constructed tests developed as computer-adaptive reading
13.27 and mathematics assessments for students that are aligned with the state's required
13.28 academic standards under section 120B.021, include multiple choice questions, and are
13.29 administered annually to all students in grades 3 through 7. Reading and mathematics
13.30 assessments for all students in grade 8 must be aligned with the state's required reading and
13.31 mathematics standards, be administered annually, and include multiple choice questions.
13.32 State-developed high school tests aligned with the state's required academic standards
13.33 under section 120B.021 and administered to all high school students in a subject other than
13.34 writing must include multiple choice questions. The commissioner shall establish one or
13.35 more months during which schools shall administer the tests to students each school year.

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

14.7 (2) Students enrolled in grade 8 in the 2010-2011 or 2011-2012 school year are
14.8 eligible to be assessed under (i) the graduation-required assessment for diploma in reading,
14.9 mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision
14.10 1, paragraph (c), clauses (1) and (2), (ii) the WorkKeys job skills assessment, (iii) the
14.11 Compass college placement test, (iv) the ACT assessment for college admission, or (v) a
14.12 nationally recognized armed services vocational aptitude test.

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

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

14.17 (1) mathematics;

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

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

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

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

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

14.28 (1) demonstrate understanding of required academic standards on a nationally
14.29 normed college entrance exam;

14.30 (2) achievement and career and college readiness tests in mathematics, reading, and
14.31 writing, consistent with paragraph (e) and to the extent available, to monitor students'
14.32 continuous development of and growth in requisite knowledge and skills; analyze
14.33 students' progress and performance levels, identifying students' academic strengths and
14.34 diagnosing areas where students require curriculum or instructional adjustments, targeted
14.35 interventions, or remediation; and, based on analysis of students' progress and performance

15.1 data, determine students' learning and instructional needs and the instructional tools and
15.2 best practices that support academic rigor for the student; and

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

15.8 Based on appropriate state guidelines, students with an individualized education program
15.9 may satisfy state graduation requirements by achieving an individual score on the
15.10 state-identified alternative assessments.

15.11 Expectations of schools, districts, and the state for career or college readiness under
15.12 this subdivision must be comparable in rigor, clarity of purpose, and rates of student
15.13 completion. A student under clause (2) must receive targeted, relevant, academically
15.14 rigorous, and resourced instruction, which may include a targeted instruction and
15.15 intervention plan focused on improving the student's knowledge and skills in core subjects
15.16 so that the student has a reasonable chance to succeed in a career or college without need
15.17 for postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091,
15.18 124D.49, and related sections, an enrolling school or district must actively encourage a
15.19 student in grade 11 or 12 who is identified as academically ready for a career or college
15.20 to participate in courses and programs awarding college credit to high school students.
15.21 Students are not required to achieve a specified score or level of proficiency on an
15.22 assessment under this subdivision to graduate from high school.

15.23 (d) To improve the secondary and postsecondary outcomes of all students, the
15.24 alignment between secondary and postsecondary education programs and Minnesota's
15.25 workforce needs, and the efficiency and cost-effectiveness of secondary and postsecondary
15.26 programs, the commissioner, after consulting with the chancellor of the Minnesota State
15.27 Colleges and Universities and using a request for proposal process, shall contract for
15.28 a series of assessments that are consistent with this subdivision, aligned with state
15.29 academic standards, and include career and college readiness benchmarks. Mathematics,
15.30 reading, and writing assessments for students in grades 8 and 10 must be predictive of a
15.31 nationally normed assessment for career and college readiness. This nationally recognized
15.32 assessment must be a college entrance exam and given to students in grade 11. This
15.33 series of assessments must include a college placement diagnostic exam and contain
15.34 career exploration elements. The commissioner and the chancellor of the Minnesota
15.35 State Colleges and Universities must collaborate in aligning instruction and assessments
15.36 for adult basic education students and English learners to provide the students with

16.1 diagnostic information about any targeted interventions, accommodations, modifications,
16.2 and supports they need so that assessments and other performance measures are accessible
16.3 to them and they may seek postsecondary education or employment without need for
16.4 postsecondary remediation. When administering formative or summative assessments
16.5 used to measure the academic progress, including the oral academic development, of
16.6 English learners and inform their instruction, schools must ensure that the assessments are
16.7 accessible to the students and students have the modifications and supports they need to
16.8 sufficiently understand the assessments.

16.9 (1) Districts and schools, on an annual basis, must use the career exploration
16.10 elements in these assessments to help students, beginning no later than grade 9, and their
16.11 families explore and plan for postsecondary education or careers based on the students'
16.12 interests, aptitudes, and aspirations. Districts and schools must use timely regional labor
16.13 market information and partnerships, among other resources, to help students and their
16.14 families successfully develop, pursue, review, and revise an individualized plan for
16.15 postsecondary education or a career. This process must help increase students' engagement
16.16 in and connection to school, improve students' knowledge and skills, and deepen students'
16.17 understanding of career pathways as a sequence of academic and career courses that lead
16.18 to an industry-recognized credential, an associate's degree, or a bachelor's degree and are
16.19 available to all students, whatever their interests and career goals.

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

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

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

17.1 (5) A study to determine the alignment between these assessments and state
17.2 academic standards under this chapter must be conducted. Where alignment exists, the
17.3 commissioner must seek federal approval to, and immediately upon receiving approval,
17.4 replace the federally required assessments referenced under subdivision 1a and section
17.5 120B.35, subdivision 2, with assessments under this paragraph.

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

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

17.19 (g) The school board granting students their diplomas may formally decide to
17.20 include a notation of high achievement on the high school diplomas of those graduating
17.21 seniors who, according to established school board criteria, demonstrate exemplary
17.22 academic achievement during high school.

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

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

17.34 (j) The commissioner shall include the following components in the statewide
17.35 public reporting system:

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

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

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

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

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

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

18.21 Sec. 9. Minnesota Statutes 2013 Supplement, section 120B.35, subdivision 3, is
18.22 amended to read:

18.23 Subd. 3. **State growth target; other state measures.** (a) The state's educational
18.24 assessment system measuring individual students' educational growth is based on
18.25 indicators of achievement growth that show an individual student's prior achievement.
18.26 Indicators of achievement and prior achievement must be based on highly reliable
18.27 statewide or districtwide assessments.

18.28 (b) The commissioner, in consultation with a stakeholder group that includes
18.29 assessment and evaluation directors ~~and, district staff,~~ experts in culturally responsive
18.30 teaching, and researchers, must implement a model that uses a value-added growth
18.31 indicator and includes criteria for identifying schools and school districts that demonstrate
18.32 medium and high growth under section 120B.299, subdivisions 8 and 9, and may
18.33 recommend other value-added measures under section 120B.299, subdivision 3. The model
18.34 may be used to advance educators' professional development and replicate programs that

19.1 succeed in meeting students' diverse learning needs. Data on individual teachers generated
19.2 under the model are personnel data under section 13.43. The model must allow users to:

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

19.4 (2) for all student categories, report and compare aggregated and disaggregated state
19.5 growth data using the nine student categories identified under the federal 2001 No Child
19.6 Left Behind Act and two student gender categories of male and female, respectively,
19.7 following appropriate reporting practices to protect nonpublic student data.

19.8 The commissioner must report measures of student growth, consistent with this
19.9 paragraph, including the English language development, academic progress, and oral
19.10 academic development of English learners and their native language development if the
19.11 native language is used as a language of instruction.

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

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

19.21 (2) a rigorous coursework measure indicating the number and percentage of high
19.22 school graduates in the most recent school year who successfully completed one or more
19.23 college-level advanced placement, international baccalaureate, postsecondary enrollment
19.24 options including concurrent enrollment, other rigorous courses of study under section
19.25 120B.021, subdivision 1a, or industry certification courses or programs.

19.26 When reporting the core measures under clauses (1) and (2), the commissioner must also
19.27 analyze and report separate categories of information using the nine student categories
19.28 identified under the federal 2001 No Child Left Behind Act and two student gender
19.29 categories of male and female, respectively, following appropriate reporting practices to
19.30 protect nonpublic student data.

19.31 (d) When reporting student performance under section 120B.36, subdivision 1, the
19.32 commissioner annually, beginning July 1, 2014, must report summary data on school
19.33 safety and students' engagement and connection at school. The summary data under this
19.34 paragraph are separate from and must not be used for any purpose related to measuring
19.35 or evaluating the performance of classroom teachers. The commissioner, in consultation
19.36 with qualified experts on student engagement and connection and classroom teachers,

20.1 must identify highly reliable variables that generate summary data under this paragraph.
20.2 The summary data may be used at school, district, and state levels only. Any data on
20.3 individuals received, collected, or created that are used to generate the summary data
20.4 under this paragraph are nonpublic data under section 13.02, subdivision 9.

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

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

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

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

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

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

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

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

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

20.22 (f) The commissioner, in consultation with recognized experts with knowledge and
20.23 experience in assessing the language proficiency and academic performance of English
20.24 learners, must identify and report appropriate and effective measures to improve current
20.25 categories of language difficulty and assessments, and monitor and report data on students'
20.26 English proficiency levels, program placement, and academic language development,
20.27 including oral academic language.

20.28 Sec. 10. Minnesota Statutes 2013 Supplement, section 120B.36, subdivision 1, is
20.29 amended to read:

20.30 Subdivision 1. **School performance reports.** (a) The commissioner shall report
20.31 student academic performance under section 120B.35, subdivision 2; the percentages of
20.32 students showing low, medium, and high growth under section 120B.35, subdivision
20.33 3, paragraph (b); school safety and student engagement and connection under section
20.34 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35,
20.35 subdivision 3, paragraph (c); the percentage of students under section 120B.35,

21.1 subdivision 3, paragraph (b), clause (2), whose progress and performance levels are
21.2 meeting career and college readiness benchmarks under sections 120B.30, subdivision 1,
21.3 and 120B.35, subdivision 3, paragraph (e); longitudinal data on the progress of eligible
21.4 districts in reducing disparities in students' academic achievement and realizing racial and
21.5 economic integration under section 124D.861; the acquisition of English, and where
21.6 practicable, native language academic literacy, including oral academic language, and
21.7 the academic progress of English learners under section 124D.59, subdivisions 2 and
21.8 2a; two separate student-to-teacher ratios that clearly indicate the definition of teacher
21.9 consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios;
21.10 staff characteristics excluding salaries; student enrollment demographics; district mobility;
21.11 and extracurricular activities. The report also must indicate a school's adequate yearly
21.12 progress status under applicable federal law, and must not set any designations applicable
21.13 to high- and low-performing schools due solely to adequate yearly progress status.

21.14 (b) The commissioner shall develop, annually update, and post on the department
21.15 Web site school performance reports.

21.16 (c) The commissioner must make available performance reports by the beginning
21.17 of each school year.

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

21.21 (e) School performance data are nonpublic data under section 13.02, subdivision 9,
21.22 until the commissioner publicly releases the data. The commissioner shall annually post
21.23 school performance reports to the department's public Web site no later than September 1,
21.24 except that in years when the reports reflect new performance standards, the commissioner
21.25 shall post the school performance reports no later than October 1.

21.26 Sec. 11. Minnesota Statutes 2012, section 122A.06, subdivision 4, is amended to read:

21.27 Subd. 4. **Comprehensive, scientifically based reading instruction.** (a)
21.28 "Comprehensive, scientifically based reading instruction" includes a program or collection
21.29 of instructional practices that is based on valid, replicable evidence showing that when
21.30 these programs or practices are used, students can be expected to achieve, at a minimum,
21.31 satisfactory reading progress. The program or collection of practices must include, at a
21.32 minimum, effective, balanced instruction in all five areas of reading: phonemic awareness,
21.33 phonics, fluency, vocabulary development, and reading comprehension.

21.34 Comprehensive, scientifically based reading instruction also includes and integrates
21.35 instructional strategies for continuously assessing, evaluating, and communicating

22.1 the student's reading progress and needs in order to design and implement ongoing
22.2 interventions so that students of all ages and proficiency levels can read and comprehend
22.3 text, write, and apply higher level thinking skills. For English learners developing literacy
22.4 skills, districts are encouraged to use strategies that teach reading and writing in the
22.5 students' native language and English at the same time.

22.6 (b) "Fluency" is the ability of students to read text with speed, accuracy, and proper
22.7 expression.

22.8 (c) "Phonemic awareness" is the ability of students to notice, think about, and
22.9 manipulate individual sounds in spoken syllables and words.

22.10 (d) "Phonics" is the understanding that there are systematic and predictable
22.11 relationships between written letters and spoken words. Phonics instruction is a way
22.12 of teaching reading that stresses learning how letters correspond to sounds and how to
22.13 apply this knowledge in reading and spelling.

22.14 (e) "Reading comprehension" is an active process that requires intentional thinking
22.15 during which meaning is constructed through interactions between text and reader.
22.16 Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and
22.17 implementing specific cognitive strategies to help beginning readers derive meaning
22.18 through intentional, problem-solving thinking processes.

22.19 (f) "Vocabulary development" is the process of teaching vocabulary both directly
22.20 and indirectly, with repetition and multiple exposures to vocabulary items. Learning in
22.21 rich contexts, incidental learning, and use of computer technology enhance the acquiring
22.22 of vocabulary.

22.23 (g) Nothing in this subdivision limits the authority of a school district to select a
22.24 school's reading program or curriculum.

22.25 Sec. 12. Minnesota Statutes 2013 Supplement, section 122A.09, subdivision 4, is
22.26 amended to read:

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

22.29 (b) The board must adopt rules requiring a person to pass a skills examination in
22.30 reading, writing, and mathematics as a requirement for initial teacher licensure, except
22.31 that the board may issue up to two additional temporary, one-year teaching licenses to an
22.32 otherwise qualified candidate who has not yet passed the skills exam. Such rules must
22.33 require college and universities offering a board-approved teacher preparation program to
22.34 provide remedial assistance to persons who did not achieve a qualifying score on the skills
22.35 examination, including those for whom English is a second language.

23.1 (c) The board must adopt rules to approve teacher preparation programs. The board,
23.2 upon the request of a postsecondary student preparing for teacher licensure or a licensed
23.3 graduate of a teacher preparation program, shall assist in resolving a dispute between the
23.4 person and a postsecondary institution providing a teacher preparation program when the
23.5 dispute involves an institution's recommendation for licensure affecting the person or the
23.6 person's credentials. At the board's discretion, assistance may include the application
23.7 of chapter 14.

23.8 (d) The board must provide the leadership and adopt rules for the redesign of teacher
23.9 education programs to implement a research based, results-oriented curriculum that
23.10 focuses on the skills teachers need in order to be effective. The board shall implement new
23.11 systems of teacher preparation program evaluation to assure program effectiveness based
23.12 on proficiency of graduates in demonstrating attainment of program outcomes. Teacher
23.13 preparation programs including alternative teacher preparation programs under section
23.14 122A.245, among other programs, must include a content-specific, board-approved,
23.15 performance-based assessment that measures teacher candidates in three areas: planning
23.16 for instruction and assessment; engaging students and supporting learning; and assessing
23.17 student learning.

23.18 (e) The board must adopt rules requiring candidates for initial licenses to pass an
23.19 examination of general pedagogical knowledge and examinations of licensure-specific
23.20 teaching skills. The rules shall be effective by September 1, 2001. The rules under this
23.21 paragraph also must require candidates for initial licenses to teach prekindergarten or
23.22 elementary students to pass, as part of the examination of licensure-specific teaching
23.23 skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive,
23.24 scientifically based reading instruction under section 122A.06, subdivision 4, and their
23.25 knowledge and understanding of the foundations of reading development, the development
23.26 of reading comprehension, and reading assessment and instruction, and their ability to
23.27 integrate that knowledge and understanding.

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

23.31 (g) The board must grant licenses to interns and to candidates for initial licenses
23.32 based on appropriate professional competencies that are aligned with the board's licensing
23.33 system and students' diverse learning needs. All teacher candidates must have preparation
23.34 in English language development and content instruction for English learners in order to be
23.35 able to effectively instruct the English learners in their classrooms. The board must include
23.36 these licenses in a statewide differentiated licensing system that creates new leadership

24.1 roles for successful experienced teachers premised on a collaborative professional culture
24.2 dedicated to meeting students' diverse learning needs in the 21st century, recognizes the
24.3 importance of cultural and linguistic competencies, including the ability to teach and
24.4 communicate in culturally competent and aware ways, and formalizes mentoring and
24.5 induction for newly licensed teachers ~~that is~~ provided through a teacher support framework.

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

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

24.14 (j) The board must grant life licenses to those who qualify according to requirements
24.15 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and
24.16 214.10. The board must not establish any expiration date for application for life licenses.

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

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

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

24.32 (n) The board must adopt rules that require all licensed teachers who are renewing
24.33 their continuing license to include in their renewal requirements further preparation,
24.34 first, in understanding the key warning signs of early-onset mental illness in children
24.35 and adolescents and then, during subsequent licensure renewal periods, preparation may
24.36 include providing a more in-depth understanding of students' mental illness trauma,

25.1 accommodations for students' mental illness, parents' role in addressing students' mental
25.2 illness, Fetal Alcohol Spectrum Disorders, autism, the requirements of section 125A.0942
25.3 governing restrictive procedures, and de-escalation methods, among other similar topics.

25.4 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
25.5 individuals entering a teacher preparation program or renewing a continuing teacher
25.6 license after that date.

25.7 Sec. 13. Minnesota Statutes 2012, section 122A.14, subdivision 2, is amended to read:

25.8 Subd. 2. **Preparation programs.** The board shall review and approve or
25.9 disapprove preparation programs for school administrators and alternative preparation
25.10 programs for administrators under section 122A.27, and must consider other alternative
25.11 competency-based preparation programs leading to licensure. Among other requirements,
25.12 preparation programs must include instruction on meeting the varied needs of English
25.13 learners, from young children to adults, in English and, where practicable, in students'
25.14 native language.

25.15 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
25.16 individuals entering a school administrator preparation program after that date.

25.17 Sec. 14. Minnesota Statutes 2012, section 122A.14, subdivision 3, is amended to read:

25.18 Subd. 3. **Rules for continuing education requirements.** The board shall
25.19 adopt rules establishing continuing education requirements that promote continuous
25.20 improvement and acquisition of new and relevant skills by school administrators.
25.21 Continuing education programs, among other things, must provide school administrators
25.22 with information and training about building coherent and effective English learner
25.23 strategies that include relevant professional development, accountability for student
25.24 progress, students' access to the general curriculum, and sufficient staff capacity to effect
25.25 these strategies. A retired school principal who serves as a substitute principal or assistant
25.26 principal for the same person on a day-to-day basis for no more than 15 consecutive
25.27 school days is not subject to continuing education requirements as a condition of serving
25.28 as a substitute principal or assistant principal.

25.29 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to school
25.30 administrators renewing an administrator's license after that date.

25.31 Sec. 15. Minnesota Statutes 2013 Supplement, section 122A.18, subdivision 2, is
25.32 amended to read:

26.1 Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of
26.2 Teaching must issue licenses under its jurisdiction to persons the board finds to be
26.3 qualified and competent for their respective positions.

26.4 (b) The board must require a person to pass an examination of skills in reading,
26.5 writing, and mathematics before being granted an initial teaching license to provide direct
26.6 instruction to pupils in prekindergarten, elementary, secondary, or special education
26.7 programs, except that the board may issue up to two additional temporary, one-year
26.8 teaching licenses to an otherwise qualified candidate who has not yet passed the skills
26.9 exam. The board must require colleges and universities offering a board approved teacher
26.10 preparation program to make available upon request remedial assistance that includes a
26.11 formal diagnostic component to persons enrolled in their institution who did not achieve a
26.12 qualifying score on the skills examination, including those for whom English is a second
26.13 language. The colleges and universities must make available assistance in the specific
26.14 academic areas of deficiency in which the person did not achieve a qualifying score.

26.15 School districts may make available upon request similar, appropriate, and timely remedial
26.16 assistance that includes a formal diagnostic component to those persons employed by the
26.17 district who completed their teacher education program, who did not achieve a qualifying
26.18 score on the skills examination, including those persons for whom English is a second
26.19 language and persons under section 122A.23, subdivision 2, paragraph (h), who completed
26.20 their teacher's education program outside the state of Minnesota, and who received a
26.21 temporary license to teach in Minnesota. The Board of Teaching shall report annually
26.22 to the education committees of the legislature on the total number of teacher candidates
26.23 during the most recent school year taking the skills examination, the number who achieve
26.24 a qualifying score on the examination, the number who do not achieve a qualifying score
26.25 on the examination, the distribution of all candidates' scores, the number of candidates
26.26 who have taken the examination at least once before, and the number of candidates who
26.27 have taken the examination at least once before and achieve a qualifying score.

26.28 (c) The Board of Teaching must grant continuing licenses only to those persons who
26.29 have met board criteria for granting a continuing license, which includes passing the
26.30 skills examination in reading, writing, and mathematics consistent with paragraph (b) and
26.31 section 122A.09, subdivision 4, paragraph (b).

26.32 (d) All colleges and universities approved by the board of teaching to prepare persons
26.33 for teacher licensure must include in their teacher preparation programs a common core
26.34 of teaching knowledge and skills to be acquired by all persons recommended for teacher
26.35 licensure. Among other requirements, teacher candidates must demonstrate the knowledge
26.36 and skills needed to provide appropriate instruction to English learners to support and

27.1 accelerate their academic literacy, including oral academic language, and achievement in
27.2 content areas in a regular classroom setting. This common core shall meet the standards
27.3 developed by the interstate new teacher assessment and support consortium in its 1992
27.4 "model standards for beginning teacher licensing and development." Amendments to
27.5 standards adopted under this paragraph are covered by chapter 14. The board of teaching
27.6 shall report annually to the education committees of the legislature on the performance
27.7 of teacher candidates on common core assessments of knowledge and skills under this
27.8 paragraph during the most recent school year.

27.9 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
27.10 individuals entering a teacher preparation program after that date.

27.11 Sec. 16. Minnesota Statutes 2012, section 122A.18, subdivision 2a, is amended to read:

27.12 Subd. 2a. **Reading strategies.** (a) All colleges and universities approved by the
27.13 Board of Teaching to prepare persons for classroom teacher licensure must include in
27.14 their teacher preparation programs research-based best practices in reading, consistent
27.15 with section 122A.06, subdivision 4, that enable the licensure candidate to know how to
27.16 teach reading in the candidate's content areas. Teacher candidates must be instructed
27.17 in using students' native languages as a resource in creating effective differentiated
27.18 instructional strategies for English learners developing literacy skills. These colleges and
27.19 universities also must prepare candidates for initial licenses to teach prekindergarten or
27.20 elementary students for the assessment of reading instruction portion of the examination
27.21 of licensure-specific teaching skills under section 122A.09, subdivision 4, paragraph (e).

27.22 (b) Board-approved teacher preparation programs for teachers of elementary
27.23 education must require instruction in the application of comprehensive, scientifically
27.24 based, and balanced reading instruction programs that:

27.25 (1) teach students to read using foundational knowledge, practices, and strategies
27.26 consistent with section 122A.06, subdivision 4, so that all students will achieve continuous
27.27 progress in reading; and

27.28 (2) teach specialized instruction in reading strategies, interventions, and remediations
27.29 that enable students of all ages and proficiency levels to become proficient readers.

27.30 (c) Nothing in this section limits the authority of a school district to select a school's
27.31 reading program or curriculum.

27.32 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
27.33 individuals entering a teacher preparation program after that date.

28.1 Sec. 17. Minnesota Statutes 2012, section 122A.18, subdivision 4, is amended to read:

28.2 Subd. 4. **Expiration and renewal.** (a) Each license the Department of Education
28.3 issues through its licensing section must bear the date of issue. Licenses must expire
28.4 and be renewed according to the respective rules the Board of Teaching, the Board
28.5 of School Administrators, or the commissioner of education adopts. Requirements for
28.6 renewing a license must include showing satisfactory evidence of successful teaching or
28.7 administrative experience for at least one school year during the period covered by the
28.8 license in grades or subjects for which the license is valid or completing such additional
28.9 preparation as the Board of Teaching prescribes. The Board of School Administrators
28.10 shall establish requirements for renewing the licenses of supervisory personnel except
28.11 athletic coaches. The State Board of Teaching shall establish requirements for renewing
28.12 the licenses of athletic coaches.

28.13 (b) Relicensure applicants who have been employed as a teacher during the renewal
28.14 period of their expiring license, as a condition of relicensure, must present to their local
28.15 continuing education and relicensure committee or other local relicensure committee
28.16 evidence of work that demonstrates professional reflection and growth in best teaching
28.17 practices, including among other things, practices in meeting the varied needs of English
28.18 learners, from young children to adults under section 124D.59, subdivisions 2 and 2a. The
28.19 applicant must include a reflective statement of professional accomplishment and the
28.20 applicant's own assessment of professional growth showing evidence of:

28.21 (1) support for student learning;

28.22 (2) use of best practices techniques and their applications to student learning;

28.23 (3) collaborative work with colleagues that includes examples of collegiality such as
28.24 attested-to committee work, collaborative staff development programs, and professional
28.25 learning community work; or

28.26 (4) continual professional development that may include (i) job-embedded or other
28.27 ongoing formal professional learning or (ii) for teachers employed for only part of the
28.28 renewal period of their expiring license, other similar professional development efforts
28.29 made during the relicensure period.

28.30 The Board of Teaching must ensure that its teacher relicensing requirements also include
28.31 this paragraph.

28.32 (c) The Board of Teaching shall offer alternative continuing relicensure options for
28.33 teachers who are accepted into and complete the National Board for Professional Teaching
28.34 Standards certification process, and offer additional continuing relicensure options for
28.35 teachers who earn National Board for Professional Teaching Standards certification.
28.36 Continuing relicensure requirements for teachers who do not maintain National Board for

29.1 Professional Teaching Standards certification are those the board prescribes, consistent
29.2 with this section.

29.3 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
29.4 licensed teachers renewing a teaching license after that date.

29.5 Sec. 18. Minnesota Statutes 2012, section 122A.19, is amended to read:

29.6 **122A.19 BILINGUAL AND ENGLISH AS A SECOND LANGUAGE**
29.7 **TEACHERS; LICENSES.**

29.8 Subdivision 1. **Bilingual and English as a second language licenses.** The Board of
29.9 Teaching, hereinafter the board, must grant teaching licenses in bilingual education and
29.10 English as a second language to persons who present satisfactory evidence that they:

29.11 (a) Possess competence and communicative skills in English and in another language;

29.12 (b) Possess a bachelor's degree or other academic degree approved by the board,
29.13 and meet such requirements as to course of study and training as the board may prescribe,
29.14 consistent with subdivision 4.

29.15 Subd. 2. **Persons holding general teaching licenses.** The board may license a
29.16 person ~~holding~~ who holds a general teaching license and who presents the board with
29.17 satisfactory evidence of competence and communicative skills in a language other than
29.18 English may be licensed under this section.

29.19 ~~Subd. 3. **Employment of teachers.** Teachers employed in a bilingual education~~
29.20 ~~or English as a second language program established pursuant to sections 124D.58 to~~
29.21 ~~124D.64 shall not be employed to replace any presently employed teacher who otherwise~~
29.22 ~~would not be replaced.~~

29.23 Subd. 4. **Teacher preparation programs.** For the purpose of licensing bilingual
29.24 and English as a second language teachers, the board may approve programs at colleges
29.25 or universities designed for their training. These programs must provide instruction in
29.26 implementing research-based practices designed specifically for English learners. The
29.27 programs must focus on developing English learners' academic language proficiency in
29.28 English, including oral academic language, giving English learners meaningful access to
29.29 the full school curriculum, developing culturally relevant teaching practices appropriate
29.30 for immigrant students, and providing more intensive instruction and resources to English
29.31 learners with lower levels of academic English proficiency and varied needs, consistent
29.32 with section 124D.59, subdivisions 2 and 2a.

29.33 Subd. 5. **Persons eligible for employment.** Any person licensed under this section
29.34 ~~shall be~~ is eligible for employment by a school board as a teacher in a bilingual education

30.1 or English as a second language program in which the language for which the person is
30.2 licensed is taught or used as a medium of instruction. A board may prescribe only those
30.3 additional qualifications for teachers licensed under this section as that are approved
30.4 by the board of teaching.

30.5 Subd. 6. **Affirmative efforts in hiring.** In hiring for all ~~positions in~~ bilingual
30.6 education ~~programs~~ program positions, districts must give preference to and make
30.7 affirmative efforts to seek, recruit, and employ persons who (1) are (a) native speakers of
30.8 the language which is the medium of instruction in the bilingual education program or share
30.9 a native language with the majority of their students, and (b)(2) ~~who~~ share the culture of the
30.10 English learners ~~who are~~ enrolled in the program. The district shall provide procedures for
30.11 ~~the involvement of~~ involving the parent advisory committees in designing the procedures
30.12 ~~for the recruitment~~ recruiting, screening, and ~~selection of~~ selecting applicants. This section
30.13 must not be construed to limit the school board's authority to hire and discharge personnel.

30.14 **EFFECTIVE DATE.** Subdivisions 1, 2, 5, and 6 are effective August 1, 2015.
30.15 Subdivision 3 is effective the day following final enactment. Subdivision 4 is effective
30.16 August 1, 2015, and applies to an individual entering a teacher preparation program after
30.17 that date.

30.18 Sec. 19. Minnesota Statutes 2013 Supplement, section 122A.40, subdivision 8, is
30.19 amended to read:

30.20 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
30.21 **teachers.** (a) To improve student learning and success, a school board and an exclusive
30.22 representative of the teachers in the district, consistent with paragraph (b), may develop
30.23 a teacher evaluation and peer review process for probationary and continuing contract
30.24 teachers through joint agreement. If a school board and the exclusive representative of the
30.25 teachers do not agree to an annual teacher evaluation and peer review process, then the
30.26 school board and the exclusive representative of the teachers must implement the plan
30.27 for evaluation and review under paragraph (c). The process must include having trained
30.28 observers serve as peer coaches or having teachers participate in professional learning
30.29 communities, consistent with paragraph (b).

30.30 (b) To develop, improve, and support qualified teachers and effective teaching
30.31 practices and improve student learning and success, the annual evaluation process for
30.32 teachers:

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

31.1 (2) must establish a three-year professional review cycle for each teacher that
31.2 includes an individual growth and development plan, a peer review process, the
31.3 opportunity to participate in a professional learning community under paragraph (a), and
31.4 at least one summative evaluation performed by a qualified and trained evaluator such as a
31.5 school administrator. For the years when a tenured teacher is not evaluated by a qualified
31.6 and trained evaluator, the teacher must be evaluated by a peer review;

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

31.8 (4) must coordinate staff development activities under sections 122A.60 and
31.9 122A.61 with this evaluation process and teachers' evaluation outcomes;

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

31.12 (6) may include mentoring and induction programs;

31.13 (7) must include an option for teachers to develop and present a portfolio
31.14 demonstrating evidence of reflection and professional growth, consistent with section
31.15 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
31.16 based on student work samples and examples of teachers' work, which may include video
31.17 among other activities for the summative evaluation;

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

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

31.26 (10) must require qualified and trained evaluators such as school administrators to
31.27 perform summative evaluations;

31.28 (11) must give teachers not meeting professional teaching standards under clauses
31.29 (3) through (10) support to improve through a teacher improvement process that includes
31.30 established goals and timelines; and

31.31 (12) must discipline a teacher for not making adequate progress in the teacher
31.32 improvement process under clause (11) that may include a last chance warning,
31.33 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
31.34 other discipline a school administrator determines is appropriate.

31.35 Data on individual teachers generated under this subdivision are personnel data
31.36 under section 13.43.

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

32.14 Sec. 20. Minnesota Statutes 2013 Supplement, section 122A.41, subdivision 5, is
32.15 amended to read:

32.16 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
32.17 **teachers.** (a) To improve student learning and success, a school board and an exclusive
32.18 representative of the teachers in the district, consistent with paragraph (b), may develop an
32.19 annual teacher evaluation and peer review process for probationary and nonprobationary
32.20 teachers through joint agreement. If a school board and the exclusive representative of
32.21 the teachers in the district do not agree to an annual teacher evaluation and peer review
32.22 process, then the school board and the exclusive representative of the teachers must
32.23 implement the plan for evaluation and review developed under paragraph (c). The process
32.24 must include having trained observers serve as peer coaches or having teachers participate
32.25 in professional learning communities, consistent with paragraph (b).

32.26 (b) To develop, improve, and support qualified teachers and effective teaching
32.27 practices and improve student learning and success, the annual evaluation process for
32.28 teachers:

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

32.31 (2) must establish a three-year professional review cycle for each teacher that
32.32 includes an individual growth and development plan, a peer review process, the
32.33 opportunity to participate in a professional learning community under paragraph (a), and
32.34 at least one summative evaluation performed by a qualified and trained evaluator such
32.35 as a school administrator;

- 33.1 (3) must be based on professional teaching standards established in rule;
- 33.2 (4) must coordinate staff development activities under sections 122A.60 and
33.3 122A.61 with this evaluation process and teachers' evaluation outcomes;
- 33.4 (5) may provide time during the school day and school year for peer coaching and
33.5 teacher collaboration;
- 33.6 (6) may include mentoring and induction programs;
- 33.7 (7) must include an option for teachers to develop and present a portfolio
33.8 demonstrating evidence of reflection and professional growth, consistent with section
33.9 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
33.10 based on student work samples and examples of teachers' work, which may include video
33.11 among other activities for the summative evaluation;
- 33.12 (8) must use data from valid and reliable assessments aligned to state and local
33.13 academic standards and must use state and local measures of student growth and literacy
33.14 that may include value-added models or student learning goals to determine 35 percent of
33.15 teacher evaluation results;
- 33.16 (9) must use longitudinal data on student engagement and connection and other
33.17 student outcome measures explicitly aligned with the elements of curriculum for which
33.18 teachers are responsible, including academic literacy, oral academic language, and
33.19 achievement of English learners;
- 33.20 (10) must require qualified and trained evaluators such as school administrators to
33.21 perform summative evaluations;
- 33.22 (11) must give teachers not meeting professional teaching standards under clauses
33.23 (3) through (10) support to improve through a teacher improvement process that includes
33.24 established goals and timelines; and
- 33.25 (12) must discipline a teacher for not making adequate progress in the teacher
33.26 improvement process under clause (11) that may include a last chance warning,
33.27 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
33.28 other discipline a school administrator determines is appropriate.
- 33.29 Data on individual teachers generated under this subdivision are personnel data
33.30 under section 13.43.
- 33.31 (c) The department, in consultation with parents who may represent parent
33.32 organizations and teacher and administrator representatives appointed by their respective
33.33 organizations, representing the Board of Teaching, the Minnesota Association of School
33.34 Administrators, the Minnesota School Boards Association, the Minnesota Elementary
33.35 and Secondary Principals Associations, Education Minnesota, and representatives of
33.36 the Minnesota Assessment Group, the Minnesota Business Partnership, the Minnesota

34.1 Chamber of Commerce, and Minnesota postsecondary institutions with research expertise
34.2 in teacher evaluation, must create and publish a teacher evaluation process that complies
34.3 with the requirements in paragraph (b) and applies to all teachers under this section and
34.4 section 122A.40 for whom no agreement exists under paragraph (a) for an annual teacher
34.5 evaluation and peer review process. The teacher evaluation process created under this
34.6 subdivision does not create additional due process rights for probationary teachers under
34.7 subdivision 2.

34.8 Sec. 21. Minnesota Statutes 2012, section 122A.413, subdivision 2, is amended to read:

34.9 Subd. 2. **Plan components.** The educational improvement plan must be approved
34.10 by the school board and have at least these elements:

34.11 (1) assessment and evaluation tools to measure student performance and progress,
34.12 including the academic literacy, oral academic language, and achievement of English
34.13 learners, among other measures;

34.14 (2) performance goals and benchmarks for improvement;

34.15 (3) measures of student attendance and completion rates;

34.16 (4) a rigorous research and practice-based professional development system, based
34.17 on national and state standards of effective teaching practice applicable to all students
34.18 including English learners with varied needs under section 124D.59, subdivisions 2 and
34.19 2a, and consistent with section 122A.60, that is aligned with educational improvement and
34.20 designed to achieve ongoing and schoolwide progress and growth in teaching practice;

34.21 (5) measures of student, family, and community involvement and satisfaction;

34.22 (6) a data system about students and their academic progress that provides parents
34.23 and the public with understandable information;

34.24 (7) a teacher induction and mentoring program for probationary teachers that
34.25 provides continuous learning and sustained teacher support; and

34.26 (8) substantial participation by the exclusive representative of the teachers in
34.27 developing the plan.

34.28 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to plans
34.29 approved after that date.

34.30 Sec. 22. Minnesota Statutes 2012, section 122A.414, subdivision 2, is amended to read:

34.31 Subd. 2. **Alternative teacher professional pay system.** (a) To participate in this
34.32 program, a school district, intermediate school district, school site, or charter school must
34.33 have an educational improvement plan under section 122A.413 and an alternative teacher

35.1 professional pay system agreement under paragraph (b). A charter school participant also
35.2 must comply with subdivision 2a.

35.3 (b) The alternative teacher professional pay system agreement must:

35.4 (1) describe how teachers can achieve career advancement and additional
35.5 compensation;

35.6 (2) describe how the school district, intermediate school district, school site, or
35.7 charter school will provide teachers with career advancement options that allow teachers
35.8 to retain primary roles in student instruction and facilitate site-focused professional
35.9 development that helps other teachers improve their skills;

35.10 (3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation
35.11 paid before implementing the pay system from being reduced as a result of participating
35.12 in this system, and base at least 60 percent of any compensation increase on teacher
35.13 performance using:

35.14 (i) schoolwide student achievement gains under section 120B.35 or locally selected
35.15 standardized assessment outcomes, or both;

35.16 (ii) measures of student achievement, including the academic literacy, oral academic
35.17 language, and achievement of English learners, among other measures; and

35.18 (iii) an objective evaluation program that includes:

35.19 (A) individual teacher evaluations aligned with the educational improvement plan
35.20 under section 122A.413 and the staff development plan under section 122A.60; and

35.21 (B) objective evaluations using multiple criteria conducted by a locally selected and
35.22 periodically trained evaluation team that understands teaching and learning;

35.23 (4) provide integrated ongoing site-based professional development activities to
35.24 improve instructional skills and learning that are aligned with student needs under section
35.25 122A.413, consistent with the staff development plan under section 122A.60 and led
35.26 during the school day by trained teacher leaders such as master or mentor teachers;

35.27 (5) allow any teacher in a participating school district, intermediate school district,
35.28 school site, or charter school that implements an alternative pay system to participate in
35.29 that system without any quota or other limit; and

35.30 (6) encourage collaboration rather than competition among teachers.

35.31 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
35.32 agreements approved after that date.

35.33 Sec. 23. Minnesota Statutes 2012, section 122A.60, subdivision 1a, is amended to read:

35.34 Subd. 1a. **Effective staff development activities.** (a) Staff development activities
35.35 must:

36.1 (1) focus on the school classroom and research-based strategies that improve student
36.2 learning;

36.3 (2) provide opportunities for teachers to practice and improve their instructional
36.4 skills over time;

36.5 (3) provide opportunities for teachers to use student data as part of their daily work
36.6 to increase student achievement;

36.7 (4) enhance teacher content knowledge and instructional skills, including to
36.8 accommodate the delivery of digital and blended learning and curriculum and engage
36.9 students with technology;

36.10 (5) align with state and local academic standards;

36.11 (6) provide opportunities to build professional relationships, foster collaboration
36.12 among principals and staff who provide instruction, and provide opportunities for
36.13 teacher-to-teacher mentoring; ~~and~~

36.14 (7) align with the plan of the district or site for an alternative teacher professional
36.15 pay system; and

36.16 (8) provide teachers of English learners, including English as a second language and
36.17 content teachers, with differentiated instructional strategies critical for ensuring students'
36.18 long-term academic success; the means to effectively use assessment data on the academic
36.19 literacy, oral academic language, and English language development of English learners;
36.20 and skills to support native and English language development across the curriculum.

36.21 Staff development activities may include curriculum development and curriculum training
36.22 programs, and activities that provide teachers and other members of site-based teams
36.23 training to enhance team performance. The school district also may implement other
36.24 staff development activities required by law and activities associated with professional
36.25 teacher compensation models.

36.26 (b) Release time provided for teachers to supervise students on field trips and school
36.27 activities, or independent tasks not associated with enhancing the teacher's knowledge
36.28 and instructional skills, such as preparing report cards, calculating grades, or organizing
36.29 classroom materials, may not be counted as staff development time that is financed with
36.30 staff development reserved revenue under section 122A.61.

36.31 Sec. 24. Minnesota Statutes 2012, section 122A.60, subdivision 2, is amended to read:

36.32 Subd. 2. **Contents of plan.** The plan must include the staff development outcomes
36.33 under subdivision 3, the means to achieve the outcomes, and procedures for evaluating
36.34 progress at each school site toward meeting education outcomes, consistent with
36.35 relicensure requirements under section 122A.18, subdivision 4. The plan also must:

37.1 (1) support stable and productive professional communities achieved through
37.2 ongoing and schoolwide progress and growth in teaching practice;

37.3 (2) emphasize coaching, professional learning communities, classroom action
37.4 research, and other job-embedded models;

37.5 (3) maintain a strong subject matter focus premised on students' learning goals;

37.6 (4) ensure specialized preparation and learning about issues related to teaching
37.7 English learners and students with special needs by focusing on long-term systemic efforts
37.8 to improve educational services and opportunities and raise student achievement; and

37.9 (5) reinforce national and state standards of effective teaching practice.

37.10 Sec. 25. Minnesota Statutes 2012, section 122A.60, subdivision 3, is amended to read:

37.11 Subd. 3. **Staff development outcomes.** The advisory staff development committee
37.12 must adopt a staff development plan for improving student achievement. The plan must
37.13 be consistent with education outcomes that the school board determines. The plan
37.14 must include ongoing staff development activities that contribute toward continuous
37.15 improvement in achievement of the following goals:

37.16 (1) improve student achievement of state and local education standards in all areas
37.17 of the curriculum by using research-based best practices methods;

37.18 (2) effectively meet the needs of a diverse student population, including at-risk
37.19 children, children with disabilities, English learners, and gifted children, within the
37.20 regular classroom and other settings;

37.21 (3) provide an inclusive curriculum for a racially, ethnically, linguistically, and
37.22 culturally diverse student population that is consistent with the state education diversity
37.23 rule and the district's education diversity plan;

37.24 (4) improve staff collaboration and develop mentoring and peer coaching programs
37.25 for teachers new to the school or district;

37.26 (5) effectively teach and model violence prevention policy and curriculum that
37.27 address early intervention alternatives, issues of harassment, and teach nonviolent
37.28 alternatives for conflict resolution;

37.29 (6) effectively deliver digital and blended learning and curriculum and engage
37.30 students with technology; and

37.31 (7) provide teachers and other members of site-based management teams with
37.32 appropriate management and financial management skills.

37.33 Sec. 26. Minnesota Statutes 2012, section 122A.68, subdivision 3, is amended to read:

38.1 Subd. 3. **Program components.** In order to be approved by the Board of Teaching,
38.2 a school district's residency program must at minimum include:

- 38.3 (1) training to prepare teachers to serve as mentors to teaching residents;
38.4 (2) a team mentorship approach to expose teaching residents to a variety of
38.5 teaching methods, philosophies, and classroom environments that includes differentiated
38.6 instructional strategies, effective use of student achievement data, and support for native
38.7 and English language development across the curriculum and grade levels, among other
38.8 things;
38.9 (3) ongoing peer coaching and assessment;
38.10 (4) assistance to the teaching resident in preparing an individual professional
38.11 development plan that includes goals, activities, and assessment methodologies; and
38.12 (5) collaboration with one or more teacher education institutions, career teachers,
38.13 and other community experts to provide local or regional professional development
38.14 seminars or other structured learning experiences for teaching residents.

38.15 A teaching resident's direct classroom supervision responsibilities shall not exceed
38.16 80 percent of the instructional time required of a full-time equivalent teacher in the
38.17 district. During the time a resident does not supervise a class, the resident shall participate
38.18 in professional development activities according to the individual plan developed by the
38.19 resident in conjunction with the school's mentoring team. Examples of development
38.20 activities include observing other teachers, sharing experiences with other teaching
38.21 residents, and professional meetings and workshops.

38.22 Sec. 27. Minnesota Statutes 2012, section 122A.74, is amended to read:

38.23 **122A.74 PRINCIPALS' LEADERSHIP INSTITUTE.**

38.24 Subdivision 1. **Establishment.** (a) The commissioner of education may contract
38.25 with the Minnesota State University Mankato or the regents of the University of Minnesota
38.26 to establish a Principals' Leadership Institute to provide professional development to
38.27 school principals by:

38.28 (1) creating a network of leaders in the educational and business communities to
38.29 communicate current and future trends in leadership techniques;

38.30 (2) helping to create a vision for the school that is aligned with the community
38.31 and district priorities; ~~and~~

38.32 (3) developing strategies to retain highly qualified teachers and ensure that diverse
38.33 student populations, including at-risk students, children with disabilities, English learners,
38.34 and gifted students, among others, have equal access to these highly qualified teachers; and

38.35 (4) providing training to analyze data using culturally competent tools.

39.1 (b) The University of Minnesota must cooperate with participating members of the
39.2 business community to provide funding and content for the institute.

39.3 (c) Participants must agree to attend the Principals' Leadership Institute for four
39.4 weeks during the academic summer.

39.5 (d) The Principals' Leadership Institute must incorporate program elements offered
39.6 by leadership programs at the University of Minnesota and program elements used by
39.7 the participating members of the business community to enhance leadership within their
39.8 businesses.

39.9 Subd. 2. **Method of selection and requirements.** (a) The board of each school
39.10 district in the state may select a principal, upon the recommendation of the district's
39.11 superintendent and based on the principal's leadership potential, to attend the institute.

39.12 (b) The school board annually shall forward its list of recommended participants to
39.13 the commissioner of education by February 1 ~~each year~~. In addition, a principal may submit
39.14 an application directly to the commissioner by February 1. The commissioner of education
39.15 shall notify the school board, the principal candidates, and the University of Minnesota of
39.16 the principals selected to participate in the Principals' Leadership Institute each year.

39.17 Sec. 28. Minnesota Statutes 2012, section 123A.06, subdivision 2, is amended to read:

39.18 Subd. 2. **People to be served.** A state-approved alternative program shall provide
39.19 programs for secondary pupils and adults. A center may also provide programs and
39.20 services for elementary and secondary pupils who are not attending the state-approved
39.21 alternative program to assist them in being successful in school. A center shall use
39.22 research-based best practices for serving English learners and their parents, taking into
39.23 account the variations in students' backgrounds and needs and the amount of time and the
39.24 staff resources necessary for students to overcome gaps in their education and to develop
39.25 English proficiency and work-related skills. An individualized education program team
39.26 may identify a state-approved alternative program as an appropriate placement to the
39.27 extent a state-approved alternative program can provide the student with the appropriate
39.28 special education services described in the student's plan. Pupils eligible to be served are
39.29 those who qualify under the graduation incentives program in section 124D.68, subdivision
39.30 2, those enrolled under section 124D.02, subdivision 2, or those pupils who are eligible to
39.31 receive special education services under sections 125A.03 to 125A.24, and 125A.65.

39.32 Sec. 29. Minnesota Statutes 2012, section 123B.04, subdivision 4, is amended to read:

39.33 Subd. 4. **Achievement contract.** A school board may enter a written education site
39.34 achievement contract with each site decision-making team for: (1) setting individualized

40.1 learning and achievement measures and short- and long-term educational goals for each
40.2 student at that site that may include site-based strategies for English language instruction
40.3 targeting the teachers of English learners and all teachers and school administrators;
40.4 (2) recognizing each student's educational needs and aptitudes and levels of academic
40.5 attainment, whether on grade level or above or below grade level, so as to improve student
40.6 performance through such means as a cost-effective, research-based formative assessment
40.7 system designed to promote individualized learning and assessment; (3) using student
40.8 performance data to diagnose a student's academic strengths and weaknesses and indicate
40.9 to the student's teachers the specific skills and concepts that need to be introduced to
40.10 the student and developed through academic instruction or applied learning, organized
40.11 by strands within subject areas and linked to state and local academic standards during
40.12 the next year, consistent with the student's short- and long-term educational goals; and
40.13 (4) assisting the education site if progress in achieving student or contract goals or other
40.14 performance expectations or measures agreed to by the board and the site decision-making
40.15 team are not realized or implemented.

40.16 Sec. 30. Minnesota Statutes 2012, section 123B.147, subdivision 3, is amended to read:

40.17 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative,
40.18 supervisory, and instructional leadership services, under the supervision of the
40.19 superintendent of schools of the district and according to the policies, rules, and
40.20 regulations of the school board, for the planning, management, operation, and evaluation
40.21 of the education program of the building or buildings to which the principal is assigned.

40.22 (b) To enhance a principal's leadership skills and support and improve teaching
40.23 practices, school performance, and student achievement for diverse student populations,
40.24 including at-risk students, children with disabilities, English learners, and gifted students,
40.25 among others, a district must develop and implement a performance-based system for
40.26 annually evaluating school principals assigned to supervise a school building within the
40.27 district. The evaluation must be designed to improve teaching and learning by supporting
40.28 the principal in shaping the school's professional environment and developing teacher
40.29 quality, performance, and effectiveness. The annual evaluation must:

40.30 (1) support and improve a principal's instructional leadership, organizational
40.31 management, and professional development, and strengthen the principal's capacity in the
40.32 areas of instruction, supervision, evaluation, and teacher development;

40.33 (2) include formative and summative evaluations based on multiple measures of
40.34 student progress toward career and college readiness;

41.1 (3) be consistent with a principal's job description, a district's long-term plans and
41.2 goals, and the principal's own professional multiyear growth plans and goals, all of which
41.3 must support the principal's leadership behaviors and practices, rigorous curriculum,
41.4 school performance, and high-quality instruction;

41.5 (4) include on-the-job observations and previous evaluations;

41.6 (5) allow surveys to help identify a principal's effectiveness, leadership skills and
41.7 processes, and strengths and weaknesses in exercising leadership in pursuit of school
41.8 success;

41.9 (6) use longitudinal data on student academic growth as 35 percent of the evaluation
41.10 and incorporate district achievement goals and targets;

41.11 (7) be linked to professional development that emphasizes improved teaching and
41.12 learning, curriculum and instruction, student learning, and a collaborative professional
41.13 culture; and

41.14 (8) for principals not meeting standards of professional practice or other criteria
41.15 under this subdivision, implement a plan to improve the principal's performance and
41.16 specify the procedure and consequence if the principal's performance is not improved.

41.17 The provisions of this paragraph are intended to provide districts with sufficient
41.18 flexibility to accommodate district needs and goals related to developing, supporting,
41.19 and evaluating principals.

41.20 Sec. 31. Minnesota Statutes 2012, section 124D.13, subdivision 2, is amended to read:

41.21 Subd. 2. **Program requirements.** (a) Early childhood family education programs
41.22 are programs for children in the period of life from birth to kindergarten, for the parents
41.23 and other relatives of these children, and for expectant parents. To the extent that funds
41.24 are insufficient to provide programs for all children, early childhood family education
41.25 programs should emphasize programming for a child from birth to age three and
41.26 encourage parents and other relatives to involve four- and five-year-old children in school
41.27 readiness programs, and other public and nonpublic early learning programs. A district
41.28 may not limit participation to school district residents. Early childhood family education
41.29 programs must provide:

41.30 (1) programs to educate parents and other relatives about the physical, mental, and
41.31 emotional development of children and to enhance the skills of parents and other relatives
41.32 in providing for their children's learning and development;

41.33 (2) structured learning activities requiring interaction between children and their
41.34 parents or relatives;

42.1 (3) structured learning activities for children that promote children's development
42.2 and positive interaction with peers, which are held while parents or relatives attend parent
42.3 education classes;

42.4 (4) information on related community resources;

42.5 (5) information, materials, and activities that support the safety of children, including
42.6 prevention of child abuse and neglect; and

42.7 (6) a community outreach plan to ensure participation by families who reflect the
42.8 racial, cultural, linguistic, and economic diversity of the school district.

42.9 Early childhood family education programs are encouraged to provide parents of
42.10 English learners with translated oral and written information to monitor the program's
42.11 impact on their children's English language development, to know whether their children
42.12 are progressing in developing their English and native language proficiency, and to
42.13 actively engage with and support their children in developing their English and native
42.14 language proficiency.

42.15 The programs must include learning experiences for children, parents, and other
42.16 relatives that promote children's early literacy and, where practicable, their native
42.17 language skills. ~~The program must not include and~~ activities for children that ~~do not~~
42.18 require substantial involvement of the children's parents or other relatives. Providers must
42.19 review the program ~~must be reviewed~~ periodically to assure the instruction and materials
42.20 are not racially, culturally, or sexually biased. The programs must encourage parents to be
42.21 aware of practices that may affect equitable development of children.

42.22 (b) For the purposes of this section, "relative" or "relatives" means noncustodial
42.23 grandparents or other persons related to a child by blood, marriage, adoption, or foster
42.24 placement, excluding parents.

42.25 Sec. 32. Minnesota Statutes 2012, section 124D.15, subdivision 3, is amended to read:

42.26 Subd. 3. **Program requirements.** A school readiness program provider must:

42.27 (1) assess each child's cognitive and language skills with a comprehensive child
42.28 assessment instrument when the child enters and again before the child leaves the program
42.29 to ~~inform~~ improve program planning and implementation, communicate with parents, and
42.30 promote kindergarten readiness;

42.31 (2) provide comprehensive program content and intentional instructional practice
42.32 aligned with the state early childhood learning guidelines and kindergarten standards and
42.33 based on early childhood research and professional practice that is focused on children's
42.34 cognitive, social, emotional, and physical skills and development and prepares children
42.35 for the transition to kindergarten, including early literacy and language skills;

- 43.1 (3) coordinate appropriate kindergarten transition with parents and kindergarten
43.2 teachers;
- 43.3 (4) involve parents in program planning and decision making;
- 43.4 (5) coordinate with relevant community-based services;
- 43.5 (6) cooperate with adult basic education programs and other adult literacy programs;
- 43.6 (7) ensure staff-child ratios of one-to-ten and maximum group size of 20 children
43.7 with the first staff required to be a teacher; and
- 43.8 (8) have teachers knowledgeable in early childhood curriculum content, assessment,
43.9 native and English language development programs, and instruction.

43.10 Sec. 33. Minnesota Statutes 2012, section 124D.49, subdivision 3, is amended to read:

43.11 Subd. 3. **Local education and employment transitions systems.** A local education
43.12 and employment transitions partnership must assess the needs of employers, employees,
43.13 and learners, and develop a plan for implementing and achieving the objectives of a local
43.14 or regional education and employment transitions system. The plan must provide for a
43.15 comprehensive local system for assisting learners and workers in making the transition
43.16 from school to work or for retraining in a new vocational area. The objectives of a local
43.17 education and employment transitions system include:

43.18 (1) increasing the effectiveness of the educational programs and curriculum of
43.19 elementary, secondary, and postsecondary schools and the work site in preparing students
43.20 in the skills and knowledge needed to be successful in the workplace;

43.21 (2) implementing learner outcomes for students in grades kindergarten through 12
43.22 designed to introduce the world of work and to explore career opportunities, including
43.23 nontraditional career opportunities;

43.24 (3) eliminating barriers to providing effective integrated applied learning,
43.25 service-learning, or work-based curriculum;

43.26 (4) increasing opportunities to apply academic knowledge and skills, including
43.27 skills needed in the workplace, in local settings which include the school, school-based
43.28 enterprises, postsecondary institutions, the workplace, and the community;

43.29 (5) increasing applied instruction in the attitudes and skills essential for success in
43.30 the workplace, including cooperative working, leadership, problem-solving, English
43.31 language proficiency, and respect for diversity;

43.32 (6) providing staff training for vocational guidance counselors, teachers, and other
43.33 appropriate staff in the importance of preparing learners for the transition to work, and in
43.34 methods of providing instruction that incorporate applied learning, work-based learning,
43.35 English language proficiency, and service-learning experiences;

44.1 (7) identifying and enlisting local and regional employers who can effectively
44.2 provide work-based or service-learning opportunities, including, but not limited to,
44.3 apprenticeships, internships, and mentorships;

44.4 (8) recruiting community and workplace mentors including peers, parents, employers
44.5 and employed individuals from the community, and employers of high school students;

44.6 (9) identifying current and emerging educational, training, native and English
44.7 language development, and employment needs of the area or region, especially within
44.8 industries with potential for job growth;

44.9 (10) improving the coordination and effectiveness of local vocational and job training
44.10 programs, including vocational education, adult basic education, tech prep, apprenticeship,
44.11 service-learning, youth entrepreneur, youth training and employment programs
44.12 administered by the commissioner of employment and economic development, and local
44.13 job training programs under the Workforce Investment Act of 1998, Public Law 105-220;

44.14 (11) identifying and applying for federal, state, local, and private sources of funding
44.15 for vocational or applied learning programs;

44.16 (12) providing students with current information and counseling about career
44.17 opportunities, potential employment, educational opportunities in postsecondary
44.18 institutions, workplaces, and the community, and the skills and knowledge necessary to
44.19 succeed;

44.20 (13) providing educational technology, including interactive television networks
44.21 and other distance learning methods, to ensure access to a broad variety of work-based
44.22 learning opportunities;

44.23 (14) including students with disabilities in a district's vocational or applied learning
44.24 program and ways to serve at-risk learners through collaboration with area learning
44.25 centers under sections 123A.05 to 123A.09, or other alternative programs; and

44.26 (15) providing a warranty to employers, postsecondary education programs, and
44.27 other postsecondary training programs, that learners successfully completing a high school
44.28 work-based or applied learning program will be able to apply the knowledge and work
44.29 skills included in the program outcomes or graduation requirements. The warranty shall
44.30 require education and training programs to continue to work with those learners that need
44.31 additional skill or English language development until they can demonstrate achievement
44.32 of the program outcomes or graduation requirements.

44.33 Sec. 34. Minnesota Statutes 2012, section 124D.52, as amended by Laws 2013, chapter
44.34 116, article 2, section 7, is amended to read:

44.35 **124D.52 ADULT BASIC EDUCATION.**

45.1 Subdivision 1. **Program requirements.** (a) An adult basic education program is a
45.2 day or evening program offered by a district that is for people over 16 years of age who do
45.3 not attend an elementary or secondary school. The program offers academic and English
45.4 language instruction necessary to earn a high school diploma or equivalency certificate.

45.5 (b) Notwithstanding any law to the contrary, a school board or the governing body of
45.6 a consortium offering an adult basic education program may adopt a sliding fee schedule
45.7 based on a family's income, but must waive the fee for participants who are under the age
45.8 of 21 or unable to pay. The fees charged must be designed to enable individuals of all
45.9 socioeconomic levels to participate in the program. A program may charge a security
45.10 deposit to assure return of materials, supplies, and equipment.

45.11 (c) Each approved adult basic education program must develop a memorandum of
45.12 understanding with the local workforce development centers located in the approved
45.13 program's service delivery area. The memorandum of understanding must describe how
45.14 the adult basic education program and the workforce development centers will cooperate
45.15 and coordinate services to provide unduplicated, efficient, and effective services to clients.

45.16 (d) Adult basic education aid must be spent for adult basic education purposes as
45.17 specified in sections 124D.518 to 124D.531.

45.18 (e) A state-approved adult basic education program must count and submit student
45.19 contact hours for a program that offers high school credit toward an adult high school
45.20 diploma according to student eligibility requirements and measures of student progress
45.21 toward work-based competency demonstration requirements and, where appropriate,
45.22 English language proficiency requirements established by the commissioner and posted on
45.23 the department Web site in a readily accessible location and format.

45.24 Subd. 2. **Program approval.** (a) To receive aid under this section, a district, a
45.25 consortium of districts, the Department of Corrections, or a private nonprofit organization
45.26 must submit an application by June 1 describing the program, on a form provided by
45.27 the department. The program must be approved by the commissioner according to the
45.28 following criteria:

45.29 (1) how the needs of different levels of learning and English language proficiency
45.30 will be met;

45.31 (2) for continuing programs, an evaluation of results;

45.32 (3) anticipated number and education level of participants;

45.33 (4) coordination with other resources and services;

45.34 (5) participation in a consortium, if any, and money available from other participants;

45.35 (6) management and program design;

45.36 (7) volunteer training and use of volunteers;

- 46.1 (8) staff development services;
- 46.2 (9) program sites and schedules;
- 46.3 (10) program expenditures that qualify for aid;
- 46.4 (11) program ability to provide data related to learner outcomes as required by
- 46.5 law; and
- 46.6 (12) a copy of the memorandum of understanding described in subdivision 1
- 46.7 submitted to the commissioner.

46.8 (b) Adult basic education programs may be approved under this subdivision for

46.9 up to five years. Five-year program approval must be granted to an applicant who has

46.10 demonstrated the capacity to:

46.11 (1) offer comprehensive learning opportunities and support service choices

46.12 appropriate for and accessible to adults at all basic skill ~~need~~ and English language levels

46.13 of need;

46.14 (2) provide a participatory and experiential learning approach based on the strengths,

46.15 interests, and needs of each adult, that enables adults with basic skill needs to:

46.16 (i) identify, plan for, and evaluate their own progress toward achieving their defined

46.17 educational and occupational goals;

46.18 (ii) master the basic academic reading, writing, and computational skills, as well

46.19 as the problem-solving, decision making, interpersonal effectiveness, and other life and

46.20 learning skills they need to function effectively in a changing society;

46.21 (iii) locate and be able to use the health, governmental, and social services and

46.22 resources they need to improve their own and their families' lives; and

46.23 (iv) continue their education, if they desire, to at least the level of secondary school

46.24 completion, with the ability to secure and benefit from continuing education that will

46.25 enable them to become more employable, productive, and responsible citizens;

46.26 (3) plan, coordinate, and develop cooperative agreements with community resources

46.27 to address the needs that the adults have for support services, such as transportation, English

46.28 language learning, flexible course scheduling, convenient class locations, and child care;

46.29 (4) collaborate with business, industry, labor unions, and employment-training

46.30 agencies, as well as with family and occupational education providers, to arrange for

46.31 resources and services through which adults can attain economic self-sufficiency;

46.32 (5) provide sensitive and well trained adult education personnel who participate in

46.33 local, regional, and statewide adult basic education staff development events to master

46.34 effective adult learning and teaching techniques;

46.35 (6) participate in regional adult basic education peer program reviews and evaluations;

46.36 (7) submit accurate and timely performance and fiscal reports;

47.1 (8) submit accurate and timely reports related to program outcomes and learner
47.2 follow-up information; and

47.3 (9) spend adult basic education aid on adult basic education purposes only, which
47.4 are specified in sections 124D.518 to 124D.531.

47.5 (c) The commissioner shall require each district to provide notification by February
47.6 1, 2001, of its intent to apply for funds under this section as a single district or as part of
47.7 an identified consortium of districts. A district receiving funds under this section must
47.8 notify the commissioner by February 1 of its intent to change its application status for
47.9 applications due the following June 1.

47.10 Subd. 3. **Accounts; revenue; aid.** (a) Each district, group of districts, or private
47.11 nonprofit organization providing adult basic education programs must establish and
47.12 maintain a reserve account within the community service fund for ~~the receipt~~ receiving
47.13 ~~and disbursement of~~ disbursing all funds related to these programs. All revenue received
47.14 ~~pursuant to~~ under this section must be ~~utilized~~ used solely for the purposes of adult basic
47.15 education programs. State aid must not equal more than 100 percent of the unreimbursed
47.16 expenses of providing these programs, excluding in-kind costs.

47.17 (b) For purposes of paragraph (a), an adult basic education program may include as
47.18 valid expenditures for the previous fiscal year program spending that occurs from July
47.19 1 to September 30 of the following year. A program may carry over a maximum of 20
47.20 percent of its adult basic education aid revenue into the next fiscal year. Program spending
47.21 may only be counted for one fiscal year.

47.22 (c) Notwithstanding section 123A.26 or any other law to the contrary, an adult basic
47.23 education consortium providing an approved adult basic education program may be its own
47.24 fiscal agent and is eligible to receive state-aid payments directly from the commissioner.

47.25 Subd. 4. **English as a second language programs.** Persons may teach English
47.26 as a second language classes ~~conducted~~ at a worksite, if they meet the requirements
47.27 of section 122A.19, subdivision 1, clause (a), regardless of whether they are licensed
47.28 teachers. Persons teaching English as a second language for an approved adult basic
47.29 education program must possess a bachelor's or master's degree in English as a second
47.30 language, applied linguistics, or bilingual education, or a related degree ~~as~~ approved by
47.31 the commissioner.

47.32 Subd. 5. **Basic service level.** A district, or a consortium of districts, with a program
47.33 approved by the commissioner under subdivision 2 must establish, in consultation with the
47.34 commissioner, a basic level of service for every adult basic education site in the district
47.35 or consortium. The basic service level must describe minimum levels of academic and
47.36 English language instruction and support services to be provided at each site. The program

48.1 must set a basic service level that promotes effective learning and student achievement
48.2 with measurable results. Each district or consortium of districts must submit its basic
48.3 service level to the commissioner for approval.

48.4 Subd. 6. **Cooperative English as a second language and adult basic education**
48.5 **programs.** (a) A school district, or adult basic education consortium that receives revenue
48.6 under section 124D.531, may deliver English as a second language, citizenship, or other
48.7 adult education programming in collaboration with community-based and nonprofit
48.8 organizations located within its district or region, and with correctional institutions. The
48.9 organization or correctional institution must have the demonstrated capacity to offer
48.10 education programs for adults. Community-based or nonprofit organizations must meet
48.11 the criteria in paragraph (b), or have prior experience. A community-based or nonprofit
48.12 organization or a correctional institution may be reimbursed for unreimbursed expenses
48.13 as defined in section 124D.518, subdivision 5, for ~~the administration of~~ administering
48.14 English as a second language or adult basic education programs, not to exceed eight
48.15 percent of the total funds provided by a school district or adult basic education consortium.
48.16 The administrative reimbursement for a school district or adult basic education consortium
48.17 that delivers services cooperatively with a community-based or nonprofit organization
48.18 or correctional institution is limited to five percent of the program aid, not to exceed the
48.19 unreimbursed expenses of administering programs delivered by community-based or
48.20 nonprofit organizations or correctional institutions.

48.21 (b) A community-based organization or nonprofit organization that delivers education
48.22 services under this section must demonstrate that it has met the following criteria:

48.23 (1) be legally established as a nonprofit organization;

48.24 (2) have an established system for fiscal accounting and reporting that is consistent
48.25 with the ~~Department of Education's~~ department's adult basic education completion report
48.26 and reporting requirements under section 124D.531;

48.27 (3) require all instructional staff to complete a training course in teaching adult
48.28 learners; and

48.29 (4) develop a learning plan for each student that identifies defined educational and
48.30 occupational goals with measures to evaluate progress.

48.31 Subd. 7. **Performance tracking system.** (a) By July 1, 2000, each approved adult
48.32 basic education program must develop and implement a performance tracking system to
48.33 provide information necessary to comply with federal law and serve as one means of
48.34 assessing the effectiveness of adult basic education programs. For required reporting,
48.35 longitudinal studies, and program improvement, the tracking system must be designed to

49.1 collect data on the following core outcomes for learners, including English learners, who
49.2 have completed participating in the adult basic education program:

49.3 (1) demonstrated improvements in literacy skill levels in reading, writing, speaking
49.4 the English language, numeracy, problem solving, English language acquisition, and
49.5 other literacy skills;

49.6 (2) placement in, retention in, or completion of postsecondary education, training,
49.7 unsubsidized employment, or career advancement;

49.8 (3) receipt of a secondary school diploma or its recognized equivalent; and

49.9 (4) reduction in participation in the diversionary work program, Minnesota family
49.10 investment program, and food support education and training program.

49.11 (b) A district, group of districts, state agency, or private nonprofit organization
49.12 providing an adult basic education program may meet this requirement by developing a
49.13 tracking system based on either or both of the following methodologies:

49.14 (1) conducting a reliable follow-up survey; or

49.15 (2) submitting student information, including Social Security numbers for data
49.16 matching.

49.17 Data related to obtaining employment must be collected in the first quarter following
49.18 program completion or can be collected while the student is enrolled, if known. Data
49.19 related to employment retention must be collected in the third quarter following program
49.20 exit. Data related to any other specified outcome may be collected at any time during a
49.21 program year.

49.22 (c) When a student in a program is requested to provide the student's Social Security
49.23 number, the student must be notified in a written form easily understandable to the student
49.24 that:

49.25 (1) providing the Social Security number is optional and no adverse action may be
49.26 taken against the student if the student chooses not to provide the Social Security number;

49.27 (2) the request is made under section 124D.52, subdivision 7;

49.28 (3) if the student provides the Social Security number, it will be used to assess the
49.29 effectiveness of the program by tracking the student's subsequent career; and

49.30 (4) the Social Security number will be shared with the Department of Education;
49.31 Minnesota State Colleges and Universities; Office of Higher Education; Department of
49.32 Human Services; and Department of Employment and Economic Development in order
49.33 to accomplish the purposes described in paragraph (a) and will not be used for any other
49.34 purpose or reported to any other governmental entities.

49.35 (d) Annually a district, group of districts, state agency, or private nonprofit
49.36 organization providing programs under this section must forward the tracking data

50.1 collected to the Department of Education. For the purposes of longitudinal studies on the
50.2 employment status of former students under this section, the Department of Education
50.3 must forward the Social Security numbers to the Department of Employment and
50.4 Economic Development to electronically match the Social Security numbers of former
50.5 students with wage detail reports filed under section 268.044. The results of data matches
50.6 must, for purposes of this section and consistent with the requirements of the United
50.7 States Code, title 29, section 2871, of the Workforce Investment Act of 1998, be compiled
50.8 in a longitudinal form by the Department of Employment and Economic Development
50.9 and released to the Department of Education in the form of summary data that does not
50.10 identify the individual students. The Department of Education may release this summary
50.11 data. State funding for adult basic education programs must not be based on the number or
50.12 percentage of students who decline to provide their Social Security numbers or on whether
50.13 the program is evaluated by means of a follow-up survey instead of data matching.

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

50.16 (1) are not eligible for kindergarten through grade 12 services;

50.17 (2) do not have a high school diploma; and

50.18 (3) successfully complete an adult basic education program of instruction approved
50.19 by the commissioner of education necessary to earn an adult high school diploma.

50.20 (b) Persons participating in an approved adult basic education program of instruction
50.21 must demonstrate the competencies, knowledge, and skills and, where appropriate,
50.22 English language proficiency, sufficient to ensure that postsecondary programs and
50.23 institutions and potential employers regard persons with a standard high school diploma
50.24 and persons with a standard adult high school diploma as equally well prepared and
50.25 qualified graduates. Approved adult basic education programs of instruction under this
50.26 subdivision must issue a standard adult high school diploma to persons who successfully
50.27 demonstrate the competencies, knowledge, and skills required by the program.

50.28 Sec. 35. Minnesota Statutes 2012, section 124D.522, is amended to read:

50.29 **124D.522 ADULT BASIC EDUCATION SUPPLEMENTAL SERVICE**
50.30 **GRANTS.**

50.31 (a) The commissioner, in consultation with the policy review task force under
50.32 section 124D.521, may make grants to nonprofit organizations to provide services that are
50.33 not offered by a district adult basic education program or that are supplemental to either
50.34 the statewide adult basic education program, or a district's adult basic education program.
50.35 The commissioner may make grants for: staff development for adult basic education

51.1 teachers and administrators; training for volunteer tutors; training, services, and materials
51.2 for serving disabled students through adult basic education programs; statewide promotion
51.3 of adult basic education services and programs; development and dissemination of
51.4 instructional and administrative technology for adult basic education programs; programs
51.5 which primarily serve communities of color; adult basic education distance learning
51.6 projects, including television instruction programs; initiatives to accelerate English
51.7 language acquisition and the achievement of career- and college-ready skills among
51.8 English learners; and other supplemental services to support the mission of adult basic
51.9 education and innovative delivery of adult basic education services.

51.10 (b) The commissioner must establish eligibility criteria and grant application
51.11 procedures. Grants under this section must support services throughout the state, focus
51.12 on educational results for adult learners, and promote outcome-based achievement
51.13 through adult basic education programs. Beginning in fiscal year 2002, the commissioner
51.14 may make grants under this section from the state total adult basic education aid set
51.15 aside for supplemental service grants under section 124D.531. Up to one-fourth of the
51.16 appropriation for supplemental service grants must be used for grants for adult basic
51.17 education programs to encourage and support innovations in adult basic education
51.18 instruction and service delivery. A grant to a single organization cannot exceed 20 percent
51.19 of the total supplemental services aid. Nothing in this section prevents an approved adult
51.20 basic education program from using state or federal aid to purchase supplemental services.

51.21 Sec. 36. Minnesota Statutes 2012, section 124D.59, subdivision 2, is amended to read:

51.22 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten through
51.23 grade 12 who meets the requirements under subdivision 2a or the following requirements:

51.24 (1) the pupil, as declared by a parent or guardian first learned a language other than
51.25 English, comes from a home where the language usually spoken is other than English, or
51.26 usually speaks a language other than English; and

51.27 (2) the pupil is determined by a valid assessment measuring the pupil's English
51.28 language proficiency and by developmentally appropriate measures, which might include
51.29 observations, teacher judgment, parent recommendations, or developmentally appropriate
51.30 assessment instruments, to lack the necessary English skills to participate fully in
51.31 academic classes taught in English.

51.32 (b) ~~Notwithstanding paragraph (a),~~ A pupil in grades 4 through 12 who was
51.33 enrolled in a Minnesota public school on the dates during the previous school year when
51.34 a commissioner provided assessment that measures the pupil's emerging academic
51.35 English was administered, shall not be counted as an English learner in calculating

52.1 English learner pupil units under section 126C.05, subdivision 17, and shall not generate
52.2 state English learner aid under section 124D.65, subdivision 5, unless the pupil scored
52.3 below the state cutoff score or is otherwise counted as a nonproficient participant on an
52.4 assessment measuring emerging academic English provided by the commissioner during
52.5 the previous school year.

52.6 (c) Notwithstanding paragraphs (a) and (b), a pupil in kindergarten through grade
52.7 12 shall not be counted as an English learner in calculating English learner pupil units
52.8 under section 126C.05, subdivision 17, and shall not generate state English learner aid
52.9 under section 124D.65, subdivision 5, if:

52.10 (1) the pupil is not enrolled during the current fiscal year in an educational program
52.11 for English learners ~~in accordance with~~ under sections 124D.58 to 124D.64; or

52.12 (2) the pupil has generated five or more years of average daily membership in
52.13 Minnesota public schools since July 1, 1996.

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

52.16 Sec. 37. Minnesota Statutes 2012, section 124D.59, is amended by adding a
52.17 subdivision to read:

52.18 **Subd. 2a. English learner; interrupted formal education.** Consistent with
52.19 subdivision 2, an English learner includes an English learner with an interrupted formal
52.20 education who:

52.21 (1) comes from a home where the language usually spoken is other than English, or
52.22 usually speaks a language other than English;

52.23 (2) enters school in the United States after grade 6;

52.24 (3) has at least two years less schooling than the English learner's peers;

52.25 (4) functions at least two years below expected grade level in reading and
52.26 mathematics; and

52.27 (5) may be preliterate in the English learner's native language.

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

52.30 Sec. 38. Minnesota Statutes 2013 Supplement, section 124D.861, subdivision 3,
52.31 is amended to read:

52.32 **Subd. 3. Public engagement; progress report and budget process.** (a) To
52.33 receive revenue under section 124D.862, the school board of an eligible district must

53.1 incorporate school and district plan components under section 120B.11 into the district's
53.2 comprehensive integration plan.

53.3 (b) A school board must hold at least one formal annual hearing to publicly report its
53.4 progress in realizing the goals identified in its plan. At the hearing, the board must provide
53.5 the public with longitudinal data demonstrating district and school progress in reducing
53.6 the disparities in student academic performance among the specified categories of students
53.7 and in realizing racial and economic integration, consistent with the district plan and the
53.8 measures in paragraph (a). At least 30 days before the formal hearing under this paragraph,
53.9 the board must post its plan, its preliminary analysis, relevant student performance data,
53.10 and other longitudinal data on the district's Web site. A district must hold one hearing to
53.11 meet the hearing requirements of both this section and section 120B.11.

53.12 (c) The district must submit a detailed budget to the commissioner by March 15 in
53.13 the year before it implements its plan. The commissioner must review, and approve or
53.14 disapprove the district's budget by June 1 of that year.

53.15 (d) The longitudinal data required under paragraph (a) must be based on student
53.16 growth and progress in reading and mathematics, as defined under section 120B.30,
53.17 subdivision 1, and student performance data and achievement reports from fully adaptive
53.18 reading and mathematics assessments for grades 3 through 7 beginning in the 2015-2016
53.19 school year under section 120B.30, subdivision 1a, and either (i) school enrollment
53.20 choices, (ii) the number of world language proficiency or high achievement certificates
53.21 awarded under section 120B.022, subdivision 1, ~~paragraphs (b) and (c)~~ 1a, or the number
53.22 of state bilingual and multilingual seals issued under section 120B.022, subdivision 1b,
53.23 or (iii) school safety and students' engagement and connection at school under section
53.24 120B.35, subdivision 3, paragraph (d). Additional longitudinal data may be based on:
53.25 students' progress toward career and college readiness under section 120B.30, subdivision
53.26 1; or rigorous coursework completed under section 120B.35, subdivision 3, paragraph
53.27 (c), clause (2).

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

53.30 Sec. 39. Minnesota Statutes 2012, section 124D.895, is amended to read:

53.31 **124D.895 PARENTAL INVOLVEMENT PROGRAMS.**

53.32 Subdivision 1. **Program goals.** The department, in consultation with the state
53.33 curriculum advisory committee, must develop guidelines and model plans for parental
53.34 involvement programs that will:

54.1 (1) engage the interests and talents of parents or guardians in recognizing and
54.2 meeting the emotional, intellectual, native and English language development, and
54.3 physical needs of their school-age children;

54.4 (2) promote healthy self-concepts among parents or guardians and other family
54.5 members;

54.6 (3) offer parents or guardians a chance to share and learn about educational skills,
54.7 techniques, and ideas;

54.8 (4) provide creative learning experiences for parents or guardians and their
54.9 school-age children, including involvement from parents or guardians of color;

54.10 (5) encourage parents to actively participate in their district's curriculum advisory
54.11 committee under section 120B.11 in order to assist the school board in improving
54.12 children's education programs; and

54.13 (6) encourage parents to help in promoting school desegregation/integration under
54.14 sections 124D.861 and 124D.862.

54.15 Subd. 2. **Plan contents.** Model plans for a parental involvement program must
54.16 include at least the following:

54.17 (1) program goals;

54.18 (2) means for achieving program goals;

54.19 (3) methods for informing parents or guardians, in a timely way, about the program;

54.20 (4) strategies for ensuring the full participation of parents or guardians, including
54.21 those parents or guardians who lack literacy skills or whose native language is not English,
54.22 including the involvement from of parents or guardians of color;

54.23 (5) procedures for coordinating the program with kindergarten through grade 12
54.24 curriculum, with parental involvement programs currently available in the community,
54.25 with the ~~process under sections 120B.10 to~~ world's best workforce under section 120B.11,
54.26 and with other education facilities located in the community;

54.27 (6) strategies for training teachers and other school staff to work effectively with
54.28 parents and guardians;

54.29 (7) procedures for parents or guardians and educators to evaluate and report progress
54.30 toward program goals; and

54.31 (8) a mechanism for convening a local community advisory committee composed
54.32 primarily of parents or guardians to advise a district on implementing a parental
54.33 involvement program.

54.34 Subd. 3. **Plan activities.** Activities contained in the model plans must include:

54.35 (1) educational opportunities for families that enhance children's learning and native
54.36 and English language development;

- 55.1 (2) educational programs for parents or guardians on families' educational
55.2 responsibilities and resources;
- 55.3 (3) the hiring, training, and use of parental involvement liaison workers to
55.4 coordinate family involvement activities and to foster linguistic and culturally competent
55.5 communication among families, educators, and students, consistent with the definition of
55.6 culturally competent under section 120B.30, subdivision 1, paragraph (1);
- 55.7 (4) curriculum materials and assistance in implementing home and community-based
55.8 learning activities that reinforce and extend classroom instruction and student motivation;
- 55.9 (5) technical assistance, including training to design and carry out family
55.10 involvement programs;
- 55.11 (6) parent resource centers;
- 55.12 (7) parent training programs and reasonable and necessary expenditures associated
55.13 with parents' attendance at training sessions;
- 55.14 (8) reports to parents on children's progress;
- 55.15 (9) use of parents as classroom volunteers, or as volunteers in before and after
55.16 school programs for school-age children, tutors, and aides;
- 55.17 (10) soliciting parents' suggestions in planning, developing, and implementing
55.18 school programs;
- 55.19 (11) educational programs and opportunities for parents or guardians that are
55.20 multicultural, multilingual, gender fair, and disability sensitive;
- 55.21 (12) involvement in a district's curriculum advisory committee or a school building
55.22 team under section 120B.11; and
- 55.23 (13) opportunities for parent involvement in developing, implementing, or evaluating
55.24 school and district desegregation/integration plans under sections 124D.861 and 124D.862.

55.25 Sec. 40. Minnesota Statutes 2012, section 124D.8955, is amended to read:

55.26 **124D.8955 PARENT AND FAMILY INVOLVEMENT POLICY.**

55.27 (a) In order to promote and support student achievement, a local school board is
55.28 encouraged to formally adopt and implement a parent and family involvement policy that
55.29 promotes and supports:

- 55.30 (1) oral and written communication between home and school that is regular,
55.31 two-way, ~~and~~ meaningful, and in families' native language;
- 55.32 (2) parenting skills;
- 55.33 (3) parents and caregivers who play an integral role in assisting student learning and
55.34 learn about fostering students' academic success and learning at home and school;

56.1 (4) welcoming parents in the school and using networks that support families'
56.2 cultural connections, seeking their support and assistance;

56.3 (5) partnerships with parents in the decisions that affect children and families
56.4 in the schools; and

56.5 (6) providing community resources to strengthen schools, families, and student
56.6 learning.

56.7 (b) A school board that implements a parent and family involvement policy under
56.8 paragraph (a) must convene an advisory committee composed of an equal number of
56.9 resident parents who are not district employees and school staff to make recommendations
56.10 to the board on developing and evaluating the board's parent and family involvement
56.11 policy. If possible, the advisory committee must represent the diversity of the district. The
56.12 advisory committee must consider the district's demographic diversity and barriers to
56.13 parent involvement when developing its recommendations. The advisory committee must
56.14 present its recommendations to the board for board consideration.

56.15 (c) The board must consider research-based best practices when implementing
56.16 this policy.

56.17 (d) The board periodically must review this policy to determine whether it is aligned
56.18 with the most current research findings on parent involvement policies and practices and
56.19 how effective the policy is in supporting increased student achievement.

56.20 (e) Nothing in this section obligates a school district to exceed any parent or family
56.21 involvement requirement under federal law.

56.22 Sec. 41. Minnesota Statutes 2013 Supplement, section 127A.70, subdivision 2, is
56.23 amended to read:

56.24 Subd. 2. **Powers and duties; report.** (a) The partnership shall develop
56.25 recommendations to the governor and the legislature designed to maximize the achievement
56.26 of all P-20 students while promoting the efficient use of state resources, thereby helping
56.27 the state realize the maximum value for its investment. These recommendations may
56.28 include, but are not limited to, strategies, policies, or other actions focused on:

56.29 (1) improving the quality of and access to education at all points from preschool
56.30 through graduate education;

56.31 (2) improving preparation for, and transitions to, postsecondary education and
56.32 work; and

56.33 (3) ensuring educator quality by creating rigorous standards for teacher recruitment,
56.34 teacher preparation, induction and mentoring of beginning teachers, and continuous
56.35 professional development for career teachers.

57.1 (b) Under the direction of the P-20 Education Partnership Statewide Longitudinal
57.2 Education Data System Governance Committee, the Office of Higher Education and the
57.3 Departments of Education and Employment and Economic Development shall improve
57.4 and expand the Statewide Longitudinal Education Data System (SLEDS) to provide
57.5 policymakers, education and workforce leaders, researchers, and members of the public
57.6 with data, research, and reports to:

57.7 (1) expand reporting on students' educational outcomes for diverse student
57.8 populations including at-risk students, children with disabilities, English learners, and
57.9 gifted students, among others, and include formative and summative evaluations based on
57.10 multiple measures of student progress toward career and college readiness;

57.11 (2) evaluate the effectiveness of educational and workforce programs; and

57.12 (3) evaluate the relationship between education and workforce outcomes, consistent
57.13 with section 124D.49.

57.14 To the extent possible under federal and state law, research and reports should be
57.15 accessible to the public on the Internet, and disaggregated by demographic characteristics,
57.16 organization or organization characteristics, and geography.

57.17 It is the intent of the legislature that the Statewide Longitudinal Education Data
57.18 System inform public policy and decision-making. The SLEDS governance committee,
57.19 with assistance from staff of the Office of Higher Education, the Department of Education,
57.20 and the Department of Employment and Economic Development, shall respond to
57.21 legislative committee and agency requests on topics utilizing data made available through
57.22 the Statewide Longitudinal Education Data System as resources permit. Any analysis of
57.23 or report on the data must contain only summary data.

57.24 (c) By January 15 of each year, the partnership shall submit a report to the governor
57.25 and to the chairs and ranking minority members of the legislative committees and
57.26 divisions with jurisdiction over P-20 education policy and finance that summarizes the
57.27 partnership's progress in meeting its goals and identifies the need for any draft legislation
57.28 when necessary to further the goals of the partnership to maximize student achievement
57.29 while promoting efficient use of resources.

57.30 Sec. 42. **REVIEW OF WORLD LANGUAGE COMPETENCIES.**

57.31 The commissioner of education and the Minnesota State Colleges and Universities
57.32 (MnSCU) chancellor, after consulting with the world language faculty at the University of
57.33 Minnesota and MnSCU, must review the specific competencies a K-12 student masters in
57.34 attaining a state bilingual seal, multilingual seal, Minnesota World Language Proficiency
57.35 Certificate, or Minnesota World Language Proficiency High Achievement Certificate

58.1 under Minnesota Statutes, section 120B.22, subdivisions 1a and 1b, and determine credit
58.2 and course equivalencies for each seal or certificate. The commissioner and the chancellor,
58.3 or their designees, must report findings, determinations, and any recommendations to the
58.4 education policy and finance committees of the legislature by February 15, 2015.

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

58.6 Sec. 43. **REPEALER.**

58.7 Minnesota Statutes 2012, section 122A.19, subdivision 3, is repealed effective the
58.8 day following final enactment.

58.9 **ARTICLE 2**

58.10 **GENERAL EDUCATION**

58.11 Section 1. Minnesota Statutes 2012, section 124D.08, is amended by adding a
58.12 subdivision to read:

58.13 Subd. 2b. **Continued enrollment for students placed in foster care.**

58.14 Notwithstanding subdivision 2, a pupil who has been enrolled in a district who is placed
58.15 in foster care in another district may continue to enroll in the prior district without the
58.16 approval of the board of the prior district. The approval of the board where the pupil's
58.17 foster home is located is not required.

58.18 Sec. 2. **REPEALER.**

58.19 Minnesota Statutes 2012, sections 123B.15; 123B.16; 123B.17; 123B.18; 123B.26;
58.20 and 123B.27, are repealed.

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

58.22 **ARTICLE 3**

58.23 **EDUCATION EXCELLENCE**

58.24 Section 1. Minnesota Statutes 2012, section 13.32, subdivision 6, is amended to read:

58.25 Subd. 6. **Admissions forms; remedial instruction.** (a) Minnesota postsecondary
58.26 education institutions, for purposes of reporting and research, may collect on the
58.27 1986-1987 admissions form, and disseminate to any public educational agency or
58.28 institution the following data on individuals: student sex, ethnic background, age, and
58.29 disabilities. The data shall not be required of any individual and shall not be used for
58.30 purposes of determining the person's admission to an institution.

59.1 (b) A school district that receives information under subdivision 3, paragraph
59.2 (h) from a postsecondary institution about an identifiable student shall maintain the
59.3 data as educational data and use that data to conduct studies to improve instruction.
59.4 Public postsecondary systems ~~annually shall provide summary data to the Department~~
59.5 ~~of Education indicating~~ as part of their participation in the Statewide Longitudinal
59.6 Education Data System shall provide data on the extent and content of the remedial
59.7 instruction received in each system during the prior academic year by individual students,
59.8 and the results of assessment testing and the academic performance of, students who
59.9 graduated from a Minnesota school district within two years before receiving the remedial
59.10 instruction. The department Office of Higher Education, in collaboration with the
59.11 Department of Education, shall evaluate the data and annually report its findings to the
59.12 education committees of the legislature.

59.13 (c) This section supersedes any inconsistent provision of law.

59.14 Sec. 2. Minnesota Statutes 2013 Supplement, section 120A.22, subdivision 5, is
59.15 amended to read:

59.16 Subd. 5. **Ages and terms.** (a) Every child between seven and 17 years of age must
59.17 receive instruction unless the child has graduated. Every child under the age of seven who
59.18 is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days,
59.19 or other kindergarten programs shall receive instruction. Except as provided in subdivision
59.20 6, a parent may withdraw a child under the age of seven from enrollment at any time.

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

59.25 (c) A pupil 16 years of age or older who meets the criteria of section 124D.68,
59.26 subdivision 2, and under clause (5) of that subdivision has been excluded or expelled
59.27 from school or under clause (11) of that subdivision has been chronically truant may be
59.28 assigned referred to an area learning center. Such assignment referral may be made only
59.29 after consultation with consulting the principal, area learning center director, student, and
59.30 parent or guardian and only if, in the school administrator's professional judgment, the
59.31 referral is in the best educational interest of the pupil. Nothing in this paragraph limits a
59.32 pupil's eligibility to apply to enroll in other eligible programs under section 124D.68.

59.33 Sec. 3. Minnesota Statutes 2013 Supplement, section 120B.021, subdivision 4, is
59.34 amended to read:

60.1 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must
60.2 revise and appropriately embed technology and information literacy standards consistent
60.3 with recommendations from school media specialists into the state's academic standards
60.4 and graduation requirements and implement a ten-year cycle to review and, consistent
60.5 with the review, revise state academic standards and related benchmarks, consistent with
60.6 this subdivision. During each ten-year review and revision cycle, the commissioner also
60.7 must examine the alignment of each required academic standard and related benchmark
60.8 with the knowledge and skills students need for career and college readiness and advanced
60.9 work in the particular subject area. The commissioner must include the contributions of
60.10 Minnesota American Indian tribes and communities as related to the academic standards
60.11 during the review and revision of the required academic standards.

60.12 (b) The commissioner must ensure that the statewide mathematics assessments
60.13 administered to students in grades 3 through 8 and 11 are aligned with the state academic
60.14 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph
60.15 (b). The commissioner must implement a review of the academic standards and related
60.16 benchmarks in mathematics beginning in the 2015-2016 school year and every ten years
60.17 thereafter.

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

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

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

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

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

61.1 Sec. 4. Minnesota Statutes 2013 Supplement, section 120B.11, subdivision 1, is
61.2 amended to read:

61.3 Subdivision 1. **Definitions.** For the purposes of this section and section 120B.10,
61.4 the following terms have the meanings given them.

61.5 (a) "Instruction" means methods of providing learning experiences that enable
61.6 a student to meet state and district academic standards and graduation requirements
61.7 including applied and experiential learning.

61.8 (b) "Curriculum" means district or school adopted programs and written plans for
61.9 providing students with learning experiences that lead to expected knowledge and skills
61.10 and career and college readiness.

61.11 (c) "World's best workforce" means striving to: meet school readiness goals; have
61.12 all third grade students achieve grade-level literacy; close the academic achievement gap
61.13 among all racial and ethnic groups of students and between students living in poverty and
61.14 students not living in poverty; have all students attain career and college readiness before
61.15 graduating from high school; and have all students graduate from high school.

61.16 (d) "Experiential learning" means learning for students that includes career
61.17 exploration through a specific class or course or through work-based experiences such as
61.18 job shadowing, mentoring, entrepreneurship, service learning, volunteering, internships,
61.19 other cooperative work experience, youth apprenticeship, or employment.

61.20 Sec. 5. Minnesota Statutes 2013 Supplement, section 120B.11, subdivision 1a, is
61.21 amended to read:

61.22 Subd. 1a. **Performance measures.** Measures to determine school district and
61.23 school site progress in striving to create the world's best workforce must include at least:

61.24 (1) student performance on the National ~~Association~~ Assessment of Education
61.25 Progress where applicable;

61.26 (2) the size of the academic achievement gap by student subgroup;

61.27 (3) student performance on the Minnesota Comprehensive Assessments;

61.28 (4) high school graduation rates; and

61.29 (5) career and college readiness under section 120B.30, subdivision 1.

61.30 Sec. 6. Minnesota Statutes 2013 Supplement, section 120B.115, is amended to read:

61.31 **120B.115 REGIONAL CENTERS OF EXCELLENCE.**

61.32 (a) Regional centers of excellence are established to assist and support school
61.33 boards, school districts, school sites, and charter schools in implementing research-based
61.34 interventions and practices to increase the students' achievement within a region.

62.1 The centers must develop partnerships with local and regional service cooperatives,
62.2 postsecondary institutions, integrated school districts, the department, children's mental
62.3 health providers, or other local or regional entities interested in providing a cohesive
62.4 and consistent regional delivery system that serves all schools equitably. Centers must
62.5 assist school districts, school sites, and charter schools in developing similar partnerships.
62.6 Center support may include assisting school districts, school sites, and charter schools
62.7 with common principles of effective practice, including:

- 62.8 (1) defining measurable education goals under section 120B.11, subdivision 2;
62.9 (2) implementing evidence-based practices, including applied and experiential
62.10 learning, contextualized learning, competency-based curricula and assessments, and other
62.11 nontraditional learning opportunities, among other practices;
62.12 (3) engaging in data-driven decision-making;
62.13 (4) providing multilayered levels of support;
62.14 (5) supporting culturally responsive teaching and learning aligning state and local
62.15 academic standards and career and college readiness benchmarks; and
62.16 (6) engaging parents, families, youth, and local community members in programs
62.17 and activities at the school district, school site, or charter school.

62.18 Centers must work with school site leadership teams to build capacity to implement
62.19 programs that close the achievement gap, increase students' progress and growth toward
62.20 career and college readiness, and increase student graduation rates.

62.21 (b) The department must assist the regional centers of excellence to meet staff,
62.22 facilities, and technical needs, provide the centers with programmatic support, and work
62.23 with the centers to establish a coherent statewide system of regional support, including
62.24 consulting, training, and technical support, to help school boards, school districts, school
62.25 sites, and charter schools effectively and efficiently implement the world's best workforce
62.26 goals under section 120B.11 and other state and federal education initiatives, including
62.27 secondary and postsecondary career pathways and technical education.

62.28 Sec. 7. Minnesota Statutes 2013 Supplement, section 120B.125, is amended to read:

62.29 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**
62.30 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; INVOLUNTARY**
62.31 **~~CAREER TRACKING PROHIBITED~~ PERSONAL LEARNING PLANS.**

62.32 (a) Consistent with sections 120B.128, 120B.13, 120B.131, 120B.132, 120B.14,
62.33 120B.15, 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections,
62.34 school districts, beginning in the 2013-2014 school year, must assist all students by no
62.35 later than grade 9 to explore their educational, college, and career interests, aptitudes, and

63.1 aspirations and develop a plan for a smooth and successful transition to postsecondary
63.2 education or employment. All students' plans must be designed to:

63.3 (1) provide a comprehensive ~~academic plan for completing~~ to prepare for and
63.4 complete a college and career-ready career and college-ready curriculum premised on
63.5 by meeting state and local academic standards and developing 21st-century career and
63.6 employment-related skills such as team work, collaboration, and good work habits;

63.7 (2) emphasize academic rigor and high expectations;

63.8 (3) help students identify interests, aptitudes, aspirations, and personal learning
63.9 styles that may affect their career and college-ready goals and postsecondary education
63.10 and employment choices;

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

63.13 ~~(4)~~ (5) help students ~~gain access to postsecondary~~ education and career options;

63.14 ~~(5)~~ (6) integrate strong academic content into career-focused courses and applied
63.15 and experiential learning opportunities and integrate relevant career-focused courses and
63.16 applied and experiential learning opportunities into strong academic content;

63.17 ~~(6)~~ (7) help ~~students and families~~ identify and ~~gain access to~~ appropriate counseling
63.18 and other supports and assistance that enable students to complete required coursework,
63.19 prepare for postsecondary education and careers, and obtain information about
63.20 postsecondary education costs and eligibility for financial aid and scholarship;

63.21 ~~(7)~~ (8) help ~~students and families~~ identify collaborative partnerships ~~of~~ among
63.22 kindergarten through grade 12 schools, postsecondary institutions, economic development
63.23 agencies, and local and regional employers that support students' transition to
63.24 postsecondary education and employment and provide students with applied and
63.25 experiential learning opportunities; and

63.26 ~~(8)~~ (9) be reviewed and revised at least annually by the student, the student's parent or
63.27 guardian, and the school or district to ensure that the student's course-taking schedule keeps
63.28 the student making adequate progress to meet state and local academic standards and high
63.29 school graduation requirements and with a reasonable chance to succeed with employment
63.30 or postsecondary education without the need to first complete remedial course work.

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

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

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

64.6 Sec. 8. Minnesota Statutes 2012, section 120B.31, is amended by adding a subdivision
64.7 to read:

64.8 Subd. 5. **Parent information.** To ensure the effective involvement of parents and to
64.9 support a partnership between the school and parents, each district shall annually provide
64.10 parents a timely written summary, in an electronic or other format, of their student's
64.11 current and longitudinal performance and progress on the state's academic content
64.12 standards as measured by state assessments. Providing parents with a summary prepared
64.13 by the Department of Education fulfills the requirements of this subdivision.

64.14 Sec. 9. Minnesota Statutes 2012, section 120B.35, subdivision 4, is amended to read:

64.15 Subd. 4. **Improving schools.** Consistent with the requirements of this section,
64.16 beginning June 20, 2012, the commissioner of education must annually report to the public
64.17 and the legislature ~~the organizational and curricular~~ best practices implemented in those
64.18 schools that demonstrate ~~medium and high~~ growth compared to the state growth target.

64.19 Sec. 10. Minnesota Statutes 2013 Supplement, section 122A.09, subdivision 4, is
64.20 amended to read:

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

64.23 (b) The board must adopt rules requiring a person to pass a skills examination in
64.24 reading, writing, and mathematics or attain either a composite score composed of the
64.25 average of the scores in English and writing, reading, and mathematics on the ACT
64.26 Plus Writing recommended by the board, or an equivalent composite score composed
64.27 of the average of the scores in critical reading, mathematics, and writing on the SAT
64.28 recommended by the board, as a requirement for initial teacher licensure, except that
64.29 the board may issue up to two ~~additional~~ temporary, one-year teaching licenses to an
64.30 otherwise qualified candidate who has not yet passed the skills exam or attained the
64.31 requisite composite score on the ACT Plus Writing or SAT. Such rules must require
64.32 college and universities offering a board-approved teacher preparation program to
64.33 provide remedial assistance to persons who did not achieve a qualifying score on the

65.1 skills examination or attain the requisite composite score on the ACT Plus Writing or
65.2 SAT, including those for whom English is a second language. The requirement to pass
65.3 a reading, writing, and mathematics skills examination or attain the requisite composite
65.4 score on the ACT Plus Writing or SAT does not apply to nonnative English speakers, as
65.5 verified by qualified Minnesota school district personnel or Minnesota higher education
65.6 faculty, who, after meeting the content and pedagogy requirements under this subdivision,
65.7 apply for a teaching license to provide direct instruction in their native language or world
65.8 language instruction under section 120B.022, subdivision 1. A teacher candidate's official
65.9 ACT Plus Writing or SAT composite score report to the board must not be more than ten
65.10 years old at the time of licensure.

65.11 (c) The board must adopt rules to approve teacher preparation programs. The board,
65.12 upon the request of a postsecondary student preparing for teacher licensure or a licensed
65.13 graduate of a teacher preparation program, shall assist in resolving a dispute between the
65.14 person and a postsecondary institution providing a teacher preparation program when the
65.15 dispute involves an institution's recommendation for licensure affecting the person or the
65.16 person's credentials. At the board's discretion, assistance may include the application
65.17 of chapter 14.

65.18 (d) The board must provide the leadership and adopt rules for the redesign of teacher
65.19 education programs to implement a research based, results-oriented curriculum that
65.20 focuses on the skills teachers need in order to be effective. The board shall implement new
65.21 systems of teacher preparation program evaluation to assure program effectiveness based
65.22 on proficiency of graduates in demonstrating attainment of program outcomes. Teacher
65.23 preparation programs including alternative teacher preparation programs under section
65.24 122A.245, among other programs, must include a content-specific, board-approved,
65.25 performance-based assessment that measures teacher candidates in three areas: planning
65.26 for instruction and assessment; engaging students and supporting learning; and assessing
65.27 student learning. The board's redesign rules must include creating flexible, specialized
65.28 teaching licenses, credentials, and other endorsement forms to increase students'
65.29 participation in language immersion programs, world language instruction, career
65.30 development opportunities, work-based learning, early college courses and careers, career
65.31 and technical programs, Montessori schools, and project and place-based learning, among
65.32 other career and college ready learning offerings.

65.33 (e) The board must adopt rules requiring candidates for initial licenses to pass an
65.34 examination of general pedagogical knowledge and examinations of licensure-specific
65.35 teaching skills. The rules shall be effective by September 1, 2001. The rules under this
65.36 paragraph also must require candidates for initial licenses to teach prekindergarten or

66.1 elementary students to pass, as part of the examination of licensure-specific teaching
66.2 skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive,
66.3 scientifically based reading instruction under section 122A.06, subdivision 4, and their
66.4 knowledge and understanding of the foundations of reading development, the development
66.5 of reading comprehension, and reading assessment and instruction, and their ability to
66.6 integrate that knowledge and understanding.

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

66.10 (g) The board must grant licenses to interns and to candidates for initial licenses
66.11 based on appropriate professional competencies that are aligned with the board's licensing
66.12 system and students' diverse learning needs. The board must include these licenses in a
66.13 statewide differentiated licensing system that creates new leadership roles for successful
66.14 experienced teachers premised on a collaborative professional culture dedicated to meeting
66.15 students' diverse learning needs in the 21st century and formalizes mentoring and induction
66.16 for newly licensed teachers that is provided through a teacher support framework.

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

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

66.22 (j) The board must grant life licenses to those who qualify according to requirements
66.23 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and
66.24 214.10. The board must not establish any expiration date for application for life licenses.

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

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

66.34 (m) The board must adopt rules that require all licensed teachers who are renewing
66.35 their continuing license to include in their renewal requirements further reading
66.36 preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect

67.1 until they are approved by law. Teachers who do not provide direct instruction including, at
67.2 least, counselors, school psychologists, school nurses, school social workers, audiovisual
67.3 directors and coordinators, and recreation personnel are exempt from this section.

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

67.12 **EFFECTIVE DATE.** This section applies to persons applying to the Board of
67.13 Teaching for their initial teaching license July 1, 2014, or later.

67.14 Sec. 11. Minnesota Statutes 2013 Supplement, section 122A.18, subdivision 2, is
67.15 amended to read:

67.16 Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of
67.17 Teaching must issue licenses under its jurisdiction to persons the board finds to be
67.18 qualified and competent for their respective positions.

67.19 (b) The board must require a person to pass an examination of skills in reading,
67.20 writing, and mathematics or attain either a composite score composed of the average of
67.21 the scores in English and writing, reading, and mathematics on the ACT Plus Writing
67.22 recommended by the board, or an equivalent composite score composed of the average
67.23 of the scores in critical reading, mathematics, and writing on the SAT recommended by
67.24 the board, before being granted an initial teaching license to provide direct instruction to
67.25 pupils in prekindergarten, elementary, secondary, or special education programs, except
67.26 that the board may issue up to two ~~additional~~ temporary, one-year teaching licenses to
67.27 an otherwise qualified candidate who has not yet passed the skills exam or attained the
67.28 requisite composite score on the ACT Plus Writing or SAT. The board must require
67.29 colleges and universities offering a board approved teacher preparation program to make
67.30 available upon request remedial assistance that includes a formal diagnostic component
67.31 to persons enrolled in their institution who did not achieve a qualifying score on the
67.32 skills examination or attain the requisite composite ACT Plus Writing or SAT score,
67.33 including those for whom English is a second language. The colleges and universities
67.34 must make available assistance in the specific academic areas of candidates' deficiency
67.35 ~~in which the person did not achieve a qualifying score.~~ School districts may make

68.1 available upon request similar, appropriate, and timely remedial assistance that includes a
 68.2 formal diagnostic component to those persons employed by the district who completed
 68.3 their teacher education program, who did not achieve a qualifying score on the skills
 68.4 examination, ~~including those persons for whom English is a second language and persons~~
 68.5 ~~under section 122A.23, subdivision 2, paragraph (h), who completed their teacher's~~
 68.6 ~~education program outside the state of Minnesota~~ or attain the requisite composite ACT
 68.7 Plus Writing or SAT score, and who received a temporary license to teach in Minnesota.
 68.8 The Board of Teaching shall report annually to the education committees of the legislature
 68.9 on the total number of teacher candidates during the most recent school year taking the
 68.10 skills examination, the number who achieve a qualifying score on the examination, the
 68.11 number who do not achieve a qualifying score on the examination, the distribution of all
 68.12 candidates' scores, the number of candidates who have taken the examination at least once
 68.13 before, and the number of candidates who have taken the examination at least once before
 68.14 and achieve a qualifying score, and the candidates who have not attained the requisite
 68.15 composite ACT Plus Writing or SAT score or have not passed a content or pedagogy
 68.16 exam, disaggregated by categories of race, ethnicity, and eligibility for financial aid.

68.17 (c) The Board of Teaching must grant continuing licenses only to those persons who
 68.18 have met board criteria for granting a continuing license, which includes passing the skills
 68.19 examination in reading, writing, and mathematics or attaining the requisite composite
 68.20 ACT Plus Writing or SAT score consistent with paragraph (b)₂ and the exceptions in
 68.21 section 122A.09, subdivision 4, paragraph (b)₂, that are consistent with this paragraph.
 68.22 The requirement to pass a reading, writing, and mathematics skills examination, or attain
 68.23 the requisite composite score on the ACT Plus Writing or SAT does not apply to nonnative
 68.24 English speakers, as verified by qualified Minnesota school district personnel or Minnesota
 68.25 higher education faculty, who, after meeting the content and pedagogy requirements under
 68.26 this subdivision, apply for a teaching license to provide direct instruction in their native
 68.27 language or world language instruction under section 120B.022, subdivision 1. A teacher
 68.28 candidate's official ACT Plus Writing or SAT composite score report to the board must not
 68.29 be more than ten years old at the time of licensure.

68.30 (d) All colleges and universities approved by the board of teaching to prepare
 68.31 persons for teacher licensure must include in their teacher preparation programs a common
 68.32 core of teaching knowledge and skills to be acquired by all persons recommended
 68.33 for teacher licensure. This common core shall meet the standards developed by the
 68.34 interstate new teacher assessment and support consortium in its 1992 "model standards for
 68.35 beginning teacher licensing and development." Amendments to standards adopted under
 68.36 this paragraph are covered by chapter 14. The board of teaching shall report annually to

69.1 the education committees of the legislature on the performance of teacher candidates
69.2 on common core assessments of knowledge and skills under this paragraph during the
69.3 most recent school year.

69.4 **EFFECTIVE DATE.** This section applies to persons applying to the Board of
69.5 Teaching for their initial teaching license July 1, 2014, or later.

69.6 Sec. 12. Minnesota Statutes 2013 Supplement, section 122A.23, subdivision 2, is
69.7 amended to read:

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

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

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

69.18 (2) holds or held an out-of-state teaching license to teach the same content field and
69.19 grade levels if the scope of the out-of-state license is no more than ~~one~~ two grade level
69.20 levels less than a similar Minnesota license.

69.21 (c) The Board of Teaching, consistent with board rules and paragraph (h), must
69.22 issue up to three one-year temporary teaching licenses to an applicant who holds or held
69.23 an out-of-state teaching license to teach the same content field and grade levels, where
69.24 the scope of the out-of-state license is no more than ~~one~~ two grade level levels less than
69.25 a similar Minnesota license, but has not successfully completed all exams and human
69.26 relations preparation components required by the Board of Teaching.

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

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

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

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

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

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

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

70.12 (f) The Board of Teaching must not issue to an applicant more than three one-year
70.13 temporary teaching licenses under this subdivision.

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

70.17 (h) The Board of Teaching must require an applicant for a teaching license or a
70.18 temporary teaching license under this subdivision to pass a skills examination in reading,
70.19 writing, and mathematics or demonstrate, consistent with section 122A.09, subdivision
70.20 4, the applicant's attainment of either the requisite composite ACT Plus Writing or SAT
70.21 score before the board issues the license unless, notwithstanding other provisions of
70.22 this subdivision, an applicable board-approved National Association of State Directors
70.23 of Teacher Education interstate reciprocity agreement exists to allow fully certified
70.24 teachers from other states to transfer their certification to Minnesota. Consistent with
70.25 section 122A.18, subdivision 2, paragraph (b), and notwithstanding other provisions of
70.26 this subdivision, the board may issue up to two additional temporary, one-year teaching
70.27 licenses to an otherwise qualified applicant who has not yet passed the skills exam.

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

70.29 Sec. 13. Minnesota Statutes 2012, section 122A.40, subdivision 5, is amended to read:

70.30 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's
70.31 first teaching experience in Minnesota in a single district is deemed to be a probationary
70.32 period of employment, and, the probationary period in each district in which the teacher is
70.33 thereafter employed shall be one year. The school board must adopt a plan for written
70.34 evaluation of teachers during the probationary period that is consistent with subdivision 8.
70.35 Evaluation must occur at least three times periodically throughout each school year for a

71.1 teacher performing services during that school year; the first evaluation must occur within
71.2 the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers'
71.3 workshops, and other staff development opportunities and days on which a teacher is absent
71.4 from school must not be included in determining the number of school days on which a
71.5 teacher performs services. Except as otherwise provided in paragraph (b), during the
71.6 probationary period any annual contract with any teacher may or may not be renewed as the
71.7 school board shall see fit. However, the board must give any such teacher whose contract
71.8 it declines to renew for the following school year written notice to that effect before July 1.
71.9 If the teacher requests reasons for any nonrenewal of a teaching contract, the board must
71.10 give the teacher its reason in writing, including a statement that appropriate supervision
71.11 was furnished describing the nature and the extent of such supervision furnished the
71.12 teacher during the employment by the board, within ten days after receiving such request.
71.13 The school board may, after a hearing held upon due notice, discharge a teacher during the
71.14 probationary period for cause, effective immediately, under section 122A.44.

71.15 (b) A board must discharge a probationary teacher, effective immediately, upon
71.16 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's
71.17 license has been revoked due to a conviction for child abuse or sexual abuse.

71.18 (c) A probationary teacher whose first three years of consecutive employment are
71.19 interrupted for active military service and who promptly resumes teaching consistent with
71.20 federal reemployment timelines for uniformed service personnel under United States
71.21 Code, title 38, section 4312(e), is considered to have a consecutive teaching experience
71.22 for purposes of paragraph (a).

71.23 (d) A probationary teacher whose first three years of consecutive employment are
71.24 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12
71.25 months of when the leave began is considered to have a consecutive teaching experience
71.26 for purposes of paragraph (a) if the probationary teacher completes a combined total of
71.27 three years of teaching service immediately before and after the leave.

71.28 (e) A probationary teacher must complete at least 120 days of teaching service each
71.29 year during the probationary period. Days devoted to parent-teacher conferences, teachers'
71.30 workshops, and other staff development opportunities and days on which a teacher is
71.31 absent from school do not count as days of teaching service under this paragraph.

71.32 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2013.

71.33 Sec. 14. Minnesota Statutes 2013 Supplement, section 122A.40, subdivision 8, is
71.34 amended to read:

72.1 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
72.2 **teachers.** (a) To improve student learning and success, a school board and an exclusive
72.3 representative of the teachers in the district, consistent with paragraph (b), may develop
72.4 a teacher evaluation and peer review process for probationary and continuing contract
72.5 teachers through joint agreement. If a school board and the exclusive representative of the
72.6 teachers do not agree to an annual teacher evaluation and peer review process, then the
72.7 school board and the exclusive representative of the teachers must implement the state
72.8 teacher evaluation plan for evaluation and review under paragraph (c). The process must
72.9 include having trained observers serve as peer coaches or having teachers participate in
72.10 professional learning communities, consistent with paragraph (b).

72.11 (b) To develop, improve, and support qualified teachers and effective teaching
72.12 practices and improve student learning and success, the annual evaluation process for
72.13 teachers:

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

72.16 (2) must establish a three-year professional review cycle for each teacher that
72.17 includes an individual growth and development plan, a peer review process, ~~the~~
72.18 ~~opportunity to participate in a professional learning community under paragraph (a)~~, and
72.19 at least one summative evaluation performed by a qualified and trained evaluator such as a
72.20 school administrator. For the years when a tenured teacher is not evaluated by a qualified
72.21 and trained evaluator, the teacher must be evaluated by a peer review;

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

72.23 (4) must coordinate staff development activities under sections 122A.60 and
72.24 122A.61 with this evaluation process and teachers' evaluation outcomes;

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

72.27 (6) may include job-embedded learning opportunities such as professional learning
72.28 communities;

72.29 (7) may include mentoring and induction programs;

72.30 ~~(7)~~ (8) must include an option for teachers to develop and present a portfolio
72.31 demonstrating evidence of reflection and professional growth, consistent with section
72.32 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
72.33 based on student work samples and examples of teachers' work, which may include video
72.34 among other activities for the summative evaluation;

72.35 ~~(8)~~ (9) must use data from valid and reliable assessments aligned to state and local
72.36 academic standards and must use state and local measures of student growth that may

73.1 include value-added models or student learning goals to determine 35 percent of teacher
73.2 evaluation results;

73.3 ~~(9)~~ (10) must use longitudinal data on student engagement and connection, and
73.4 other student outcome measures explicitly aligned with the elements of curriculum for
73.5 which teachers are responsible;

73.6 ~~(10)~~ (11) must require qualified and trained evaluators such as school administrators
73.7 to perform summative evaluations and ensure school districts and charter schools provide
73.8 for effective evaluator training specific to teacher development and evaluation;

73.9 ~~(11)~~ (12) must give teachers not meeting professional teaching standards under
73.10 clauses (3) through ~~(10)~~ (11) support to improve through a teacher improvement process
73.11 that includes established goals and timelines; and

73.12 ~~(12)~~ (13) must discipline a teacher for not making adequate progress in the teacher
73.13 improvement process under clause ~~(11)~~ (12) that may include a last chance warning,
73.14 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
73.15 other discipline a school administrator determines is appropriate.

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

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

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

73.34 Sec. 15. Minnesota Statutes 2012, section 122A.41, subdivision 2, is amended to read:

74.1 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in
74.2 the public schools in cities of the first class during the first three years of consecutive
74.3 employment shall be deemed to be in a probationary period of employment during which
74.4 period any annual contract with any teacher may, or may not, be renewed as the school
74.5 board, after consulting with the peer review committee charged with evaluating the
74.6 probationary teachers under subdivision 3, shall see fit. The school site management team
74.7 or the school board if there is no school site management team, shall adopt a plan for a
74.8 written evaluation of teachers during the probationary period according to subdivisions 3
74.9 and 5. Evaluation by the peer review committee charged with evaluating probationary
74.10 teachers under subdivision 3 shall occur at least three times periodically throughout each
74.11 school year for a teacher performing services during that school year; the first evaluation
74.12 must occur within the first 90 days of teaching service. Days devoted to parent-teacher
74.13 conferences, teachers' workshops, and other staff development opportunities and days on
74.14 which a teacher is absent from school shall not be included in determining the number of
74.15 school days on which a teacher performs services. The school board may, during such
74.16 probationary period, discharge or demote a teacher for any of the causes as specified in
74.17 this code. A written statement of the cause of such discharge or demotion shall be given to
74.18 the teacher by the school board at least 30 days before such removal or demotion shall
74.19 become effective, and the teacher so notified shall have no right of appeal therefrom.

74.20 (b) A probationary teacher whose first three years of consecutive employment are
74.21 interrupted for active military service and who promptly resumes teaching consistent with
74.22 federal reemployment timelines for uniformed service personnel under United States
74.23 Code, title 38, section 4312(e), is considered to have a consecutive teaching experience
74.24 for purposes of paragraph (a).

74.25 (c) A probationary teacher whose first three years of consecutive employment are
74.26 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12
74.27 months of when the leave began is considered to have a consecutive teaching experience
74.28 for purposes of paragraph (a) if the probationary teacher completes a combined total of
74.29 three years of teaching service immediately before and after the leave.

74.30 (d) A probationary teacher must complete at least 120 days of teaching service each
74.31 year during the probationary period. Days devoted to parent-teacher conferences, teachers'
74.32 workshops, and other staff development opportunities and days on which a teacher is
74.33 absent from school do not count as days of teaching service under this paragraph.

74.34 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2013.

75.1 Sec. 16. Minnesota Statutes 2013 Supplement, section 122A.41, subdivision 5, is
75.2 amended to read:

75.3 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
75.4 **teachers.** (a) To improve student learning and success, a school board and an exclusive
75.5 representative of the teachers in the district, consistent with paragraph (b), may develop an
75.6 annual teacher evaluation and peer review process for probationary and nonprobationary
75.7 teachers through joint agreement. If a school board and the exclusive representative of the
75.8 teachers in the district do not agree to an annual teacher evaluation and peer review process,
75.9 then the school board and the exclusive representative of the teachers must implement
75.10 the state teacher evaluation plan for evaluation and review developed under paragraph
75.11 (c). The process must include having trained observers serve as peer coaches or having
75.12 teachers participate in professional learning communities, consistent with paragraph (b).

75.13 (b) To develop, improve, and support qualified teachers and effective teaching
75.14 practices and improve student learning and success, the annual evaluation process for
75.15 teachers:

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

75.18 (2) must establish a three-year professional review cycle for each teacher that
75.19 includes an individual growth and development plan, a peer review process, ~~the~~
75.20 ~~opportunity to participate in a professional learning community under paragraph (a)~~, and
75.21 at least one summative evaluation performed by a qualified and trained evaluator such
75.22 as a school administrator;

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

75.24 (4) must coordinate staff development activities under sections 122A.60 and
75.25 122A.61 with this evaluation process and teachers' evaluation outcomes;

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

75.28 (6) may include job-embedded learning opportunities such as professional learning
75.29 communities;

75.30 (7) may include mentoring and induction programs;

75.31 (7) (8) must include an option for teachers to develop and present a portfolio
75.32 demonstrating evidence of reflection and professional growth, consistent with section
75.33 122A.18, subdivision 4, paragraph (b), and include teachers' own performance assessment
75.34 based on student work samples and examples of teachers' work, which may include video
75.35 among other activities for the summative evaluation;

76.1 ~~(8)~~ (9) must use data from valid and reliable assessments aligned to state and local
76.2 academic standards and must use state and local measures of student growth that may
76.3 include value-added models or student learning goals to determine 35 percent of teacher
76.4 evaluation results;

76.5 ~~(9)~~ (10) must use longitudinal data on student engagement and connection and
76.6 other student outcome measures explicitly aligned with the elements of curriculum for
76.7 which teachers are responsible;

76.8 ~~(10)~~ (11) must require qualified and trained evaluators such as school administrators
76.9 to perform summative evaluations and ensure school districts and charter schools provide
76.10 for effective evaluator training specific to teacher development and evaluation;

76.11 ~~(11)~~ (12) must give teachers not meeting professional teaching standards under
76.12 clauses (3) through ~~(10)~~ (11) support to improve through a teacher improvement process
76.13 that includes established goals and timelines; and

76.14 ~~(12)~~ (13) must discipline a teacher for not making adequate progress in the teacher
76.15 improvement process under clause ~~(11)~~ (12) that may include a last chance warning,
76.16 termination, discharge, nonrenewal, transfer to a different position, a leave of absence, or
76.17 other discipline a school administrator determines is appropriate.

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

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

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

77.1 Sec. 17. Minnesota Statutes 2012, section 122A.414, subdivision 2, is amended to read:

77.2 Subd. 2. **Alternative teacher professional pay system.** (a) To participate in this
77.3 program, a school district, intermediate school district, school site, or charter school must
77.4 have an educational improvement plan under section 122A.413 and an alternative teacher
77.5 professional pay system agreement under paragraph (b). A charter school participant also
77.6 must comply with subdivision 2a.

77.7 (b) The alternative teacher professional pay system agreement must:

77.8 (1) describe how teachers can achieve career advancement and additional
77.9 compensation;

77.10 (2) describe how the school district, intermediate school district, school site, or
77.11 charter school will provide teachers with career advancement options that allow teachers
77.12 to retain primary roles in student instruction and facilitate site-focused professional
77.13 development that helps other teachers improve their skills;

77.14 (3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation
77.15 paid before implementing the pay system from being reduced as a result of participating
77.16 in this system, and base at least 60 percent of any compensation increase on teacher
77.17 performance using:

77.18 (i) schoolwide student achievement gains under section 120B.35 or locally selected
77.19 standardized assessment outcomes, or both;

77.20 (ii) measures of student achievement growth that may include value-added models
77.21 or student learning goals, consistent with section 122A.40, subdivision 8, clause (9), or
77.22 122A.41, subdivision 5, clause (9); and

77.23 (iii) an objective evaluation program that includes: under section 122A.40,
77.24 subdivision 8, paragraph (b), clause (2), or 122A.41, subdivision 5, paragraph (b), clause (2)

77.25 ~~(A) individual teacher evaluations aligned with the educational improvement plan~~
77.26 ~~under section 122A.413 and the staff development plan under section 122A.60; and~~

77.27 ~~(B) objective evaluations using multiple criteria conducted by a locally selected and~~
77.28 ~~periodically trained evaluation team that understands teaching and learning;~~

77.29 (4) provide integrated ongoing site-based professional development activities for
77.30 participation in job-embedded learning opportunities such as professional learning
77.31 communities to improve instructional skills and learning that are aligned with student needs
77.32 under section 122A.413, consistent with the staff development plan under section 122A.60
77.33 and led during the school day by trained teacher leaders such as master or mentor teachers;

77.34 (5) allow any teacher in a participating school district, intermediate school district,
77.35 school site, or charter school that implements an alternative pay system to participate in
77.36 that system without any quota or other limit; and

78.1 (6) encourage collaboration rather than competition among teachers.

78.2 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
78.3 later except paragraph (b), clause (3), is effective for agreements under this section
78.4 approved after August 1, 2015.

78.5 Sec. 18. Minnesota Statutes 2012, section 122A.48, subdivision 3, is amended to read:

78.6 Subd. 3. **Employment as ~~substitute~~ exemptions for retired teachers.**

78.7 Notwithstanding the provisions of subdivision 2, a teacher who has entered into an
78.8 agreement for termination of services and withdrawal from active teaching service with
78.9 an early retirement incentive may be employed as a substitute teacher, behind-the-wheel
78.10 instructor, or coach after retirement.

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

78.12 Sec. 19. Minnesota Statutes 2012, section 122A.60, subdivision 1a, is amended to read:

78.13 Subd. 1a. **Effective staff development activities.** (a) Staff development activities
78.14 must:

78.15 (1) focus on the school classroom and research-based strategies that improve student
78.16 learning;

78.17 (2) provide opportunities for teachers to practice and improve their instructional
78.18 skills over time;

78.19 (3) provide opportunities for teachers to use student data as part of their daily work
78.20 to increase student achievement;

78.21 (4) enhance teacher content knowledge and instructional skills, including to
78.22 accommodate the delivery of digital and blended learning and curriculum and engage
78.23 students with technology;

78.24 (5) align with state and local academic standards;

78.25 (6) provide opportunities to build professional relationships, foster collaboration
78.26 among principals and staff who provide instruction, and provide opportunities for
78.27 teacher-to-teacher mentoring; ~~and~~

78.28 (7) align with the plan of the district or site for an alternative teacher professional
78.29 pay system; and

78.30 (8) provide opportunities for staff to learn about current workforce trends, the
78.31 connections between workforce trends and postsecondary education, and training options,
78.32 including career and technical education options.

79.1 Staff development activities may include curriculum development and curriculum training
79.2 programs, and activities that provide teachers and other members of site-based teams
79.3 training to enhance team performance. The school district also may implement other
79.4 staff development activities required by law and activities associated with professional
79.5 teacher compensation models.

79.6 (b) Release time provided for teachers to supervise students on field trips and school
79.7 activities, or independent tasks not associated with enhancing the teacher's knowledge
79.8 and instructional skills, such as preparing report cards, calculating grades, or organizing
79.9 classroom materials, may not be counted as staff development time that is financed with
79.10 staff development reserved revenue under section 122A.61.

79.11 Sec. 20. Minnesota Statutes 2012, section 122A.60, subdivision 2, is amended to read:

79.12 Subd. 2. **Contents of plan.** The plan must include the staff development outcomes
79.13 under subdivision 3, the means to achieve the outcomes, and procedures for evaluating
79.14 progress at each school site toward meeting education outcomes, consistent with
79.15 relicensure requirements under section 122A.18, subdivision 4. The plan also must:

79.16 (1) support stable and productive professional communities achieved through
79.17 ongoing and schoolwide progress and growth in teaching practice;

79.18 (2) emphasize coaching, professional learning communities, classroom action
79.19 research, and other job-embedded models;

79.20 (3) maintain a strong subject matter focus premised on students' learning goals,
79.21 consistent with section 120B.125;

79.22 (4) ensure specialized preparation and learning about issues related to teaching
79.23 English learners and students with special needs; and

79.24 (5) reinforce national and state standards of effective teaching practice.

79.25 Sec. 21. Minnesota Statutes 2012, section 122A.60, subdivision 3, is amended to read:

79.26 Subd. 3. **Staff development outcomes.** The advisory staff development committee
79.27 must adopt a staff development plan for improving student achievement. The plan must
79.28 be consistent with education outcomes that the school board determines. The plan
79.29 must include ongoing staff development activities that contribute toward continuous
79.30 improvement in achievement of the following goals:

79.31 (1) improve student achievement of state and local education standards in all areas of
79.32 the curriculum, including areas of regular academic and applied and experiential learning,
79.33 by using best practices methods;

80.1 (2) effectively meet the needs of a diverse student population, including at-risk
80.2 children, children with disabilities, and gifted children, within the regular classroom,
80.3 applied and experiential learning settings, and other settings;

80.4 (3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse
80.5 student population that is consistent with the state education diversity rule and the district's
80.6 education diversity plan;

80.7 (4) improve staff collaboration and develop mentoring and peer coaching programs
80.8 for teachers new to the school or district;

80.9 (5) effectively teach and model violence prevention policy and curriculum that
80.10 address early intervention alternatives, issues of harassment, and teach nonviolent
80.11 alternatives for conflict resolution;

80.12 (6) effectively deliver digital and blended learning and curriculum and engage
80.13 students with technology; and

80.14 (7) provide teachers and other members of site-based management teams with
80.15 appropriate management and financial management skills.

80.16 Sec. 22. Minnesota Statutes 2012, section 123A.06, subdivision 4, is amended to read:

80.17 Subd. 4. **Granting a diploma.** Upon successful completion of the area learning
80.18 center program, a pupil is entitled to receive a high school diploma. The pupil may elect
80.19 to receive a diploma from either the district of residence or the district in which the
80.20 area learning center is located or the intermediate district or educational cooperative
80.21 responsible for the area learning center program.

80.22 Sec. 23. **[123A.215] INNOVATIVE TECHNOLOGY COOPERATIVE.**

80.23 Subdivision 1. **Establishment and organization.** (a) Two or more independent
80.24 school districts may enter into an agreement to establish an innovative cooperative center
80.25 to provide for technology and other educational services upon the vote of a majority of the
80.26 full membership of each of the boards of the districts entering into the agreement. The
80.27 agreement may also provide for membership by a Minnesota state college or university
80.28 under section 136F.01. When a resolution approving this action has been adopted by
80.29 the board of a district, the resolution shall be published once in a newspaper of general
80.30 circulation in the district.

80.31 (b) The agreement may provide for the center to be organized into up to four regions.
80.32 A region may consist of only school districts, only higher education institutions, or a
80.33 combination of both.

81.1 Subd. 2. **Name.** A public corporation so created shall be known as(insert
81.2 name).... Cooperative Center No. and shall have an identification number assigned
81.3 according to section 123A.56.

81.4 Subd. 3. **Governing board.** (a) The center must be operated by a center board
81.5 consisting of 12 members. Membership on the center board must be established according
81.6 to the bylaws and approved by every member of the cooperative.

81.7 (b) The terms of office of the first members of the center board must be determined
81.8 by lot as follows: one-third of the members for one year, one-third of the members for two
81.9 years, and the remainder of the members for three years, all terms to expire on June 30 of
81.10 the appropriate year. Thereafter the terms shall be for three years commencing on July 1
81.11 of each year. If a vacancy occurs on the center board, it must be filled by the district, by
81.12 the members of the appropriate region, or by the higher education members, within 90
81.13 days. A person appointed to the center board shall qualify as a center board member by
81.14 filing with the chair a written certificate of appointment from the appointing school board.

81.15 (c) The first meeting of a center board must be at a time mutually agreed upon by
81.16 center board members. At this meeting, the center board must choose its officers and
81.17 conduct any other necessary organizational business. Thereafter, the center board must
81.18 meet on July 1 of each year or as soon thereafter as practicable pursuant to notice sent to
81.19 all center board members by the chief executive officer of the center.

81.20 (d) The officers of the center board shall be a chair, vice-chair, clerk, and treasurer,
81.21 no two of whom when possible shall be from the same school district. The chair shall
81.22 preside at all meetings of the center board, except that in the chair's absence the vice-chair
81.23 shall preside. The clerk shall keep a complete record of the minutes of each meeting
81.24 and the treasurer shall be the custodian of the funds of the center. Insofar as applicable,
81.25 sections 123B.09, 123B.14, 123B.143, and 123B.147, shall apply to the board and officers
81.26 of the center.

81.27 (e) A majority of the center board shall be a quorum. Any motion other than
81.28 adjournment shall pass only upon receiving a majority of the votes of the entire center
81.29 board.

81.30 Subd. 4. **Center powers and duties.** (a) The center board shall have the general
81.31 charge of the business of the center. Where applicable, sections 123B.51 and 123B.52,
81.32 subdivision 4, shall apply. The center board may not issue bonds on its behalf.

81.33 (b) The center board may furnish technology offerings to any eligible person residing
81.34 in any participating district and may provide any other educational programs or services
81.35 agreed upon by the participating members. Academic offerings shall be provided only
81.36 under the direction of properly licensed academic supervisory personnel.

82.1 (c) The center board must employ an executive director, contract with necessary
82.2 qualified teachers and administrators, and may discharge the same for cause pursuant to
82.3 section 122A.40. The authority for selection and employment of a director shall be vested
82.4 in the center board. Notwithstanding the provisions of section 122A.40, subdivision 10 or
82.5 11, no individual shall have a right to employment as a director based on seniority or order
82.6 of employment by the center. The center board may employ and discharge other necessary
82.7 employees and may contract for other services deemed necessary.

82.8 (d) The center board may prescribe rates of tuition for services provided to
82.9 nonmember students.

82.10 Subd. 5. **Finances.** (a) The center board established under this section is a public
82.11 corporation and agency and may receive and disburse federal, state, and local funds made
82.12 available to it. A participating school district or member must not have any additional
82.13 individual liability for the debts or obligations of the center except that assessment
82.14 which has been certified as its proportionate share in accordance with paragraph (b) and
82.15 subdivision 4. A member of the center board shall have the liability that is applicable to a
82.16 member of an independent school district board. Any property, real or personal, acquired
82.17 or owned by the center board for its purposes shall be exempt from taxation by the state or
82.18 any of its political subdivisions.

82.19 (b) The center board may, in each year, for the purpose of paying any administrative,
82.20 planning, operating, or capital expenses incurred or to be incurred, assess and certify
82.21 to each participating school district its proportionate share of any and all expenses.
82.22 This share must be based upon an equitable distribution formula agreed upon by the
82.23 participating districts. Each participating district shall remit its assessment to the center
82.24 board within 30 days after receipt.

82.25 Subd. 6. **Laws governing independent school districts apply.** As of the effective
82.26 date of the creation of any center as contained in the agreement establishing the center,
82.27 the organization, operation, maintenance, and conduct of the affairs of the center shall be
82.28 governed by the general laws relating to independent school districts of the state unless
82.29 provided otherwise in statute. The center does not have the authority to issue bonds or
82.30 impose a property tax levy.

82.31 Subd. 7. **Addition and withdrawal of districts.** Upon approval by majority vote of
82.32 a school board and of the center board, an adjoining district may become a member in
82.33 the center and be governed by the provisions of this section and the agreement in effect.
82.34 Any participating district may withdraw from the center and from the agreement in effect
82.35 by a majority vote of the full board membership of the participating district desiring
82.36 withdrawal and upon compliance with provisions in the agreement establishing the center.

83.1 Upon receipt of the withdrawal resolution reciting the necessary facts, the center board
83.2 must file a certified copy with the county auditors of the counties affected. The withdrawal
83.3 shall become effective at the end of the next following school year, but the withdrawal
83.4 shall not affect the continued liability of the withdrawing district for liabilities incurred
83.5 prior to the effective withdrawal date.

83.6 Subd. 8. **Dissolution.** The boards of each participating district may agree to dissolve
83.7 the center effective at the end of any school year or at an earlier time as they may mutually
83.8 agree. A dissolution must be accomplished in accordance with any applicable provisions
83.9 of the agreement establishing the center. Upon receipt of the dissolution resolutions from
83.10 the boards of the participating districts, the center board shall file a certified copy with the
83.11 county auditors of the counties affected. The dissolution must not affect the continuing
83.12 liability of the previously participating districts for any continuing obligations, including
83.13 unemployment benefits.

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

83.15 Sec. 24. Minnesota Statutes 2012, section 124D.03, subdivision 3, is amended to read:

83.16 Subd. 3. **Pupil application procedures.** In order that a pupil may attend a school or
83.17 program in a nonresident district, the pupil's parent or guardian must submit an application
83.18 to the nonresident district. ~~Before submitting an application, the pupil and the pupil's~~
83.19 ~~parent or guardian must explore with a school guidance counselor, or other appropriate~~
83.20 ~~staff member employed by the district the pupil is currently attending, the pupil's academic~~
83.21 ~~or other reason for applying to enroll in a nonresident district. The pupil's application must~~
83.22 identify ~~the~~ a reason for enrolling in the nonresident district. The parent or guardian of a
83.23 pupil must submit ~~an~~ a signed application by January 15 for initial enrollment beginning
83.24 the following school year. The application must be on a form provided by the Department
83.25 of Education. A particular school or program may be requested by the parent. Once
83.26 enrolled in a nonresident district, the pupil may remain enrolled and is not required to
83.27 submit annual or periodic applications. If the student moves to a new resident district,
83.28 the student retains the seat in the nonresident district, but must submit a new enrollment
83.29 options form to update the student's information. To return to the resident district or to
83.30 transfer to a different nonresident district, the parent or guardian of the pupil must provide
83.31 notice to the resident district or apply to a different nonresident district by January 15 for
83.32 enrollment beginning the following school year.

83.33 Sec. 25. Minnesota Statutes 2012, section 124D.03, subdivision 4, is amended to read:

84.1 Subd. 4. **Desegregation Achievement and integration district transfers.** (a)

84.2 This subdivision applies to a transfer into or out of a district that has a ~~desegregation~~ an
84.3 achievement and integration plan approved by the commissioner of education under
84.4 sections 124D.861 and 124D.862.

84.5 (b) An application to transfer may be submitted at any time for enrollment beginning
84.6 at any time.

84.7 (c) A pupil enrolled in a nonresident district under a ~~desegregation~~ an achievement
84.8 and integration plan approved by the commissioner of education is not required to make
84.9 annual or periodic application for enrollment but may remain enrolled in the same district.
84.10 A pupil may transfer to the resident district at any time.

84.11 (d) Subdivision 2 applies to a transfer into or out of a district with a ~~desegregation~~ an
84.12 achievement and integration plan.

84.13 Sec. 26. Minnesota Statutes 2012, section 124D.03, subdivision 5, is amended to read:

84.14 Subd. 5. **Nonresident district procedures.** A district shall notify the parent or
84.15 guardian in writing by February 15 or within 90 days for applications submitted after
84.16 January 15 in the case of achievement and integration district transfers whether the
84.17 application has been accepted or rejected. If an application is rejected, the district must
84.18 state in the notification the reason for rejection. The parent or guardian must notify the
84.19 nonresident district by March 1 or within 45 days whether the pupil intends to enroll in the
84.20 nonresident district. Notice of intent to enroll in the nonresident district obligates the pupil
84.21 to attend the nonresident district during the following school year, unless the boards of
84.22 the resident and the nonresident districts agree in writing to allow the pupil to transfer
84.23 back to the resident district, ~~or~~ . If the pupil's parents or guardians change residence to
84.24 another district, the student does not lose the seat in the nonresident district but the parent
84.25 or guardian must complete an updated enrollment options form. If a parent or guardian
84.26 does not notify the nonresident district by the January 15 deadline, if it applies, the pupil
84.27 may not enroll in that nonresident district during the following school year, unless the
84.28 boards of the resident and nonresident district agree otherwise. The nonresident district
84.29 must notify the resident district by March 15 or 30 days later of the pupil's intent to enroll
84.30 in the nonresident district. The same procedures apply to a pupil who applies to transfer
84.31 from one participating nonresident district to another participating nonresident district.

84.32 Sec. 27. Minnesota Statutes 2012, section 124D.03, is amended by adding a
84.33 subdivision to read:

85.1 Subd. 5a. **Lotteries.** If a school district has more applications than available seats at
85.2 a specific grade level, it must hold an impartial lottery following the January 15 deadline
85.3 to determine which students will receive seats. Siblings of currently enrolled students and
85.4 applications related to an approved integration and achievement plan must receive priority
85.5 in the lottery. The process for the school district lottery must be established in school
85.6 district policy, approved by the school board, and be posted on the school district's Web site.

85.7 Sec. 28. Minnesota Statutes 2012, section 124D.03, subdivision 6, is amended to read:

85.8 **Subd. 6. Basis for decisions.** The board must adopt, by resolution, specific
85.9 standards for acceptance and rejection of applications. Standards may include the capacity
85.10 of a program, excluding special education services; class_{es}; or school building. The
85.11 school board may not reject applications for enrollment in a particular grade level if the
85.12 nonresident enrollment at that grade level does not exceed the limit set by the board under
85.13 subdivision 2. Standards may not include previous academic achievement, athletic or
85.14 other extracurricular ability, disabling conditions, proficiency in the English language,
85.15 previous disciplinary proceedings, or the student's district of residence, except where the
85.16 district of residence is directly included in an enrollment options strategy included in an
85.17 approved achievement and integration program.

85.18 Sec. 29. **[124D.085] EXPERIENTIAL AND APPLIED LEARNING**
85.19 **OPPORTUNITIES FOR STUDENTS.**

85.20 (a) To strengthen the alignment between career and college ready curriculum and
85.21 state and local academic standards and increase students' opportunities for participating in
85.22 applied and experiential learning in a nontraditional setting, school districts are encouraged
85.23 to provide programs such as magnet schools, language immersion programs, project-based
85.24 learning, accelerated learning, college prep schools, career and technical education,
85.25 Montessori schools, military schools, work-based schools, and place-based learning.
85.26 Districts may provide such programs independently or in cooperation with other districts,
85.27 at a school single site, for particular grades, or throughout the district. In addition to
85.28 meeting the other accountability measures under chapter 120B, districts may declare that a
85.29 student meets or exceeds specific academic standards required for graduation under the
85.30 rigorous course of study waiver in section 120B.021, subdivision 1a, where appropriate.

85.31 (b) The board of a district that chooses to participate must publicly adopt and review
85.32 a plan for providing a program under this section. The plan must: define the program
85.33 and its structure; describe the enrollment process; identify measures and processes for
85.34 regularly assessing, evaluating, and publicly reporting on program efficacy and use

86.1 summary data to show student progress and outcomes; and establish a data-informed
86.2 public process for modifying and revising the plan as needed. A district must publish its
86.3 plan contents and evaluation outcomes on the district Web site.

86.4 (c) For purposes of further integrating experiential and applied learning into career
86.5 and college ready curricula, the commissioner may request program information from
86.6 providing districts under this section.

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

86.9 Sec. 30. Minnesota Statutes 2012, section 124D.09, subdivision 6, is amended to read:

86.10 Subd. 6. **Counseling.** ~~To the extent possible,~~ The school or school district must
86.11 provide counseling services to pupils and their parents or guardian before the pupils enroll
86.12 in courses under this section to ensure that the pupils and their parents or guardian are
86.13 fully aware of the risks and possible consequences of enrolling in postsecondary courses.
86.14 The school or school district must provide information on the program including who may
86.15 enroll, what institutions and courses are eligible for participation, the decision-making
86.16 process for granting academic credits, financial arrangements for tuition, books and
86.17 materials, eligibility criteria for transportation aid, available support services, the need
86.18 to arrange an appropriate schedule, consequences of failing or not completing a course
86.19 in which the pupil enrolls, the effect of enrolling in this program on the pupil's ability to
86.20 complete the required high school graduation requirements, and the academic and social
86.21 responsibilities that must be assumed by the pupils and their parents or guardian. The
86.22 person providing counseling shall encourage pupils and their parents or guardian to also
86.23 use available counseling services at the postsecondary institutions before the quarter or
86.24 semester of enrollment to ensure that anticipated plans are appropriate.

86.25 Prior to enrolling in a course, the pupil and the pupil's parents or guardian must sign
86.26 a form that must be provided by the school or school district and may be obtained from a
86.27 postsecondary institution stating that they have received the information specified in this
86.28 subdivision and that they understand the responsibilities that must be assumed in enrolling
86.29 in this program. The department must, upon request, provide technical assistance to a
86.30 school or school district in developing appropriate forms and counseling guidelines.

86.31 Sec. 31. Minnesota Statutes 2012, section 124D.09, subdivision 7, is amended to read:

86.32 Subd. 7. **Dissemination of information; notification of intent to enroll.** By March
86.33 1 of each year, a district must provide general up-to-date information on the district's
86.34 Web site and in materials that are distributed to parents and students about the program,

87.1 including information about enrollment requirements and the ability to earn postsecondary
87.2 credit to all pupils in grades 8, 9, 10, and 11. To assist the district in planning, a pupil shall
87.3 inform the district by May 30 of each year of the pupil's intent to enroll in postsecondary
87.4 courses during the following school year. A pupil is bound by notifying or not notifying
87.5 the district by May 30.

87.6 Sec. 32. Minnesota Statutes 2012, section 124D.09, subdivision 9, is amended to read:

87.7 Subd. 9. **Enrollment priority.** (a) A postsecondary institution shall give priority
87.8 to its postsecondary students when enrolling 10th, 11th, and 12th grade pupils in its
87.9 courses. A postsecondary institution may provide information about its programs to a
87.10 secondary school or to a pupil or parent and it may advertise or otherwise recruit or solicit
87.11 a secondary pupil to enroll in its programs ~~on educational and programmatic grounds only.~~
87.12 An institution must not enroll secondary pupils, for postsecondary enrollment options
87.13 purposes, in remedial, developmental, or other courses that are not college level. Once
87.14 a any pupil has been enrolled in a postsecondary course under this section, the pupil
87.15 shall not be displaced by another student.

87.16 (b) If a postsecondary institution enrolls a secondary school pupil in a course
87.17 under this section, the postsecondary institution also must enroll in the same course an
87.18 otherwise enrolled and qualified postsecondary student who qualifies as a veteran under
87.19 section 197.447, and demonstrates to the postsecondary institution's satisfaction that the
87.20 institution's established enrollment timelines were not practicable for that student.

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

87.22 Sec. 33. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 1, is
87.23 amended to read:

87.24 Subdivision 1. **Purposes.** (a) The primary purpose of this section is to improve all
87.25 pupil learning and all student achievement. Additional purposes include to:

- 87.26 (1) increase learning opportunities for all pupils;
87.27 (2) encourage the use of different and innovative teaching methods;
87.28 (3) measure learning outcomes and create different and innovative forms of
87.29 measuring outcomes;
87.30 (4) establish new forms of accountability for schools; or
87.31 (5) create new professional opportunities for teachers, including the opportunity to
87.32 be responsible for the learning program at the school site.

87.33 (b) This section does not provide a means to keep open a school that a school board
87.34 decides to close. However, a school board may endorse or authorize the establishing of

88.1 a charter school to replace the school the board decided to close. Applicants seeking a
88.2 charter under this circumstance must demonstrate to the authorizer that the charter sought
88.3 is substantially different in purpose and program from the school the board closed and
88.4 that the proposed charter satisfies the requirements of this subdivision. If the school
88.5 board that closed the school authorizes the charter, it must document in its affidavit to the
88.6 commissioner that the charter is substantially different in program and purpose from
88.7 the school it closed.

88.8 An authorizer shall not approve an application submitted by a charter school
88.9 developer under subdivision 4, paragraph (a), if the application does not comply with this
88.10 subdivision. The commissioner shall not approve an affidavit submitted by an authorizer
88.11 under subdivision 4, paragraph (b), if the affidavit does not comply with this subdivision.

88.12 Sec. 34. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 3, is
88.13 amended to read:

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

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

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

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

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

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

88.31 (2) a charitable organization under section 501(c)(3) of the Internal Revenue Code
88.32 of 1986, excluding a nonpublic sectarian or religious institution; any person other than a
88.33 natural person that directly or indirectly, through one or more intermediaries, controls,
88.34 is controlled by, or is under common control with the nonpublic sectarian or religious

89.1 institution; and any other charitable organization under this clause that in the federal IRS
89.2 Form 1023, Part IV, describes activities indicating a religious purpose, that:

89.3 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on
89.4 Foundations;

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

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

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

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

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

89.28 (c) An eligible authorizer under this subdivision must apply to the commissioner for
89.29 approval as an authorizer before submitting any affidavit to the commissioner to charter
89.30 a school. The application for approval as a charter school authorizer must demonstrate
89.31 the applicant's ability to implement the procedures and satisfy the criteria for chartering a
89.32 school under this section. The commissioner must approve or disapprove an application
89.33 within 45 business days of the application deadline. If the commissioner disapproves
89.34 the application, the commissioner must notify the applicant of the specific deficiencies
89.35 in writing and the applicant then has 20 business days to address the deficiencies to the
89.36 commissioner's satisfaction. After the 20 business days expire, the commissioner has 15

90.1 business days to make a final decision to approve or disapprove the application. Failing to
90.2 address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to
90.3 be an authorizer. The commissioner, in establishing criteria for approval, must consider
90.4 the applicant's:

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

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

- 90.12 (1) how chartering schools is a way for the organization to carry out its mission;
- 90.13 (2) a description of the capacity of the organization to serve as an authorizer,
90.14 including the personnel who will perform the authorizing duties, their qualifications, the
90.15 amount of time they will be assigned to this responsibility, and the financial resources
90.16 allocated by the organization to this responsibility;
- 90.17 (3) a description of the application and review process the authorizer will use to
90.18 make decisions regarding the granting of charters;
- 90.19 (4) a description of the type of contract it will arrange with the schools it charters
90.20 that meets the provisions of subdivision 6;
- 90.21 (5) the process to be used for providing ongoing oversight of the school consistent
90.22 with the contract expectations specified in clause (4) that assures that the schools chartered
90.23 are complying with both the provisions of applicable law and rules, and with the contract;
- 90.24 (6) a description of the criteria and process the authorizer will use to grant expanded
90.25 applications under subdivision 4, paragraph (j);
- 90.26 (7) the process for making decisions regarding the renewal or termination of
90.27 the school's charter based on evidence that demonstrates the academic, organizational,
90.28 and financial competency of the school, including its success in increasing student
90.29 achievement and meeting the goals of the charter school agreement; and
- 90.30 (8) an assurance specifying that the organization is committed to serving as an
90.31 authorizer for the full five-year term.

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

90.34 (f) If the governing board of an approved authorizer votes to withdraw as an
90.35 approved authorizer for a reason unrelated to any cause under subdivision 23, the
90.36 authorizer must notify all its chartered schools and the commissioner in writing by July

91.1 15 of its intent to withdraw as an authorizer on June 30 in the next calendar year. The
91.2 commissioner may approve the transfer of a charter school to a new authorizer under this
91.3 paragraph after the new authorizer submits an affidavit to the commissioner.

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

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

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

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

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

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

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

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

91.29 Sec. 35. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 4, is
91.30 amended to read:

91.31 Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from
91.32 a school developer, may charter a licensed teacher under section 122A.18, subdivision
91.33 1, or a group of individuals that includes one or more licensed teachers under section
91.34 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the
91.35 authorizer's affidavit under paragraph (b). The school must be organized and operated as a

92.1 nonprofit corporation under chapter 317A and the provisions under the applicable chapter
92.2 shall apply to the school except as provided in this section.

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

92.6 (b) Before the operators may establish and operate a school, the authorizer must file
92.7 an affidavit with the commissioner stating its intent to charter a school. An authorizer
92.8 must file a separate affidavit for each school it intends to charter. An authorizer must file
92.9 an affidavit by May 1 to be able to charter a new school in the next school year after the
92.10 commissioner approves the authorizer's affidavit. The affidavit must state the terms and
92.11 conditions under which the authorizer would charter a school and how the authorizer
92.12 intends to oversee the fiscal and student performance of the charter school and to comply
92.13 with the terms of the written contract between the authorizer and the charter school
92.14 board of directors under subdivision 6. The commissioner must approve or disapprove
92.15 the authorizer's affidavit within 60 business days of receipt of the affidavit. If the
92.16 commissioner disapproves the affidavit, the commissioner shall notify the authorizer of
92.17 the deficiencies in the affidavit and the authorizer then has 20 business days to address the
92.18 deficiencies. The commissioner must notify the authorizer of final approval or disapproval
92.19 within 15 business days after receiving the authorizer's response to the deficiencies in the
92.20 affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction,
92.21 the commissioner's disapproval is final. Failure to obtain commissioner approval precludes
92.22 an authorizer from chartering the school that is the subject of this affidavit.

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

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

93.1 of the school's board of directors. A charter school must notify eligible voters of the
93.2 school board election dates at least 30 days before the election. Board of director meetings
93.3 must comply with chapter 13D.

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

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

93.25 (g) The ongoing board must be elected before the school completes its third year of
93.26 operation. Board elections must be held during the school year but may not be conducted
93.27 on days when the school is closed for holidays, breaks, or vacations. The charter school
93.28 board of directors shall be composed of at least five nonrelated members and include: (i)
93.29 at least one licensed teacher employed as a teacher at the school or providing instruction
93.30 under contract between the charter school and a cooperative; (ii) at least one parent or
93.31 legal guardian of a student enrolled in the charter school who is not an employee of
93.32 the charter school; and (iii) at least one interested community member who resides in
93.33 Minnesota and is not employed by the charter school and does not have a child enrolled
93.34 in the school. The board may include a majority of teachers described in this paragraph
93.35 or parents or community members, or it may have no clear majority. The chief financial
93.36 officer and the chief administrator may only serve as ex-officio nonvoting board members.

94.1 No charter school employees shall serve on the board other than teachers under item (i).
94.2 Contractors providing facilities, goods, or services to a charter school shall not serve on
94.3 the board of directors of the charter school. Board bylaws shall outline the process and
94.4 procedures for changing the board's governance structure, consistent with chapter 317A.

94.5 A board may change its governance structure only:

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

94.9 (2) with the authorizer's approval.

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

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

94.14 (i) The granting or renewal of a charter school by an authorizer must not be
94.15 contingent on the charter school being required to contract, lease, or purchase services
94.16 from the authorizer. Any potential contract, lease, or purchase of service from an
94.17 authorizer must be disclosed to the commissioner, accepted through an open bidding
94.18 process, and be a separate contract from the charter contract. The school must document
94.19 the open bidding process. An authorizer must not enter into a contract to provide
94.20 management and financial services for a school that it authorizes, unless the school
94.21 documents that it received at least two competitive bids.

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

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

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

94.31 ~~(3) the charter school is financially sound and the financing it needs to implement~~
94.32 ~~the proposed expansion exists; and~~

94.33 ~~(4) the charter school has the governance structure and management capacity to~~
94.34 ~~carry out its expansion.~~

94.35 (j) A charter school may apply to the authorizer to amend the school charter to
94.36 expand the operation of the school to additional grades or sites that would be students'

95.1 primary enrollment site beyond those defined in the original affidavit approved by the
95.2 commissioner. After approving the school's application, the authorizer shall submit a
95.3 supplementary affidavit in the form and manner prescribed by the commissioner. The
95.4 authorizer must file a supplement affidavit by October 1 to be eligible to expand in the next
95.5 school year. The supplementary affidavit must document that the school has demonstrated
95.6 to the satisfaction of the authorizer the following:

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

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

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

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

95.16 (k) The commissioner shall have 30 business days to review and comment on the
95.17 supplemental affidavit. The commissioner shall notify the authorizer in writing of any
95.18 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to
95.19 address, to the commissioner's satisfaction, any deficiencies in the supplemental affidavit.

95.20 The commissioner must notify the authorizer of final approval or disapproval with 15
95.21 business days after receiving the authorizer's response to the deficiencies in the affidavit.

95.22 The school may not expand grades or add sites until the commissioner has approved the
95.23 supplemental affidavit. The commissioner's approval or disapproval of a supplemental
95.24 affidavit is final.

95.25 Sec. 36. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 6, is
95.26 amended to read:

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

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

- 96.1 (2) a declaration of the additional purpose or purposes in subdivision 1 that the school
96.2 intends to carry out and how the school will report its implementation of those purposes;
- 96.3 (3) a description of the school program and the specific academic and nonacademic
96.4 outcomes that pupils must achieve;
- 96.5 (4) a statement of admission policies and procedures;
- 96.6 (5) a governance, management, and administration plan for the school;
- 96.7 (6) signed agreements from charter school board members to comply with all
96.8 federal and state laws governing organizational, programmatic, and financial requirements
96.9 applicable to charter schools;
- 96.10 (7) the criteria, processes, and procedures that the authorizer will use to monitor and
96.11 evaluate the fiscal, operational, and academic performance consistent with subdivision
96.12 15, paragraphs (a) and (b);
- 96.13 (8) for contract renewal, the formal written performance evaluation of the school
96.14 that is a prerequisite for reviewing a charter contract under subdivision 15;
- 96.15 (9) types and amounts of insurance liability coverage to be obtained by the charter
96.16 school, consistent with subdivision 8, paragraph (k);
- 96.17 (10) consistent with subdivision 25, paragraph (d), a provision to indemnify and
96.18 hold harmless the authorizer and its officers, agents, and employees from any suit, claim,
96.19 or liability arising from any operation of the charter school, and the commissioner and
96.20 department officers, agents, and employees notwithstanding section 3.736;
- 96.21 (11) the term of the initial contract, which may be up to five years plus an additional
96.22 preoperational planning year, and up to five years for a renewed contract or a contract with
96.23 a new authorizer after a transfer of authorizers, if warranted by the school's academic,
96.24 financial, and operational performance;
- 96.25 (12) how the board of directors or the operators of the charter school will provide
96.26 special instruction and services for children with a disability under sections 125A.03
96.27 to 125A.24, and 125A.65, a description of the financial parameters within which the
96.28 charter school will operate to provide the special instruction and services to children
96.29 with a disability;
- 96.30 (13) the specific conditions for contract renewal that identify performance of all
96.31 students under the primary purpose of subdivision 1 as the most important factor in
96.32 determining contract renewal;
- 96.33 (14) the additional purposes under subdivision 1, paragraph (a), and related
96.34 performance obligations under clause (7) contained in the charter contract as additional
96.35 factors in determining contract renewal; and

97.1 (15) the plan for an orderly closing of the school under chapter 317A, whether
97.2 the closure is a termination for cause, a voluntary termination, or a nonrenewal of the
97.3 contract, that includes establishing the responsibilities of the school board of directors
97.4 and the authorizer and notifying the commissioner, authorizer, school district in which the
97.5 charter school is located, and parents of enrolled students about the closure, information
97.6 and assistance sufficient to enable the student to re-enroll in another school, the transfer of
97.7 student records under subdivision 8, paragraph (p), and procedures for closing financial
97.8 operations.

97.9 Sec. 37. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 6a,
97.10 is amended to read:

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

97.13 (b) The charter school, with the assistance of the auditor conducting the audit,
97.14 must include with the report, as supplemental information, a copy of ~~all charter school~~
97.15 ~~agreements for corporate management services, including parent company or other~~
97.16 ~~administrative, financial, and staffing services~~ management agreements with a charter
97.17 management organization or an educational management organization and service
97.18 agreements or contracts over the lesser of \$100,000 or ten percent of the school's
97.19 most recent annual audited expenditures. The agreements must detail the terms of the
97.20 agreement, including the services provided and the annual costs for those services. If the
97.21 entity that provides the professional services to the charter school is exempt from taxation
97.22 under section 501 of the Internal Revenue Code of 1986, that entity must file with the
97.23 commissioner by February 15 a copy of the annual return required under section 6033 of
97.24 the Internal Revenue Code of 1986.

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

97.27 (d) If the audit report finds that a material weakness exists in the financial reporting
97.28 systems of a charter school, the charter school must submit a written report to the
97.29 commissioner explaining how the material weakness will be resolved. An auditor, as a
97.30 condition of providing financial services to a charter school, must agree to make available
97.31 information about a charter school's financial audit to the commissioner and authorizer
97.32 upon request.

97.33 Sec. 38. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 8, is
97.34 amended to read:

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

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

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

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

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

98.15 (f) The primary focus of a charter school must be to provide a comprehensive
98.16 program of instruction for at least one grade or age group from five through 18 years of
98.17 age. Instruction may be provided to people ~~younger than five years and~~ older than 18 years
98.18 of age. A charter school may offer a free preschool or prekindergarten that meets high
98.19 quality early learning instructional program standards that are aligned with Minnesota's
98.20 early learning standards for children.

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

98.22 (h) A charter school is subject to and must comply with chapter 363A and section
98.23 121A.04.

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

98.29 (j) A charter school is subject to the same financial audits, audit procedures, and
98.30 audit requirements as a district, except as required under subdivision 6a. Audits must be
98.31 conducted in compliance with generally accepted governmental auditing standards, the
98.32 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject
98.33 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;
98.34 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with
98.35 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are
98.36 necessary because of the program at the school. Deviations must be approved by the

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

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

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

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

99.10 (n) A charter school offering online courses or programs must comply with section
99.11 124D.095.

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

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

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

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

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

99.22 (t) A charter school must develop and implement a teacher evaluation and peer
99.23 review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to ~~(12)~~
99.24 (13). The teacher evaluation process in this paragraph does not create any additional
99.25 employment rights for teachers.

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

99.29 (v) A charter school must comply with all pupil transportation requirements in
99.30 section 123B.88, subdivision 1. A charter school must not require parents to surrender
99.31 their rights to pupil transportation under section 123B.88, subdivision 2.

99.32 Sec. 39. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 9, is
99.33 amended to read:

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

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

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

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

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

100.10 (c) A charter school shall give enrollment preference to a sibling of an enrolled
100.11 pupil and to a foster child of that pupil's parents and may give preference for enrolling
100.12 children of the school's staff before accepting other pupils by lot. A charter school that
100.13 is located in Duluth township in St. Louis County and admits students in kindergarten
100.14 through grade 6 must give enrollment preference to students residing within a five-mile
100.15 radius of the school and to the siblings of enrolled children. A charter school may give
100.16 enrollment preference to children currently enrolled in the school's free preschool or
100.17 prekindergarten program under subdivision 8, paragraph (f), who are eligible to enroll in
100.18 kindergarten in the next school year.

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

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

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

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

101.1 Sec. 40. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 17a,
101.2 is amended to read:

101.3 Subd. 17a. **Affiliated nonprofit building corporation.** (a) Before A charter school
101.4 may organize an affiliated nonprofit building corporation ~~(i) (1) to renovate or purchase,~~
101.5 expand, or renovate an existing facility to serve as a school or (ii) (2) to expand an existing
101.6 building or construct a new school facility, ~~an authorizer must submit an affidavit to the~~
101.7 ~~commissioner for approval in the form and manner the commissioner prescribes, and~~
101.8 ~~consistent with paragraphs (b) and (c) or (d): if the charter school:~~

101.9 (i) has been in operation for at least six consecutive years;

101.10 (ii) as of June 30 has a net positive unreserved general fund balance in the preceding
101.11 three fiscal years;

101.12 (iii) has long-range strategic and financial plans that include enrollment projections
101.13 for at least five years;

101.14 (iv) completes a feasibility study of facility options that outlines the benefits and
101.15 costs of the options; and

101.16 (v) has a plan for purchase, renovation, or new construction which describes project
101.17 parameters and budget.

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

101.19 (1) be incorporated under section 317A;

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

101.22 (3) post on the school Web site the name, mailing address, bylaws, minutes of board
101.23 meetings, and the names of the current board of directors of the affiliated nonprofit
101.24 building corporation;

101.25 ~~(3) (4) submit to the commissioner each fiscal year a list of current board members~~
101.26 ~~and a copy of its annual audit by December 31 of each year; and~~

101.27 ~~(4) (5) comply with government data practices law under chapter 13.~~

101.28 (c) An affiliated nonprofit building corporation must not serve as the leasing agent
101.29 for property or facilities it does not own. A charter school that leases a facility from an
101.30 affiliated nonprofit building corporation that does not own the leased facility is ineligible
101.31 to receive charter school lease aid. The state is immune from liability resulting from a
101.32 contract between a charter school and an affiliated nonprofit building corporation.

101.33 ~~(e) A charter school may organize an affiliated nonprofit building corporation to~~
101.34 ~~renovate or purchase an existing facility to serve as a school if the charter school:~~

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

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

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

102.4 ~~(4) completes a feasibility study of available buildings;~~

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

102.7 ~~(6) has a plan for the renovation or purchase, which describes the parameters and~~
102.8 ~~budget for the project.~~

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

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

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

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

102.15 ~~(4) completes a feasibility study of facility options;~~

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

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

102.20 (d) Once an affiliated nonprofit building corporation is incorporated under this
102.21 subdivision, the authorizer of the school must oversee the efforts of the school's board
102.22 of directors to ensure the affiliated nonprofit building corporation complies with all legal
102.23 requirements governing the affiliated nonprofit building corporation. A school's board
102.24 of directors that fails to ensure the affiliated nonprofit building corporation's compliance
102.25 violates its responsibilities and an authorizer must factor the failure into the authorizer's
102.26 evaluation of the school.

102.27 Sec. 41. Minnesota Statutes 2013 Supplement, section 124D.10, subdivision 17b,
102.28 is amended to read:

102.29 Subd. 17b. **Positive review and comment.** ~~A charter school or an affiliated~~
102.30 ~~nonprofit building corporation organized by a charter school must not initiate an~~
102.31 ~~installment contract for purchase, or a lease agreement, or solicit bids for new construction,~~
102.32 ~~expansion, or remodeling of an educational facility that requires an expenditure in~~
102.33 ~~excess of \$1,400,000, unless it meets the criteria in subdivision 17a, paragraph (b) and~~
102.34 ~~paragraph (c) or (d), as applicable, and receives a positive review and comment from the~~
102.35 ~~commissioner under section 123B.71. A charter school or its affiliated nonprofit building~~

103.1 corporation must receive a positive review and comment from the commissioner before
103.2 initiating any purchase agreement or construction contract that requires an expenditure in
103.3 excess of the threshold specified in section 123B.71, subdivision 8, for school districts that
103.4 do not have a capital loan outstanding. A purchase agreement or construction contract
103.5 finalized before a positive review and comment is null and void.

103.6 Sec. 42. Minnesota Statutes 2013 Supplement, section 124D.11, subdivision 4, is
103.7 amended to read:

103.8 Subd. 4. **Building lease aid.** (a) When a charter school finds it economically
103.9 advantageous to rent or lease a building or land for any instructional purposes and it
103.10 determines that the total operating capital revenue under section 126C.10, subdivision 13,
103.11 is insufficient for this purpose, it may apply to the commissioner for building lease aid
103.12 for this purpose. The commissioner must review and either approve or deny a lease aid
103.13 application using the following criteria:

103.14 (1) the reasonableness of the price based on current market values;

103.15 (2) the extent to which the lease conforms to applicable state laws and rules; and

103.16 (3) the appropriateness of the proposed lease in the context of the space needs and
103.17 financial circumstances of the charter school. The commissioner must approve aid only
103.18 for a facility lease that has (i) a sum certain annual cost and (ii) ~~an escape~~ a closure clause
103.19 to relieve the charter school of its lease obligations at the time the charter school may
103.20 exercise if its charter contract is terminated or not renewed; the closure clause must not
103.21 be constructed or construed to relieve the charter school of its lease obligations in effect
103.22 before the charter contract is terminated or not renewed.

103.23 A charter school must not use the building lease aid it receives for custodial, maintenance
103.24 service, utility, or other operating costs.

103.25 (b) The amount of annual building lease aid for a charter school shall not exceed the
103.26 lesser of (1) 90 percent of the approved cost or (2) the product of the pupil units served
103.27 for the current school year times \$1,314.

103.28 **EFFECTIVE DATE.** This section is effective the day following final enactment
103.29 and applies to all leases and affiliated building company finance agreements entered
103.30 into or modified after that date.

103.31 Sec. 43. Minnesota Statutes 2013 Supplement, section 124D.4531, subdivision 1,
103.32 is amended to read:

103.33 Subdivision 1. **Career and technical revenue.** (a) A district with a career and
103.34 technical program approved under this section for the fiscal year in which the levy is

104.1 certified is eligible for career and technical revenue equal to 35 percent of approved
104.2 expenditures in the fiscal year in which the levy is certified for the following:

104.3 (1) salaries paid to essential, licensed personnel providing direct instructional
104.4 services to students in that fiscal year, including extended contracts, for services rendered
104.5 in the district's approved career and technical education programs, excluding salaries
104.6 reimbursed by another school district under clause (2);

104.7 (2) amounts paid to another Minnesota school district for salaries of essential,
104.8 licensed personnel providing direct instructional services to students in that fiscal year for
104.9 services rendered in the district's approved career and technical education programs;

104.10 (3) contracted services provided by a public or private agency other than a Minnesota
104.11 school district or cooperative center under ~~subdivision 7~~ chapter 123A or 136D;

104.12 (4) necessary travel between instructional sites by licensed career and technical
104.13 education personnel;

104.14 (5) necessary travel by licensed career and technical education personnel for
104.15 vocational student organization activities held within the state for instructional purposes;

104.16 (6) curriculum development activities that are part of a five-year plan for
104.17 improvement based on program assessment;

104.18 (7) necessary travel by licensed career and technical education personnel for
104.19 noncollegiate credit-bearing professional development; and

104.20 (8) specialized vocational instructional supplies.

104.21 ~~(b) Up to ten percent of a district's career and technical revenue may be spent on~~
104.22 ~~equipment purchases. Districts using the career and technical revenue for equipment~~
104.23 ~~purchases must report to the department on the improved learning opportunities for~~
104.24 ~~students that result from the investment in equipment.~~

104.25 ~~(e)~~ (b) The district must recognize the full amount of this levy as revenue for the
104.26 fiscal year in which it is certified.

104.27 ~~(d)~~ (c) The amount of the revenue calculated under this subdivision may not exceed
104.28 \$17,850,000 for taxes payable in 2012, \$15,520,000 for taxes payable in 2013, and
104.29 \$20,657,000 for taxes payable in 2014.

104.30 ~~(e)~~ (d) If the estimated revenue exceeds the amount in paragraph ~~(d)~~ (c), the
104.31 commissioner must reduce the percentage in paragraph (a) until the estimated revenue no
104.32 longer exceeds the limit in paragraph ~~(d)~~ (c).

104.33 Sec. 44. Minnesota Statutes 2013 Supplement, section 124D.4531, subdivision 3,
104.34 is amended to read:

105.1 Subd. 3. **Revenue guarantee.** Notwithstanding subdivision 1, paragraph (a), the
105.2 career and technical education revenue for a district is not less than the lesser of:
105.3 (1) the district's career and technical education revenue for the previous fiscal year; or
105.4 (2) 100 percent of the approved expenditures for career and technical programs
105.5 included in subdivision 1, paragraph ~~(b)~~ (a), for the fiscal year in which the levy is certified.

105.6 Sec. 45. Minnesota Statutes 2013 Supplement, section 124D.4531, subdivision 3a,
105.7 is amended to read:

105.8 Subd. 3a. **Revenue adjustments.** Notwithstanding subdivisions 1, 1a, and 3, for
105.9 taxes payable in 2012 to 2014 only, the department must calculate the career and technical
105.10 revenue for each district according to Minnesota Statutes 2010, section 124D.4531, and
105.11 adjust the revenue for each district proportionately to meet the statewide revenue target
105.12 under subdivision 1, paragraph ~~(d)~~ (c). For purposes of calculating the revenue guarantee
105.13 under subdivision 3, the career and technical education revenue for the previous fiscal
105.14 year is the revenue according to Minnesota Statutes 2010, section 124D.4531, before
105.15 adjustments to meet the statewide revenue target.

105.16 Sec. 46. Minnesota Statutes 2013 Supplement, section 124D.52, subdivision 8, is
105.17 amended to read:

105.18 Subd. 8. **Standard high school diploma for adults.** (a) Consistent with subdivision
105.19 9, the commissioner shall ~~adopt rules for providing~~ provide for a standard adult high
105.20 school diploma to persons who:

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

105.25 (b) Persons participating in an approved adult basic education program of instruction
105.26 must demonstrate the competencies, knowledge, and skills sufficient to ensure that
105.27 postsecondary programs and institutions and potential employers regard persons with a
105.28 standard high school diploma and persons with a standard adult high school diploma as
105.29 equally well prepared and qualified graduates. Approved adult basic education programs
105.30 of instruction under this subdivision must issue a standard adult high school diploma to
105.31 persons who successfully demonstrate the competencies, knowledge, and skills required
105.32 by the program.

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

106.1 Sec. 47. Minnesota Statutes 2012, section 124D.52, is amended by adding a
106.2 subdivision to read:

106.3 Subd. 9. **Standard adult high school diploma requirements.** (a) The
106.4 commissioner must establish criteria and requirements for eligible adult basic education
106.5 consortia under section 124D.518, subdivision 2, to effectively operate and provide
106.6 instruction under this subdivision.

106.7 (b) An eligible and interested adult basic education consortium must apply to the
106.8 commissioner, in the form and manner determined by the commissioner, for approval to
106.9 provide an adult high school diploma program to eligible students under subdivision 8,
106.10 paragraph (a). An approved consortium annually must submit to the commissioner the
106.11 longitudinal and evaluative data, identified in the consortium's application, to demonstrate
106.12 its compliance with applicable federal and state law and its approved application and
106.13 the efficacy of its adult high school diploma program. The commissioner must use the
106.14 data to evaluate whether or not to reapprove an eligible consortium every fifth year. The
106.15 commissioner, at the commissioner's discretion, may reevaluate the compliance or efficacy
106.16 of a program provider sooner than every fifth year. The commissioner may limit the
106.17 number or size of adult high school diploma programs based on identified community
106.18 needs, available funding, other available resources, or other relevant criteria identified by
106.19 the commissioner.

106.20 (c) At the time a student applies for admission to an adult high school diploma
106.21 program, the program provider must work with the student applicant to:

106.22 (1) identify the student's learning goals, skills and experiences, required
106.23 competencies already completed, and goals and options for viable career pathways;

106.24 (2) assess the student's instructional needs; and

106.25 (3) develop an individualized learning plan to guide the student in completing adult
106.26 high school diploma requirements and realizing career goals identified in the plan.

106.27 To fully implement the learning plan, the provider must provide the student with ongoing
106.28 advising, monitor the student's progress toward completing program requirements and
106.29 receiving a diploma, and provide the student with additional academic support services
106.30 when needed. At the time a student satisfactorily completes all program requirements and
106.31 is eligible to receive a diploma, the provider must conduct a final student interview to
106.32 examine both student and program outcomes related to the student's ability to demonstrate
106.33 required competencies and complete program requirements and to assist the student with
106.34 the student's transition to training, a career, or postsecondary education.

106.35 (d) Competencies and other program requirements must be rigorous, uniform
106.36 throughout the state, and align to Minnesota academic high school standards applicable

107.1 to adult learners and their career and college needs. The commissioner must establish
107.2 competencies, skills, and knowledge requirements in the following areas, consistent with
107.3 this paragraph:

107.4 (1) language arts, including reading, writing, speaking, and listening;

107.5 (2) mathematics;

107.6 (3) career development and employment-related skills;

107.7 (4) social studies; and

107.8 (5) science.

107.9 (e) Consistent with criteria established by the commissioner, students may
107.10 demonstrate satisfactory completion of program requirements through verification of
107.11 the student's:

107.12 (1) prior experiences, including kindergarten through grade 12 courses and
107.13 programs, postsecondary courses and programs, adult basic education instruction, and
107.14 other approved experiences aligned with the Minnesota academic high school standards
107.15 applicable to adult learners and their career and college needs;

107.16 (2) knowledge and skills as measured or demonstrated by valid and reliable
107.17 high school assessments, secondary credentials, adult basic education programs, and
107.18 postsecondary entrance exams;

107.19 (3) adult basic education instruction and course completion; and

107.20 (4) applied and experiential learning acquired via contextualized projects and other
107.21 approved learning opportunities.

107.22 (f) Program providers must transmit a student's record of work to another approved
107.23 consortium for any student who transfers between approved programs under this
107.24 subdivision. The commissioner must establish a uniform format and transcript to record a
107.25 student's record of work and also the manner under which approved consortia maintain
107.26 permanent student records and transmit transferred student records. At a student's request,
107.27 a program provider must transmit the student's record of work to other entities such as
107.28 a postsecondary institution or employer.

107.29 (g) The commissioner may issue a standard adult high school diploma and transmit
107.30 the transcript and record of work of the student who receives the diploma. Alternatively, a
107.31 school district that is a member of an approved consortium providing a program under
107.32 this subdivision may issue a district diploma to a student who satisfactorily completes the
107.33 requirements for a standard adult high school diploma under this subdivision.

107.34 (h) The commissioner must identify best practices for adult basic education
107.35 programs and develop adult basic education recommendations consistent with this
107.36 subdivision to assist approved consortia in providing an adult high school diploma

108.1 program. The commissioner must provide assistance to consortia providing an approved
108.2 adult high school diploma program.

108.3 (i) The commissioner must consult with practitioners from throughout Minnesota,
108.4 including educators, school board members, and school administrators, among others,
108.5 who are familiar with adult basic education students and programs, on establishing the
108.6 standards, requirements, and other criteria needed to ensure, consistent with subdivision 8,
108.7 that persons with a standard adult high school diploma are as equally well prepared and
108.8 qualified graduates as persons with a standard high school diploma. The commissioner,
108.9 in consultation with the practitioners, shall regularly review program requirements and
108.10 diploma standards.

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

108.12 Sec. 48. Minnesota Statutes 2012, section 124D.896, is amended to read:

108.13 **124D.896 DESEGREGATION/INTEGRATION AND INCLUSIVE**
108.14 **EDUCATION RULES.**

108.15 (a) ~~By January 10, 1999,~~ The commissioner shall propose rules relating to
108.16 desegregation/integration and inclusive education, consistent with sections 124D.861
108.17 and 124D.862.

108.18 (b) In adopting a rule related to school desegregation/integration, the commissioner
108.19 shall address the need for equal educational opportunities for all students and racial
108.20 balance as defined by the commissioner.

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

108.22 Sec. 49. Minnesota Statutes 2013 Supplement, section 127A.70, subdivision 2, is
108.23 amended to read:

108.24 Subd. 2. **Powers and duties; report.** (a) The partnership shall develop
108.25 recommendations to the governor and the legislature designed to maximize the achievement
108.26 of all P-20 students while promoting the efficient use of state resources, thereby helping
108.27 the state realize the maximum value for its investment. These recommendations may
108.28 include, but are not limited to, strategies, policies, or other actions focused on:

108.29 (1) improving the quality of and access to education at all points from preschool
108.30 through graduate education;

108.31 (2) improving preparation for, and transitions to, postsecondary education and
108.32 work; ~~and~~

109.1 (3) ensuring educator quality by creating rigorous standards for teacher recruitment,
109.2 teacher preparation, induction and mentoring of beginning teachers, and continuous
109.3 professional development for career teachers; and

109.4 (4) realigning the governance and administrative structures of early education,
109.5 kindergarten through grade 12, and postsecondary systems in Minnesota.

109.6 (b) Under the direction of the P-20 Education Partnership Statewide Longitudinal
109.7 Education Data System Governance Committee, the Office of Higher Education and the
109.8 Departments of Education and Employment and Economic Development shall improve
109.9 and expand the Statewide Longitudinal Education Data System (SLEDS) to provide
109.10 policymakers, education and workforce leaders, researchers, and members of the public
109.11 with data, research, and reports to:

109.12 (1) expand reporting on students' educational outcomes;

109.13 (2) evaluate the effectiveness of educational and workforce programs; and

109.14 (3) evaluate the relationship between education and workforce outcomes.

109.15 To the extent possible under federal and state law, research and reports should be
109.16 accessible to the public on the Internet, and disaggregated by demographic characteristics,
109.17 organization or organization characteristics, and geography.

109.18 It is the intent of the legislature that the Statewide Longitudinal Education Data
109.19 System inform public policy and decision-making. The SLEDS governance committee,
109.20 with assistance from staff of the Office of Higher Education, the Department of Education,
109.21 and the Department of Employment and Economic Development, shall respond to
109.22 legislative committee and agency requests on topics utilizing data made available through
109.23 the Statewide Longitudinal Education Data System as resources permit. Any analysis of
109.24 or report on the data must contain only summary data.

109.25 (c) By January 15 of each year, the partnership shall submit a report to the governor
109.26 and to the chairs and ranking minority members of the legislative committees and
109.27 divisions with jurisdiction over P-20 education policy and finance that summarizes the
109.28 partnership's progress in meeting its goals and identifies the need for any draft legislation
109.29 when necessary to further the goals of the partnership to maximize student achievement
109.30 while promoting efficient use of resources.

109.31 Sec. 50. Minnesota Statutes 2012, section 127A.70, is amended by adding a
109.32 subdivision to read:

109.33 Subd. 2a. **Career pathways and technical education; key elements; stakeholder**
109.34 **collaboration.** (a) The partnership must work with representatives of the Department of
109.35 Education, the Department of Employment and Economic Development, the Department

110.1 of Labor, the Board of Teaching, the Board of School Administrators, trade associations,
110.2 local and regional employers, local school boards, adult basic education program providers,
110.3 postsecondary institutions, parents, other interested and affected education stakeholders,
110.4 and other major statewide educational groups and constituencies to recommend to the
110.5 legislature ways to identify specific policy, administrative, and statutory changes needed
110.6 under sections 120B.11, 120B.125, 122A.09, 122A.14, 122A.18, and 122A.60, among
110.7 other statutory provisions, to effect and, if appropriate, revise a comprehensive, effective,
110.8 and publicly accountable P-20 education system premised on developing, implementing,
110.9 and realizing students' individual career and college readiness plans and goals. In
110.10 developing its recommendations, the partnership must consider how best to:

110.11 (1) provide students regular and frequent access to multiple qualified individuals
110.12 within the school and local and regional community who have access to reliable and
110.13 accurate information, resources, and technology the students need to successfully pursue
110.14 career and technical education, other postsecondary education, or work-based training
110.15 options;

110.16 (2) regularly engage students in planning and continually reviewing their own
110.17 career and college readiness plans and goals and in pursuing academic and applied and
110.18 experiential learning that helps them realize their goals; and

110.19 (3) identify and apply valid and reliable measures of student progress and
110.20 program efficacy that, among other requirements, can accommodate students' prior
110.21 education-related experiences and applied and experiential learning that students acquire
110.22 via contextualized projects and other recognized learning opportunities.

110.23 (b) The partnership must recommend to the commissioner of education and
110.24 representatives of secondary and postsecondary institutions and programs how to organize
110.25 and implement a framework of the foundational knowledge and skills and career fields,
110.26 clusters, and pathways for students enrolled in a secondary school, postsecondary
110.27 institution, or work-based program. The key elements of these programs of study for
110.28 students pursuing postsecondary workforce training or other education must include:

110.29 (1) competency-based curricula aligned with industry expectations and skill
110.30 standards;

110.31 (2) sequential course offerings that gradually build students' skills, enabling students
110.32 to graduate from high school and complete postsecondary programs;

110.33 (3) flexible and segmented course and program formats to accommodate students'
110.34 interests and needs;

110.35 (4) course portability to allow students to seamlessly progress in the students'
110.36 education and career; and

111.1 (5) effective and sufficiently strong P-20 connections to facilitate students'
111.2 uninterrupted skill building, provide students with career opportunities, and align
111.3 academic credentials with opportunities for advancement in high-skill, high-wage, and
111.4 high-demand occupations.

111.5 (c) Stakeholders under this paragraph must examine possibilities for redesigning
111.6 teacher and school administrator licensure requirements, and make recommendations to
111.7 the Board of Teaching and the Board of School Administrators, respectively, to create
111.8 specialized licenses, credentials, and other endorsement forms to increase students'
111.9 participation in language immersion programs, world language instruction, career
111.10 development opportunities, work-based learning, early college courses and careers, career
111.11 and technical education programs, Montessori schools, and project and place-based
111.12 learning, among other career and college-ready opportunities. Consistent with the
111.13 possibilities for redesigning educators' licenses, the stakeholders also must examine how
111.14 to restructure staff development and training opportunities under sections 120B.125 and
111.15 122A.60 to realize the goals of this subdivision.

111.16 (d) The partnership must recommend to the Department of Education, the
111.17 Department of Employment and Economic Development, and postsecondary institutions
111.18 and systems how best to create a mobile, Web-based hub for students and their families
111.19 that centralizes existing resources on careers and employment trends and the educational
111.20 pathways required to attain such careers and employment.

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

111.22 Sec. 51. Minnesota Statutes 2012, section 128C.02, subdivision 5, is amended to read:

111.23 Subd. 5. **Rules for open enrollees.** (a) The league shall adopt league rules and
111.24 regulations governing the athletic participation of pupils attending school in a nonresident
111.25 district under section 124D.03.

111.26 (b) Notwithstanding other law or league rule or regulation to the contrary, when a
111.27 student enrolls in or is readmitted to a recovery-focused high school after successfully
111.28 completing a licensed program for treatment of alcohol or substance abuse, mental illness,
111.29 or emotional disturbance, the student is immediately eligible to participate on the same basis
111.30 as other district students in the league-sponsored activities of the student's resident school
111.31 district. Nothing in this paragraph prohibits the league or school district from enforcing a
111.32 league or district penalty resulting from the student violating a league or district rule.

111.33 (c) The league shall adopt league rules making a student with an individualized
111.34 education program who transfers from one public school to another public school as a
111.35 reasonable accommodation to reduce barriers to educational access immediately eligible

112.1 to participate in league-sponsored varsity competition on the same basis as other students
112.2 in the school to which the student transfers. The league also must establish guidelines,
112.3 consistent with this paragraph, for reviewing the 504 plan of a student who transfers
112.4 between public schools to determine whether the student is immediately eligible to
112.5 participate in league-sponsored varsity competition on the same basis as other students in
112.6 the school to which the student transfers.

112.7 **EFFECTIVE DATE.** This section is effective the day following final enactment
112.8 and applies to all transfers initiated after that date.

112.9 Sec. 52. Laws 2011, First Special Session chapter 11, article 2, section 12, the effective
112.10 date, is amended to read:

112.11 **EFFECTIVE DATE.** This section applies to all collective bargaining agreements
112.12 ratified after is effective retroactively from July 1, 2013.

112.13 Sec. 53. Laws 2011, First Special Session chapter 11, article 2, section 17, the effective
112.14 date, is amended to read:

112.15 **EFFECTIVE DATE.** This section applies to all collective bargaining agreements
112.16 ratified after is effective retroactively from July 1, 2013.

112.17 Sec. 54. **INDEPENDENT SCHOOL DISTRICT NO. 2142, ST. LOUIS**
112.18 **COUNTY; MEETINGS.**

112.19 The school board of Independent School District No. 2142, St. Louis County, may
112.20 hold its meetings at the district's administrative office in Virginia, Minnesota, or at a
112.21 location outside the boundaries of the school district, if the location is convenient to
112.22 a majority of the school board members and residents of the district and notice of the
112.23 location is provided as required in Minnesota Statutes, chapter 13D.

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

112.25 Sec. 54. **CHASKA SCHOOL START DATE FOR THE 2016-2017 SCHOOL**
112.26 **YEAR ONLY.**

112.27 Notwithstanding Minnesota Statutes, section 120A.40, or other law to the contrary,
112.28 for the 2016-2017 school year only, Independent School District No. 112, Chaska, may
112.29 begin the school year before Labor Day.

112.30 **EFFECTIVE DATE.** This section is effective for the 2016-2017 school year only.

113.1 **Sec. 55. SCHOOL YEAR-LONG STUDENT TEACHING PILOT PROGRAM.**

113.2 **Subdivision 1. Establishment; planning; eligibility.** (a) A school year-long student
113.3 teaching pilot program for the 2015-2016 through 2018-2019 school years is established to
113.4 provide teacher candidates with intensified and authentic classroom learning and experience
113.5 so that newly licensed teachers, equipped with the best research and best practices
113.6 available, can immediately begin work to increase student growth and achievement.

113.7 (b) An approved teacher preparation program, interested in participating in a school
113.8 year-long student teaching pilot program in partnership with one or more school districts
113.9 or charter schools, is eligible to participate in this pilot program if, during the 2014-2015
113.10 school year, the interested teacher preparation program identifies needed changes to its
113.11 program curriculum, develops an implementation plan, and receives Board of Teaching
113.12 approval to modify its board application for this pilot program, and meets the criteria
113.13 under subdivision 2.

113.14 **Subd. 2. Application and selection process.** (a) An approved teacher preparation
113.15 program in partnership with one or more school districts or charter schools may apply to
113.16 the Board of Teaching, in the form and manner determined by the board, to participate in
113.17 the pilot program under this section. Consistent with subdivision 1, paragraph (b), the
113.18 application must demonstrate the applicant's interest and ability to offer teacher candidates
113.19 a school year-long student teaching program that combines clinical opportunities with
113.20 academic course work and in-depth student teaching experiences. A student teacher
113.21 under this pilot program must have: ongoing access to a team of teacher mentors
113.22 to demonstrate to the student teacher various teaching methods, philosophies, and
113.23 classroom environments; ongoing coaching and assessment; assistance in preparing an
113.24 individual professional development plan that includes goals, activities, and assessment
113.25 methodologies; structured learning experiences provided by the teacher preparation
113.26 institution or program in collaboration with local or regional education professionals or
113.27 other community experts; and receive payment for student teaching time.

113.28 (b) The board must make an effort to select qualified and diverse applicants from
113.29 throughout the state.

113.30 **Subd. 3. Annual report; evaluation.** The board annually must transmit to the
113.31 education policy and finance committees of the legislature no later than February 1 a
113.32 data-based report showing the efforts and progress program participants made in preparing
113.33 successful newly licensed teachers.

114.1 **EFFECTIVE DATE.** This section is effective for the 2014-2015 through 2018-2019
114.2 school years.

114.3 Sec. 56. **REPEALER.**

114.4 Minnesota Statutes 2012, section 122A.61, subdivision 2, is repealed.

114.5 **ARTICLE 4**

114.6 **SPECIAL PROGRAMS**

114.7 Section 1. Minnesota Statutes 2012, section 121A.582, subdivision 1, is amended to
114.8 read:

114.9 Subdivision 1. **Reasonable force standard.** (a) A teacher or school principal, in
114.10 exercising the person's lawful authority, may use reasonable force when it is necessary
114.11 under the circumstances to correct or restrain a student or prevent bodily harm or death
114.12 to another.

114.13 (b) A school employee, school bus driver, or other agent of a district, in exercising
114.14 the person's lawful authority, may use reasonable force when it is necessary under the
114.15 circumstances to restrain a student or prevent bodily harm or death to another.

114.16 (c) Paragraphs (a) and (b) do not authorize conduct prohibited under ~~sections~~
114.17 ~~121A.58 and 121A.67~~ section 125A.0942.

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

114.19 Sec. 2. Minnesota Statutes 2012, section 125A.023, subdivision 3, is amended to read:

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

114.22 (a) "Health plan" means:

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

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

114.25 (3) a self-insured health plan established by a local government under section
114.26 471.617; or

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

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

114.30 (c) ~~"Individual interagency intervention plan" means a standardized written plan~~
114.31 ~~describing those programs or services and the accompanying funding sources available to~~
114.32 ~~eligible children with disabilities.~~

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

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

115.6 (i) the maternal and child health program under title V of the Social Security Act;
115.7 (ii) the Minnesota children with special health needs program under sections 144.05
115.8 and 144.07;

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

115.11 (iv) medical assistance under title 42, chapter 7, of the Social Security Act;
115.12 (v) developmental disabilities services under chapter 256B;

115.13 (vi) the Head Start Act under title 42, chapter 105, of the Social Security Act;
115.14 (vii) vocational rehabilitation services provided under chapters 248 and 268A and
115.15 the Rehabilitation Act of 1973;

115.16 (viii) Juvenile Court Act services provided under sections 260.011 to 260.91;
115.17 260B.001 to 260B.446; and 260C.001 to 260C.451;

115.18 (ix) Minnesota Comprehensive Children's Mental Health Act under section 245.487;
115.19 (x) the community health services grants under sections 145.88 to 145.9266;

115.20 (xi) the Local Public Health Act under chapter 145A; and
115.21 (xii) the Vulnerable Children and Adults Act, sections 256M.60 to 256M.80;

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

115.23 (i) the children's mental health collaborative under section 245.493;
115.24 (ii) the family services collaborative under section 124D.23;

115.25 (iii) the community transition interagency committees under section 125A.22; and
115.26 (iv) the interagency early intervention committees under section 125A.259;

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

115.34 (4) additional appropriate services that local agencies and counties provide on
115.35 an individual need basis upon determining eligibility and receiving a request from the
115.36 interagency early intervention committee and the child's parent.

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

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

116.6 Sec. 3. Minnesota Statutes 2012, section 125A.023, subdivision 4, is amended to read:

116.7 Subd. 4. **State Interagency Committee.** (a) The commissioner of education, on
116.8 behalf of the governor, shall convene ~~a 19-member~~ an interagency committee to develop
116.9 and implement a coordinated, multidisciplinary, interagency intervention service system
116.10 for children ages three to 21 with disabilities. The commissioners of commerce, education,
116.11 health, human rights, human services, employment and economic development, and
116.12 corrections shall each appoint two committee members from their departments; ~~the~~
116.13 ~~Association of Minnesota Counties shall appoint two county representatives, one of whom~~
116.14 ~~must be an elected official, as committee members;~~ and the Association of Minnesota
116.15 Counties, Minnesota School Boards Association, the Minnesota Administrators of Special
116.16 Education, and the School Nurse Association of Minnesota shall each appoint one
116.17 committee member. The committee shall select a chair from among its members.

116.18 (b) The committee shall:

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

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

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

116.26 ~~(4)~~ (i) develop, consistent with federal law, a standardized written plan for providing
116.27 services to a child with disabilities;

116.28 ~~(5)~~ (ii) identify how current systems for dispute resolution can be coordinated ~~and~~
116.29 ~~develop guidelines for that coordination;~~

116.30 ~~(6)~~ (iii) develop an evaluation process to measure the success of state and local
116.31 interagency efforts in improving the quality and coordination of services to children with
116.32 disabilities ages three to 21; and

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

117.1 ~~(8)~~ (4) carry out other duties necessary to develop and implement within
117.2 communities a coordinated, multidisciplinary, interagency intervention service system for
117.3 children with disabilities.

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

117.8 Sec. 4. Minnesota Statutes 2012, section 125A.027, subdivision 1, is amended to read:

117.9 Subdivision 1. **Additional duties.** (a) The governing boards of the interagency early
117.10 intervention committees are responsible for developing and implementing interagency
117.11 policies and procedures to coordinate services at the local level for children with
117.12 disabilities ages three to 21 under guidelines established by the state interagency
117.13 committee under section 125A.023, subdivision 4. Consistent with the requirements
117.14 in this section and section 125A.023, the governing boards of the interagency early
117.15 intervention committees ~~shall~~ may organize as a joint powers board under section 471.59
117.16 or enter into an interagency agreement that establishes a governance structure.

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

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

117.21 (2) ~~identify adequate, equitable, and flexible use of funding by local agencies for~~
117.22 ~~these services;~~

117.23 ~~(3)~~ implement policies that ensure a comprehensive and coordinated system of
117.24 all state and local agency services, including practices on multidisciplinary assessment
117.25 practices, standardized written plans, dispute resolution, and system evaluation for
117.26 children with disabilities ages three to 21;

117.27 (4) ~~use a standardized written plan for providing services to a child with disabilities~~
117.28 ~~developed under section 125A.023;~~

117.29 (5) ~~access the coordinated dispute resolution system and incorporate the guidelines~~
117.30 ~~for coordinating services at the local level, consistent with section 125A.023;~~

117.31 (6) ~~use the evaluation process to measure the success of the local interagency effort~~
117.32 ~~in improving the quality and coordination of services to children with disabilities ages~~
117.33 ~~three to 21 consistent with section 125A.023;~~

118.1 ~~(7) develop a transitional plan for children moving from the interagency early~~
118.2 ~~childhood intervention system under sections 125A.259 to 125A.48 into the interagency~~
118.3 ~~intervention service system under this section;~~

118.4 ~~(8)~~ (3) coordinate services and facilitate payment for services from public and
118.5 private institutions, agencies, and health plan companies; and

118.6 ~~(9)~~ (4) share needed information consistent with state and federal data practices
118.7 requirements.

118.8 Sec. 5. Minnesota Statutes 2012, section 125A.027, subdivision 4, is amended to read:

118.9 Subd. 4. **Responsibilities of school and county boards.** (a) It is the joint
118.10 responsibility of school and county boards to coordinate, provide, and pay for appropriate
118.11 services, and to facilitate payment for services from public and private sources. Appropriate
118.12 service for children eligible under section 125A.02 and receiving service from two or more
118.13 public agencies of which one is the public school must be determined in consultation with
118.14 parents, physicians, and other education, medical health, and human services providers.
118.15 The services provided must be in conformity with ~~an Individual Interagency Intervention~~
118.16 ~~Plan (HHP)~~ a standardized written plan for each eligible child ages 3 to 21.

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

118.20 (c) School and county boards shall coordinate interagency services. Service
118.21 responsibilities for eligible children, ages 3 to 21, ~~shall~~ may be established in interagency
118.22 agreements or joint powers board agreements. In addition, interagency agreements or joint
118.23 powers board agreements ~~shall~~ may be developed to establish agency responsibility that
118.24 assures that coordinated interagency services are coordinated, provided, and paid for, and
118.25 that payment is facilitated from public and private sources. School boards must provide,
118.26 pay for, and facilitate payment for special education services as required under sections
118.27 125A.03 and 125A.06. County boards must provide, pay for, and facilitate payment for
118.28 those programs over which they have service and fiscal responsibility as referenced in
118.29 section 125A.023, subdivision 3, paragraph ~~(d)~~ (c), clause (1).

118.30 Sec. 6. Minnesota Statutes 2012, section 125A.03, is amended to read:

118.31 **125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.**

118.32 (a) As defined in paragraph (b), every district must provide special instruction and
118.33 services, either within the district or in another district, for all children with a disability,
118.34 including providing required services under Code of Federal Regulations, title 34, section

119.1 300.121, paragraph (d), to those children suspended or expelled from school for more than
119.2 ten school days in that school year, who are residents of the district and who are disabled
119.3 as set forth in section 125A.02. For purposes of state and federal special education
119.4 laws, the phrase "special instruction and services" in the state Education Code means a
119.5 free and appropriate public education provided to an eligible child with disabilities ~~and~~
119.6 ~~includes special education and related services defined in the Individuals with Disabilities~~
119.7 ~~Education Act, subpart A, section 300.24.~~ "Free appropriate public education" means
119.8 special education and related services that:

119.9 (1) are provided at public expense, under public supervision and direction, and
119.10 without charge;

119.11 (2) meet the standards of the state, including the requirements of the Individuals
119.12 with Disabilities Education Act, Part B or C;

119.13 (3) include an appropriate preschool, elementary school, or secondary school
119.14 education; and

119.15 (4) are provided to children ages three through 21 in conformity with an
119.16 individualized education program that meets the requirements of the Individuals with
119.17 Disabilities Education Act, subpart A, sections 300.320 to 300.324, and provided to
119.18 infants and toddlers in conformity with an individualized family service plan that meets
119.19 the requirements of the Individuals with Disabilities Education Act, subpart A, sections
119.20 303.300 to 303.346.

119.21 (b) Notwithstanding any age limits in laws to the contrary, special instruction and
119.22 services must be provided from birth until July 1 after the child with a disability becomes
119.23 21 years old but shall not extend beyond secondary school or its equivalent, except as
119.24 provided in section 124D.68, subdivision 2. Local health, education, and social service
119.25 agencies must refer children under age five who are known to need or suspected of
119.26 needing special instruction and services to the school district. Districts with less than the
119.27 minimum number of eligible children with a disability as determined by the commissioner
119.28 must cooperate with other districts to maintain a full range of programs for education
119.29 and services for children with a disability. This section does not alter the compulsory
119.30 attendance requirements of section 120A.22.

119.31 Sec. 7. Minnesota Statutes 2012, section 125A.08, is amended to read:

119.32 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

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

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

120.1 (1) all students with disabilities are provided the special instruction and services
120.2 which are appropriate to their needs. Where the individualized education program team
120.3 has determined appropriate goals and objectives based on the student's needs, including
120.4 the extent to which the student can be included in the least restrictive environment,
120.5 and where there are essentially equivalent and effective instruction, related services, or
120.6 assistive technology devices available to meet the student's needs, cost to the district may
120.7 be among the factors considered by the team in choosing how to provide the appropriate
120.8 services, instruction, or devices that are to be made part of the student's individualized
120.9 education program. The individualized education program team shall consider and
120.10 may authorize services covered by medical assistance according to section 256B.0625,
120.11 subdivision 26. The student's needs and the special education instruction and services to
120.12 be provided must be agreed upon through the development of an individualized education
120.13 program. The program must address the student's need to develop skills to live and work
120.14 as independently as possible within the community. The individualized education program
120.15 team must consider positive behavioral interventions, strategies, and supports that address
120.16 behavior for children with attention deficit disorder or attention deficit hyperactivity
120.17 disorder. During grade 9, the program must address the student's needs for transition from
120.18 secondary services to postsecondary education and training, employment, community
120.19 participation, recreation, and leisure and home living. In developing the program, districts
120.20 must inform parents of the full range of transitional goals and related services that should
120.21 be considered. The program must include a statement of the needed transition services,
120.22 including a statement of the interagency responsibilities or linkages or both before
120.23 secondary services are concluded;

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

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

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

120.33 (5) to the maximum extent appropriate, children with a disability, including those
120.34 in public or private institutions or other care facilities, are educated with children who
120.35 are not disabled, and that special classes, separate schooling, or other removal of children
120.36 with a disability from the regular educational environment occurs only when and to the

121.1 extent that the nature or severity of the disability is such that education in regular classes
121.2 with the use of supplementary services cannot be achieved satisfactorily;

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

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

121.9 (c) For paraprofessionals employed to work in programs for students with
121.10 disabilities, the school board in each district shall ensure that:

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

121.15 (2) annual training opportunities are available to enable the paraprofessional to
121.16 continue to further develop the knowledge and skills that are specific to the students with
121.17 whom the paraprofessional works, including understanding disabilities, following lesson
121.18 plans, and implementing follow-up instructional procedures and activities; and

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

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

121.23 Sec. 8. Minnesota Statutes 2012, section 125A.22, is amended to read:

121.24 **125A.22 COMMUNITY TRANSITION INTERAGENCY COMMITTEE.**

121.25 A district, group of districts, or special education cooperative, in cooperation with
121.26 the county or counties in which the district or cooperative is located, ~~must~~ may establish
121.27 a community transition interagency committee for youth with disabilities, beginning at
121.28 grade 9 or age equivalent, and their families. Members of the committee ~~must consist of~~
121.29 may include representatives from special education, vocational and regular education,
121.30 community education, postsecondary education and training institutions, mental health,
121.31 adults with disabilities who have received transition services if such persons are available,
121.32 parents of youth with disabilities, local business or industry, rehabilitation services, county
121.33 social services, health agencies, and additional public or private adult service providers as

122.1 appropriate. ~~The committee must elect a chair and must meet regularly.~~ The committee
122.2 ~~must~~ may:

122.3 (1) identify current services, programs, and funding sources provided within
122.4 the community for secondary and postsecondary aged youth with disabilities and their
122.5 families that prepare them for further education; employment, including integrated
122.6 competitive employment; and independent living;

122.7 (2) facilitate the development of multiagency teams to address present and future
122.8 transition needs of individual students on their individualized education programs;

122.9 (3) develop a community plan to include mission, goals, and objectives, and an
122.10 implementation plan to assure that transition needs of individuals with disabilities are met;

122.11 (4) recommend changes or improvements in the community system of transition
122.12 services; and

122.13 (5) exchange agency information such as appropriate data, effectiveness studies,
122.14 special projects, exemplary programs, and creative funding of programs; and

122.15 ~~(6) following procedures determined by the commissioner, prepare a yearly summary~~
122.16 ~~assessing the progress of transition services in the community including follow-up of~~
122.17 ~~individuals with disabilities who were provided transition services to determine postschool~~
122.18 ~~outcomes. The summary must be disseminated to all adult services agencies involved in~~
122.19 ~~the planning and to the commissioner by October 1 of each year.~~

122.20 Sec. 9. Minnesota Statutes 2013 Supplement, section 125A.30, is amended to read:

122.21 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

122.22 (a) A ~~school district~~, group of school districts; or special education ~~cooperative~~
122.23 cooperatives, in cooperation with the health and human service agencies located in
122.24 the county or counties in which the ~~district~~ districts or ~~cooperative~~ cooperatives are
122.25 located, must establish an Interagency Early Intervention Committee for children with
122.26 disabilities under age five and their families under this section, and for children with
122.27 disabilities ages three to 22 consistent with the requirements under sections 125A.023
122.28 and 125A.027. Committees must include representatives of local health, education, and
122.29 county human service agencies, ~~county boards~~, ~~school boards~~, early childhood family
122.30 education programs, Head Start, parents of young children with disabilities under age 12,
122.31 child care resource and referral agencies, school readiness programs, current service
122.32 providers, and agencies that serve families experiencing homelessness, and may also
122.33 include representatives from other private or public agencies and school nurses. The
122.34 committee must elect a chair from among its members and must meet at least quarterly.

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

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

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

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

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

123.21 ~~(5)~~ (3) implement a process for assuring that services involve cooperating agencies
123.22 at all steps leading to individualized programs;

123.23 ~~(6) facilitate the development of a transition plan in the individual family service~~
123.24 ~~plan by the time a child is two years and nine months old;~~

123.25 ~~(7)~~ (4) identify the current services and funding being provided within the
123.26 community for children with disabilities under age five and their families; and

123.27 ~~(8)~~ (5) develop a plan for the allocation and expenditure of federal early intervention
123.28 funds under United States Code, title 20, section 1471 et seq. (Part C, Public Law 108-446)
123.29 and United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89-313); and

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

123.33 (c) The local committee shall also participate in needs assessments and program
123.34 planning activities conducted by local social service, health and education agencies for
123.35 young children with disabilities and their families.

124.1 Sec. 10. Minnesota Statutes 2012, section 127A.065, is amended to read:

124.2 **127A.065 CROSS-SUBSIDY REPORT.**

124.3 By ~~January 10~~ March 30, the commissioner of education shall submit an annual
124.4 report to the legislative committees having jurisdiction over kindergarten through grade
124.5 12 education on the amount each district is cross-subsidizing special education costs
124.6 with general education revenue.

124.7 Sec. 11. Minnesota Statutes 2012, section 260D.06, subdivision 2, is amended to read:

124.8 Subd. 2. **Agency report to court; court review.** The agency shall obtain judicial
124.9 review by reporting to the court according to the following procedures:

124.10 (a) A written report shall be forwarded to the court within 165 days of the date of the
124.11 voluntary placement agreement. The written report shall contain or have attached:

124.12 (1) a statement of facts that necessitate the child's foster care placement;

124.13 (2) the child's name, date of birth, race, gender, and current address;

124.14 (3) the names, race, date of birth, residence, and post office addresses of the child's
124.15 parents or legal custodian;

124.16 (4) a statement regarding the child's eligibility for membership or enrollment in an
124.17 Indian tribe and the agency's compliance with applicable provisions of sections 260.751 to
124.18 260.835;

124.19 (5) the names and addresses of the foster parents or chief administrator of the facility
124.20 in which the child is placed, if the child is not in a family foster home or group home;

124.21 (6) a copy of the out-of-home placement plan required under section 260C.212,
124.22 subdivision 1;

124.23 (7) a written summary of the proceedings of any administrative review required
124.24 under section 260C.203; and

124.25 (8) any other information the agency, parent or legal custodian, the child or the foster
124.26 parent, or other residential facility wants the court to consider.

124.27 (b) In the case of a child in placement due to emotional disturbance, the written
124.28 report shall include as an attachment, the child's individual treatment plan developed by
124.29 the child's treatment professional, as provided in section 245.4871, subdivision 21, or the
124.30 child's ~~individual interagency intervention~~ standard written plan, as provided in section
124.31 125A.023, subdivision 3, paragraph ~~(e)~~ (e).

124.32 (c) In the case of a child in placement due to developmental disability or a related
124.33 condition, the written report shall include as an attachment, the child's individual service
124.34 plan, as provided in section 256B.092, subdivision 1b; the child's individual program plan,
124.35 as provided in Minnesota Rules, part 9525.0004, subpart 11; the child's waiver care plan;

125.1 or the child's ~~individual interagency intervention~~ standard written plan, as provided in
125.2 section 125A.023, subdivision 3, paragraph ~~(e)~~ (e).

125.3 (d) The agency must inform the child, age 12 or older, the child's parent, and the
125.4 foster parent or foster care facility of the reporting and court review requirements of this
125.5 section and of their right to submit information to the court:

125.6 (1) if the child or the child's parent or the foster care provider wants to send
125.7 information to the court, the agency shall advise those persons of the reporting date and the
125.8 date by which the agency must receive the information they want forwarded to the court so
125.9 the agency is timely able submit it with the agency's report required under this subdivision;

125.10 (2) the agency must also inform the child, age 12 or older, the child's parent, and
125.11 the foster care facility that they have the right to be heard in person by the court and
125.12 how to exercise that right;

125.13 (3) the agency must also inform the child, age 12 or older, the child's parent, and
125.14 the foster care provider that an in-court hearing will be held if requested by the child,
125.15 the parent, or the foster care provider; and

125.16 (4) if, at the time required for the report under this section, a child, age 12 or
125.17 older, disagrees about the foster care facility or services provided under the out-of-home
125.18 placement plan required under section 260C.212, subdivision 1, the agency shall include
125.19 information regarding the child's disagreement, and to the extent possible, the basis for the
125.20 child's disagreement in the report required under this section.

125.21 (e) After receiving the required report, the court has jurisdiction to make the
125.22 following determinations and must do so within ten days of receiving the forwarded
125.23 report, whether a hearing is requested:

125.24 (1) whether the voluntary foster care arrangement is in the child's best interests;

125.25 (2) whether the parent and agency are appropriately planning for the child; and

125.26 (3) in the case of a child age 12 or older, who disagrees with the foster care facility
125.27 or services provided under the out-of-home placement plan, whether it is appropriate to
125.28 appoint counsel and a guardian ad litem for the child using standards and procedures
125.29 under section 260C.163.

125.30 (f) Unless requested by a parent, representative of the foster care facility, or the
125.31 child, no in-court hearing is required in order for the court to make findings and issue an
125.32 order as required in paragraph (e).

125.33 (g) If the court finds the voluntary foster care arrangement is in the child's best
125.34 interests and that the agency and parent are appropriately planning for the child, the
125.35 court shall issue an order containing explicit, individualized findings to support its
125.36 determination. The individualized findings shall be based on the agency's written report

126.1 and other materials submitted to the court. The court may make this determination
126.2 notwithstanding the child's disagreement, if any, reported under paragraph (d).

126.3 (h) The court shall send a copy of the order to the county attorney, the agency,
126.4 parent, child, age 12 or older, and the foster parent or foster care facility.

126.5 (i) The court shall also send the parent, the child, age 12 or older, the foster parent, or
126.6 representative of the foster care facility notice of the permanency review hearing required
126.7 under section 260D.07, paragraph (e).

126.8 (j) If the court finds continuing the voluntary foster care arrangement is not in the
126.9 child's best interests or that the agency or the parent are not appropriately planning for the
126.10 child, the court shall notify the agency, the parent, the foster parent or foster care facility,
126.11 the child, age 12 or older, and the county attorney of the court's determinations and the
126.12 basis for the court's determinations. In this case, the court shall set the matter for hearing
126.13 and appoint a guardian ad litem for the child under section 260C.163, subdivision 5.

126.14 Sec. 12. Minnesota Statutes 2013 Supplement, section 626.556, subdivision 2, is
126.15 amended to read:

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

126.18 (a) "Family assessment" means a comprehensive assessment of child safety, risk
126.19 of subsequent child maltreatment, and family strengths and needs that is applied to a
126.20 child maltreatment report that does not allege substantial child endangerment. Family
126.21 assessment does not include a determination as to whether child maltreatment occurred
126.22 but does determine the need for services to address the safety of family members and the
126.23 risk of subsequent maltreatment.

126.24 (b) "Investigation" means fact gathering related to the current safety of a child
126.25 and the risk of subsequent maltreatment that determines whether child maltreatment
126.26 occurred and whether child protective services are needed. An investigation must be used
126.27 when reports involve substantial child endangerment, and for reports of maltreatment in
126.28 facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to
126.29 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and
126.30 13, and 124D.10; or in a nonlicensed personal care provider association as defined in
126.31 sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

126.32 (c) "Substantial child endangerment" means a person responsible for a child's care,
126.33 and in the case of sexual abuse includes a person who has a significant relationship to the
126.34 child as defined in section 609.341, or a person in a position of authority as defined in

127.1 section 609.341, who by act or omission commits or attempts to commit an act against a
127.2 child under their care that constitutes any of the following:

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

127.4 (2) sexual abuse as defined in paragraph (d);

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

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

127.9 (5) murder in the first, second, or third degree under section 609.185, 609.19, or
127.10 609.195;

127.11 (6) manslaughter in the first or second degree under section 609.20 or 609.205;

127.12 (7) assault in the first, second, or third degree under section 609.221, 609.222, or
127.13 609.223;

127.14 (8) solicitation, inducement, and promotion of prostitution under section 609.322;

127.15 (9) criminal sexual conduct under sections 609.342 to 609.3451;

127.16 (10) solicitation of children to engage in sexual conduct under section 609.352;

127.17 (11) malicious punishment or neglect or endangerment of a child under section
127.18 609.377 or 609.378;

127.19 (12) use of a minor in sexual performance under section 617.246; or

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

127.22 (d) "Sexual abuse" means the subjection of a child by a person responsible for the
127.23 child's care, by a person who has a significant relationship to the child, as defined in
127.24 section 609.341, or by a person in a position of authority, as defined in section 609.341,
127.25 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
127.26 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree),
127.27 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct
127.28 in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual
127.29 abuse also includes any act which involves a minor which constitutes a violation of
127.30 prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes
127.31 threatened sexual abuse which includes the status of a parent or household member
127.32 who has committed a violation which requires registration as an offender under section
127.33 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section
127.34 243.166, subdivision 1b, paragraph (a) or (b).

127.35 (e) "Person responsible for the child's care" means (1) an individual functioning
127.36 within the family unit and having responsibilities for the care of the child such as a

128.1 parent, guardian, or other person having similar care responsibilities, or (2) an individual
128.2 functioning outside the family unit and having responsibilities for the care of the child
128.3 such as a teacher, school administrator, other school employees or agents, or other lawful
128.4 custodian of a child having either full-time or short-term care responsibilities including,
128.5 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,
128.6 and coaching.

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

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

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

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

128.20 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
128.21 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
128.22 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

128.23 (5) nothing in this section shall be construed to mean that a child is neglected solely
128.24 because the child's parent, guardian, or other person responsible for the child's care in
128.25 good faith selects and depends upon spiritual means or prayer for treatment or care of
128.26 disease or remedial care of the child in lieu of medical care; except that a parent, guardian,
128.27 or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report
128.28 if a lack of medical care may cause serious danger to the child's health. This section does
128.29 not impose upon persons, not otherwise legally responsible for providing a child with
128.30 necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

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

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

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

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

129.10 (g) "Physical abuse" means any physical injury, mental injury, or threatened injury,
129.11 inflicted by a person responsible for the child's care on a child other than by accidental
129.12 means, or any physical or mental injury that cannot reasonably be explained by the child's
129.13 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
129.14 that have not been authorized under section ~~121A.67~~ 125A.0942 or 245.825.

129.15 Abuse does not include reasonable and moderate physical discipline of a child
129.16 administered by a parent or legal guardian which does not result in an injury. Abuse does
129.17 not include the use of reasonable force by a teacher, principal, or school employee as
129.18 allowed by section 121A.582. Actions which are not reasonable and moderate include,
129.19 but are not limited to, any of the following that are done in anger or without regard to the
129.20 safety of the child:

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

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

129.23 (3) shaking a child under age three;

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

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

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

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

129.29 (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
129.30 substances which were not prescribed for the child by a practitioner, in order to control or
129.31 punish the child; or other substances that substantially affect the child's behavior, motor
129.32 coordination, or judgment or that results in sickness or internal injury, or subjects the
129.33 child to medical procedures that would be unnecessary if the child were not exposed
129.34 to the substances;

129.35 (9) unreasonable physical confinement or restraint not permitted under section
129.36 609.379, including but not limited to tying, caging, or chaining; or

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

130.3 (h) "Report" means any report received by the local welfare agency, police
130.4 department, county sheriff, or agency responsible for assessing or investigating
130.5 maltreatment pursuant to this section.

130.6 (i) "Facility" means:

130.7 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,
130.8 sanitarium, or other facility or institution required to be licensed under sections 144.50 to
130.9 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245D;

130.10 (2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and
130.11 124D.10; or

130.12 (3) a nonlicensed personal care provider organization as defined in sections 256B.04,
130.13 subdivision 16, and 256B.0625, subdivision 19a.

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

130.15 (k) "Commissioner" means the commissioner of human services.

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

130.19 (m) "Mental injury" means an injury to the psychological capacity or emotional
130.20 stability of a child as evidenced by an observable or substantial impairment in the child's
130.21 ability to function within a normal range of performance and behavior with due regard to
130.22 the child's culture.

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

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

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

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

130.34 (4) committed an act that has resulted in the involuntary transfer of permanent
130.35 legal and physical custody of a child to a relative under Minnesota Statutes 2010, section

131.1 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a
131.2 similar law of another jurisdiction.

131.3 A child is the subject of a report of threatened injury when the responsible social
131.4 services agency receives birth match data under paragraph (o) from the Department of
131.5 Human Services.

131.6 (o) Upon receiving data under section 144.225, subdivision 2b, contained in a
131.7 birth record or recognition of parentage identifying a child who is subject to threatened
131.8 injury under paragraph (n), the Department of Human Services shall send the data to the
131.9 responsible social services agency. The data is known as "birth match" data. Unless the
131.10 responsible social services agency has already begun an investigation or assessment of the
131.11 report due to the birth of the child or execution of the recognition of parentage and the
131.12 parent's previous history with child protection, the agency shall accept the birth match
131.13 data as a report under this section. The agency may use either a family assessment or
131.14 investigation to determine whether the child is safe. All of the provisions of this section
131.15 apply. If the child is determined to be safe, the agency shall consult with the county
131.16 attorney to determine the appropriateness of filing a petition alleging the child is in need
131.17 of protection or services under section 260C.007, subdivision 6, clause (16), in order to
131.18 deliver needed services. If the child is determined not to be safe, the agency and the county
131.19 attorney shall take appropriate action as required under section 260C.503, subdivision 2.

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

131.24 (q) "Accidental" means a sudden, not reasonably foreseeable, and unexpected
131.25 occurrence or event which:

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

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

131.31 (r) "Nonmaltreatment mistake" means:

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

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

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

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

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

132.9 This definition only applies to child care centers licensed under Minnesota
132.10 Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of
132.11 substantiated maltreatment by the individual, the commissioner of human services shall
132.12 determine that a nonmaltreatment mistake was made by the individual.

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

132.14 Sec. 13. **IMPROVING THE ACADEMIC PERFORMANCE OF**
132.15 **UNDERACHIEVING STUDENTS THROUGH A MULTITIERED SYSTEM OF**
132.16 **EARLY INTERVENTION AND INSTRUCTIONAL SUPPORT.**

132.17 The commissioner of education, in consultation with experts and stakeholders,
132.18 including Department of Educational Psychology faculty at the University of Minnesota
132.19 and representatives of special education and regular education school administrators and
132.20 teachers, parents, cooperating school districts, and special education advocacy groups,
132.21 among others, must develop recommendations, consistent with Minnesota Statutes
132.22 2012, section 125A.56, for improving the academic performance of underachieving
132.23 students through a multitiered system of early intervention and instructional support. The
132.24 commissioner, by February 15, 2015, must submit written recommendations, consistent
132.25 with this section, to the education policy and finance committees of the legislature.

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

132.27 Sec. 14. **REPEALER.**

132.28 Minnesota Statutes 2012, section 125A.027, subdivision 3, is repealed.

132.29 **ARTICLE 5**

132.30 **NUTRITION**

132.31 Section 1. Minnesota Statutes 2012, section 124D.111, subdivision 3, is amended to
132.32 read:

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

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

133.7 (c) Revenues and expenditures for food service activities must be recorded in the
133.8 food service fund. The costs of processing applications, accounting for meals, preparing
133.9 and serving food, providing kitchen custodial services, and other expenses involving the
133.10 preparing of meals or the kitchen section of the lunchroom may be charged to the food
133.11 service fund or to the general fund of the district. The costs of lunchroom supervision,
133.12 lunchroom custodial services, lunchroom utilities, and other administrative costs of the
133.13 food service program must be charged to the general fund.

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

133.21 (d) Capital expenditures for the purchase of food service equipment must be made
133.22 from the general fund and not the food service fund, unless the ~~unreserved~~ restricted
133.23 balance in the food service fund at the end of the last fiscal year is greater than the cost of
133.24 the equipment to be purchased.

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

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

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

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

134.7 Sec. 2. **[124D.1191] DONATIONS TO FOOD SHELF PROGRAMS.**

134.8 Schools and community organizations participating in any federal child nutrition
134.9 meal program may donate food to food shelf programs, provided that the food shelf:

134.10 (1) is a nonprofit corporation or is affiliated with a nonprofit corporation, as defined
134.11 in section 501(c)(3) of the Internal Revenue Code of 1986;

134.12 (2) distributes food without charge to needy individuals;

134.13 (3) does not limit food distributions to individuals of a particular religious affiliation,
134.14 race, or other criteria unrelated to need; and

134.15 (4) has a stable address and directly serves individuals.

134.16 **ARTICLE 6**

134.17 **EARLY CHILDHOOD EDUCATION, SELF-SUFFICIENCY, AND**
134.18 **LIFELONG LEARNING**

134.19 Section 1. Minnesota Statutes 2012, section 123A.06, subdivision 2, is amended to read:

134.20 Subd. 2. **People to be served.** A state-approved alternative program shall provide
134.21 programs for secondary pupils ~~and adults~~. A center may also provide programs and
134.22 services for elementary and secondary pupils who are not attending the state-approved
134.23 alternative program to assist them in being successful in school. A center shall use
134.24 research-based best practices for serving English learners and their parents. An
134.25 individualized education program team may identify a state-approved alternative program
134.26 as an appropriate placement to the extent a state-approved alternative program can provide
134.27 the student with the appropriate special education services described in the student's plan.
134.28 Pupils eligible to be served are those who qualify under the graduation incentives program
134.29 in section 124D.68, subdivision 2, those enrolled under section 124D.02, subdivision
134.30 2, or those pupils who are eligible to receive special education services under sections
134.31 125A.03 to 125A.24, and 125A.65.

134.32 Sec. 2. Minnesota Statutes 2013 Supplement, section 124D.165, subdivision 2, is
134.33 amended to read:

135.1 Subd. 2. **Family eligibility.** (a) For a family to receive an early ~~childhood education~~
135.2 learning scholarship, parents or guardians must meet the following eligibility requirements:

135.3 (1) have a child three or four years of age on September 1 of the current school year,
135.4 who has not yet started kindergarten; and

135.5 (2) have income equal to or less than 185 percent of federal poverty level income
135.6 in the current calendar year, or be able to document their child's current participation in
135.7 the free and reduced-price lunch program or child and adult care food program, National
135.8 School Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food
135.9 Distribution Program on Indian Reservations, Food and Nutrition Act, United States
135.10 Code, title 7, sections 2011-2036; Head Start under the federal Improving Head Start for
135.11 School Readiness Act of 2007; Minnesota family investment program under chapter 256J;
135.12 child care assistance programs under chapter 119B; the supplemental nutrition assistance
135.13 program; or placement in foster care under section 260C.212.

135.14 (b) Notwithstanding the other provisions of this section, a parent under age 21 who
135.15 is pursuing a high school or general education equivalency diploma is eligible for an early
135.16 learning scholarship if the parent has a child age zero to five years old and meets the
135.17 income eligibility guidelines in this subdivision.

135.18 (c) Any siblings between the ages zero to five years old of a child who has been
135.19 awarded a scholarship under this section must be awarded a scholarship upon request,
135.20 provided the sibling attends the same program as long as funds are available.

135.21 (d) A child who has received a scholarship under this section must continue to
135.22 receive a scholarship each year until that child is eligible for kindergarten under section
135.23 120A.20 and as long as funds are available.

135.24 (e) Early learning scholarships may not be counted as earned income for the
135.25 purposes of medical assistance under chapter 256B, MinnesotaCare under chapter 256L,
135.26 Minnesota family investment program under chapter 256J, child care assistance programs
135.27 under chapter 119B, or Head Start under the federal Improving Head Start for School
135.28 Readiness Act of 2007.

135.29 Sec. 3. Minnesota Statutes 2013 Supplement, section 124D.165, subdivision 4, is
135.30 amended to read:

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

135.33 (1) participate in the quality rating and improvement system under section
135.34 124D.142; and

136.1 (2) beginning July 1, 2016, have a three- or four-star rating in the quality rating
136.2 and improvement system.

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

136.5 **ARTICLE 7**

136.6 **LIBRARIES**

136.7 Section 1. Minnesota Statutes 2012, section 134.355, subdivision 8, is amended to read:

136.8 Subd. 8. **Eligibility.** A regional public library system may apply for regional library
136.9 telecommunications aid. The aid must be used for data and video access maintenance,
136.10 equipment, or installation of telecommunication lines. To be eligible, a regional public
136.11 library system must be officially designated by the commissioner of education as a
136.12 regional public library system as defined in section 134.34, subdivision 3, and each of its
136.13 participating cities and counties must meet local support levels defined in section 134.34,
136.14 subdivision 1. A public library building that receives aid under this section must be open a
136.15 minimum of 20 hours per week. Exceptions to the minimum open hours requirement may
136.16 be granted by the Department of Education on request of the regional public library system
136.17 for the following circumstances: short-term closing for emergency maintenance and
136.18 repairs following a natural disaster; in response to exceptional economic circumstances;
136.19 building repair or maintenance that requires public services areas to be closed; or to adjust
136.20 hours of public service to respond to documented seasonal use patterns.

136.21 Sec. 2. **CONSULTATION; LIBRARIES AND SERVICE DELIVERY.**

136.22 The commissioner of education must consult with people knowledgeable about
136.23 state libraries and service delivery, including representatives of the Department of
136.24 Education, regional public library systems, multicounty multitype library systems, public
136.25 libraries located in the metropolitan area and greater Minnesota other than regional public
136.26 library systems, Minitex, public school library media specialists, the Office of Higher
136.27 Education, the Association of Minnesota Counties, and the League of Minnesota Cities
136.28 on increasing service delivery and collaboration between library governance systems,
136.29 options for changing current library procedures and library governance systems to
136.30 increase collaboration between library systems, and ensuring equitable and cost-effective
136.31 access to library services statewide. In addition to addressing physical library services,
136.32 the commissioner also must consider how to increase access to emerging electronic
136.33 services. The commissioner must report by February 1, 2015, to the education policy
136.34 and finance committees of the legislature on how to structure library systems to ensure

137.1 that all Minnesota residents have equitable and cost-effective access to state-supported
137.2 library services.

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

137.4 **ARTICLE 8**

137.5 **UNSESSION CHANGES**

137.6 Section 1. Minnesota Statutes 2012, section 121A.36, is amended to read:

137.7 **121A.36 MOTORCYCLE SAFETY EDUCATION PROGRAM.**

137.8 Subdivision 1. **Established; administration; rules.** A motorcycle safety education
137.9 program is established. The program shall be administered by the ~~commissioners~~
137.10 commissioner of public safety ~~and education~~. The program shall include but is not limited
137.11 to training and coordination of motorcycle safety instructors, motorcycle safety promotion
137.12 and public information, and reimbursement for the cost of approved courses offered by
137.13 schools and organizations.

137.14 Subd. 2. **Reimbursements.** The commissioner of ~~education~~ public safety, to the
137.15 extent that funds are available, may reimburse schools and other approved organizations
137.16 offering approved motorcycle safety education courses for up to 50 percent of the actual
137.17 cost of the courses. If sufficient funds are not available, reimbursements shall be prorated.
137.18 The commissioner may conduct audits and otherwise examine the records and accounts of
137.19 schools and approved organizations offering the courses to insure the accuracy of the costs.

137.20 Subd. 3. **Appropriation.** (a) All funds in the motorcycle safety fund created by
137.21 section 171.06, subdivision 2a, are hereby annually appropriated to the commissioner of
137.22 public safety to carry out the purposes of subdivisions 1 and 2. ~~The commissioner of~~
137.23 ~~public safety may make grants from the fund to the commissioner of education at such~~
137.24 ~~times and in such amounts as the commissioner deems necessary to carry out the purposes~~
137.25 ~~of subdivisions 1 and 2.~~

137.26 (b) Of the money appropriated under paragraph (a):

137.27 (1) not more than five percent shall be expended to defray the administrative costs
137.28 of carrying out the purposes of subdivisions 1 and 2; and

137.29 (2) not more than 65 percent shall be expended for the combined purpose of
137.30 training and coordinating the activities of motorcycle safety instructors and making
137.31 reimbursements to schools and other approved organizations.

137.32 Sec. 2. Minnesota Statutes 2012, section 124D.141, subdivision 3, is amended to read:

137.33 Subd. 3. **Administration.** ~~An amount up to \$12,500 from federal child care and~~
137.34 ~~development fund administrative funds and up to \$12,500 from prekindergarten exploratory~~

138.1 project funds appropriated under Laws 2007, chapter 147, article 19, section 3, may be
138.2 used to reimburse the parents on the council and for technical assistance and administrative
138.3 support of the State Advisory Council on Early Childhood Education and Care. This
138.4 funding stream is for fiscal year 2009. The council may pursue additional funds from state,
138.5 federal, and private sources. If additional operational funds are received, the council must
138.6 reduce the amount of prekindergarten exploratory project funds used in an equal amount.

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

138.8 The revisor of statutes shall renumber Minnesota Statutes, section 121A.36, as
138.9 section 171.335. The revisor of statutes shall also make cross-reference changes in
138.10 Minnesota Statutes and Minnesota Rules consistent with the renumbering.

138.11 Sec. 4. **REPEALER.**

138.12 Minnesota Statutes 2012, sections 119A.04, subdivision 3; 120A.30; 120B.19;
138.13 120B.24; 121A.17, subdivision 9; 122A.52; 122A.53; 124D.24; 124D.25; 124D.26;
138.14 124D.27; 124D.28; 124D.29; 124D.30; and 124D.31, are repealed.

138.15 **ARTICLE 9**

138.16 **CONFORMING CHANGES**

138.17 Section 1. Minnesota Statutes 2012, section 120A.22, subdivision 2, is amended to read:

138.18 Subd. 2. **Applicability.** This section and sections 120A.24; 120A.26; ~~120A.30;~~
138.19 120A.32; and 120A.34 apply only to a child required to receive instruction according to
138.20 subdivision 5 and to instruction that is intended to fulfill that requirement.

138.21 Sec. 2. Minnesota Statutes 2012, section 120A.32, is amended to read:

138.22 **120A.32 OFFICERS, TEACHERS; NEGLECT OF DUTY; PENALTY.**

138.23 Any school officer, truant officer, public or nonpublic school teacher, principal,
138.24 district superintendent, or person providing instruction other than a parent refusing,
138.25 willfully failing, or neglecting to perform any duty imposed by sections 120A.22 to
138.26 ~~120A.30,~~ 120A.26, 120A.35, 120A.41, and 123B.03 is guilty of a misdemeanor. All
138.27 persons found guilty shall be punished for each offense by a fine of not more than \$10 or
138.28 by imprisonment for not more than ten days. All fines, when collected, shall be paid into
138.29 the county treasury for the benefit of the school district in which the offense is committed.

138.30 Sec. 3. Minnesota Statutes 2012, section 122A.09, subdivision 7, is amended to read:

139.1 Subd. 7. **Commissioner's assistance; board money.** The commissioner shall
139.2 provide all necessary materials and assistance for the transaction of the business of the
139.3 Board of Teaching and all moneys received by the Board of Teaching shall be paid into
139.4 the state treasury as provided by law. The expenses of administering sections 122A.01,
139.5 122A.05 to 122A.09, 122A.15, 122A.16, 122A.17, 122A.18, 122A.20, 122A.21, 122A.22,
139.6 122A.23, 122A.26, 122A.30, 122A.40, 122A.41, 122A.42, 122A.45, 122A.49, ~~122A.52,~~
139.7 ~~122A.53,~~ 122A.54, 122A.55, 122A.56, 122A.57, and 122A.58 which are incurred by the
139.8 Board of Teaching shall be paid for from appropriations made to the Board of Teaching.

139.9 Sec. 4. Minnesota Statutes 2012, section 127A.41, subdivision 7, is amended to read:

139.10 Subd. 7. **Schedule adjustments.** (a) It is the intention of the legislature to encourage
139.11 efficient and effective use of staff and facilities by districts. Districts are encouraged to
139.12 consider both cost and energy saving measures.

139.13 (b) Any district operating a program pursuant to sections 124D.12 to 124D.127; or
139.14 124D.128, ~~or 124D.25 to 124D.29,~~ or operating a commissioner-designated area learning
139.15 center program under section 123A.09, or that otherwise receives the approval of the
139.16 commissioner to operate its instructional program to avoid an aid reduction in any year,
139.17 may adjust the annual school schedule for that program throughout the calendar year.

139.18 ARTICLE 10

139.19 INTERSTATE COMPACT

139.20 Section 1. Minnesota Statutes 2012, section 127A.70, subdivision 1, is amended to read:

139.21 Subdivision 1. **Establishment; membership.** (a) A P-20 education partnership is
139.22 established to create a seamless system of education that maximizes achievements of
139.23 all students, from early childhood through elementary, secondary, and postsecondary
139.24 education, while promoting the efficient use of financial and human resources. The
139.25 partnership shall consist of major statewide educational groups or constituencies or
139.26 noneducational statewide organizations with a stated interest in P-20 education. The initial
139.27 membership of the partnership includes the members serving on the Minnesota P-16
139.28 Education Partnership and four legislators appointed as follows:

139.29 (1) one senator from the majority party and one senator from the minority party,
139.30 appointed by the Subcommittee on Committees of the Committee on Rules and
139.31 Administration; and

139.32 (2) one member of the house of representatives appointed by the speaker of the
139.33 house and one member appointed by the minority leader of the house of representatives.

141.1 H. Promoting flexibility and cooperation between the educational system, parents,
141.2 and the student in order to achieve educational success for the student.

141.3 **ARTICLE II**

141.4 **DEFINITIONS**

141.5 As used in this compact, unless the context clearly requires a different construction:

141.6 A. "Active duty" means: full-time duty status in the active uniformed service of the
141.7 United States, including members of the National Guard and Reserve on active duty orders
141.8 pursuant to United States code, title 10, sections 1209 and 1211.

141.9 B. "Children of military families" means: a school-aged child(ren), enrolled in
141.10 kindergarten through grade 12, in the household of an active duty member.

141.11 C. "Compact commissioner" means: the voting representative of each compacting
141.12 state appointed pursuant to Article VIII of this compact.

141.13 D. "Deployment" means: the period one month prior to the service members'
141.14 departure from their home station on military orders through six months after return to
141.15 their home station.

141.16 E. "Education(al) records" means: those official records, files, and data directly
141.17 related to a student and maintained by the school or local education agency, including but
141.18 not limited to records encompassing all the material kept in the student's cumulative
141.19 folder, such as general identifying data, records of attendance and of academic work
141.20 completed, records of achievement and results of evaluative tests, health data, disciplinary
141.21 status, test protocols, and individualized education programs.

141.22 F. "Extracurricular activities" means: a voluntary activity sponsored by the school
141.23 or local education agency or an organization sanctioned by the local education agency.
141.24 Extracurricular activities include, but are not limited to, preparation for and involvement
141.25 in public performances, contests, athletic competitions, demonstrations, displays, and
141.26 club activities.

141.27 G. "Interstate Commission on Educational Opportunity for Military Children"
141.28 means: the commission that is created under Article IX of this compact, which is generally
141.29 referred to as Interstate Commission.

141.30 H. "Local education agency" means: a public authority legally constituted by the
141.31 state as an administrative agency to provide control of and direction for kindergarten
141.32 through grade 12 public educational institutions.

141.33 I. "Member state" means: a state that has enacted this compact.

141.34 J. "Military installation" means: a base, camp, post, station, yard, center, homeport
141.35 facility for any ship, or other activity under the jurisdiction of the Department of Defence,
141.36 including any leased facility, which is located within any of the several states, the District

142.1 of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam,
142.2 American Samoa, the Northern Mariana Islands, and any other United States territory.
142.3 Such term does not include any facility used primarily for civil works, rivers and harbors
142.4 projects, or flood control projects.

142.5 K. "Nonmember state" means: a state that has not enacted this compact.

142.6 L. "Receiving state" means: the state to which a child of a military family is sent,
142.7 brought, or caused to be sent or brought.

142.8 M. "Rule" means: a written statement by the Interstate Commission promulgated
142.9 pursuant to Article XII of this compact that is of general applicability, implements,
142.10 interprets, or prescribes a policy or provision of the Compact, or an organizational,
142.11 procedural, or practice requirement of the Interstate Commission, and has the force
142.12 and effect of statutory law in a member state, and includes the amendment, repeal, or
142.13 suspension of an existing rule.

142.14 N. "Sending state" means: the state from which a child of a military family is sent,
142.15 brought, or caused to be sent or brought.

142.16 O. "State" means: a state of the United States, the District of Columbia, the
142.17 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa,
142.18 the Northern Mariana Islands, and any other United States territory.

142.19 P. "Student" means: the child of a military family for whom the local education
142.20 agency receives public funding and who is formally enrolled in kindergarten through
142.21 grade 12.

142.22 Q. "Transition" means: (1) the formal and physical process of transferring from
142.23 school to school or (2) the period of time in which a student moves from one school in
142.24 the sending state to another school in the receiving state.

142.25 R. "Uniformed service(s)" means: the Army, Navy, Air Force, Marine Corps, Coast
142.26 Guard as well as the commissioned Corps of the National Oceanic and Atmospheric
142.27 Administration, and Public Health Services.

142.28 S. "Veteran" means: a person who served in the uniformed services and who was
142.29 discharged or released there from under conditions other than dishonorable.

ARTICLE III

APPLICABILITY

142.32 A. Except as otherwise provided in Section B, this compact shall apply to the
142.33 children of:

142.34 1. active duty members of the uniformed services as defined in this compact,
142.35 including members of the National Guard and Reserve on active duty orders pursuant to
142.36 United States Code, title 10, sections 1209 and 1211;

143.1 2. members or veterans of the uniformed services who are severely injured and
143.2 medically discharged or retired for a period of one year after medical discharge or
143.3 retirement; and

143.4 3. members of the uniformed services who die on active duty or as a result of
143.5 injuries sustained on active duty for a period of one year after death.

143.6 B. The provisions of this interstate compact shall only apply to local education
143.7 agencies as defined in this compact.

143.8 C. The provisions of this compact shall not apply to the children of:

143.9 1. inactive members of the national guard and military reserves;

143.10 2. members of the uniformed services now retired, except as provided in Section A;

143.11 3. veterans of the uniformed services, except as provided in Section A; and

143.12 4. other United States Department of Defense personnel and other federal agency
143.13 civilian and contract employees not defined as active duty members of the uniformed
143.14 services.

143.15 ARTICLE IV

143.16 EDUCATIONAL RECORDS AND ENROLLMENT

143.17 A. Unofficial or "hand-carried" education records - In the event that official
143.18 education records cannot be released to the parents for the purpose of transfer, the
143.19 custodian of the records in the sending state shall prepare and furnish to the parent
143.20 a complete set of unofficial educational records containing uniform information as
143.21 determined by the Interstate Commission. Upon receipt of the unofficial education records
143.22 by a school in the receiving state, the school shall enroll and appropriately place the
143.23 student based on the information provided in the unofficial records pending validation by
143.24 the official records, as quickly as possible.

143.25 B. Official education records/transcripts - Simultaneous with the enrollment and
143.26 conditional placement of the student, the school in the receiving state shall request the
143.27 student's official education record from the school in the sending state. Upon receipt of
143.28 this request, the school in the sending state will process and furnish the official education
143.29 records to the school in the receiving state within ten days or within such time as
143.30 reasonably determined under rules promulgated by the Interstate Commission.

143.31 C. Immunizations - Compacting states shall give 30 days from the date of enrollment
143.32 or within such time as is reasonably determined under the rules promulgated by the
143.33 Interstate Commission, for students to obtain any immunization(s) required by the
143.34 receiving state. For a series of immunizations, initial vaccinations must be obtained within
143.35 30 days or within such time as is reasonably determined under the rules promulgated by
143.36 the Interstate Commission.

144.1 D. Kindergarten and first grade entrance age - Students shall be allowed to continue
144.2 their enrollment at grade level in the receiving state commensurate with their grade level
144.3 (including kindergarten) from a local education agency in the sending state at the time of
144.4 transition, regardless of age. A student that has satisfactorily completed the prerequisite
144.5 grade level in the local education agency in the sending state shall be eligible for enrollment
144.6 in the next highest grade level in the receiving state, regardless of age. A student
144.7 transferring after the start of the school year in the receiving state shall enter the school in
144.8 the receiving state on their validated level from an accredited school in the sending state.

144.9 ARTICLE V

144.10 PLACEMENT AND ATTENDANCE

144.11 A. Course placement - When the student transfers before or during the school year,
144.12 the receiving state school shall initially honor placement of the student in educational
144.13 courses based on the student's enrollment in the sending state school and/or educational
144.14 assessments conducted at the school in the sending state if the courses are offered. Course
144.15 placement includes but is not limited to Honors, International Baccalaureate, Advanced
144.16 Placement, vocational, technical, and career pathways courses. Continuing the student's
144.17 academic program from the previous school and promoting placement in academically and
144.18 career challenging courses should be paramount when considering placement. This does
144.19 not preclude the school in the receiving state from performing subsequent evaluations to
144.20 ensure appropriate placement and continued enrollment of the student in the course(s).

144.21 B. Educational program placement - The receiving state school shall initially honor
144.22 placement of the student in educational programs based on the current educational
144.23 assessments conducted at the school in the sending state or participation/placement in
144.24 like programs in the sending state. Such programs include, but are not limited to: (1)
144.25 gifted and talented programs; and (2) English as a second language (ESL). This does not
144.26 preclude the school in the receiving state from performing subsequent evaluations to
144.27 ensure appropriate placement of the student.

144.28 C. Special education services - (1) in compliance with the federal requirements of the
144.29 Individuals with Disabilities Education Act (IDEA), United States Code Annotated, Title
144.30 20, section 1400 et seq., the receiving state shall initially provide comparable services to a
144.31 student with disabilities based on his/her current Individualized Education Program (IEP);
144.32 and (2) in compliance with the requirements of Section 504 of the Rehabilitation Act,
144.33 United States Code Annotated, title 29, section 794, and with Title II of the Americans
144.34 with Disabilities Act, United States Code Annotated, title 42, sections 12131 to 12165,
144.35 the receiving state shall make reasonable accommodations and modifications to address
144.36 the needs of incoming students with disabilities, subject to an existing 504 or Title II

145.1 Plan, to provide the student with equal access to education. This does not preclude the
145.2 school in the receiving state from performing subsequent evaluations to ensure appropriate
145.3 placement of the student.

145.4 D. Placement flexibility - Local education agency administrative officials shall have
145.5 flexibility in waiving course/program prerequisites, or other preconditions for placement
145.6 in courses/programs offered under the jurisdiction of the local education agency.

145.7 E. Absence as related to deployment activities - A student whose parent or legal
145.8 guardian is an active duty member of the uniformed services, as defined by the compact,
145.9 and has been called to duty for, is on leave from, or immediately returned from deployment
145.10 to a combat zone or combat support posting, shall be granted additional excused absences
145.11 at the discretion of the local education agency superintendent to visit with his or her parent
145.12 or legal guardian relative to such leave or deployment of the parent or guardian.

145.13 ARTICLE VI

145.14 ELIGIBILITY

145.15 A. Eligibility for enrollment

145.16 1. Special power of attorney, relative to the guardianship of a child of a military
145.17 family and executed under applicable law shall be sufficient for the purposes of enrollment
145.18 and all other actions requiring parental participation and consent.

145.19 2. A local education agency shall be prohibited from charging local tuition to a
145.20 transitioning military child placed in the care of a noncustodial parent or other person
145.21 standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

145.22 3. A transitioning military child, placed in the care of a noncustodial parent or
145.23 other person standing in loco parentis who lives in a jurisdiction other than that of the
145.24 custodial parent, may continue to attend the school in which he/she was enrolled while
145.25 residing with the custodial parent.

145.26 B. Eligibility for extracurricular participation - State and local education
145.27 agencies shall facilitate the opportunity for transitioning military children's inclusion
145.28 in extracurricular activities, regardless of application deadlines, to the extent they are
145.29 otherwise qualified.

145.30 ARTICLE VII

145.31 GRADUATION

145.32 In order to facilitate the on-time graduation of children of military families, states
145.33 and local education agencies shall incorporate the following procedures:

145.34 A. Waiver requirements - Local education agency administrative officials shall waive
145.35 specific courses required for graduation if similar coursework has been satisfactorily
145.36 completed in another local education agency or shall provide reasonable justification for

146.1 denial. Should a waiver not be granted to a student who would qualify to graduate from
146.2 the sending school, the local education agency shall provide an alternative means of
146.3 acquiring required coursework so that graduation may occur on time.

146.4 B. Exit exams - States shall accept: (1) exit or end-of-course exams required for
146.5 graduation from the sending state, (2) national norm-referenced achievement tests, or (3)
146.6 alternative testing, in lieu of testing requirements for graduation in the receiving state.
146.7 In the event the above alternatives cannot be accommodated by the receiving state for a
146.8 student transferring in his or her senior year, then the provisions of Article VII, Section
146.9 C shall apply.

146.10 C. Transfers during senior year - Should a military student transferring at the
146.11 beginning or during his or her senior year be ineligible to graduate from the receiving local
146.12 education agency after all alternatives have been considered, the sending and receiving
146.13 local education agencies shall ensure the receipt of a diploma from the sending local
146.14 education agency, if the student meets the graduation requirements of the sending local
146.15 education agency. In the event that one of the states in question is not a member of this
146.16 compact, the member state shall use best efforts to facilitate the on-time graduation of the
146.17 student in accordance with Sections A and B of this Article.

146.18 ARTICLE VIII

146.19 STATE COORDINATION

146.20 A. Each member state shall, through the creation of a State Council or use of an
146.21 existing body or board, provide for the coordination among its agencies of government,
146.22 local education agencies, and military installations concerning the state's participation in,
146.23 and compliance with, this compact and Interstate Commission activities. While each
146.24 member state may determine the membership of its own State Council, its membership
146.25 must include at least: the state superintendent of education, superintendent of a school
146.26 district with a high concentration of military children, representative from a military
146.27 installation, one representative each from the legislative and executive branches of
146.28 government, and other offices and stakeholder groups the State Council deems appropriate.
146.29 A member state that does not have a school district deemed to contain a high concentration
146.30 of military children may appoint a superintendent from another school district to represent
146.31 local education agencies on the State Council.

146.32 B. The State Council of each member state shall appoint or designate a military
146.33 family education liaison to assist military families and the state in facilitating the
146.34 implementation of this compact.

147.1 C. The compact commissioner responsible for the administration and management
147.2 of the state's participation in the compact shall be appointed by the governor or as
147.3 otherwise determined by each member state.

147.4 D. The compact commissioner and the military family education liaison designated
147.5 herein shall be ex-officio members of the State Council, unless either is already a full
147.6 voting member of the State council.

147.7 **ARTICLE IX**
147.8 **INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY**
147.9 **FOR MILITARY CHILDREN**

147.10 The member states hereby create the "Interstate Commission on Educational
147.11 Opportunity for Military Children." The activities of the Interstate Commission are
147.12 the formation of public policy and are a discretionary state function. The Interstate
147.13 Commission shall:

147.14 A. Be a body corporate and joint agency of the member states and shall have all the
147.15 responsibilities, powers, and duties set forth herein, and such additional powers as may be
147.16 conferred upon it by a subsequent concurrent action of the respective legislatures of the
147.17 member states in accordance with the terms of this compact.

147.18 B. Consist of one Interstate Commission voting representative from each member
147.19 state who shall be that state's compact commissioner.

147.20 1. Each member state represented at a meeting of the Interstate Commission is
147.21 entitled to one vote.

147.22 2. A majority of the total member states shall constitute a quorum for the transaction
147.23 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

147.24 3. A representative shall not delegate a vote to another member state. In the event
147.25 the compact commissioner is unable to attend a meeting of the Interstate Commission,
147.26 the Governor or State Council may delegate voting authority to another person from
147.27 their state for a specified meeting.

147.28 4. The bylaws may provide for meetings of the Interstate Commission to be
147.29 conducted by telecommunication or electronic communication.

147.30 C. Consist of ex-officio, nonvoting representatives who are members of interested
147.31 organizations. Such ex-officio members, as defined in the bylaws, may include, but not
147.32 be limited to, members of the representative organizations of military family advocates,
147.33 local education agency officials, parent and teacher groups, the United States Department
147.34 of Defense, the Education Commission of the States, the Interstate Agreement on the
147.35 Qualification of Educational Personnel, and other interstate compacts affecting the
147.36 education of children of military members.

148.1 D. Meet at least once each calendar year. The chairperson may call additional
148.2 meetings and, upon the request of a simple majority of the member states, shall call
148.3 additional meetings.

148.4 E. Establish an executive committee, whose members shall include the officers of the
148.5 Interstate Commission and such other members of the Interstate Commission as determined
148.6 by the bylaws. Members of the executive committee shall serve a one-year term. Members
148.7 of the executive committee shall be entitled to one vote each. The executive committee
148.8 shall have the power to act on behalf of the Interstate Commission, with the exception
148.9 of rulemaking, during periods when the Interstate Commission is not in session. The
148.10 executive committee shall oversee the day-to-day activities of the administration of the
148.11 compact, including enforcement and compliance with the provisions of the compact, its
148.12 bylaws and rules, and other such duties as deemed necessary. The U.S. Department of
148.13 Defense, shall serve as an ex-officio, nonvoting member of the executive committee.

148.14 F. Establish bylaws and rules that provide for conditions and procedures under which
148.15 the Interstate Commission shall make its information and official records available to the
148.16 public for inspection or copying. The Interstate Commission may exempt from disclosure
148.17 information or official records to the extent they would adversely affect personal privacy
148.18 rights or proprietary interests.

148.19 G. Public notice shall be given by the Interstate Commission of all meetings and
148.20 all meetings shall be open to the public, except as set forth in the rules or as otherwise
148.21 provided in the compact. The Interstate Commission and its committees may close a
148.22 meeting, or portion thereof, where it determines by two-thirds vote that an open meeting
148.23 would be likely to:

- 148.24 1. Relate solely to the Interstate Commission's internal personnel practices and
148.25 procedures;
- 148.26 2. Disclose matters specifically exempted from disclosure by federal and state statute;
- 148.27 3. Disclose trade secrets or commercial or financial information which is privileged
148.28 or confidential;
- 148.29 4. Involve accusing a person of a crime, or formally censuring a person;
- 148.30 5. Disclose information of a personal nature where disclosure would constitute a
148.31 clearly unwarranted invasion of personal privacy;
- 148.32 6. Disclose investigative records compiled for law enforcement purposes; or
- 148.33 7. Specifically relate to the Interstate Commission's participation in a civil action
148.34 or other legal proceeding.

148.35 H. For a meeting, or a portion of a meeting, closed pursuant to this provision, the
148.36 Interstate Commission's legal counsel or designee shall certify that the meeting may be

149.1 closed and shall reference each relevant exemptible provision. The Interstate Commission
149.2 shall keep minutes which shall fully and clearly describe all matters discussed in a meeting
149.3 and shall provide a full and accurate summary of actions taken, and the reasons therefore,
149.4 including a description of the views expressed and the record of a roll call vote. All
149.5 documents considered in connection with an action shall be identified in such minutes. All
149.6 minutes and documents of a closed meeting shall remain under seal, subject to release by a
149.7 majority vote of the Interstate Commission.

149.8 I. The Interstate Commission shall collect standardized data concerning the
149.9 educational transition of the children of military families under this compact as directed
149.10 through its rules which shall specify the data to be collected, the means of collection, and
149.11 data exchange and reporting requirements. Such methods of data collection, exchange,
149.12 and reporting shall, insofar as is reasonably possible, conform to current technology and
149.13 coordinate its information functions with the appropriate custodian of records as identified
149.14 in the bylaws and rules.

149.15 J. The Interstate Commission shall create a process that permits military officials,
149.16 education officials, and parents to inform the Interstate Commission if and when there
149.17 are alleged violations of the compact or its rules or when issues subject to the jurisdiction
149.18 of the compact or its rules are not addressed by the state or local education agency. This
149.19 section shall not be construed to create a private right of action against the Interstate
149.20 Commission or any member state.

149.21 **ARTICLE X**

149.22 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

149.23 The Interstate commission shall have the following powers:

149.24 A. To provide for dispute resolution among member states.

149.25 B. To promulgate rules and take all necessary actions to effect the goals, purposes,
149.26 and obligations as enumerated in this compact. The rules shall have the force and effect of
149.27 statutory law and shall be binding in the compact states to the extent and in the manner
149.28 provided in this compact.

149.29 C. To issue, upon request of a member state, advisory opinions concerning the
149.30 meaning or interpretation of the interstate compact, its bylaws, rules, and actions.

149.31 D. To enforce compliance with the compact provisions, the rules promulgated by the
149.32 Interstate Commission, and the bylaws, using all necessary and proper means, including
149.33 but not limited to the use of judicial process.

149.34 E. To establish and maintain offices which shall be located within one or more of
149.35 the member states.

149.36 F. To purchase and maintain insurance and bonds.

150.1 G. To borrow, accept, hire, or contract for services of personnel.

150.2 H. To establish and appoint committees including, but not limited to, an executive
150.3 committee as required by Article IX, Section E, which shall have the power to act on
150.4 behalf of the Interstate Commission in carrying out its powers and duties hereunder.

150.5 I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and
150.6 to fix their compensation, define their duties, and determine their qualifications; and to
150.7 establish the Interstate Commission's personnel policies and programs relating to conflicts
150.8 of interest, rates of compensation, and qualifications of personnel.

150.9 J. To accept any and all donations and grants of money, equipment, supplies,
150.10 materials, and services, and to receive, utilize, and dispose of it.

150.11 K. To lease, purchase, accept contributions or donations of, or otherwise to own,
150.12 hold, improve, or use any property, real, personal, or mixed.

150.13 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
150.14 of any property, real, personal, or mixed.

150.15 M. To establish a budget and make expenditures.

150.16 N. To adopt a seal and bylaws governing the management and operation of the
150.17 Interstate Commission.

150.18 O. To report annually to the legislatures, governors, judiciary, and State Councils
150.19 of the member states concerning the activities of the Interstate Commission during the
150.20 preceding year. Such reports shall also include any recommendations that may have
150.21 been adopted by the Interstate Commission.

150.22 P. To coordinate education, training, and public awareness regarding the compact, its
150.23 implementation and operation for officials and parents involved in such activity.

150.24 Q. To establish uniform standards for the reporting, collecting, and exchanging of
150.25 data.

150.26 R. To maintain corporate books and records in accordance with the bylaws.

150.27 S. To perform such functions as may be necessary or appropriate to achieve the
150.28 purposes of this compact.

150.29 T. To provide for the uniform collection and sharing of information between and
150.30 among member states, schools, and military families under this compact.

150.31 ARTICLE XI

150.32 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

150.33 A. The Interstate Commission shall, by a majority of the members present and
150.34 voting, within 12 months after the first interstate Commission meeting, adopt bylaws to
150.35 govern its conduct as may be necessary or appropriate to carry out the purposes of the
150.36 compact, including, but not limited to:

- 151.1 1. Establishing the fiscal year of the Interstate Commission;
- 151.2 2. Establishing an executive committee, and such other committees as may be
- 151.3 necessary;
- 151.4 3. Providing for the establishment of committees and for governing any general or
- 151.5 specific delegation of authority or function of the Interstate Commission;
- 151.6 4. Providing reasonable procedures for calling and conducting meetings of the
- 151.7 Interstate Commission, and ensuring reasonable notice of each such meeting;
- 151.8 5. Establishing the titles and responsibilities of the officers and staff of the Interstate
- 151.9 Commission;
- 151.10 6. Providing a mechanism for concluding the operations of the Interstate
- 151.11 Commission and the return of surplus funds that may exist upon the termination of the
- 151.12 compact after the payment and reserving of all of its debts and obligations;
- 151.13 7. Providing "start up" rules for initial administration of the compact.
- 151.14 B. The Interstate Commission shall, by a majority of the members, elect annually
- 151.15 from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom
- 151.16 shall have such authority and duties as may be specified in the bylaws. The chairperson or,
- 151.17 in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings
- 151.18 of the Interstate Commission. The officers so elected shall serve without compensation or
- 151.19 remuneration from the Interstate Commission; provided that, subject to the availability
- 151.20 of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and
- 151.21 expenses incurred by them in the performance of their responsibilities as officers of the
- 151.22 Interstate Commission.
- 151.23 C. Executive Committee, Officers and Personnel
- 151.24 1. The executive committee shall have such authority and duties as may be set forth
- 151.25 in the bylaws, including but not limited to:
- 151.26 a. Managing the affairs of the Interstate Commission in a manner consistent with the
- 151.27 bylaws and purposes of the Interstate Commission;
- 151.28 b. Overseeing an organizational structure within, and appropriate procedures for,
- 151.29 the Interstate Commission to provide for the creation of rules, operating procedures, and
- 151.30 administrative and technical support functions; and
- 151.31 c. Planning, implementing, and coordinating communications and activities with
- 151.32 other state, federal, and local government organizations in order to advance the goals of
- 151.33 the Interstate Commission.
- 151.34 2. The executive committee may, subject to the approval of the Interstate
- 151.35 Commission, appoint or retain an executive director for such period, upon such terms and
- 151.36 conditions and for compensation, as the Interstate Commission may deem appropriate.

152.1 The executive director shall serve as secretary to the Interstate Commission, but shall not
152.2 be a member of the Interstate Commission. The executive director shall hire and supervise
152.3 such other persons as may be authorized by the Interstate Commission.

152.4 D. The Interstate Commission's executive director and its employees shall be
152.5 immune from suit and liability, either personally or in their official capacity, for a claim
152.6 for damage to or loss of property or personal injury or other civil liability caused or arising
152.7 out of or relating to an actual or alleged act, error, or omission that occurred, or that
152.8 such person had a reasonable basis for believing occurred, within the scope of Interstate
152.9 Commission employment, duties, or responsibilities; provided that such person shall
152.10 not be protected from suit or liability for damage, loss, injury, or liability caused by the
152.11 intentional or willful and wanton misconduct of such person.

152.12 1. The liability of the Interstate Commission's executive director and employees
152.13 or Interstate Commission representatives, acting within the scope of such person's
152.14 employment or duties for acts, errors, or omissions occurring within such person's state
152.15 may not exceed the limits of liability set forth under the Constitution and laws of that state
152.16 for state officials, employees, and agents. The Interstate Commission is considered to be an
152.17 instrumentality of the states for the purposes of any such action. Nothing in this subsection
152.18 shall be construed to protect such person from suit or liability for damage, loss, injury, or
152.19 liability caused by the intentional or willful and wanton misconduct of such person.

152.20 2. The Interstate Commission shall defend the executive director and its employees
152.21 and, subject to the approval of the attorney general or other appropriate legal counsel of the
152.22 member state represented by an Interstate Commission representative, shall defend such
152.23 Interstate Commission representative in any civil action seeking to impose liability arising
152.24 out of an actual or alleged act, error, or omission that occurred within the scope of Interstate
152.25 Commission employment, duties or responsibilities, or that the defendant had a reasonable
152.26 basis for believing occurred within the scope of the Interstate Commission employment,
152.27 duties, or responsibilities, provided that the actual or alleged act, error, or omission did not
152.28 result from intentional or willful and wanton misconduct on the part of such person.

152.29 3. To the extent not covered by the state involved, member state, or the Interstate
152.30 Commission, the representatives or employees of the Interstate Commission shall be held
152.31 harmless in the amount of a settlement or judgment, including attorney fees and costs,
152.32 obtained against such persons arising out of an actual or alleged act, error, or omission
152.33 that occurred within the scope of the Interstate Commission employment, duties, or
152.34 responsibilities, or that such persons had a reasonable basis for believing occurred within
152.35 the scope of Interstate Commission employment, duties, or responsibilities, provided that

153.1 the actual or alleged act, error, or omission did not result from intentional or willful and
153.2 wanton misconduct on the part of such persons.

153.3 ARTICLE XII

153.4 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

153.5 A. Rulemaking Authority - The Interstate Commission shall promulgate reasonable
153.6 rules in order to effectively and efficiently achieve the purposes of this Compact.
153.7 Notwithstanding the foregoing, in the event the Interstate Commission exercises its
153.8 rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or
153.9 the powers granted hereunder, then such an action by the Interstate Commission shall be
153.10 invalid and have no force or effect.

153.11 B. Rulemaking Procedure - Rules shall be made pursuant to a rulemaking process
153.12 that substantially conforms to the "Model State Administrative Procedure Act," of 1981
153.13 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to
153.14 the operations of the Interstate Commission.

153.15 C. Not later than 30 days after a rule is promulgated, any person may file a petition
153.16 for judicial review of the rule; provided that the filing of such a petition shall not stay
153.17 or otherwise prevent the rule from becoming effective unless the court finds that the
153.18 petitioner has a substantial likelihood of success. The court shall give deference to
153.19 the actions of the Interstate Commission consistent with applicable law and shall not
153.20 find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate
153.21 Commission's authority.

153.22 D. If a majority of the legislatures of the compacting states reject a Rule by
153.23 enactment of a statute or resolution in the same manner used to adopt the compact, then
153.24 such rule shall have no further force and effect in any compacting state.

153.25 ARTICLE XIII

153.26 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

153.27 A. Oversight

153.28 1. The executive, legislative, and judicial branches of state government in each
153.29 member state shall enforce this compact and shall take all actions necessary and
153.30 appropriate to effectuate the compact's purposes and intent. The provisions of this compact
153.31 and the rules promulgated hereunder shall have standing as statutory law.

153.32 2. All courts shall take judicial notice of the compact and the rules in any judicial or
153.33 administrative proceeding in a member state pertaining to the subject matter of this compact
153.34 which may affect the powers, responsibilities, or actions of the Interstate Commission.

153.35 3. The Interstate Commission shall be entitled to receive all service of process in any
153.36 such proceeding, and shall have standing to intervene in the proceeding for all purposes.

154.1 Failure to provide service of process to the Interstate Commission shall render a judgment
154.2 or order void as to the Interstate Commission, this compact, or promulgated rules.

154.3 B. Default, Technical Assistance, Suspension, and Termination - If the Interstate
154.4 Commission determines that a member state has defaulted in the performance of its
154.5 obligations or responsibilities under this compact, or the bylaws or promulgated rules,
154.6 the Interstate Commission shall:

154.7 1. Provide written notice to the defaulting state and other member states of the
154.8 nature of the default, the means of curing the default, and any action taken by the Interstate
154.9 Commission. The Interstate Commission shall specify the conditions by which the
154.10 defaulting state must cure its default.

154.11 2. Provide remedial training and specific technical assistance regarding the default.

154.12 3. If the defaulting state fails to cure the default, the defaulting state shall be
154.13 terminated from the compact upon an affirmative vote of a majority of the member states
154.14 and all rights, privileges, and benefits conferred by this compact shall be terminated from
154.15 the effective date of termination. A cure of the default does not relieve the offending state
154.16 of obligations or liabilities incurred during the period of the default.

154.17 4. Suspension or termination of membership in the compact shall be imposed only
154.18 after all other means of securing compliance have been exhausted. Notice of intent
154.19 to suspend or terminate shall be given by the Interstate Commission to the governor,
154.20 the majority and minority leaders of the defaulting state's legislature, and each of the
154.21 member states.

154.22 5. The state which has been suspended or terminated is responsible for all
154.23 assessments, obligations, and liabilities incurred through the effective date of suspension
154.24 or termination, including obligations, the performance of which extends beyond the
154.25 effective date of suspension or termination.

154.26 6. The Interstate Commission shall not bear any costs relating to any state that has
154.27 been found to be in default or which has been suspended or terminated from the compact,
154.28 unless otherwise mutually agreed upon in writing between the Interstate Commission
154.29 and the defaulting state.

154.30 7. The defaulting state may appeal the action of the Interstate Commission by
154.31 petitioning the United States District Court for the District of Columbia or the federal
154.32 district where the Interstate Commission has its principle offices. The prevailing party
154.33 shall be awarded all costs of such litigation including reasonable attorney fees.

154.34 C. Dispute Resolution

155.1 1. The Interstate Commission shall attempt, upon the request of a member state, to
155.2 resolve disputes which are subject to the compact and which may arise among member
155.3 states and between member and nonmember states.

155.4 2. The Interstate Commission shall promulgate a rule providing for both mediation
155.5 and nonbinding dispute resolution for disputes as appropriate.

155.6 D. Enforcement

155.7 1. The Interstate Commission, in the reasonable exercise of its discretion, shall
155.8 enforce the provisions and rules of this compact.

155.9 2. The Interstate Commission may, by majority vote of the members, initiate legal
155.10 action in the United States District Court for the District of Columbia or, at the discretion
155.11 of the Interstate Commission, in the federal district where the Interstate Commission
155.12 has its principal offices, to enforce compliance with the provisions of the compact, its
155.13 promulgated rules and bylaws, against a member state in default. The relief sought may
155.14 include both injunctive relief and damages.

155.15 3. The remedies herein shall not be the exclusive remedies of the Interstate
155.16 Commission. The Interstate Commission may avail itself of any other remedies available
155.17 under state law or the regulation of a profession.

155.18 **ARTICLE XIV**

155.19 **FINANCING OF THE INTERSTATE COMMISSION**

155.20 A. The Interstate Commission shall pay, or provide for the payment of the reasonable
155.21 expenses of its establishment, organization, and ongoing activities.

155.22 B. The Interstate Commission may levy on and collect an annual assessment from
155.23 each member state to cover the cost of the operations and activities of the Interstate
155.24 Commission and its staff which must be in a total amount sufficient to cover the Interstate
155.25 Commission's annual budget as approved each year. The aggregate annual assessment
155.26 amount shall be allocated based upon a formula to be determined by the Interstate
155.27 Commission, which shall promulgate a rule binding upon all member states.

155.28 C. The Interstate Commission shall not incur obligations of any kind prior to securing
155.29 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit
155.30 of any of the member states, except by and with the authority of the member state.

155.31 D. The Interstate Commission shall keep accurate accounts of all receipts and
155.32 disbursements. The receipts and disbursements of the Interstate Commission shall be
155.33 subject to the audit and accounting procedures established under its bylaws. However,
155.34 all receipts and disbursements of funds handled by the Interstate Commission shall be
155.35 audited yearly by a certified or licensed public accountant and the report of the audit shall
155.36 be included in and become part of the annual report of the Interstate Commission.

156.1 **ARTICLE XV**

156.2 **MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT**

156.3 A. Any state is eligible to become a member state.

156.4 B. The compact shall become effective and binding upon legislative enactment of the
156.5 compact into law by no less than ten of the states. The effective date shall be no earlier than
156.6 December 1, 2007. Thereafter, it shall become effective and binding as to any other member
156.7 state upon enactment of the compact into law by that state. The governors of nonmember
156.8 states or their designees shall be invited to participate in the activities of the Interstate
156.9 Commission on a nonvoting basis prior to the adoption of the compact by all states.

156.10 C. The Interstate Commission may propose amendments to the compact for
156.11 enactment by the member states. No amendment shall become effective and binding upon
156.12 the Interstate Commission and the member states unless and until it is enacted into law by
156.13 unanimous consent of the member states.

156.14 **ARTICLE XVI**

156.15 **WITHDRAWAL AND DISSOLUTION**

156.16 A. Withdrawal

156.17 1. Once effective, the compact shall continue in force and remain binding upon each
156.18 and every member state; provided that a member state may withdraw from the compact
156.19 specifically repealing the statute, which enacted the compact into law.

156.20 2. Withdrawal from this compact shall be by the enactment of a statute repealing
156.21 the same, but shall not take effect until one year after the effective date of such statute
156.22 and until written notice of the withdrawal has been given by the withdrawing state to the
156.23 governor of each other member jurisdiction.

156.24 3. The withdrawing state shall immediately notify the chairperson of the Interstate
156.25 Commission in writing upon the introduction of legislation repealing this compact in the
156.26 withdrawing state. The Interstate Commission shall notify the other member states of the
156.27 withdrawing state's intent to withdraw within 60 days of its receipt thereof.

156.28 4. The withdrawing state is responsible for all assessments, obligations and liabilities
156.29 incurred through the effective date of withdrawal, including obligations, the performance
156.30 of which extend beyond the effective date of withdrawal.

156.31 5. Reinstatement following withdrawal of a member state shall occur upon the
156.32 withdrawing state reenacting the compact or upon such later date as determined by the
156.33 Interstate Commission.

156.34 B. Dissolution of Compact

156.35 1. This compact shall dissolve effective upon the date of the withdrawal or default
156.36 of the member state which reduces the membership in the compact to one member state.

157.1 2. Upon the dissolution of this compact, the compact becomes null and void and shall
157.2 be of no further force or effect, and the business and affairs of the Interstate Commission
157.3 shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

157.4 **ARTICLE XVII**

157.5 **SEVERABILITY AND CONSTRUCTION**

157.6 A. The provisions of this compact shall be severable, and if any phrase, clause,
157.7 sentence, or provision is deemed unenforceable, the remaining provisions of the compact
157.8 shall be enforceable.

157.9 B. The provisions of this compact shall be liberally construed to effectuate its
157.10 purposes.

157.11 C. Nothing in this compact shall be construed to prohibit the applicability of other
157.12 interstate compacts to which the states are members.

157.13 **ARTICLE XVIII**

157.14 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

157.15 A. Other Laws

157.16 Nothing herein prevents the enforcement of any other law of a member state that is
157.17 not inconsistent with this compact.

157.18 B. Binding Effect of the Compact

157.19 1. All lawful actions of the Interstate Commission, including all rules and bylaws
157.20 promulgated by the Interstate Commission, are binding upon the member states.

157.21 2. All agreements between the Interstate Commission and the member states are
157.22 binding in accordance with their terms.

157.23 3. In the event any provision of this compact exceeds the constitutional limits
157.24 imposed on the legislature of any member state, such provision shall be ineffective to the
157.25 extent of the conflict with the constitutional provision in question in that member state.

157.26 **Sec. 3. [127A.851] PREVAILING LAW.**

157.27 Subdivision 1. **Academic credits; high school diplomas.** Notwithstanding article
157.28 VII of the compact under section 127A.85, other compact provisions, or other law to the
157.29 contrary, where Minnesota statute or rule governing the awarding of academic credits or
157.30 a high school diploma or an equivalent degree or credential conflicts with the compact,
157.31 Minnesota law supersedes the provisions of the compact to the extent of the conflict.

157.32 Subd. 2. **Education records.** Notwithstanding the provisions of the compact
157.33 under section 127A.85, or other law to the contrary, where Minnesota statute or rule
157.34 governing access to student data or other education-related data conflicts with the

158.1 compact, Minnesota law, including chapter 13, supersedes the provisions of the compact
158.2 to the extent of the conflict.

158.3 **Sec. 4. [127A.852] MILITARY-CONNECTED YOUTH IDENTIFIER.**

158.4 (a) When a school district updates its enrollment forms in the ordinary course
158.5 of business, the district must include a box on the enrollment form to allow students
158.6 to self-identify as a military-connected youth. For purposes of this section, a
158.7 "military-connected youth" means having an immediate family member, including a
158.8 parent or sibling, who is currently in the armed forces either as a reservist or on active
158.9 duty or has recently retired from the armed forces.

158.10 (b) Data collected under this section is private data on individuals, as defined in
158.11 section 13.02, subdivision 12, but summary data may be published by the Department
158.12 of Education."

158.13 Delete the title and insert:

158.14 "A bill for an act
158.15 relating to education; providing for policy and technical modifications in early
158.16 childhood and family, kindergarten through grade 12, and adult education
158.17 including general education, education excellence, English learners and language
158.18 proficiency, special programs, nutrition, libraries, unsession and conforming
158.19 changes, and an interstate compact; amending Minnesota Statutes 2012, sections
158.20 13.32, subdivision 6; 119A.50, subdivision 3; 119A.535; 120A.22, subdivision
158.21 2; 120A.32; 120B.022; 120B.12; 120B.31, by adding a subdivision; 120B.35,
158.22 subdivision 4; 121A.36; 121A.582, subdivision 1; 122A.06, subdivision 4;
158.23 122A.09, subdivision 7; 122A.14, subdivisions 2, 3; 122A.18, subdivisions
158.24 2a, 4; 122A.19; 122A.40, subdivision 5; 122A.41, subdivision 2; 122A.413,
158.25 subdivision 2; 122A.414, subdivision 2; 122A.48, subdivision 3; 122A.60,
158.26 subdivisions 1a, 2, 3; 122A.68, subdivision 3; 122A.74; 123A.06, subdivisions 2,
158.27 4; 123B.04, subdivision 4; 123B.147, subdivision 3; 124D.03, subdivisions 3,
158.28 4, 5, 6, by adding a subdivision; 124D.08, by adding a subdivision; 124D.09,
158.29 subdivisions 6, 7, 9; 124D.111, subdivision 3; 124D.13, subdivision 2; 124D.141,
158.30 subdivision 3; 124D.15, subdivision 3; 124D.49, subdivision 3; 124D.52,
158.31 as amended; 124D.522; 124D.59, subdivision 2, by adding a subdivision;
158.32 124D.895; 124D.8955; 124D.896; 125A.023, subdivisions 3, 4; 125A.027,
158.33 subdivisions 1, 4; 125A.03; 125A.08; 125A.22; 127A.065; 127A.41, subdivision
158.34 7; 127A.70, subdivision 1, by adding a subdivision; 128C.02, subdivision 5;
158.35 134.355, subdivision 8; 260D.06, subdivision 2; Minnesota Statutes 2013
158.36 Supplement, sections 120A.22, subdivision 5; 120B.021, subdivision 4; 120B.11;
158.37 120B.115; 120B.125; 120B.30, subdivision 1; 120B.35, subdivision 3; 120B.36,
158.38 subdivision 1; 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.23,
158.39 subdivision 2; 122A.40, subdivision 8; 122A.41, subdivision 5; 124D.10,
158.40 subdivisions 1, 3, 4, 6, 6a, 8, 9, 17a, 17b; 124D.11, subdivision 4; 124D.165,
158.41 subdivisions 2, 4; 124D.4531, subdivisions 1, 3, 3a; 124D.52, subdivision
158.42 8; 124D.861, subdivision 3; 125A.30; 127A.70, subdivision 2; 626.556,
158.43 subdivision 2; Laws 2011, First Special Session chapter 11, article 2, sections
158.44 12; 17; proposing coding for new law in Minnesota Statutes, chapters 123A;
158.45 124D; 127A; repealing Minnesota Statutes 2012, sections 119A.04, subdivision
158.46 3; 120A.30; 120B.19; 120B.24; 121A.17, subdivision 9; 122A.19, subdivision
158.47 3; 122A.52; 122A.53; 122A.61, subdivision 2; 123B.15; 123B.16; 123B.17;

159.1 123B.18; 123B.26; 123B.27; 124D.24; 124D.25; 124D.26; 124D.27; 124D.28;
159.2 124D.29; 124D.30; 124D.31; 125A.027, subdivision 3."

160.1 We request the adoption of this report and repassage of the bill.

160.2 House Conferees:

160.3
160.4 Carlos Mariani Kathy Brynaert

160.5
160.6 Barb Yarusso Mary Sawatzky

160.7
160.8 Dean Urdahl

160.9 Senate Conferees:

160.10
160.11 Patricia Torres Ray Greg D. Clausen

160.12
160.13 Kevin L. Dahle Alice M. Johnson

160.14
160.15 Carla J. Nelson