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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **1644**

02/25/2021 Authored by Edelson and Feist  
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act

1.2 relating to education; clarifying exceptions to school calendar start date; modifying

1.3 the definition of hours of instruction; modifying the definition of average daily

1.4 membership; modifying innovation zone provisions; modifying the flexible learning

1.5 year program; providing for distance learning; amending Minnesota Statutes 2020,

1.6 sections 120A.40; 120A.41; 120A.414; 124D.12; 124D.121; 124D.122; 124D.126,

1.7 subdivision 1; 124D.127; 126C.05, subdivision 8; Laws 2017, First Special Session

1.8 chapter 5, article 2, section 52; proposing coding for new law in Minnesota Statutes,

1.9 chapter 124D; repealing Minnesota Rules, part 3500.1000.

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

1.11 Section 1. Minnesota Statutes 2020, section 120A.40, is amended to read:

1.12 **120A.40 SCHOOL CALENDAR.**

1.13 (a) Except for learning programs during summer, flexible learning year programs

1.14 authorized under sections 124D.12 to 124D.127, and established prior to January 1, 2020,

1.15 and learning year programs under section 124D.128, a district must not commence an

1.16 elementary or secondary school year before Labor Day, except as provided under paragraph

1.17 (b). Days devoted to teachers' workshops may be held before Labor Day. Districts that enter

1.18 into cooperative agreements are encouraged to adopt similar school calendars.

1.19 (b) A district may begin the school year on any day before Labor Day:

1.20 (1) to accommodate a construction or remodeling project of \$400,000 or more affecting

1.21 a district school facility;

1.22 (2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a

1.23 district that qualifies under clause (1); or

1.24 (3) if the district agrees to the same schedule with a school district in an adjoining state.

2.1 Sec. 2. Minnesota Statutes 2020, section 120A.41, is amended to read:

2.2 **120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

2.3 (a) A school board's annual school calendar must include at least 425 hours of instruction  
 2.4 for a kindergarten student without a disability, 935 hours of instruction for a student in  
 2.5 grades 1 through 6, and 1,020 hours of instruction for a student in grades 7 through 12, not  
 2.6 including summer school. The school calendar for all-day kindergarten must include at least  
 2.7 850 hours of instruction for the school year. The school calendar for a prekindergarten  
 2.8 student under section 124D.151, if offered by the district, must include at least 350 hours  
 2.9 of instruction for the school year. A school board's annual calendar must include at least  
 2.10 165 days of instruction for a student in grades 1 through 11 unless a four-day week schedule  
 2.11 has been approved by the ~~commissioner~~ school board under section ~~124D.126~~ 124D.122.

2.12 (b) A school board's annual school calendar may include plans for ~~up to five days of~~  
 2.13 ~~instruction provided through online instruction due to inclement weather. The inclement~~  
 2.14 ~~weather~~ an unlimited number of days of instruction provided through distance learning due  
 2.15 to weather or a health or natural disaster emergency. The distance learning plans must be  
 2.16 developed according to section 120A.414.

2.17 (c) Hours of instruction include all learning opportunities and services designed to  
 2.18 support a student to be prepared to succeed and lead by having the knowledge and skills to  
 2.19 learn, engage civically, and lead meaningful lives, through implementation of evidence-based  
 2.20 practices, quality instruction, and personalized learning supports. Such opportunities and  
 2.21 services include but are not limited to blended learning, distance learning, project-based  
 2.22 learning, work-based learning, service learning, supervised internships, and in-person  
 2.23 learning in a school building.

2.24 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

2.25 Sec. 3. Minnesota Statutes 2020, section 120A.414, is amended to read:

2.26 **120A.414 ~~E-LEARNING~~ DISTANCE LEARNING DAYS.**

2.27 Subdivision 1. **Days.** ~~"E-learning day"~~ "Distance learning day" means a school day  
 2.28 where a school offers full access to online instruction provided by students' individual  
 2.29 teachers due to ~~inclement weather~~ or a health or natural disaster emergency as determined  
 2.30 by the school board or superintendent. A school district or charter school that chooses to  
 2.31 have ~~e-learning~~ distance learning days may have ~~up to five e-learning~~ an unlimited number  
 2.32 of distance learning days in one school year. ~~An e-learning~~ A distance learning day is counted  
 2.33 as a day of instruction and included in the hours of instruction under section 120A.41.

3.1 Subd. 2. **Plan.** A school board may use its 2020-2021 school year distance learning plan  
 3.2 or may adopt an e-learning a distance learning day plan after consulting with the exclusive  
 3.3 representative of the teachers. A charter school may adopt ~~an e-learning~~ a distance learning  
 3.4 day plan after consulting with its teachers. The plan must include accommodations for  
 3.5 students without Internet access at home and for digital device access for families without  
 3.6 the technology or an insufficient amount of technology for the number of children in the  
 3.7 household. A school's ~~e-learning~~ distance learning day plan must provide accessible options  
 3.8 for students with disabilities under chapter 125A.

3.9 Subd. 3. **Annual notice.** A school district or charter school must notify parents and  
 3.10 students of the ~~e-learning~~ distance learning day plan at the beginning of the school year.

3.11 Subd. 4. **Daily notice.** On ~~an e-learning~~ a distance learning day declared by the school,  
 3.12 a school district or charter school must notify parents and students at least two hours prior  
 3.13 to the normal school start time that students need to follow the ~~e-learning~~ distance learning  
 3.14 day plan for that day.

3.15 Subd. 5. **Teacher access.** Each student's teacher must be accessible both online and by  
 3.16 telephone during normal school hours on ~~an e-learning~~ a distance learning day to assist  
 3.17 students and parents.

3.18 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

3.19 Sec. 4. **[124D.097] DISTANCE LEARNING OPTION.**

3.20 A school district may offer a full distance learning option to its enrolled resident students.  
 3.21 A distance learning option may be part of a school's curriculum offerings. A student may  
 3.22 complete all of the educational expectations and graduation requirements according to  
 3.23 section 120B.02 through distance learning. A school district that offers distance learning is  
 3.24 not an online learning provider and is not subject to Department of Education approval  
 3.25 under section 124D.095. A school district may assign a student who is participating in full  
 3.26 distance learning to a building for purposes of determining compensatory revenue pupil  
 3.27 units under section 126C.05, subdivision 3, and free and reduced-price meal eligibility under  
 3.28 section 126C.05, subdivision 16.

3.29 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

4.1 Sec. 5. Minnesota Statutes 2020, section 124D.12, is amended to read:

4.2 **124D.12 PURPOSE OF FLEXIBLE LEARNING YEAR PROGRAMS.**

4.3 Sections 124D.12 to 124D.127 authorize districts to evaluate, plan and employ the use  
 4.4 of flexible learning year programs. It is anticipated that the open selection of the type of  
 4.5 flexible learning year operation from a variety of alternatives will allow each district seeking  
 4.6 to utilize this concept to suitably fulfill the educational needs of its pupils. These alternatives  
 4.7 must include, but not be limited to, various 45-15 plans, four-quarter plans, quinmester  
 4.8 plans, extended learning year plans, and flexible all-year plans. ~~A school district with an  
 4.9 approved four-day week plan in the 2014-2015 school year may continue under a four-day  
 4.10 week plan through the end of the 2019-2020 school year. Future approvals are contingent  
 4.11 upon meeting the school district's performance goals established in the district's plan under  
 4.12 section 120B.11. The commissioner must give a school district one school year's notice  
 4.13 before revoking approval of its flexible learning year program.~~

4.14 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

4.15 Sec. 6. Minnesota Statutes 2020, section 124D.121, is amended to read:

4.16 **124D.121 DEFINITION OF FLEXIBLE LEARNING YEAR PROGRAM.**

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

4.21 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

4.22 Sec. 7. Minnesota Statutes 2020, section 124D.122, is amended to read:

4.23 **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.**

4.24 The board of any district or a consortium of districts, ~~with the approval of the~~  
 4.25 ~~commissioner~~, may establish and operate a flexible learning year program in one or more  
 4.26 of the day or residential facilities for children with a disability within the district. Consortiums  
 4.27 may use a single ~~application and~~ evaluation process, though results, public hearings, and  
 4.28 board approvals must be obtained for each district as required under appropriate sections.  
 4.29 ~~The commissioner must approve or disapprove of a flexible learning year application within~~  
 4.30 ~~45 business days of receiving the application. If the commissioner disapproves the~~  
 4.31 ~~application, the commissioner must give the district or consortium detailed reasons for the~~  
 4.32 ~~disapproval.~~

5.1 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

5.2 Sec. 8. Minnesota Statutes 2020, section 124D.126, subdivision 1, is amended to read:

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

5.4 ~~(1) promulgate rules necessary to the operation of sections 124D.12 to 124D.127;~~

5.5 ~~(2) (1) cooperate with and provide supervision of flexible learning year programs to~~  
 5.6 ~~determine compliance with the provisions of sections 124D.12 to 124D.127, the~~  
 5.7 ~~commissioner's standards and qualifications, and the proposed program as submitted and~~  
 5.8 ~~approved;~~

5.9 ~~(3) (2) provide any necessary adjustments of (a) (i) attendance and membership~~  
 5.10 ~~computations and (b) (ii) the dates and percentages of apportionment of state aids; and~~

5.11 ~~(4) (3) consistent with the definition of "average daily membership" in section 126C.05,~~  
 5.12 ~~subdivision 8, furnish the board of a district implementing a flexible learning year program~~  
 5.13 ~~with a formula for computing average daily membership. This formula must be computed~~  
 5.14 ~~so that tax levies to be made by the district, state aids to be received by the district, and any~~  
 5.15 ~~and all other formulas based upon average daily membership are not affected solely as a~~  
 5.16 ~~result of adopting this plan of instruction.~~

5.17 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

5.18 Sec. 9. Minnesota Statutes 2020, section 124D.127, is amended to read:

5.19 **124D.127 TERMINATION OF FLEXIBLE LEARNING YEAR PROGRAM.**

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

5.24 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

5.25 Sec. 10. Minnesota Statutes 2020, section 126C.05, subdivision 8, is amended to read:

5.26 Subd. 8. **Average daily membership.** (a) Membership for pupils in grades kindergarten  
 5.27 through 12 and for prekindergarten pupils with disabilities shall mean the number of pupils  
 5.28 on the current roll of the school, counted from the date of entry until withdrawal. The date  
 5.29 of withdrawal shall mean the day the pupil permanently leaves the school or the date it is  
 5.30 officially known that the pupil has left or has been legally excused. However, a pupil,

6.1 regardless of age, who has been absent from school for 15 consecutive school days during  
 6.2 the regular school year or for five consecutive school days during summer school or  
 6.3 intersession classes of flexible school year programs without receiving instruction in the  
 6.4 home or hospital shall be dropped from the roll and classified as withdrawn. Nothing in this  
 6.5 section shall be construed as waiving the compulsory attendance provisions cited in section  
 6.6 120A.22. Average daily membership equals the sum for all pupils of the number of days  
 6.7 of the school year each pupil is enrolled in the district's schools divided by the number of  
 6.8 days the schools are in session, are providing distance learning under section 124D.097, or  
 6.9 are providing e-learning distance learning days due to inclement weather under section  
 6.10 120A.414. Days of summer school or intersession classes of flexible school year programs  
 6.11 are only included in the computation of membership for pupils with a disability not  
 6.12 appropriately served primarily in the regular classroom. A student must not be counted as  
 6.13 more than 1.2 pupils in average daily membership under this section and section 126C.10,  
 6.14 subdivision 2a, paragraph (b). When the initial total average daily membership exceeds 1.2  
 6.15 for a pupil enrolled in more than one school district during the fiscal year, each district's  
 6.16 average daily membership must be reduced proportionately.

6.17 (b) A student must not be counted as more than one pupil in average daily membership  
 6.18 except for purposes of section 126C.10, subdivision 2a.

6.19 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

6.20 Sec. 11. Laws 2017, First Special Session chapter 5, article 2, section 52, is amended to  
 6.21 read:

6.22 Sec. 52. **EDUCATION INNOVATION RESEARCH ZONES PILOT ZONE**  
 6.23 **PROGRAM.**

6.24 Subdivision 1. **Establishment; requirements for participation; ~~research~~ innovation**  
 6.25 **zone plans.** (a) The innovation ~~research~~ zone ~~pilot~~ program is established to improve student  
 6.26 and school outcomes consistent with the world's best workforce requirements under  
 6.27 Minnesota Statutes, section 120B.11. Innovation zone partnerships allow school districts  
 6.28 and charter schools to research and implement innovative education programming models  
 6.29 designed to better prepare students for the world of the 21st century.

6.30 (b) One or more school districts or charter schools may join together to form an innovation  
 6.31 zone partnership. The partnership may include other nonschool partners, including  
 6.32 postsecondary institutions, other units of local government, nonprofit organizations, and

7.1 for-profit organizations. An innovation zone plan must be collaboratively developed in  
7.2 concert with the school's instructional staff.

7.3 (c) An innovation ~~research~~ zone partnership ~~must research and~~ may implement innovative  
7.4 education programs and models that ~~are based on proposed hypotheses. An innovation zone~~  
7.5 ~~plan may include an emerging practice not yet supported by peer-reviewed research.~~  
7.6 ~~Examples of innovation zone research~~ may include, but are not limited to:

7.7 (1) personalized learning, allowing students to excel at their own pace and according to  
7.8 their interests, aspirations, and unique needs;

7.9 (2) the use of competency outcomes rather than seat time and course completion to fulfill  
7.10 standards, credits, and other graduation requirements;

7.11 (3) multidisciplinary, real-world, inquiry-based, and student-directed models designed  
7.12 to make learning more engaging and relevant, including documenting and validating learning  
7.13 that takes place beyond the school day and school walls;

7.14 (4) models of instruction designed to close the achievement gap, including new models  
7.15 for age three to grade 3 models, English as a second language models, early identification  
7.16 and prevention of mental health issues, and others;

7.17 (5) new partnerships between secondary schools and postsecondary institutions,  
7.18 employers, or career training institutions enabling students to complete industry certifications,  
7.19 postsecondary education credits, and other credentials;

7.20 (6) new methods of collaborative leadership including the expansion of schools where  
7.21 teachers have larger professional roles;

7.22 (7) new ways to enhance parental and community involvement in learning;

7.23 (8) new models of professional development for educators, including embedded  
7.24 professional development; ~~or~~

7.25 (9) new models in other areas such as whole child instruction, social-emotional skill  
7.26 development, technology-based or blended learning, parent and community involvement,  
7.27 professional development and mentoring, and models that increase the return on investment;

7.28 (10) new models of evaluation, assessment, and accountability using multiple indicators  
7.29 including models that demonstrate alternative ways to validate students' academic attainment  
7.30 that have predictive validity to the state tests, but also include other variables such as problem  
7.31 solving, creativity, analytical thinking, collaboration, respecting others, global understanding,  
7.32 postgraduation student performance, and other information;

- 8.1 (11) improving teacher and principal mentoring and evaluation;
- 8.2 (12) granting a high school diploma to a student who meets the graduation requirements  
8.3 under Minnesota Statutes, section 120B.02, subdivision 2, who demonstrates preparation  
8.4 for postsecondary education or a career consistent with the world's best workforce goals  
8.5 under Minnesota Statutes, section 120B.11, and who meets the following requirements:
- 8.6 (i) completes four years of high school; and
- 8.7 (ii) completes at least one year of postsecondary education at a two- or four-year college  
8.8 or university through concurrent enrollment, advanced placement, or international  
8.9 baccalaureate courses; or
- 8.10 (iii) completes a career certification up to the apprenticeship program level if one is  
8.11 required for that certification;
- 8.12 (13) using the provisions in Minnesota Statutes, sections 124D.085, governing experiential  
8.13 and applied learning opportunities; 124D.52, subdivision 9, governing standard adult high  
8.14 school diploma requirements; and 126C.05, subdivision 15, paragraph (b), item (i), governing  
8.15 the use of independent study;
- 8.16 (14) using the provisions of a learning year in Minnesota Statutes, section 124D.128,  
8.17 for a student in grade 10, 11, or 12 to participate in career and technical programs after  
8.18 school, on weekends, and during school breaks, including summers, and be included in the  
8.19 general education revenue computation. The classes must generate both high school and  
8.20 postsecondary credit and lead to either a career certification, technical college degree, or  
8.21 an apprenticeship program. A student participating in a learning year may attend school  
8.22 year round, and the student's continual learning plan must provide for the student to meet  
8.23 the high school graduation standards no later than the end of the fall semester of grade 12;
- 8.24 (15) methods to initiate prevention models to reduce student needs for special education  
8.25 and to reduce teacher time devoted to the required special education documentation; or
- 8.26 (16) other innovations as determined by the local boards.
- 8.27 (d) An innovation zone plan submitted to the commissioner must describe:
- 8.28 (1) how the plan will improve student and school outcomes consistent with the world's  
8.29 best workforce requirements under Minnesota Statutes, section 120B.11;
- 8.30 (2) the role of each partner in the zone;
- 8.31 ~~(3) the research methodology used for each proposed action in the plan;~~

9.1 ~~(4)~~ (3) the exemptions from statutes and rules in subdivision 2 that the ~~research~~ innovation  
9.2 zone partnership will use;

9.3 ~~(5)~~ (4) a description of how teachers and other educational staff from the affected school  
9.4 sites will be included in the planning and implementation process;

9.5 ~~(6)~~ (5) a detailed description of expected outcomes and graduation standards;

9.6 ~~(7)~~ (6) a timeline for implementing the plan and assessing the outcomes; and

9.7 ~~(8)~~ (7) how results of the plan will be disseminated.

9.8 The governing board for each partner must approve the innovation zone plan.

9.9 (e) Upon unanimous approval of the initial innovation zone partners ~~and approval of the~~  
9.10 ~~commissioner of education~~, the innovation zone partnership may extend membership to  
9.11 other partners. A new partner's membership is effective 30 days after the innovation zone  
9.12 partnership notifies the commissioner of the proposed change in membership ~~unless the~~  
9.13 ~~commissioner disapproves the new partner's membership~~ and updates their plan.

9.14 (f) Notwithstanding any other law to the contrary, a school district or charter school  
9.15 participating in an innovation zone partnership under this section continues to receive all  
9.16 revenue and maintains its taxation authority in the same manner as before its participation  
9.17 in the innovation zone partnership. The innovation zone school district and charter school  
9.18 partners remain organized and governed by their respective school boards with general  
9.19 powers under Minnesota Statutes, chapter 123B or 124E, and remain subject to any  
9.20 employment agreements under Minnesota Statutes, chapters 122A and 179A. School district  
9.21 and charter school employees participating in an innovation zone partnership remain  
9.22 employees of their respective school district or charter school.

9.23 (g) An innovation zone partnership may submit its plan at any time to the commissioner  
9.24 in the form and manner specified by the commissioner. ~~The commissioner must approve~~  
9.25 ~~or reject the plan after reviewing the recommendation of the Innovation Research Zone~~  
9.26 ~~Advisory Panel. An initial innovation zone plan that has been rejected by the commissioner~~  
9.27 ~~may be resubmitted to the commissioner after the innovation zone partnership has modified~~  
9.28 ~~the plan to meet each individually identified objection.~~

9.29 (h) An innovation zone plan must not cause an increase in state aid or levies for partners.

9.30 Subd. 2. **Exemptions from laws and rules.** (a) Notwithstanding any other law to the  
9.31 contrary, an innovation zone partner with ~~an approved~~ a plan filed with the commissioner  
9.32 is exempt from each of the following state education laws and rules specifically identified  
9.33 in its plan:

10.1 (1) any law or rule from which a district-created, site-governed school under Minnesota  
10.2 Statutes, section 123B.045, is exempt;

10.3 (2) any statute or rule from which the commissioner has exempted another district or  
10.4 charter school, as identified in the list published on the Department of Education's Web site  
10.5 under subdivision 4, paragraph (b);

10.6 (3) online learning program approval under Minnesota Statutes, section 124D.095,  
10.7 subdivision 7, if the school district or charter school offers a course or program online  
10.8 combined with direct access to a teacher for a portion of that course or program;

10.9 (4) restrictions on extended time revenue under Minnesota Statutes, section 126C.10,  
10.10 subdivision 2a, for a student who meets the criteria of Minnesota Statutes, section 124D.68,  
10.11 subdivision 2; and

10.12 (5) any required hours of instruction in any class or subject area for a student who is  
10.13 meeting all competencies consistent with the graduation standards described in the innovation  
10.14 zone plan.

10.15 (b) The exemptions under this subdivision must not be construed as exempting an  
10.16 innovation zone partner from the Minnesota Comprehensive Assessments or as increasing  
10.17 any state aid or levy.

10.18 ~~Subd. 3. **Innovation Research Zone Advisory Panel.** (a) The commissioner must~~  
10.19 ~~establish and convene an Innovation Research Zone Advisory Panel to review all innovation~~  
10.20 ~~zone plans submitted for approval.~~

10.21 ~~(b) The panel must be composed of nine members. One member must be appointed by~~  
10.22 ~~each of the following organizations: Educators for Excellence, Education Minnesota,~~  
10.23 ~~Minnesota Association of Secondary School Principals, Minnesota Elementary School~~  
10.24 ~~Principals' Association, Minnesota Association of School Administrators, Minnesota School~~  
10.25 ~~Boards Association, Minnesota Association of Charter Schools, and the Office of Higher~~  
10.26 ~~Education. The commissioner must appoint one member with expertise in evaluation and~~  
10.27 ~~research.~~

10.28 ~~Subd. 4. **Commissioner approval; duties.** (a) Upon recommendation of the Innovation~~  
10.29 ~~Research Zone Advisory Panel, the commissioner may approve up to three innovation zone~~  
10.30 ~~plans in the seven-county metropolitan area and up to three in greater Minnesota. If an~~  
10.31 ~~innovation zone partnership fails to implement its innovation zone plan as described in its~~  
10.32 ~~application and according to the stated timeline, upon recommendation of the Innovation~~  
10.33 ~~Research Zone Advisory Panel, the commissioner ~~must~~ may alert the partnership members~~

11.1 and provide the opportunity to remediate. If implementation continues to fail, the  
 11.2 commissioner ~~must~~ may suspend or terminate the innovation zone plan.

11.3 (b) The commissioner must publish a list of the exemptions the commissioner has granted  
 11.4 to a district or charter school on the Department of Education's Web site by July 1, 2017.  
 11.5 The list must be updated annually.

11.6 Subd. 5. **Project evaluation, dissemination, and report to legislature.** Each ~~research~~  
 11.7 innovation zone partnership must submit project data to the commissioner in the form and  
 11.8 manner ~~provided for in the approved application~~ specified by the commissioner. At least  
 11.9 once every two years, the commissioner ~~must~~ may analyze each innovation zone's progress  
 11.10 in realizing the objectives of the innovation zone partnership's plan. ~~The commissioner must~~  
 11.11 To the extent practicable, and using existing resources, the commissioner may summarize  
 11.12 and categorize innovation zone plans and submit a report to the legislative committees  
 11.13 having jurisdiction over education by February 1 of each odd-numbered year in accordance  
 11.14 with Minnesota Statutes, section 3.195.

11.15 Sec. 12. **REVISOR INSTRUCTION.**

11.16 The revisor of statutes shall codify section 11 as Minnesota Statutes, section 124D.901.

11.17 Sec. 13. **REPEALER.**

11.18 Minnesota Rules, part 3500.1000, is repealed.

**3500.1000 EXPERIMENTAL AND FLEXIBLE SCHOOL YEAR PROGRAMS.**

Subpart 1. **Request.** A district may request approval from the commissioner of education for an experimental program of study, a four-day school week, or a flexible school year program. They shall be designed to accomplish at least one of the following:

- A. improve instructional quality;
- B. increase cost-effectiveness;
- C. make better use of community resources or available technology; or
- D. establish an alternative eligibility criteria intended to identify pupils in need of special education services.

Subp. 2. **Exemption from state rules.** If the proposed program is approved, the commissioner of education shall provide an exemption to state rules that otherwise would apply.

Subp. 3. **Contents of proposal.** The proposal shall include: specific state rules from which the district requests exemption, the goals and objectives of the program, the activities to be used to accomplish the objectives, a definite time limit which may not exceed three years, and the evaluation procedures to be used.

Subp. 4. **Participation and approval.** The district shall provide evidence that the district staff, pupils, and parents who would be affected, participated in the development and will participate in the annual review of the proposal, and that the proposal has the approval of the district school board.

Parents whose children will be involved shall be fully informed at the IEP meeting and shall have the opportunity to approve or disapprove placement in the experimental program.

Subp. 5. **Criteria for continuation.** If the commissioner of education finds that the program has met the proposed goals and objectives, the commissioner shall authorize continuation of the program and specify the state rules from which the program is exempt and the period of time the program will be continued.