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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1711**

02/25/2019 Authored by Youakim, Moller, Davnie, Bierman, Christensen and others
The bill was read for the first time and referred to the Committee on Education Policy
03/18/2019 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to education; making technical and policy changes for prekindergarten

1.3 through grade 12 including general education, education excellence, teachers,

1.4 special education, health and safety, facilities, nutrition, and state agencies;

1.5 requiring reports; amending Minnesota Statutes 2018, sections 5A.03, subdivision

1.6 2; 120A.20, subdivision 2; 120A.22, subdivisions 5, 6, 11; 120A.24, subdivision

1.7 1; 120A.35; 120A.40; 120B.024, subdivision 1; 120B.11, subdivisions 1, 2, 3;

1.8 120B.12, subdivision 2; 120B.122, subdivision 1; 120B.21; 120B.30, subdivision

1.9 1; 120B.36, subdivision 1; 121A.22, subdivision 1, by adding a subdivision;

1.10 121A.335, subdivisions 3, 5; 121A.41, by adding subdivisions; 121A.45,

1.11 subdivision 1; 121A.46, by adding subdivisions; 121A.47, subdivisions 2, 14;

1.12 121A.53, subdivision 1; 121A.55; 122A.06, subdivisions 2, 5, 7, 8; 122A.07,

1.13 subdivisions 1, 2, 4a, by adding a subdivision; 122A.09, subdivision 9; 122A.091,

1.14 subdivision 1; 122A.092, subdivisions 5, 6; 122A.17; 122A.175, subdivision 2;

1.15 122A.18, subdivisions 7c, 8, 10; 122A.181, subdivisions 3, 5; 122A.182,

1.16 subdivisions 1, 3; 122A.183, subdivisions 2, 4; 122A.184, subdivisions 1, 3;

1.17 122A.185, subdivision 1; 122A.187, subdivision 3, by adding a subdivision;

1.18 122A.19, subdivision 4; 122A.20, subdivisions 1, 2; 122A.21; 122A.22; 122A.26,

1.19 subdivision 2; 122A.40, subdivision 8; 122A.41, subdivision 5; 122A.63,

1.20 subdivisions 1, 4, 5, 6, by adding a subdivision; 122A.70; 123A.64; 123B.143,

1.21 subdivision 1; 123B.41, subdivisions 2, 5; 123B.42, subdivision 3; 123B.49,

1.22 subdivision 4; 123B.52, subdivision 6; 123B.571; 124D.02, subdivision 1; 124D.09,

1.23 subdivisions 3, 10; 124D.111; 124D.165, subdivision 2; 124D.34, subdivisions 2,

1.24 3, 4, 5, 8, 12; 124D.78, subdivision 2; 124D.861, subdivision 2; 124E.13,

1.25 subdivision 3; 125A.08; 125A.091, subdivisions 3a, 7; 125A.50, subdivision 1;

1.26 126C.126; 127A.052; 136A.1275; 136A.1791, subdivisions 1, 2, 3, 4, 5; 136D.01;

1.27 136D.49; 214.01, subdivision 3; 471.345, subdivision 1; 626.556, subdivisions 2,

1.28 10, 11; 631.40, subdivision 4; proposing coding for new law in Minnesota Statutes,

1.29 chapters 120A; 120B; 121A; 122A; 127A; 245C; repealing Minnesota Statutes

1.30 2018, sections 122A.09, subdivision 1; 122A.182, subdivision 2; 127A.051,

1.31 subdivision 7; 127A.14; 136D.93; Laws 2017, First Special Session chapter 5,

1.32 article 11, section 6; Minnesota Rules, part 8710.2100, subparts 1, 2.

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

2.2 **ARTICLE 1**

2.3 **GENERAL EDUCATION**

2.4 Section 1. Minnesota Statutes 2018, section 120A.20, subdivision 2, is amended to read:

2.5 Subd. 2. **Education, residence, and transportation of homeless.** (a) Notwithstanding
2.6 subdivision 1, a district must not deny free admission to a homeless pupil solely because
2.7 the district cannot determine that the pupil is a resident of the district.

2.8 (b) The school district of residence for a homeless pupil shall be the school district in
2.9 which the parent or legal guardian resides, unless: (1) parental rights have been terminated
2.10 by court order; (2) the parent or guardian is not living within the state; or (3) the parent or
2.11 guardian having legal custody of the child is an inmate of a Minnesota correctional facility
2.12 or is a resident of a halfway house under the supervision of the commissioner of corrections.
2.13 If any of clauses (1) to (3) apply, the school district of residence shall be the school district
2.14 in which the pupil resided when the qualifying event occurred. If no other district of residence
2.15 can be established, the school district of residence shall be the school district in which the
2.16 pupil currently resides. If there is a dispute between school districts regarding residency,
2.17 the district of residence is the district designated by the commissioner of education.

2.18 (c) Except as provided in paragraph (d), the serving district is responsible for transporting
2.19 a homeless pupil to and from the pupil's district of residence. The district may transport
2.20 from a permanent home in another district but only through the end of the academic school
2.21 year. When a pupil is enrolled in a charter school, the district or school that provides
2.22 transportation for other pupils enrolled in the charter school is responsible for providing
2.23 transportation. When a homeless ~~student~~ pupil with or without an individualized education
2.24 program attends a public school other than an independent or special school district or
2.25 charter school, the district of residence is responsible for transportation.

2.26 (d) For a homeless pupil with an individualized education plan enrolled in a program
2.27 authorized by an intermediate school district, special education cooperative, service
2.28 cooperative, or education district, the serving district at the time of the pupil's enrollment
2.29 in the program remains responsible for transporting that pupil for the remainder of the school
2.30 year, unless the initial serving district and the current serving district mutually agree that
2.31 the current serving district is responsible for transporting the homeless pupil.

2.32 **EFFECTIVE DATE.** This section is effective July 1, 2019.

3.1 Sec. 2. **[120A.21] ENROLLMENT OF A STUDENT IN FOSTER CARE.**

3.2 Within seven school days of a student's placement in foster care and each placement
3.3 thereafter, a student who is placed in foster care must remain enrolled in the school the
3.4 student is enrolled in at the time of placement if it is in the student's best interests, or be
3.5 enrolled in a new school district. Pursuant to section 124D.08, subdivision 2b, if the student's
3.6 foster care placement is in another district, the student may remain enrolled in the prior
3.7 district.

3.8 Sec. 3. Minnesota Statutes 2018, section 120A.35, is amended to read:

3.9 **120A.35 ABSENCE FROM SCHOOL FOR RELIGIOUS OBSERVANCE.**

3.10 Reasonable efforts must be made by a school district to accommodate any pupil who
3.11 wishes to be excused from a curricular activity for a religious observance. A school board
3.12 must provide annual notice to parents of the school district's policy relating to a pupil's
3.13 absence from school for a religious observance. A school board may satisfy the notice
3.14 requirement by including the notice in a student handbook containing school policies or by
3.15 posting the notice on the district website.

3.16 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

3.17 Sec. 4. Minnesota Statutes 2018, section 120A.40, is amended to read:

3.18 **120A.40 SCHOOL CALENDAR.**

3.19 (a) Except for learning programs during summer, flexible learning year programs
3.20 authorized under sections 124D.12 to 124D.127, and learning year programs under section
3.21 124D.128, a district must not commence an elementary or secondary school year before
3.22 Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops
3.23 may be held before Labor Day. Districts that enter into cooperative agreements are
3.24 encouraged to adopt similar school calendars.

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

3.26 (1) to accommodate a construction or remodeling project of \$400,000 or more affecting
3.27 a district school facility;

3.28 (2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a
3.29 district that qualifies under clause (1); or

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

4.1 (c) A school board may consider the community's religious observances when adopting
4.2 an annual school calendar.

4.3 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

4.4 Sec. 5. Minnesota Statutes 2018, section 123A.64, is amended to read:

4.5 **123A.64 DUTY TO MAINTAIN ELEMENTARY AND SECONDARY SCHOOLS.**

4.6 Each district must maintain classified elementary and secondary schools, ~~grades 1~~
4.7 kindergarten through grade 12, unless the district is exempt according to section 123A.61
4.8 or 123A.62, has made an agreement with another district or districts as provided in sections
4.9 123A.30, 123A.32, or sections 123A.35 to 123A.43, or 123A.17, subdivision 7, has received
4.10 a grant under sections 123A.441 to 123A.445, or has formed a cooperative under section
4.11 123A.482. A district that has an agreement according to sections 123A.35 to 123A.43 or
4.12 123A.32 must operate a school with the number of grades required by those sections. A
4.13 district that has an agreement according to section 123A.30 or 123A.17, subdivision 7, or
4.14 has received a grant under sections 123A.441 to 123A.445 must operate a school for the
4.15 grades not included in the agreement, but not fewer than three grades.

4.16 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

4.17 Sec. 6. Minnesota Statutes 2018, section 123B.143, subdivision 1, is amended to read:

4.18 Subdivision 1. **Contract; duties.** (a) All districts maintaining a classified secondary
4.19 school must employ a superintendent who ~~shall be~~ must serve as an ex officio nonvoting
4.20 member of the school board. The authority for selection and employment of a superintendent
4.21 must be vested in the board in all cases.

4.22 (b) An individual employed by a board as a superintendent ~~shall~~ must have an initial
4.23 employment contract for a period of time no longer than three years from the date of
4.24 employment. Any subsequent employment contract must not exceed a period of three years.
4.25 A board, at its discretion, may or may not renew an employment contract. A board must
4.26 not, by action or inaction, extend the duration of an existing employment contract. Beginning
4.27 365 days prior to the expiration date of an existing employment contract, a board may
4.28 negotiate and enter into a subsequent employment contract to take effect upon the expiration
4.29 of the existing contract. A subsequent contract must be contingent upon the employee
4.30 completing the terms of an existing contract. If a contract between a board and a
4.31 superintendent is terminated prior to the date specified in the contract, the board may not

5.1 enter into another superintendent contract with that same individual that has a term that
5.2 extends beyond the date specified in the terminated contract.

5.3 (c) A board may terminate a superintendent during the term of an employment contract
5.4 for any of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent
5.5 ~~shall~~ must not rely upon an employment contract with a board to assert any other continuing
5.6 contract rights in the position of superintendent under section 122A.40. Notwithstanding
5.7 the provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other
5.8 law to the contrary, no individual ~~shall have~~ has a right to employment as a superintendent
5.9 based on order of employment in any district.

5.10 (d) If two or more districts enter into an agreement for the purchase or sharing of the
5.11 services of a superintendent, the contracting districts have the absolute right to select one
5.12 of the individuals employed to serve as superintendent in one of the contracting districts
5.13 and no individual has a right to employment as the superintendent to provide all or part of
5.14 the services based on order of employment in a contracting district.

5.15 (e) The superintendent of a district ~~shall~~ must perform the following:

5.16 (1) visit and supervise the schools in the district, report and make recommendations
5.17 about their condition when advisable or on request by the board;

5.18 (2) recommend to the board employment and dismissal of teachers;

5.19 (3) annually evaluate each school principal assigned responsibility for supervising a
5.20 school building within the district, consistent with section 123B.147, subdivision 3, paragraph
5.21 (b);

5.22 (4) superintend school grading practices and examinations for promotions;

5.23 (5) make reports required by the commissioner; and

5.24 (6) perform other duties prescribed by the board.

5.25 Sec. 7. Minnesota Statutes 2018, section 123B.41, subdivision 2, is amended to read:

5.26 Subd. 2. **Textbook.** (a) "Textbook" means any book or book substitute, including
5.27 electronic books as well as other printed materials delivered electronically, which a pupil
5.28 uses as a text or text substitute in a particular class or program in the school regularly
5.29 attended and a copy of which is expected to be available for the individual use of each pupil
5.30 in this class or program. Textbook includes an online book with an annual subscription cost.
5.31 Textbook includes a teacher's edition, teacher's guide, or other materials that accompany a

6.1 textbook that a pupil uses when the teacher's edition, teacher's guide, or other teacher
6.2 materials are packaged physically or electronically with textbooks for student use.

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

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

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

6.12 Sec. 8. Minnesota Statutes 2018, section 123B.41, subdivision 5, is amended to read:

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

6.14 "Individualized instructional or cooperative learning materials" means educational materials
6.15 which:

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

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

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

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

7.1 (c) "Individualized instructional or cooperative learning materials" do not include
7.2 instructional equipment, instructional hardware, or ordinary daily consumable classroom
7.3 supplies.

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

7.5 Sec. 9. Minnesota Statutes 2018, section 123B.42, subdivision 3, is amended to read:

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

7.14 (b) The cost computed in ~~clause paragraph~~ (a) shall be increased by an inflation
7.15 adjustment equal to the percent of increase in the formula allowance, pursuant to section
7.16 126C.10, subdivision 2, from the second preceding school year to the current school year.
7.17 ~~Notwithstanding the amount of the formula allowance for fiscal years 2015 and 2016 in~~
7.18 ~~section 126C.10, subdivision 2, the commissioner shall use the amount of the formula~~
7.19 ~~allowance for the current year minus \$414 in determining the inflation adjustment for fiscal~~
7.20 ~~years 2015 and 2016.~~

7.21 (c) The commissioner shall allot to the districts or intermediary service areas the total
7.22 cost for each school year of providing or loaning the textbooks, individualized instructional
7.23 or cooperative learning materials, software or other educational technology, and standardized
7.24 tests for the pupils in each nonpublic school. The allotment shall not exceed the product of
7.25 the statewide average expenditure per pupil, according to ~~clause paragraph~~ (a), adjusted
7.26 pursuant to ~~clause paragraph~~ (b), multiplied by the number of nonpublic school pupils who
7.27 make requests pursuant to this section and who are enrolled as of September 15 of the current
7.28 school year.

7.29 Sec. 10. Minnesota Statutes 2018, section 123B.49, subdivision 4, is amended to read:

7.30 Subd. 4. **Board control of extracurricular activities.** (a) The board ~~may~~ must take
7.31 charge of and control all extracurricular activities of the teachers and children of the public
7.32 schools in the district. Extracurricular activities means all direct and personal services for
7.33 pupils for their enjoyment that are managed and operated under the guidance of an adult or

8.1 staff member. The board shall allow all resident pupils receiving instruction in a home
8.2 school as defined in section 123B.36, subdivision 1, paragraph (a), to be eligible to fully
8.3 participate in extracurricular activities on the same basis as public school students.

8.4 (b) Extracurricular activities have all of the following characteristics:

8.5 (1) they are not offered for school credit nor required for graduation;

8.6 (2) they are generally conducted outside school hours, or if partly during school hours,
8.7 at times agreed by the participants, and approved by school authorities;

8.8 (3) the content of the activities is determined primarily by the pupil participants under
8.9 the guidance of a staff member or other adult.

8.10 ~~(e) If the board does not take charge of and control extracurricular activities, these~~
8.11 ~~activities shall be self-sustaining with all expenses, except direct salary costs and indirect~~
8.12 ~~costs of the use of school facilities, met by dues, admissions, or other student fund-raising~~
8.13 ~~events. The general fund must reflect only those salaries directly related to and readily~~
8.14 ~~identified with the activity and paid by public funds. Other revenues and expenditures for~~
8.15 ~~extra-curricular activities must be recorded according to the Manual for Activity Fund~~
8.16 ~~Accounting. Extracurricular activities not under board control must have an annual financial~~
8.17 ~~audit and must also be audited annually for compliance with this section.~~

8.18 ~~(d) If the board takes charge of and controls extracurricular activities, (c)~~ Any or all
8.19 costs of these activities may be provided from school revenues and all revenues and
8.20 expenditures for these activities shall be recorded in the same manner as other revenues and
8.21 expenditures of the district.

8.22 ~~(e) If the board takes charge of and controls extracurricular activities, (d)~~ The teachers
8.23 or pupils in the district must not participate in such activity, nor shall the school name or
8.24 any allied name be used in connection therewith, except by consent and direction of the
8.25 board.

8.26 (e) A school district must reserve revenue raised for extracurricular activities and spend
8.27 the revenue only for extracurricular activities.

8.28 Sec. 11. Minnesota Statutes 2018, section 126C.126, is amended to read:

8.29 **126C.126 USE OF GENERAL EDUCATION REVENUE FOR ~~ALL-DAY~~**
8.30 **KINDERGARTEN AND PREKINDERGARTEN.**

8.31 A school district may spend general education revenue on extended time kindergarten
8.32 and prekindergarten programs. At the school board's discretion, the district may use revenue

9.1 generated by the ~~all-day~~ kindergarten pupil count under section 126C.05, subdivision 1,
9.2 paragraph (d), to meet the needs of three- and four-year-olds in the district. ~~A school district~~
9.3 ~~may not use these funds on programs for three- and four-year-old children while maintaining~~
9.4 ~~a fee-based all-day kindergarten program.~~

9.5 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

9.6 Sec. 12. **[127A.20] EVIDENCE-BASED EDUCATION GRANTS.**

9.7 Subdivision 1. **Purpose and applicability.** The purpose of this section is to create a
9.8 process to describe, measure, and report on the effectiveness of any prekindergarten through
9.9 grade 12 grant programs funded in whole or in part through funds appropriated by the
9.10 legislature to the commissioner of education for grants to organizations. The evidence-based
9.11 evaluation required by this section applies to all grants awarded by the commissioner of
9.12 education on or after July 1, 2019.

9.13 Subd. 2. **Goals.** Each applicant for a grant awarded by the commissioner of education
9.14 must include in the grant application a statement of the goals of the grant. To the extent
9.15 practicable, the goals must be aligned to the state's world's best workforce and the federally
9.16 required Every Student Succeeds Act accountability systems.

9.17 Subd. 3. **Strategies and data.** Each applicant must include in the grant application a
9.18 description of the strategies that will be used to meet the goals specified in the application.
9.19 The applicant must also include a plan to collect data to measure the effectiveness of the
9.20 strategies outlined in the grant application.

9.21 Subd. 4. **Reporting.** Within 180 days of the end of the grant period, each grant recipient
9.22 must compile a report that describes the data that was collected and evaluate the effectiveness
9.23 of the strategies. The evidence-based report may identify or propose alternative strategies
9.24 based on the results of the data. The report must be submitted to the commissioner of
9.25 education and to the chairs and ranking minority members of the legislative committees
9.26 with jurisdiction over prekindergarten through grade 12 education. The report must be filed
9.27 with the Legislative Reference Library according to section 3.195.

9.28 Subd. 5. **Grant defined.** For purposes of this section, a grant means money appropriated
9.29 from the state general fund to the commissioner of education for distribution to the grant
9.30 recipients.

9.31 **EFFECTIVE DATE.** This section is effective July 1, 2019.

10.1 Sec. 13. **SCHOOL START DATE FOR THE 2020-2021 AND 2021-2022 SCHOOL**
10.2 **YEARS ONLY.**

10.3 Notwithstanding Minnesota Statutes, section 120A.40, or any other law to the contrary,
10.4 for the 2020-2021 school year only, school districts may begin the school year on August
10.5 31, and for the 2021-2022 school year only, school districts may begin the school year on
10.6 August 30.

10.7 Sec. 14. **REPEALER.**

10.8 Minnesota Statutes 2018, section 127A.14, is repealed.

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

10.10 **ARTICLE 2**

10.11 **EDUCATION EXCELLENCE**

10.12 Section 1. Minnesota Statutes 2018, section 5A.03, subdivision 2, is amended to read:

10.13 Subd. 2. **Placing Minnesota students in travel abroad programs.** (a) A school district
10.14 or charter school with enrolled students who participate in a foreign exchange or study or
10.15 other travel abroad program or whose enrolled students participate in a foreign exchange
10.16 or study or other travel abroad program under a written agreement between the district or
10.17 charter school and the program provider must use a form developed by the Department of
10.18 Education to annually report to the department by November 1 the following data from the
10.19 previous school year:

10.20 (1) the number of Minnesota student deaths that occurred while Minnesota students were
10.21 participating in the foreign exchange or study or other travel abroad program and that resulted
10.22 from Minnesota students participating in the program;

10.23 (2) the number of Minnesota students hospitalized due to accidents and the illnesses that
10.24 occurred while Minnesota students were participating in the foreign exchange or study or
10.25 other travel abroad program and that resulted from Minnesota students participating in the
10.26 program; and

10.27 (3) the name and type of the foreign exchange or study or other travel abroad program
10.28 and the city or region where the reported death, hospitalization due to accident, or the illness
10.29 occurred.

10.30 (b) School districts and charter schools must ask but must not require enrolled eligible
10.31 students and the parents or guardians of other enrolled students who complete a foreign

11.1 exchange or study or other travel abroad program to disclose the information under paragraph
11.2 (a).

11.3 (c) When reporting the data under paragraph (a), a school district or charter school may
11.4 supplement the data with a brief explanatory statement. The Department of Education
11.5 annually must aggregate and publish the reported data on the department website in a format
11.6 that facilitates public access to the aggregated data and include links to both the United
11.7 States Department of State's Consular Information Program that informs the public of
11.8 conditions abroad that may affect students' safety and security and the publicly available
11.9 reports on sexual assaults and other criminal acts affecting students participating in a foreign
11.10 exchange or study or other travel abroad program.

11.11 (d) School districts and charter schools with enrolled students who participate in foreign
11.12 exchange or study or other travel abroad programs under a written agreement between the
11.13 district or charter school and the program provider are encouraged to adopt policies
11.14 supporting the programs and to include program standards in their policies to ensure students'
11.15 health and safety.

11.16 (e) To be eligible under this subdivision to provide a foreign exchange or study or other
11.17 travel abroad program to Minnesota students enrolled in a school district or charter school,
11.18 a program provider annually must register with the secretary of state and provide the
11.19 following information on a form developed by the secretary of state: the name, address, and
11.20 telephone number of the program provider, its chief executive officer, and the person within
11.21 the provider's organization who is primarily responsible for supervising programs within
11.22 the state; the program provider's unified business identification number, if any; whether the
11.23 program provider is exempt from federal income tax; a list of the program provider's
11.24 placements in foreign countries for the previous school year including the number of
11.25 Minnesota students placed, where Minnesota students were placed, and the length of their
11.26 placement; the terms and limits of the medical and accident insurance available to cover
11.27 participating students and the process for filing a claim; and the signatures of the program
11.28 provider's chief executive officer and the person primarily responsible for supervising
11.29 Minnesota students' placements in foreign countries. If the secretary of state determines the
11.30 registration is complete, the secretary of state shall file the registration and the program
11.31 provider is registered. Registration with the secretary of state must not be considered or
11.32 represented as an endorsement of the program provider by the secretary of state. The secretary
11.33 of state annually must publish on its website aggregated data under paragraph (c) received
11.34 from the Department of Education.

12.1 (f) Program providers, annually by August 1, must provide the data required under
12.2 paragraph (a), clauses (1) to (3), to the districts and charter schools with enrolled students
12.3 participating in the provider's program.

12.4 (g) The Department of Education must publish the information it has under paragraph
12.5 (c), but it is not responsible for any errors or omissions in the information provided to it by
12.6 a school district or charter school. A school district or charter school is not responsible for
12.7 omissions in the information provided to it by students and programs.

12.8 Sec. 2. Minnesota Statutes 2018, section 120A.22, subdivision 5, is amended to read:

12.9 Subd. 5. **Ages and terms.** (a) Every child between ~~seven~~ six and 17 years of age must
12.10 receive instruction unless the child has graduated. Every child under the age of ~~seven~~ six
12.11 who is enrolled in a ~~half-day kindergarten, or a full-day kindergarten program on alternate~~
12.12 ~~days, or other kindergarten programs shall~~ must receive instruction for the hours established
12.13 for that program. Except as provided in subdivision 6, a parent may withdraw a child under
12.14 the age of ~~seven~~ six from enrollment at any time.

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

12.19 (c) A pupil 16 years of age or older who meets the criteria of section 124D.68, subdivision
12.20 2, and under clause (5) of that subdivision has been excluded or expelled from school or
12.21 under clause (11) of that subdivision has been chronically truant may be referred to an area
12.22 learning center. Such referral may be made only after consulting the principal, area learning
12.23 center director, student, and parent or guardian and only if, in the school administrator's
12.24 professional judgment, the referral is in the best educational interest of the pupil. Nothing
12.25 in this paragraph limits a pupil's eligibility to apply to enroll in other eligible programs
12.26 under section 124D.68.

12.27 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

12.28 Sec. 3. Minnesota Statutes 2018, section 120A.22, subdivision 6, is amended to read:

12.29 Subd. 6. **Children under ~~seven~~ age six.** (a) Once a pupil under the age of ~~seven~~ six is
12.30 enrolled in kindergarten or a higher grade in a public school, the pupil is subject to the
12.31 compulsory attendance provisions of this chapter and section 120A.34, unless the board of

13.1 the district in which the pupil is enrolled has a policy that exempts children under ~~seven~~ six
13.2 from this subdivision.

13.3 (b) In a district in which children under ~~seven~~ the age of six are subject to compulsory
13.4 attendance under this subdivision, paragraphs (c) to (e) apply.

13.5 (c) A parent or guardian may withdraw the pupil from enrollment in the school for good
13.6 cause by notifying the district. Good cause includes, but is not limited to, enrollment of the
13.7 pupil in another school, as defined in subdivision 4, or the immaturity of the child.

13.8 (d) When the pupil enrolls, the enrolling official must provide the parent or guardian
13.9 who enrolls the pupil with a written explanation of the provisions of this subdivision.

13.10 (e) A pupil under the age of ~~seven~~ six who is withdrawn from enrollment in the public
13.11 school under paragraph (c) is no longer subject to the compulsory attendance provisions of
13.12 this chapter.

13.13 (f) In a district that had adopted a policy to exempt children under ~~seven~~ the age of six
13.14 from this subdivision, the district's chief attendance officer must keep the truancy enforcement
13.15 authorities supplied with a copy of the board's current policy certified by the clerk of the
13.16 board.

13.17 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

13.18 Sec. 4. Minnesota Statutes 2018, section 120A.22, subdivision 11, is amended to read:

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

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

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

14.1 evaluation of the child's abilities and performance for the purpose of determining whether
14.2 the child has learning problems.

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

14.6 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

14.7 Sec. 5. Minnesota Statutes 2018, section 120A.24, subdivision 1, is amended to read:

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

14.14 (1) by October 1 of the first school year the child receives instruction after reaching the
14.15 age of ~~seven~~ six;

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

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

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

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

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

14.30 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

15.1 Sec. 6. Minnesota Statutes 2018, section 120B.024, subdivision 1, is amended to read:

15.2 Subdivision 1. **Graduation requirements.** Students ~~beginning 9th grade in the 2011-2012~~
15.3 ~~school year and later~~ must successfully complete the following high school level credits for
15.4 graduation:

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

15.7 (2) three credits of mathematics, including an algebra II credit or its equivalent, sufficient
15.8 to satisfy all of the academic standards in mathematics;

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

15.11 (4) three credits of science, including at least one credit of biology, one credit of chemistry
15.12 or physics, and one elective credit of science. The combination of credits under this clause
15.13 must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics
15.14 and (ii) all other academic standards in science;

15.15 (5) three and one-half credits of social studies, including credit for a course in government
15.16 and citizenship, which must include instruction on diverse cultures, in either 11th or 12th
15.17 grade for students beginning 9th grade in the 2020-2021 school year and later, and a
15.18 combination of other credits encompassing at least United States history, geography,
15.19 ~~government and citizenship~~, world history, and economics sufficient to satisfy all of the
15.20 academic standards in social studies;

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

15.23 (7) for students beginning 9th grade in the 2020-2021 school year and later, a minimum
15.24 of seven ~~six and one-half~~ elective credits; and

15.25 (8) for students beginning 9th grade in the 2020-2021 school year and later, at least
15.26 one-half credit for a course in personal finance.

15.27 Sec. 7. Minnesota Statutes 2018, section 120B.11, subdivision 1, is amended to read:

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

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

16.1 (b) "Civic life" means public engagement activities consistent with section 120B.30,
16.2 subdivision 1, paragraph (r).

16.3 ~~(b)~~ (c) "Curriculum" means district or school adopted programs and written plans for
16.4 providing students with learning experiences that lead to expected knowledge and skills
16.5 and career and college readiness.

16.6 ~~(e)~~ (d) "World's best workforce" means striving to: meet school readiness goals; have
16.7 all third grade students achieve grade-level literacy; close the academic achievement gap
16.8 among all racial and ethnic groups of students and between students living in poverty and
16.9 students not living in poverty; have all students attain career and college readiness before
16.10 graduating from high school; and have all students graduate from high school.

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

16.15 Sec. 8. Minnesota Statutes 2018, section 120B.11, subdivision 2, is amended to read:

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

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

16.22 (2) a process to assess and evaluate each student's progress toward meeting state and
16.23 local academic standards, assess and identify students to participate in gifted and talented
16.24 programs and accelerate their instruction, and adopt early-admission procedures consistent
16.25 with section 120B.15, and identifying the strengths and weaknesses of instruction in pursuit
16.26 of student and school success and curriculum affecting students' progress and growth toward
16.27 career and college readiness and leading to the world's best workforce;

16.28 (3) a system to periodically review and evaluate the effectiveness of all instruction and
16.29 curriculum, taking into account strategies and best practices, student outcomes, school
16.30 principal evaluations under section 123B.147, subdivision 3, students' access to effective
16.31 teachers who are members of populations underrepresented among the licensed teachers in
16.32 the district or school and who reflect the diversity of enrolled students under section 120B.35,

17.1 subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40,
 17.2 subdivision 8, or 122A.41, subdivision 5;

17.3 (4) strategies for improving instruction, curriculum, and student achievement, including:
 17.4 (i) the English and, where practicable, the native language development and the academic
 17.5 achievement of English learners and (ii) for all learners, access to culturally relevant or
 17.6 ethnic studies curriculum using culturally responsive methodologies;

17.7 (5) a process to examine the equitable distribution of teachers and strategies to ensure
 17.8 children from low-income and minority children families, families of color, and American
 17.9 Indian families are not taught at higher rates than other children by inexperienced, ineffective,
 17.10 or out-of-field teachers;

17.11 (6) education effectiveness practices that integrate high-quality instruction;2 rigorous
 17.12 curriculum;2 technology;2 inclusive and respectful learning and work environments for all
 17.13 students, families, and employees; and a collaborative professional culture that ~~develops~~
 17.14 ~~and supports~~ retains qualified, racially, and ethnically diverse staff effective at working
 17.15 with diverse students while developing and supporting teacher quality, performance, and
 17.16 effectiveness; and

17.17 (7) an annual budget for continuing to implement the district plan.

17.18 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and
 17.19 updated after the day following final enactment.

17.20 Sec. 9. Minnesota Statutes 2018, section 120B.11, subdivision 3, is amended to read:

17.21 Subd. 3. **District advisory committee.** (a) Each school board ~~shall~~ must establish an
 17.22 advisory committee to ensure active community participation in all phases of planning and
 17.23 improving the instruction and curriculum affecting state and district academic standards,
 17.24 consistent with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~
 17.25 must reflect the diversity of the district and its school sites, include teachers, parents, support
 17.26 staff, students, and other community residents, and provide translation to the extent
 17.27 appropriate and practicable. The district advisory committee ~~shall~~ must pursue community
 17.28 support to accelerate the academic and native literacy and achievement of English learners
 17.29 with varied needs, from young children to adults, consistent with section 124D.59,
 17.30 subdivisions 2 and 2a. The district may establish site teams as subcommittees of the district
 17.31 advisory committee under subdivision 4.

17.32 (b) The district advisory committee ~~shall~~ must recommend to the school board:

17.33 (1) rigorous academic standards;2

18.1 (2) student achievement goals and measures consistent with subdivision 1a and sections
18.2 120B.022, subdivisions 1a and 1b, and 120B.35;

18.3 (3) district assessments;

18.4 (4) means to improve students' equitable access to effective and more diverse teachers;

18.5 (5) strategies to ensure the curriculum and learning and work environments are inclusive
18.6 and respectful toward all racial and ethnic groups; and

18.7 (6) program evaluations.

18.8 (c) School sites may expand upon district evaluations of instruction, curriculum,
18.9 assessments, or programs. Whenever possible, parents and other community residents ~~shall~~
18.10 must comprise at least two-thirds of advisory committee members.

18.11 Sec. 10. Minnesota Statutes 2018, section 120B.12, subdivision 2, is amended to read:

18.12 Subd. 2. **Identification; report.** (a) Each school district ~~shall~~ must identify before the
18.13 end of kindergarten, grade 1, and grade 2 all students who are not reading at grade level
18.14 ~~before the end of the current school year and shall~~. Students identified as not reading at
18.15 grade level by the end of kindergarten, grade 1, and grade 2 must be screened for
18.16 characteristics of dyslexia.

18.17 (b) ~~identify~~ Students in grade 3 or higher who demonstrate a reading difficulty to a
18.18 classroom teacher must be screened for characteristics of dyslexia, unless a different reason
18.19 for the reading difficulty has been identified.

18.20 (c) Reading assessments in English, and in the predominant languages of district students
18.21 where practicable, must identify and evaluate students' areas of academic need related to
18.22 literacy. The district also must monitor the progress and provide reading instruction
18.23 appropriate to the specific needs of English learners. The district must use a locally adopted,
18.24 developmentally appropriate, and culturally responsive assessment and annually report
18.25 summary assessment results to the commissioner by July 1.

18.26 (d) The district also must annually report to the commissioner by July 1 a summary of
18.27 the district's efforts to screen and identify students with:

18.28 (1) dyslexia, using screening tools such as those recommended by the department's
18.29 dyslexia specialist; or

18.30 (2) convergence insufficiency disorder.

19.1 ~~(b)~~ (e) A student identified under this subdivision must be provided with alternate
19.2 instruction under section 125A.56, subdivision 1.

19.3 **EFFECTIVE DATE.** This section is effective July 1, 2020.

19.4 Sec. 11. Minnesota Statutes 2018, section 120B.30, subdivision 1, is amended to read:

19.5 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with
19.6 appropriate technical qualifications and experience and stakeholders, consistent with
19.7 subdivision 1a, shall include in the comprehensive assessment system, for each grade level
19.8 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics
19.9 assessments for students that are aligned with the state's required academic standards under
19.10 section 120B.021, include multiple choice questions, and are administered annually to all
19.11 students in grades 3 through 8. State-developed high school tests aligned with the state's
19.12 required academic standards under section 120B.021 and administered to all high school
19.13 students in a subject other than writing must include multiple choice questions. The
19.14 commissioner shall establish one or more months during which schools shall administer
19.15 the tests to students each school year.

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

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

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

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

19.32 (1) mathematics;

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

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

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

20.4 (3) language arts and reading; grades 3 through 8 and high school level beginning in the
20.5 2012-2013 school year.

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

20.10 (1) achievement and career and college readiness in mathematics, reading, and writing,
20.11 consistent with paragraph (k) and to the extent available, to monitor students' continuous
20.12 development of and growth in requisite knowledge and skills; analyze students' progress
20.13 and performance levels, identifying students' academic strengths and diagnosing areas where
20.14 students require curriculum or instructional adjustments, targeted interventions, or
20.15 remediation; and, based on analysis of students' progress and performance data, determine
20.16 students' learning and instructional needs and the instructional tools and best practices that
20.17 support academic rigor for the student; and

20.18 (2) consistent with this paragraph and section 120B.125, age-appropriate exploration
20.19 and planning activities and career assessments to encourage students to identify personally
20.20 relevant career interests and aptitudes and help students and their families develop a regularly
20.21 reexamined transition plan for postsecondary education or employment without need for
20.22 postsecondary remediation.

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

20.26 (d) Expectations of schools, districts, and the state for career or college readiness under
20.27 this subdivision must be comparable in rigor, clarity of purpose, and rates of student
20.28 completion.

20.29 A student under paragraph (c), clause (1), must receive targeted, relevant, academically
20.30 rigorous, and resourced instruction, which may include a targeted instruction and intervention
20.31 plan focused on improving the student's knowledge and skills in core subjects so that the
20.32 student has a reasonable chance to succeed in a career or college without need for
20.33 postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49,

21.1 and related sections, an enrolling school or district must actively encourage a student in
21.2 grade 11 or 12 who is identified as academically ready for a career or college to participate
21.3 in courses and programs awarding college credit to high school students. Students are not
21.4 required to achieve a specified score or level of proficiency on an assessment under this
21.5 subdivision to graduate from high school.

21.6 (e) Though not a high school graduation requirement, students are encouraged to
21.7 participate in a nationally recognized college entrance exam. To the extent state funding
21.8 for college entrance exam fees is available, a district must pay the cost, one time, for an
21.9 interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take
21.10 a nationally recognized college entrance exam before graduating. A student must be able
21.11 to take the exam under this paragraph at the student's high school during the school day and
21.12 at any one of the multiple exam administrations available to students in the district. A district
21.13 may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph.
21.14 If the district administers only one of these two tests and a free or reduced-price meal eligible
21.15 student opts not to take that test and chooses instead to take the other of the two tests, the
21.16 student may take the other test at a different time or location and remains eligible for the
21.17 examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school
21.18 district may require a student that is not eligible for a free or reduced-price meal to pay the
21.19 cost of taking a nationally recognized college entrance exam. The district must waive the
21.20 cost for a student unable to pay.

21.21 (f) The commissioner and the chancellor of the Minnesota State Colleges and Universities
21.22 must collaborate in aligning instruction and assessments for adult basic education students
21.23 and English learners to provide the students with diagnostic information about any targeted
21.24 interventions, accommodations, modifications, and supports they need so that assessments
21.25 and other performance measures are accessible to them and they may seek postsecondary
21.26 education or employment without need for postsecondary remediation. When administering
21.27 formative or summative assessments used to measure the academic progress, including the
21.28 oral academic development, of English learners and inform their instruction, schools must
21.29 ensure that the assessments are accessible to the students and students have the modifications
21.30 and supports they need to sufficiently understand the assessments.

21.31 (g) Districts and schools, on an annual basis, must use career exploration elements to
21.32 help students, beginning no later than grade 9, and their families explore and plan for
21.33 postsecondary education or careers based on the students' interests, aptitudes, and aspirations.
21.34 Districts and schools must use timely regional labor market information and partnerships,
21.35 among other resources, to help students and their families successfully develop, pursue,

22.1 review, and revise an individualized plan for postsecondary education or a career. This
22.2 process must help increase students' engagement in and connection to school, improve
22.3 students' knowledge and skills, and deepen students' understanding of career pathways as
22.4 a sequence of academic and career courses that lead to an industry-recognized credential,
22.5 an associate's degree, or a bachelor's degree and are available to all students, whatever their
22.6 interests and career goals.

22.7 (h) A student who demonstrates attainment of required state academic standards, which
22.8 include career and college readiness benchmarks, on high school assessments under
22.9 subdivision 1a is academically ready for a career or college and is encouraged to participate
22.10 in courses awarding college credit to high school students. Such courses and programs may
22.11 include sequential courses of study within broad career areas and technical skill assessments
22.12 that extend beyond course grades.

22.13 (i) As appropriate, students through grade 12 must continue to participate in targeted
22.14 instruction, intervention, or remediation and be encouraged to participate in courses awarding
22.15 college credit to high school students.

22.16 (j) In developing, supporting, and improving students' academic readiness for a career
22.17 or college, schools, districts, and the state must have a continuum of empirically derived,
22.18 clearly defined benchmarks focused on students' attainment of knowledge and skills so that
22.19 students, their parents, and teachers know how well students must perform to have a
22.20 reasonable chance to succeed in a career or college without need for postsecondary
22.21 remediation. The commissioner, in consultation with local school officials and educators,
22.22 and Minnesota's public postsecondary institutions must ensure that the foundational
22.23 knowledge and skills for students' successful performance in postsecondary employment
22.24 or education and an articulated series of possible targeted interventions are clearly identified
22.25 and satisfy Minnesota's postsecondary admissions requirements.

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

22.29 (l) The school board granting students their diplomas may formally decide to include a
22.30 notation of high achievement on the high school diplomas of those graduating seniors who,
22.31 according to established school board criteria, demonstrate exemplary academic achievement
22.32 during high school.

22.33 (m) The 3rd through 8th grade computer-adaptive assessment results and high school
22.34 test results shall be available to districts for diagnostic purposes affecting student learning

23.1 and district instruction and curriculum, and for establishing educational accountability. The
23.2 commissioner must establish empirically derived benchmarks on adaptive assessments in
23.3 grades 3 through 8. The commissioner, in consultation with the chancellor of the Minnesota
23.4 State Colleges and Universities, must establish empirically derived benchmarks on the high
23.5 school tests that reveal a trajectory toward career and college readiness consistent with
23.6 section 136F.302, subdivision 1a. The commissioner must disseminate to the public the
23.7 computer-adaptive assessments and high school test results upon receiving those results.

23.8 (n) The grades 3 through 8 computer-adaptive assessments and high school tests must
23.9 be aligned with state academic standards. The commissioner shall determine the testing
23.10 process and the order of administration. The statewide results shall be aggregated at the site
23.11 and district level, consistent with subdivision 1a.

23.12 (o) The commissioner shall include the following components in the statewide public
23.13 reporting system:

23.14 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through
23.15 8 and testing at the high school levels that provides appropriate, technically sound
23.16 accommodations or alternate assessments;

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

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

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

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

23.31 (q) For purposes of statewide accountability, "cultural competence," "cultural
23.32 competency," or "culturally competent" means the ability of families and educators to

24.1 interact effectively with people of different cultures, native languages, and socioeconomic
24.2 backgrounds.

24.3 (r) For purposes of statewide accountability, an understanding of "civic life" means
24.4 student learning experiences that include public engagement activities such as: (1)
24.5 volunteering as an election judge; (2) serving as a poll watcher; (3) contacting public officials
24.6 on a matter of public interest; (4) writing a letter to the editor; (5) registering to vote or
24.7 participating in a nonpartisan voter registration drive; or (6) other public interest activities
24.8 authorized by the school board, including but not limited to: (i) volunteering on a matter of
24.9 political interest; (ii) participating in a nonprofit organization; or (iii) participating in a
24.10 charity event.

24.11 Sec. 12. Minnesota Statutes 2018, section 120B.36, subdivision 1, is amended to read:

24.12 Subdivision 1. **School performance reports and public reporting.** (a) The commissioner
24.13 shall report:

24.14 (1) student academic performance data under section 120B.35, subdivisions 2 and 3;

24.15 (2) the percentages of students showing low, medium, and high growth under section
24.16 120B.35, subdivision 3, paragraph (b);

24.17 (3) school safety and student engagement and connection under section 120B.35,
24.18 subdivision 3, paragraph (d);

24.19 (4) rigorous coursework under section 120B.35, subdivision 3, paragraph (c);

24.20 (5) the percentage of students under section 120B.35, subdivision 3, paragraph (b), clause
24.21 (2), whose progress and performance levels are meeting career and college readiness
24.22 benchmarks under sections 120B.30, subdivision 1, and 120B.35, subdivision 3, paragraph
24.23 (e);

24.24 (6) longitudinal data on the progress of eligible districts in reducing disparities in students'
24.25 academic achievement and realizing racial and economic integration under section 124D.861;

24.26 (7) the acquisition of English, and where practicable, native language academic literacy,
24.27 including oral academic language, and the academic progress of all English learners enrolled
24.28 in a Minnesota public school course or program who are currently or were previously counted
24.29 as English learners under section 124D.59;

24.30 (8) the percentage of students who graduated in the previous school year who correctly
24.31 answered at least 30 of 50 civics test questions in accordance with section 120B.02,
24.32 subdivision 3;

25.1 (9) two separate student-to-teacher ratios that clearly indicate the definition of teacher
25.2 consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios;

25.3 (10) staff characteristics excluding salaries;

25.4 (11) student enrollment demographics;

25.5 (12) foster care status, including all students enrolled in a Minnesota public school course
25.6 or program who are currently or were previously in foster care, student homelessness, and
25.7 district mobility; and

25.8 (13) extracurricular activities.

25.9 (b) The school performance report for a school site and a school district must include
25.10 school performance reporting information and calculate proficiency rates as required by the
25.11 most recently reauthorized Elementary and Secondary Education Act.

25.12 (c) The commissioner shall develop, annually update, and post on the department website
25.13 school performance reports consistent with paragraph (a) and section 120B.11.

25.14 (d) The commissioner must make available performance reports by the beginning of
25.15 each school year.

25.16 (e) A school or district may appeal its results in a form and manner determined by the
25.17 commissioner and consistent with federal law. The commissioner's decision to uphold or
25.18 deny an appeal is final.

25.19 (f) School performance data are nonpublic data under section 13.02, subdivision 9, until
25.20 the commissioner publicly releases the data. The commissioner shall annually post school
25.21 performance reports to the department's public website no later than September 1, except
25.22 that in years when the reports reflect new performance standards, the commissioner shall
25.23 post the school performance reports no later than October 1.

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

25.25 Sec. 13. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision
25.26 to read:

25.27 **Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil**
25.28 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means
25.29 policies and practices that are alternatives to removing a pupil from class or dismissing a
25.30 pupil from school, including evidence-based positive behavioral interventions and supports,
25.31 social and emotional services, school-linked mental health services, counseling services,
25.32 social work services, referrals for special education or 504 evaluations, academic screening

26.1 for Title I services or reading interventions, and alternative education services.
26.2 Nonexclusionary disciplinary policies and practices require school officials to intervene in,
26.3 redirect, and support a pupil's behavior before removing a pupil from class or beginning
26.4 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are
26.5 not limited to the policies and practices under sections 120B.12; 121A.031, subdivision 4,
26.6 paragraph (a), clause (1); 121A.575, clauses (1) and (2); 121A.61, subdivision 3, paragraph
26.7 (q); 122A.627, clause (3); and 123A.56.

26.8 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

26.9 Sec. 14. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision
26.10 to read:

26.11 Subd. 13. **Pupil withdrawal agreements.** "Pupil withdrawal agreements" means a verbal
26.12 or written agreement between a school or district administrator and a pupil's parent or
26.13 guardian to withdraw a student from the school district to avoid expulsion or exclusion
26.14 dismissal proceedings. The duration of the withdrawal agreement may be no longer than
26.15 12 months.

26.16 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

26.17 Sec. 15. Minnesota Statutes 2018, section 121A.45, subdivision 1, is amended to read:

26.18 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil
26.19 without attempting to ~~provide alternative educational services~~ use nonexclusionary
26.20 disciplinary policies and practices before a dismissal proceedings proceeding or a pupil
26.21 withdrawal agreement, except where it appears that the pupil will create an immediate and
26.22 substantial danger to self or to surrounding persons or property.

26.23 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

26.24 Sec. 16. Minnesota Statutes 2018, section 121A.46, is amended by adding a subdivision
26.25 to read:

26.26 Subd. 5. **Suspensions exceeding five consecutive school days.** A school administrator
26.27 must ensure that when a pupil is suspended for more than five consecutive school days,
26.28 alternative education services are provided.

26.29 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

27.1 Sec. 17. Minnesota Statutes 2018, section 121A.46, is amended by adding a subdivision
27.2 to read:

27.3 Subd. 6. **Minimum education services.** School officials must give a suspended pupil
27.4 a reasonable opportunity to complete all school work assigned during the pupil's suspension
27.5 and to receive full credit for satisfactorily completing the assignments. The school principal
27.6 or other person having administrative control of the school building or program is encouraged
27.7 to designate a district or school employee as a liaison to work with the pupil's teachers to
27.8 allow the suspended pupil to (1) receive timely course materials and other information, and
27.9 (2) complete daily and weekly assignments and receive teachers' feedback. Nothing in this
27.10 subdivision limits the teacher's authority to assign alternative work for the completion of
27.11 assignments during a suspension.

27.12 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

27.13 Sec. 18. Minnesota Statutes 2018, section 121A.47, subdivision 2, is amended to read:

27.14 Subd. 2. **Written notice.** Written notice of intent to take action ~~shall~~ must:

27.15 ~~(a)~~ (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;

27.16 ~~(b)~~ (2) contain a complete statement of the facts, a list of the witnesses and a description
27.17 of their testimony;

27.18 ~~(c)~~ (3) state the date, time, and place of the hearing;

27.19 ~~(d)~~ (4) be accompanied by a copy of sections 121A.40 to 121A.56;

27.20 ~~(e)~~ (5) describe ~~alternative educational services~~ the nonexclusionary disciplinary policies
27.21 and practices accorded the pupil in an attempt to avoid the expulsion proceedings; and

27.22 ~~(f)~~ (6) inform the pupil and parent or guardian of the right to:

27.23 ~~(1)~~ (i) have a representative of the pupil's own choosing, including legal counsel, at the
27.24 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost
27.25 legal assistance may be available and that a legal assistance resource list is available from
27.26 the Department of Education and is posted on its website;

27.27 ~~(2)~~ (ii) examine the pupil's records before the hearing;

27.28 ~~(3)~~ (iii) present evidence; and

27.29 ~~(4)~~ (iv) confront and cross-examine witnesses.

27.30 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

28.1 Sec. 19. Minnesota Statutes 2018, section 121A.47, subdivision 14, is amended to read:

28.2 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare
28.3 and enforce an admission or readmission plan for any pupil who is excluded or expelled
28.4 from school. The plan ~~may include~~ must address measures to improve the pupil's behavior;
28.5 ~~including and may include~~ completing a character education program, consistent with section
28.6 120B.232, subdivision 1, ~~and social and emotional learning, counseling, social work services,~~
28.7 mental health services, referrals for special education or 504 evaluation, and evidence-based
28.8 academic interventions. The plan must require parental involvement in the admission or
28.9 readmission process, and may indicate the consequences to the pupil of not improving the
28.10 pupil's behavior.

28.11 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply
28.12 to a student's dismissal from school for one school day or less, except as provided under
28.13 federal law for a student with a disability. Each suspension action may include a readmission
28.14 plan. A readmission plan must provide, where appropriate, alternative education services,
28.15 which must not be used to extend the student's current suspension period. Consistent with
28.16 section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian
28.17 to provide psychotropic drugs to their student as a condition of readmission. School officials
28.18 must not use the refusal of a parent or guardian to consent to the administration of
28.19 psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or
28.20 examination of the student as a ground, by itself, to prohibit the student from attending class
28.21 or participating in a school-related activity, or as a basis of a charge of child abuse, child
28.22 neglect or medical or educational neglect.

28.23 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

28.24 Sec. 20. Minnesota Statutes 2018, section 121A.53, subdivision 1, is amended to read:

28.25 Subdivision 1. **Exclusions and expulsions; student withdrawals; physical**
28.26 **assaults.** Consistent with subdivision 2, the school board must report through the department
28.27 electronic reporting system each exclusion or expulsion ~~and,~~ each physical assault of a
28.28 district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days
28.29 of the effective date of the dismissal action, pupil withdrawal, or assault to the commissioner
28.30 of education. This report must include a statement of ~~alternative educational services~~
28.31 nonexclusionary disciplinary policies and practices, or other sanction, intervention, or
28.32 resolution in response to the assault given the pupil and the reason for, the effective date,
28.33 and the duration of the exclusion or expulsion or other sanction, intervention, or resolution.

29.1 The report must also include the ~~student's~~ pupil's age, grade, gender, race, and special
29.2 education status.

29.3 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

29.4 Sec. 21. Minnesota Statutes 2018, section 121A.55, is amended to read:

29.5 **121A.55 POLICIES TO BE ESTABLISHED.**

29.6 (a) The commissioner of education shall promulgate guidelines to assist each school
29.7 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written
29.8 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
29.9 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section
29.10 121A.41, subdivision 12, and emphasize preventing dismissals through early detection of
29.11 problems and shall. The policies must be designed to address students' inappropriate behavior
29.12 from recurring.

29.13 (b) The policies shall recognize the continuing responsibility of the school for the
29.14 education of the pupil during the dismissal period. The school is responsible for ensuring
29.15 that the alternative educational services, if provided to the pupil ~~wishes to take advantage~~
29.16 ~~of them, must be~~ are adequate to allow the pupil to make progress ~~towards~~ toward meeting
29.17 the graduation standards adopted under section 120B.02 ~~and~~, help prepare the pupil for
29.18 readmission, and are consistent with section 121A.46, subdivision 6.

29.19 (c) For expulsion and exclusion dismissals, as well as pupil withdrawal agreements as
29.20 defined in section 121A.41, subdivision 13:

29.21 (1) the school district's continuing responsibility includes reviewing the pupil's school
29.22 work and grades on a quarterly basis to ensure the pupil is on track for readmission with
29.23 the pupil's peers. School districts must communicate on a regular basis with the pupil's
29.24 parent or guardian to ensure the pupil is completing the work assigned through the alternative
29.25 educational services;

29.26 (2) if school-linked mental health services are provided in the district under section
29.27 245.4889, pupils continue to be eligible for those services until they are enrolled in a new
29.28 district; and

29.29 (3) the school district must provide to the pupil's parent or guardian a list of mental
29.30 health and counseling services that offer free or sliding fee services. The list must also be
29.31 posted on the district's website.

30.1 ~~(b)~~ (d) An area learning center under section 123A.05 may not prohibit an expelled or
 30.2 excluded pupil from enrolling solely because a district expelled or excluded the pupil. The
 30.3 board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to
 30.4 exclude a pupil or to require an admission plan.

30.5 ~~(e)~~ (e) Each school district shall develop a policy and report it to the commissioner on
 30.6 the appropriate use of peace officers and crisis teams to remove students who have an
 30.7 individualized education program from school grounds.

30.8 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

30.9 Sec. 22. **[121A.80] STUDENT JOURNALISM; STUDENT EXPRESSION.**

30.10 **Subdivision 1. Definitions.** (a) For purposes of this section, the terms defined in this
 30.11 subdivision have the meanings given them.

30.12 (b) "School-sponsored media" means material that is:

30.13 (1) prepared, wholly or substantially written, published, broadcast, or otherwise
 30.14 disseminated by a student journalist enrolled in a school district or charter school;

30.15 (2) distributed or generally made available to students in the school; and

30.16 (3) prepared by a student journalist under the supervision of a student media adviser.

30.17 School-sponsored media does not include material prepared solely for distribution or
 30.18 transmission in the classroom in which the material is produced.

30.19 (c) "School official" means a school principal under section 123B.147 or other person
 30.20 having administrative control or supervision of a school.

30.21 (d) "Student journalist" means a school district or charter school student in grades 6
 30.22 through 12 who gathers, compiles, writes, edits, photographs, records, or otherwise prepares
 30.23 information for dissemination in school-sponsored media.

30.24 (e) "Student media adviser" means a person a school district or charter school employs,
 30.25 appoints, or designates to supervise student journalists or provide instruction relating to
 30.26 school-sponsored media.

30.27 **Subd. 2. Student journalists; protected conduct.** (a) Except as provided in subdivision
 30.28 3, a student journalist has the right to exercise freedom of speech and freedom of the press
 30.29 in school-sponsored media regardless of whether the school-sponsored media receives
 30.30 financial support from the school or district, uses school equipment or facilities in its
 30.31 production, or is produced as part of a class or course in which the student journalist is

31.1 enrolled. Consistent with subdivision 3, a student journalist has the right to determine the
 31.2 news, opinion, feature, and advertising content of school-sponsored media. A school district
 31.3 or charter school must not discipline a student journalist for exercising rights or freedoms
 31.4 under this paragraph or the First Amendment of the United States Constitution.

31.5 (b) A school district or charter school must not retaliate or take adverse employment
 31.6 action against a student media adviser for supporting a student journalist exercising rights
 31.7 or freedoms under paragraph (a) or the First Amendment of the United States Constitution.

31.8 (c) Notwithstanding the rights or freedoms of this subdivision or the First Amendment
 31.9 of the United States Constitution, nothing in this section inhibits a student media adviser
 31.10 from teaching professional standards of English and journalism to student journalists.

31.11 Subd. 3. **Unprotected expression.** (a) This section does not authorize or protect student
 31.12 expression that: (1) is defamatory; (2) is profane, harassing, threatening, or intimidating;
 31.13 (3) constitutes an unwarranted invasion of privacy; (4) violates federal or state law; (5)
 31.14 causes a material and substantial disruption of school activities; or (6) is directed to inciting
 31.15 or producing imminent lawless action on school premises or the violation of lawful school
 31.16 policies or rules, including a policy adopted in accordance with section 121A.03 or 121A.031.

31.17 (b) A school or district must not authorize any prior restraint of school-sponsored media
 31.18 except under paragraph (a).

31.19 Subd. 4. **Student journalist policy.** School districts and charter schools must adopt and
 31.20 post a student journalist policy consistent with this section.

31.21 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

31.22 Sec. 23. Minnesota Statutes 2018, section 124D.02, subdivision 1, is amended to read:

31.23 Subdivision 1. **Kindergarten instruction.** (a) The board ~~may establish and maintain~~
 31.24 ~~one or more kindergartens for the instruction of children and after July 1, 1974, shall~~ must
 31.25 provide kindergarten instruction for free of charge to all eligible children, either in the
 31.26 ~~district or in another district. All children to be eligible for kindergarten must be~~ A child is
 31.27 eligible for kindergarten if the child is at least five years of age on September 1 of the
 31.28 calendar year in which the school year commences. ~~In addition all children selected, or is~~
 31.29 admitted under an early admissions policy established by the school board ~~may be admitted.~~

31.30 (b) If established, a board-adopted early admissions policy must describe the process
 31.31 and procedures for comprehensive evaluation in cognitive, social, and emotional
 31.32 developmental domains to help determine the child's ability to meet kindergarten grade
 31.33 expectations and progress to first grade in the subsequent year. The comprehensive evaluation

32.1 must use valid and reliable instrumentation, be aligned with state kindergarten expectations,
32.2 and include a parent report and teacher observations of the child's knowledge, skills, and
32.3 abilities. The early admissions policy must be made available to parents in an accessible
32.4 format and is subject to review by the commissioner of education. The evaluation is subject
32.5 to section 127A.41.

32.6 (c) Nothing in this section shall prohibit a school district from establishing Head Start,
32.7 prekindergarten, or nursery school classes for children below kindergarten age. Any school
32.8 board with evidence that providing kindergarten will cause an extraordinary hardship on
32.9 the school district may apply to the commissioner of education for an exception.

32.10 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

32.11 Sec. 24. Minnesota Statutes 2018, section 124D.09, subdivision 3, is amended to read:

32.12 Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings
32.13 given to them.

32.14 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,
32.15 nonprofit two-year trade and technical school granting associate degrees, an opportunities
32.16 industrialization center accredited by ~~the North Central Association of Colleges and Schools~~
32.17 a United States Department of Education recognized accrediting agency, or a private,
32.18 residential, two-year or four-year, liberal arts, degree-granting college or university located
32.19 in Minnesota.

32.20 (b) "Course" means a course or program.

32.21 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under
32.22 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by
32.23 a secondary teacher or a postsecondary faculty member, and are offered at a high school
32.24 for which the district is eligible to receive concurrent enrollment program aid under section
32.25 124D.091.

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

32.27 Sec. 25. Minnesota Statutes 2018, section 124D.165, subdivision 2, is amended to read:

32.28 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,
32.29 parents or guardians must meet the following eligibility requirements:

32.30 (1) have an eligible child; and

33.1 (2) have income equal to or less than 185 percent of federal poverty level income in the
33.2 current calendar year, or be able to document their child's current participation in the free
33.3 and reduced-price lunch program or Child and Adult Care Food Program, National School
33.4 Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution
33.5 Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections
33.6 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act
33.7 of 2007; Minnesota family investment program under chapter 256J; child care assistance
33.8 programs under chapter 119B; the supplemental nutrition assistance program; or placement
33.9 in foster care under section 260C.212. Parents or guardians are not required to provide
33.10 income verification under this clause if the child is an eligible child under paragraph (b),
33.11 clause (4) or (5).

33.12 (b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

33.13 (1) at least three but not yet five years of age on September 1 of the current school year;

33.14 (2) a sibling from birth to age five of a child who has been awarded a scholarship under
33.15 this section provided the sibling attends the same program as long as funds are available;

33.16 (3) the child of a parent under age 21 who is pursuing a high school degree or a course
33.17 of study for a high school equivalency test; ~~or~~

33.18 ~~(4) homeless, in foster care, or in need of child protective services.~~

33.19 (4) a child in need of protective services or in foster care as defined under section
33.20 260C.007; or

33.21 (5) designated as homeless under the federal McKinney-Vento Homeless Assistance
33.22 Act, United States Code, title 42, section 11434a.

33.23 (c) A child who has received a scholarship under this section must continue to receive
33.24 a scholarship each year until that child is eligible for kindergarten under section 120A.20
33.25 and as long as funds are available.

33.26 (d) Early learning scholarships may not be counted as earned income for the purposes
33.27 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota
33.28 family investment program under chapter 256J, child care assistance programs under chapter
33.29 119B, or Head Start under the federal Improving Head Start for School Readiness Act of
33.30 2007.

33.31 (e) A child from an adjoining state whose family resides at a Minnesota address as
33.32 assigned by the United States Postal Service, who has received developmental screening
33.33 under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district,

34.1 and whose family meets the criteria of paragraph (a) is eligible for an early learning
34.2 scholarship under this section.

34.3 Sec. 26. Minnesota Statutes 2018, section 124D.34, subdivision 2, is amended to read:

34.4 Subd. 2. **Creation of foundation.** There is created the Minnesota Foundation for Student
34.5 Organizations. The purpose of the foundation is to promote ~~vocational~~ career and technical
34.6 student organizations and applied leadership opportunities in Minnesota public and nonpublic
34.7 schools through public-private partnerships. The foundation is a nonprofit organization.
34.8 The board of directors of the foundation and activities of the foundation are under the
34.9 direction of the commissioner of education.

34.10 Sec. 27. Minnesota Statutes 2018, section 124D.34, subdivision 3, is amended to read:

34.11 Subd. 3. **Board of directors.** The board of directors of the Minnesota Foundation for
34.12 Student Organizations consists of:

34.13 (1) seven members appointed by the board of directors of the ~~school-to-work~~ career and
34.14 technical student organizations and chosen so that each represents one of the following
34.15 career areas: agriculture, family and consumer sciences, service occupations, health
34.16 occupations, marketing, business, and technical/industrial;

34.17 (2) seven members from business, industry, and labor appointed by the governor to
34.18 staggered terms and chosen so that each represents one of the following career areas:
34.19 agriculture, family and consumer sciences, service occupations, health occupations,
34.20 marketing, business, and technical/industrial;

34.21 (3) five students or alumni of ~~school-to-work~~ career and technical student organizations
34.22 representing diverse career areas, three from secondary student organizations, and two from
34.23 postsecondary student organizations. The students or alumni shall be appointed by the
34.24 criteria and process agreed upon by the executive directors of the ~~student-to-work~~ career
34.25 and technical organizations; and

34.26 (4) four members from education appointed by the governor to staggered terms and
34.27 chosen so that each represents one of the following groups: school district level
34.28 administrators, secondary school administrators, middle school administrators, and
34.29 postsecondary administrators.

34.30 Executive directors of ~~vocational~~ career and technical education student organizations
34.31 are ex officio, nonvoting members of the board.

35.1 Sec. 28. Minnesota Statutes 2018, section 124D.34, subdivision 4, is amended to read:

35.2 Subd. 4. **Foundation programs.** The foundation shall advance applied leadership and
35.3 intracurricular ~~vocational~~ career and technical learning experiences for students. These may
35.4 include, but are not limited to:

35.5 (1) recognition programs and awards for students demonstrating excellence in applied
35.6 leadership;

35.7 (2) summer programs for student leadership, career development, applied academics,
35.8 and mentorship programs with business and industry;

35.9 (3) recognition programs for teachers, administrators, and others who make outstanding
35.10 contributions to ~~school-to-work~~ career and technical programs;

35.11 (4) outreach programs to increase the involvement of urban and suburban students;

35.12 (5) organized challenges requiring cooperation and competition for secondary and
35.13 postsecondary students;

35.14 (6) assistance and training to community teams to increase career awareness and
35.15 empowerment of youth as community leaders; and

35.16 (7) assessment and activities in order to plan for and implement continuous improvement.

35.17 To the extent possible, the foundation shall make these programs available to students
35.18 in all parts of the state.

35.19 Sec. 29. Minnesota Statutes 2018, section 124D.34, subdivision 5, is amended to read:

35.20 Subd. 5. **Powers and duties.** The foundation may:

35.21 (1) identify and plan common goals and priorities for the various ~~school-to-work~~ career
35.22 and technical student organizations in Minnesota;

35.23 (2) publish brochures or booklets relating to the purposes of the foundation and collect
35.24 reasonable fees for the publications;

35.25 (3) seek and receive public and private money, grants, and in-kind services and goods
35.26 from nonstate sources for the purposes of the foundation, without complying with section
35.27 16A.013, subdivision 1;

35.28 (4) contract with consultants on behalf of the ~~school-to-work~~ career and technical student
35.29 organizations;

36.1 (5) plan, implement, and expend money for awards and other forms of recognition for
36.2 ~~school-to-work~~ career and technical student programs; and

36.3 (6) identifying an appropriate name for the foundation.

36.4 Sec. 30. Minnesota Statutes 2018, section 124D.34, subdivision 8, is amended to read:

36.5 Subd. 8. **Public funding.** The state shall identify and secure appropriate funding for the
36.6 basic staffing of the foundation and individual student ~~school-to-work~~ career and technical
36.7 student organizations at the state level.

36.8 Sec. 31. Minnesota Statutes 2018, section 124D.34, subdivision 12, is amended to read:

36.9 Subd. 12. **Student organizations.** Individual boards of ~~vocational~~ career and technical
36.10 education student organizations shall continue their operations in accordance with section
36.11 124D.355 and applicable federal law.

36.12 Sec. 32. Minnesota Statutes 2018, section 124D.78, subdivision 2, is amended to read:

36.13 Subd. 2. **Resolution of concurrence.** Prior to March 1, the school board or American
36.14 Indian school must submit to the department a copy of a resolution adopted by the American
36.15 Indian education parent advisory committee. The copy must be signed by the chair of the
36.16 committee and must state whether the committee concurs with the educational programs
36.17 for American Indian students offered by the school board or American Indian school. If the
36.18 committee does not concur with the educational programs, the reasons for nonconcurrence
36.19 and recommendations shall be submitted directly to the school board with the resolution.
36.20 By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence,
36.21 to each recommendation made by the committee and state its reasons for not implementing
36.22 the recommendations.

36.23 Sec. 33. Minnesota Statutes 2018, section 124E.13, subdivision 3, is amended to read:

36.24 Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building
36.25 corporation may purchase, expand, or renovate an existing facility to serve as a school or
36.26 may construct a new school facility. An affiliated nonprofit building corporation may only
36.27 serve one charter school. A charter school may organize an affiliated nonprofit building
36.28 corporation if the charter school:

36.29 (1) has operated for at least six consecutive years;

37.1 (2) as of June 30, has a net positive unreserved general fund balance in the preceding
37.2 three fiscal years;

37.3 (3) has long-range strategic and financial plans that include enrollment projections for
37.4 at least five years;

37.5 (4) completes a feasibility study of facility options that outlines the benefits and costs
37.6 of each option; and

37.7 (5) has a plan that describes project parameters and budget.

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

37.9 (1) be incorporated under section 317A;

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

37.12 (3) post on the school website the name, mailing address, bylaws, minutes of board
37.13 meetings, and names of the current board of directors of the affiliated nonprofit building
37.14 corporation;

37.15 (4) submit to the commissioner a copy of its annual audit by December 31 of each year;
37.16 and

37.17 (5) comply with government data practices law under chapter 13.

37.18 (c) An affiliated nonprofit building corporation must not serve as the leasing agent for
37.19 property or facilities it does not own. A charter school that leases a facility from an affiliated
37.20 nonprofit building corporation that does not own the leased facility is ineligible to receive
37.21 charter school lease aid. The state is immune from liability resulting from a contract between
37.22 a charter school and an affiliated nonprofit building corporation.

37.23 (d) The board of directors of the charter school must ensure the affiliated nonprofit
37.24 building corporation complies with all applicable legal requirements. The charter school's
37.25 authorizer must oversee the efforts of the board of directors of the charter school to ensure
37.26 legal compliance of the affiliated building corporation. A school's board of directors that
37.27 fails to ensure the affiliated nonprofit building corporation's compliance violates its
37.28 responsibilities and an authorizer must consider that failure when evaluating the charter
37.29 school.

ARTICLE 3**TEACHERS****Section 1. [120B.117] INCREASING THE PERCENTAGE OF TEACHERS OF COLOR AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

Subdivision 1. **Purpose.** In order to address students' and families' persistent inequitable access to diverse teachers, this section sets short-term and long-term state goals for increasing the percentage of teachers of color and American Indian teachers in Minnesota toward ensuring all students have equitable access to effective and diverse teachers who reflect the diversity of students. The goals and report required under this section are also important for meeting state goals for the world's best workforce under section 120B.11, achievement and integration under section 124D.861, and higher education attainment under section 135A.012, all of which have been established to close persistent opportunity and achievement gaps that limit students' success in school and life and impede the state's economic growth.

Subd. 2. **Equitable access to diverse teachers.** The percentage of teachers who are of color or American Indian in Minnesota should increase at least two percentage points per year to have a teaching workforce that more closely reflects the state's increasingly diverse student population and ensure all students have equitable access to effective and diverse teachers by 2040.

Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion of any other goals and does not confer a right or create a claim for any person.

Subd. 4. **Reporting.** Beginning in 2019 and every odd-numbered year thereafter, the Professional Educator Licensing and Standards Board must collaborate with the Department of Education and the Office of Higher Education to collate and summarize reports from the programs they each administer and any other programs receiving state appropriations that have or include an explicit purpose of increasing the racial and ethnic diversity of the state's teacher workforce to more closely reflect the diversity of students. The report must include programs under sections 122A.2451, 122A.59, 122A.63, 122A.70, 124D.09, 124D.861, 136A.1275, and 136A.1791, along with any other programs or initiatives that receive state appropriations to address the shortage of teachers of color and American Indian teachers. The board must report on the effectiveness of state-funded programs to increase the recruitment, preparation, licensing, hiring, and retention of racially and ethnically diverse teachers and the state's progress toward meeting or exceeding the goals of this section. The report must also include recommendations for state policy and funding needed to achieve the goals of this section, as well as plans for sharing the report and activities of grant

39.1 recipients, and opportunities among grant recipients of various programs to share effective
39.2 practices with each other. The 2019 report must include a recommendation of whether or
39.3 not a state advisory council should be established to address the shortage of racially and
39.4 ethnically diverse teachers and what the composition and charge of such an advisory council
39.5 would be if established. The board must consult with the state Indian Affairs and ethnic
39.6 councils along with other community and stakeholder groups, including students of color,
39.7 in developing the report. By October 1 of each odd-numbered year, the board must submit
39.8 the report to the chairs and ranking minority members of the legislative committees with
39.9 jurisdiction over education and higher education policy and finance. The report must be
39.10 available to the public on the board's website.

39.11 Sec. 2. Minnesota Statutes 2018, section 122A.06, subdivision 2, is amended to read:

39.12 Subd. 2. **Teacher.** "Teacher" means a classroom teacher or other similar professional
39.13 employee required to hold a license or permission from the Professional Educator Licensing
39.14 and Standards Board.

39.15 Sec. 3. Minnesota Statutes 2018, section 122A.06, subdivision 5, is amended to read:

39.16 Subd. 5. **Field.** A "field," "licensure area," or "subject area" means the content area in
39.17 which a teacher may become licensed to teach.

39.18 Sec. 4. Minnesota Statutes 2018, section 122A.06, subdivision 7, is amended to read:

39.19 Subd. 7. **Teacher preparation program.** "Teacher preparation program" means a
39.20 program approved by the Professional Educator Licensing and Standards Board for the
39.21 purpose of preparing individuals for a specific teacher licensure field in Minnesota. ~~Teacher~~
39.22 ~~preparation programs include traditional programs delivered by postsecondary institutions,~~
39.23 ~~alternative teacher preparation programs, and nonconventional teacher preparation programs.~~

39.24 Sec. 5. Minnesota Statutes 2018, section 122A.06, subdivision 8, is amended to read:

39.25 Subd. 8. **Teacher preparation program provider.** "Teacher preparation program
39.26 provider" or "unit" means an entity that has primary responsibility for overseeing and
39.27 delivering a teacher preparation program. Teacher preparation program providers include
39.28 postsecondary institutions and alternative teacher preparation providers aligned to section
39.29 122A.2451.

40.1 Sec. 6. Minnesota Statutes 2018, section 122A.07, subdivision 1, is amended to read:

40.2 Subdivision 1. **Appointment of members.** The Professional Educator Licensing and
40.3 Standards Board consists of ~~11~~ 14 members appointed by the governor, with the advice and
40.4 consent of the senate. Membership terms, compensation of members, removal of members,
40.5 the filling of membership vacancies, and fiscal year and reporting requirements are as
40.6 provided in sections 214.07 to 214.09. No member may be reappointed for more than one
40.7 additional term.

40.8 Sec. 7. Minnesota Statutes 2018, section 122A.07, subdivision 2, is amended to read:

40.9 Subd. 2. **Eligibility; board composition.** Each nominee, other than a public nominee,
40.10 must be selected on the basis of professional experience and knowledge of teacher education,
40.11 accreditation, and licensure. The board must be composed of:

40.12 (1) ~~six~~ eight teachers who are currently teaching in a Minnesota school or who were
40.13 teaching at the time of the appointment, have at least five years of teaching experience, and
40.14 were not serving in an administrative function at a school district or school when appointed.
40.15 The ~~six~~ eight teachers must include the following:

40.16 (i) one teacher in a charter school;

40.17 (ii) one teacher from the seven-county metropolitan area, as defined in section 473.121,
40.18 subdivision 2;

40.19 (iii) one teacher from outside the seven-county metropolitan area;

40.20 (iv) one teacher from a related service category licensed by the board;

40.21 (v) one special education teacher; and

40.22 (vi) three teachers that represent current or emerging trends in education;

40.23 ~~(vi)~~ (2) one teacher from educator currently teaching in a Minnesota-approved teacher
40.24 preparation program; who has previously taught for at least five years in a birth through
40.25 grade 12 setting;

40.26 ~~(2)~~ (3) one superintendent that alternates each term between a superintendent from the
40.27 seven-county metropolitan area, as defined in section 473.121, subdivision 2, and a
40.28 superintendent from outside the metropolitan area;

40.29 ~~(3)~~ (4) one school district human resources director;

41.1 ~~(4)~~ (5) one administrator of a cooperative unit under section 123A.24, subdivision 2,
 41.2 who oversees a special education program and who has previously taught for at least five
 41.3 years in a birth through grade 12 setting;

41.4 ~~(5)~~ (6) one principal that alternates each term between an elementary and a secondary
 41.5 school principal; and

41.6 ~~(6)~~ (7) one member of the public that may be a current or former school board member.

41.7 Sec. 8. Minnesota Statutes 2018, section 122A.07, subdivision 4a, is amended to read:

41.8 Subd. 4a. **Administration.** (a) The executive director of the board ~~shall~~ must be the
 41.9 chief administrative officer for the board but ~~shall~~ must not be a member of the board. The
 41.10 executive director ~~shall~~ must maintain the records of the board, account for all fees received
 41.11 by the board, supervise and direct employees servicing the board, and perform other services
 41.12 as directed by the board.

41.13 (b) The Department of Administration must provide administrative support in accordance
 41.14 with section 16B.371. The commissioner of administration must assess the board for services
 41.15 it provides under this section.

41.16 ~~(c) The Department of Education must provide suitable offices and other space to the~~
 41.17 ~~board at reasonable cost until January 1, 2020. Thereafter, the board may contract with~~
 41.18 ~~either the Department of Education or the Department of Administration for the provision~~
 41.19 ~~of suitable offices and other space, joint conference and hearing facilities, and examination~~
 41.20 ~~rooms.~~

41.21 Sec. 9. Minnesota Statutes 2018, section 122A.07, is amended by adding a subdivision to
 41.22 read:

41.23 Subd. 6. **Public employer compensation reduction prohibited.** The public employer
 41.24 of a member must not reduce the member's compensation or benefits for the member's
 41.25 absence from employment when engaging in the business of the board.

41.26 Sec. 10. Minnesota Statutes 2018, section 122A.09, subdivision 9, is amended to read:

41.27 Subd. 9. **Professional Educator Licensing and Standards Board must adopt rules.** (a)
 41.28 The Professional Educator Licensing and Standards Board must adopt rules subject to the
 41.29 provisions of chapter 14 to implement sections 120B.363, 122A.05 to 122A.09, 122A.092,
 41.30 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.183, 122A.184, 122A.185,

42.1 122A.187, 122A.188, 122A.20, 122A.21, 122A.23, 122A.2451, 122A.26, 122A.28, and
42.2 122A.29.

42.3 (b) The board must adopt rules relating to fields of licensure, including a process for
42.4 granting permission to a licensed teacher to teach in a field that is different from the teacher's
42.5 field of licensure without change to the teacher's license tier level.

42.6 (c) The board must adopt rules relating to the grade levels that a licensed teacher may
42.7 teach.

42.8 (d) If a rule adopted by the board is in conflict with a session law or statute, the law or
42.9 statute prevails. Terms adopted in rule must be clearly defined and must not be construed
42.10 to conflict with terms adopted in statute or session law.

42.11 (e) The board must include a description of a proposed rule's probable effect on teacher
42.12 supply and demand in the board's statement of need and reasonableness under section 14.131.

42.13 (f) The board must adopt rules only under the specific statutory authority.

42.14 Sec. 11. Minnesota Statutes 2018, section 122A.091, subdivision 1, is amended to read:

42.15 Subdivision 1. **Teacher and administrator preparation and performance data;**
42.16 **report.** (a) The Professional Educator Licensing and Standards Board and the Board of
42.17 School Administrators, in cooperation with board-adopted teacher or administrator
42.18 preparation programs, annually must collect and report summary data on teacher and
42.19 administrator preparation and performance outcomes, consistent with this subdivision. The
42.20 Professional Educator Licensing and Standards Board and the Board of School Administrators
42.21 annually by June 1 must update and post the reported summary preparation and performance
42.22 data on teachers and administrators from the preceding school years on a website hosted
42.23 jointly by the boards.

42.24 (b) Publicly reported summary data on teacher preparation programs must include:

42.25 (1) student entrance requirements for each Professional Educator Licensing and Standards
42.26 Board-approved program, including grade point average for enrolling students in the
42.27 preceding year;

42.28 (2) the average board-adopted skills examination or ACT or SAT scores of students
42.29 entering the program in the preceding year;

42.30 (3) summary data on faculty qualifications, including at least the content areas of faculty
42.31 undergraduate and graduate degrees and their years of experience either as kindergarten
42.32 through grade 12 classroom teachers or school administrators;

43.1 (4) the average time resident and nonresident program graduates in the preceding year
43.2 needed to complete the program;

43.3 (5) the current number and percentage of students by program who graduated, received
43.4 a standard Minnesota teaching license, and were hired to teach full time in their licensure
43.5 field in a Minnesota district or school in the preceding year disaggregated by race, except
43.6 when disaggregation would not yield statistically reliable results or would reveal personally
43.7 identifiable information about an individual;

43.8 (6) the number of content area credits and other credits by undergraduate program that
43.9 students in the preceding school year needed to complete to graduate;

43.10 (7) students' pass rates on skills and subject matter exams required for graduation in
43.11 each program and licensure area in the preceding school year;

43.12 (8) survey results measuring student and ~~graduate~~ program completer satisfaction with
43.13 the program in the preceding school year disaggregated by race, except when disaggregation
43.14 would not yield statistically reliable results or would reveal personally identifiable
43.15 information about an individual;

43.16 (9) a standard measure of the satisfaction of school principals or supervising teachers
43.17 with the ~~student teachers~~ program completer assigned to a school or supervising teacher;
43.18 and

43.19 (10) information under subdivision 3, paragraphs (a) and (b).

43.20 Program reporting must be consistent with subdivision 2.

43.21 (c) Publicly reported summary data on administrator preparation programs approved by
43.22 the Board of School Administrators must include:

43.23 (1) summary data on faculty qualifications, including at least the content areas of faculty
43.24 undergraduate and graduate degrees and the years of experience either as kindergarten
43.25 through grade 12 classroom teachers or school administrators;

43.26 (2) the average time program graduates in the preceding year needed to complete the
43.27 program;

43.28 (3) the current number and percentage of students who graduated, received a standard
43.29 Minnesota administrator license, and were employed as an administrator in a Minnesota
43.30 school district or school in the preceding year disaggregated by race, except when
43.31 disaggregation would not yield statistically reliable results or would reveal personally
43.32 identifiable information about an individual;

44.1 (4) the number of credits by graduate program that students in the preceding school year
44.2 needed to complete to graduate;

44.3 (5) survey results measuring student, graduate, and employer satisfaction with the
44.4 program in the preceding school year disaggregated by race, except when disaggregation
44.5 would not yield statistically reliable results or would reveal personally identifiable
44.6 information about an individual; and

44.7 (6) information under subdivision 3, paragraphs (c) and (d).

44.8 Program reporting must be consistent with section 122A.14, subdivision 10.

44.9 Sec. 12. Minnesota Statutes 2018, section 122A.092, subdivision 5, is amended to read:

44.10 Subd. 5. **Reading strategies.** (a) All ~~colleges and universities~~ preparation providers
44.11 approved by the Professional Educator Licensing and Standards Board to prepare persons
44.12 for classroom teacher licensure must include in their teacher preparation programs
44.13 research-based best practices in reading, consistent with section 122A.06, subdivision 4,
44.14 that enables the licensure candidate to teach reading in the candidate's content areas. Teacher
44.15 candidates must be instructed in using students' native languages as a resource in creating
44.16 effective differentiated instructional strategies for English learners developing literacy skills.
44.17 These colleges and universities also must prepare early childhood and elementary teacher
44.18 candidates for Tier 3 and Tier 4 teaching licenses under sections 122A.183 and 122A.184,
44.19 respectively, for the portion of the examination under section 122A.185, subdivision 1,
44.20 paragraph (c), covering assessment of reading instruction.

44.21 (b) Board-approved teacher preparation programs for teachers of elementary education
44.22 must require instruction in applying comprehensive, scientifically based, and balanced
44.23 reading instruction programs that:

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

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

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

45.1 Sec. 13. Minnesota Statutes 2018, section 122A.092, subdivision 6, is amended to read:

45.2 Subd. 6. **Technology strategies.** All ~~colleges and universities~~ preparation providers
45.3 approved by the Professional Educator Licensing and Standards Board to prepare persons
45.4 for classroom teacher licensure must include in their teacher preparation programs the
45.5 knowledge and skills teacher candidates need to engage students with technology and deliver
45.6 digital and blended learning and curriculum.

45.7 Sec. 14. Minnesota Statutes 2018, section 122A.17, is amended to read:

45.8 **122A.17 VALIDITY OF CERTIFICATES OR LICENSES.**

45.9 (a) A rule adopted by the Board of Teaching or the Professional Educator Licensing and
45.10 Standards Board must not affect the validity of certificates or licenses to teach in effect on
45.11 July 1, 1974, or the rights and privileges of the holders thereof, except that any such
45.12 certificate or license may be suspended or revoked for any of the causes and by the procedures
45.13 specified by law.

45.14 (b) ~~All teacher licenses in effect on January 1, 2018, shall remain valid for one additional~~
45.15 ~~year after the date the license is scheduled to expire.~~

45.16 Sec. 15. Minnesota Statutes 2018, section 122A.175, subdivision 2, is amended to read:

45.17 Subd. 2. **Background check account.** An educator licensure background check account
45.18 is created in the special revenue fund. ~~The Department of Education, the Professional~~
45.19 ~~Educator Licensing and Standards Board, and the Board of School Administrators must~~
45.20 ~~deposit all payments submitted by license applicants for criminal background checks~~
45.21 ~~conducted by the Bureau of Criminal Apprehension in the educator licensure background~~
45.22 ~~check account. Amounts in the account are annually appropriated to the commissioner of~~
45.23 ~~education for payment to the superintendent of the Bureau of Criminal Apprehension~~
45.24 Professional Educator Licensing and Standards Board for the costs of background checks
45.25 on applicants for licensure.

45.26 Sec. 16. Minnesota Statutes 2018, section 122A.18, subdivision 7c, is amended to read:

45.27 Subd. 7c. **Temporary military license.** The Professional Educator Licensing and
45.28 Standards Board shall establish a temporary license in accordance with section 197.4552
45.29 for teaching. The fee for a temporary license under this subdivision shall be ~~\$87.90 for an~~
45.30 ~~online application or \$86.40 for a paper application~~ \$57. The board must provide candidates
45.31 for a license under this subdivision with information regarding the tiered licensure system
45.32 provided in sections 122A.18 to 122A.184.

46.1 Sec. 17. Minnesota Statutes 2018, section 122A.18, subdivision 8, is amended to read:

46.2 Subd. 8. **Background checks.** (a) The Professional Educator Licensing and Standards
46.3 Board and the Board of School Administrators must ~~request~~ obtain a criminal history
46.4 background check ~~from the superintendent of the Bureau of Criminal Apprehension~~ on all
46.5 first-time teaching applicants for licenses under their jurisdiction. Applicants must include
46.6 with their licensure applications:

46.7 (1) an executed criminal history consent form, including fingerprints; and

46.8 (2) ~~a money order or cashier's check payable to the Bureau of Criminal Apprehension~~
46.9 ~~for the fee for conducting the criminal history~~ payment to conduct the background check.

46.10 (b) ~~The superintendent of~~ background check for all first-time teaching applicants for
46.11 licenses must include a review of information from the Bureau of Criminal Apprehension
46.12 ~~shall perform the background check required under paragraph (a) by retrieving, including~~
46.13 criminal history data as defined in section 13.87₂ and ~~shall~~ must also ~~conduct a search~~ include
46.14 a review of the national criminal records repository. The superintendent of the Bureau of
46.15 Criminal Apprehension is authorized to exchange fingerprints with the Federal Bureau of
46.16 Investigation for purposes of the criminal history check. The superintendent shall recover
46.17 the cost to the bureau of a background check through the fee charged to the applicant under
46.18 paragraph (a).

46.19 ~~(e) The Professional Educator Licensing and Standards Board or the Board of School~~
46.20 ~~Administrators may issue a license pending completion of a background check under this~~
46.21 ~~subdivision, but must notify the individual and the school district or charter school employing~~
46.22 ~~the individual that the individual's license may be revoked based on the result of the~~
46.23 ~~background check.~~

46.24 (c) The Professional Educator Licensing and Standards Board may contract with the
46.25 commissioner of human services to conduct background checks and obtain background
46.26 check data required under this chapter.

46.27 Sec. 18. Minnesota Statutes 2018, section 122A.18, subdivision 10, is amended to read:

46.28 Subd. 10. **Licensure via portfolio.** (a) The Professional Educator Licensing and Standards
46.29 Board must adopt rules establishing a process for an eligible candidate to obtain ~~any teacher~~
46.30 a Tier 3 license under subdivision 1, or to add a licensure field, via portfolio. The portfolio
46.31 licensure application process must be consistent with the requirements in this subdivision.

46.32 (b) A candidate for a Tier 3 license via portfolio must submit to the board one portfolio
46.33 demonstrating pedagogical competence and one portfolio demonstrating content competence.

47.1 (c) A candidate seeking to add a licensure field via portfolio must submit to the board
47.2 one portfolio demonstrating content competence for each licensure field the candidate seeks
47.3 to add.

47.4 (d) The board must notify a candidate who submits a portfolio under paragraph (b) or
47.5 (c) within 90 calendar days after the portfolio is received whether or not the portfolio is
47.6 approved. If the portfolio is not approved, the board must immediately inform the candidate
47.7 how to revise the portfolio to successfully demonstrate the requisite competence. The
47.8 candidate may resubmit a revised portfolio at any time and the board must approve or
47.9 disapprove the revised portfolio within 60 calendar days of receiving it.

47.10 (e) A candidate must pay to the board a \$300 fee for the first portfolio submitted for
47.11 review and a \$200 fee for any portfolio submitted subsequently. The revenue generated
47.12 from the fee must be deposited in an education licensure portfolio account in the special
47.13 revenue fund. The fees are nonrefundable for applicants not qualifying for a license. The
47.14 board may waive or reduce fees for candidates based on financial need. a fee for a portfolio
47.15 in accordance with section 122A.21, subdivision 4.

47.16 Sec. 19. Minnesota Statutes 2018, section 122A.181, subdivision 3, is amended to read:

47.17 Subd. 3. **Term of license and renewal.** (a) The Professional Educator Licensing and
47.18 Standards Board must issue an initial Tier 1 license for a term of one year. A Tier 1 license
47.19 may be renewed subject to paragraphs (b) and (c). The board may submit written comments
47.20 to the district or charter school that requested the renewal regarding the candidate.

47.21 (b) The Professional Educator Licensing and Standards Board must renew a Tier 1
47.22 license if:

47.23 (1) the district or charter school requesting the renewal demonstrates that it has posted
47.24 the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license
47.25 for the position;

47.26 (2) the teacher holding the Tier 1 license took a content examination in accordance with
47.27 section 122A.185 and submitted the examination results to the teacher's employing district
47.28 or charter school within one year of the board approving the request for the initial Tier 1
47.29 license; and

47.30 (3) the teacher holding the Tier 1 license participated in cultural competency training
47.31 consistent with section 120B.30, subdivision 1, paragraph (q), within one year of the board
47.32 approving the request for the initial Tier 1 license.

48.1 The requirement in clause (2) does not apply to a teacher that teaches a class in a career and
48.2 technical education or career pathways course of study.

48.3 (c) A Tier 1 license must not be renewed more than ~~three times~~ one time, unless the
48.4 requesting district or charter school can show good cause for additional renewals. ~~A Tier 1~~
48.5 ~~license issued to teach (1) a class or course in a career and technical education or career~~
48.6 ~~pathway course of study or (2) in a shortage area, as defined in section 122A.06, subdivision~~
48.7 ~~6, may be renewed without limitation.~~

48.8 Sec. 20. Minnesota Statutes 2018, section 122A.181, subdivision 5, is amended to read:

48.9 Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter
48.10 indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and
48.11 limited to the district or charter school that requested the initial Tier 1 license.

48.12 (b) A Tier 1 license does not bring an individual within the definition of a teacher for
48.13 purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

48.14 ~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under~~
48.15 ~~section 179A.03, subdivision 18.~~

48.16 Sec. 21. Minnesota Statutes 2018, section 122A.182, subdivision 1, is amended to read:

48.17 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards
48.18 Board must approve a request from a district or charter school to issue a Tier 2 license in a
48.19 specified content area to a candidate if:

48.20 (1) the candidate meets the educational or professional requirements in paragraph (b)
48.21 or (c);

48.22 (2) the candidate:

48.23 ~~(i) has completed the coursework required under subdivision 2;~~

48.24 ~~(ii)~~ (i) is enrolled in a Minnesota-approved teacher preparation program, including an
48.25 alternative preparation program under section 122A.2451 or a state-approved teacher
48.26 preparation program if no licensure program exists in Minnesota; or

48.27 ~~(iii) has a master's degree in the specified content area~~ (ii) has completed a state-approved
48.28 teacher preparation program but does not meet the requirements for a Tier 3 license; and

48.29 (3) the district or charter school demonstrates that a criminal background check under
48.30 section 122A.18, subdivision 8, has been completed on the candidate.

49.1 (b) A candidate for a Tier 2 license must have a bachelor's degree to teach a class outside
49.2 a career and technical education or career pathways course of study.

49.3 (c) A candidate for a Tier 2 license must have one of the following credentials in a
49.4 relevant content area to teach a class or course in a career and technical education or career
49.5 pathways course of study:

49.6 (1) an associate's degree;

49.7 (2) a professional certification; or

49.8 (3) five years of relevant work experience.

49.9 Sec. 22. Minnesota Statutes 2018, section 122A.182, subdivision 3, is amended to read:

49.10 Subd. 3. **Term of license and renewal.** The Professional Educator Licensing and
49.11 Standards Board must issue an initial Tier 2 license for a term of two years. A Tier 2 license
49.12 may be renewed ~~three~~ two times. Before a Tier 2 license is renewed for the first time, a
49.13 teacher holding a Tier 2 license must participate in cultural competency training consistent
49.14 with section 120B.30, subdivision 1, paragraph (q). The board must issue rules setting forth
49.15 the conditions for additional renewals after the initial license has been renewed ~~three~~ two
49.16 times.

49.17 Sec. 23. Minnesota Statutes 2018, section 122A.183, subdivision 2, is amended to read:

49.18 Subd. 2. **Coursework.** A candidate for a Tier 3 license must meet the coursework
49.19 requirement by demonstrating one of the following:

49.20 (1) completion of a Minnesota-approved teacher preparation program;

49.21 (2) completion of a state-approved teacher preparation program that includes field-specific
49.22 student teaching equivalent to field-specific student teaching in Minnesota-approved teacher
49.23 preparation programs. The field-specific student teaching requirement does not apply to a
49.24 candidate that has two years of teaching experience;

49.25 (3) submission of a content-specific licensure portfolio; or

49.26 (4) a professional teaching license from another state, evidence that the candidate's
49.27 license is in good standing, and two years of teaching experience; ~~or,~~

49.28 ~~(5) three years of teaching experience under a Tier 2 license and evidence of summative~~
49.29 ~~teacher evaluations that did not result in placing or otherwise keeping the teacher on an~~
49.30 ~~improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41,~~
49.31 ~~subdivision 5.~~

50.1 Sec. 24. Minnesota Statutes 2018, section 122A.183, subdivision 4, is amended to read:

50.2 Subd. 4. **Mentorship and evaluation.** A teacher holding a Tier 3 license must participate
50.3 ~~in the employing district or charter school's~~ a mentorship and evaluation program, including
50.4 an individual growth and development plan. A teacher holding a Tier 3 license may satisfy
50.5 the mentorship requirement by participating in a mentorship program during the teacher's
50.6 first year in a new district or charter school, including a school year when the teacher held
50.7 a Tier 1 or Tier 2 license. No teacher holding a Tier 3 license may be required to serve as
50.8 a mentor to another teacher in order to fulfill this requirement.

50.9 Sec. 25. Minnesota Statutes 2018, section 122A.184, subdivision 1, is amended to read:

50.10 Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards
50.11 Board must issue a Tier 4 license to a candidate who provides information sufficient to
50.12 demonstrate all of the following:

50.13 (1) the candidate meets all requirements for a Tier 3 license under section 122A.183,
50.14 and has completed a teacher preparation program under section 122A.183, subdivision 2,
50.15 clause (1) or (2);

50.16 (2) the candidate has at least three years of teaching experience in Minnesota; and

50.17 (3) the candidate has obtained a passing score on all required licensure exams under
50.18 section 122A.185; ~~and~~

50.19 ~~(4) the candidate's most recent summative teacher evaluation did not result in placing~~
50.20 ~~or otherwise keeping the teacher in an improvement process pursuant to section 122A.40,~~
50.21 ~~subdivision 8, or 122A.41, subdivision 5.~~

50.22 Sec. 26. Minnesota Statutes 2018, section 122A.184, subdivision 3, is amended to read:

50.23 Subd. 3. **Mentorship and evaluation.** A teacher holding a Tier 4 license must participate
50.24 ~~in the employing district or charter school's~~ a mentorship and evaluation program, including
50.25 an individual growth and development plan. A teacher holding a Tier 4 license may satisfy
50.26 the mentorship requirement by participating in a mentorship program during the teacher's
50.27 first year in a new district or charter school, including a school year when the teacher held
50.28 a Tier 1, 2, or 3 license. No teacher holding a Tier 4 license may be required to serve as a
50.29 mentor to another teacher in order to fulfill this requirement.

51.1 Sec. 27. Minnesota Statutes 2018, section 122A.185, subdivision 1, is amended to read:

51.2 Subdivision 1. **Tests.** (a) The Professional Educator Licensing and Standards Board
51.3 must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted
51.4 examination of skills in reading, writing, and mathematics before being granted a Tier 4
51.5 teaching license under section 122A.184 to provide direct instruction to pupils in elementary,
51.6 secondary, or special education programs. An employing school or district may verify
51.7 through satisfactory overall job performance a Tier 3 teacher's skills in reading, writing,
51.8 and mathematics for teaching in the licensure field so the teacher may obtain a Tier 4 license.
51.9 Candidates may obtain a Tier 1, Tier 2, or Tier 3 license to provide direct instruction to
51.10 pupils in elementary, secondary, or special education programs if candidates meet the other
51.11 requirements in section 122A.181, 122A.182, or 122A.183, respectively. All testing centers
51.12 must provide monthly opportunities for untimed skills examinations and must advertise
51.13 those opportunities on the test registration website.

51.14 (b) The board must adopt rules requiring candidates for Tier 3 and Tier 4 licenses to
51.15 pass an examination or performance assessment of general pedagogical knowledge and
51.16 examinations of licensure field specific content. The content examination requirement does
51.17 not apply if no relevant content exam exists. All testing centers must provide monthly
51.18 opportunities for untimed pedagogy and content examinations and must advertise those
51.19 opportunities on the test registration website.

51.20 (c) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must
51.21 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,
51.22 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge
51.23 and understanding of the foundations of reading development, development of reading
51.24 comprehension and reading assessment and instruction, and the ability to integrate that
51.25 knowledge and understanding into instruction strategies under section 122A.06, subdivision
51.26 4.

51.27 (d) The requirement to pass a board-adopted reading, writing, and mathematics skills
51.28 examination does not apply to nonnative English speakers, as verified by qualified Minnesota
51.29 school district personnel or Minnesota higher education faculty, who, after meeting the
51.30 content and pedagogy requirements under this subdivision, apply for a teaching license to
51.31 provide direct instruction in their native language or world language instruction under section
51.32 120B.022, subdivision 1.

51.33 **EFFECTIVE DATE.** This section is effective January 1, 2020.

52.1 Sec. 28. Minnesota Statutes 2018, section 122A.187, subdivision 3, is amended to read:

52.2 Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4
52.3 license under sections 122A.183 and 122A.184, respectively, who have been employed as
52.4 a teacher during the renewal period of the expiring license, as a condition of license renewal,
52.5 must present to their local continuing education and relicensure committee or other local
52.6 relicensure committee evidence of work that demonstrates professional reflection and growth
52.7 in best teaching practices, ~~including among other things, cultural competence in accordance~~
52.8 ~~with section 120B.30, subdivision 1, paragraph (c), and practices in meeting the varied~~
52.9 ~~needs of English learners, from young children to adults under section 124D.59, subdivisions~~
52.10 ~~2 and 2a.~~ A teacher may satisfy the requirements of this paragraph by submitting the teacher's
52.11 most recent summative evaluation or improvement plan under section 122A.40, subdivision
52.12 8, or 122A.41, subdivision 5.

52.13 (b) The Professional Educator Licensing and Standards Board must ensure that its teacher
52.14 relicensing requirements include paragraph (a).

52.15 Sec. 29. Minnesota Statutes 2018, section 122A.187, is amended by adding a subdivision
52.16 to read:

52.17 Subd. 7. **Cultural competency training.** The Professional Educator Licensing and
52.18 Standards Board must adopt rules that require all licensed teachers who are renewing a Tier
52.19 3 or Tier 4 teaching license under sections 122A.183 and 122A.184, respectively, to include
52.20 in the renewal requirements cultural competency training and meeting the varied needs of
52.21 English learners from young children to adults under section 124D.59, subdivisions 2 and
52.22 2a.

52.23 Sec. 30. Minnesota Statutes 2018, section 122A.19, subdivision 4, is amended to read:

52.24 Subd. 4. **Teacher preparation programs.** (a) For the purpose of licensing bilingual
52.25 and English as a second language teachers, the board may approve teacher preparation
52.26 programs at colleges or universities designed for their training.

52.27 (b) Programs that prepare English as a second language teachers must provide instruction
52.28 in implementing research-based practices designed specifically for English learners. The
52.29 programs must focus on developing English learners' academic language proficiency in
52.30 English, including oral academic language, giving English learners meaningful access to
52.31 the full school curriculum, developing culturally relevant teaching practices appropriate for
52.32 immigrant students, and providing more intensive instruction and resources to English

53.1 learners with lower levels of academic English proficiency and varied needs, consistent
53.2 with section 124D.59, subdivisions 2 and 2a.

53.3 Sec. 31. Minnesota Statutes 2018, section 122A.20, subdivision 1, is amended to read:

53.4 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Professional
53.5 Educator Licensing and Standards Board or Board of School Administrators, whichever
53.6 has jurisdiction over a teacher's licensure, may, on the written complaint of the school board
53.7 employing a teacher, a teacher organization, or any other interested person, issue
53.8 nondisciplinary corrective action, refuse to issue, refuse to renew, suspend, or revoke a
53.9 teacher's license to teach for any of the following causes:

53.10 (1) immoral character or conduct;

53.11 (2) failure, without justifiable cause, to teach for the term of the teacher's contract;

53.12 (3) gross inefficiency or willful neglect of duty;

53.13 (4) failure to meet licensure requirements; ~~or~~

53.14 (5) fraud or misrepresentation in obtaining a license; or

53.15 (6) engagement in any sexual conduct or contact with a student.

53.16 The written complaint must specify the nature and character of the charges.

53.17 (b) The Professional Educator Licensing and Standards Board or Board of School
53.18 Administrators, whichever has jurisdiction over a teacher's licensure, shall refuse to issue,
53.19 refuse to renew, or automatically revoke a teacher's license to teach without the right to a
53.20 hearing upon receiving a certified copy of a conviction showing that the teacher has been
53.21 convicted of:

53.22 (1) child abuse, as defined in section 609.185, provided that a conviction for a violation
53.23 of section 609.224, subdivisions 1 and 2, assault in the fifth degree, or 609.2242, subdivisions
53.24 1 and 2, domestic assault, must not result in the automatic revocation of a teacher's license;

53.25 (2) sex trafficking in the first degree under section 609.322, subdivision 1₂;

53.26 (3) sex trafficking in the second degree under section 609.322, subdivision 1a₂;

53.27 (4) engaging in hiring, ~~or~~ agreeing to hire a minor to engage in prostitution, or housing
53.28 an unrelated minor engaged in prostitution under section 609.324, ~~subdivision~~ subdivisions
53.29 1₇ and 1a;

53.30 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,
53.31 or 609.3451, subdivision 3₇~~or~~;

54.1 (6) indecent exposure under section 617.23, ~~subdivision~~ subdivisions 2 and 3;

54.2 (7) solicitation of children to engage in sexual conduct or communication of sexually
54.3 explicit materials to children under section 609.352;

54.4 (8) interference with privacy under section 609.746 or stalking under section 609.749
54.5 and the victim was a minor;

54.6 (9) using minors in a sexual performance under section 617.246;

54.7 (10) possessing pornographic works involving a minor under section 617.247; or

54.8 (11) any other offense not listed in this paragraph that requires the person to register as
54.9 a predatory offender under section 243.166, or a crime under a similar law of another state
54.10 or the United States. The board shall send notice of this licensing action to the district in
54.11 which the teacher is currently employed.

54.12 (c) A person whose license to teach has been revoked, not issued, or not renewed under
54.13 paragraph (b), may petition the board to reconsider the licensing action if the person's
54.14 conviction for child abuse or sexual abuse is reversed by a final decision of the court of
54.15 appeals or the supreme court or if the person has received a pardon for the offense. The
54.16 petitioner shall attach a certified copy of the appellate court's final decision or the pardon
54.17 to the petition. Upon receiving the petition and its attachment, the board shall schedule and
54.18 hold a disciplinary hearing on the matter under section 214.10, subdivision 2, unless the
54.19 petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal
54.20 of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified
54.21 from teaching under paragraph (a), clause (1), the board shall affirm its previous licensing
54.22 action. If the board finds that the petitioner is not disqualified from teaching under paragraph
54.23 (a), clause (1), it shall reverse its previous licensing action.

54.24 (d) The Professional Educator Licensing and Standards Board or Board of School
54.25 Administrators, whichever has jurisdiction over a teacher's licensure, must review and may
54.26 refuse to issue, refuse to renew, or revoke a teacher's license to teach, upon receiving a
54.27 certified copy of a conviction showing that the teacher has been convicted of:

54.28 (1) a qualified, domestic violence-related offense as defined in section 609.02, subdivision
54.29 16; or

54.30 (2) embezzlement of public funds under section 609.54, clause (1) or (2).

54.31 If an offense included in clause (1) or (2) is already included in paragraph (b), the provisions
54.32 of paragraph (b) apply to the conduct.

55.1 (e) The Professional Educator Licensing and Standards Board or Board of School
55.2 Administrators, whichever has jurisdiction over a teacher's licensure, may suspend a teacher's
55.3 license pending an investigation into a report of conduct that would be grounds for revocation
55.4 under paragraph (b). The teacher's license is suspended until the licensing board completes
55.5 its disciplinary investigation and determines whether disciplinary action is necessary.

55.6 (f) For purposes of this subdivision, The Professional Educator Licensing and Standards
55.7 Board is delegated the authority to suspend or revoke coaching licenses.

55.8 Sec. 32. Minnesota Statutes 2018, section 122A.20, subdivision 2, is amended to read:

55.9 Subd. 2. **Mandatory reporting.** (a) A school board, a superintendent, a charter school
55.10 board, a charter school executive director, or a charter school authorizer must report to the
55.11 Professional Educator Licensing and Standards Board, the Board of School Administrators,
55.12 or the Board of Trustees of the Minnesota State Colleges and Universities, whichever has
55.13 jurisdiction over the teacher's or administrator's license, when its teacher or administrator
55.14 is discharged or resigns from employment after a charge is filed with the school board under
55.15 section 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7, or after charges are filed
55.16 that are grounds for discharge under section 122A.40, subdivision 13, paragraph (a), clauses
55.17 (1) to (5), or when a teacher or administrator is suspended or resigns while an investigation
55.18 is pending under section 122A.40, subdivision 13, paragraph (a), clauses (1) to (5); 122A.41,
55.19 subdivisions 6, clauses (1), (2), and (3), and 7; or 626.556, or when a teacher or administrator
55.20 is suspended without an investigation under section 122A.41, subdivisions 6, paragraph (a),
55.21 clauses (1), (2), and (3), and 7; or 626.556. The report must be made to the appropriate
55.22 licensing board within ten days after the discharge, suspension, or resignation has occurred.
55.23 The licensing board to which the report is made must investigate the report for violation of
55.24 subdivision 1 and the reporting board, administrator, or authorizer must cooperate in the
55.25 investigation. Notwithstanding any provision in chapter 13 or any law to the contrary, upon
55.26 written request from the licensing board having jurisdiction over the license, a board, charter
55.27 school, authorizer, charter school executive director, or school superintendent shall provide
55.28 the licensing board with information about the teacher or administrator from the district's
55.29 files, any termination or disciplinary proceeding, any settlement or compromise, or any
55.30 investigative file. Upon written request from the appropriate licensing board, a board or
55.31 school superintendent may, at the discretion of the board or school superintendent, solicit
55.32 the written consent of a student and the student's parent to provide the licensing board with
55.33 information that may aid the licensing board in its investigation and license proceedings.
55.34 The licensing board's request need not identify a student or parent by name. The consent
55.35 of the student and the student's parent must meet the requirements of chapter 13 and Code

56.1 of Federal Regulations, title 34, section 99.30. The licensing board may provide a consent
56.2 form to the district. Any data transmitted to any board under this section is private data
56.3 under section 13.02, subdivision 12, notwithstanding any other classification of the data
56.4 when it was in the possession of any other agency.

56.5 (b) The licensing board to which a report is made must transmit to the Attorney General's
56.6 Office any record or data it receives under this subdivision for the sole purpose of having
56.7 the Attorney General's Office assist that board in its investigation. When the Attorney
56.8 General's Office has informed an employee of the appropriate licensing board in writing
56.9 that grounds exist to suspend or revoke a teacher's license to teach, that licensing board
56.10 must consider suspending or revoking or decline to suspend or revoke the teacher's or
56.11 administrator's license within 45 days of receiving a stipulation executed by the teacher or
56.12 administrator under investigation or a recommendation from an administrative law judge
56.13 that disciplinary action be taken.

56.14 (c) The Professional Educator Licensing and Standards Board and Board of School
56.15 Administrators must report to the appropriate law enforcement authorities a revocation,
56.16 suspension, or agreement involving a loss of license, relating to a teacher or administrator's
56.17 inappropriate sexual conduct with a minor. For purposes of this section, "law enforcement
56.18 authority" means a police department, county sheriff, or tribal police department. A report
56.19 by the Professional Educator Licensing and Standards Board to appropriate law enforcement
56.20 authorities does not diminish, modify, or otherwise affect the responsibilities of a school
56.21 board or any person mandated to report abuse under section 626.556.

56.22 Sec. 33. Minnesota Statutes 2018, section 122A.21, is amended to read:

56.23 **122A.21 TEACHERS' AND ADMINISTRATORS' LICENSES; FEES.**

56.24 Subdivision 1. **Licensure applications.** Each applicant submitting an application to the
56.25 Professional Educator Licensing and Standards Board to issue, renew, or extend a teaching
56.26 license, including applications for licensure via portfolio under subdivision ~~2~~4, must include
56.27 a processing fee of \$57. The processing fee for a teacher's license and for the licenses of
56.28 supervisory personnel must be paid to the executive secretary of the appropriate board and
56.29 deposited in the educator licensure account in the special revenue fund. The fees as set by
56.30 the board are nonrefundable for applicants not qualifying for a license. However, the
56.31 commissioner of management and budget must refund a fee in any case in which the applicant
56.32 already holds a valid unexpired license. The board may waive or reduce fees for applicants
56.33 who apply at the same time for more than one license.

57.1 Subd. 3. **Annual appropriations.** (a) The amounts collected under subdivision 2 4 and
57.2 deposited in the educator licensure account in the special revenue fund are annually
57.3 appropriated to the Professional Educator Licensing and Standards Board.

57.4 (b) The appropriations in paragraph (a) must be reduced by the amount of any money
57.5 specifically appropriated for the same purposes in any year from any state fund.

57.6 Subd. 4. **Licensure via portfolio.** A candidate must pay to the Professional Educator
57.7 Licensing and Standards Board a \$300 fee for the first portfolio submitted for review and
57.8 a \$200 fee for any portfolio submitted subsequently. The Professional Educator Licensing
57.9 and Standards Board executive secretary must deposit the fee in the educator licensure
57.10 account in the special revenue fund. The fees are nonrefundable for applicants not qualifying
57.11 for a license. The Professional Educator Licensing and Standards Board may waive or
57.12 reduce fees for candidates based on financial need.

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

57.14 Sec. 34. Minnesota Statutes 2018, section 122A.22, is amended to read:

57.15 **122A.22 DISTRICT VERIFICATION AND REPORTING OF TEACHER**
57.16 **LICENSES.**

57.17 Subdivision 1. **Verification.** No person shall be accounted a qualified teacher until the
57.18 school district or charter school contracting with the person for teaching services verifies
57.19 through the Minnesota education licensing system available on the Professional Educator
57.20 Licensing and Standards Board website that the person is a qualified teacher, consistent
57.21 with sections 122A.16 and 122A.44, subdivision 1.

57.22 Subd. 2. **Reporting.** No later than October 1 of each school year, the superintendent or
57.23 charter school must provide the school board with the number of teachers in each school
57.24 building who hold Tier 1, 2, 3, and 4 licenses. The school board and the Department of
57.25 Education must publish this data on their respective websites no later than January of each
57.26 school year.

57.27 Sec. 35. Minnesota Statutes 2018, section 122A.26, subdivision 2, is amended to read:

57.28 Subd. 2. **Exceptions.** (a) A person who teaches in a community education program
57.29 ~~which~~ that qualifies for aid pursuant to section 124D.52 shall continue to meet licensure
57.30 requirements as a teacher. A person who teaches in an early childhood and family education
57.31 program ~~which~~ that is offered through a community education program and ~~which~~ that
57.32 qualifies for community education aid pursuant to section 124D.20 or early childhood and

58.1 family education aid pursuant to section 124D.135 shall continue to meet licensure
58.2 requirements as a teacher. A person who teaches in a community education course ~~which~~
58.3 that is offered for credit for graduation to persons under 18 years of age shall continue to
58.4 meet licensure requirements as a teacher.

58.5 (b) A person who teaches a driver training course ~~which~~ that is offered through a
58.6 community education program to persons under 18 years of age shall be licensed by the
58.7 Professional Educator Licensing and Standards Board or be subject to section 171.35. A
58.8 license ~~which~~ that is required for an instructor in a community education program pursuant
58.9 to this ~~subdivision~~ paragraph shall not be construed to bring an individual within the
58.10 definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41,
58.11 subdivision 1, ~~elause~~ paragraph (a).

58.12 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

58.13 Sec. 36. Minnesota Statutes 2018, section 122A.40, subdivision 8, is amended to read:

58.14 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
58.15 **teachers.** (a) To improve student learning and success, a school board and an exclusive
58.16 representative of the teachers in the district, consistent with paragraph (b), may develop a
58.17 teacher evaluation and peer review process for probationary and continuing contract teachers
58.18 through joint agreement. If a school board and the exclusive representative of the teachers
58.19 do not agree to an annual teacher evaluation and peer review process, then the school board
58.20 and the exclusive representative of the teachers must implement the state teacher evaluation
58.21 plan under paragraph (c). The process must include having trained observers serve as peer
58.22 coaches or having teachers participate in professional learning communities, consistent with
58.23 paragraph (b).

58.24 (b) To develop, improve, and support qualified teachers and effective teaching practices,
58.25 improve student learning and success, and provide all enrolled students in a district or school
58.26 with improved and equitable access to more effective and diverse teachers, the annual
58.27 evaluation process for teachers:

58.28 (1) must, for probationary teachers, provide for all evaluations required under subdivision
58.29 5;

58.30 (2) must establish a three-year professional review cycle for each teacher that includes
58.31 an individual growth and development plan, a peer review process, and at least one
58.32 summative evaluation performed by a qualified and trained evaluator such as a school

59.1 administrator. For the years when a tenured teacher is not evaluated by a qualified and
59.2 trained evaluator, the teacher must be evaluated by a peer review;

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

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

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

59.8 (6) may include job-embedded learning opportunities such as professional learning
59.9 communities;

59.10 (7) may include mentoring and induction programs for teachers, including teachers who
59.11 are members of populations underrepresented among the licensed teachers in the district or
59.12 school and who reflect the diversity of students under section 120B.35, subdivision 3,
59.13 paragraph (b), clause (2), who are enrolled in the district or school;

59.14 (8) must include an option for teachers to develop and present a portfolio demonstrating
59.15 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
59.16 3, and include teachers' own performance assessment based on student work samples and
59.17 examples of teachers' work, which may include video among other activities for the
59.18 summative evaluation;

59.19 (9) must use data from valid and reliable assessments aligned to state and local academic
59.20 standards and must use state and local measures of student growth and literacy that may
59.21 include value-added models or student learning goals to determine 35 percent of teacher
59.22 evaluation results;

59.23 (10) must use longitudinal data on student engagement and connection, and other student
59.24 outcome measures explicitly aligned with the elements of curriculum for which teachers
59.25 are responsible, including academic literacy, oral academic language, and achievement of
59.26 content areas of English learners;

59.27 (11) must require qualified and trained evaluators such as school administrators to
59.28 perform summative evaluations and ensure school districts and charter schools provide for
59.29 effective evaluator training specific to teacher development and evaluation;

59.30 (12) must give teachers not meeting professional teaching standards under clauses (3)
59.31 through (11) support to improve through a teacher improvement process that includes
59.32 established goals and timelines; and

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

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

60.8 (c) The department, in consultation with parents who may represent parent organizations
60.9 and teacher and administrator representatives appointed by their respective organizations,
60.10 representing the Professional Educator Licensing and Standards Board, the Minnesota
60.11 Association of School Administrators, the Minnesota School Boards Association, the
60.12 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
60.13 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
60.14 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
60.15 research expertise in teacher evaluation, must create and publish a teacher evaluation process
60.16 that complies with the requirements in paragraph (b) and applies to all teachers under this
60.17 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual
60.18 teacher evaluation and peer review process. The teacher evaluation process created under
60.19 this subdivision does not create additional due process rights for probationary teachers under
60.20 subdivision 5.

60.21 (d) Consistent with the measures of teacher effectiveness under this subdivision:

60.22 (1) for students in kindergarten through grade 4, a school administrator must not place
60.23 or approve the placement of a student in the classroom of a teacher who holds a Tier 1 or
60.24 Tier 2 license, is in the improvement process referenced in paragraph (b), clause (12), or
60.25 has not had a summative evaluation if, in the prior year, that student was in the classroom
60.26 of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other
60.27 teacher at the school teaches that grade; and

60.28 (2) for students in grades 5 through 12, a school administrator must not place or approve
60.29 the placement of a student in the classroom of a teacher who holds a Tier 1 or Tier 2 license,
60.30 is in the improvement process referenced in paragraph (b), clause (12), or has not had a
60.31 summative evaluation if, in the prior year, that student was in the classroom of a teacher
60.32 who held a Tier 1 or Tier 2 license or received discipline pursuant to paragraph (b), clause
60.33 (13), unless no other teacher at the school teaches that subject area and grade.

60.34 All data created and used under this paragraph retains its classification under chapter 13.

61.1 Sec. 37. Minnesota Statutes 2018, section 122A.41, subdivision 5, is amended to read:

61.2 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**
61.3 **teachers.** (a) To improve student learning and success, a school board and an exclusive
61.4 representative of the teachers in the district, consistent with paragraph (b), may develop an
61.5 annual teacher evaluation and peer review process for probationary and nonprobationary
61.6 teachers through joint agreement. If a school board and the exclusive representative of the
61.7 teachers in the district do not agree to an annual teacher evaluation and peer review process,
61.8 then the school board and the exclusive representative of the teachers must implement the
61.9 state teacher evaluation plan developed under paragraph (c). The process must include
61.10 having trained observers serve as peer coaches or having teachers participate in professional
61.11 learning communities, consistent with paragraph (b).

61.12 (b) To develop, improve, and support qualified teachers and effective teaching practices
61.13 and improve student learning and success, and provide all enrolled students in a district or
61.14 school with improved and equitable access to more effective and diverse teachers, the annual
61.15 evaluation process for teachers:

61.16 (1) must, for probationary teachers, provide for all evaluations required under subdivision
61.17 2;

61.18 (2) must establish a three-year professional review cycle for each teacher that includes
61.19 an individual growth and development plan, a peer review process, and at least one
61.20 summative evaluation performed by a qualified and trained evaluator such as a school
61.21 administrator;

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

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

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

61.27 (6) may include job-embedded learning opportunities such as professional learning
61.28 communities;

61.29 (7) may include mentoring and induction programs for teachers, including teachers who
61.30 are members of populations underrepresented among the licensed teachers in the district or
61.31 school and who reflect the diversity of students under section 120B.35, subdivision 3,
61.32 paragraph (b), clause (2), who are enrolled in the district or school;

62.1 (8) must include an option for teachers to develop and present a portfolio demonstrating
62.2 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
62.3 3, and include teachers' own performance assessment based on student work samples and
62.4 examples of teachers' work, which may include video among other activities for the
62.5 summative evaluation;

62.6 (9) must use data from valid and reliable assessments aligned to state and local academic
62.7 standards and must use state and local measures of student growth and literacy that may
62.8 include value-added models or student learning goals to determine 35 percent of teacher
62.9 evaluation results;

62.10 (10) must use longitudinal data on student engagement and connection and other student
62.11 outcome measures explicitly aligned with the elements of curriculum for which teachers
62.12 are responsible, including academic literacy, oral academic language, and achievement of
62.13 English learners;

62.14 (11) must require qualified and trained evaluators such as school administrators to
62.15 perform summative evaluations and ensure school districts and charter schools provide for
62.16 effective evaluator training specific to teacher development and evaluation;

62.17 (12) must give teachers not meeting professional teaching standards under clauses (3)
62.18 through (11) support to improve through a teacher improvement process that includes
62.19 established goals and timelines; and

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

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

62.27 (c) The department, in consultation with parents who may represent parent organizations
62.28 and teacher and administrator representatives appointed by their respective organizations,
62.29 representing the Professional Educator Licensing and Standards Board, the Minnesota
62.30 Association of School Administrators, the Minnesota School Boards Association, the
62.31 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
62.32 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
62.33 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
62.34 research expertise in teacher evaluation, must create and publish a teacher evaluation process

63.1 that complies with the requirements in paragraph (b) and applies to all teachers under this
63.2 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual
63.3 teacher evaluation and peer review process. The teacher evaluation process created under
63.4 this subdivision does not create additional due process rights for probationary teachers under
63.5 subdivision 2.

63.6 (d) Consistent with the measures of teacher effectiveness under this subdivision:

63.7 (1) for students in kindergarten through grade 4, a school administrator must not place
63.8 or approve the placement of a student in the classroom of a teacher who holds a Tier 1 or
63.9 Tier 2 license, is in the improvement process referenced in paragraph (b), clause (12), or
63.10 has not had a summative evaluation if, in the prior year, that student was in the classroom
63.11 of a teacher who received discipline pursuant to paragraph (b), clause (13), unless no other
63.12 teacher at the school teaches that grade; and

63.13 (2) for students in grades 5 through 12, a school administrator must not place or approve
63.14 the placement of a student in the classroom of a teacher who holds a Tier 1 or Tier 2 license,
63.15 is in the improvement process referenced in paragraph (b), clause (12), or has not had a
63.16 summative evaluation if, in the prior year, that student was in the classroom of a teacher
63.17 who held a Tier 1 or Tier 2 license or received discipline pursuant to paragraph (b), clause
63.18 (13), unless no other teacher at the school teaches that subject area and grade.

63.19 All data created and used under this paragraph retains its classification under chapter 13.

63.20 Sec. 38. **[122A.59] CODE OF ETHICS FOR TEACHERS.**

63.21 Subdivision 1. Scope. Each teacher, upon entering the teaching profession, assumes a
63.22 number of obligations, one of which is to adhere to principles that define professional
63.23 conduct. These principles are reflected in the code of ethics in subdivision 2, which sets
63.24 forth to the education profession and the public it serves the standards of professional conduct
63.25 and procedures for implementation. This code applies to all persons licensed according to
63.26 rules established by the Professional Educator Licensing and Standards Board.

63.27 Subd. 2. Standards of professional conduct. (a) A teacher must provide professional
63.28 education services in a nondiscriminatory manner.

63.29 (b) A teacher must make reasonable effort to protect a student from conditions harmful
63.30 to health and safety.

63.31 (c) In accordance with state and federal laws, a teacher must disclose confidential
63.32 information about individuals only when a compelling professional purpose is served or
63.33 when required by law.

64.1 (d) A teacher must take reasonable disciplinary action in exercising the authority to
64.2 provide an atmosphere conducive to learning.

64.3 (e) A teacher must not use a professional relationship with a student, parent, or colleague
64.4 to private advantage.

64.5 (f) A teacher must delegate authority for teaching responsibilities only to licensed
64.6 personnel.

64.7 (g) A teacher must not deliberately suppress or distort subject matter.

64.8 (h) A teacher must not knowingly falsify or misrepresent records or facts relating to the
64.9 teacher's own qualifications or other teachers' qualifications.

64.10 (i) A teacher must not knowingly make a false or malicious statement about a student
64.11 or colleague.

64.12 (j) A teacher must accept a contract for a teaching position that requires licensing only
64.13 if properly or provisionally licensed for that position.

64.14 (k) A teacher must not engage in any sexual conduct or contact with a student.

64.15 Sec. 39. Minnesota Statutes 2018, section 122A.63, subdivision 1, is amended to read:

64.16 Subdivision 1. **Establishment.** (a) A grant program is established to assist American
64.17 Indian people to become teachers and to provide additional education for American Indian
64.18 teachers. The commissioner may award a joint grant to each of the following:

64.19 (1) the Duluth campus of the University of Minnesota and Independent School District
64.20 No. 709, Duluth;

64.21 (2) Bemidji State University and Independent School District No. 38, Red Lake;

64.22 (3) Moorhead State University and one of the school districts located within the White
64.23 Earth Reservation; and

64.24 (4) Augsburg College, Independent School District No. 625, St. Paul, and Special School
64.25 District No. 1, Minneapolis.

64.26 (b) If additional funds are available, the commissioner may award additional joint grants
64.27 to other postsecondary institutions and school districts.

64.28 (c) Grantees may enter into contracts with tribal, technical, and community colleges and
64.29 four-year postsecondary institutions to identify and provide grants to students at those
64.30 institutions interested in the field of education. A grantee may contract with partner
64.31 institutions to provide professional development and supplemental services to a tribal,

65.1 technical, or community college or four-year postsecondary institution, including
65.2 identification of prospective students, provision of instructional supplies and materials, and
65.3 provision of grant money to students. A contract with a tribal, technical, or community
65.4 college or four-year postsecondary institution includes coordination of student identification,
65.5 professional development, and mentorship services.

65.6 Sec. 40. Minnesota Statutes 2018, section 122A.63, subdivision 4, is amended to read:

65.7 Subd. 4. **Grant amount.** The commissioner may award a joint grant in the amount it
65.8 determines to be appropriate. The grant ~~shall~~ must include money for the postsecondary
65.9 institution, school district, and student scholarships, ~~and student loans.~~

65.10 Sec. 41. Minnesota Statutes 2018, section 122A.63, subdivision 5, is amended to read:

65.11 Subd. 5. **Information to student applicants.** At the time a student applies for a
65.12 scholarship ~~and loan~~, the student ~~shall~~ must be provided information about the fields of
65.13 licensure needed by school districts in the part of the state within which the district receiving
65.14 the joint grant is located. The information ~~shall~~ must be acquired and periodically updated
65.15 by the recipients of the joint grant and their contracted partner institutions. Information
65.16 provided to students ~~shall~~ must clearly state that scholarship ~~and loan~~ decisions are not
65.17 based upon the field of licensure selected by the student.

65.18 Sec. 42. Minnesota Statutes 2018, section 122A.63, subdivision 6, is amended to read:

65.19 Subd. 6. **Eligibility for scholarships ~~and loans.~~** (a) The following American Indian
65.20 people are eligible for scholarships:

65.21 (1) a student having origins in any of the original peoples of North America and
65.22 maintaining cultural identification through tribal affiliation or community recognition;

65.23 ~~(2)~~ (2) a student, including a teacher aide employed by a district receiving a joint grant
65.24 or their contracted partner school, who intends to become a teacher or who is interested in
65.25 the field of education and who is enrolled in a postsecondary institution or their contracted
65.26 partner institutions receiving a joint grant;

65.27 ~~(2)~~ (3) a licensed employee of a district receiving a joint grant or a contracted partner
65.28 institution, who is enrolled in a master of education program; and

65.29 ~~(3)~~ (4) a student who, after applying for federal and state financial aid and an American
65.30 Indian scholarship according to section 136A.126, has financial needs that remain unmet.

66.1 Financial need ~~shall~~ must be determined according to the congressional methodology for
66.2 needs determination or as otherwise set in federal law.

66.3 ~~A person who has actual living expenses in addition to those addressed by the~~
66.4 ~~congressional methodology for needs determination, or as otherwise set in federal law, may~~
66.5 ~~receive a loan according to criteria established by the commissioner. A contract shall be~~
66.6 ~~executed between the state and the student for the amount and terms of the loan.~~

66.7 (b) Priority must be given to a student who is tribally enrolled and then to first- and
66.8 second-generation descendants.

66.9 Sec. 43. Minnesota Statutes 2018, section 122A.63, is amended by adding a subdivision
66.10 to read:

66.11 Subd. 9. **Eligible programming.** (a) The grantee institutions and their contracted partner
66.12 institutions may provide scholarships to students progressing toward educational goals in
66.13 any area of teacher licensure, including an associate of arts, bachelor's, master's, or doctoral
66.14 degree in the following:

66.15 (1) any educational certification necessary for employment;

66.16 (2) early childhood family education or prekindergarten licensure;

66.17 (3) elementary and secondary education;

66.18 (4) school administration; or

66.19 (5) any educational program that provides services to American Indian students in
66.20 prekindergarten through grade 12.

66.21 (b) For purposes of recruitment, the grantees or their contracted partner institutions must
66.22 agree to work with their respective organizations to hire an American Indian work-study
66.23 student or other American Indian staff to conduct initial information queries and to contact
66.24 persons working in schools to provide programming regarding education professions to
66.25 high school students who may be interested in education as a profession.

66.26 (c) At least 80 percent of the grants awarded under this section must be used for student
66.27 scholarships. No more than 20 percent of the grants awarded under this section may be used
66.28 for recruitment or administration of the student scholarships.

67.1 Sec. 44. Minnesota Statutes 2018, section 122A.70, is amended to read:

67.2 **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE**
67.3 **TEACHERS.**

67.4 Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School
67.5 districts are encouraged to develop teacher mentoring programs for teachers new to the
67.6 profession or district, including teaching residents, teachers of color, teachers who are
67.7 American Indian, teachers in license shortage areas, teachers with special needs, or
67.8 experienced teachers in need of peer coaching.

67.9 (b) Teacher mentoring programs must be included in or aligned with districts' teacher
67.10 evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41,
67.11 subdivision 5. A district may use staff development revenue under section 122A.61, special
67.12 grant programs established by the legislature, or another funding source to pay a stipend to
67.13 a mentor who may be a current or former teacher who has taught at least three years and is
67.14 not on an improvement plan. Other initiatives using such funds or funds available under
67.15 sections 124D.861 and 124D.862 may include:

67.16 (1) additional stipends as incentives to mentors who are of color or who are American
67.17 Indian;

67.18 (2) financial supports for professional learning community affinity groups across schools
67.19 within and between districts for teachers from underrepresented racial and ethnic groups to
67.20 come together throughout the school year;

67.21 (3) programs for induction aligned with the district or school mentorship program during
67.22 the first three years of teaching, especially for teachers from underrepresented racial and
67.23 ethnic groups; or

67.24 (4) grants supporting licensed and nonlicensed educator participation in professional
67.25 development, such as workshops and graduate courses, related to increasing student
67.26 achievement for students of color and American Indian students in order to close opportunity
67.27 and achievement gaps.

67.28 (c) Schools or districts may negotiate additional retention strategies or protection from
67.29 unrequested leave of absences in the beginning years of employment for teachers of color
67.30 and teachers who are American Indian. Retention strategies may include providing financial
67.31 incentives for teachers of color and teachers who are American Indian to work in the school
67.32 or district for at least five years and placing American Indian educators at sites with other

68.1 American Indian educators and educators of color at sites with other educators of color to
68.2 reduce isolation and increase opportunity for collegial support.

68.3 Subd. 2. **Applications.** The Professional Educator Licensing and Standards Board must
68.4 make application forms available to sites interested in developing or expanding a mentorship
68.5 program. A school district; a group of school districts; ~~or~~ a coalition of districts, teachers,
68.6 and teacher education institutions; or a coalition of schools, teachers, or nonlicensed educators
68.7 may apply for a ~~teacher mentorship~~ program grant. The Professional Educator Licensing
68.8 and Standards Board, in consultation with the teacher mentoring task force, must approve
68.9 or disapprove the applications. To the extent possible, the approved applications must reflect
68.10 effective mentoring, professional development, and retention components, ~~include a variety~~
68.11 ~~of coalitions~~ and be geographically distributed throughout the state. The Professional
68.12 Educator Licensing and Standards Board must encourage the selected sites to consider the
68.13 use of its assessment procedures.

68.14 Subd. 3. **Criteria for selection.** At a minimum, applicants must express commitment
68.15 to:

- 68.16 (1) allow staff participation;
- 68.17 (2) assess skills of both beginning and mentor teachers;
- 68.18 (3) provide appropriate in-service to needs identified in the assessment;
- 68.19 (4) provide leadership to the effort;
- 68.20 (5) cooperate with higher education institutions;
- 68.21 (6) provide facilities and other resources;
- 68.22 (7) share findings, materials, and techniques with other school districts; and
- 68.23 (8) retain teachers of color and teachers who are American Indian.

68.24 Subd. 4. **Additional funding.** Applicants are required to seek additional funding and
68.25 assistance from sources such as school districts, postsecondary institutions, foundations,
68.26 and the private sector.

68.27 Subd. 5. **Program implementation.** New and expanding mentorship sites that are funded
68.28 to design, develop, implement, and evaluate their program must participate in activities that
68.29 support program development and implementation. The Professional Educator Licensing
68.30 and Standards Board must provide resources and assistance to support new sites in their
68.31 program efforts. These activities and services may include, but are not limited to: planning,
68.32 planning guides, media, training, conferences, institutes, and regional and statewide

69.1 networking meetings. Nonfunded schools or districts interested in getting started may
69.2 participate. Fees may be charged for meals, materials, and the like.

69.3 Subd. 6. **Report.** By June 30 of each year after receiving a grant, recipients must submit
69.4 a report to the Professional Educator Licensing and Standards Board on program efforts
69.5 that describes mentoring and induction activities and assesses the impact of these programs
69.6 on teacher effectiveness and retention.

69.7 Sec. 45. Minnesota Statutes 2018, section 124D.09, subdivision 10, is amended to read:

69.8 Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according to
69.9 subdivision 5, may enroll in a nonsectarian course taught by a secondary teacher or a
69.10 postsecondary faculty member and offered at a secondary school, or another location,
69.11 according to an agreement between a public school board and the governing body of an
69.12 eligible public postsecondary system or an eligible private postsecondary institution, as
69.13 defined in subdivision 3. All provisions of this section shall apply to a pupil, public school
69.14 board, district, and the governing body of a postsecondary institution, except as otherwise
69.15 provided.

69.16 (b) To encourage students, especially American Indian students and students of color,
69.17 to consider teaching as a profession, participating schools, school districts, and postsecondary
69.18 institutions are encouraged to develop and offer an "Introduction to Teaching" or
69.19 "Introduction to Education" course under this subdivision. ~~An institution that receives a~~ For
69.20 the purpose of applying for grants under this paragraph, "eligible institution" includes schools
69.21 and districts that partner with an accredited college or university in addition to postsecondary
69.22 institutions identified in subdivision 3, paragraph (a). ~~Grant to develop a course~~ recipients
69.23 under this paragraph must annually report to the commissioner in a form and manner
69.24 determined by the commissioner on the participation rates of students in courses under this
69.25 paragraph, including the number of students who apply for admission to colleges or
69.26 universities with teacher preparation programs and the number of students of color and
69.27 American Indian students who earned postsecondary credit. Grant recipients must also
69.28 describe recruiting efforts intended to ensure that the percentage of participating students
69.29 who are of color or American Indian meets or exceeds the overall percentage of students
69.30 of color or American Indian students in the school.

69.31 Sec. 46. Minnesota Statutes 2018, section 124D.861, subdivision 2, is amended to read:

69.32 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible
69.33 district must formally develop and implement a long-term plan under this section. The plan

70.1 must be incorporated into the district's comprehensive strategic plan under section 120B.11.

70.2 Plan components may include:

70.3 (1) innovative and integrated prekindergarten through grade 12 learning environments
70.4 that offer students school enrollment choices;

70.5 (2) family engagement initiatives that involve families in their students' academic life
70.6 and success;

70.7 (3) professional development opportunities for teachers and administrators focused on
70.8 improving the academic achievement of all students, including teachers and administrators
70.9 who are members of populations underrepresented among the licensed teachers or
70.10 administrators in the district or school and who reflect the diversity of students under section
70.11 120B.35, subdivision 3, paragraph (b), clause (2), who are enrolled in the district or school;

70.12 (4) increased programmatic opportunities and effective and more diverse instructors
70.13 focused on rigor and college and career readiness for underserved students, including students
70.14 enrolled in alternative learning centers under section 123A.05, public alternative programs
70.15 under section 126C.05, subdivision 15, and contract alternative programs under section
70.16 124D.69, among other underserved students; or

70.17 (5) recruitment and retention of teachers and administrators with diverse, cultural and
70.18 family liaisons, paraprofessionals, and other nonlicensed staff from racial and ethnic
70.19 backgrounds represented in the student population.

70.20 (b) The plan must contain goals for:

70.21 (1) reducing the disparities in academic achievement and in equitable access to effective
70.22 and more diverse teachers among all students and specific categories of students under
70.23 section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender,
70.24 disability, and English learners; and

70.25 (2) increasing racial and economic diversity and integration in schools and districts.

70.26 (c) The plan must include strategies to make schools' curriculum and learning and work
70.27 environments more inclusive and respectful of students' racial and ethnic diversity and to
70.28 address issues of structural inequities in schools that create opportunity and achievement
70.29 gaps for students, families, and staff who are of color or who are American Indian, and
70.30 program revenues may be used to implement such strategies. Examples of possible structural
70.31 inequities include but are not limited to policies and practices that unintentionally result in
70.32 disparate referrals and suspension, inequitable access to advanced coursework,
70.33 overrepresentation in lower level coursework, participation in cocurricular activities, parent

71.1 involvement, and lack of access to diverse teachers. Plans may include but are not limited
71.2 to the following activities that may involve collaboration with or support from regional
71.3 centers of excellence:

71.4 (1) creating opportunities for students, families, staff, and community members who are
71.5 of color or who are American Indian to share their experiences in the school setting with
71.6 school staff and administration to develop specific proposals for improving school
71.7 environments to be more inclusive and respectful toward all students, families, and staff;

71.8 (2) implementing creative programs for increased parent engagement and improving
71.9 relations between home and school;

71.10 (3) developing or expanding ethnic studies course offerings to provide all students with
71.11 in-depth opportunities to learn about their own and others' cultures and historical experiences;

71.12 (4) examining and revising curricula in various subjects to be culturally relevant and
71.13 inclusive of various racial and ethnic groups;

71.14 (5) examining academic and discipline data, reexamining institutional policies and
71.15 practices that result in opportunity and achievement disparities between racial and ethnic
71.16 groups, and making necessary changes that increase access, meaningful participation,
71.17 representation, and positive outcomes for students of color, American Indian students, and
71.18 students who qualify for free or reduced-price lunch;

71.19 (6) providing professional development opportunities to learn more about various racial
71.20 and ethnic groups' experiences, assets, and issues and developing cross-cultural competence
71.21 with knowledge, collaborations, and relationships needed to serve students effectively who
71.22 are from diverse racial and ethnic backgrounds; and

71.23 (7) hiring more cultural liaisons to strengthen relationships with students, families, and
71.24 other members of the community.

71.25 ~~(b)~~ (d) Among other requirements, an eligible district must implement effective,
71.26 research-based interventions that include formative assessment practices to reduce the
71.27 disparities in student academic performance among the specific categories of students as
71.28 measured by student progress and growth on state reading and math assessments and as
71.29 aligned with section 120B.11.

71.30 ~~(e)~~ (e) Eligible districts must create efficiencies and eliminate duplicative programs and
71.31 services under this section, which may include forming collaborations or a single,
71.32 seven-county metropolitan areawide partnership of eligible districts for this purpose.

72.1 Sec. 47. Minnesota Statutes 2018, section 136A.1275, is amended to read:

72.2 **136A.1275 STUDENT TEACHER CANDIDATE GRANTS IN SHORTAGE**
 72.3 **AREAS.**

72.4 Subdivision 1. **Establishment.** (a) The commissioner of the Office of Higher Education
 72.5 must establish a grant program for student teaching stipends for low-income students enrolled
 72.6 in a Professional Educator Licensing and Standards Board-approved teacher preparation
 72.7 program who ~~intend to teach~~ are student teaching in a licensure shortage area after graduating
 72.8 ~~and receiving their teaching license~~ or belong to ~~an underrepresented~~ a racial or ethnic group
 72.9 underrepresented in the teacher workforce.

72.10 (b) ~~"Shortage~~ For purposes of this grant program, "licensure shortage area" means a
 72.11 license field or economic development region within Minnesota defined as a shortage area
 72.12 by the Department of Education using determined by the Professional Educator Licensing
 72.13 and Standards Board in which the number of surveyed districts or schools within an economic
 72.14 development region reporting or predicting hiring a teacher for a specific licensure area as
 72.15 "very difficult" is equal to or greater than the number of districts or schools reporting or
 72.16 predicting such hiring as "easy" in data collected for the teacher supply and demand report
 72.17 under section sections 122A.091, subdivision 5, and 127A.05, subdivision 6, or other surveys
 72.18 conducted by the Department of Education or Professional Educator Licensing and Standards
 72.19 Board that provide indicators for teacher supply and demand.

72.20 Subd. 2. **Eligibility.** To be eligible for a grant under this section, a student teacher
 72.21 candidate must:

72.22 (1) be enrolled in a Professional Educator Licensing and Standards Board-approved
 72.23 teacher preparation program that requires at least 12 weeks of student teaching to complete
 72.24 the program in order to be recommended for ~~a full professional~~ any Tier 3 teaching license
 72.25 from early childhood through grade 12;

72.26 (2) demonstrate financial need based on criteria established by the commissioner under
 72.27 subdivision 3;

72.28 (3) ~~intend to teach in~~ be completing a program in a licensure shortage area existing
 72.29 within the economic development region where either the candidate's preparation program
 72.30 or permanent residence is located, or belong to ~~an underrepresented~~ a racial or ethnic group
 72.31 underrepresented in Minnesota's teacher workforce; and

72.32 (4) be meeting satisfactory academic progress as defined under section 136A.101,
 72.33 subdivision 10.

73.1 Subd. 3. **Administration; repayment.** (a) The commissioner must establish an
73.2 application process and other guidelines for implementing this program, including repayment
73.3 responsibilities for stipend recipients who do not complete student teaching or who leave
73.4 Minnesota to teach in another state during the first year after student teaching.

73.5 (b) The commissioner must determine each academic year the stipend amount up to
73.6 \$7,500 based on the amount of available funding, the number of eligible applicants, and the
73.7 financial need of the applicants.

73.8 (c) In order to help improve all students' access to effective and diverse teachers, the
73.9 percentage of the total award reserved for teacher candidates who identify as belonging to
73.10 an underrepresented racial or ethnic group underrepresented in the Minnesota teacher
73.11 workforce must be equal to or greater than the total percentage of students of from all such
73.12 underrepresented racial or ethnic groups as measured under section 120B.35, subdivision
73.13 3. If this percentage cannot be met because of a lack of qualifying candidates, the remaining
73.14 amount may be awarded to teacher candidates who intend to teach in a shortage area. Student
73.15 teacher candidates who are of color or who are American Indian who have made satisfactory
73.16 academic progress must have priority for receiving a grant from available funds to student
73.17 teach and complete their preparation programs if they meet eligibility requirements and
73.18 participated in a Minnesota teachers of color scholarship program or other similarly styled
73.19 program.

73.20 Sec. 48. Minnesota Statutes 2018, section 136A.1791, subdivision 1, is amended to read:

73.21 Subdivision 1. **Definitions.** (a) The terms used in this section have the meanings given
73.22 them in this subdivision.

73.23 (b) "Qualified educational loan" means a government, commercial, or foundation loan
73.24 for actual costs paid for tuition and reasonable educational and living expenses related to a
73.25 teacher's preparation or further education.

73.26 (c) "School district" means an independent school district, special school district,
73.27 intermediate district, education district, special education cooperative, service cooperative,
73.28 a cooperative center for vocational education, or a charter school located in Minnesota.

73.29 (d) "Teacher" means an individual holding a teaching license issued by the Professional
73.30 Educator Licensing and Standards Board who is employed by a school district to provide
73.31 classroom instruction or a Head Start or Early Head Start nonlicensed early childhood
73.32 professional employed by a Head Start program under section 119A.50.

74.1 (e) "Teacher shortage area" means any of the following experiencing a teacher shortage
 74.2 as reported by the Professional Educator Licensing and Standards Board:

74.3 (1) the licensure fields ~~and~~ specific to particular economic development regions ~~reported~~
 74.4 ~~by the commissioner of education as experiencing a teacher shortage; and;~~

74.5 (2) individual economic development regions; or

74.6 (3) economic development regions where there is a shortage of licensed teachers who
 74.7 ~~reflect the racial or ethnic diversity of~~ are of color or who are American Indian where the
 74.8 aggregate percentage of this group of teachers is lower than the aggregate percentage of
 74.9 students of color and American Indian students in the region as reported by the commissioner
 74.10 of education.

74.11 (f) "Commissioner" means the commissioner of the Office of Higher Education unless
 74.12 indicated otherwise.

74.13 Sec. 49. Minnesota Statutes 2018, section 136A.1791, subdivision 2, is amended to read:

74.14 Subd. 2. **Program established; administration.** The commissioner ~~shall~~ must establish
 74.15 and administer a teacher shortage loan forgiveness program. A teacher is eligible for the
 74.16 program if the teacher is teaching in an identified teacher shortage area for the economic
 74.17 development region in which the teacher works as defined in subdivision 1 and reported
 74.18 under subdivision 3 and complies with the requirements of this section.

74.19 Sec. 50. Minnesota Statutes 2018, section 136A.1791, subdivision 3, is amended to read:

74.20 Subd. 3. **Use of report on teacher shortage areas.** ~~The commissioner of education~~
 74.21 ~~shall~~ Professional Educator Licensing and Standards Board must use the teacher supply and
 74.22 demand report to the legislature to identify the licensure fields and racial or ethnic groups
 74.23 in economic development regions in Minnesota experiencing a teacher shortage.

74.24 Sec. 51. Minnesota Statutes 2018, section 136A.1791, subdivision 4, is amended to read:

74.25 Subd. 4. **Application for loan forgiveness.** Each applicant for loan forgiveness, according
 74.26 to rules adopted by the commissioner, ~~shall~~ must:

74.27 (1) apply for teacher shortage loan forgiveness and promptly submit any additional
 74.28 information required by the commissioner; and

74.29 (2) submit to the commissioner a completed affidavit, prescribed by the commissioner,
 74.30 affirming the teacher is teaching in: ~~(i) a licensure field identified by the commissioner as~~

75.1 ~~experiencing a teacher shortage; or (ii) an economic development region identified by the~~
75.2 ~~commissioner as experiencing a teacher shortage~~ a shortage area.

75.3 Sec. 52. Minnesota Statutes 2018, section 136A.1791, subdivision 5, is amended to read:

75.4 Subd. 5. **Amount of loan forgiveness.** (a) To the extent funding is available, the annual
75.5 amount of teacher shortage loan forgiveness for an approved applicant ~~shall~~ as a teacher in
75.6 any shortage area must not exceed \$1,000 \$2,000 or the cumulative balance of the applicant's
75.7 qualified educational loans, including principal and interest, whichever amount is less. To
75.8 support the retention of teachers who are of color or who are American Indian and to the
75.9 extent there are sufficient applications, the percentage of loan repayments granted to teachers
75.10 of color and American Indian teachers must at least be equivalent to the aggregated
75.11 percentage of students of color and American Indian students in the state.

75.12 (b) Notwithstanding paragraph (a), applicants who meet both licensure field and
75.13 underrepresented racial or ethnic group eligibility in their economic development region
75.14 may receive an annual amount of up to \$4,000 or the cumulative balance of the applicant's
75.15 qualified educational loans, including principal and interest, whichever amount is less.

75.16 ~~(b)~~ (c) Recipients must secure their own qualified educational loans. Teachers who
75.17 graduate from an approved teacher preparation program or teachers who add a licensure
75.18 field, consistent with the teacher shortage requirements of this section, are eligible to apply
75.19 for the loan forgiveness program.

75.20 ~~(e)~~ (d) No teacher ~~shall~~ may receive more than ~~five~~ ten annual awards.

75.21 Sec. 53. Minnesota Statutes 2018, section 214.01, subdivision 3, is amended to read:

75.22 Subd. 3. **Non-health-related licensing board.** "Non-health-related licensing board"
75.23 means the Professional Educator Licensing and Standards Board established pursuant to
75.24 section 122A.07, the Board of School Administrators established pursuant to section 122A.14,
75.25 the Board of Barber Examiners established pursuant to section 154.001, the Board of
75.26 Cosmetologist Examiners established pursuant to section 155A.20, the Board of Assessors
75.27 established pursuant to section 270.41, the Board of Architecture, Engineering, Land
75.28 Surveying, Landscape Architecture, Geoscience, and Interior Design established pursuant
75.29 to section 326.04, the Private Detective and Protective Agent Licensing Board established
75.30 pursuant to section 326.33, the Board of Accountancy established pursuant to section
75.31 326A.02, and the Peace Officer Standards and Training Board established pursuant to section
75.32 626.841.

76.1 Sec. 54. **[245C.125] BACKGROUND STUDY; PROFESSIONAL EDUCATOR**
76.2 **LICENSING AND STANDARDS BOARD.**

76.3 The commissioner may contract with the Professional Educator Licensing and Standards
76.4 Board to conduct background studies and obtain background study data as required under
76.5 this chapter and chapter 122A. When required in chapter 122A, the commissioner must
76.6 conduct a national criminal history record check.

76.7 Sec. 55. Minnesota Statutes 2018, section 626.556, subdivision 10, is amended to read:

76.8 Subd. 10. **Duties of local welfare agency and local law enforcement agency upon**
76.9 **receipt of report; mandatory notification between police or sheriff and agency.** (a) The
76.10 police department or the county sheriff shall immediately notify the local welfare agency
76.11 or agency responsible for child protection reports under this section orally and in writing
76.12 when a report is received. The local welfare agency or agency responsible for child protection
76.13 reports shall immediately notify the local police department or the county sheriff orally and
76.14 in writing when a report is received. The county sheriff and the head of every local welfare
76.15 agency, agency responsible for child protection reports, and police department shall each
76.16 designate a person within their agency, department, or office who is responsible for ensuring
76.17 that the notification duties of this paragraph are carried out. When the alleged maltreatment
76.18 occurred on tribal land, the local welfare agency or agency responsible for child protection
76.19 reports and the local police department or the county sheriff shall immediately notify the
76.20 tribe's social services agency and tribal law enforcement orally and in writing when a report
76.21 is received. When a police department or county sheriff determines that a child has been
76.22 the subject of physical abuse, sexual abuse, or neglect by a person licensed by the
76.23 Professional Educator Licensing and Standards Board or Board of School Administrators,
76.24 it shall, in addition to its other duties under this section, immediately inform the licensing
76.25 board. Law enforcement must work collaboratively with the board that has jurisdiction over
76.26 the matter, including sharing documents and evidence to continue the investigation.

76.27 (b) Upon receipt of a report, the local welfare agency shall determine whether to conduct
76.28 a family assessment or an investigation as appropriate to prevent or provide a remedy for
76.29 child maltreatment. The local welfare agency:

76.30 (1) shall conduct an investigation on reports involving sexual abuse or substantial child
76.31 endangerment;

76.32 (2) shall begin an immediate investigation if, at any time when it is using a family
76.33 assessment response, it determines that there is reason to believe that sexual abuse or
76.34 substantial child endangerment or a serious threat to the child's safety exists;

77.1 (3) may conduct a family assessment for reports that do not allege sexual abuse or
77.2 substantial child endangerment. In determining that a family assessment is appropriate, the
77.3 local welfare agency may consider issues of child safety, parental cooperation, and the need
77.4 for an immediate response;

77.5 (4) may conduct a family assessment on a report that was initially screened and assigned
77.6 for an investigation. In determining that a complete investigation is not required, the local
77.7 welfare agency must document the reason for terminating the investigation and notify the
77.8 local law enforcement agency if the local law enforcement agency is conducting a joint
77.9 investigation; and

77.10 (5) shall provide immediate notice, according to section 260.761, subdivision 2, to an
77.11 Indian child's tribe when the agency has reason to believe the family assessment or
77.12 investigation may involve an Indian child. For purposes of this clause, "immediate notice"
77.13 means notice provided within 24 hours.

77.14 If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or
77.15 individual functioning within the family unit as a person responsible for the child's care, or
77.16 sexual abuse by a person with a significant relationship to the child when that person resides
77.17 in the child's household or by a sibling, the local welfare agency shall immediately conduct
77.18 a family assessment or investigation as identified in clauses (1) to (4). In conducting a family
77.19 assessment or investigation, the local welfare agency shall gather information on the existence
77.20 of substance abuse and domestic violence and offer services for purposes of preventing
77.21 future child maltreatment, safeguarding and enhancing the welfare of the abused or neglected
77.22 minor, and supporting and preserving family life whenever possible. If the report alleges a
77.23 violation of a criminal statute involving sexual abuse, physical abuse, or neglect or
77.24 endangerment, under section 609.378, the local law enforcement agency and local welfare
77.25 agency shall coordinate the planning and execution of their respective investigation and
77.26 assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews.
77.27 Each agency shall prepare a separate report of the results of its investigation or assessment.
77.28 In cases of alleged child maltreatment resulting in death, the local agency may rely on the
77.29 fact-finding efforts of a law enforcement investigation to make a determination of whether
77.30 or not maltreatment occurred. When necessary the local welfare agency shall seek authority
77.31 to remove the child from the custody of a parent, guardian, or adult with whom the child is
77.32 living. In performing any of these duties, the local welfare agency shall maintain appropriate
77.33 records.

77.34 If the family assessment or investigation indicates there is a potential for abuse of alcohol
77.35 or other drugs by the parent, guardian, or person responsible for the child's care, the local

78.1 welfare agency shall conduct a chemical use assessment pursuant to Minnesota Rules, part
78.2 9530.6615.

78.3 (c) When a local agency receives a report or otherwise has information indicating that
78.4 a child who is a client, as defined in section 245.91, has been the subject of physical abuse,
78.5 sexual abuse, or neglect at an agency, facility, or program as defined in section 245.91, it
78.6 shall, in addition to its other duties under this section, immediately inform the ombudsman
78.7 established under sections 245.91 to 245.97. The commissioner of education shall inform
78.8 the ombudsman established under sections 245.91 to 245.97 of reports regarding a child
78.9 defined as a client in section 245.91 that maltreatment occurred at a school as defined in
78.10 section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

78.11 (d) Authority of the local welfare agency responsible for assessing or investigating the
78.12 child abuse or neglect report, the agency responsible for assessing or investigating the report,
78.13 and of the local law enforcement agency for investigating the alleged abuse or neglect
78.14 includes, but is not limited to, authority to interview, without parental consent, the alleged
78.15 victim and any other minors who currently reside with or who have resided with the alleged
78.16 offender. The interview may take place at school or at any facility or other place where the
78.17 alleged victim or other minors might be found or the child may be transported to, and the
78.18 interview conducted at, a place appropriate for the interview of a child designated by the
78.19 local welfare agency or law enforcement agency. The interview may take place outside the
78.20 presence of the alleged offender or parent, legal custodian, guardian, or school official. For
78.21 family assessments, it is the preferred practice to request a parent or guardian's permission
78.22 to interview the child prior to conducting the child interview, unless doing so would
78.23 compromise the safety assessment. Except as provided in this paragraph, the parent, legal
78.24 custodian, or guardian shall be notified by the responsible local welfare or law enforcement
78.25 agency no later than the conclusion of the investigation or assessment that this interview
78.26 has occurred. Notwithstanding rule 32 of the Minnesota Rules of Procedure for Juvenile
78.27 Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare
78.28 agency, order that, where reasonable cause exists, the agency withhold notification of this
78.29 interview from the parent, legal custodian, or guardian. If the interview took place or is to
78.30 take place on school property, the order shall specify that school officials may not disclose
78.31 to the parent, legal custodian, or guardian the contents of the notification of intent to interview
78.32 the child on school property, as provided under this paragraph, and any other related
78.33 information regarding the interview that may be a part of the child's school record. A copy
78.34 of the order shall be sent by the local welfare or law enforcement agency to the appropriate
78.35 school official.

79.1 (e) When the local welfare, local law enforcement agency, or the agency responsible
79.2 for assessing or investigating a report of maltreatment determines that an interview should
79.3 take place on school property, written notification of intent to interview the child on school
79.4 property must be received by school officials prior to the interview. The notification shall
79.5 include the name of the child to be interviewed, the purpose of the interview, and a reference
79.6 to the statutory authority to conduct an interview on school property. For interviews
79.7 conducted by the local welfare agency, the notification shall be signed by the chair of the
79.8 local social services agency or the chair's designee. The notification shall be private data
79.9 on individuals subject to the provisions of this paragraph. School officials may not disclose
79.10 to the parent, legal custodian, or guardian the contents of the notification or any other related
79.11 information regarding the interview until notified in writing by the local welfare or law
79.12 enforcement agency that the investigation or assessment has been concluded, unless a school
79.13 employee or agent is alleged to have maltreated the child. Until that time, the local welfare
79.14 or law enforcement agency or the agency responsible for assessing or investigating a report
79.15 of maltreatment shall be solely responsible for any disclosures regarding the nature of the
79.16 assessment or investigation.

79.17 Except where the alleged offender is believed to be a school official or employee, the
79.18 time and place, and manner of the interview on school premises shall be within the discretion
79.19 of school officials, but the local welfare or law enforcement agency shall have the exclusive
79.20 authority to determine who may attend the interview. The conditions as to time, place, and
79.21 manner of the interview set by the school officials shall be reasonable and the interview
79.22 shall be conducted not more than 24 hours after the receipt of the notification unless another
79.23 time is considered necessary by agreement between the school officials and the local welfare
79.24 or law enforcement agency. Where the school fails to comply with the provisions of this
79.25 paragraph, the juvenile court may order the school to comply. Every effort must be made
79.26 to reduce the disruption of the educational program of the child, other students, or school
79.27 staff when an interview is conducted on school premises.

79.28 (f) Where the alleged offender or a person responsible for the care of the alleged victim
79.29 or other minor prevents access to the victim or other minor by the local welfare agency, the
79.30 juvenile court may order the parents, legal custodian, or guardian to produce the alleged
79.31 victim or other minor for questioning by the local welfare agency or the local law
79.32 enforcement agency outside the presence of the alleged offender or any person responsible
79.33 for the child's care at reasonable places and times as specified by court order.

79.34 (g) Before making an order under paragraph (f), the court shall issue an order to show
79.35 cause, either upon its own motion or upon a verified petition, specifying the basis for the

80.1 requested interviews and fixing the time and place of the hearing. The order to show cause
80.2 shall be served personally and shall be heard in the same manner as provided in other cases
80.3 in the juvenile court. The court shall consider the need for appointment of a guardian ad
80.4 litem to protect the best interests of the child. If appointed, the guardian ad litem shall be
80.5 present at the hearing on the order to show cause.

80.6 (h) The commissioner of human services, the ombudsman for mental health and
80.7 developmental disabilities, the local welfare agencies responsible for investigating reports,
80.8 the commissioner of education, and the local law enforcement agencies have the right to
80.9 enter facilities as defined in subdivision 2 and to inspect and copy the facility's records,
80.10 including medical records, as part of the investigation. Notwithstanding the provisions of
80.11 chapter 13, they also have the right to inform the facility under investigation that they are
80.12 conducting an investigation, to disclose to the facility the names of the individuals under
80.13 investigation for abusing or neglecting a child, and to provide the facility with a copy of
80.14 the report and the investigative findings.

80.15 (i) The local welfare agency responsible for conducting a family assessment or
80.16 investigation shall collect available and relevant information to determine child safety, risk
80.17 of subsequent child maltreatment, and family strengths and needs and share not public
80.18 information with an Indian's tribal social services agency without violating any law of the
80.19 state that may otherwise impose duties of confidentiality on the local welfare agency in
80.20 order to implement the tribal state agreement. The local welfare agency or the agency
80.21 responsible for investigating the report shall collect available and relevant information to
80.22 ascertain whether maltreatment occurred and whether protective services are needed.
80.23 Information collected includes, when relevant, information with regard to the person reporting
80.24 the alleged maltreatment, including the nature of the reporter's relationship to the child and
80.25 to the alleged offender, and the basis of the reporter's knowledge for the report; the child
80.26 allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral
80.27 sources having relevant information related to the alleged maltreatment. The local welfare
80.28 agency or the agency responsible for investigating the report may make a determination of
80.29 no maltreatment early in an investigation, and close the case and retain immunity, if the
80.30 collected information shows no basis for a full investigation.

80.31 Information relevant to the assessment or investigation must be asked for, and may
80.32 include:

80.33 (1) the child's sex and age; prior reports of maltreatment, including any maltreatment
80.34 reports that were screened out and not accepted for assessment or investigation; information
80.35 relating to developmental functioning; credibility of the child's statement; and whether the

81.1 information provided under this clause is consistent with other information collected during
81.2 the course of the assessment or investigation;

81.3 (2) the alleged offender's age, a record check for prior reports of maltreatment, and
81.4 criminal charges and convictions. The local welfare agency or the agency responsible for
81.5 assessing or investigating the report must provide the alleged offender with an opportunity
81.6 to make a statement. The alleged offender may submit supporting documentation relevant
81.7 to the assessment or investigation;

81.8 (3) collateral source information regarding the alleged maltreatment and care of the
81.9 child. Collateral information includes, when relevant: (i) a medical examination of the child;
81.10 (ii) prior medical records relating to the alleged maltreatment or the care of the child
81.11 maintained by any facility, clinic, or health care professional and an interview with the
81.12 treating professionals; and (iii) interviews with the child's caretakers, including the child's
81.13 parent, guardian, foster parent, child care provider, teachers, counselors, family members,
81.14 relatives, and other persons who may have knowledge regarding the alleged maltreatment
81.15 and the care of the child; and

81.16 (4) information on the existence of domestic abuse and violence in the home of the child,
81.17 and substance abuse.

81.18 Nothing in this paragraph precludes the local welfare agency, the local law enforcement
81.19 agency, or the agency responsible for assessing or investigating the report from collecting
81.20 other relevant information necessary to conduct the assessment or investigation.

81.21 Notwithstanding sections 13.384 or 144.291 to 144.298, the local welfare agency has access
81.22 to medical data and records for purposes of clause (3). Notwithstanding the data's
81.23 classification in the possession of any other agency, data acquired by the local welfare
81.24 agency or the agency responsible for assessing or investigating the report during the course
81.25 of the assessment or investigation are private data on individuals and must be maintained
81.26 in accordance with subdivision 11. Data of the commissioner of education collected or
81.27 maintained during and for the purpose of an investigation of alleged maltreatment in a school
81.28 are governed by this section, notwithstanding the data's classification as educational,
81.29 licensing, or personnel data under chapter 13.

81.30 In conducting an assessment or investigation involving a school facility as defined in
81.31 subdivision 2, paragraph (c), the commissioner of education shall collect investigative
81.32 reports and data that are relevant to a report of maltreatment and are from local law
81.33 enforcement and the school facility.

82.1 (j) Upon receipt of a report, the local welfare agency shall conduct a face-to-face contact
82.2 with the child reported to be maltreated and with the child's primary caregiver sufficient to
82.3 complete a safety assessment and ensure the immediate safety of the child. The face-to-face
82.4 contact with the child and primary caregiver shall occur immediately if sexual abuse or
82.5 substantial child endangerment is alleged and within five calendar days for all other reports.
82.6 If the alleged offender was not already interviewed as the primary caregiver, the local welfare
82.7 agency shall also conduct a face-to-face interview with the alleged offender in the early
82.8 stages of the assessment or investigation. At the initial contact, the local child welfare agency
82.9 or the agency responsible for assessing or investigating the report must inform the alleged
82.10 offender of the complaints or allegations made against the individual in a manner consistent
82.11 with laws protecting the rights of the person who made the report. The interview with the
82.12 alleged offender may be postponed if it would jeopardize an active law enforcement
82.13 investigation.

82.14 (k) When conducting an investigation, the local welfare agency shall use a question and
82.15 answer interviewing format with questioning as nondirective as possible to elicit spontaneous
82.16 responses. For investigations only, the following interviewing methods and procedures must
82.17 be used whenever possible when collecting information:

82.18 (1) audio recordings of all interviews with witnesses and collateral sources; and

82.19 (2) in cases of alleged sexual abuse, audio-video recordings of each interview with the
82.20 alleged victim and child witnesses.

82.21 (l) In conducting an assessment or investigation involving a school facility as defined
82.22 in subdivision 2, paragraph (c), the commissioner of education shall collect available and
82.23 relevant information and use the procedures in paragraphs (j) and (k), and subdivision 3d,
82.24 except that the requirement for face-to-face observation of the child and face-to-face interview
82.25 of the alleged offender is to occur in the initial stages of the assessment or investigation
82.26 provided that the commissioner may also base the assessment or investigation on investigative
82.27 reports and data received from the school facility and local law enforcement, to the extent
82.28 those investigations satisfy the requirements of paragraphs (j) and (k), and subdivision 3d.

82.29 Sec. 56. Minnesota Statutes 2018, section 626.556, subdivision 11, is amended to read:

82.30 Subd. 11. **Records.** (a) Except as provided in paragraph (b) and subdivisions 10b, 10d,
82.31 10g, and 11b, all records concerning individuals maintained by a local welfare agency or
82.32 agency responsible for assessing or investigating the report under this section, including
82.33 any written reports filed under subdivision 7, shall be private data on individuals, except
82.34 insofar as copies of reports are required by subdivision 7 to be sent to the local police

83.1 department or the county sheriff. All records concerning determinations of maltreatment
83.2 by a facility are nonpublic data as maintained by the Department of Education, except insofar
83.3 as copies of reports are required by subdivision 7 to be sent to the local police department
83.4 or the county sheriff. Reports maintained by any police department or the county sheriff
83.5 shall be private data on individuals except the reports shall be made available to the
83.6 investigating, petitioning, or prosecuting authority, including county medical examiners or
83.7 county coroners. Section 13.82, subdivisions 8, 9, and 14, apply to law enforcement data
83.8 other than the reports. The local social services agency or agency responsible for assessing
83.9 or investigating the report shall make available to the investigating, petitioning, or prosecuting
83.10 authority, including county medical examiners or county coroners or their professional
83.11 delegates, any records which contain information relating to a specific incident of neglect
83.12 or abuse which is under investigation, petition, or prosecution and information relating to
83.13 any prior incidents of neglect or abuse involving any of the same persons. The records shall
83.14 be collected and maintained in accordance with the provisions of chapter 13. In conducting
83.15 investigations and assessments pursuant to this section, the notice required by section 13.04,
83.16 subdivision 2, need not be provided to a minor under the age of ten who is the alleged victim
83.17 of abuse or neglect. An individual subject of a record shall have access to the record in
83.18 accordance with those sections, except that the name of the reporter shall be confidential
83.19 while the report is under assessment or investigation except as otherwise permitted by this
83.20 subdivision. Any person conducting an investigation or assessment under this section who
83.21 intentionally discloses the identity of a reporter prior to the completion of the investigation
83.22 or assessment is guilty of a misdemeanor. After the assessment or investigation is completed,
83.23 the name of the reporter shall be confidential. The subject of the report may compel disclosure
83.24 of the name of the reporter only with the consent of the reporter or upon a written finding
83.25 by the court that the report was false and that there is evidence that the report was made in
83.26 bad faith. This subdivision does not alter disclosure responsibilities or obligations under
83.27 the Rules of Criminal Procedure.

83.28 (b) Upon request of the legislative auditor, data on individuals maintained under this
83.29 section must be released to the legislative auditor in order for the auditor to fulfill the auditor's
83.30 duties under section 3.971. The auditor shall maintain the data in accordance with chapter
83.31 13.

83.32 (c) The commissioner of education must be provided with all requested data that are
83.33 relevant to a report of maltreatment and are in possession of a school facility as defined in
83.34 subdivision 2, paragraph (c), when the data is requested pursuant to an assessment or
83.35 investigation of a maltreatment report of a student in a school. If the commissioner of

84.1 education makes a determination of maltreatment involving an individual performing work
84.2 within a school facility who is licensed by a board or other agency, the commissioner shall
84.3 provide ~~necessary and relevant information to~~ the licensing entity ~~to enable the entity to~~
84.4 ~~fulfill~~ with the full investigative file including but not limited to witness statements, all
84.5 documents provided by witnesses or the district, a witness list, the full and complete
84.6 maltreatment determination report including the witness name key, and other information
84.7 the licensing agency deems necessary in completing its statutory duties. Upon written request
84.8 from the appropriate licensing board, the commissioner of education may solicit the written
84.9 consent of a student and the student's parent to provide the licensing board with information
84.10 that may aid the licensing board in its investigation and license proceedings, including the
84.11 student's name. Notwithstanding section 13.03, subdivision 4, data received by a licensing
84.12 entity under this paragraph are governed by section 13.41 or other applicable law governing
84.13 data of the receiving entity, except that this section applies to the classification of and access
84.14 to data on the reporter of the maltreatment.

84.15 Sec. 57. Minnesota Statutes 2018, section 631.40, subdivision 4, is amended to read:

84.16 Subd. 4. **Licensed teachers.** When a person is convicted of child abuse, as defined in
84.17 section 609.185, ~~or~~ sexual abuse under section 609.342, 609.343, 609.344, 609.345,
84.18 609.3451, subdivision 3, or 617.23, subdivision 3; sex trafficking in the first degree under
84.19 section 609.322, subdivision 1; sex trafficking in the second degree under section 609.322,
84.20 subdivision 1a; engaging in hiring, or agreeing to hire a minor to engage in prostitution
84.21 under section 609.324, subdivisions 1 and 1a; exposure under section 617.23, subdivisions
84.22 2 and 3; solicitation of children to engage in sexual conduct or communication of sexually
84.23 explicit materials to children under section 609.352; interference with privacy under section
84.24 609.746; stalking under section 609.749, and the victim was a minor; using minors in a
84.25 sexual performance under section 617.246; possessing pornographic works involving a
84.26 minor under section 617.247; or any other offense not listed in this subdivision that requires
84.27 the person to register as a predatory offender under section 243.166; the court shall determine
84.28 whether the person is licensed to teach under chapter 122A. If the offender is a licensed
84.29 teacher, the court administrator shall send a certified copy of the conviction to the
84.30 Professional Educator Licensing and Standards Board or the Board of School Administrators,
84.31 whichever has jurisdiction over the teacher's license, within ten days after the conviction.

84.32 Sec. 58. **REPEALER.**

84.33 (a) Laws 2017, First Special Session chapter 5, article 11, section 6, is repealed.

85.1 (b) Minnesota Statutes 2018, sections 122A.09, subdivision 1; and 122A.182, subdivision
85.2 2, are repealed.

85.3 (c) Minnesota Rules, part 8710.2100, subparts 1 and 2, are repealed.

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

85.5 ARTICLE 4

85.6 SPECIAL EDUCATION

85.7 Section 1. Minnesota Statutes 2018, section 125A.08, is amended to read:

85.8 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

85.9 (a) At the beginning of each school year, each school district shall have in effect, for
85.10 each child with a disability, an individualized education program.

85.11 (b) As defined in this section, every district must ensure the following:

85.12 (1) all students with disabilities are provided the special instruction and services which
85.13 are appropriate to their needs. Where the individualized education program team has
85.14 determined appropriate goals and objectives based on the student's needs, including the
85.15 extent to which the student can be included in the least restrictive environment, and where
85.16 there are essentially equivalent and effective instruction, related services, or assistive
85.17 technology devices available to meet the student's needs, cost to the district may be among
85.18 the factors considered by the team in choosing how to provide the appropriate services,
85.19 instruction, or devices that are to be made part of the student's individualized education
85.20 program. The individualized education program team shall consider and may authorize
85.21 services covered by medical assistance according to section 256B.0625, subdivision 26.
85.22 Before a school district evaluation team makes a determination of other health disability
85.23 under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation
85.24 team must seek written documentation of the student's medically diagnosed chronic or acute
85.25 health condition signed by a licensed physician or a licensed health care provider acting
85.26 within the scope of the provider's practice. The student's needs and the special education
85.27 instruction and services to be provided must be agreed upon through the development of
85.28 an individualized education program. The program must address the student's need to develop
85.29 skills to live and work as independently as possible within the community. The individualized
85.30 education program team must consider positive behavioral interventions, strategies, and
85.31 supports that address behavior needs for children. During grade 9, the program must address
85.32 the student's needs for transition from secondary services to postsecondary education and
85.33 training, employment, community participation, recreation, and leisure and home living. In

86.1 developing the program, districts must inform parents of the full range of transitional goals
86.2 and related services that should be considered. The program must include a statement of
86.3 the needed transition services, including a statement of the interagency responsibilities or
86.4 linkages or both before secondary services are concluded. If the individualized education
86.5 program meets the plan components in section 120B.125, the individualized education
86.6 program satisfies the requirement and no additional transition plan is needed; An
86.7 individualized education program team, after affirmative approval of the parent, may
86.8 eliminate benchmarks or short-term objectives, except for students who take alternative
86.9 assessments. The individualized education program may report the student's performance
86.10 on general state or districtwide assessments related to the student's educational needs;

86.11 (2) children with a disability under age five and their families are provided special
86.12 instruction and services appropriate to the child's level of functioning and needs;

86.13 (3) children with a disability and their parents or guardians are guaranteed procedural
86.14 safeguards and the right to participate in decisions involving identification, assessment
86.15 including assistive technology assessment, and educational placement of children with a
86.16 disability;

86.17 (4) eligibility and needs of children with a disability are determined by an initial
86.18 evaluation or reevaluation, which may be completed using existing data under United States
86.19 Code, title 20, section 33, et seq.;

86.20 (5) to the maximum extent appropriate, children with a disability, including those in
86.21 public or private institutions or other care facilities, are educated with children who are not
86.22 disabled, and that special classes, separate schooling, or other removal of children with a
86.23 disability from the regular educational environment occurs only when and to the extent that
86.24 the nature or severity of the disability is such that education in regular classes with the use
86.25 of supplementary services cannot be achieved satisfactorily;

86.26 (6) in accordance with recognized professional standards, testing and evaluation materials,
86.27 and procedures used for the purposes of classification and placement of children with a
86.28 disability are selected and administered so as not to be racially or culturally discriminatory;
86.29 and

86.30 (7) the rights of the child are protected when the parents or guardians are not known or
86.31 not available, or the child is a ward of the state.

86.32 (c) For all paraprofessionals employed to work in programs whose role in part is to
86.33 provide direct support to students with disabilities, the school board in each district shall
86.34 ensure that:

87.1 (1) before or beginning at the time of employment, each paraprofessional must develop
87.2 sufficient knowledge and skills in emergency procedures, building orientation, roles and
87.3 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin
87.4 meeting the needs, especially disability-specific and behavioral needs, of the students with
87.5 whom the paraprofessional works;

87.6 (2) annual training opportunities are required to enable the paraprofessional to continue
87.7 to further develop the knowledge and skills that are specific to the students with whom the
87.8 paraprofessional works, including understanding disabilities, the unique and individual
87.9 needs of each student according to the student's disability and how the disability affects the
87.10 student's education and behavior, following lesson plans, and implementing follow-up
87.11 instructional procedures and activities; and

87.12 (3) a districtwide process obligates each paraprofessional to work under the ongoing
87.13 direction of a licensed teacher and, where appropriate and possible, the supervision of a
87.14 school nurse.

87.15 (d) A school district may conduct a functional behavior assessment as defined in
87.16 Minnesota Rules, part 3525.0210, subpart 22, as a stand-alone evaluation without conducting
87.17 a comprehensive evaluation of the student.

87.18 Sec. 2. Minnesota Statutes 2018, section 125A.091, subdivision 3a, is amended to read:

87.19 Subd. 3a. **Additional requirements for prior written notice.** In addition to federal law
87.20 requirements, a prior written notice shall:

87.21 (1) inform the parent that except for the initial placement of a child in special education,
87.22 the school district will proceed with its proposal for the child's placement or for providing
87.23 special education services unless the child's parent notifies the district of an objection within
87.24 14 days of when the district sends the prior written notice to the parent; and

87.25 (2) state that a parent who objects to a proposal or refusal in the prior written notice
87.26 may:

87.27 (i) request a conciliation conference under subdivision 7 or another alternative dispute
87.28 resolution procedure under subdivision 8 or 9; or

87.29 (ii) identify the specific part of the proposal or refusal the parent objects to and request
87.30 a meeting with appropriate members of the individualized education program team.

88.1 Sec. 3. Minnesota Statutes 2018, section 125A.091, subdivision 7, is amended to read:

88.2 Subd. 7. **Conciliation conference.** A parent must have an opportunity to request a
88.3 meeting with appropriate members of the individualized education program team or meet
88.4 with appropriate district staff in at least one conciliation conference if the parent objects to
88.5 any proposal of which the parent receives notice under subdivision 3a. A district must hold
88.6 a conciliation conference within ten calendar days from the date the district receives a
88.7 parent's ~~objection to a proposal or refusal in the prior written notice~~ request for a conciliation
88.8 conference. Except as provided in this section, all discussions held during a conciliation
88.9 conference are confidential and are not admissible in a due process hearing. Within five
88.10 school days after the final conciliation conference, the district must prepare and provide to
88.11 the parent a conciliation conference memorandum that describes the district's final proposed
88.12 offer of service. This memorandum is admissible in evidence in any subsequent proceeding.

88.13 Sec. 4. Minnesota Statutes 2018, section 125A.50, subdivision 1, is amended to read:

88.14 Subdivision 1. **Commissioner approval.** The commissioner may approve applications
88.15 from districts initiating or significantly changing a program to provide prevention services
88.16 as an alternative to special education and other compensatory programs. A district with an
88.17 approved program may provide instruction and services in a regular education classroom,
88.18 or an area learning center, to eligible pupils. Pupils eligible to participate in the program
88.19 are pupils who need additional academic or behavioral support to succeed in the general
88.20 education environment and who may eventually qualify for special education instruction
88.21 or related services under sections 125A.03 to 125A.24 and 125A.65 if the intervention
88.22 services authorized by this section were unavailable. A pupil with an individualized education
88.23 program may participate in the program in a service area which the individualized education
88.24 program team has determined is not an educational need that results from the pupil's
88.25 disability. Pupils may be provided services during extended school days and throughout the
88.26 entire year and through the assurance of mastery program under sections 125A.03 to 125A.24
88.27 and 125A.65.

88.28 Sec. 5. Minnesota Statutes 2018, section 136D.01, is amended to read:

88.29 **136D.01 INTERMEDIATE SCHOOL DISTRICT.**

88.30 "Intermediate school district" means a district with a cooperative program ~~which has~~
88.31 ~~been established under Laws 1967, chapter 822, as amended; Laws 1969, chapter 775, as~~
88.32 ~~amended; and Laws 1969, chapter 1060, as amended~~ this chapter, offering integrated services

89.1 for secondary, postsecondary, and adult students in the areas of vocational education, special
89.2 education, and other authorized services.

89.3 Sec. 6. Minnesota Statutes 2018, section 136D.49, is amended to read:

89.4 **136D.49 OTHER MEMBERSHIP AND POWERS.**

89.5 In addition to the districts listed in sections 136D.21, 136D.41, 136D.71, and 136D.81,
89.6 the agreement of an intermediate school district established under this chapter may provide
89.7 for the membership of other school districts and cities, counties, and other governmental
89.8 units as defined in section 471.59. In addition to the powers listed in sections ~~136D.25,~~
89.9 136D.24, 136D.44, 136D.73, and 136D.84, an intermediate school board may provide the
89.10 services defined in section 123A.21, subdivisions 7 and 8.

89.11 Sec. 7. **PRIOR WRITTEN NOTICE WORKING GROUP.**

89.12 (a) The commissioner of education must appoint a working group by July 1, 2019, that
89.13 includes the following:

89.14 (1) special education administrators;

89.15 (2) special education teachers;

89.16 (3) school board members;

89.17 (4) parents of children with disabilities receiving special instruction and services in
89.18 accordance with Minnesota Statutes, chapter 125A;

89.19 (5) organizations that work with the parents of children with disabilities; and

89.20 (6) Department of Education staff with expertise in special education compliance.

89.21 (b) The commissioner of education must convene the first meeting of the working group
89.22 no later than July 15, 2019, and must provide support and meeting space for the working
89.23 group. The meetings of the working group are subject to the requirements of Minnesota
89.24 Statutes, chapter 13D.

89.25 (c) Members of the working group serve without compensation, but may be reimbursed
89.26 for allowed actual and necessary expenses incurred in the performance of the member's
89.27 duties for the working group in the same manner and amount as authorized by the
89.28 commissioner's plan under Minnesota Statutes, section 43A.18, subdivision 2.

89.29 (d) The working group must make recommendations for improving alignment between
89.30 state guidance and federal law requirements on prior written notice by January 15, 2020.

90.1 The working group must report its recommendations to the chairs and ranking minority
 90.2 members of the legislative committees or divisions with jurisdiction over kindergarten
 90.3 through grade 12 education.

90.4 (e) This section expires January 16, 2020, or the day after the working group submits
 90.5 the report required by this section, whichever is earlier.

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

90.7 **Sec. 8. INDIVIDUALIZED EDUCATION PROGRAM; RULE AMENDMENT.**

90.8 The commissioner of education must amend Minnesota Rules, part 3525.2810, subpart
 90.9 2, item A, to allow but not require an individualized education program to report a student's
 90.10 performance on general state or districtwide assessments.

90.11 **Sec. 9. REVISOR INSTRUCTION.**

90.12 (a) The revisor of statutes shall renumber the provisions of Minnesota Statutes listed in
 90.13 column A to the references listed in column B.

<u>Column A</u>	<u>Column B</u>
90.14 <u>136D.01</u>	<u>123C.01</u>
90.15 <u>136D.21</u>	<u>123C.20</u>
90.16 <u>136D.22, subdivisions 1 and 2</u>	<u>123C.21, subdivisions 1 and 2</u>
90.17 <u>136D.23</u>	<u>123C.22</u>
90.18 <u>136D.24</u>	<u>123C.23</u>
90.19 <u>136D.25</u>	<u>123C.24</u>
90.20 <u>136D.26</u>	<u>123C.25</u>
90.21 <u>136D.29</u>	<u>123C.26</u>
90.22 <u>136D.31</u>	<u>123C.27</u>
90.23 <u>136D.41</u>	<u>123C.30</u>
90.24 <u>136D.42</u>	<u>123C.31</u>
90.25 <u>136D.43</u>	<u>123C.32</u>
90.26 <u>136D.44</u>	<u>123C.33</u>
90.27 <u>136D.45</u>	<u>123C.34</u>
90.28 <u>136D.46</u>	<u>123C.35</u>
90.29 <u>136D.47</u>	<u>123C.36</u>
90.30 <u>136D.48</u>	<u>123C.37</u>
90.31 <u>136D.49</u>	<u>123C.02</u>
90.32 <u>136D.71, subdivision 1</u>	<u>123C.60, subdivision 1</u>
90.33 <u>136D.72</u>	<u>123C.61</u>

91.1	<u>136D.73, subdivision 1</u>	<u>123C.63, subdivision 1</u>
91.2	<u>136D.73, subdivision 2</u>	<u>123C.63, subdivision 3</u>
91.3	<u>136D.73, subdivision 4</u>	<u>123C.63, subdivision 4</u>
91.4	<u>136D.73, subdivision 4a</u>	<u>123C.63, subdivision 5</u>
91.5	<u>136D.73, subdivision 4b</u>	<u>123C.63, subdivision 6</u>
91.6	<u>136D.73, subdivision 4c</u>	<u>123C.63, subdivision 7</u>
91.7	<u>136D.73, subdivision 5</u>	<u>123C.63, subdivision 8</u>
91.8	<u>136D.74, subdivision 1</u>	<u>123C.62, subdivision 1</u>
91.9	<u>136D.74, subdivision 1a</u>	<u>123C.62, subdivision 2</u>
91.10	<u>136D.74, subdivision 1b</u>	<u>123C.62, subdivision 3</u>
91.11	<u>136D.76, subdivision 1</u>	<u>123C.63, subdivision 2</u>
91.12	<u>136D.76, subdivision 2</u>	<u>123C.60, subdivision 2</u>
91.13	<u>136D.81, subdivision 1</u>	<u>123C.70</u>
91.14	<u>136D.82, subdivisions 1 and 2</u>	<u>123C.71, subdivisions 1 and 2</u>
91.15	<u>136D.83</u>	<u>123C.72</u>
91.16	<u>136D.84</u>	<u>123C.73</u>
91.17	<u>136D.85</u>	<u>123C.74</u>
91.18	<u>136D.86</u>	<u>123C.75</u>
91.19	<u>136D.90, subdivision 1</u>	<u>123C.76</u>
91.20	<u>136D.92</u>	<u>123C.77</u>

91.21 (b) The revisor of statutes shall make necessary cross-reference changes in Minnesota
 91.22 Statutes consistent with the renumbering in this section, and if Minnesota Statutes, chapter
 91.23 136D, is further amended in the 2019 legislative session, shall codify the amendments in a
 91.24 manner consistent with this act. The revisor may make necessary changes to sentence
 91.25 structure to preserve the meaning of the text.

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

91.27 Sec. 10. **REPEALER.**

91.28 Minnesota Statutes 2018, section 136D.93, is repealed.

ARTICLE 5

HEALTH AND SAFETY

Section 1. Minnesota Statutes 2018, section 120B.21, is amended to read:

120B.21 MENTAL HEALTH EDUCATION.

School districts and charter schools are encouraged to provide mental health instruction for students in grades ~~6~~ 4 through 12 aligned with local health standards and integrated into existing programs, curriculum, or the general school environment of a district or charter school. The commissioner, in consultation with the commissioner of human services, commissioner of health, and mental health organizations, ~~is encouraged to~~ must, by July 1, 2020, and July 1 of each even-numbered year thereafter, provide districts and charter schools with:

(1) age-appropriate model learning activities for grades ~~6~~ 4 through 12 that encompass the mental health components of the National Health Education Standards and the benchmarks developed by the department's quality teaching network in health and best practices in mental health education; and

(2) a directory of resources for planning and implementing age-appropriate mental health curriculum and instruction in grades ~~6~~ 4 through 12 that includes resources on suicide and self-harm prevention.

Sec. 2. [120B.211] SEXUAL HEALTH EDUCATION.

Subdivision 1. Model program. (a) The commissioner of education must, in consultation with the commissioner of health and other qualified experts, identify one or more model comprehensive sexual health education programs for elementary and secondary school students. The commissioner must use the rulemaking process under section 14.389, including a hearing under section 14.389, subdivision 5, to identify a model program under this section. The commissioner must provide school districts and charter schools with access to the model program, including written materials, curriculum resources, and training for instructors by June 1, 2021.

(b) The model program must include medically accurate instruction that is age and developmentally appropriate on:

(1) human anatomy, reproduction, and sexual development;

(2) consent, bodily autonomy, and healthy relationships, including relationships involving diverse sexual orientations and gender identities;

93.1 (3) abstinence and other methods for preventing unintended pregnancy and sexually
93.2 transmitted infections; and

93.3 (4) the relationship between substance use and sexual behavior and health.

93.4 (c) "Consent" as used in this section means affirmative, conscious, and voluntary
93.5 agreement to engage in interpersonal, physical, or sexual activity.

93.6 Subd. 2. **School programs.** (a) Starting in the 2021-2022 school year, a school district
93.7 or charter school must implement a comprehensive sexual health education program for
93.8 students in elementary and secondary school, including students with disabilities and students
93.9 enrolled in a state-approved alternative program. The sexual health education program must
93.10 include instruction on the topics listed in subdivision 1, paragraph (b), and must:

93.11 (1) respect community values and encourage students to communicate with parents or
93.12 guardians; faith, health, and social services professionals; and other trusted adults about
93.13 sexuality and intimate relationships;

93.14 (2) respond to culturally diverse individuals, families, and communities in an inclusive,
93.15 respectful, and effective manner; and

93.16 (3) provide students with information about local resources where students may obtain
93.17 medically accurate information and services related to sexual and reproductive health, dating
93.18 violence, and sexual assault.

93.19 (b) A school district or charter school sexual health education program must include
93.20 notification to:

93.21 (1) students and school employees regarding criminal penalties for engaging in sexual
93.22 contact with minors and the availability of mistake as to age or consent of the minors as a
93.23 defense; and

93.24 (2) school employees and administrators that a teacher or administrator who engages in
93.25 sexual contact with a student may be found in violation of the teacher code of ethics and
93.26 that such conduct may be grounds for suspension or revocation of a teaching license in
93.27 accordance with section 122A.20, subdivision 1, paragraph (a), clause (1).

93.28 (c) The superintendent of a school district or person having administrative control over
93.29 a charter school must submit to the commissioner an annual assurance of compliance with
93.30 the requirements of this section. The assurance must state whether the district or charter
93.31 school adopted a model program identified in accordance with subdivision 1, or whether
93.32 the district or charter school adopted a different program. The assurances must be in the
93.33 form and manner prescribed by the commissioner.

94.1 (d) Notwithstanding any law to the contrary, instruction in a sexual health education
94.2 program under this section may be provided by a person without a teaching license who is
94.3 employed by the school district, charter school, or a community organization if the school
94.4 administration determines the school employee or community organization has necessary
94.5 content expertise.

94.6 Subd. 3. **Parental review.** A school district or charter school must provide instruction
94.7 under this section consistent with the parental curriculum review requirements in section
94.8 120B.20.

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

94.10 Sec. 3. **[121A.032] SCHOOL SEXUAL HARASSMENT AND SEX**
94.11 **DISCRIMINATION POLICY COMPLIANCE.**

94.12 Subdivision 1. **Duties.** To support school compliance with state and federal sexual
94.13 harassment and sex discrimination laws, the Department of Education must:

94.14 (1) provide leadership, consultation, and technical assistance to districts on the
94.15 responsibilities of district-designated Title IX coordinators;

94.16 (2) collaborate with state experts on sexual violence, including the Department of Health
94.17 Sexual Violence Prevention Unit and the Department of Human Rights, to establish model
94.18 protocols, material development, and training to district-designated Title IX coordinators
94.19 as appropriate;

94.20 (3) disseminate guidance from the federal government on Title IX, including school-based
94.21 sexual harassment and sexual violence;

94.22 (4) collect and maintain an updated statewide list of Title IX coordinators for all public
94.23 school districts;

94.24 (5) serve as the state lead on Title IX for schools, parents, students, and community
94.25 organizations; and

94.26 (6) upon request from a school district, provide specific training to public schools on
94.27 preventing and responding to sexual violence, conducting trauma-informed investigations,
94.28 and provide redress for victims, including but not limited to accommodations during the
94.29 investigation as requested.

94.30 Subd. 2. **Training.** The Department of Education must provide training to Title IX
94.31 coordinators on state and federal sexual harassment and sex discrimination laws every other

95.1 year. The training must include responding to allegations, conducting investigations, and
95.2 reviewing and implementing prevention policies focused on changing culture.

95.3 Sec. 4. Minnesota Statutes 2018, section 121A.22, subdivision 1, is amended to read:

95.4 Subdivision 1. **Applicability.** (a) This section applies only:

95.5 (1) when the parent of a pupil requests school personnel to administer drugs or medicine
95.6 to the pupil; or

95.7 (2) when administration is allowed by the individualized education program of a child
95.8 with a disability.

95.9 The request of a parent may be oral or in writing. An oral request must be reduced to
95.10 writing within two school days, provided that the district may rely on an oral request until
95.11 a written request is received.

95.12 (b) If the administration of a drug or medication described in paragraph (a) requires the
95.13 school to store the drugs or medication, the parent or legal guardian must inform the school
95.14 if the drug or medication is a controlled substance. For drugs or medications that are not
95.15 controlled substances, the request must include a provision designating the school district
95.16 as an authorized entity to transport the drug or medication for the purpose of destruction if
95.17 any unused drug or medication is left in the possession of school personnel. For drugs or
95.18 medications that are controlled substances, the request must specify that the parent or legal
95.19 guardian is required to retrieve the drug when requested by the school.

95.20 Sec. 5. Minnesota Statutes 2018, section 121A.22, is amended by adding a subdivision to
95.21 read:

95.22 Subd. 4a. **Unclaimed drugs or medications.** (a) Each school district shall adopt a
95.23 procedure for the collection and transport of any unclaimed or abandoned prescription drugs
95.24 or over-the-counter medications left in the possession of school personnel in accordance
95.25 with this subdivision. The procedure must ensure that before the transportation of any
95.26 prescription drug under this subdivision, the school district shall make a reasonable attempt
95.27 to return the unused prescription drug to the student's parent or legal guardian. The procedure
95.28 must provide that transportation of unclaimed or unused prescription drugs or
95.29 over-the-counter medications occur at least annually, or more frequently as determined by
95.30 the school district.

95.31 (b) If the unclaimed or abandoned prescription drug is not a controlled substance as
95.32 defined under section 152.01, subdivision 4, or is an over-the-counter medication, the school

96.1 district may designate an individual who shall be responsible for transporting the drugs or
96.2 medications to a designated drop-off box or collection site or may request that a law
96.3 enforcement agency transport the drugs or medications to a drop-off box or collection site
96.4 on behalf of the school district.

96.5 (c) If the unclaimed or abandoned prescription drug is a controlled substance as defined
96.6 in section 152.01, subdivision 4, a school district or school personnel is prohibited from
96.7 transporting the prescription drug to a drop-off box or collection site for prescription drugs
96.8 identified under this paragraph. The school district must request that a law enforcement
96.9 agency transport the prescription drug or medication to a collection bin that complies with
96.10 Drug Enforcement Agency regulations, or if a site is not available, under the agency's
96.11 procedure for transporting drugs.

96.12 **Sec. 6. [121A.223] POSSESSION AND USE OF SUNSCREEN.**

96.13 A school district must allow a student to possess and apply a topical sunscreen product
96.14 during the school day, while on school property, or at a school-sponsored event without a
96.15 prescription, physician's note, or other documentation from a licensed health care
96.16 professional. A school district may adopt a policy related to student possession and use of
96.17 sunscreen consistent with this section. Nothing in this section requires school personnel to
96.18 provide sunscreen or assist students in applying sunscreen.

96.19 Sec. 7. Minnesota Statutes 2018, section 626.556, subdivision 2, is amended to read:

96.20 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
96.21 given them unless the specific content indicates otherwise:

96.22 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence
96.23 or event which:

96.24 (1) is not likely to occur and could not have been prevented by exercise of due care; and

96.25 (2) if occurring while a child is receiving services from a facility, happens when the
96.26 facility and the employee or person providing services in the facility are in compliance with
96.27 the laws and rules relevant to the occurrence or event.

96.28 (b) "Commissioner" means the commissioner of human services.

96.29 (c) "Facility" means:

96.30 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,
96.31 residential facility, agency, hospital, sanitarium, or other facility or institution required to

97.1 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter
97.2 144H, 245D, or 245H;

97.3 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E;
97.4 or

97.5 (3) a nonlicensed personal care provider organization as defined in section 256B.0625,
97.6 subdivision 19a.

97.7 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
97.8 subsequent child maltreatment, and family strengths and needs that is applied to a child
97.9 maltreatment report that does not allege sexual abuse or substantial child endangerment.
97.10 Family assessment does not include a determination as to whether child maltreatment
97.11 occurred but does determine the need for services to address the safety of family members
97.12 and the risk of subsequent maltreatment.

97.13 (e) "Investigation" means fact gathering related to the current safety of a child and the
97.14 risk of subsequent maltreatment that determines whether child maltreatment occurred and
97.15 whether child protective services are needed. An investigation must be used when reports
97.16 involve sexual abuse or substantial child endangerment, and for reports of maltreatment in
97.17 facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under
97.18 sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05,
97.19 subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider
97.20 association as defined in section 256B.0625, subdivision 19a.

97.21 (f) "Mental injury" means an injury to the psychological capacity or emotional stability
97.22 of a child as evidenced by an observable or substantial impairment in the child's ability to
97.23 function within a normal range of performance and behavior with due regard to the child's
97.24 culture.

97.25 (g) "Neglect" means the commission or omission of any of the acts specified under
97.26 clauses (1) to (9), other than by accidental means:

97.27 (1) failure by a person responsible for a child's care to supply a child with necessary
97.28 food, clothing, shelter, health, medical, or other care required for the child's physical or
97.29 mental health when reasonably able to do so;

97.30 (2) failure to protect a child from conditions or actions that seriously endanger the child's
97.31 physical or mental health when reasonably able to do so, including a growth delay, which
97.32 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due
97.33 to parental neglect;

98.1 (3) failure to provide for necessary supervision or child care arrangements appropriate
98.2 for a child after considering factors as the child's age, mental ability, physical condition,
98.3 length of absence, or environment, when the child is unable to care for the child's own basic
98.4 needs or safety, or the basic needs or safety of another child in their care;

98.5 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
98.6 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
98.7 child with sympathomimetic medications, consistent with section 125A.091, subdivision
98.8 5;

98.9 (5) nothing in this section shall be construed to mean that a child is neglected solely
98.10 because the child's parent, guardian, or other person responsible for the child's care in good
98.11 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
98.12 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,
98.13 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of
98.14 medical care may cause serious danger to the child's health. This section does not impose
98.15 upon persons, not otherwise legally responsible for providing a child with necessary food,
98.16 clothing, shelter, education, or medical care, a duty to provide that care;

98.17 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
98.18 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
98.19 the child at birth, results of a toxicology test performed on the mother at delivery or the
98.20 child at birth, medical effects or developmental delays during the child's first year of life
98.21 that medically indicate prenatal exposure to a controlled substance, or the presence of a
98.22 fetal alcohol spectrum disorder;

98.23 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

98.24 (8) chronic and severe use of alcohol or a controlled substance by a parent or person
98.25 responsible for the care of the child that adversely affects the child's basic needs and safety;
98.26 or

98.27 (9) emotional harm from a pattern of behavior which contributes to impaired emotional
98.28 functioning of the child which may be demonstrated by a substantial and observable effect
98.29 in the child's behavior, emotional response, or cognition that is not within the normal range
98.30 for the child's age and stage of development, with due regard to the child's culture.

98.31 (h) "Nonmaltreatment mistake" means:

98.32 (1) at the time of the incident, the individual was performing duties identified in the
98.33 center's child care program plan required under Minnesota Rules, part 9503.0045;

99.1 (2) the individual has not been determined responsible for a similar incident that resulted
99.2 in a finding of maltreatment for at least seven years;

99.3 (3) the individual has not been determined to have committed a similar nonmaltreatment
99.4 mistake under this paragraph for at least four years;

99.5 (4) any injury to a child resulting from the incident, if treated, is treated only with
99.6 remedies that are available over the counter, whether ordered by a medical professional or
99.7 not; and

99.8 (5) except for the period when the incident occurred, the facility and the individual
99.9 providing services were both in compliance with all licensing requirements relevant to the
99.10 incident.

99.11 This definition only applies to child care centers licensed under Minnesota Rules, chapter
99.12 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated
99.13 maltreatment by the individual, the commissioner of human services shall determine that a
99.14 nonmaltreatment mistake was made by the individual.

99.15 (i) "Operator" means an operator or agency as defined in section 245A.02.

99.16 (j) "Person responsible for the child's care" means (1) an individual functioning within
99.17 the family unit and having responsibilities for the care of the child such as a parent, guardian,
99.18 or other person having similar care responsibilities, or (2) an individual functioning outside
99.19 the family unit and having responsibilities for the care of the child such as a teacher, school
99.20 administrator, other school employees or agents, or other lawful custodian of a child having
99.21 either full-time or short-term care responsibilities including, but not limited to, day care,
99.22 babysitting whether paid or unpaid, counseling, teaching, and coaching.

99.23 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,
99.24 inflicted by a person responsible for the child's care on a child other than by accidental
99.25 means, or any physical or mental injury that cannot reasonably be explained by the child's
99.26 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
99.27 that have not been authorized under section 125A.0942 or 245.825.

99.28 Abuse does not include reasonable and moderate physical discipline of a child
99.29 administered by a parent or legal guardian which does not result in an injury. Abuse does
99.30 not include the use of reasonable force by a teacher, principal, or school employee as allowed
99.31 by section 121A.582. Actions which are not reasonable and moderate include, but are not
99.32 limited to, any of the following:

99.33 (1) throwing, kicking, burning, biting, or cutting a child;

- 100.1 (2) striking a child with a closed fist;
- 100.2 (3) shaking a child under age three;
- 100.3 (4) striking or other actions which result in any nonaccidental injury to a child under 18
100.4 months of age;
- 100.5 (5) unreasonable interference with a child's breathing;
- 100.6 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
- 100.7 (7) striking a child under age one on the face or head;
- 100.8 (8) striking a child who is at least age one but under age four on the face or head, which
100.9 results in an injury;
- 100.10 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
100.11 substances which were not prescribed for the child by a practitioner, in order to control or
100.12 punish the child; or other substances that substantially affect the child's behavior, motor
100.13 coordination, or judgment or that results in sickness or internal injury, or subjects the child
100.14 to medical procedures that would be unnecessary if the child were not exposed to the
100.15 substances;
- 100.16 (10) unreasonable physical confinement or restraint not permitted under section 609.379,
100.17 including but not limited to tying, caging, or chaining; or
- 100.18 (11) in a school facility or school zone, an act by a person responsible for the child's
100.19 care that is a violation under section 121A.58.
- 100.20 (l) "Practice of social services," for the purposes of subdivision 3, includes but is not
100.21 limited to employee assistance counseling and the provision of guardian ad litem and
100.22 parenting time expeditor services.
- 100.23 (m) "Report" means any communication received by the local welfare agency, police
100.24 department, county sheriff, or agency responsible for child protection pursuant to this section
100.25 that describes neglect or physical or sexual abuse of a child and contains sufficient content
100.26 to identify the child and any person believed to be responsible for the neglect or abuse, if
100.27 known.
- 100.28 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
100.29 care, by a person who has a significant relationship to the child, as defined in section 609.341,
100.30 or by a person in a position of authority, as defined in section 609.341, subdivision 10, to
100.31 any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first
100.32 degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual

101.1 conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), ~~or~~
101.2 609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children
101.3 to engage in sexual conduct; communication of sexually explicit materials to children).

101.4 Sexual abuse also includes any act which involves a minor which constitutes a violation of
101.5 prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017,
101.6 sexual abuse includes all reports of known or suspected child sex trafficking involving a
101.7 child who is identified as a victim of sex trafficking. Sexual abuse includes child sex
101.8 trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes
101.9 threatened sexual abuse which includes the status of a parent or household member who
101.10 has committed a violation which requires registration as an offender under section 243.166,
101.11 subdivision 1b, paragraph (a) or (b), or required registration under section 243.166,
101.12 subdivision 1b, paragraph (a) or (b).

101.13 (o) "Substantial child endangerment" means a person responsible for a child's care, by
101.14 act or omission, commits or attempts to commit an act against a child under their care that
101.15 constitutes any of the following:

101.16 (1) egregious harm as defined in section 260C.007, subdivision 14;

101.17 (2) abandonment under section 260C.301, subdivision 2;

101.18 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's
101.19 physical or mental health, including a growth delay, which may be referred to as failure to
101.20 thrive, that has been diagnosed by a physician and is due to parental neglect;

101.21 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

101.22 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

101.23 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

101.24 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

101.25 (8) criminal sexual conduct under sections 609.342 to 609.3451;

101.26 (9) solicitation of children to engage in sexual conduct under section 609.352;

101.27 (10) malicious punishment or neglect or endangerment of a child under section 609.377
101.28 or 609.378;

101.29 (11) use of a minor in sexual performance under section 617.246; or

101.30 (12) parental behavior, status, or condition which mandates that the county attorney file
101.31 a termination of parental rights petition under section 260C.503, subdivision 2.

102.1 (p) "Threatened injury" means a statement, overt act, condition, or status that represents
102.2 a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes,
102.3 but is not limited to, exposing a child to a person responsible for the child's care, as defined
102.4 in paragraph (j), clause (1), who has:

102.5 (1) subjected a child to, or failed to protect a child from, an overt act or condition that
102.6 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law
102.7 of another jurisdiction;

102.8 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
102.9 (b), clause (4), or a similar law of another jurisdiction;

102.10 (3) committed an act that has resulted in an involuntary termination of parental rights
102.11 under section 260C.301, or a similar law of another jurisdiction; or

102.12 (4) committed an act that has resulted in the involuntary transfer of permanent legal and
102.13 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,
102.14 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law
102.15 of another jurisdiction.

102.16 A child is the subject of a report of threatened injury when the responsible social services
102.17 agency receives birth match data under paragraph (q) from the Department of Human
102.18 Services.

102.19 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth
102.20 record or recognition of parentage identifying a child who is subject to threatened injury
102.21 under paragraph (p), the Department of Human Services shall send the data to the responsible
102.22 social services agency. The data is known as "birth match" data. Unless the responsible
102.23 social services agency has already begun an investigation or assessment of the report due
102.24 to the birth of the child or execution of the recognition of parentage and the parent's previous
102.25 history with child protection, the agency shall accept the birth match data as a report under
102.26 this section. The agency may use either a family assessment or investigation to determine
102.27 whether the child is safe. All of the provisions of this section apply. If the child is determined
102.28 to be safe, the agency shall consult with the county attorney to determine the appropriateness
102.29 of filing a petition alleging the child is in need of protection or services under section
102.30 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is
102.31 determined not to be safe, the agency and the county attorney shall take appropriate action
102.32 as required under section 260C.503, subdivision 2.

102.33 (r) Persons who conduct assessments or investigations under this section shall take into
102.34 account accepted child-rearing practices of the culture in which a child participates and

103.1 accepted teacher discipline practices, which are not injurious to the child's health, welfare,
103.2 and safety.

103.3 Sec. 8. **SEXUAL HEALTH EDUCATION REPORT.**

103.4 The commissioner of education must submit a report to the committees of the legislature
103.5 having jurisdiction over kindergarten through grade 12 education on the sexual health
103.6 education program required under Minnesota Statutes, section 120B.211. The report must
103.7 include:

103.8 (1) a description of how the model sexual health education program or programs were
103.9 identified;

103.10 (2) assistance provided to school districts and charter schools implementing a sexual
103.11 health education program;

103.12 (3) the number of school districts and charter schools that adopted each model program;
103.13 and

103.14 (4) a list of the school districts and charter schools that did not adopt the model program.

103.15 The commissioner must submit the report no later than January 15, 2022, and must submit
103.16 the report in accordance with Minnesota Statutes, section 3.195.

103.17 **ARTICLE 6**

103.18 **FACILITIES**

103.19 Section 1. Minnesota Statutes 2018, section 121A.335, subdivision 3, is amended to read:

103.20 Subd. 3. **Frequency of testing.** (a) The plan under subdivision 2 must include a testing
103.21 schedule for every building serving prekindergarten through grade 12 students. The schedule
103.22 must require that each building be tested at least once every five years. A school district or
103.23 charter school must begin testing school buildings by July 1, 2018, and complete testing of
103.24 all buildings that serve students within five years.

103.25 (b) A school district or charter school that finds lead at a specific location providing
103.26 cooking or drinking water within a facility must formulate, make publicly available, and
103.27 implement a plan that is consistent with established guidelines and recommendations to
103.28 ensure that student exposure to lead is minimized. This includes, when a school district or
103.29 charter school finds the presence of lead at a level where action should be taken as set by
103.30 the guidance in any water source that can provide cooking or drinking water, immediately
103.31 shutting off the water source or making it unavailable until the hazard has been minimized.

104.1 Sec. 2. Minnesota Statutes 2018, section 121A.335, subdivision 5, is amended to read:

104.2 Subd. 5. **Reporting.** A school district or charter school that has tested its buildings for
104.3 the presence of lead shall make the results of the testing available to the public for review
104.4 and must notify parents of the availability of the information. School districts and charter
104.5 schools must follow the actions outlined in guidance from the commissioners of health and
104.6 education. If a test conducted under subdivision 3, paragraph (a), reveals the presence of
104.7 lead above a level where action should be taken as set by the guidance, the school district
104.8 or charter must, within 30 days of receiving the test result, either remediate the presence of
104.9 lead to below the level set in the guidance, verified by retest, or directly notify parents of
104.10 the test result. The school district or charter school must make the water source unavailable
104.11 until the hazard has been minimized.

104.12 Sec. 3. Minnesota Statutes 2018, section 123B.52, subdivision 6, is amended to read:

104.13 Subd. 6. **Disposing of surplus school computers.** (a) Notwithstanding section 471.345,
104.14 governing school district contracts made upon sealed bid or otherwise complying with the
104.15 requirements for competitive bidding, other provisions of this section governing school
104.16 district contracts, or other law to the contrary, a school district under this subdivision may
104.17 dispose of school computers, including a tablet device.

104.18 (b) A school district may dispose of a surplus school computer and related equipment
104.19 if the district disposes of the surplus property by conveying the property and title to:

104.20 (1) another school district;

104.21 (2) the state Department of Corrections;

104.22 (3) the Board of Trustees of the Minnesota State Colleges and Universities; or

104.23 (4) the family of a student residing in the district whose total family income meets the
104.24 federal definition of poverty.

104.25 (c) If surplus school computers are not disposed of under paragraph (b), upon adoption
104.26 of a written resolution of the school board, when updating or replacing school computers,
104.27 including tablet devices, used primarily by students, a school district may sell or give used
104.28 computers or tablets to qualifying students at the price specified in the written resolution.
104.29 A student is eligible to apply to the school board for a computer or tablet under this
104.30 subdivision if the student is currently enrolled in the school and intends to enroll in the
104.31 school in the year following the receipt of the computer or tablet. If more students apply
104.32 for computers or tablets than are available, the school must first qualify students whose

105.1 families are eligible for free or reduced-price meals, and then dispose of the remaining
105.2 computers or tablets by lottery.

105.3 **EFFECTIVE DATE.** This section is effective July 1, 2019.

105.4 Sec. 4. Minnesota Statutes 2018, section 123B.571, is amended to read:

105.5 **123B.571 RADON TESTING.**

105.6 Subdivision 1. **Voluntary Plan.** The commissioners of health and education may jointly
105.7 develop a plan to encourage school districts and charter schools to accurately and efficiently
105.8 test for the presence of radon in public school buildings serving students in kindergarten
105.9 through grade 12. For purposes of this section, buildings also include the Minnesota State
105.10 Academies in Faribault and the Perpich Center for Arts Education in Golden Valley. To the
105.11 extent possible, the commissioners ~~shall~~ must base the plan on the standards established by
105.12 the United States Environmental Protection Agency.

105.13 Subd. 2. **Radon testing.** A school district may include radon testing as a part of its
105.14 ten-year facility plan under section 123B.595, subdivision 4. If a school district receives
105.15 authority to use long-term facilities maintenance revenue to conduct radon testing, the
105.16 district shall conduct the testing according to the radon testing plan developed by the
105.17 commissioners of health and education.

105.18 Subd. 3. **Reporting.** A school district ~~that has tested~~ or charter school must test its school
105.19 buildings for the presence of radon ~~shall~~ and must report the results of its tests to the
105.20 Department of Health in a form and manner prescribed by the commissioner of health. A
105.21 school district that has tested for the presence of radon ~~shall~~ must also report the results of
105.22 its testing at a school board meeting.

105.23 Subd. 4. **Testing requirements.** (a) A school district or charter school must adopt a
105.24 radon testing schedule requiring a short-term or long-term test be conducted in every building
105.25 serving students at least once every five years. A school district or charter school must begin
105.26 testing school buildings by July 1, 2020, and complete testing of all buildings that serve
105.27 students within five years.

105.28 (b) Tests must be conducted with certified radon testing devices as listed by either the
105.29 National Radon Proficiency Program or the National Radon Safety Board. Tests must test
105.30 all frequently occupied rooms with ground contact and rooms immediately above unoccupied
105.31 spaces that are in contact with the ground, such as crawl spaces and tunnels.

105.32 (c) If a radon test shows that a frequently occupied room has a radon level at or above
105.33 four picocuries per liter, a school district or charter school must mitigate or take corrective

106.1 action, and retest after corrective measures to show radon reductions. A school district or
106.2 charter school must follow the Radon Mitigation Standards for Schools and Large Buildings
106.3 released by the American National Standards Institute/American Association of Radon
106.4 Scientists and Technologists. The district or charter school must conduct follow-up testing
106.5 within two years.

106.6 Sec. 5. Minnesota Statutes 2018, section 471.345, subdivision 1, is amended to read:

106.7 Subdivision 1. **Municipality defined.** For purposes of this section, "municipality" means
106.8 a county, town, city, school district, charter school, or other municipal corporation or political
106.9 subdivision of the state authorized by law to enter into contracts.

106.10 ARTICLE 7

106.11 NUTRITION

106.12 Section 1. Minnesota Statutes 2018, section 124D.111, is amended to read:

106.13 **124D.111 SCHOOL MEALS POLICIES; LUNCH AID; FOOD SERVICE**
106.14 **ACCOUNTING.**

106.15 Subdivision 1. ~~School lunch aid computation~~ meals policies. (a) Each Minnesota
106.16 participant in the national school lunch program must adopt and post to its website, or the
106.17 website of the organization where the meal is served, a school meals policy.

106.18 (b) The policy must be in writing and clearly communicate student meal charges when
106.19 payment cannot be collected at the point of service. The policy must be reasonable and
106.20 well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise
106.21 ostracizing the student.

106.22 (c) The policy must address whether the participant uses a collection agency to collect
106.23 unpaid school meals debt.

106.24 (d) The policy must ensure that once a participant has placed a meal on a tray or otherwise
106.25 served the meal to a student, the meal may not be subsequently withdrawn from the student
106.26 by the cashier or other school official, whether or not the student has an outstanding meals
106.27 balance.

106.28 (e) The policy must ensure that a student who has been determined eligible for free and
106.29 reduced-price lunch must always be served a reimbursable meal even if the student has an
106.30 outstanding debt.

107.1 (f) If a school contracts with a third party for its meal services, it must provide the vendor
107.2 with its school meals policy. Any contract between the school and a third-party provider
107.3 entered into or modified after July 1, 2019, must ensure that the third-party provider adheres
107.4 to the participant's school meals policy.

107.5 Subd. 1a. **School lunch aid amounts.** Each school year, the state must pay participants
107.6 in the national school lunch program the amount of 12.5 cents for each full paid and free
107.7 student lunch and 52.5 cents for each reduced-price lunch served to students.

107.8 **Subd. 2. Application.** A school district, charter school, nonpublic school, or other
107.9 participant in the national school lunch program shall apply to the department for this
107.10 payment on forms provided by the department.

107.11 **Subd. 2a. Federal child and adult care food program; criteria and notice.** The
107.12 commissioner must post on the department's website eligibility criteria and application
107.13 information for nonprofit organizations interested in applying to the commissioner for
107.14 approval as a multisite sponsoring organization under the federal child and adult care food
107.15 program. The posted criteria and information must inform interested nonprofit organizations
107.16 about:

107.17 (1) the criteria the commissioner uses to approve or disapprove an application, including
107.18 how an applicant demonstrates financial viability for the Minnesota program, among other
107.19 criteria;

107.20 (2) the commissioner's process and time line for notifying an applicant when its
107.21 application is approved or disapproved and, if the application is disapproved, the explanation
107.22 the commissioner provides to the applicant; and

107.23 (3) any appeal or other recourse available to a disapproved applicant.

107.24 **Subd. 3. School food service fund.** (a) The expenses described in this subdivision must
107.25 be recorded as provided in this subdivision.

107.26 (b) In each district, the expenses for a school food service program for pupils must be
107.27 attributed to a school food service fund. Under a food service program, the school food
107.28 service may prepare or serve milk, meals, or snacks in connection with school or community
107.29 service activities.

107.30 (c) Revenues and expenditures for food service activities must be recorded in the food
107.31 service fund. The costs of processing applications, accounting for meals, preparing and
107.32 serving food, providing kitchen custodial services, and other expenses involving the preparing
107.33 of meals or the kitchen section of the lunchroom may be charged to the food service fund

108.1 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial
108.2 services, lunchroom utilities, and other administrative costs of the food service program
108.3 must be charged to the general fund.

108.4 That portion of superintendent and fiscal manager costs that can be documented as
108.5 attributable to the food service program may be charged to the food service fund provided
108.6 that the school district does not employ or contract with a food service director or other
108.7 individual who manages the food service program, or food service management company.
108.8 If the cost of the superintendent or fiscal manager is charged to the food service fund, the
108.9 charge must be at a wage rate not to exceed the statewide average for food service directors
108.10 as determined by the department.

108.11 (d) Capital expenditures for the purchase of food service equipment must be made from
108.12 the general fund and not the food service fund, unless the restricted balance in the food
108.13 service fund at the end of the last fiscal year is greater than the cost of the equipment to be
108.14 purchased.

108.15 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
108.16 from the food service fund.

108.17 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
108.18 is not eliminated by revenues from food service operations in the next fiscal year, then the
108.19 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
108.20 that second fiscal year. However, if a district contracts with a food service management
108.21 company during the period in which the deficit has accrued, the deficit must be eliminated
108.22 by a payment from the food service management company.

108.23 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund
108.24 for up to three years without making the permanent transfer if the district submits to the
108.25 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at
108.26 the end of the third fiscal year.

108.27 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
108.28 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,
108.29 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food
108.30 service program charged to the general fund according to paragraph (c) and charge those
108.31 costs to the food service fund in a total amount not to exceed the amount of surplus in the
108.32 food service fund.

108.33 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must
108.34 make lunch available without charge and must not deny a school lunch to all participating

109.1 students who qualify for free or reduced-price meals, whether or not that student has an
109.2 outstanding balance in the student's meals account attributable to a la carte purchases or for
109.3 any other reason.

109.4 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students
109.5 in a respectful manner according to the policy adopted under subdivision 1. The participant
109.6 must ensure that any reminders for payment of outstanding student meal balances do not
109.7 demean or stigmatize any child participating in the school lunch program-, including but
109.8 not limited to dumping meals, withdrawing a meal that has been served, announcing or
109.9 listing students names publicly, or affixing stickers, stamps, or pins. The participant must
109.10 not impose any other restriction prohibited under section 123B.37 due to unpaid student
109.11 meal balances. The participant must not limit a student's participation in any school activities,
109.12 graduation ceremonies or other graduation activities, field trips, athletics, activity clubs, or
109.13 other extracurricular activities or access to materials, technology, or other items provided
109.14 to students due to an unpaid student meal balance.

109.15 (b) If the commissioner or the commissioner's designee determines a participant has
109.16 violated the requirement to provide meals to participating students in a respectful manner,
109.17 the commissioner or the commissioner's designee must send a letter of noncompliance to
109.18 the participant. The participant is required to respond and, if applicable, remedy the practice
109.19 within 60 days.

109.20 **EFFECTIVE DATE.** This section is effective July 1, 2019.

109.21 **ARTICLE 8**

109.22 **STATE AGENCIES**

109.23 Section 1. Minnesota Statutes 2018, section 120B.122, subdivision 1, is amended to read:

109.24 Subdivision 1. **Purpose Duties.** (a) The department must employ a dyslexia specialist
109.25 to provide technical assistance for dyslexia and related disorders and to serve as the primary
109.26 source of information and support for schools in addressing the needs of students with
109.27 dyslexia and related disorders.

109.28 (b) The dyslexia specialist ~~shall also act to~~ must increase professional awareness and
109.29 instructional competencies to meet the educational needs of students with dyslexia or
109.30 identified with risk characteristics associated with dyslexia and ~~shall~~ must develop
109.31 implementation guidance and make recommendations to the commissioner consistent with
109.32 section 122A.06, subdivision 4, to be used to assist general education teachers and special
109.33 education teachers to recognize educational needs and to improve literacy outcomes for

110.1 students with dyslexia or identified with risk characteristics associated with dyslexia,
110.2 including recommendations related to increasing the availability of online and asynchronous
110.3 professional development programs and materials.

110.4 (c) The dyslexia specialist must provide guidance to school districts and charter schools
110.5 on how to:

110.6 (1) access tools to screen and identify students showing characteristics associated with
110.7 dyslexia in accordance with section 120B.12, subdivision 2, paragraph (a);

110.8 (2) implement screening for characteristics associated with dyslexia in accordance with
110.9 section 120B.12, subdivision 2, paragraph (a), and in coordination with other early childhood
110.10 screenings; and

110.11 (3) participate in professional development opportunities pertaining to intervention
110.12 strategies and accommodations for students with dyslexia or characteristics associated with
110.13 dyslexia.

110.14 (d) The dyslexia specialist must provide guidance to the Professional Educator Licensing
110.15 and Standards Board on developing licensing renewal requirements under section 122A.187,
110.16 subdivision 5, on understanding dyslexia, recognizing dyslexia characteristics in students,
110.17 and using evidence-based best practices.

110.18 (e) Nothing in this subdivision limits the ability of the dyslexia specialist to do other
110.19 dyslexia related work as directed by the commissioner.

110.20 Sec. 2. Minnesota Statutes 2018, section 127A.052, is amended to read:

110.21 **127A.052 SCHOOL SAFETY TECHNICAL ASSISTANCE CENTER.**

110.22 (a) The commissioner shall establish a school safety technical assistance center at the
110.23 department to help districts and schools under section 121A.031 provide a safe and supportive
110.24 learning environment and foster academic achievement for all students by focusing on
110.25 prevention, intervention, support, and recovery efforts to develop and maintain safe and
110.26 supportive schools. The center must work collaboratively with implicated state agencies
110.27 identified by the center and schools, communities, and interested individuals and
110.28 organizations to determine how to best use available resources.

110.29 (b) The center's services shall include:

110.30 (1) evidence-based policy review, development, and dissemination;

110.31 (2) single, point-of-contact services designed for schools, parents, and students seeking
110.32 information or other help;

111.1 (3) qualitative and quantitative data gathering, interpretation, and dissemination of
111.2 summary data for existing reporting systems and student surveys and the identification and
111.3 pursuit of emerging trends and issues;

111.4 (4) assistance to districts and schools in using Minnesota student survey results to inform
111.5 intervention and prevention programs;

111.6 (5) education and skill building;

111.7 (6) multisector and multiagency planning and advisory activities incorporating best
111.8 practices and research; and

111.9 (7) administrative and financial support for school and district planning, schools
111.10 recovering from incidents of violence, and school and district violence prevention education.

111.11 (c) The center shall:

111.12 (1) compile and make available to all districts and schools evidence-based elements and
111.13 resources to develop and maintain safe and supportive schools;

111.14 (2) establish and maintain a central repository for collecting and analyzing information
111.15 about prohibited conduct under section 121A.031, including, but not limited to:

111.16 (i) training materials on strategies and techniques to prevent and appropriately address
111.17 prohibited conduct under section 121A.031;

111.18 (ii) model programming;

111.19 (iii) remedial responses consistent with section 121A.031, subdivision 2, paragraph (i);
111.20 and

111.21 (iv) other resources for improving the school climate and preventing prohibited conduct
111.22 under section 121A.031;

111.23 (3) assist districts and schools to develop strategies and techniques for effectively
111.24 communicating with and engaging parents in efforts to protect and deter students from
111.25 prohibited conduct under section 121A.031; and

111.26 (4) solicit input from social media experts on implementing this section.

111.27 (d) The commissioner shall provide administrative services including personnel, budget,
111.28 payroll and contract services, and staff support for center activities including developing
111.29 and disseminating materials, providing seminars, and developing and maintaining a website.
111.30 Center staff shall include a center director, a data analyst coordinator, and trainers who
111.31 provide training to affected state and local organizations under a fee-for-service agreement.

112.1 The financial, administrative, and staff support the commissioner provides under this section
112.2 must be based on an annual budget and work program developed by the center and submitted
112.3 to the commissioner by the center director.

112.4 (e) School safety technical assistance center staff may consult with school safety center
112.5 staff at the Department of Public Safety in providing services under this section.

112.6 (f) The center is voluntary and advisory. The center does not have enforcement,
112.7 rulemaking, oversight, or regulatory authority.

112.8 ~~(g) The center expires on June 30, 2019.~~

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

112.10 Sec. 3. **REVISOR INSTRUCTION.**

112.11 (a) The revisor of statutes shall substitute the term "School Climate Technical Assistance
112.12 Center" for "School Safety Technical Assistance Center" wherever the term appears in
112.13 Minnesota Statutes.

112.14 (b) The revisor of statutes shall substitute the term "School Climate Technical Assistance
112.15 Council" for "School Safety Technical Assistance Council" wherever the term appears in
112.16 Minnesota Statutes.

112.17 Sec. 4. **REPEALER.**

112.18 Minnesota Statutes 2018, section 127A.051, subdivision 7, is repealed.

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

122A.09 DUTIES.

Subdivision 1. **Code of ethics.** The Professional Educator Licensing and Standards Board must develop by rule a code of ethics covering standards of professional teaching practices, including areas of ethical conduct and professional performance and methods of enforcement.

122A.182 TIER 2 LICENSE.

Subd. 2. **Coursework.** (a) A candidate for a Tier 2 license must meet the coursework requirement by demonstrating completion of two of the following:

- (1) at least eight upper division or graduate-level credits in the relevant content area;
- (2) field-specific methods of training, including coursework;
- (3) at least two years of teaching experience in a similar content area in any state, as determined by the board;
- (4) a passing score on the pedagogy and content exams under section 122A.185; or
- (5) completion of a state-approved teacher preparation program.

(b) For purposes of paragraph (a), "upper division" means classes normally taken at the junior or senior level of college which require substantial knowledge and skill in the field. Candidates must identify the upper division credits that fulfill the requirement in paragraph (a), clause (1).

127A.051 SCHOOL SAFETY TECHNICAL ASSISTANCE COUNCIL.

Subd. 7. **Expiration.** The council expires on June 30, 2019.

127A.14 COMMISSIONER PURCHASE OF ANNUITY FOR EMPLOYEES.

Subdivision 1. **Purchase of annuity contract; allocation of portion of employee compensation.** At the request of an employee, the commissioner of education may negotiate and purchase an individual annuity contract from a company licensed to do business in the state of Minnesota for an employee for retirement or other purposes and may allocate a portion of the compensation otherwise payable to the employee as salary for the purpose of paying the entire premium due or to become due under such contract. The allocation shall be made in a manner which will qualify the annuity premiums, or a portion thereof, for the benefit afforded under section 403(b) of the current federal Internal Revenue Code or any equivalent provision of subsequent federal income tax law. The employee shall own such contract and the employee's rights thereunder shall be nonforfeitable except for failure to pay premiums.

Subd. 2. **Annuity account; appropriation.** All amounts so allocated shall be deposited in an annuity account which is hereby established in the state treasury. There is annually appropriated from the annuity account in the state treasury to the commissioner of education all moneys deposited therein for the payment of annuity premiums when due or for other application in accordance with the salary agreement entered into between the employee and the commissioner of education. The moneys in the annuity account in the state treasury are not subject to the budget, allotment, and incumbrance system provided for in chapter 16A and any act amendatory thereof.

136D.93 OTHER MEMBERSHIP AND POWERS.

In addition to the districts listed in sections 136D.21, 136D.71, and 136D.81, the agreement of an intermediate school district established under this chapter may provide for the membership of other school districts and cities, counties, and other governmental units as defined in section 471.59. In addition to the powers listed in sections 136D.25, 136D.73, and 136D.84, an intermediate school board may provide the services defined in section 123A.21, subdivisions 7 and 8.

Laws 2017, First Special Session chapter 5, article 11, section 6

Sec. 6. Minnesota Statutes 2016, section 122A.21, subdivision 2, is amended to read:

Subd. 2. **Licensure via portfolio.** (a) An eligible candidate may use licensure via portfolio to obtain a professional five-year teaching license or to add a licensure field, consistent with applicable Board of Teaching licensure rules.

(b) A candidate for a professional five-year teaching license must submit to the Educator Licensing Division at the department one portfolio demonstrating pedagogical competence and one portfolio demonstrating content competence.

(c) A candidate seeking to add a licensure field must submit to the Educator Licensing Division at the department one portfolio demonstrating content competence.

(d) The Board of Teaching must notify a candidate who submits a portfolio under paragraph (b) or (c) within 90 calendar days after the portfolio is received whether or not the portfolio was approved. If the portfolio was not approved, the board must immediately inform the candidate how to revise the portfolio to successfully demonstrate the requisite competence. The candidate may resubmit a revised portfolio at any time and the Educator Licensing Division at the department must approve or disapprove the portfolio within 60 calendar days of receiving it.

(e) A candidate must pay to the executive secretary of the Board of Teaching a \$300 fee for the first portfolio submitted for review and a \$200 fee for any portfolio submitted subsequently. ~~The revenue generated from Board of Teaching executive secretary must deposit the fee must be deposited in an education the educator licensure portfolio account in the special revenue fund.~~ The fees set by the Board of Teaching are nonrefundable for applicants not qualifying for a license. The Board of Teaching may waive or reduce fees for candidates based on financial need.

EFFECTIVE DATE. This section is effective July 1, 2019.

8710.2100 CODE OF ETHICS FOR MINNESOTA TEACHERS.

Subpart 1. **Scope.** Each teacher, upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles which defines professional conduct. These principles are reflected in the following code of ethics, which sets forth to the education profession and the public it serves standards of professional conduct and procedures for implementation.

This code shall apply to all persons licensed according to rules established by the Professional Educator Licensing and Standards Board.

Subp. 2. **Standards of professional conduct.** The standards of professional conduct are as follows:

A. A teacher shall provide professional education services in a nondiscriminatory manner.

B. A teacher shall make reasonable effort to protect the student from conditions harmful to health and safety.

C. In accordance with state and federal laws, a teacher shall disclose confidential information about individuals only when a compelling professional purpose is served or when required by law.

D. A teacher shall take reasonable disciplinary action in exercising the authority to provide an atmosphere conducive to learning.

E. A teacher shall not use professional relationships with students, parents, and colleagues to private advantage.

F. A teacher shall delegate authority for teaching responsibilities only to licensed personnel.

G. A teacher shall not deliberately suppress or distort subject matter.

H. A teacher shall not knowingly falsify or misrepresent records or facts relating to that teacher's own qualifications or to other teachers' qualifications.

I. A teacher shall not knowingly make false or malicious statements about students or colleagues.

J. A teacher shall accept a contract for a teaching position that requires licensing only if properly or provisionally licensed for that position.