A bill for an act

relating to education; prohibiting pre-Labor Day start date for flexible learning year programs; amending Minnesota Statutes 2008, section 124D.126, subdivision 2; Minnesota Statutes 2009 Supplement, section 120A.40.

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

Section 1. Minnesota Statutes 2009 Supplement, section 120A.40, is amended to read:

120A.40 SCHOOL CALENDAR.

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

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

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

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

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

Sec. 2. Minnesota Statutes 2008, section 124D.126, subdivision 2, is amended to read:

Subd. 2. **Limitations.** (a) Sections 124D.12 to 124D.127 may not be construed to authorize the commissioner to require the establishment of a flexible learning year

program in any district in which the board has not voted to establish, maintain, and operate such a program.

(b) The commissioner may not approve a district's proposed flexible learning year program if the plan commences the elementary or secondary school year before Labor Day.