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State of Minnesota

HOUSE OF REPRESENTATIVES

SECOND SPECIAL SESSION

H. F. No. 96

07/20/2020 Authored by Erickson
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying classroom placement and school attendance
1.3 provisions; establishing an academic achievement rating system; codifying a
1.4 teacher code of ethics in statute and repealing code of ethics in rule; modifying
1.5 school meal policies; modifying teacher licensure provisions; restricting contracts
1.6 with school employees; amending Minnesota Statutes 2018, sections 120A.36;
1.7 120A.38; 120B.11, subdivision 2; 121A.55; 122A.09, subdivision 2; 122A.181,
1.8 subdivisions 1, 3, as amended, 4; 122A.182, subdivision 3, as amended; 122A.40,
1.9 subdivision 3; 122A.41, by adding a subdivision; 124D.111; Minnesota Statutes
1.10 2019 Supplement, sections 120B.36, subdivision 1; 122A.635, subdivisions 1, 2,
1.11 as amended; Laws 2019, First Special Session chapter 11, article 3, section 23,
1.12 subdivision 6, as amended; proposing coding for new law in Minnesota Statutes,
1.13 chapters 120B; 122A; repealing Minnesota Statutes 2018, section 122A.09,
1.14 subdivision 1; Minnesota Rules, part 8710.2100, subparts 1, 2.

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

1.16 Section 1. Minnesota Statutes 2018, section 120A.36, is amended to read:

1.17 120A.36 SCHOOL ATTENDANCE.

1.18 (a) Attendance at a particular public school is a privilege not a right for a pupil.

1.19 (b) Notwithstanding paragraph (a), parents have the right to choose a high-quality,
1.20 culturally affirming education for their children, regardless of their zoned public school.

1.21 Sec. 2. Minnesota Statutes 2018, section 120A.38, is amended to read:

1.22 120A.38 CLASSROOM PLACEMENT; PARENT DISCRETION.

1.23 (a) A parent or guardian of twins or higher order multiples may request that the children
1.24 be placed in the same classroom or in separate classrooms if the children are in the same
1.25 grade level at the same school. The school may recommend classroom placement to the

2.1 parents and provide professional education advice to the parents to assist them in making
 2.2 the best decision for their children's education. A school must provide the placement
 2.3 requested by the children's parent or guardian, unless the school board makes a classroom
 2.4 placement determination following the school principal's request according to this section.
 2.5 The parent or guardian must request the classroom placement no later than 14 days after
 2.6 the first day of each school year or 14 days after the first day of attendance of the children
 2.7 during a school year if the children are enrolled in the school after the school year
 2.8 commences. At the end of the initial grading period, if the school principal, in consultation
 2.9 with the children's classroom teacher, determines that the requested classroom placement
 2.10 is disruptive to the school, the school principal may request that the school board determine
 2.11 the children's classroom placement.

2.12 (b) For purposes of this section, "higher order multiples" means triplets, quadruplets,
 2.13 quintuplets, or more.

2.14 (c) A parent or guardian has the right to request a change of teacher for their child in
 2.15 public school unless no other teacher is available.

2.16 Sec. 3. Minnesota Statutes 2018, section 120B.11, subdivision 2, is amended to read:

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

2.20 (1) clearly defined district and school site goals and benchmarks to meet statewide goals
 2.21 for instruction and student achievement for all student subgroups identified in section
 2.22 120B.35, subdivision 3, paragraph (b), clause (2);

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

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

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

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

3.6 (5) strategies for identifying and reducing disparities in student discipline;

3.7 (6) strategies for integrating or improving character education, consistent with section
 3.8 120B.232, and citizenship education;

3.9 ~~(5)~~ (7) a process to examine the equitable distribution of teachers and strategies to ensure
 3.10 low-income and minority children are not taught at higher rates than other children by
 3.11 inexperienced, ineffective, or out-of-field teachers;

3.12 ~~(6)~~ (8) education effectiveness practices that integrate high-quality instruction, rigorous
 3.13 curriculum, technology, and a collaborative professional culture that develops and supports
 3.14 teacher quality, performance, and effectiveness; and

3.15 ~~(7)~~ (9) an annual budget for continuing to implement the district plan.

3.16 Sec. 4. **[120B.355] ACADEMIC ACHIEVEMENT RATING SYSTEM.**

3.17 (a) The commissioner of education must develop an academic achievement rating system
 3.18 consistent with this section to provide parents and students with a brief overview of student
 3.19 performance and growth in schools and districts across the state. The components of the
 3.20 rating system must be performance indicators reported under section 120B.11, subdivision
 3.21 1a, or the Elementary and Secondary Education Act of 1965, as amended by the Every
 3.22 Student Succeeds Act, United States Code, title 20, section 6311.

3.23 (b) Each school and district must be assigned a star rating based on the cumulative score
 3.24 of the criteria adopted. Star ratings must range from one star for the lowest performing
 3.25 schools and districts to five stars for the highest performing schools and districts.

3.26 (c) The star rating and the cumulative and individual scores of each school and district
 3.27 must be reported annually on the Department of Education's website as part of the
 3.28 commissioner's school performance reports pursuant to section 120B.36.

3.29 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 3.30 the commissioner of education must complete the rating system for use during the 2022-2023
 3.31 school year and later.

4.1 Sec. 5. Minnesota Statutes 2019 Supplement, section 120B.36, subdivision 1, is amended
4.2 to read:

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

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

4.6 (2) academic progress consistent with federal expectations;

4.7 (3) school and district ratings under section 120B.355;

4.8 ~~(3)~~ (4) school safety and student engagement and connection under section 120B.35,
4.9 subdivision 3, paragraph (d);

4.10 ~~(4)~~ (5) rigorous coursework under section 120B.35, subdivision 3, paragraph (c);

4.11 ~~(5)~~ (6) the percentage of students under section 120B.35, subdivision 3, paragraph (b),
4.12 clause (2), whose progress and performance levels are meeting career and college readiness
4.13 benchmarks under sections 120B.30, subdivision 1, and 120B.35, subdivision 3, paragraph
4.14 (e);

4.15 ~~(6)~~ (7) longitudinal data on the progress of eligible districts in reducing disparities in
4.16 students' academic achievement and realizing racial and economic integration under section
4.17 124D.861;

4.18 ~~(7)~~ (8) the acquisition of English, and where practicable, native language academic
4.19 literacy, including oral academic language, and the academic progress of all English learners
4.20 enrolled in a Minnesota public school course or program who are currently or were previously
4.21 counted as English learners under section 124D.59;

4.22 ~~(8)~~ (9) two separate student-to-teacher ratios that clearly indicate the definition of teacher
4.23 consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios;

4.24 ~~(9)~~ (10) staff characteristics excluding salaries;

4.25 ~~(10)~~ (11) student enrollment demographics;

4.26 ~~(11)~~ (12) foster care status, including all students enrolled in a Minnesota public school
4.27 course or program who are currently or were previously in foster care, student homelessness,
4.28 and district mobility; and

4.29 ~~(12)~~ (13) extracurricular activities.

4.30 (b) The school performance report for a school site and a school district must include
4.31 school performance reporting information, including a prominent display of both the school's

5.1 and district's star rating and the scores the ratings are based on, as assigned by the
 5.2 commissioner under section 120B.355, and must calculate proficiency and growth rates as
 5.3 required by the most recently reauthorized Elementary and Secondary Education Act.

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

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

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

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

5.16 **EFFECTIVE DATE.** This section is effective for the reports required to be posted by
 5.17 September 1, 2021, and later.

5.18 Sec. 6. Minnesota Statutes 2018, section 121A.55, is amended to read:

5.19 **121A.55 POLICIES TO BE ESTABLISHED.**

5.20 (a) The commissioner of education shall promulgate guidelines to assist each school
 5.21 board. Each school board shall establish uniform criteria for dismissal and adopt written
 5.22 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
 5.23 shall emphasize preventing dismissals through early detection of problems and shall be
 5.24 designed to address students' inappropriate behavior from recurring. The policies shall
 5.25 recognize the continuing responsibility of the school for the education of the pupil during
 5.26 the dismissal period. The alternative educational services, if the pupil wishes to take
 5.27 advantage of them, must be adequate to allow the pupil to make progress towards meeting
 5.28 the graduation standards adopted under section 120B.02 and help prepare the pupil for
 5.29 readmission. In addition to other requirements under this paragraph, a policy adopted by a
 5.30 school board under this paragraph must include the following:

5.31 (1) a requirement that a school must notify any student facing possible dismissal of their
 5.32 rights, including the right against self-incrimination;

6.1 (2) a requirement that a school must allow any student facing possible dismissal to have
 6.2 a parent present if the student is questioned by school employees; and

6.3 (3) a requirement that a school and school district must keep a record of the school
 6.4 employee who made each discipline referral.

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

6.9 (c) Each school district shall develop a policy and report it to the commissioner on the
 6.10 appropriate use of peace officers and crisis teams to remove students who have an
 6.11 individualized education program from school grounds.

6.12 Sec. 7. [122A.051] CODE OF ETHICS.

6.13 Subdivision 1. Scope. Each teacher, upon entering the teaching profession, assumes a
 6.14 number of obligations, one of which is to adhere to a set of principles that defines professional
 6.15 conduct. These principles are reflected in the code of ethics, which sets forth to the education
 6.16 profession and the public it serves standards of professional conduct. This code applies to
 6.17 all persons licensed according to rules established by the Professional Educator Licensing
 6.18 and Standards Board.

6.19 Subd. 2. Standards of professional conduct. (a) A teacher must provide professional
 6.20 education services in a nondiscriminatory manner, including not discriminating on the basis
 6.21 of political, ideological, or religious beliefs.

6.22 (b) A teacher must make a reasonable effort to protect students from conditions harmful
 6.23 to health and safety.

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

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

6.29 (e) A teacher must not use professional relationships with students, parents, and
 6.30 colleagues to personal advantage.

6.31 (f) A teacher must delegate authority for teaching responsibilities only to licensed
 6.32 personnel or as otherwise provided by law.

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

7.2 (h) A teacher must not knowingly falsify or misrepresent records or facts relating to that
7.3 teacher's own qualifications or to other teachers' qualifications.

7.4 (i) A teacher must not knowingly make false or malicious statements about students or
7.5 colleagues.

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

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

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

7.10 Sec. 8. Minnesota Statutes 2018, section 122A.09, subdivision 2, is amended to read:

7.11 Subd. 2. **Advise members of profession.** (a) The Professional Educator Licensing and
7.12 Standards Board must act in an advisory capacity to members of the profession in matters
7.13 of interpretation of the code of ethics in section 122A.051.

7.14 (b) The board must develop a process for a school district to receive a written complaint
7.15 about a teacher under the code of ethics and forward the complaint to the board. A school
7.16 board must inform parents and guardians in the school district of their ability to submit a
7.17 complaint to the school board under this section.

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

7.19 Sec. 9. Minnesota Statutes 2018, section 122A.181, subdivision 1, is amended to read:

7.20 Subdivision 1. **Application requirements.** (a) The Professional Educator Licensing and
7.21 Standards Board must approve a request from a district or charter school to issue a Tier 1
7.22 license in a specified content area to a candidate if:

7.23 (1) the candidate meets the professional requirement in subdivision 2;

7.24 (2) the district or charter school affirms that the candidate has the necessary skills and
7.25 knowledge to teach in the specified content area; and

7.26 (3) the district or charter school demonstrates that:

7.27 (i) a criminal background check under section 122A.18, subdivision 8, has been completed
7.28 on the candidate; and

7.29 (ii) the district or charter school has posted the teacher position but was unable to hire
7.30 an acceptable teacher with a Tier 2, 3, or 4 license for the position.

8.1 (b) If a district or charter school employs a teacher with a Tier 1 license, the Professional
 8.2 Educator Licensing and Standards Board must renew the license only if the conditions in
 8.3 paragraph (a), clauses (1) and (2), as well as clause (3), item (i), are satisfied.

8.4 Sec. 10. Minnesota Statutes 2018, section 122A.181, subdivision 3, as amended by Laws
 8.5 2020, First Special Session chapter 8, article 2, section 2, is amended to read:

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

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

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

8.15 ~~(2)~~ (1) the teacher holding the Tier 1 license took a content examination in accordance
 8.16 with section 122A.185 and submitted the examination results to the teacher's employing
 8.17 district or charter school within one year of the board approving the request for the initial
 8.18 Tier 1 license;

8.19 ~~(3)~~ (2) the teacher holding the Tier 1 license participated in at least one hour of cultural
 8.20 competency training consistent with section 120B.30, subdivision 1, paragraph (q), and
 8.21 mental health training consistent with section 122A.187, subdivision 6, within one year of
 8.22 the board approving the request for the initial Tier 1 license; and

8.23 ~~(4)~~ (3) the teacher holding the Tier 1 license met the mental illness training renewal
 8.24 requirement under section 122A.187, subdivision 6.

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

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

9.1 Sec. 11. Minnesota Statutes 2018, section 122A.181, subdivision 4, is amended to read:

9.2 Subd. 4. **Application.** The Professional Educator Licensing and Standards Board must
 9.3 accept applications for a Tier 1 teaching license beginning on or before July 1 of the school
 9.4 year for which the license is requested and must issue or deny the Tier 1 teaching license
 9.5 within 30 days of receiving the completed application.

9.6 Sec. 12. Minnesota Statutes 2018, section 122A.182, subdivision 3, as amended by Laws
 9.7 2020, First Special Session chapter 8, article 2, section 3, is amended to read:

9.8 Subd. 3. **Term of license and renewal.** The Professional Educator Licensing and
 9.9 Standards Board must issue an initial Tier 2 license for a term of two years. A Tier 2 license
 9.10 may be renewed three times. Before a Tier 2 license is renewed for the first time, a teacher
 9.11 holding a Tier 2 license must participate in at least one hour of cultural competency training
 9.12 consistent with section 120B.30, subdivision 1, paragraph (q), and mental illness training
 9.13 under section 122A.187, subdivision 6. The board must issue rules setting forth the conditions
 9.14 for additional renewals after the initial license has been renewed three times.

9.15 Sec. 13. Minnesota Statutes 2018, section 122A.40, subdivision 3, is amended to read:

9.16 Subd. 3. **Hiring, dismissing.** (a) School boards must hire or dismiss teachers at duly
 9.17 called meetings. Where a husband and wife, brother and sister, or two brothers or sisters,
 9.18 constitute a quorum, no contract employing a teacher shall be made or authorized except
 9.19 upon the unanimous vote of the full board. A teacher related by blood or marriage, within
 9.20 the fourth degree, computed by the civil law, to a board member shall not be employed
 9.21 except by a unanimous vote of the full board. The initial employment of the teacher in the
 9.22 district must be by written contract, signed by the teacher and by the chair and clerk. All
 9.23 subsequent employment of the teacher in the district must be by written contract, signed by
 9.24 the teacher and by the chair and clerk, except where there is a master agreement covering
 9.25 the employment of the teacher. Contracts for teaching or supervision of teaching can be
 9.26 made only with qualified teachers. A teacher shall not be required to reside within the
 9.27 employing district as a condition to teaching employment or continued teaching employment.

9.28 (b) A school district must not give preference in the hiring or dismissal of a teacher
 9.29 based on the teacher's seniority except in making decisions between or among otherwise
 9.30 equally qualified and rated teachers.

9.31 (c) A school district must report all new hires and terminations, including layoffs, by
 9.32 race and ethnicity annually to the Department of Education. The report must not include
 9.33 data that would personally identify individuals.

10.1 Sec. 14. Minnesota Statutes 2018, section 122A.41, is amended by adding a subdivision
10.2 to read:

10.3 Subd. 16. **Hiring and dismissal.** (a) A school district must not give preference in the
10.4 hiring or dismissal of a teacher based on the teacher's seniority except in making decisions
10.5 between or among otherwise equally qualified and rated teachers.

10.6 (b) A school district must report all new hires and terminations, including layoffs, by
10.7 race and ethnicity annually to the Department of Education. The report must not include
10.8 data that would personally identify individuals.

10.9 Sec. 15. Minnesota Statutes 2019 Supplement, section 122A.635, subdivision 1, is amended
10.10 to read:

10.11 Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards
10.12 Board must award competitive grants to increase the number of teacher candidates of color
10.13 or who are American Indian, and meet the requirements for a Tier 3 license under section
10.14 122A.183. Eligibility for a grant under this section is limited to ~~public or private higher~~
10.15 ~~education institutions that offer a teacher preparation program approved by the Professional~~
10.16 ~~Educator Licensing and Standards Board~~ programs, including alternative teacher preparation
10.17 programs, located in the state.

10.18 Sec. 16. Minnesota Statutes 2019 Supplement, section 122A.635, subdivision 2, as amended
10.19 by Laws 2020, chapter 83, article 1, section 25, is amended to read:

10.20 Subd. 2. **Competitive grants.** (a) The Professional Educator Licensing and Standards
10.21 Board must award competitive grants under this section based on the following criteria:

10.22 (1) the number of teacher candidates being supported in the program who are of color
10.23 or who are American Indian;

10.24 (2) program outcomes, including graduation or program completion rates, licensure
10.25 rates, and placement rates and, for each outcome measure, the number of those teacher
10.26 candidates of color or who are American Indian; and

10.27 (3) the percent of racially and ethnically diverse teacher candidates enrolled in the
10.28 institution compared to:

10.29 (i) the total percent of students of color and American Indian students enrolled at the
10.30 institution, regardless of major; and

11.1 (ii) the percent of underrepresented racially and ethnically diverse teachers in the
 11.2 economic development region of the state where the institution is located and where a
 11.3 shortage of diverse teachers exists, as reported under section 122A.091, subdivision 5.

11.4 ~~(b) The board must give priority in awarding grants under this section to institutions that~~
 11.5 ~~received grants under Laws 2017, First Special Session chapter 5, article 2, section 57,~~
 11.6 ~~subdivision 27, and have demonstrated continuing success at recruiting, retaining, graduating,~~
 11.7 ~~and inducting teacher candidates of color or who are American Indian. If the board awards~~
 11.8 ~~a competitive grant based on the criteria in paragraph (a) to a program that has not previously~~
 11.9 ~~received funding, the board must thereafter give priority to the program equivalent to other~~
 11.10 ~~programs given priority under this paragraph.~~

11.11 ~~(e)~~ (b) The board must determine award amounts for maintenance and expansion of
 11.12 programs based on the number of candidates supported by an applicant program, sustaining
 11.13 support for those candidates, and funds available.

11.14 Sec. 17. Minnesota Statutes 2018, section 124D.111, is amended to read:

11.15 **124D.111 SCHOOL MEAL POLICY; LUNCH AID; FOOD SERVICE**
 11.16 **ACCOUNTING.**

11.17 Subdivision 1. **School ~~lunch aid computation~~ meal policy.** (a) Each Minnesota
 11.18 participant in the national school lunch program must adopt and post to its website, or the
 11.19 website of the organization where the meal is served, a school meal policy. The policy must:

11.20 (1) be in writing, be accessible in multiple languages, and clearly communicate student
 11.21 meal charges when payment cannot be collected at the point of service;

11.22 (2) be reasonable and well-defined and maintain the dignity of students by prohibiting
 11.23 lunch shaming or otherwise ostracizing any student;

11.24 (3) address whether the participant uses a collection agency to collect unpaid school
 11.25 meal debt;

11.26 (4) require that all communication relating to collection of unpaid school meal debt be
 11.27 communicated by school staff trained on the school district's policy on collecting student
 11.28 meal debt;

11.29 (5) require that all communication relating to school meal debt be delivered only to a
 11.30 student's parent or guardian and not directly to the student;

12.1 (6) ensure that once a participant has placed a meal on a tray or otherwise served the
 12.2 meal to a student, the meal may not be subsequently withdrawn from the student by the
 12.3 cashier or other school official because the student has outstanding meal debt;

12.4 (7) ensure that a student who has been determined eligible for free or reduced-price
 12.5 lunch must always be served a reimbursable meal even if the student has outstanding debt;

12.6 (8) provide the vendor with its school meal policy if the school contracts with a third
 12.7 party for its meal services; and

12.8 (9) require school nutrition staff be trained on the policy.

12.9 (b) Any contract between a school and a third-party provider of meal services entered
 12.10 into or modified on or after July 1, 2020, must ensure that the third-party provider adheres
 12.11 to the participant's school meal policy.

12.12 **Subd. 1a. School lunch aid amounts.** Each school year, the state must pay participants
 12.13 in the national school lunch program the amount of 12.5 cents for each full paid and free
 12.14 student lunch and 52.5 cents for each reduced-price lunch served to students.

12.15 **Subd. 2. Application.** A school district, charter school, nonpublic school, or other
 12.16 participant in the national school lunch program shall apply to the department for this
 12.17 payment on forms provided by the department.

12.18 **Subd. 2a. Federal child and adult care food program; criteria and notice.** The
 12.19 commissioner must post on the department's website eligibility criteria and application
 12.20 information for nonprofit organizations interested in applying to the commissioner for
 12.21 approval as a multisite sponsoring organization under the federal child and adult care food
 12.22 program. The posted criteria and information must inform interested nonprofit organizations
 12.23 about:

12.24 (1) the criteria the commissioner uses to approve or disapprove an application, including
 12.25 how an applicant demonstrates financial viability for the Minnesota program, among other
 12.26 criteria;

12.27 (2) the commissioner's process and time line for notifying an applicant when its
 12.28 application is approved or disapproved and, if the application is disapproved, the explanation
 12.29 the commissioner provides to the applicant; and

12.30 (3) any appeal or other recourse available to a disapproved applicant.

12.31 **Subd. 3. School food service fund.** (a) The expenses described in this subdivision must
 12.32 be recorded as provided in this subdivision.

13.1 (b) In each district, the expenses for a school food service program for pupils must be
13.2 attributed to a school food service fund. Under a food service program, the school food
13.3 service may prepare or serve milk, meals, or snacks in connection with school or community
13.4 service activities.

13.5 (c) Revenues and expenditures for food service activities must be recorded in the food
13.6 service fund. The costs of processing applications, accounting for meals, preparing and
13.7 serving food, providing kitchen custodial services, and other expenses involving the preparing
13.8 of meals or the kitchen section of the lunchroom may be charged to the food service fund
13.9 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial
13.10 services, lunchroom utilities, and other administrative costs of the food service program
13.11 must be charged to the general fund.

13.12 That portion of superintendent and fiscal manager costs that can be documented as
13.13 attributable to the food service program may be charged to the food service fund provided
13.14 that the school district does not employ or contract with a food service director or other
13.15 individual who manages the food service program, or food service management company.
13.16 If the cost of the superintendent or fiscal manager is charged to the food service fund, the
13.17 charge must be at a wage rate not to exceed the statewide average for food service directors
13.18 as determined by the department.

13.19 (d) Capital expenditures for the purchase of food service equipment must be made from
13.20 the general fund and not the food service fund, unless the restricted balance in the food
13.21 service fund at the end of the last fiscal year is greater than the cost of the equipment to be
13.22 purchased.

13.23 (e) If the condition set out in paragraph (d) applies, the equipment may be purchased
13.24 from the food service fund.

13.25 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit
13.26 is not eliminated by revenues from food service operations in the next fiscal year, then the
13.27 deficit must be eliminated by a permanent fund transfer from the general fund at the end of
13.28 that second fiscal year. However, if a district contracts with a food service management
13.29 company during the period in which the deficit has accrued, the deficit must be eliminated
13.30 by a payment from the food service management company.

13.31 (g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund
13.32 for up to three years without making the permanent transfer if the district submits to the
13.33 commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at
13.34 the end of the third fiscal year.

14.1 (h) If a surplus in the food service fund exists at the end of a fiscal year for three
 14.2 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,
 14.3 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food
 14.4 service program charged to the general fund according to paragraph (c) and charge those
 14.5 costs to the food service fund in a total amount not to exceed the amount of surplus in the
 14.6 food service fund.

14.7 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must
 14.8 make lunch available without charge and must not deny a school lunch to all participating
 14.9 students who qualify for free or reduced-price meals, whether or not that student has an
 14.10 outstanding balance in the student's meal account attributable to a la carte purchases or for
 14.11 any other reason.

14.12 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students
 14.13 in a respectful manner according to the policy adopted under subdivision 1. The participant
 14.14 must ensure that any reminders for payment of outstanding student meal ~~balances~~ debt do
 14.15 not intentionally demean or, stigmatize, or humiliate any child participating in the school
 14.16 lunch program. The participant must not impose any other restriction prohibited under
 14.17 section 123B.37 due to unpaid student meal debt. The participant must not limit a student's
 14.18 participation in any school activity, graduation ceremony, field trip, athletic participation,
 14.19 activity club, or any other extracurricular activity or access to materials, technology, or
 14.20 other items provided to students due to an unpaid student meal debt.

14.21 (b) If the commissioner or the commissioner's designee determines a participant has
 14.22 violated the requirement to provide meals to participating students in a respectful manner,
 14.23 the commissioner or the commissioner's designee must send a letter of noncompliance to
 14.24 the participant. The participant is required to respond and, if applicable, remedy the practice
 14.25 within 60 days.

14.26 Subd. 6. **Definitions.** (a) For the purposes of this section, the terms defined in this
 14.27 subdivision have the meanings given.

14.28 (b) "A la carte" means a food item ordered separately from the school meal.

14.29 (c) "School meal" means a meal provided to students during the school day.

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

15.1 Sec. 18. Laws 2019, First Special Session chapter 11, article 3, section 23, subdivision 6,
 15.2 as amended by Laws 2020, chapter 83, article 1, section 101, is amended to read:

15.3 Subd. 6. **Paraprofessional pathway to teacher licensure.** (a) For grants to school
 15.4 districts for Grow Your Own new teacher programs:

15.5 \$ 1,500,000 2020

15.6 \$ 1,500,000 2021

15.7 (b) The grants are for school districts with more than 30 percent minority students for
 15.8 a Board of Teaching-approved nonconventional teacher residency pilot program. The
 15.9 program must provide tuition scholarships or stipends to enable school district employees
 15.10 or community members affiliated with a school district who seek an education license to
 15.11 participate in a nonconventional or alternative teacher preparation program. School districts
 15.12 that receive funds under this subdivision are strongly encouraged to recruit candidates of
 15.13 color and American Indian candidates to participate in the Grow Your Own new teacher
 15.14 programs. Districts or schools providing financial support may require a commitment as
 15.15 determined by the district to teach in the district or school for a reasonable amount of time
 15.16 that does not exceed five years.

15.17 (c) School districts and charter schools may also apply for grants to develop innovative
 15.18 expanded Grow Your Own programs that encourage secondary school students to pursue
 15.19 teaching, including developing and offering dual-credit postsecondary course options in
 15.20 schools for "Introduction to Teaching" or "Introduction to Education" courses consistent
 15.21 with Minnesota Statutes, section 124D.09, subdivision 10.

15.22 (d) Programs must annually report to the commissioner by the date determined by the
 15.23 commissioner on their activities under this section, including the number of participants,
 15.24 the percentage of participants who are of color or who are American Indian, and an
 15.25 assessment of program effectiveness, including participant feedback, areas for improvement,
 15.26 the percentage of participants continuing to pursue teacher licensure, and the number of
 15.27 participants hired in the school or district as teachers after completing preparation programs.

15.28 (e) The department may retain up to three percent of the appropriation amount to monitor
 15.29 and administer the grant program.

15.30 (f) Any balance in the first year does not cancel but is available in the second year.

16.1 Sec. 19. **RESTRICTION ON CONTRACTS WITH SCHOOL EMPLOYEES.**

16.2 Notwithstanding any law to the contrary, employment contracts and collective bargaining
16.3 agreements with school employees must not contain protections against discipline or
16.4 termination for school employees who engage in immoral, unethical, or illegal actions.

16.5 **EFFECTIVE DATE.** This section is effective the day following final enactment and
16.6 applies to all contracts entered into on or after that date.

16.7 Sec. 20. **REPEALER.**

16.8 (a) Minnesota Statutes 2018, section 122A.09, subdivision 1, is repealed.

16.9 (b) Minnesota Rules, part 8710.2100, subparts 1 and 2, are repealed.

APPENDIX
Repealed Minnesota Statutes: 20-8942

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.

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.