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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1774

02/15/2023 Authored by Clardy, Sencer-Mura, Her, Hussein and Frazier  
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 extended time revenue; expanding the graduation  
1.3 incentives program to include all English learners with an interrupted formal  
1.4 education; allowing postsecondary enrollment in summer courses; amending  
1.5 Minnesota Statutes 2022, sections 124D.09, subdivision 9; 124D.68, subdivision  
1.6 2; 126C.05, subdivision 8; 126C.10, subdivision 2a.

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

1.8 Section 1. Minnesota Statutes 2022, section 124D.09, subdivision 9, is amended to read:

1.9 Subd. 9. **Enrollment priority.** (a) A postsecondary institution must give priority to its  
1.10 postsecondary students when enrolling pupils in grades 10, 11, and 12 in its courses. A  
1.11 postsecondary institution may provide information about its programs to a secondary school  
1.12 or to a pupil or parent and it may advertise or otherwise recruit or solicit a secondary pupil  
1.13 to enroll in its programs on educational and programmatic grounds only except,  
1.14 notwithstanding other law to the contrary, and for the 2014-2015 through 2019-2020 school  
1.15 years only, an eligible postsecondary institution may advertise or otherwise recruit or solicit  
1.16 a secondary pupil residing in a school district with 700 students or more in grades 10, 11,  
1.17 and 12, to enroll in its programs on educational, programmatic, or financial grounds.

1.18 (b) An institution must not enroll secondary pupils, for postsecondary enrollment options  
1.19 purposes, in remedial, developmental, or other courses that are not college level except  
1.20 when a student eligible to participate and enrolled in the graduation incentives program  
1.21 under section 124D.68 enrolls full time in a middle or early college program. A middle or  
1.22 early college program must be specifically designed to allow the student to earn dual high  
1.23 school and college credit with a well-defined pathway to allow the student to earn a  
1.24 postsecondary degree or credential. ~~In this case, the student must receive developmental~~

2.1 ~~college credit and not college credit for completing remedial or developmental courses~~ A  
 2.2 pupil in a middle or early college program must receive developmental college credit for  
 2.3 completing remedial or developmental courses, rather than college credit.

2.4 (c) Once a pupil has been enrolled in any postsecondary course under this section, the  
 2.5 pupil must not be displaced by another student.

2.6 (d) If a postsecondary institution enrolls a secondary school pupil in a course under this  
 2.7 section, the postsecondary institution also must enroll in the same course an otherwise  
 2.8 enrolled and qualified postsecondary student who qualifies as a veteran under section  
 2.9 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's  
 2.10 established enrollment timelines were not practicable for that student.

2.11 (e) A postsecondary institution must allow secondary pupils to enroll in online courses  
 2.12 under this section consistent with the institution's policy regarding postsecondary pupil  
 2.13 enrollment in online courses.

2.14 (f) A pupil who is eligible to participate in the graduation incentives program under  
 2.15 section 124D.68 may enroll in a course at a postsecondary institution, including in a middle  
 2.16 or early college program, and generate extended time revenue if the course is taken outside  
 2.17 of the regular school day, week, or year.

2.18 Sec. 2. Minnesota Statutes 2022, section 124D.68, subdivision 2, is amended to read:

2.19 Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements  
 2.20 of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation  
 2.21 incentives program, if the pupil:

2.22 (1) performs substantially below the performance level for pupils of the same age in a  
 2.23 locally determined achievement test;

2.24 (2) is behind in satisfactorily completing coursework or obtaining credits for graduation;

2.25 (3) is pregnant or is a parent;

2.26 (4) has been assessed as having substance use disorder;

2.27 (5) has been excluded or expelled according to sections 121A.40 to 121A.56;

2.28 (6) has been referred by a school district for enrollment in an eligible program or a  
 2.29 program pursuant to section 124D.69;

2.30 (7) is a victim of physical or sexual abuse;

2.31 (8) has experienced mental health problems;

3.1 (9) has experienced homelessness sometime within six months before requesting a  
3.2 transfer to an eligible program;

3.3 (10) speaks English as a second language or is an English learner, including an English  
3.4 learner with an interrupted formal education under section 124D.59, subdivision 2a;

3.5 (11) has withdrawn from school or has been chronically truant; ~~or~~

3.6 (12) is being treated in a hospital in the seven-county metropolitan area for cancer or  
3.7 other life threatening illness or is the sibling of an eligible pupil who is being currently  
3.8 treated, and resides with the pupil's family at least 60 miles beyond the outside boundary  
3.9 of the seven-county metropolitan area;

3.10 (13) is enrolled or participating in the final year of a prekindergarten program and has  
3.11 been identified as needing additional academic and enrichment supports; or

3.12 (14) is eligible to receive free or reduced-priced meals.

3.13 (b) A pupil otherwise qualifying under paragraph (a) who is at least 21 years of age and  
3.14 not yet 22 years of age, and is an English learner with an interrupted formal education  
3.15 according to section 124D.59, subdivision 2a, is eligible to participate in the graduation  
3.16 incentives program under section 124D.68 and in concurrent enrollment courses offered  
3.17 under section 124D.09, subdivision 10, and is funded in the same manner as other pupils  
3.18 under this section.

3.19 Sec. 3. Minnesota Statutes 2022, section 126C.05, subdivision 8, is amended to read:

3.20 Subd. 8. **Average daily membership.** (a) Membership for pupils in grades kindergarten  
3.21 through 12 and for prekindergarten pupils with disabilities shall mean the number of pupils  
3.22 on the current roll of the school, counted from the date of entry until withdrawal. The date  
3.23 of withdrawal shall mean the day the pupil permanently leaves the school or the date it is  
3.24 officially known that the pupil has left or has been legally excused. However, a pupil,  
3.25 regardless of age, who has been absent from school for 15 consecutive school days during  
3.26 the regular school year or for five consecutive school days during summer school or  
3.27 intersession classes of flexible school year programs without receiving instruction in the  
3.28 home or hospital shall be dropped from the roll and classified as withdrawn. Nothing in this  
3.29 section shall be construed as waiving the compulsory attendance provisions cited in section  
3.30 120A.22. Average daily membership equals the sum for all pupils of the number of days  
3.31 of the school year each pupil is enrolled in the district's schools divided by the number of  
3.32 days the schools are in session or are providing e-learning days due to inclement weather.  
3.33 Days of summer school or intersession classes of flexible school year programs are only

4.1 included in the computation of membership for pupils with a disability not appropriately  
 4.2 served primarily in the regular classroom. A student must not be counted as more than ~~1.2~~  
 4.3 1.4 pupils in average daily membership under this section and section 126C.10, subdivision  
 4.4 2a, paragraph (b). When the initial total average daily membership exceeds ~~1.2~~ 1.4 for a  
 4.5 pupil enrolled in more than one school district during the fiscal year, each district's average  
 4.6 daily membership must be reduced proportionately.

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

4.9 Sec. 4. Minnesota Statutes 2022, section 126C.10, subdivision 2a, is amended to read:

4.10 Subd. 2a. **Extended time revenue.** (a) A school district's extended time revenue is equal  
 4.11 to the product of \$5,117 and the sum of the adjusted pupil units of the district for each pupil  
 4.12 in average daily membership in excess of 1.0 and less than ~~1.2~~ 1.4 according to section  
 4.13 126C.05, subdivision 8.

4.14 (b) Extended time revenue for pupils placed in an on-site education program at the Prairie  
 4.15 Lakes Education Center or the Lake Park School, located within the borders of Independent  
 4.16 School District No. 347, Willmar, for instruction provided after the end of the preceding  
 4.17 regular school year and before the beginning of the following regular school year equals  
 4.18 membership hours divided by the minimum annual instructional hours in section 126C.05,  
 4.19 subdivision 15, not to exceed 0.20, times the pupil unit weighting in section 126C.05,  
 4.20 subdivision 1, times \$5,117.

4.21 (c) A school district's extended time revenue may be used for extended day programs,  
 4.22 extended week programs, summer school, vacation break academies such as spring break  
 4.23 academies and summer term academies, and other programming authorized under the  
 4.24 learning year program.

4.25 (d) Notwithstanding any law to the contrary, a school district's extended time revenue  
 4.26 may be used to provide the following supports to students who qualify to participate in a  
 4.27 graduation incentives program under section 124D.68:

4.28 (1) innovative programs that more equitably meet the needs of students through grants  
 4.29 to nonprofit and community-based organizations;

4.30 (2) expanded access to online reading and math learning opportunities supported by  
 4.31 research-based evidence in extended day, week, and year programs; and

4.32 (3) expanded access to mental, social, emotional, and relational health supports in  
 4.33 extended day, week, and year programs.