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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1945

02/25/2014 Authored by Bly; Mariani; Newton; Dehn, R., and Freiberg  
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; ensuring nontraditional instructional program choices;  
1.3 modifying students' personal learning plans; requiring a report; amending  
1.4 Minnesota Statutes 2012, section 123B.04, subdivisions 1a, 4; Minnesota  
1.5 Statutes 2013 Supplement, sections 120B.11, subdivisions 1, 1a, 3; 120B.125;  
1.6 proposing coding for new law in Minnesota Statutes, chapter 124D.

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

1.8 Section 1. Minnesota Statutes 2013 Supplement, section 120B.11, subdivision 1, is  
1.9 amended to read:

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

1.12 (a) "Instruction" means methods of providing learning experiences that enable  
1.13 a student to meet state and district academic standards and graduation requirements,  
1.14 including nontraditional instructional programs under section 124D.061.

1.15 (b) "Curriculum" means district or school adopted programs and written plans for  
1.16 providing students with learning experiences that lead to expected knowledge and skills  
1.17 and career and college readiness.

1.18 (c) "World's best workforce" means striving to: meet school readiness goals; have  
1.19 all third grade students achieve grade-level literacy; provide students with a choice  
1.20 of nontraditional instructional programs; close the academic achievement gap among  
1.21 all racial and ethnic groups of students and between students living in poverty and  
1.22 students not living in poverty; have all students attain career and college readiness before  
1.23 graduating from high school; and have all students graduate from high school.

1.24 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
1.25 later.

2.1 Sec. 2. Minnesota Statutes 2013 Supplement, section 120B.11, subdivision 1a, is  
2.2 amended to read:

2.3 Subd. 1a. **Performance measures.** Measures to determine school district and  
2.4 school site progress in striving to create the world's best workforce must include at least:

- 2.5 (1) student performance on the National ~~Association~~ Assessment of Education  
2.6 Progress where applicable;
- 2.7 (2) the size of the academic achievement gap by student subgroup;
- 2.8 (3) student performance on the Minnesota Comprehensive Assessments;
- 2.9 (4) high school graduation rates; ~~and~~
- 2.10 (5) career and college readiness under section 120B.30, subdivision 1; and
- 2.11 (6) summary information about the effectiveness of nontraditional instructional  
2.12 programs under section 124D.061.

2.13 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
2.14 later.

2.15 Sec. 3. Minnesota Statutes 2013 Supplement, section 120B.11, subdivision 3, is  
2.16 amended to read:

2.17 Subd. 3. **District advisory committee.** Each school board shall establish an  
2.18 advisory committee to ensure active community participation in all phases of planning and  
2.19 improving the instruction and curriculum affecting state and district academic standards,  
2.20 consistent with subdivision 2 and section 124D.061. A district advisory committee, to  
2.21 the extent possible, shall reflect the diversity of the district and its school sites, and shall  
2.22 include teachers, parents, support staff, students, and other community residents. The  
2.23 district may establish site teams as subcommittees of the district advisory committee  
2.24 under subdivision 4. The district advisory committee shall recommend to the school board  
2.25 rigorous academic standards, student achievement goals and measures consistent with  
2.26 subdivision 1a and sections 120B.022, subdivision 1, paragraphs (b) and (c), ~~and~~ 120B.35,  
2.27 and 124D.061, district assessments, and program evaluations. School sites may expand  
2.28 upon district evaluations of instruction, curriculum, assessments, or programs. Whenever  
2.29 possible, parents and other community residents shall comprise at least two-thirds of  
2.30 advisory committee members.

2.31 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
2.32 later.

3.1 Sec. 4. Minnesota Statutes 2013 Supplement, section 120B.125, is amended to read:

3.2 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**  
 3.3 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; ~~INVOLUNTARY~~**  
 3.4 **~~CAREER TRACKING PROHIBITED~~ PERSONAL LEARNING PLANS.**

3.5 (a) Consistent with sections 120B.128, 120B.13, 120B.131, 120B.132, 120B.14,  
 3.6 120B.15, 120B.30, subdivision 1, paragraph (c), 124D.061, 125A.08, and other related  
 3.7 sections, school districts, ~~beginning in by~~ the ~~2013-2014~~ 2014-2015 school year, must  
 3.8 assist all students ~~by no later than grade 9~~ to explore their educational, college, and  
 3.9 career interests, aptitudes, and aspirations and develop a plan for achieving kindergarten  
 3.10 through grade 12 career and college readiness and a smooth and successful transition to  
 3.11 postsecondary education or employment. All students' plans must ~~be designed to:~~

3.12 (1) provide a comprehensive academic plan ~~for completing~~ to prepare for and  
 3.13 complete a college and career-ready curriculum premised on ~~by~~ meeting state and local  
 3.14 academic standards and developing 21st century skills such as team work, collaboration,  
 3.15 and good work habits;

3.16 (2) emphasize academic rigor and high expectations;

3.17 (3) help students identify interests, aptitudes, aspirations, and personal learning  
 3.18 styles that may affect their career and college ready goals and postsecondary education  
 3.19 and employment choices;

3.20 (4) set age- and grade-appropriate career and college ready goals and create the  
 3.21 timelines and identify effective means for achieving those goals;

3.22 ~~(4)~~ (5) help students ~~gain access to postsecondary~~ education and career options;

3.23 ~~(5)~~ (6) integrate strong academic content into career-focused courses and applied  
 3.24 learning opportunities and integrate relevant career-focused courses and applied learning  
 3.25 opportunities into strong academic content;

3.26 ~~(6)~~ (7) help students and families identify and ~~gain access to~~ appropriate counseling  
 3.27 and other supports and assistance that enable students to complete required coursework,  
 3.28 prepare for postsecondary education and careers, and obtain information about  
 3.29 postsecondary education costs and eligibility for financial aid and scholarship;

3.30 ~~(7)~~ (8) help students and families identify collaborative partnerships of kindergarten  
 3.31 through grade 12 schools, postsecondary institutions, economic development agencies,  
 3.32 and local and regional employers that support ~~students'~~ middle and high school students  
 3.33 through their transition to postsecondary education and employment and provide students  
 3.34 with experiential learning opportunities; and

3.35 ~~(8)~~ (9) be reviewed and revised at least annually by the student, the student's parent  
 3.36 or guardian, and the school or district to ensure that the student's course-taking schedule

4.1 keeps the student making adequate age- and grade-appropriate progress to meet state and  
 4.2 local academic standards and high school graduation requirements and with a reasonable  
 4.3 chance to succeed with employment or postsecondary education without the need to first  
 4.4 complete remedial course work.

4.5 (b) A school district may develop grade-level curricula or provide instruction that  
 4.6 introduces students to various careers, but must not require any curriculum, instruction,  
 4.7 or employment-related activity that obligates an elementary or secondary student to  
 4.8 involuntarily select or pursue a career, career interest, employment goals, or related job  
 4.9 training.

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

4.11 Sec. 5. Minnesota Statutes 2012, section 123B.04, subdivision 1a, is amended to read:

4.12 Subd. 1a. **Individualized learning and instruction; improved student**  
 4.13 **achievement.** To promote individualized learning and instruction and improve student  
 4.14 achievement under subdivisions 4 and 4a, a participating school board under this section  
 4.15 may consider how to:

4.16 (1) assist a school site to adapt instruction to the needs and aptitudes of individual  
 4.17 students, and establish goals and standards for individual students in addition to the state  
 4.18 academic standards applicable to all students;

4.19 (2) coordinate the pace of instruction and learning with the needs and aptitudes of  
 4.20 individual students at a school site;

4.21 (3) provide useful data and assist with research in developing and improving  
 4.22 innovative, cost-effective, research-based individualized learning, instruction, and  
 4.23 assessment under this section and ~~section~~ sections 124D.061 and 124D.10;

4.24 (4) demonstrate and help evaluate instructional alternatives to age-based grade  
 4.25 progression;

4.26 (5) more effectively motivate students and teachers; and

4.27 (6) expand use of learning technology to support individualized learning, instruction,  
 4.28 assessment, and achievement.

4.29 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
 4.30 later.

4.31 Sec. 6. Minnesota Statutes 2012, section 123B.04, subdivision 4, is amended to read:

4.32 Subd. 4. **Achievement contract.** A school board may enter a written education site  
 4.33 achievement contract with each site decision-making team for: (1) setting individualized

5.1 learning and achievement measures and short- and long-term educational goals for each  
 5.2 student at that site; (2) recognizing each student's educational needs, interests, aspirations,  
 5.3 and aptitudes and levels of academic attainment, whether on grade level or above or below  
 5.4 grade level, so as to improve student performance through such means as a cost-effective,  
 5.5 research-based formative assessment system designed to promote individualized  
 5.6 learning and assessment and through nontraditional instructional programs under section  
 5.7 124D.061; (3) using student performance data to diagnose a student's academic strengths  
 5.8 and weaknesses and indicate to the student's teachers the specific skills and concepts  
 5.9 that need to be introduced to the student and developed through academic instruction or  
 5.10 applied learning, organized by strands within subject areas and linked to state and local  
 5.11 academic standards during the next year, consistent with the student's short- and long-term  
 5.12 educational goals; and (4) assisting the education site if progress in achieving student or  
 5.13 contract goals or other performance expectations or measures agreed to by the board and  
 5.14 the site decision-making team are not realized or implemented.

5.15 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
 5.16 later.

5.17 Sec. 7. **[124D.061] NONTRADITIONAL INSTRUCTIONAL PROGRAM**  
 5.18 **CHOICE.**

5.19 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this  
 5.20 section.

5.21 (b) "Nontraditional instructional program" means comprehensive instruction  
 5.22 districts develop under this section in consultation with regional centers of excellence  
 5.23 under section 120B.115. The comprehensive instruction includes career and college  
 5.24 ready curriculum aligned with state and local academic standards that districts provide  
 5.25 in a nontraditional context distinct from the regular education program. Examples of  
 5.26 nontraditional instructional programs include, but are not limited to, magnet schools,  
 5.27 online and digital learning under section 124D.095, language immersion programs,  
 5.28 project-based learning models, open schools, accelerated learning programs, college prep  
 5.29 schools, career and technical programs, Montessori schools, military schools, work-based  
 5.30 schools, and place-based learning.

5.31 Subd. 2. **Rigorous course of study waiver applies.** Consistent with the  
 5.32 requirements for a rigorous course of study waiver under section 120B.021, subdivision 1a,  
 5.33 a district providing a nontraditional instructional program under this section may declare  
 5.34 that a student meets or exceeds specific academic standards required for graduation.

6.1 Subd. 3. **Program choice.** In each grade, kindergarten through grade 12, or in  
6.2 nongraded programs, a school district, singly or in cooperation with one or more other  
6.3 districts, must provide at least two nontraditional instructional programs. A nontraditional  
6.4 instructional program must provide at least 80 percent of an interested student's daily  
6.5 instruction. Nontraditional instructional program offerings may vary by grade. An area  
6.6 learning center and a contract alternative program do not meet the requirements of this  
6.7 section. A charter school does not meet the requirements of this section unless it is  
6.8 authorized by the school district and providing a nontraditional instructional program  
6.9 under this section.

6.10 Subd. 4. **Program compliance.** (a) A district complies with subdivision 3 if it  
6.11 meets the requirements in any paragraph (b) to (g).

6.12 (b) A district offers two or more nontraditional instructional programs within the  
6.13 district.

6.14 (c) A district offers a nontraditional instructional program at individual school sites  
6.15 that combined provide comprehensive kindergarten through grade 12 instruction.

6.16 (d) A district approves site decision-making agreements under section 123B.04 or  
6.17 123B.045 that combined provide comprehensive kindergarten through grade 12 instruction.

6.18 (e) A district enters into a joint powers agreement under section 471.59 with one or  
6.19 more adjoining school districts and:

6.20 (1) a member district has fewer than 500 students in average daily membership;

6.21 (2) a member district complies with paragraph (b), (c), or (d);

6.22 (3) a member district offering a nontraditional instructional program with limited  
6.23 enrollment gives equal access to all students residing or enrolled in any member district; and

6.24 (4) the joint powers agreement provides for transporting students between member  
6.25 districts.

6.26 (f) A district offers a nontraditional instructional program for students in  
6.27 kindergarten through grade 12 in a charter school authorized by that district.

6.28 (g) A district offers a combination of the options in paragraphs (b) to (f) to its  
6.29 kindergarten through grade 12 students.

6.30 (h) Consistent with this section, a district may create a nontraditional instructional  
6.31 program with limited enrollment. The district shall establish and publish on the district's  
6.32 Web site the admission process for the limited enrollment program.

6.33 (i) Using an electronic format determined by the commissioner, the district  
6.34 annually must submit to the commissioner a statement affirming its compliance with  
6.35 the requirements of this section.

7.1 Subd. 5. **Nontraditional instructional programs; adoption and accountability.**

7.2 (a) A school board, at a public meeting, shall adopt a plan consistent with this section that  
7.3 includes at least the following:

7.4 (1) a clearly defined structure for complying with subdivision 4;

7.5 (2) a comprehensive description of the nontraditional instructional programs the  
7.6 district is providing;

7.7 (3) a description of the enrollment process for the nontraditional instructional  
7.8 programs;

7.9 (4) the specific measures and processes for periodically assessing, evaluating, and  
7.10 publicly reporting the effectiveness of each nontraditional instructional program provided  
7.11 by the district; and

7.12 (5) the data-informed public process for modifying a plan under this paragraph.

7.13 (b) The school board, in consultation with the parents of enrolled students and  
7.14 other interested community members, must publicly identify, implement, review, and  
7.15 appropriately revise nontraditional instructional programs informed by at least:

7.16 (1) summary data about enrolled students' learning styles and educational needs and  
7.17 outcomes based on the students' personal learning plans under section 120B.125; and

7.18 (2) input from parents and local and regional business and nonprofit organizations.

7.19 Subd. 6. **Summary data; report.** Using an electronic format and the data available  
7.20 under subdivision 5, paragraph (b), clauses (1) and (2), the commissioner annually by  
7.21 February 15 must submit to the legislature a report summarizing districts participation in  
7.22 and outcomes for the nontraditional instructional programs that districts provide under  
7.23 this section.

7.24 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and  
7.25 later.