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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2127

02/08/2012 Authored by Myhra, Erickson, Garofalo and Dittrich
The bill was read for the first time and referred to the Committee on Education Reform
02/15/2012 Adoption of Report: Pass as Amended and re-referred to Education Finance

1.1 A bill for an act
1.2 relating to education; modifying online learning parameters; modifying
1.3 graduation requirements; providing for digital learning; amending Minnesota
1.4 Statutes 2010, sections 120B.024; 122A.18, by adding a subdivision; 122A.60,
1.5 subdivisions 1a, 3; 124D.095, subdivisions 2, 4, 7, 10; 126C.15, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2010, section 120B.024, is amended to read:

1.8 **120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS.**

1.9 (a) Students beginning 9th grade in the 2004-2005 school year and later must
1.10 successfully complete the following high school level course credits for graduation:

1.11 (1) four credits of language arts;

1.12 (2) three credits of mathematics, encompassing at least algebra, geometry, statistics,
1.13 and probability sufficient to satisfy the academic standard;

1.14 (3) three credits of science, including at least one credit in biology;

1.15 (4) three and one-half credits of social studies, encompassing at least United
1.16 States history, geography, government and citizenship, world history, and economics or
1.17 three credits of social studies encompassing at least United States history, geography,
1.18 government and citizenship, and world history, and one-half credit of economics taught in
1.19 a school's social studies, agriculture education, or business department;

1.20 (5) one credit in the arts; and

1.21 (6) a minimum of seven elective course credits.

1.22 A course credit is equivalent to a student successfully completing an academic
1.23 year of study or a student mastering the applicable subject matter, as determined by the
1.24 local school district.

2.1 (b) High school students must receive at least one digital course credit under
 2.2 section 124D.095 to graduate. Where appropriate, a school district may comply with this
 2.3 requirement by adopting a comparable, locally established alternate plan to accommodate
 2.4 an eligible student with disabilities or an English-language learner enrolled in school for
 2.5 three school years or less.

2.6 (c) An agriculture science course may fulfill a science credit requirement in addition
 2.7 to the specified science credits in biology and chemistry or physics under paragraph (a),
 2.8 clause (3).

2.9 ~~(e)~~ (d) A career and technical education course may fulfill a science, mathematics, or
 2.10 arts credit requirement in addition to the specified science, mathematics, or arts credits
 2.11 under paragraph (a), clause (2), (3), or (5).

2.12 **EFFECTIVE DATE.** This section is effective for all students entering grade 9 in
 2.13 the 2012-2013 school year and later.

2.14 Sec. 2. Minnesota Statutes 2010, section 122A.18, is amended by adding a subdivision
 2.15 to read:

2.16 Subd. 3a. **Technology strategies.** All colleges and universities approved by the
 2.17 Board of Teaching to prepare persons for classroom teacher licensure must include in their
 2.18 teacher preparation programs the knowledge and skills teacher candidates need to deliver
 2.19 digital and blended learning and curriculum and engage students with technology.

2.20 **EFFECTIVE DATE.** This section is effective for candidates entering a teacher
 2.21 preparation program after June 30, 2014.

2.22 Sec. 3. Minnesota Statutes 2010, section 122A.60, subdivision 1a, is amended to read:

2.23 Subd. 1a. **Effective staff development activities.** (a) Staff development activities
 2.24 must:

2.25 (1) focus on the school classroom and research-based strategies that improve student
 2.26 learning;

2.27 (2) provide opportunities for teachers to practice and improve their instructional
 2.28 skills over time;

2.29 (3) provide opportunities for teachers to use student data as part of their daily work
 2.30 to increase student achievement;

2.31 (4) enhance teacher content knowledge and instructional skills to accommodate
 2.32 the delivery of digital and blended learning and curriculum and engage students with
 2.33 technology;

3.1 (5) align with state and local academic standards;

3.2 (6) provide opportunities to build professional relationships, foster collaboration
3.3 among principals and staff who provide instruction, and provide opportunities for
3.4 teacher-to-teacher mentoring; and

3.5 (7) align with the plan of the district or site for an alternative teacher professional
3.6 pay system.

3.7 Staff development activities may include curriculum development and curriculum training
3.8 programs, and activities that provide teachers and other members of site-based teams
3.9 training to enhance team performance. The school district also may implement other
3.10 staff development activities required by law and activities associated with professional
3.11 teacher compensation models.

3.12 (b) Release time provided for teachers to supervise students on field trips and school
3.13 activities, or independent tasks not associated with enhancing the teacher's knowledge
3.14 and instructional skills, such as preparing report cards, calculating grades, or organizing
3.15 classroom materials, may not be counted as staff development time that is financed with
3.16 staff development reserved revenue under section 122A.61.

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

3.18 Sec. 4. Minnesota Statutes 2010, section 122A.60, subdivision 3, is amended to read:

3.19 Subd. 3. **Staff development outcomes.** The advisory staff development committee
3.20 must adopt a staff development plan for improving student achievement. The plan must
3.21 be consistent with education outcomes that the school board determines. The plan
3.22 must include ongoing staff development activities that contribute toward continuous
3.23 improvement in achievement of the following goals:

3.24 (1) improve student achievement of state and local education standards in all areas
3.25 of the curriculum by using best practices methods;

3.26 (2) effectively meet the needs of a diverse student population, including at-risk
3.27 children, children with disabilities, and gifted children, within the regular classroom
3.28 and other settings;

3.29 (3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse
3.30 student population that is consistent with the state education diversity rule and the district's
3.31 education diversity plan;

3.32 (4) improve staff collaboration and develop mentoring and peer coaching programs
3.33 for teachers new to the school or district;

4.1 (5) effectively teach and model violence prevention policy and curriculum that
 4.2 address early intervention alternatives, issues of harassment, and teach nonviolent
 4.3 alternatives for conflict resolution; ~~and~~

4.4 (6) effectively deliver digital and blended learning and curriculum and engage
 4.5 students with technology; and

4.6 (7) provide teachers and other members of site-based management teams with
 4.7 appropriate management and financial management skills.

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

4.9 Sec. 5. Minnesota Statutes 2010, section 124D.095, subdivision 2, is amended to read:

4.10 Subd. 2. **Definitions.** For purposes of this section, the following terms have the
 4.11 meanings given them.

4.12 (a) "Online Digital learning" is an interactive course or program that delivers
 4.13 instruction from a teacher to a student by computer; is combined with other traditional
 4.14 delivery methods that include frequent student assessment and may include actual teacher
 4.15 contact time; and meets or exceeds state academic standards. "Blended learning" is a
 4.16 form of digital learning that occurs when: a student learns part time in a supervised
 4.17 physical setting and part time through digital delivery of instruction; or a student learns
 4.18 in a supervised physical setting where digital curriculum is used as a primary method to
 4.19 deliver instruction.

4.20 (b) "Online Digital learning provider" is a school district, an intermediate school
 4.21 district, an organization of two or more school districts operating under a joint powers
 4.22 agreement, or a charter school located in Minnesota that provides online digital learning to
 4.23 students.

4.24 (c) "Student" is a Minnesota resident enrolled in a school under section 120A.22,
 4.25 subdivision 4, in kindergarten through grade 12.

4.26 (d) "Online Digital learning student" is a student enrolled in ~~an online a digital~~
 4.27 learning course or program delivered by ~~an online a digital~~ provider under paragraph (b).

4.28 (e) "Enrolling district" means the school district or charter school in which a student
 4.29 is enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

4.30 (f) "Supplemental online digital learning" means ~~an online a digital~~ course taken in
 4.31 place of a course period during the regular school day at a local district school.

4.32 (g) "Full-time online digital provider" means an enrolling school authorized by the
 4.33 department to deliver comprehensive public education at any or all of the elementary,
 4.34 middle, or high school levels.

5.1 (h) "~~Online~~ Digital course syllabus" is a written document that ~~an online~~ a digital
 5.2 learning provider transmits to the enrolling district using a format prescribed by the
 5.3 commissioner to identify the state academic standards embedded in ~~an online~~ a digital
 5.4 course, the course content outline, required course assessments, expectations for actual
 5.5 teacher contact time and other student-to-teacher communications, and the academic
 5.6 support available to the ~~online~~ digital learning student.

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

5.8 Sec. 6. Minnesota Statutes 2010, section 124D.095, subdivision 4, is amended to read:

5.9 Subd. 4. **Online Digital learning parameters.** (a) ~~An online~~ A digital learning
 5.10 student must receive academic credit for completing the requirements of ~~an online~~ a digital
 5.11 learning course or program. Secondary credits granted to ~~an online~~ a digital learning
 5.12 student count toward the graduation and credit requirements of the enrolling district. The
 5.13 enrolling district must apply the same graduation requirements to all students, including
 5.14 ~~online~~ digital learning students, and must continue to provide nonacademic services
 5.15 to ~~online~~ digital learning students. If a student completes ~~an online~~ a digital learning
 5.16 course or program that meets or exceeds a graduation standard or the grade progression
 5.17 requirement at the enrolling district, that standard or requirement is met. The enrolling
 5.18 district must use the same criteria for accepting ~~online~~ digital learning credits or courses
 5.19 as it does for accepting credits or courses for transfer students under section 124D.03,
 5.20 subdivision 9. The enrolling district may reduce the course schedule of ~~an online~~ a digital
 5.21 learning student in proportion to the number of ~~online~~ digital learning courses the student
 5.22 takes from ~~an online~~ a digital learning provider that is not the enrolling district.

5.23 (b) ~~An online~~ A digital learning student may:

5.24 (1) enroll in supplemental ~~online~~ digital learning courses equal to a maximum of
 5.25 50 percent of the student's full schedule of courses per term during a single school year
 5.26 and the student may exceed the supplemental ~~online~~ digital learning registration limit
 5.27 if the enrolling district permits supplemental ~~online~~ digital learning enrollment above
 5.28 the limit, or if the enrolling district and the ~~online~~ digital learning provider agree to the
 5.29 instructional services;

5.30 (2) complete course work at a grade level that is different from the student's current
 5.31 grade level; and

5.32 (3) enroll in additional courses with the ~~online~~ digital learning provider under a
 5.33 separate agreement that includes terms for paying any tuition or course fees.

5.34 (c) ~~An online~~ A digital learning student has the same access to the computer
 5.35 hardware and education software available in a school as all other students in the enrolling

6.1 district. ~~An online~~ A digital learning provider must assist ~~an online~~ a digital learning
 6.2 student whose family qualifies for the education tax credit under section 290.0674 to
 6.3 acquire computer hardware and educational software for ~~online~~ digital learning purposes.

6.4 (d) An enrolling district may offer ~~online~~ digital learning to its enrolled students.
 6.5 Such ~~online~~ digital learning does not generate ~~online~~ digital learning funds under this
 6.6 section. An enrolling district that offers ~~online~~ digital learning only to its enrolled students
 6.7 is not subject to the reporting requirements or review criteria under subdivision 7, unless
 6.8 the enrolling district is a full-time ~~online~~ digital provider. A teacher with a Minnesota
 6.9 license must assemble and deliver instruction to enrolled students receiving ~~online~~ digital
 6.10 learning from an enrolling district. The delivery of instruction occurs when the student
 6.11 interacts with the computer or the teacher and receives ongoing assistance and assessment
 6.12 of learning. The instruction may include curriculum developed by persons other than a
 6.13 teacher holding a Minnesota license.

6.14 (e) Both full-time and supplemental ~~online~~ digital learning providers are subject to
 6.15 the reporting requirements and review criteria under subdivision 7. A teacher holding
 6.16 a Minnesota license must assemble and deliver instruction to ~~online~~ digital learning
 6.17 students. The delivery of instruction occurs when the student interacts with the computer
 6.18 or the teacher and receives ongoing assistance and assessment of learning. The instruction
 6.19 may include curriculum developed by persons other than a teacher holding a Minnesota
 6.20 license. Unless the commissioner grants a waiver, a teacher providing ~~online~~ digital
 6.21 learning instruction must not instruct more than 40 students in any one ~~online~~ digital
 6.22 learning course or program.

6.23 (f) To enroll in more than 50 percent of the student's full schedule of courses per
 6.24 term in ~~online~~ digital learning, the student must qualify to exceed the supplemental ~~online~~
 6.25 digital learning registration limit under paragraph (b) or apply to enroll in an approved
 6.26 full-time ~~online~~ digital learning program, consistent with subdivision 3, paragraph (a).
 6.27 Full-time ~~online~~ digital learning students may enroll in classes at a local school under a
 6.28 contract for instructional services between the ~~online~~ digital learning provider and the
 6.29 school district.

6.30 Sec. 7. Minnesota Statutes 2010, section 124D.095, subdivision 7, is amended to read:

6.31 Subd. 7. **Department of Education.** (a) The department must review and approve
 6.32 ~~online~~ or disapprove digital learning providers within 60 business days of receiving the
 6.33 digital provider's completed application. If the commissioner disapproves the application,
 6.34 the commissioner must notify the digital provider of the deficiencies in the application
 6.35 and the digital provider then has 20 business days to address the deficiencies. If the

7.1 digital provider does not address the deficiencies to the commissioner's satisfaction, the
7.2 commissioner's disapproval is final.

7.3 (b) The ~~online~~ digital learning courses and programs must be rigorous, aligned with
7.4 state academic standards, and contribute to grade progression in a single subject. The
7.5 ~~online~~ digital provider, other than a digital provider offering digital learning to its enrolled
7.6 students only under subdivision 4, paragraph (d), must give the commissioner written
7.7 assurance that: (1) all courses meet state academic standards; and (2) the ~~online~~ digital
7.8 learning curriculum, instruction, and assessment, expectations for actual teacher-contact
7.9 time or other student-to-teacher communication, and academic support meet nationally
7.10 recognized professional standards and are described as such in an ~~online~~ a digital course
7.11 syllabus that meets the commissioner's requirements. Once an ~~online~~ a digital learning
7.12 provider is approved under this paragraph (a), all of its ~~online~~ digital learning course
7.13 offerings are eligible for payment under this section unless a course is successfully
7.14 challenged by an enrolling district or the department under paragraph ~~(b)~~ (d).

7.15 ~~(b)~~ (c) The commissioner may approve a digital provider for an initial term of three
7.16 consecutive school years, and may reapprove a digital provider for a subsequent term of
7.17 three to five consecutive school years if warranted by the digital provider's academic,
7.18 financial, and operational performance. For the commissioner to reapprove a digital
7.19 provider, among other effectiveness criteria established by the commissioner, a digital
7.20 provider must demonstrate to the commissioner it is making satisfactory progress toward
7.21 meeting its education goals and performance objectives and those of its students, as
7.22 described in its application.

7.23 (d) An enrolling district may challenge the validity of a course offered by an ~~online~~ a
7.24 digital learning provider. The department must review such challenges based on the
7.25 certification procedures under paragraph ~~(a)~~ (b). The department may initiate its own
7.26 review of the validity of an ~~online~~ a digital learning course offered by an ~~online~~ a digital
7.27 learning provider.

7.28 ~~(e)~~ (e) The department may collect a fee not to exceed \$250 for certifying ~~online~~
7.29 digital learning providers or \$50 per course for reviewing a challenge by an enrolling
7.30 district.

7.31 ~~(d)~~ (f) The department must develop, publish, and maintain a list of ~~approved online~~
7.32 digital learning providers and ~~online learning courses and programs~~ that it has reviewed
7.33 and ~~certified~~ approved.

7.34 (g) The commissioner must work with district schools, intermediate districts, and
7.35 charter schools to develop digital learning consortia.

8.1 Sec. 8. Minnesota Statutes 2010, section 124D.095, subdivision 10, is amended to read:

8.2 Subd. 10. ~~Online~~ **Digital Learning Advisory Council.** (a) ~~An Online~~ A Digital
8.3 Learning Advisory Council is established. The term for each council member shall be
8.4 three years. The advisory council is composed of 12 members from throughout the
8.5 state who have demonstrated experience with or interest in ~~online~~ digital learning. The
8.6 members of the council shall be appointed by the commissioner. The advisory council
8.7 shall bring to the attention of the commissioner any matters related to ~~online~~ digital
8.8 learning and provide input to the department in matters related, but not restricted, to:

- 8.9 (1) quality assurance;
- 8.10 (2) teacher qualifications;
- 8.11 (3) program approval;
- 8.12 (4) special education;
- 8.13 (5) attendance;
- 8.14 (6) program design and requirements; and
- 8.15 (7) fair and equal access to programs.

8.16 (b) The Digital Learning Advisory Council, in consultation with the department and
8.17 the Minnesota Learning Commons, shall:

8.18 (1) develop and maintain a catalog of publicly available digital learning content
8.19 aligned with Minnesota academic standards that includes:

- 8.20 (i) an index of Minnesota academic standards aligned with curriculum;
- 8.21 (ii) feedback from student and teacher catalog users; and
- 8.22 (iii) a maintenance plan; and

8.23 (2) recommend to the committees of the legislature having jurisdiction over
8.24 kindergarten through grade 12 education within three months of enactment how to add
8.25 student performance data to the digital resources included in the catalog.

8.26 (c) The Online Learning Advisory Council under this subdivision expires June
8.27 30, 2013.

8.28 Sec. 9. Minnesota Statutes 2010, section 126C.15, subdivision 1, is amended to read:

8.29 Subdivision 1. **Use of revenue.** The basic skills revenue under section 126C.10,
8.30 subdivision 4, must be reserved and used to meet the educational needs of pupils who
8.31 enroll under-prepared to learn and whose progress toward meeting state or local content or
8.32 performance standards is below the level that is appropriate for learners of their age. Any
8.33 of the following may be provided to meet these learners' needs:

- 8.34 (1) direct instructional services under the assurance of mastery program according
8.35 to section 124D.66;

9.1 (2) remedial instruction in reading, language arts, mathematics, other content areas,
9.2 or study skills to improve the achievement level of these learners;

9.3 (3) additional teachers and teacher aides to provide more individualized instruction
9.4 to these learners through individual tutoring, lower instructor-to-learner ratios, or team
9.5 teaching;

9.6 (4) a longer school day or week during the regular school year or through a summer
9.7 program that may be offered directly by the site or under a performance-based contract
9.8 with a community-based organization;

9.9 (5) comprehensive and ongoing staff development consistent with district and site
9.10 plans according to section 122A.60, for teachers, teacher aides, principals, and other
9.11 personnel to improve their ability to identify the needs of these learners and provide
9.12 appropriate remediation, intervention, accommodations, or modifications;

9.13 (6) instructional materials, digital learning, and technology appropriate for meeting
9.14 the individual needs of these learners;

9.15 (7) programs to reduce truancy, encourage completion of high school, enhance
9.16 self-concept, provide health services, provide nutrition services, provide a safe and secure
9.17 learning environment, provide coordination for pupils receiving services from other
9.18 governmental agencies, provide psychological services to determine the level of social,
9.19 emotional, cognitive, and intellectual development, and provide counseling services,
9.20 guidance services, and social work services;

9.21 (8) bilingual programs, bicultural programs, and programs for learners of limited
9.22 English proficiency;

9.23 (9) all day kindergarten;

9.24 (10) extended school day and extended school year programs; and

9.25 (11) substantial parent involvement in developing and implementing remedial
9.26 education or intervention plans for a learner, including learning contracts between the
9.27 school, the learner, and the parent that establish achievement goals and responsibilities of
9.28 the learner and the learner's parent or guardian.

9.29 **Sec. 10. DIGITAL LEARNING ADVISORY COUNCIL REPORT.**

9.30 (a) The Digital Learning Advisory Council, in consultation with recognized
9.31 experts and interested stakeholders, shall review state education statutes and rules and
9.32 recommend how best to amend the statutes and rules to effectively integrate technology
9.33 into kindergarten through grade 12 and postsecondary education.

9.34 (b) The council shall review the effect of student-teacher ratios and teacher licensure
9.35 requirements on digital learning and include the review in its report under paragraph (d).

10.1 (c) The Minnesota Department of Education shall assist the council upon request.

10.2 (d) The council must submit a report to the committees of the legislature with
10.3 jurisdiction over kindergarten through grade 12 education by January 15, 2013,
10.4 recommending statutory and rule changes to better integrate technology into kindergarten
10.5 through grade 12 and postsecondary education.

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

10.7 Sec. 11. **REVISOR'S INSTRUCTION.**

10.8 In the next edition of Minnesota Statutes and Minnesota Rules, the revisor of statutes
10.9 shall substitute the term "digital" for the term "online" wherever the term "online" appears
10.10 pertaining to Minnesota Statutes, section 124D.095.