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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

NINETIETH SESSION

**H. F. No. 3315**

03/05/2018 Authored by Erickson  
The bill was read for the first time and referred to the Committee on Education Innovation Policy  
03/26/2018 Adoption of Report: Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act

1.2 relating to education; providing for prekindergarten through grade 12 education,  
1.3 including general education, education excellence, teachers, special education,  
1.4 facilities and technology, nutrition, early childhood and family support, and  
1.5 self-sufficiency and lifelong learning; amending Minnesota Statutes 2016, sections  
1.6 120A.20, subdivision 2; 120A.22, subdivisions 7, 12; 120B.024, subdivision 1;  
1.7 120B.11, subdivisions 1, 1a, 2, 5, 9; 120B.30, subdivisions 1a, 3; 120B.36,  
1.8 subdivision 2; 121A.39; 121A.41, by adding subdivisions; 121A.45, subdivision  
1.9 1; 121A.46, by adding subdivisions; 121A.47, subdivisions 2, 14; 121A.53,  
1.10 subdivision 1; 121A.55; 121A.61, subdivision 2; 121A.67, by adding a subdivision;  
1.11 122A.71, subdivision 2; 123B.14, subdivision 7; 123B.41, subdivision 5; 124D.09,  
1.12 subdivision 4; 124D.111; 124D.128, subdivision 1; 124D.78, subdivision 2;  
1.13 124E.03, subdivision 5; 124E.05, subdivision 4; 124E.07, subdivisions 2, 3, 7;  
1.14 124E.10, subdivision 4; 124E.17, subdivision 1; 125B.07, subdivision 6; 126C.15,  
1.15 subdivision 5; 127A.45, subdivisions 11, 16; 128D.06, subdivision 1; Minnesota  
1.16 Statutes 2017 Supplement, sections 120B.021, subdivision 1; 120B.12, subdivision  
1.17 2; 120B.122, subdivision 1; 120B.125; 120B.30, subdivision 1; 120B.35,  
1.18 subdivision 3; 120B.36, subdivision 1; 122A.09, by adding a subdivision; 122A.187,  
1.19 subdivision 3; 123B.41, subdivision 2; 123B.52, subdivision 7; 124D.165,  
1.20 subdivisions 2, 3, 4; 124D.549; 124E.11; 136A.246, subdivision 4; 155A.30,  
1.21 subdivision 12; 609A.03, subdivision 7a; 626.556, subdivision 2; Laws 2017, First  
1.22 Special Session chapter 5, article 2, section 57, subdivision 23; proposing coding  
1.23 for new law in Minnesota Statutes, chapters 120B; 121A; 125B; repealing  
1.24 Minnesota Statutes 2016, sections 120B.35, subdivisions 4, 5; 123A.26, subdivision  
1.25 3; 125A.75, subdivision 9; 128D.06, subdivision 3.

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

1.27 **ARTICLE 1**

1.28 **GENERAL EDUCATION**

1.29 Section 1. Minnesota Statutes 2017 Supplement, section 123B.41, subdivision 2, is amended  
1.30 to read:

2.1 Subd. 2. **Textbook.** (a) "Textbook" means any book or book substitute, including  
 2.2 electronic books as well as other printed materials delivered electronically, which a pupil  
 2.3 uses as a text or text substitute in a particular class or program in the school regularly  
 2.4 attended and a copy of which is expected to be available for the individual use of each pupil  
 2.5 in this class or program. Textbook includes an online book with an annual subscription cost.  
 2.6 Textbook includes a teacher's edition or teacher's guide that accompanies a textbook that a  
 2.7 pupil uses.

2.8 (b) For purposes of calculating the annual nonpublic pupil aid entitlement for textbooks,  
 2.9 the term shall be limited to books, workbooks, or manuals, whether bound or in loose-leaf  
 2.10 form, as well as electronic books and other printed materials delivered electronically,  
 2.11 intended for use as a principal source of study material for a given class or a group of  
 2.12 students.

2.13 (c) For purposes of sections 123B.40 to 123B.48, the terms "textbook" and "software  
 2.14 or other educational technology" include only such secular, neutral, and nonideological  
 2.15 materials as are available, used by, or of benefit to Minnesota public school pupils.

2.16 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2019 and later.

2.17 Sec. 2. Minnesota Statutes 2016, section 123B.41, subdivision 5, is amended to read:

2.18 Subd. 5. **Individualized instructional or cooperative learning materials.**

2.19 "Individualized instructional or cooperative learning materials" means educational materials  
 2.20 which:

2.21 ~~(a)~~ (1) are designed primarily for individual pupil use or use by pupils in a cooperative  
 2.22 learning group in a particular class or program in the school the pupil regularly attends,  
 2.23 including a teacher's edition or teacher's guide that accompanies materials that a pupil uses;

2.24 ~~(b)~~ (2) are secular, neutral, nonideological and not capable of diversion for religious  
 2.25 use; and

2.26 ~~(c)~~ (3) are available, used by, or of benefit to Minnesota public school pupils.

2.27 Subject to the requirements in clauses ~~(a)~~ (1), ~~(b)~~ (2), and ~~(c)~~ (3), "individualized  
 2.28 instructional or cooperative learning materials" include, but are not limited to, the following  
 2.29 if they do not fall within the definition of "textbook" in subdivision 2: published materials;  
 2.30 periodicals; documents; pamphlets; photographs; reproductions; pictorial or graphic works;  
 2.31 prerecorded video programs; prerecorded tapes, cassettes and other sound recordings;  
 2.32 manipulative materials; desk charts; games; study prints and pictures; desk maps; models;  
 2.33 learning kits; blocks or cubes; flash cards; individualized multimedia systems; prepared

3.1 instructional computer software programs; choral and band sheet music; electronic books  
3.2 and other printed materials delivered electronically; and CD-Rom.

3.3 "Individualized instructional or cooperative learning materials" do not include  
3.4 instructional equipment, instructional hardware, or ordinary daily consumable classroom  
3.5 supplies.

3.6 Sec. 3. Minnesota Statutes 2016, section 127A.45, subdivision 11, is amended to read:

3.7 Subd. 11. **Payment percentage for reimbursement aids.** One hundred percent of the  
3.8 aid for the previous fiscal year must be paid in the current year for the following aids:  
3.9 telecommunications/Internet access equity and according to section 125B.26, special  
3.10 education special pupil aid according to section 125A.75, subdivision 3, ~~aid for litigation~~  
3.11 ~~costs according to section 125A.75, subdivision 9~~, aid for court-placed special education  
3.12 expenses according to section 125A.79, subdivision 4, and aid for special education  
3.13 out-of-state tuition according to section 125A.79, subdivision 8, and shared time aid  
3.14 according to section 126C.01, subdivision 7.

3.15 Sec. 4. Minnesota Statutes 2016, section 127A.45, subdivision 16, is amended to read:

3.16 Subd. 16. **Payments to third parties.** Notwithstanding subdivision 3, the current year  
3.17 aid payment percentage of the ~~amounts~~ amount under ~~sections 123A.26, subdivision 3, and~~  
3.18 section 124D.041; shall be paid in equal installments on August 30, December 30, and  
3.19 March 30, with a final adjustment payment on October 30 of the next fiscal year of the  
3.20 remaining amount.

## 3.21 ARTICLE 2

### 3.22 EDUCATION EXCELLENCE

3.23 Section 1. Minnesota Statutes 2016, section 120A.20, subdivision 2, is amended to read:

3.24 Subd. 2. **Education, residence, and transportation of homeless.** (a) Notwithstanding  
3.25 subdivision 1, a district must not deny free admission to a homeless pupil solely because  
3.26 the district cannot determine that the pupil is a resident of the district.

3.27 (b) The school district of residence for a homeless pupil shall be the school district in  
3.28 which the parent or legal guardian resides, unless: (1) parental rights have been terminated  
3.29 by court order; (2) the parent or guardian is not living within the state; or (3) the parent or  
3.30 guardian having legal custody of the child is an inmate of a Minnesota correctional facility  
3.31 or is a resident of a halfway house under the supervision of the commissioner of corrections.

4.1 If any of clauses (1) to (3) apply, the school district of residence shall be the school district  
4.2 in which the pupil resided when the qualifying event occurred. If no other district of residence  
4.3 can be established, the school district of residence shall be the school district in which the  
4.4 pupil currently resides. If there is a dispute between school districts regarding residency,  
4.5 the district of residence is the district designated by the commissioner of education.

4.6 (c) Except as provided in paragraph (d), the serving district is responsible for transporting  
4.7 a homeless pupil to and from the pupil's district of residence. The district may transport  
4.8 from a permanent home in another district but only through the end of the academic school  
4.9 year. When a pupil is enrolled in a charter school, the district or school that provides  
4.10 transportation for other pupils enrolled in the charter school is responsible for providing  
4.11 transportation. When a homeless student with or without an individualized education program  
4.12 attends a public school other than an independent or special school district or charter school,  
4.13 the district of residence is responsible for transportation.

4.14 (d) For a homeless pupil with an individualized education plan enrolled in a program  
4.15 authorized by an intermediate school district, special education cooperative, service  
4.16 cooperative, or education district, the serving district at the time of the pupil's enrollment  
4.17 in the program remains responsible for transporting that pupil for the remainder of the school  
4.18 year unless the initial serving district and the current serving district mutually agree that  
4.19 the current serving district is responsible for transporting the homeless pupil.

4.20 **EFFECTIVE DATE.** This section is effective July 1, 2018.

4.21 Sec. 2. Minnesota Statutes 2016, section 120A.22, subdivision 7, is amended to read:

4.22 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that  
4.23 receives services or aid under sections 123B.40 to 123B.48 from which a student is  
4.24 transferring must transmit the student's educational records, within ten business days of a  
4.25 request, to the district, the charter school, or the nonpublic school in which the student is  
4.26 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under  
4.27 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the  
4.28 charter school, or the nonpublic school in which a transferring student is next enrolling in  
4.29 order to comply with this subdivision.

4.30 (b) A closed charter school must transfer the student's educational records, within ten  
4.31 business days of the school's closure, to the student's school district of residence where the  
4.32 records must be retained unless the records are otherwise transferred under this subdivision.

5.1 (c) A school district, a charter school, or a nonpublic school that receives services or aid  
5.2 under sections 123B.40 to 123B.48 that transmits a student's educational records to another  
5.3 school district or other educational entity, charter school, or nonpublic school to which the  
5.4 student is transferring must include in the transmitted records information about any formal  
5.5 suspension, expulsion, and exclusion disciplinary action or pupil withdrawal under sections  
5.6 121A.40 to 121A.56. The transmitted records must include services a pupil needs to prevent  
5.7 the inappropriate behavior from recurring. The district, the charter school, or the nonpublic  
5.8 school that receives services or aid under sections 123B.40 to 123B.48 must provide notice  
5.9 to a student and the student's parent or guardian that formal disciplinary records will be  
5.10 transferred as part of the student's educational record, in accordance with data practices  
5.11 under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States  
5.12 Code, title 20, section 1232(g).

5.13 (d) Notwithstanding section 138.17, a principal or chief administrative officer must  
5.14 remove from a student's educational record and destroy a probable cause notice received  
5.15 under section 260B.171, subdivision 5, or paragraph (e), if one year has elapsed since the  
5.16 date of the notice and the principal or chief administrative officer has not received a  
5.17 disposition or court order related to the offense described in the notice. This paragraph does  
5.18 not apply if the student no longer attends the school when this one-year period expires.

5.19 (e) A principal or chief administrative officer who receives a probable cause notice under  
5.20 section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that  
5.21 data in the student's educational records if they are transmitted to another school, unless the  
5.22 data are required to be destroyed under paragraph (d) or section 121A.75.

5.23 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

5.24 Sec. 3. Minnesota Statutes 2016, section 120A.22, subdivision 12, is amended to read:

5.25 Subd. 12. **Legitimate exemptions.** (a) A parent, guardian, or other person having control  
5.26 of a child may apply to a school district to have the child excused from attendance for the  
5.27 whole or any part of the time school is in session during any school year. Application may  
5.28 be made to any member of the board, a truant officer, a principal, or the superintendent.  
5.29 The school district may state in its school attendance policy that it may ask the student's  
5.30 parent or legal guardian to verify in writing the reason for the child's absence from school.  
5.31 A note from a physician or a licensed mental health professional stating that the child cannot  
5.32 attend school is a valid excuse. The board of the district in which the child resides may  
5.33 approve the application upon the following being demonstrated to the satisfaction of that  
5.34 board:

6.1 (1) that the child's physical or mental health is such as to prevent attendance at school  
6.2 or application to study for the period required, which includes:

6.3 (i) child illness, medical, dental, orthodontic, or counseling appointments;

6.4 (ii) family emergencies;

6.5 (iii) the death or serious illness or funeral of an immediate family member;

6.6 ~~(iv) active duty in any military branch of the United States;~~

6.7 ~~(v)~~ (iv) the child has a condition that requires ongoing treatment for a mental health  
6.8 diagnosis; or

6.9 ~~(vi)~~ (v) other exemptions included in the district's school attendance policy;

6.10 (2) that the child's parent, guardian, or other person having control of the child is in  
6.11 active duty in any branch of the United States armed forces;

6.12 (3) that the child is participating in any activity necessary for the child to join any branch  
6.13 of the United States armed forces and may be excused for up to three days for such purpose;

6.14 ~~(2)~~ (4) that the child has already completed state and district standards required for  
6.15 graduation from high school; or

6.16 ~~(3)~~ (5) that it is the wish of the parent, guardian, or other person having control of the  
6.17 child, that the child attend for a period or periods not exceeding in the aggregate three hours  
6.18 in any week, a school for religious instruction conducted and maintained by some church,  
6.19 or association of churches, or any Sunday school association incorporated under the laws  
6.20 of this state, or any auxiliary thereof. This school for religious instruction must be conducted  
6.21 and maintained in a place other than a public school building, and it must not, in whole or  
6.22 in part, be conducted and maintained at public expense. However, a child may be absent  
6.23 from school on such days as the child attends upon instruction according to the ordinances  
6.24 of some church.

6.25 (b) Notwithstanding subdivision 6, paragraph (a), a parent may withdraw a child from  
6.26 an all-day, every day kindergarten program and put their child in a half-day program, if  
6.27 offered, or an alternate-day program without being truant. A school board must excuse a  
6.28 kindergarten child from a part of a school day at the request of the child's parent.

6.29 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

7.1 Sec. 4. Minnesota Statutes 2017 Supplement, section 120B.021, subdivision 1, is amended  
7.2 to read:

7.3 Subdivision 1. **Required academic standards.** (a) The following subject areas are  
7.4 required for statewide accountability:

7.5 (1) language arts;

7.6 (2) mathematics;

7.7 (3) science;

7.8 (4) social studies, including history, geography, economics, and government and  
7.9 citizenship that includes civics consistent with section 120B.02, subdivision 3;

7.10 (5) physical education;

7.11 (6) health, for which locally developed academic standards apply consistent with  
7.12 paragraphs (d) and (e); and

7.13 (7) the arts, for which statewide or locally developed academic standards apply, as  
7.14 determined by the school district. Public elementary and middle schools must offer at least  
7.15 three and require at least two of the following four arts areas: dance; music; theater; and  
7.16 visual arts. Public high schools must offer at least three and require at least one of the  
7.17 following five arts areas: media arts; dance; music; theater; and visual arts.

7.18 (b) For purposes of applicable federal law, the academic standards for language arts,  
7.19 mathematics, and science apply to all public school students, except the very few students  
7.20 with extreme cognitive or physical impairments for whom an individualized education  
7.21 program team has determined that the required academic standards are inappropriate. An  
7.22 individualized education program team that makes this determination must establish  
7.23 alternative standards.

7.24 (c) The department must adopt the most recent SHAPE America (Society of Health and  
7.25 Physical Educators) kindergarten through grade 12 standards and benchmarks for physical  
7.26 education as the required physical education academic standards. The department may  
7.27 modify and adapt the national standards to accommodate state interest. The modification  
7.28 and adaptations must maintain the purpose and integrity of the national standards. The  
7.29 department must make available sample assessments, which school districts may use as an  
7.30 alternative to local assessments, to assess students' mastery of the physical education  
7.31 standards beginning in the 2018-2019 school year.

8.1 (d) A school district ~~may~~ must include child sexual abuse and sexual exploitation  
8.2 prevention instruction in a health curriculum, consistent with paragraph (a), clause (6). Child  
8.3 sexual abuse and sexual exploitation prevention instruction ~~may~~ must include age-appropriate  
8.4 instruction on recognizing sexual abuse ~~and~~, assault, and sexual exploitation; boundary  
8.5 violations; and ways offenders identify, groom, or desensitize victims, as well as strategies  
8.6 to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may  
8.7 consult with other federal, state, or local agencies and community-based organizations to  
8.8 identify research-based tools, curricula, and programs to prevent child sexual abuse and  
8.9 sexual exploitation. A school district may provide instruction under this paragraph in a  
8.10 variety of ways, including at an annual assembly or classroom presentation. A school district  
8.11 may also provide parents information on the warning signs of child sexual abuse and sexual  
8.12 exploitation and available resources. Child sexual exploitation prevention instruction must  
8.13 be consistent with the definition of sexually exploited youth under section 260C.007,  
8.14 subdivision 31.

8.15 (e) A school district must include instruction in a health curriculum for students in grades  
8.16 5, 6, 8, 10, and 12 on substance misuse prevention, including opioids, controlled substances  
8.17 as defined in section 152.01, subdivision 4, prescription and nonprescription medications,  
8.18 and illegal drugs. A school district must use an evidence-based curriculum but is not required  
8.19 to use a specific methodology or curriculum.

8.20 (f) District efforts to develop, implement, or improve instruction or curriculum as a result  
8.21 of the provisions of this section must be consistent with sections 120B.10, 120B.11, and  
8.22 120B.20.

8.23 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

8.24 Sec. 5. Minnesota Statutes 2016, section 120B.024, subdivision 1, is amended to read:

8.25 Subdivision 1. **Graduation requirements.** Students ~~beginning 9th grade in the~~  
8.26 ~~2011-2012 school year and later~~ must successfully complete the following high school level  
8.27 credits for graduation:

8.28 (1) four credits of language arts sufficient to satisfy all of the academic standards in  
8.29 English language arts;

8.30 (2) three credits of mathematics, including an algebra II credit or its equivalent, sufficient  
8.31 to satisfy all of the academic standards in mathematics;

8.32 (3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade  
8.33 standards in mathematics;



9.1 (4) three credits of science, including at least one credit of biology, one credit of chemistry  
9.2 or physics, and one elective credit of science. The combination of credits under this clause  
9.3 must be sufficient to satisfy (i) all of the academic standards in either chemistry or physics  
9.4 and (ii) all other academic standards in science;

9.5 (5) three and one-half credits of social studies, including a credit for a specific course  
9.6 in government and citizenship in either 11th or 12th grade for students beginning 9th grade  
9.7 in the 2020-2021 school year and later, and a combination of other credits encompassing  
9.8 at least United States history, geography, ~~government and citizenship~~, world history, and  
9.9 economics sufficient to satisfy all of the academic standards in social studies;

9.10 (6) one credit of the arts sufficient to satisfy all of the state or local academic standards  
9.11 in the arts; and

9.12 (7) a minimum of seven elective credits.

9.13 Sec. 6. Minnesota Statutes 2016, section 120B.11, subdivision 1, is amended to read:

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

9.16 (a) "Instruction" means methods of providing learning experiences that enable a student  
9.17 to meet state and district academic standards and graduation requirements including applied  
9.18 and experiential learning.

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

9.22 (c) "World's best workforce" means striving to: meet school readiness goals; have all  
9.23 third grade students achieve grade-level literacy; close the academic achievement gap among  
9.24 all racial and ethnic groups of students and between students living in poverty and students  
9.25 not living in poverty; have all students attain career and college readiness before graduating  
9.26 from high school; and have all students graduate from high school.

9.27 (d) "Experiential learning" means learning for students that includes career exploration  
9.28 through a specific class or course or through work-based experiences such as job shadowing,  
9.29 mentoring, entrepreneurship, service learning, volunteering, internships, other cooperative  
9.30 work experience, youth apprenticeship, or employment.

10.1 (e) "State plan" means the plan submitted by the commissioner in accordance with the  
10.2 Elementary and Secondary Education Act, as most recently authorized, and approved by  
10.3 the United States Department of Education, including state goals.

10.4 (f) "Ineffective teacher" means a teacher whose most recent summative teacher evaluation  
10.5 resulted in placing or otherwise keeping the teacher on an improvement process pursuant  
10.6 to section 122A.40, subdivision 8, or 122A.41, subdivision 5.

10.7 (g) "Inexperienced teacher" means a licensed teacher who has been employed as a teacher  
10.8 for three years or less.

10.9 (h) "Out-of-field teacher" means a licensed teacher who is providing instruction in an  
10.10 area in which the teacher is not licensed.

10.11 Sec. 7. Minnesota Statutes 2016, section 120B.11, subdivision 1a, is amended to read:

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

10.14 (1) the size of the academic achievement gap as measured on the Minnesota  
10.15 Comprehensive Assessments, rigorous course taking under section 120B.35, subdivision  
10.16 3, paragraph (c), clause (2), and enrichment experiences by student subgroup;

10.17 (2) student performance on the Minnesota Comprehensive Assessments in reading and  
10.18 mathematics;

10.19 (3) high school graduation rates; ~~and~~

10.20 (4) career and college readiness under section 120B.30, subdivision 1, paragraph (p),  
10.21 as measured by student performance on the high school Minnesota Comprehensive  
10.22 Assessments in reading and mathematics, and successful completion of rigorous coursework  
10.23 that is part of a well-rounded education, including Advanced Placement, International  
10.24 Baccalaureate, or concurrent enrollment coursework, or attainment of a certificate or  
10.25 industry-recognized credential; and

10.26 (5) performance measures consistent with the state plan not otherwise required by this  
10.27 subdivision.

10.28 Sec. 8. Minnesota Statutes 2016, section 120B.11, subdivision 2, is amended to read:

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

11.1 (1) clearly defined district and school site ~~goals and benchmarks for~~ toward meeting  
 11.2 statewide goals for instruction and student achievement for all student subgroups identified  
 11.3 in section 120B.35, subdivision 3, paragraph (b), clause (2);

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

11.10 (3) a system to periodically review and evaluate the effectiveness of all instruction and  
 11.11 curriculum, taking into account strategies and best practices, student outcomes, school  
 11.12 principal evaluations under section 123B.147, subdivision 3, students' access to effective  
 11.13 teachers who are members of populations underrepresented among the licensed teachers in  
 11.14 the district or school and who reflect the diversity of enrolled students under section 120B.35,  
 11.15 subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40,  
 11.16 subdivision 8, or 122A.41, subdivision 5;

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

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

11.23 (6) education effectiveness practices that integrate high-quality instruction, rigorous  
 11.24 curriculum, technology, and a collaborative professional culture that develops and supports  
 11.25 teacher quality, performance, and effectiveness; and

11.26 (7) an annual budget for continuing to implement the district plan.

11.27 Sec. 9. Minnesota Statutes 2016, section 120B.11, subdivision 5, is amended to read:

11.28 Subd. 5. **Report.** ~~Consistent with requirements for school performance reports under~~  
 11.29 ~~section 120B.36, subdivision 1, the school board shall publish a report in the local newspaper~~  
 11.30 ~~with the largest circulation in the district, by mail, or by electronic means on the district~~  
 11.31 ~~Web site.~~ (a) The school board ~~shall~~ must hold an annual public meeting to review, and  
 11.32 revise where appropriate, student achievement goals, local assessment outcomes, plans,  
 11.33 strategies, and practices for improving curriculum and instruction and cultural competency,

12.1 and efforts to equitably distribute diverse, effective, experienced, and in-field teachers, and  
12.2 to review district success in realizing the previously adopted student achievement goals and  
12.3 related benchmarks and the improvement plans leading to the world's best workforce. The  
12.4 school board must transmit an electronic summary of its report to the commissioner in the  
12.5 form and manner the commissioner determines.

12.6 (b) The commissioner must annually include in the school performance reports required  
12.7 under section 120B.36, subdivision 1, student performance at each school district and school  
12.8 site using the performance measures in subdivision 1a and other information required under  
12.9 this subdivision. The school board must post a copy of the school performance report for  
12.10 the district and each school site on the district's Web site, or provide a link to the district  
12.11 and school site performance reports on the Department of Education's Web site.

12.12 Sec. 10. Minnesota Statutes 2016, section 120B.11, subdivision 9, is amended to read:

12.13 **Subd. 9. Annual evaluation.** (a) The commissioner must identify effective strategies,  
12.14 practices, and use of resources by districts and school sites in striving for the world's best  
12.15 workforce. The commissioner must assist districts and sites throughout the state in  
12.16 implementing these effective strategies, practices, and use of resources.

12.17 (b) The commissioner must use the performance measures in subdivision 1a to identify  
12.18 those districts in any consecutive three-year period and school sites not making sufficient  
12.19 progress in any consecutive three-year period toward improving teaching and learning  
12.20 meeting performance goals for all students, including English learners with varied needs,  
12.21 consistent with section 124D.59, subdivisions 2 and 2a, and striving for the world's best  
12.22 workforce.

12.23 (c) The commissioner must review the curricula of a sample of at least three and up to  
12.24 five identified school sites to ensure the curricula are aligned with statewide reading and  
12.25 math standards for grades 3, 5, and 8. The sample of school sites must be of varied size and  
12.26 geographic distribution.

12.27 (d) The commissioner, in collaboration with the identified district, may require the  
12.28 district to use up to two percent of its basic general education revenue per fiscal year during  
12.29 the proximate three school years to implement ~~commissioner-specified~~ evidence-based  
12.30 strategies and best practices, consistent with paragraph (a), to improve and accelerate its  
12.31 progress in realizing its goals under this section. In implementing this section, the  
12.32 commissioner must consider districts' budget constraints and legal obligations.

13.1 ~~(e)~~ (e) The commissioner ~~shall~~ must report by January 25 of each year to the committees  
 13.2 of the legislature having jurisdiction over kindergarten through grade 12 education the list  
 13.3 of school districts that have not submitted their report to the commissioner under subdivision  
 13.4 5 and the list of school districts ~~not achieving their performance goals established in their~~  
 13.5 ~~plan under subdivision 2~~ identified as not making sufficient progress toward meeting world's  
 13.6 best workforce goals under subdivision 1, paragraph (b).

13.7 Sec. 11. Minnesota Statutes 2017 Supplement, section 120B.12, subdivision 2, is amended  
 13.8 to read:

13.9 Subd. 2. **Identification; report.** (a) Each school district ~~shall~~ must identify before the  
 13.10 end of kindergarten, grade 1, and grade 2 students who are not reading at grade level before  
 13.11 the end of the current school year and ~~shall~~ must identify students in grade 3 or higher who  
 13.12 demonstrate a reading difficulty to a classroom teacher. A school district must screen for  
 13.13 dyslexia: (1) all students between the beginning of kindergarten and the beginning of grade  
 13.14 2; and (2) any student in grade 2 or higher who is identified as exhibiting characteristics  
 13.15 associated with dyslexia.

13.16 (b) Reading assessments in English, and in the predominant languages of district students  
 13.17 where practicable, must identify and evaluate students' areas of academic need related to  
 13.18 literacy. The district also must monitor the progress and provide reading instruction  
 13.19 appropriate to the specific needs of English learners. The district must use a locally adopted,  
 13.20 developmentally appropriate, and culturally responsive assessment and annually report  
 13.21 summary assessment results to the commissioner by July 1.

13.22 (c) The district ~~also~~ must annually report to the commissioner by July 1 a summary of  
 13.23 the district's efforts to screen and identify students with:

13.24 (1) dyslexia, using screening tools such as those recommended by the department's  
 13.25 dyslexia and literacy specialist; or

13.26 (2) convergence insufficiency disorder.

13.27 ~~(b)~~ (d) A student identified under this subdivision must be provided with alternate  
 13.28 instruction under section 125A.56, subdivision 1.

13.29 **EFFECTIVE DATE.** This section is effective July 1, 2019.

14.1 Sec. 12. Minnesota Statutes 2017 Supplement, section 120B.122, subdivision 1, is amended  
14.2 to read:

14.3 Subdivision 1. **Purpose Duties.** (a) The department must employ a dyslexia specialist  
14.4 to provide technical assistance for dyslexia and related disorders and to serve as the primary  
14.5 source of information and support for schools in addressing the needs of students with  
14.6 dyslexia and related disorders.

14.7 (b) The dyslexia specialist ~~shall also~~ must act to increase professional awareness and  
14.8 instructional competencies to meet the educational needs of students with dyslexia or  
14.9 identified with risk characteristics associated with dyslexia and ~~shall~~ must develop  
14.10 implementation guidance and make recommendations to the commissioner consistent with  
14.11 section 122A.06, subdivision 4, to be used to assist general education teachers and special  
14.12 education teachers to recognize educational needs and to improve literacy outcomes for  
14.13 students with dyslexia or identified with risk characteristics associated with dyslexia,  
14.14 including recommendations related to increasing the availability of online and asynchronous  
14.15 professional development programs and materials.

14.16 (c) The dyslexia specialist must provide guidance to school districts and charter schools  
14.17 on how to:

14.18 (1) access tools to screen and identify students showing characteristics associated with  
14.19 dyslexia in accordance with section 120B.12, subdivision 2, paragraph (a);

14.20 (2) implement screening for characteristics associated with dyslexia in accordance with  
14.21 section 120B.12, subdivision 2, paragraph (a), and in coordination with other early childhood  
14.22 screenings; and

14.23 (3) participate in professional development opportunities on intervention strategies and  
14.24 accommodations for students with dyslexia or characteristics associated with dyslexia.

14.25 Sec. 13. Minnesota Statutes 2017 Supplement, section 120B.125, is amended to read:

14.26 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION TO**  
14.27 **POSTSECONDARY EDUCATION AND EMPLOYMENT; PERSONAL LEARNING**  
14.28 **PLANS.**

14.29 (a) Consistent with sections 120B.13, 120B.131, 120B.132, 120B.14, 120B.15, 120B.30,  
14.30 subdivision 1, paragraph (c), 125A.08, and other related sections, school districts, beginning  
14.31 in the 2013-2014 school year, must assist all students by no later than grade 9 to explore  
14.32 their educational, college, and career interests, aptitudes, and aspirations and develop a plan

15.1 for a smooth and successful transition to postsecondary education or employment. All  
15.2 students' plans must:

15.3 (1) provide a comprehensive plan to prepare for and complete a career and college ready  
15.4 curriculum by meeting state and local academic standards and developing career and  
15.5 employment-related skills such as team work, collaboration, creativity, communication,  
15.6 critical thinking, and good work habits;

15.7 (2) emphasize academic rigor and high expectations and inform the student, and the  
15.8 student's parent or guardian if the student is a minor, of the student's achievement level  
15.9 score on the Minnesota Comprehensive Assessments that are administered during high  
15.10 school;

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

15.14 (4) set appropriate career and college ready goals with timelines that identify effective  
15.15 means for achieving those goals;

15.16 (5) help students access education and career options, including armed forces career  
15.17 options;

15.18 (6) integrate strong academic content into career-focused courses and applied and  
15.19 experiential learning opportunities and integrate relevant career-focused courses and applied  
15.20 and experiential learning opportunities into strong academic content;

15.21 (7) help identify and access appropriate counseling and other supports and assistance  
15.22 that enable students to complete required coursework, prepare for postsecondary education  
15.23 and careers, and obtain information about postsecondary education costs and eligibility for  
15.24 financial aid and scholarship;

15.25 (8) help identify collaborative partnerships among prekindergarten through grade 12  
15.26 schools, postsecondary institutions, economic development agencies, and local and regional  
15.27 employers that support students' transition to postsecondary education and employment and  
15.28 provide students with applied and experiential learning opportunities; and

15.29 (9) be reviewed and revised at least annually by the student, the student's parent or  
15.30 guardian, and the school or district to ensure that the student's course-taking schedule keeps  
15.31 the student making adequate progress to meet state and local academic standards and high  
15.32 school graduation requirements and with a reasonable chance to succeed with employment  
15.33 or postsecondary education without the need to first complete remedial course work.

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

16.5 (c) Educators must possess the knowledge and skills to effectively teach all English  
16.6 learners in their classrooms. School districts must provide appropriate curriculum, targeted  
16.7 materials, professional development opportunities for educators, and sufficient resources  
16.8 to enable English learners to become career and college ready.

16.9 (d) When assisting students in developing a plan for a smooth and successful transition  
16.10 to postsecondary education and employment, districts must recognize the unique possibilities  
16.11 of each student and ensure that the contents of each student's plan reflect the student's unique  
16.12 talents, skills, and abilities as the student grows, develops, and learns.

16.13 (e) If a student with a disability has an individualized education program (IEP) or  
16.14 standardized written plan that meets the plan components of this section, the IEP satisfies  
16.15 the requirement and no additional transition plan is needed.

16.16 (f) Students who do not meet or exceed Minnesota academic standards, as measured by  
16.17 the Minnesota Comprehensive Assessments that are administered during high school, shall  
16.18 be informed that admission to a public school is free and available to any resident under 21  
16.19 years of age or who meets the requirements of section 120A.20, subdivision 1, paragraph  
16.20 (c). A student's plan under this section shall continue while the student is enrolled.

16.21 (g) A school district must provide military recruiters and representatives of organizations  
16.22 promoting careers in the skilled trades and manufacturing the same access to secondary  
16.23 school students as the district provides to institutions of higher education or to prospective  
16.24 employers of students.

16.25 (h) School districts are encouraged to sponsor an armed forces career opportunity day  
16.26 each school year prior to the third Thursday of November. A school district that sponsors  
16.27 an armed forces career opportunity day shall extend invitations to recruiters from each  
16.28 branch of the United States armed forces and allow the recruiters to make presentations to  
16.29 all interested secondary school students.

16.30 Sec. 14. [120B.215] SUBSTANCE MISUSE PREVENTION.

16.31 (a) This section may be cited as "Jake's Law."



17.1 (b) School districts and charter schools must include substance misuse prevention  
17.2 instruction in a health curriculum for students in grades 5, 6, 8, 10, and 12, in accordance  
17.3 with section 120B.021, subdivision 1, paragraph (e).

17.4 (c) School districts and charter schools are encouraged to provide substance misuse  
17.5 prevention instruction for students in grades 5 through 12 integrated into existing programs,  
17.6 curriculum, or the general school environment of a district or charter school. The  
17.7 commissioner of education, in consultation with the director of the Alcohol and Other Drug  
17.8 Abuse Section under section 254A.03 and substance misuse prevention and treatment  
17.9 organizations, must, upon request, provide districts and charter schools with:

17.10 (1) information regarding substance misuse prevention services; and

17.11 (2) assistance in using high-quality research to develop evidence-based prevention  
17.12 programs.

17.13 **EFFECTIVE DATE.** This section is effective July 1, 2018, except that paragraph (b)  
17.14 is effective for the 2019-2020 school year and later.

17.15 **Sec. 15. [120B.237] PATRIOTIC SOCIETY ACCESS TO SCHOOLS.**

17.16 Subdivision 1. **Definition.** For purposes of this section, "patriotic society" means any  
17.17 group or organization intended to serve young people under the age of 21 listed in United  
17.18 States Code, title 36, subtitle II, part B, or any of the group's or organization's affiliates.

17.19 Subd. 2. **School access.** Upon receiving notice under subdivision 3, a school board is  
17.20 encouraged to provide a representative of a patriotic society the opportunity to speak with  
17.21 students during the school day for the purpose of providing information about how the  
17.22 patriotic society supports educational interests and civic involvement. The school board  
17.23 may limit the opportunity to speak at a school to a holiday when the district conducts school  
17.24 in accordance with section 120A.42 and no more than 30 minutes of instructional time. The  
17.25 time devoted to a representative of a patriotic society must not be included in the time that  
17.26 must be devoted to a patriotic observance under section 120A.42. A representative of a  
17.27 patriotic society who speaks to students at a school may provide students with written  
17.28 materials about the patriotic society.

17.29 Subd. 3. **Notice required.** A patriotic society that wishes to speak to students at a school  
17.30 must provide written notice to the school board at least 60 days prior to the start of the  
17.31 school year. The school board must provide a written response approving or denying the  
17.32 request to the patriotic society. A response approving the request must include the date and  
17.33 time the organization will be allowed to address students.

18.1 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

18.2 Sec. 16. Minnesota Statutes 2017 Supplement, section 120B.30, subdivision 1, is amended  
18.3 to read:

18.4 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with  
18.5 appropriate technical qualifications and experience and stakeholders, consistent with  
18.6 subdivision 1a, ~~shall~~ must include in the comprehensive assessment system, for each grade  
18.7 level to be tested, state-constructed tests developed as computer-adaptive reading and  
18.8 mathematics assessments for students that are aligned with the state's required academic  
18.9 standards under section 120B.021, include multiple choice questions, and are administered  
18.10 annually to all students in grades 3 through 8. State-developed high school tests aligned  
18.11 with the state's required academic standards under section 120B.021 and administered to  
18.12 all high school students in a subject other than writing must include multiple choice questions.  
18.13 The commissioner ~~shall~~ must establish ~~one or more months during which schools shall~~  
18.14 ~~administer the tests to students~~ a testing period as late as possible each school year during  
18.15 which schools must administer the Minnesota Comprehensive Assessments to students. The  
18.16 commissioner must publish the testing schedule at least two years before the beginning of  
18.17 the testing period except for a year in which revised standards are implemented.

18.18 ~~(1) Students enrolled in grade 8 through the 2009-2010 school year are eligible to be~~  
18.19 ~~assessed under (i) the graduation-required assessment for diploma in reading, mathematics,~~  
18.20 ~~or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1, paragraphs (c),~~  
18.21 ~~clauses (1) and (2), and (d), (ii) the WorkKeys job skills assessment, (iii) the Compass~~  
18.22 ~~college placement test, (iv) the ACT assessment for college admission, (v) a nationally~~  
18.23 ~~recognized armed services vocational aptitude test.~~

18.24 ~~(2) Students enrolled in grade 8 in the 2010-2011 or 2011-2012 school year are eligible~~  
18.25 ~~to be assessed under (i) the graduation-required assessment for diploma in reading,~~  
18.26 ~~mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1,~~  
18.27 ~~paragraph (c), clauses (1) and (2), (ii) the WorkKeys job skills assessment, (iii) the Compass~~  
18.28 ~~college placement test, (iv) the ACT assessment for college admission, (v) a nationally~~  
18.29 ~~recognized armed services vocational aptitude test.~~

18.30 ~~(3) For students under clause (1) or (2), a school district may substitute a score from an~~  
18.31 ~~alternative, equivalent assessment to satisfy the requirements of this paragraph.~~

18.32 (b) The state assessment system must be aligned to the most recent revision of academic  
18.33 standards as described in section 120B.023 in the following manner:

- 19.1 (1) mathematics;
- 19.2 (i) grades 3 through 8 beginning in the 2010-2011 school year; and
- 19.3 (ii) high school level beginning in the 2013-2014 school year;
- 19.4 (2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012
- 19.5 school year; and
- 19.6 (3) language arts and reading; grades 3 through 8 and high school level beginning in the
- 19.7 2012-2013 school year.

19.8 (c) For students enrolled in grade 8 in the 2012-2013 school year and later, students'

19.9 state graduation requirements, based on a longitudinal, systematic approach to student

19.10 education and career planning, assessment, instructional support, and evaluation, include

19.11 the following:

19.12 (1) achievement and career and college readiness in mathematics, reading, and writing,

19.13 consistent with paragraph (k) and to the extent available, to monitor students' continuous

19.14 development of and growth in requisite knowledge and skills; analyze students' progress

19.15 and performance levels, identifying students' academic strengths and diagnosing areas where

19.16 students require curriculum or instructional adjustments, targeted interventions, or

19.17 remediation; and, based on analysis of students' progress and performance data, determine

19.18 students' learning and instructional needs and the instructional tools and best practices that

19.19 support academic rigor for the student; and

19.20 (2) consistent with this paragraph and section 120B.125, age-appropriate exploration

19.21 and planning activities and career assessments to encourage students to identify personally

19.22 relevant career interests and aptitudes and help students and their families develop a regularly

19.23 reexamined transition plan for postsecondary education or employment without need for

19.24 postsecondary remediation.

19.25 Based on appropriate state guidelines, students with an individualized education program

19.26 may satisfy state graduation requirements by achieving an individual score on the

19.27 state-identified alternative assessments.

19.28 (d) Expectations of schools, districts, and the state for career or college readiness under

19.29 this subdivision must be comparable in rigor, clarity of purpose, and rates of student

19.30 completion.

19.31 A student under paragraph (c), clause (1), must receive targeted, relevant, academically

19.32 rigorous, and resourced instruction, which may include a targeted instruction and intervention

19.33 plan focused on improving the student's knowledge and skills in core subjects so that the

20.1 student has a reasonable chance to succeed in a career or college without need for  
20.2 postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49,  
20.3 and related sections, an enrolling school or district must actively encourage a student in  
20.4 grade 11 or 12 who is identified as academically ready for a career or college to participate  
20.5 in courses and programs awarding college credit to high school students. Students are not  
20.6 required to achieve a specified score or level of proficiency on an assessment under this  
20.7 subdivision to graduate from high school.

20.8 (e) Though not a high school graduation requirement, students are encouraged to  
20.9 participate in a nationally recognized college entrance exam. To the extent state funding  
20.10 for college entrance exam fees is available, a district must pay the cost, one time, for an  
20.11 interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take  
20.12 a nationally recognized college entrance exam before graduating. A student must be able  
20.13 to take the exam under this paragraph at the student's high school during the school day and  
20.14 at any one of the multiple exam administrations available to students in the district. A district  
20.15 may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph.  
20.16 If the district administers only one of these two tests and a free or reduced-price meal eligible  
20.17 student opts not to take that test and chooses instead to take the other of the two tests, the  
20.18 student may take the other test at a different time or location and remains eligible for the  
20.19 examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school  
20.20 district may require a student that is not eligible for a free or reduced-price meal to pay the  
20.21 cost of taking a nationally recognized college entrance exam. The district must waive the  
20.22 cost for a student unable to pay.

20.23 (f) The commissioner and the chancellor of the Minnesota State Colleges and Universities  
20.24 must collaborate in aligning instruction and assessments for adult basic education students  
20.25 and English learners to provide the students with diagnostic information about any targeted  
20.26 interventions, accommodations, modifications, and supports they need so that assessments  
20.27 and other performance measures are accessible to them and they may seek postsecondary  
20.28 education or employment without need for postsecondary remediation. When administering  
20.29 formative or summative assessments used to measure the academic progress, including the  
20.30 oral academic development, of English learners and inform their instruction, schools must  
20.31 ensure that the assessments are accessible to the students and students have the modifications  
20.32 and supports they need to sufficiently understand the assessments.

20.33 (g) Districts and schools, on an annual basis, must use career exploration elements to  
20.34 help students, beginning no later than grade 9, and their families explore and plan for  
20.35 postsecondary education or careers based on the students' interests, aptitudes, and aspirations.

21.1 Districts and schools must use timely regional labor market information and partnerships,  
21.2 among other resources, to help students and their families successfully develop, pursue,  
21.3 review, and revise an individualized plan for postsecondary education or a career. This  
21.4 process must help increase students' engagement in and connection to school, improve  
21.5 students' knowledge and skills, and deepen students' understanding of career pathways as  
21.6 a sequence of academic and career courses that lead to an industry-recognized credential,  
21.7 an associate's degree, or a bachelor's degree and are available to all students, whatever their  
21.8 interests and career goals.

21.9 (h) A student who demonstrates attainment of required state academic standards, which  
21.10 include career and college readiness benchmarks, on high school assessments under  
21.11 subdivision 1a is academically ready for a career or college and is encouraged to participate  
21.12 in courses awarding college credit to high school students. Such courses and programs may  
21.13 include sequential courses of study within broad career areas and technical skill assessments  
21.14 that extend beyond course grades.

21.15 (i) As appropriate, students through grade 12 must continue to participate in targeted  
21.16 instruction, intervention, or remediation and be encouraged to participate in courses awarding  
21.17 college credit to high school students.

21.18 (j) In developing, supporting, and improving students' academic readiness for a career  
21.19 or college, schools, districts, and the state must have a continuum of empirically derived,  
21.20 clearly defined benchmarks focused on students' attainment of knowledge and skills so that  
21.21 students, their parents, and teachers know how well students must perform to have a  
21.22 reasonable chance to succeed in a career or college without need for postsecondary  
21.23 remediation. The commissioner, in consultation with local school officials and educators,  
21.24 and Minnesota's public postsecondary institutions must ensure that the foundational  
21.25 knowledge and skills for students' successful performance in postsecondary employment  
21.26 or education and an articulated series of possible targeted interventions are clearly identified  
21.27 and satisfy Minnesota's postsecondary admissions requirements.

21.28 (k) For students in grade 8 in the 2012-2013 school year and later, a school, district, or  
21.29 charter school must record on the high school transcript a student's progress toward career  
21.30 and college readiness, and for other students as soon as practicable.

21.31 (l) The school board granting students their diplomas may formally decide to include a  
21.32 notation of high achievement on the high school diplomas of those graduating seniors who,  
21.33 according to established school board criteria, demonstrate exemplary academic achievement  
21.34 during high school.

22.1 (m) The 3rd through 8th grade computer-adaptive assessment results and high school  
22.2 test results shall be available to districts for diagnostic purposes affecting student learning  
22.3 and district instruction and curriculum, and for establishing educational accountability. The  
22.4 commissioner must establish empirically derived benchmarks on adaptive assessments in  
22.5 grades 3 through 8. The commissioner, in consultation with the chancellor of the Minnesota  
22.6 State Colleges and Universities, must establish empirically derived benchmarks on the high  
22.7 school tests that reveal a trajectory toward career and college readiness consistent with  
22.8 section 136F.302, subdivision 1a. The commissioner must disseminate to the public the  
22.9 computer-adaptive assessments and high school test results upon receiving those results.

22.10 (n) The grades 3 through 8 computer-adaptive assessments and high school tests must  
22.11 be aligned with state academic standards. The commissioner ~~shall~~ must determine the testing  
22.12 process and the order of administration. The statewide results ~~shall~~ must be aggregated at  
22.13 the site and district level, consistent with subdivision 1a.

22.14 (o) The commissioner ~~shall~~ must include the following components in the statewide  
22.15 public reporting system:

22.16 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through  
22.17 8 and testing at the high school levels that provides appropriate, technically sound  
22.18 accommodations or alternate assessments;

22.19 (2) educational indicators that can be aggregated and compared across school districts  
22.20 and across time on a statewide basis, including average daily attendance, high school  
22.21 graduation rates, and high school drop-out rates by age and grade level;

22.22 (3) state results on the American College Test; and

22.23 (4) state results from participation in the National Assessment of Educational Progress  
22.24 so that the state can benchmark its performance against the nation and other states, and,  
22.25 where possible, against other countries, and contribute to the national effort to monitor  
22.26 achievement.

22.27 (p) For purposes of statewide accountability, "career and college ready" means a high  
22.28 school graduate has the knowledge, skills, and competencies to successfully pursue a career  
22.29 pathway, including postsecondary credit leading to a degree, diploma, certificate, or  
22.30 industry-recognized credential and employment. Students who are career and college ready  
22.31 are able to successfully complete credit-bearing coursework at a two- or four-year college  
22.32 or university or other credit-bearing postsecondary program without need for remediation.

23.1 (q) For purposes of statewide accountability, "cultural competence," "cultural  
23.2 competency," or "culturally competent" means the ability of families and educators to  
23.3 interact effectively with people of different cultures, native languages, and socioeconomic  
23.4 backgrounds.

23.5 **EFFECTIVE DATE.** This section is effective for testing calendars in the 2020-2021  
23.6 school year and later.

23.7 Sec. 17. Minnesota Statutes 2016, section 120B.30, subdivision 1a, is amended to read:

23.8 Subd. 1a. **Statewide and local assessments; results.** (a) For purposes of this section,  
23.9 the following definitions have the meanings given them.

23.10 (1) "Computer-adaptive assessments" means fully adaptive assessments.

23.11 (2) "Fully adaptive assessments" include test items that are on-grade level and items that  
23.12 may be above or below a student's grade level.

23.13 (3) "On-grade level" test items contain subject area content that is aligned to state  
23.14 academic standards for the grade level of the student taking the assessment.

23.15 (4) "Above-grade level" test items contain subject area content that is above the grade  
23.16 level of the student taking the assessment and is considered aligned with state academic  
23.17 standards to the extent it is aligned with content represented in state academic standards  
23.18 above the grade level of the student taking the assessment. Notwithstanding the student's  
23.19 grade level, administering above-grade level test items to a student does not violate the  
23.20 requirement that state assessments must be aligned with state standards.

23.21 (5) "Below-grade level" test items contain subject area content that is below the grade  
23.22 level of the student taking the test and is considered aligned with state academic standards  
23.23 to the extent it is aligned with content represented in state academic standards below the  
23.24 student's current grade level. Notwithstanding the student's grade level, administering  
23.25 below-grade level test items to a student does not violate the requirement that state  
23.26 assessments must be aligned with state standards.

23.27 (b) The commissioner must use fully adaptive mathematics and reading assessments for  
23.28 grades 3 through 8.

23.29 (c) For purposes of conforming with existing federal educational accountability  
23.30 requirements, the commissioner must develop and implement computer-adaptive reading  
23.31 and mathematics assessments for grades 3 through 8, state-developed high school reading  
23.32 and mathematics tests aligned with state academic standards, a high school writing test

24.1 aligned with state standards when it becomes available, and science assessments under  
24.2 clause (2) that districts and sites must use to monitor student growth toward achieving those  
24.3 standards. The commissioner must not develop statewide assessments for academic standards  
24.4 in social studies, health and physical education, and the arts. The commissioner must require:

24.5 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through  
24.6 8, and high school reading, writing, and mathematics tests; and

24.7 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades  
24.8 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the  
24.9 commissioner must not require students to achieve a passing score on high school science  
24.10 assessments as a condition of receiving a high school diploma.

24.11 (d) The commissioner must ensure that for annual computer-adaptive assessments:

24.12 (1) individual student performance data and achievement reports are available to school  
24.13 districts and teachers within three school days of when students take an assessment except  
24.14 in a year when an assessment reflects new performance standards;

24.15 (2) growth information is available for each student from the student's first assessment  
24.16 to each proximate assessment using a constant measurement scale;

24.17 (3) parents, teachers, and school administrators are able to use elementary and middle  
24.18 school student performance data to project students' secondary and postsecondary  
24.19 achievement; and

24.20 (4) useful diagnostic information about areas of students' academic strengths and  
24.21 weaknesses is available to teachers and school administrators for improving student  
24.22 instruction and indicating the specific skills and concepts that should be introduced and  
24.23 developed for students at given performance levels, organized by strands within subject  
24.24 areas, and aligned to state academic standards.

24.25 (e) The commissioner must ensure that all state tests administered to elementary and  
24.26 secondary students measure students' academic knowledge and skills and not students'  
24.27 values, attitudes, and beliefs.

24.28 (f) Reporting of state assessment results must:

24.29 (1) provide timely, useful, and understandable information on the performance of  
24.30 individual students, schools, school districts, and the state;

24.31 (2) include a growth indicator of student achievement; and

24.32 (3) determine whether students have met the state's academic standards.



25.1 (g) Consistent with applicable federal law, the commissioner must include appropriate,  
25.2 technically sound accommodations or alternative assessments for the very few students with  
25.3 disabilities for whom statewide assessments are inappropriate and for English learners.

25.4 (h) A school, school district, and charter school must administer statewide assessments  
25.5 under this section, as the assessments become available, to evaluate student progress toward  
25.6 career and college readiness in the context of the state's academic standards. A school,  
25.7 school district, or charter school may use a student's performance on a statewide assessment  
25.8 as one of multiple criteria to determine grade promotion or retention. A school, school  
25.9 district, or charter school may use a high school student's performance on a statewide  
25.10 assessment as a percentage of the student's final grade in a course, or place a student's  
25.11 assessment score on the student's transcript.

25.12 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

25.13 Sec. 18. Minnesota Statutes 2016, section 120B.30, subdivision 3, is amended to read:

25.14 Subd. 3. **Reporting.** (a) The commissioner ~~shall~~ must report test results publicly and to  
25.15 stakeholders, including the performance achievement levels developed from students'  
25.16 unweighted test scores in each tested subject and a listing of demographic factors that  
25.17 strongly correlate with student performance, including student homelessness, as data are  
25.18 available, among other factors. The test results must not include personally identifiable  
25.19 information as defined in Code of Federal Regulations, title 34, section 99.3. The  
25.20 commissioner ~~shall~~ must also report data that compares performance results among school  
25.21 sites, school districts, Minnesota and other states, and Minnesota and other nations.

25.22 (b) The commissioner ~~shall~~ must disseminate to schools and school districts a more  
25.23 comprehensive report containing testing information that meets local needs for evaluating  
25.24 instruction and curriculum. The commissioner ~~shall~~ must disseminate to charter school  
25.25 authorizers a more comprehensive report containing testing information that contains  
25.26 anonymized data where cell count data are sufficient to protect student identity and that  
25.27 meets the authorizer's needs in fulfilling its obligations under chapter 124E.

25.28 (c) A school district must disseminate the individual student performance data and  
25.29 achievement report required under section 120B.30, subdivision 1a, paragraph (d), clause  
25.30 (1), to the parent and teacher of each student no more than 30 days after the district has  
25.31 administered the test to a student. The district must notify the parent and teacher that the  
25.32 data and report are preliminary and subject to validation.

26.1 (d) A school district must disseminate a testing report to the teacher and to the parent  
 26.2 of each student before the beginning of the following school year. The testing report must:

26.3 (1) identify the student's achievement level in each content area; and

26.4 (2) track the student's performance history.

26.5 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

26.6 Sec. 19. Minnesota Statutes 2017 Supplement, section 120B.35, subdivision 3, is amended  
 26.7 to read:

26.8 Subd. 3. **State growth target; other state measures.** (a)(1) The state's educational  
 26.9 assessment system measuring individual students' educational growth is based on indicators  
 26.10 of achievement growth that show an individual student's prior achievement. Indicators of  
 26.11 achievement and prior achievement must be based on highly reliable statewide ~~or districtwide~~  
 26.12 assessments.

26.13 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and  
 26.14 report separate categories of information using the student categories identified under the  
 26.15 federal Elementary and Secondary Education Act, as most recently reauthorized, and, in  
 26.16 addition to "other" for each race and ethnicity, and the Karen community, seven of the most  
 26.17 populous Asian ~~and Pacific Islander~~ groups, three of the most populous Native groups,  
 26.18 seven of the most populous Hispanic/Latino groups, and five of the most populous Black  
 26.19 and African Heritage groups as determined by the total Minnesota population based on the  
 26.20 most recent American Community Survey in consultation with the state demographer;  
 26.21 English learners under section 124D.59; home language; free or reduced-price lunch; and  
 26.22 all students enrolled in a Minnesota public school who are currently or were previously in  
 26.23 foster care, except that such disaggregation and cross tabulation is not required if the number  
 26.24 of students in a category is insufficient to yield statistically reliable information or the results  
 26.25 would reveal personally identifiable information about an individual student.

26.26 (b) The commissioner, ~~in consultation with a stakeholder group that includes assessment~~  
 26.27 ~~and evaluation directors, district staff, experts in culturally responsive teaching, and~~  
 26.28 ~~researchers, must implement a model that uses a value-added growth indicator and includes~~  
 26.29 ~~criteria for identifying schools and school districts that demonstrate medium and high growth~~  
 26.30 ~~under section 120B.299, subdivisions 8 and 9, and may recommend other value-added~~  
 26.31 ~~measures under section 120B.299, subdivision 3. The model may be used to advance~~  
 26.32 ~~educators' professional development and replicate programs that succeed in meeting students'~~

27.1 ~~diverse learning needs. Data on individual teachers generated under the model are personnel~~  
27.2 ~~data under section 13.43. The model must allow users to:~~

27.3 (1) report ~~student~~ the academic growth consistent with this paragraph rate, as defined  
27.4 in section 120B.355, subdivision 2; and

27.5 (2) for all student categories, report and compare aggregated and disaggregated state  
27.6 student growth and, under section 120B.11, subdivision 2, clause (2), student learning and  
27.7 outcome data using the student categories identified under the federal Elementary and  
27.8 Secondary Education Act, as most recently reauthorized, and other student categories under  
27.9 paragraph (a), clause (2).

27.10 The commissioner must report measures of student growth and, under section 120B.11,  
27.11 subdivision 2, clause (2), student learning and outcome data, consistent with this paragraph,  
27.12 including the English language development, academic progress, and oral academic  
27.13 development of English learners and their native language development if the native language  
27.14 is used as a language of instruction, and include data on all pupils enrolled in a Minnesota  
27.15 public school course or program who are currently or were previously counted as an English  
27.16 learner under section 124D.59.

27.17 (c) When reporting student performance under section 120B.36, subdivision 1, the  
27.18 commissioner annually, beginning July 1, 2011, must report two core measures indicating  
27.19 the extent to which current high school graduates are being prepared for postsecondary  
27.20 academic and career opportunities:

27.21 (1) a preparation measure indicating the number and percentage of high school graduates  
27.22 in the most recent school year who completed course work important to preparing them for  
27.23 postsecondary academic and career opportunities, consistent with the core academic subjects  
27.24 required for admission to Minnesota's public colleges and universities as determined by the  
27.25 Office of Higher Education under chapter 136A; and

27.26 (2) a rigorous coursework measure indicating the number and percentage of high school  
27.27 graduates in the most recent school year who successfully completed one or more  
27.28 college-level advanced placement, international baccalaureate, postsecondary enrollment  
27.29 options including concurrent enrollment, other rigorous courses of study under section  
27.30 120B.021, subdivision 1a, or industry certification courses or programs.

27.31 When reporting the core measures under clauses (1) and (2), the commissioner must also  
27.32 analyze and report separate categories of information using the student categories identified  
27.33 under the federal Elementary and Secondary Education Act, as most recently reauthorized,  
27.34 and other student categories under paragraph (a), clause (2).

28.1 (d) When reporting student performance under section 120B.36, subdivision 1, the  
28.2 commissioner annually, beginning July 1, 2014, must report summary data on school safety  
28.3 and students' engagement and connection at school, consistent with the student categories  
28.4 identified under paragraph (a), clause (2). The summary data under this paragraph are  
28.5 separate from and must not be used for any purpose related to measuring or evaluating the  
28.6 performance of classroom teachers. The commissioner, in consultation with qualified experts  
28.7 on student engagement and connection and classroom teachers, must identify highly reliable  
28.8 variables that generate summary data under this paragraph. The summary data may be used  
28.9 at school, district, and state levels only. Any data on individuals received, collected, or  
28.10 created that are used to generate the summary data under this paragraph are nonpublic data  
28.11 under section 13.02, subdivision 9.

28.12 (e) For purposes of statewide educational accountability, the commissioner must identify  
28.13 and report measures that demonstrate the success of learning year program providers under  
28.14 sections 123A.05 and 124D.68, among other such providers, in improving students'  
28.15 graduation outcomes. The commissioner, beginning July 1, 2015, must annually report  
28.16 summary data on:

28.17 (1) the four- and six-year graduation rates of students under this paragraph;

28.18 (2) the percent of students under this paragraph whose progress and performance levels  
28.19 are meeting career and college readiness benchmarks under section 120B.30, subdivision  
28.20 1; and

28.21 (3) the success that learning year program providers experience in:

28.22 (i) identifying at-risk and off-track student populations by grade;

28.23 (ii) providing successful prevention and intervention strategies for at-risk students;

28.24 (iii) providing successful recuperative and recovery or reenrollment strategies for off-track  
28.25 students; and

28.26 (iv) improving the graduation outcomes of at-risk and off-track students.

28.27 The commissioner may include in the annual report summary data on other education  
28.28 providers serving a majority of students eligible to participate in a learning year program.

28.29 (f) The commissioner, in consultation with recognized experts with knowledge and  
28.30 experience in assessing the language proficiency and academic performance of all English  
28.31 learners enrolled in a Minnesota public school course or program who are currently or were  
28.32 previously counted as an English learner under section 124D.59, must identify and report  
28.33 appropriate and effective measures to improve current categories of language difficulty and

29.1 assessments, and monitor and report data on students' English proficiency levels, program  
29.2 placement, and academic language development, including oral academic language.

29.3 (g) When reporting ~~four- and six-year~~ graduation rates, the commissioner or school  
29.4 district must disaggregate the data by student categories according to paragraph (a), clause  
29.5 (2).

29.6 (h) A school district must inform parents and guardians that volunteering information  
29.7 on student categories not required by the most recent reauthorization of the Elementary and  
29.8 Secondary Education Act is optional and will not violate the privacy of students or their  
29.9 families, parents, or guardians. The notice must state the purpose for collecting the student  
29.10 data.

29.11 Sec. 20. 120B.355] ACADEMIC ACHIEVEMENT RATING SYSTEM.

29.12 Subdivision 1. Commissioner duties. (a) The commissioner of education must develop  
29.13 an academic achievement rating system consistent with this section to provide parents and  
29.14 students with a brief overview of student performance and growth in districts, school sites,  
29.15 and charter schools across the state.

29.16 (b) Each district, school site, and charter school must be assigned a star rating based on  
29.17 the criteria provided in this section. Star ratings must range from one star for the lowest  
29.18 performing schools and districts to five stars for the highest performing schools and districts.

29.19 (c) Each district, school site, and charter school must be assigned an academic  
29.20 achievement score on a scale of zero to 100 that equals the average of the equally weighted  
29.21 factors used to determine a school's or district's star rating under subdivisions 3 to 5.

29.22 (d) The star rating and academic achievement score of each district, school site, and  
29.23 charter school must be reported annually on the Department of Education's Web site as part  
29.24 of the commissioner's school performance reports pursuant to section 120B.36.

29.25 (e) The commissioner must examine how revisions to statewide assessments under  
29.26 section 120B.30 impact school and district ratings under this section. The commissioner  
29.27 may adjust district, school site, and charter school ratings accordingly to maintain consistency  
29.28 in reporting.

29.29 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the  
29.30 meanings given them.

29.31 (b) "Academic growth rate" means the average level of improvement in statewide test  
29.32 results for the current year over the previous year across all student groups in a school.

30.1 Student improvement shall be quantified in a form and manner prescribed by the  
30.2 commissioner consistent with the approved state Every Student Succeeds Act plan to  
30.3 standardize this measurement across all schools and districts. The commissioner must  
30.4 convert a school's academic growth rate to a score on a scale of zero to 100 for purposes of  
30.5 determining a school's star rating under subdivision 3.

30.6 (c) "Low-income student achievement gap score" means 100 minus the average of: (1)  
30.7 the statewide percentage of non-low-income students who are rated proficient on the  
30.8 statewide reading test minus a school's percentage of low-income students who are rated  
30.9 proficient on the statewide reading test; and (2) the statewide percentage of non-low-income  
30.10 students who are rated proficient on the statewide math test minus a school's percentage of  
30.11 low-income students who are rated proficient on the statewide math test.

30.12 (d) "Students of color achievement gap score" means 100 minus the average of: (1) the  
30.13 statewide percentage of white students who are rated proficient on the statewide reading  
30.14 test minus a school's percentage of students of color who are rated proficient on the statewide  
30.15 reading test; and (2) the statewide percentage of white students who are rated proficient on  
30.16 the statewide math test minus a school's percentage of students of color who are rated  
30.17 proficient on the statewide math test.

30.18 (e) "Four-year graduation rate gap score" means 100 minus the difference between the  
30.19 statewide four-year high school graduation rate for non-low-income students and a school's  
30.20 four-year high school graduation rate for low-income students.

30.21 (f) "Low-income students" means students who qualify for free or reduced-price lunch  
30.22 pursuant to section 126C.05, subdivision 16.

30.23 (g) "Proficient" means a student meets or exceeds federal accountability standards on  
30.24 statewide assessments in reading and math consistent with the approved state Every Student  
30.25 Succeeds Act plan.

30.26 (h) "Statewide reading test" and "statewide math test" mean the statewide reading and  
30.27 mathematics assessments developed and administered pursuant to section 120B.30.

30.28 (i) "Students of color" means students who are American Indian, Asian, Pacific Islander,  
30.29 Hispanic, Black, or two or more races consistent with section 120B.35, subdivision 3,  
30.30 paragraph (a), clause (2).

30.31 Subd. 3. **Primary school rating components.** The commissioner must assign all  
30.32 elementary and middle schools a star rating based on the following equally weighted factors  
30.33 unique to each school:

- 31.1 (1) the percentage of students rated proficient on the statewide reading test;  
31.2 (2) the percentage of students rated proficient on the statewide math test;  
31.3 (3) the academic growth rate for the statewide reading test;  
31.4 (4) the academic growth rate for the statewide math test;  
31.5 (5) the low-income student achievement gap score;  
31.6 (6) the students of color achievement gap score;  
31.7 (7) the English learner proficiency rate, as defined in the approved state Every Student  
31.8 Succeeds Act plan; and  
31.9 (8) the consistent attendance rate, as defined in the approved state Every Student Succeeds  
31.10 Act plan.

31.11 Subd. 4. **Secondary school rating components.** The commissioner must assign all high  
31.12 schools a star rating based on the following equally weighted factors unique to each school:

- 31.13 (1) the percentage of students rated proficient on the statewide reading test;  
31.14 (2) the percentage of students rated proficient on the statewide math test;  
31.15 (3) the four-year graduation rate gap score;  
31.16 (4) the low-income student achievement gap score;  
31.17 (5) the students of color achievement gap score;  
31.18 (6) the English learner proficiency rate, as defined in the approved state Every Student  
31.19 Succeeds Act plan; and  
31.20 (7) the consistent attendance rate, as defined in the approved state Every Student Succeeds  
31.21 Act plan.

31.22 Subd. 5. **District rating components.** The commissioner must assign all districts a star  
31.23 rating based on the following equally weighted factors unique to each district:

- 31.24 (1) the percentage of third grade students rated proficient on the statewide reading test;  
31.25 (2) the low-income student achievement gap score, as applied at the district level;  
31.26 (3) the students of color achievement gap score, as applied at the district level;  
31.27 (4) the percentage of high school students rated proficient on the statewide reading test;  
31.28 (5) the percentage of high school students rated proficient on the statewide math test;  
31.29 and

32.1 (6) the district's four-year high school graduation rate.

32.2 Sec. 21. Minnesota Statutes 2017 Supplement, section 120B.36, subdivision 1, is amended  
32.3 to read:

32.4 Subdivision 1. **School performance reports and public reporting.** (a) The commissioner  
32.5 shall report: student academic performance data under section 120B.35, subdivisions 2 and  
32.6 3; district, school site, and charter school academic achievement ratings under section  
32.7 120B.355; the percentages of students showing low, medium, and high growth under section  
32.8 120B.35, subdivision 3, paragraph (b); school safety and student engagement and connection  
32.9 under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section  
32.10 120B.35, subdivision 3, paragraph (c); the percentage of students under section 120B.35,  
32.11 subdivision 3, paragraph (b), clause (2), whose progress and performance levels are meeting  
32.12 career and college readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35,  
32.13 subdivision 3, paragraph (e); longitudinal data on the progress of eligible districts in reducing  
32.14 disparities in students' academic achievement and realizing racial and economic integration  
32.15 under section 124D.861; the acquisition of English, and where practicable, native language  
32.16 academic literacy, including oral academic language, and the academic progress of all  
32.17 English learners enrolled in a Minnesota public school course or program who are currently  
32.18 or were previously counted as English learners under section 124D.59; the percentage of  
32.19 students who graduated in the previous school year and correctly answered at least 30 of  
32.20 50 civics test questions in accordance with section 120B.02, subdivision 3; two separate  
32.21 student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections  
32.22 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding  
32.23 salaries; student enrollment demographics; foster care status, including all students enrolled  
32.24 in a Minnesota public school course or program who are currently or were previously in  
32.25 foster care, student homelessness, and district mobility; and extracurricular activities.

32.26 (b) The school performance report for a ~~school site and a school~~ district, school site, or  
32.27 charter school must include school performance reporting information, including a prominent  
32.28 display of both the district's, school site's, or charter school's star rating and academic  
32.29 achievement score assigned by the commissioner under section 120B.355 and must calculate  
32.30 proficiency and growth rates as required by the most recently reauthorized Elementary and  
32.31 Secondary Education Act.

32.32 (c) The commissioner shall develop, annually update, and post on the department Web  
32.33 site school performance reports consistent with paragraph (a) and section 120B.11.



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

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

33.6 (f) School performance data are nonpublic data under section 13.02, subdivision 9, until  
33.7 the commissioner publicly releases the data. The commissioner ~~shall~~ must annually post  
33.8 school performance reports to the department's public Web site no later than September 1,  
33.9 except that in years when the reports reflect new performance standards, the commissioner  
33.10 ~~shall~~ must post the school performance reports no later than October 1.

33.11 Sec. 22. Minnesota Statutes 2016, section 120B.36, subdivision 2, is amended to read:

33.12 Subd. 2. **Student progress and other data.** (a) All data the department receives, collects,  
33.13 or creates under section 120B.11, governing the world's best workforce, or uses to determine  
33.14 and set goals for federal expectations under the most recently reauthorized Elementary and  
33.15 Secondary Education Act, set state growth targets, and determine student growth, learning,  
33.16 and outcomes under section 120B.35 are nonpublic data under section 13.02, subdivision  
33.17 9, until the commissioner publicly releases the data.

33.18 (b) Districts must provide parents sufficiently detailed summary data to permit parents  
33.19 to appeal under the most recently reauthorized federal Elementary and Secondary Education  
33.20 Act. The commissioner shall annually post federal expectations and state student growth,  
33.21 learning, and outcome data to the department's public Web site no later than September 1,  
33.22 except that in years when data or federal expectations reflect new performance standards,  
33.23 the commissioner shall post data on federal expectations and state student growth data no  
33.24 later than October 1.

33.25 Sec. 23. [121A.24] PROGRAM TO PREVENT SEXUAL ASSAULT.

33.26 Subdivision 1. **Consent.** (a) The commissioner of education, in consultation with the  
33.27 Department of Health, must assist districts and charter schools in developing and  
33.28 implementing a consent program to prevent and reduce the incidence of sexual assault. Each  
33.29 district must have a program that includes age appropriate instruction on consent in grades  
33.30 8 to 12, consistent with paragraph (c), that includes at least the following:

33.31 (1) planning materials and guidelines;

33.32 (2) in-service training for appropriate district staff and school board members;

34.1 (3) collaboration with local community health services, agencies, and organizations  
34.2 having a consent program; and

34.3 (4) participation by state and local student organizations.

34.4 (b) If a district fails to develop and implement a consent program, the department must  
34.5 assist the service cooperative in the region serving that district or charter school to develop  
34.6 or implement the program.

34.7 (c) "Consent" as used in this section means affirmative, conscious, and voluntary  
34.8 agreement to engage in sexual activity. It is a responsibility of each person involved in  
34.9 sexual activity to ensure that the other or others consent to engage in the sexual activity.  
34.10 Lack of protest or resistance does not mean consent. Consent must be ongoing throughout  
34.11 a sexual activity and can be revoked at any time. The existence of a dating relationship  
34.12 between the persons involved, or the fact of past sexual relations between them, should  
34.13 never by itself be assumed to be an indicator of consent.

34.14 Subd. 2. **Funding sources.** Districts and charter schools may accept funds for consent  
34.15 programs developed and implemented under this section from public and private sources  
34.16 including public health funds and foundations, department professional development funds,  
34.17 federal block grants, or other federal or state grants.

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

34.19 Sec. 24. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision  
34.20 to read:

34.21 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**  
34.22 **dismissal.** "Nonexclusionary disciplinary policies and practices" means policies and practices  
34.23 that require school officials to intervene in, redirect, and support a pupil's behavior before  
34.24 dismissing a pupil from school. Nonexclusionary disciplinary policies and practices include  
34.25 evidence-based positive behavioral interventions and supports, social and emotional learning,  
34.26 school-linked mental health services, counseling services, social work services, referrals  
34.27 for special education or 504 evaluations, academic screening for Title I services or reading  
34.28 interventions, and alternative education services.

34.29 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

35.1 Sec. 25. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision  
35.2 to read:

35.3 Subd. 13. **Pupil withdrawal agreements.** "Pupil withdrawal agreements" means a verbal  
35.4 or written agreement between a school or district administrator and a pupil's parent or  
35.5 guardian to withdraw a student from the school district to avoid expulsion or exclusion  
35.6 dismissal proceedings. The duration of the withdrawal agreement may be no longer than  
35.7 12 months.

35.8 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

35.9 Sec. 26. Minnesota Statutes 2016, section 121A.45, subdivision 1, is amended to read:

35.10 Subdivision 1. **Provision of alternative programs.** ~~No school shall dismiss any pupil~~  
35.11 ~~without attempting to provide alternative educational services~~ Schools must consider, where  
35.12 appropriate, using nonexclusionary disciplinary policies and practices before dismissal  
35.13 proceedings or pupil withdrawal agreements, except where it appears that the pupil will  
35.14 create an immediate and substantial danger to self or to surrounding persons or property.

35.15 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

35.16 Sec. 27. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision  
35.17 to read:

35.18 Subd. 5. **Suspensions exceeding five consecutive school days.** The school administrator  
35.19 must ensure that alternative education services are provided when a pupil is suspended for  
35.20 more than five consecutive school days.

35.21 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

35.22 Sec. 28. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision  
35.23 to read:

35.24 Subd. 6. **Minimum education services.** School officials must give a suspended pupil  
35.25 the opportunity to complete all school work assigned during the pupil's suspension and to  
35.26 receive full credit for satisfactorily completing the assignments. The school principal or  
35.27 other person having administrative control of the school building or program is encouraged  
35.28 to designate a district or school employee as a liaison to work with the pupil's teachers to  
35.29 allow the suspended pupil to (1) receive timely course materials and other information, and  
35.30 (2) complete daily and weekly assignments and receive teachers' feedback.

35.31 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

36.1 Sec. 29. Minnesota Statutes 2016, section 121A.47, subdivision 2, is amended to read:

36.2 Subd. 2. **Written notice.** Written notice of intent to take action ~~shall~~ must:

36.3 ~~(a)~~ (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;

36.4 ~~(b)~~ (2) contain a complete statement of the facts, a list of the witnesses and a description  
36.5 of their testimony;

36.6 (3) explain the grounds for expelling the pupil instead of imposing nonexclusionary  
36.7 disciplinary policies and practices under section 121A.41, subdivision 12;

36.8 ~~(c)~~ (4) state the date, time, and place of the hearing;

36.9 ~~(d)~~ (5) be accompanied by a copy of sections 121A.40 to 121A.56;

36.10 ~~(e)~~ (6) describe ~~alternative educational services~~ the nonexclusionary disciplinary policies  
36.11 and practices accorded the pupil in an attempt to avoid the expulsion proceedings; and

36.12 ~~(f)~~ (7) inform the pupil and parent or guardian of the right to:

36.13 ~~(1)~~ (i) have a representative of the pupil's own choosing, including legal counsel, at the  
36.14 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost  
36.15 legal assistance may be available and that a legal assistance resource list is available from  
36.16 the Department of Education and is posted on the department's Web site;

36.17 ~~(2)~~ (ii) examine the pupil's records before the hearing;

36.18 ~~(3)~~ (iii) present evidence; and

36.19 ~~(4)~~ (iv) confront and cross-examine witnesses.

36.20 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

36.21 Sec. 30. Minnesota Statutes 2016, section 121A.47, subdivision 14, is amended to read:

36.22 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare  
36.23 and enforce an admission or readmission plan for any pupil who is excluded or expelled  
36.24 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~  
36.25 which may include completing a character education program; consistent with section  
36.26 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,  
36.27 mental health services, referrals for special education or 504 evaluation, and evidence-based  
36.28 academic interventions. The plan must require parental involvement in the admission or  
36.29 readmission process, and may indicate the consequences to the pupil of not improving the  
36.30 pupil's behavior.

37.1 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply  
 37.2 to a student's dismissal from school for one school day or less, except as provided under  
 37.3 federal law for a student with a disability. Each suspension action may include a readmission  
 37.4 plan. A readmission plan must provide, where appropriate, alternative education services,  
 37.5 which must not be used to extend the student's current suspension period. Consistent with  
 37.6 section 125A.091, subdivision 5, a readmission plan must not obligate a parent or guardian  
 37.7 to provide psychotropic drugs to their student as a condition of readmission. School officials  
 37.8 must not use the refusal of a parent or guardian to consent to the administration of  
 37.9 psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or  
 37.10 examination of the student as a ground, by itself, to prohibit the student from attending class  
 37.11 or participating in a school-related activity, or as a basis of a charge of child abuse, child  
 37.12 neglect or medical or educational neglect.

37.13 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

37.14 Sec. 31. Minnesota Statutes 2016, section 121A.53, subdivision 1, is amended to read:

37.15 Subdivision 1. **Exclusions and expulsions; student withdrawals; physical assaults.**  
 37.16 Consistent with subdivision 2, the school board must report through the department electronic  
 37.17 reporting system each exclusion or expulsion ~~and,~~ each physical assault of a district employee  
 37.18 by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days of the effective  
 37.19 date of the dismissal action, pupil withdrawal, or assault to the commissioner of education.  
 37.20 This report must include a statement of ~~alternative educational services~~ nonexclusionary  
 37.21 disciplinary policies and practices, or other sanction, intervention, or resolution in response  
 37.22 to the assault given the pupil and the reason for, the effective date, and the duration of the  
 37.23 exclusion or expulsion or other sanction, intervention, or resolution. The report must also  
 37.24 include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

37.25 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

37.26 Sec. 32. Minnesota Statutes 2016, section 121A.55, is amended to read:

37.27 **121A.55 POLICIES TO BE ESTABLISHED.**

37.28 (a) The commissioner of education shall promulgate guidelines to assist each school  
 37.29 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written  
 37.30 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies  
 37.31 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section  
 37.32 121A.41, subdivision 12, and emphasize preventing dismissals through early detection of

38.1 problems ~~and shall~~. The policies must be designed to address students' inappropriate behavior  
38.2 from recurring.

38.3 (b) The policies shall recognize the continuing responsibility of the school for the  
38.4 education of the pupil during the dismissal period. The school is responsible to ensure that  
38.5 the alternative educational services, if to be provided to the pupil wishes to take advantage  
38.6 of them, must be adequate to allow the pupil to make progress towards meeting the graduation  
38.7 standards adopted under section 120B.02 and, help prepare the pupil for readmission, and  
38.8 are consistent with section 121A.46, subdivision 6.

38.9 (c) For expulsion and exclusion dismissals, as well as pupil withdrawal agreements as  
38.10 defined in section 121A.41, subdivision 13:

38.11 (1) the school district's continuing responsibility includes reviewing the pupil's school  
38.12 work and grades on a quarterly basis to ensure the pupil is on track for readmission with  
38.13 the pupil's peers until the student enrolls in a new district. School districts must communicate  
38.14 on a regular basis with the pupil's parent or guardian to ensure the pupil is completing the  
38.15 work assigned through the alternative educational services;

38.16 (2) a pupil remains eligible for school-linked mental health services provided in the  
38.17 district under section 245.4889 until the pupil is enrolled in a new district; and

38.18 (3) the school district must provide to the pupil's parent or guardian a list of community  
38.19 mental health programs after expulsion.

38.20 (d) The school district must provide to the pupil's parent or guardian information regarding  
38.21 how a pupil withdrawal agreement is recorded or reported under sections 120A.22,  
38.22 subdivision 7, and 121A.53, subdivision 1.

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

38.27 ~~(e)~~ (f) Each school district shall develop a policy and report it to the commissioner on  
38.28 the appropriate use of peace officers and crisis teams to remove students who have an  
38.29 individualized education program from school grounds.

38.30 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

39.1 Sec. 33. Minnesota Statutes 2016, section 121A.61, subdivision 2, is amended to read:

39.2 Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds  
 39.3 for which a ~~student~~ pupil may be removed from a class in the district for a period of time  
 39.4 under the procedures specified in the policy. The policy must include a procedure for  
 39.5 notifying and meeting with a ~~student's~~ pupil's parent or guardian to discuss the problem that  
 39.6 is causing the ~~student~~ pupil to be removed from class after the ~~student~~ pupil has been removed  
 39.7 from class more than ~~ten~~ five times in one school year. The grounds in the policy must  
 39.8 include at least the following provisions as well as other grounds determined appropriate  
 39.9 by the board:

39.10 ~~(a)~~ (1) willful conduct that significantly disrupts the rights of others to an education,  
 39.11 including conduct that interferes with a teacher's ability to teach or communicate effectively  
 39.12 with ~~students~~ pupils in a class or with the ability of other ~~students~~ pupils to learn;

39.13 ~~(b)~~ (2) willful conduct that endangers surrounding persons, including school district  
 39.14 employees, the ~~student~~ pupil, or other ~~students~~ pupils, or the property of the school; and

39.15 ~~(e)~~ (3) willful violation of any rule of conduct specified in the discipline policy adopted  
 39.16 by the board.

39.17 Sec. 34. Minnesota Statutes 2016, section 121A.67, is amended by adding a subdivision  
 39.18 to read:

39.19 Subd. 3. **Parent notification.** A school administrator must make and document efforts  
 39.20 to immediately contact the parent or guardian of a pupil removed from a school building  
 39.21 or school grounds by a peace or school resource officer unless such notice is specifically  
 39.22 prohibited by law.

39.23 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

39.24 Sec. 35. Minnesota Statutes 2017 Supplement, section 122A.09, is amended by adding a  
 39.25 subdivision to read:

39.26 Subd. 4b. **Essential data.** The Professional Educator Licensing and Standards Board  
 39.27 must maintain a list of essential data elements which must be recorded and stored about  
 39.28 each licensed and nonlicensed staff member. Each school district must provide the essential  
 39.29 data to the board in the form and manner prescribed by the board.

40.1 Sec. 36. Minnesota Statutes 2016, section 123B.14, subdivision 7, is amended to read:

40.2 Subd. 7. **Clerk records.** The clerk ~~shall~~ must keep a record of all meetings of the district  
 40.3 and the board in books provided by the district for that purpose. The clerk ~~shall~~ must, within  
 40.4 three days after an election, notify all persons elected of their election. By September 15 of  
 40.5 each year the clerk ~~shall~~ must file with the board a report of the revenues, expenditures and  
 40.6 balances in each fund for the preceding fiscal year. The report together with vouchers and  
 40.7 supporting documents ~~shall~~ must subsequently be examined by a public accountant or the  
 40.8 state auditor, either of whom ~~shall~~ must be paid by the district, as provided in section  
 40.9 123B.77, subdivision 3. The board ~~shall~~ must by resolution approve the report or require a  
 40.10 further or amended report. ~~By September 15 of each year, the clerk shall make and transmit~~  
 40.11 ~~to the commissioner certified reports, showing:~~

40.12 ~~(1) the revenues and expenditures in detail, and such other financial information required~~  
 40.13 ~~by law, rule, or as may be called for by the commissioner;~~

40.14 ~~(2) the length of school term and the enrollment and attendance by grades; and~~

40.15 ~~(3) such other items of information as may be called for by the commissioner.~~

40.16 The clerk ~~shall~~ must enter in the clerk's record book copies of all reports and of the  
 40.17 teachers' term reports, as they appear in the registers, and of the proceedings of any meeting  
 40.18 as furnished by the clerk pro tem, and keep an itemized account of all the expenses of the  
 40.19 district. The clerk ~~shall~~ must furnish to the auditor of the proper county, by September 30  
 40.20 of each year, an attested copy of the clerk's record, showing the amount of proposed property  
 40.21 tax voted by the district or the board for school purposes; draw and sign all orders upon the  
 40.22 treasurer for the payment of money for bills allowed by the board for salaries of officers  
 40.23 and for teachers' wages and all claims, to be countersigned by the chair. Such orders must  
 40.24 state the consideration, payee, and the fund and the clerk shall take a receipt therefor.  
 40.25 Teachers' wages shall have preference in the order in which they become due, and no money  
 40.26 applicable for teachers' wages shall be used for any other purpose, nor shall teachers' wages  
 40.27 be paid from any fund except that raised or apportioned for that purpose.

40.28 Sec. 37. Minnesota Statutes 2016, section 124D.09, subdivision 4, is amended to read:

40.29 Subd. 4. **Alternative pupil.** (a) "Alternative pupil" means ~~an~~ a 10th, 11th, or 12th grade  
 40.30 student, subject to paragraph (b), who is not enrolled in a public school district, and includes.  
 40.31 Alternative pupil includes students attending nonpublic schools and students who are home  
 40.32 schooled. An alternative pupil is considered a pupil for purposes of this section only. An  
 40.33 alternative pupil must register with the commissioner of education before participating in



41.1 the postsecondary enrollment options program. The commissioner ~~shall~~ must prescribe the  
41.2 form and manner of the registration, in consultation with the Nonpublic Education Council  
41.3 under section 123B.445, and may request any necessary information from the alternative  
41.4 pupil.

41.5 (b) A 10th grade student qualifies as an alternative pupil if the student (1) is enrolled in  
41.6 a career or technical education course offered by an eligible institution and (2) received a  
41.7 passing score on the 8th grade Minnesota Comprehensive Assessment, or another reading  
41.8 assessment accepted by the enrolling postsecondary institution. A career or technical  
41.9 education course must meet the requirements under subdivision 5a. If an alternative pupil  
41.10 in 10th grade receives a grade of "C" or better in the career or technical education course  
41.11 taken under this subdivision, the postsecondary institution must allow the student to take  
41.12 additional postsecondary courses for credit at that institution, not to exceed the limits in  
41.13 subdivision 8.

41.14 **EFFECTIVE DATE.** This section is effective for applications submitted on or after  
41.15 July 1, 2018.

41.16 Sec. 38. Minnesota Statutes 2016, section 124D.128, subdivision 1, is amended to read:

41.17 Subdivision 1. **Program established.** A learning year program provides instruction  
41.18 throughout the year on an extended year calendar, extended school day calendar, or both.  
41.19 ~~A pupil may participate in the program and accelerate attainment of grade level requirements~~  
41.20 ~~or graduation requirements.~~ A learning year program may begin after the close of the regular  
41.21 school year in June. The program may be for students in one or more grade levels from  
41.22 kindergarten through grade 12.

41.23 Sec. 39. Minnesota Statutes 2016, section 124D.78, subdivision 2, is amended to read:

41.24 Subd. 2. **Resolution of concurrence.** Prior to March 1, the school board or American  
41.25 Indian school must submit to the department a copy of a resolution adopted by the American  
41.26 Indian education parent advisory committee. The copy must be signed by the chair of the  
41.27 committee and must state whether the committee concurs with the educational programs  
41.28 for American Indian students offered by the school board or American Indian school. If the  
41.29 committee does not concur with the educational programs, the reasons for nonconcurrence  
41.30 and recommendations ~~shall~~ must be submitted directly to the school board with the resolution.  
41.31 By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence,  
41.32 to each recommendation made by the committee and state its reasons for not implementing  
41.33 the recommendations.

42.1 Sec. 40. Minnesota Statutes 2016, section 124E.05, subdivision 4, is amended to read:

42.2 Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must  
42.3 include in its application to the commissioner at least the following:

42.4 (1) how the organization carries out its mission by chartering schools;

42.5 (2) a description of the capacity of the organization to serve as an authorizer, including  
42.6 the positions allocated to authorizing duties, the qualifications for those positions, the  
42.7 full-time equivalencies of those positions, and the financial resources available to fund the  
42.8 positions;

42.9 (3) the application and review process the authorizer uses to decide whether to grant  
42.10 charters;

42.11 (4) the type of contract it arranges with the schools it charters to meet the provisions of  
42.12 section 124E.10;

42.13 (5) the process for overseeing the school, consistent with clause (4), to ensure that the  
42.14 schools chartered comply with applicable law and rules and the contract;

42.15 (6) the criteria and process the authorizer uses to approve applications adding grades or  
42.16 sites under section 124E.06, subdivision 5; and

42.17 (7) the process for renewing or terminating the school's charter based on evidence  
42.18 showing the academic, organizational, and financial competency of the school, including  
42.19 its success in increasing student achievement and meeting the goals of the charter school  
42.20 agreement; and.

42.21 ~~(8) an assurance specifying that the organization is committed to serving as an authorizer~~  
42.22 ~~for the full five-year term.~~

42.23 (b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the  
42.24 requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict  
42.25 of interest between an authorizer and its charter schools or ongoing evaluation or continuing  
42.26 education of an administrator or other professional support staff by submitting to the  
42.27 commissioner a written promise to comply with the requirements.

42.28 Sec. 41. Minnesota Statutes 2016, section 124E.07, subdivision 2, is amended to read:

42.29 Subd. 2. **Ongoing board of directors.** The ongoing board must be elected before the  
42.30 school completes its ~~third~~ second year of operation. Board elections must be held during  
42.31 the school year but may not be conducted on days when the school is closed. The term of

43.1 office for the ongoing board members begins July 1. The term of office for board members  
43.2 thereafter is as provided in the charter school bylaws.

43.3 Sec. 42. Minnesota Statutes 2016, section 124E.07, subdivision 3, is amended to read:

43.4 Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors ~~shall~~  
43.5 must have at least five nonrelated members and include: (1) at least one licensed teacher  
43.6 who is employed ~~as a teacher at~~ by the school or provides as a teacher to provide instruction  
43.7 to students or a licensed teacher who is engaged as a teacher to provide instruction to students  
43.8 under contract between the charter school and a cooperative; (2) at least one parent or legal  
43.9 guardian of a student enrolled in the charter school who is not an employee of the charter  
43.10 school or an immediate family member of a school employee; and (3) at least one interested  
43.11 community member who resides in Minnesota, is not employed by or under contract to the  
43.12 charter school, and does not have a child enrolled in the school. The board structure may  
43.13 include a majority of teachers under this paragraph or parents or community members, or  
43.14 it may have no clear majority. The board structure shall be stated in the school corporation's  
43.15 bylaws. ~~The chief financial officer and the chief administrator may only serve as an~~ ex-officio  
43.16 nonvoting board members member. No charter school employees shall serve on the board  
43.17 other than teachers under clause (1). Contractors providing facilities, goods, or services to  
43.18 a charter school shall not serve on the board of directors of the charter school.

43.19 (b) An individual is prohibited from serving as a member of the charter school board of  
43.20 directors if: (1) the individual, an immediate family member, or the individual's partner is  
43.21 a full or part owner or principal with a for-profit or nonprofit entity or independent contractor  
43.22 with whom the charter school contracts, directly or indirectly, for professional services,  
43.23 goods, or facilities; or (2) an immediate family member is an employee of the school. An  
43.24 individual may serve as a member of the board of directors if no conflict of interest exists  
43.25 under this paragraph, consistent with this section.

43.26 (c) A violation of paragraph (b) renders a contract voidable at the option of the  
43.27 commissioner or the charter school board of directors. A member of a charter school board  
43.28 of directors who violates paragraph (b) is individually liable to the charter school for any  
43.29 damage caused by the violation.

43.30 (d) Any employee, agent, or board member of the authorizer who participates in initially  
43.31 reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school  
43.32 is ineligible to serve on the board of directors of a school chartered by that authorizer.

44.1 Sec. 43. Minnesota Statutes 2016, section 124E.07, subdivision 7, is amended to read:

44.2 Subd. 7. **Training.** (a) Every charter school board member shall, including the ex-officio  
44.3 member, must attend annual training throughout the member's term. All new board members  
44.4 shall attend initial training on the board's role and responsibilities, employment policies and  
44.5 practices, and financial management. A new board member who does not begin the required  
44.6 initial training within six months after being seated and complete that training within 12  
44.7 months after being seated is automatically ineligible to continue to serve as a board member.  
44.8 The school shall include in its annual report the training each board member attended during  
44.9 the previous year.

44.10 (b) All newly elected board members must attend training on the board's role,  
44.11 responsibilities, and procedures before being seated on the board. An individual shall not  
44.12 be seated on the board until the training required in this paragraph is completed.

44.13 (c) All newly seated board members must attend training on public school finances and  
44.14 financial management; employment law, policies, and practices; and student performance,  
44.15 achievement, and outcomes. Any member who fails to complete the training required in  
44.16 this paragraph within 12 months of being seated on the board is automatically removed  
44.17 from the board and may not be elected or appointed to the board for a period of at least 12  
44.18 months after vacating the seat.

44.19 (d) The school must include in its annual report the training each board member attended  
44.20 during the previous year.

44.21 Sec. 44. Minnesota Statutes 2016, section 124E.10, subdivision 4, is amended to read:

44.22 Subd. 4. **Causes for nonrenewal or termination of charter school contract.** (a) The  
44.23 duration of the contract with an authorizer must be for the term contained in the contract  
44.24 according to subdivision 1, paragraph (a). The authorizer may or may not renew a contract  
44.25 at the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally  
44.26 terminate a contract during the term of the contract for any ground listed in paragraph (b).  
44.27 At least 60 business days before not renewing or terminating a contract, the authorizer ~~shall~~  
44.28 must notify the board of directors of the charter school of the proposed action in writing.  
44.29 The notice ~~shall~~ must state the grounds for the proposed action in reasonable detail and  
44.30 describe the informal hearing process, consistent with this paragraph. The charter school's  
44.31 board of directors may request in writing an informal hearing before the authorizer within  
44.32 15 business days after receiving notice of nonrenewal or termination of the contract. Failure  
44.33 by the board of directors to make a written request for an informal hearing within the  
44.34 15-business-day period shall be treated as acquiescence to the proposed action. Upon

45.1 receiving a timely written request for a hearing, the authorizer ~~shall~~ must give ten business  
45.2 days' notice to the charter school's board of directors of the hearing date. The authorizer  
45.3 ~~shall~~ must conduct an informal hearing before taking final action. The hearing must be  
45.4 recorded by tape recording, video, or a court reporter at the expense of the authorizer. The  
45.5 recording must be preserved for three years and must be made available to the public. The  
45.6 authorizer ~~shall~~ must take final action to renew or not renew a contract no later than 20  
45.7 business days before the proposed date for terminating the contract or the end date of the  
45.8 contract.

45.9 (b) An authorizer may terminate or not renew a contract upon any of the following  
45.10 grounds:

45.11 (1) failure to demonstrate satisfactory academic achievement for all students, including  
45.12 the requirements for pupil performance contained in the contract;

45.13 (2) failure to meet generally accepted standards of fiscal management;

45.14 (3) violations of law; or

45.15 (4) other good cause shown.

45.16 If the authorizer terminates or does not renew a contract under this paragraph, the school  
45.17 must be dissolved according to the applicable provisions of chapter 317A.

45.18 (c) The commissioner, after providing reasonable notice to the board of directors of a  
45.19 charter school and the existing authorizer, and after providing an opportunity for a public  
45.20 hearing, may terminate the existing contract between the authorizer and the charter school  
45.21 board if the charter school has a history of:

45.22 (1) failure to meet pupil performance requirements, consistent with state law;

45.23 (2) financial mismanagement or failure to meet generally accepted standards of fiscal  
45.24 management; or

45.25 (3) repeated or major violations of the law.

45.26 Sec. 45. Minnesota Statutes 2017 Supplement, section 124E.11, is amended to read:

45.27 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

45.28 Subdivision 1. Limits on enrollment. (a) A charter school, including its preschool or  
45.29 prekindergarten program established under section 124E.06, subdivision 3, paragraph (b),  
45.30 may limit admission to:

45.31 (1) pupils within an age group or grade level;

46.1 (2) pupils who are eligible to participate in the graduation incentives program under  
46.2 section 124D.68; or

46.3 (3) residents of a specific geographic area in which the school is located when the  
46.4 majority of students served by the school are members of underserved populations.

46.5 Subd. 2. Timely application; lottery; enrollment preference. ~~(b)~~ A charter school,  
46.6 including its preschool or prekindergarten program established under section 124E.06,  
46.7 subdivision 3, paragraph (b), ~~shall~~ must enroll an eligible pupil who submits a timely  
46.8 application, unless the number of applications exceeds the capacity of a program, class,  
46.9 grade level, or building. In this case, pupils must be accepted by lot. The charter school  
46.10 must develop and publish, including on its Web site, a lottery policy and process that it must  
46.11 use when accepting pupils by lot.

46.12 Subd. 3. Lottery exceptions. ~~(e)~~ (a) A charter school ~~shall~~ must give enrollment  
46.13 preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and  
46.14 may give preference for enrolling children of the school's staff before accepting other pupils  
46.15 by lot.

46.16 (b) A charter school may give enrollment preference to children currently enrolled in  
46.17 the school's free preschool or prekindergarten program under section 124E.06, subdivision  
46.18 3, paragraph (b), who are eligible to enroll in kindergarten in the next school year.

46.19 (c) A charter school that is located in Duluth township in St. Louis County or in the city  
46.20 of Nerstrand in Rice County, and admits students in kindergarten through grade 6 must give  
46.21 enrollment preference to students residing within a five-mile radius of the school and to the  
46.22 siblings of enrolled children.

46.23 ~~A charter school may give enrollment preference to children currently enrolled in the~~  
46.24 ~~school's free preschool or prekindergarten program under section 124E.06, subdivision 3,~~  
46.25 ~~paragraph (a), who are eligible to enroll in kindergarten in the next school year.~~

46.26 (d) A charter school that is located in Castle Rock Township in Dakota County must  
46.27 give enrollment preference to students residing within a two-mile radius of the school and  
46.28 to the siblings of enrolled children.

46.29 Subd. 4. Age of enrollment. ~~(d)~~ A person ~~shall~~ must not be admitted to a charter school  
46.30 (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of  
46.31 the calendar year in which the school year for which the pupil seeks admission commences;  
46.32 or (2) as a first grade student, unless the pupil is at least six years of age on September 1 of  
46.33 the calendar year in which the school year for which the pupil seeks admission commences

47.1 or has completed kindergarten; except that a charter school may establish and publish on  
47.2 its Web site a policy for admission of selected pupils at an earlier age, consistent with the  
47.3 enrollment process in ~~paragraphs (b) and (e)~~ subdivisions 2 and 3.

47.4 Subd. 5. Admission limits not allowed. ~~(e)~~ Except as permitted in ~~paragraph (d)~~  
47.5 subdivision 4, a charter school, including its preschool or prekindergarten program established  
47.6 under section 124E.06, subdivision 3, paragraph (b), may not limit admission to pupils on  
47.7 the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and  
47.8 may not establish any criteria or requirements for admission that are inconsistent with this  
47.9 section.

47.10 Subd. 6. Enrollment incentives prohibited. ~~(f)~~ The A charter school shall or any agent  
47.11 of the school must not distribute any services ~~or~~, goods, payments, or other incentives of  
47.12 value to students, parents, or guardians as an inducement, term, or condition of enrolling a  
47.13 student in a charter school.

47.14 Subd. 7. Enrollment continues. ~~(g)~~ Once a student is enrolled in ~~the~~ a charter school,  
47.15 the student is considered enrolled in the school until the ~~student formally withdraws school~~  
47.16 receives a request for the transfer of educational records from another school, or a written  
47.17 election by the parent or guardian of the student withdrawing the student or is expelled  
47.18 under the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56.

47.19 Subd. 8. Prekindergarten pupils. ~~(h)~~ A charter school with at least 90 percent of enrolled  
47.20 students who are eligible for special education services and have a primary disability of  
47.21 deaf or hard-of-hearing may enroll prekindergarten pupils with a disability under section  
47.22 126C.05, subdivision 1, paragraph (a), and must comply with the federal Individuals with  
47.23 Disabilities Education Act under Code of Federal Regulations, title 34, section 300.324,  
47.24 subsection (2), clause (iv).

47.25 EFFECTIVE DATE. This section is effective for enrollment decisions made on or  
47.26 after July 1, 2018.

47.27 Sec. 46. Minnesota Statutes 2016, section 124E.17, subdivision 1, is amended to read:

47.28 Subdivision 1. **Charter school information.** (a) Charter schools must disseminate  
47.29 information about how to use the charter school offerings to targeted groups, among others.  
47.30 Targeted groups include low-income families and communities, students of color, and  
47.31 students who are at risk of academic failure.

47.32 (b) Authorizers and the commissioner must disseminate information to the public on  
47.33 how to form and operate a charter school. Authorizers, operators, and the commissioner

48.1 also may disseminate information to interested stakeholders about the successful best  
48.2 practices in teaching and learning demonstrated by charter schools.

48.3 (c) A charter school must document its dissemination efforts in its annual report.

48.4 Sec. 47. Minnesota Statutes 2016, section 125B.07, subdivision 6, is amended to read:

48.5 Subd. 6. **Essential data.** The department ~~shall~~ must maintain a list of essential data  
48.6 elements which must be recorded and stored about each pupil, ~~licensed and nonlicensed~~  
48.7 ~~staff member,~~ and educational program. Each school district must provide the essential data  
48.8 to the department in the form and format prescribed by the department.

48.9 Sec. 48. Minnesota Statutes 2016, section 126C.15, subdivision 5, is amended to read:

48.10 Subd. 5. **Annual expenditure report.** Each year a district that receives basic skills  
48.11 revenue must submit a report identifying the expenditures it incurred to meet the needs of  
48.12 eligible learners under subdivision 1. The report must conform to uniform financial and  
48.13 reporting standards established for this purpose. Using valid and reliable data and  
48.14 measurement criteria, ~~the a report also must determine~~ that determines whether increased  
48.15 expenditures raised student achievement levels must be reported under section 120B.11.

48.16 Sec. 49. Minnesota Statutes 2016, section 128D.06, subdivision 1, is amended to read:

48.17 Subdivision 1. **Board's annual report.** The board of education ~~shall~~ must, as soon as  
48.18 practicable after the close of each fiscal year, cause to be printed, published, and distributed  
48.19 a report of the condition of the public school program under its charge, and of all the property  
48.20 under its control, ~~with full and accurate account of all receipts and of all expenditures of~~  
48.21 ~~the school district during the preceding year including operating and maintenance expenses~~  
48.22 ~~as well as all expenses for capital outlay and building site improvement.~~

48.23 Sec. 50. Minnesota Statutes 2017 Supplement, section 609A.03, subdivision 7a, is amended  
48.24 to read:

48.25 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance  
48.26 of an expungement order related to a charge supported by probable cause, the DNA samples  
48.27 and DNA records held by the Bureau of Criminal Apprehension and collected under authority  
48.28 other than section 299C.105 shall not be sealed, returned to the subject of the record, or  
48.29 destroyed.

48.30 (b) Notwithstanding the issuance of an expungement order:



49.1 (1) except as provided in clause (2), an expunged record may be opened, used, or  
49.2 exchanged between criminal justice agencies without a court order for the purposes of  
49.3 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing  
49.4 purposes or providing probation or other correctional services;

49.5 (2) when a criminal justice agency seeks access to a record that was sealed under section  
49.6 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing  
49.7 for lack of probable cause, for purposes of a criminal investigation, prosecution, or  
49.8 sentencing, the requesting agency must obtain an ex parte court order after stating a  
49.9 good-faith basis to believe that opening the record may lead to relevant information;

49.10 (3) an expunged record of a conviction may be opened for purposes of evaluating a  
49.11 prospective employee in a criminal justice agency without a court order;

49.12 (4) an expunged record of a conviction may be opened for purposes of a background  
49.13 study under section 245C.08 unless the commissioner had been properly served with notice  
49.14 of the petition for expungement and the court order for expungement is directed specifically  
49.15 to the commissioner of human services;

49.16 (5) an expunged record of a conviction may be opened for purposes of a background  
49.17 check required under section 122A.18, subdivision 8, unless the court order for expungement  
49.18 is directed specifically to the Professional Educator Licensing and Standards Board or the  
49.19 licensing division of the Department of Education; and

49.20 (6) the court may order an expunged record opened upon request by the victim of the  
49.21 underlying offense if the court determines that the record is substantially related to a matter  
49.22 for which the victim is before the court.

49.23 (c) An agency or jurisdiction subject to an expungement order shall maintain the record  
49.24 in a manner that provides access to the record by a criminal justice agency under paragraph  
49.25 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau  
49.26 of Criminal Apprehension shall notify the commissioner of human services, and the  
49.27 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~  
49.28 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access  
49.29 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to  
49.30 the expungement order shall provide access to the record to the commissioner of human  
49.31 services, the Professional Educator Licensing and Standards Board, or the licensing division  
49.32 of the Department of Education under paragraph (b), clause (4) or (5).

49.33 (d) An expunged record that is opened or exchanged under this subdivision remains  
49.34 subject to the expungement order in the hands of the person receiving the record.

50.1 (e) A criminal justice agency that receives an expunged record under paragraph (b),  
50.2 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the  
50.3 record to the investigation, prosecution, or sentencing for which it was obtained.

50.4 (f) For purposes of this section, a "criminal justice agency" means a court or government  
50.5 agency that performs the administration of criminal justice under statutory authority.

50.6 (g) This subdivision applies to expungement orders subject to its limitations and effective  
50.7 on or after January 1, 2015.

50.8 Sec. 51. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 2, is amended  
50.9 to read:

50.10 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings  
50.11 given them unless the specific content indicates otherwise:

50.12 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence  
50.13 or event which:

50.14 (1) is not likely to occur and could not have been prevented by exercise of due care; and

50.15 (2) if occurring while a child is receiving services from a facility, happens when the  
50.16 facility and the employee or person providing services in the facility are in compliance with  
50.17 the laws and rules relevant to the occurrence or event.

50.18 (b) "Commissioner" means the commissioner of human services.

50.19 (c) "Facility" means:

50.20 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,  
50.21 residential facility, agency, hospital, sanitarium, or other facility or institution required to  
50.22 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter  
50.23 144H, 245D, or 245H;

50.24 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E;  
50.25 or

50.26 (3) a nonlicensed personal care provider organization as defined in section 256B.0625,  
50.27 subdivision 19a.

50.28 (d) "Family assessment" means a comprehensive assessment of child safety, risk of  
50.29 subsequent child maltreatment, and family strengths and needs that is applied to a child  
50.30 maltreatment report that does not allege sexual abuse or substantial child endangerment.  
50.31 Family assessment does not include a determination as to whether child maltreatment

51.1 occurred but does determine the need for services to address the safety of family members  
51.2 and the risk of subsequent maltreatment.

51.3 (e) "Investigation" means fact gathering related to the current safety of a child and the  
51.4 risk of subsequent maltreatment that determines whether child maltreatment occurred and  
51.5 whether child protective services are needed. An investigation must be used when reports  
51.6 involve sexual abuse or substantial child endangerment, and for reports of maltreatment in  
51.7 facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under  
51.8 sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05,  
51.9 subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider  
51.10 association as defined in section 256B.0625, subdivision 19a.

51.11 (f) "Mental injury" means an injury to the psychological capacity or emotional stability  
51.12 of a child as evidenced by an observable or substantial impairment in the child's ability to  
51.13 function within a normal range of performance and behavior with due regard to the child's  
51.14 culture.

51.15 (g) "Neglect" means the commission or omission of any of the acts specified under  
51.16 clauses (1) to (9), other than by accidental means:

51.17 (1) failure by a person responsible for a child's care to supply a child with necessary  
51.18 food, clothing, shelter, health, medical, or other care required for the child's physical or  
51.19 mental health when reasonably able to do so;

51.20 (2) failure to protect a child from conditions or actions that seriously endanger the child's  
51.21 physical or mental health when reasonably able to do so, including a growth delay, which  
51.22 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due  
51.23 to parental neglect;

51.24 (3) failure to provide for necessary supervision or child care arrangements appropriate  
51.25 for a child after considering factors as the child's age, mental ability, physical condition,  
51.26 length of absence, or environment, when the child is unable to care for the child's own basic  
51.27 needs or safety, or the basic needs or safety of another child in their care;

51.28 (4) failure to ensure that the child is educated as defined in sections 120A.22 and  
51.29 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's  
51.30 child with sympathomimetic medications, consistent with section 125A.091, subdivision  
51.31 5;

51.32 (5) nothing in this section shall be construed to mean that a child is neglected solely  
51.33 because the child's parent, guardian, or other person responsible for the child's care in good

52.1 faith selects and depends upon spiritual means or prayer for treatment or care of disease or  
52.2 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,  
52.3 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of  
52.4 medical care may cause serious danger to the child's health. This section does not impose  
52.5 upon persons, not otherwise legally responsible for providing a child with necessary food,  
52.6 clothing, shelter, education, or medical care, a duty to provide that care;

52.7 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision  
52.8 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in  
52.9 the child at birth, results of a toxicology test performed on the mother at delivery or the  
52.10 child at birth, medical effects or developmental delays during the child's first year of life  
52.11 that medically indicate prenatal exposure to a controlled substance, or the presence of a  
52.12 fetal alcohol spectrum disorder;

52.13 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

52.14 (8) chronic and severe use of alcohol or a controlled substance by a parent or person  
52.15 responsible for the care of the child that adversely affects the child's basic needs and safety;  
52.16 or

52.17 (9) emotional harm from a pattern of behavior which contributes to impaired emotional  
52.18 functioning of the child which may be demonstrated by a substantial and observable effect  
52.19 in the child's behavior, emotional response, or cognition that is not within the normal range  
52.20 for the child's age and stage of development, with due regard to the child's culture.

52.21 (h) "Nonmaltreatment mistake" means:

52.22 (1) at the time of the incident, the individual was performing duties identified in the  
52.23 center's child care program plan required under Minnesota Rules, part 9503.0045;

52.24 (2) the individual has not been determined responsible for a similar incident that resulted  
52.25 in a finding of maltreatment for at least seven years;

52.26 (3) the individual has not been determined to have committed a similar nonmaltreatment  
52.27 mistake under this paragraph for at least four years;

52.28 (4) any injury to a child resulting from the incident, if treated, is treated only with  
52.29 remedies that are available over the counter, whether ordered by a medical professional or  
52.30 not; and

52.31 (5) except for the period when the incident occurred, the facility and the individual  
52.32 providing services were both in compliance with all licensing requirements relevant to the  
52.33 incident.

53.1 This definition only applies to child care centers licensed under Minnesota Rules, chapter  
53.2 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated  
53.3 maltreatment by the individual, the commissioner of human services shall determine that a  
53.4 nonmaltreatment mistake was made by the individual.

53.5 (i) "Operator" means an operator or agency as defined in section 245A.02.

53.6 (j) "Person responsible for the child's care" means (1) an individual functioning within  
53.7 the family unit and having responsibilities for the care of the child such as a parent, guardian,  
53.8 or other person having similar care responsibilities, or (2) an individual functioning outside  
53.9 the family unit and having responsibilities for the care of the child such as a teacher, school  
53.10 administrator, other school employees or agents, or other lawful custodian of a child having  
53.11 either full-time or short-term care responsibilities including, but not limited to, day care,  
53.12 babysitting whether paid or unpaid, counseling, teaching, and coaching.

53.13 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,  
53.14 inflicted by a person responsible for the child's care on a child other than by accidental  
53.15 means, or any physical or mental injury that cannot reasonably be explained by the child's  
53.16 history of injuries, or any aversive or deprivation procedures, or regulated interventions,  
53.17 that have not been authorized under section 125A.0942 or 245.825.

53.18 Abuse does not include reasonable and moderate physical discipline of a child  
53.19 administered by a parent or legal guardian which does not result in an injury. Abuse does  
53.20 not include the use of reasonable force by a teacher, principal, or school employee as allowed  
53.21 by section 121A.582. Actions which are not reasonable and moderate include, but are not  
53.22 limited to, any of the following:

53.23 (1) throwing, kicking, burning, biting, or cutting a child;

53.24 (2) striking a child with a closed fist;

53.25 (3) shaking a child under age three;

53.26 (4) striking or other actions which result in any nonaccidental injury to a child under 18  
53.27 months of age;

53.28 (5) unreasonable interference with a child's breathing;

53.29 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

53.30 (7) striking a child under age one on the face or head;

53.31 (8) striking a child who is at least age one but under age four on the face or head, which  
53.32 results in an injury;

54.1 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled  
54.2 substances which were not prescribed for the child by a practitioner, in order to control or  
54.3 punish the child; or other substances that substantially affect the child's behavior, motor  
54.4 coordination, or judgment or that results in sickness or internal injury, or subjects the child  
54.5 to medical procedures that would be unnecessary if the child were not exposed to the  
54.6 substances;

54.7 (10) unreasonable physical confinement or restraint not permitted under section 609.379,  
54.8 including but not limited to tying, caging, or chaining; or

54.9 (11) in a school facility or school zone, an act by a person responsible for the child's  
54.10 care that is a violation under section 121A.58.

54.11 (l) "Practice of social services," for the purposes of subdivision 3, includes but is not  
54.12 limited to employee assistance counseling and the provision of guardian ad litem and  
54.13 parenting time expeditor services.

54.14 (m) "Report" means any communication received by the local welfare agency, police  
54.15 department, county sheriff, or agency responsible for child protection pursuant to this section  
54.16 that describes neglect or physical or sexual abuse of a child and contains sufficient content  
54.17 to identify the child and any person believed to be responsible for the neglect or abuse, if  
54.18 known.

54.19 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's  
54.20 care, by a person who has a significant relationship to the child, as defined in section 609.341,  
54.21 or by a person in a position of authority, as defined in section 609.341, subdivision 10, to  
54.22 any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first  
54.23 degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual  
54.24 conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), ~~or~~  
54.25 609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children  
54.26 to engage in sexual conduct; communication of sexually explicit materials to children).

54.27 Sexual abuse also includes any act which involves a minor which constitutes a violation of  
54.28 prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017,  
54.29 sexual abuse includes all reports of known or suspected child sex trafficking involving a  
54.30 child who is identified as a victim of sex trafficking. Sexual abuse includes child sex  
54.31 trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes  
54.32 threatened sexual abuse which includes the status of a parent or household member who  
54.33 has committed a violation which requires registration as an offender under section 243.166,

55.1 subdivision 1b, paragraph (a) or (b), or required registration under section 243.166,  
55.2 subdivision 1b, paragraph (a) or (b).

55.3 (o) "Substantial child endangerment" means a person responsible for a child's care, by  
55.4 act or omission, commits or attempts to commit an act against a child under their care that  
55.5 constitutes any of the following:

55.6 (1) egregious harm as defined in section 260C.007, subdivision 14;

55.7 (2) abandonment under section 260C.301, subdivision 2;

55.8 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's  
55.9 physical or mental health, including a growth delay, which may be referred to as failure to  
55.10 thrive, that has been diagnosed by a physician and is due to parental neglect;

55.11 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

55.12 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

55.13 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

55.14 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

55.15 (8) criminal sexual conduct under sections 609.342 to 609.3451;

55.16 (9) solicitation of children to engage in sexual conduct under section 609.352;

55.17 (10) malicious punishment or neglect or endangerment of a child under section 609.377  
55.18 or 609.378;

55.19 (11) use of a minor in sexual performance under section 617.246; or

55.20 (12) parental behavior, status, or condition which mandates that the county attorney file  
55.21 a termination of parental rights petition under section 260C.503, subdivision 2.

55.22 (p) "Threatened injury" means a statement, overt act, condition, or status that represents  
55.23 a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes,  
55.24 but is not limited to, exposing a child to a person responsible for the child's care, as defined  
55.25 in paragraph (j), clause (1), who has:

55.26 (1) subjected a child to, or failed to protect a child from, an overt act or condition that  
55.27 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law  
55.28 of another jurisdiction;

55.29 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph  
55.30 (b), clause (4), or a similar law of another jurisdiction;

56.1 (3) committed an act that has resulted in an involuntary termination of parental rights  
 56.2 under section 260C.301, or a similar law of another jurisdiction; or

56.3 (4) committed an act that has resulted in the involuntary transfer of permanent legal and  
 56.4 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,  
 56.5 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law  
 56.6 of another jurisdiction.

56.7 A child is the subject of a report of threatened injury when the responsible social services  
 56.8 agency receives birth match data under paragraph (q) from the Department of Human  
 56.9 Services.

56.10 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth  
 56.11 record or recognition of parentage identifying a child who is subject to threatened injury  
 56.12 under paragraph (p), the Department of Human Services shall send the data to the responsible  
 56.13 social services agency. The data is known as "birth match" data. Unless the responsible  
 56.14 social services agency has already begun an investigation or assessment of the report due  
 56.15 to the birth of the child or execution of the recognition of parentage and the parent's previous  
 56.16 history with child protection, the agency shall accept the birth match data as a report under  
 56.17 this section. The agency may use either a family assessment or investigation to determine  
 56.18 whether the child is safe. All of the provisions of this section apply. If the child is determined  
 56.19 to be safe, the agency shall consult with the county attorney to determine the appropriateness  
 56.20 of filing a petition alleging the child is in need of protection or services under section  
 56.21 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is  
 56.22 determined not to be safe, the agency and the county attorney shall take appropriate action  
 56.23 as required under section 260C.503, subdivision 2.

56.24 (r) Persons who conduct assessments or investigations under this section shall take into  
 56.25 account accepted child-rearing practices of the culture in which a child participates and  
 56.26 accepted teacher discipline practices, which are not injurious to the child's health, welfare,  
 56.27 and safety.

56.28 Sec. 52. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23,  
 56.29 is amended to read:

56.30 Subd. 23. **Paraprofessional pathway to teacher licensure.** (a) For grants to school  
 56.31 districts for Grow Your Own new teacher programs:

56.32	\$	1,500,000	.....	2018
56.33	\$	1,500,000	.....	2019



57.1 (b) The grants are for school districts and charter schools with more than 30 percent  
 57.2 minority students for a ~~Board of Teaching-approved~~ Professional Educator Licensing and  
 57.3 Standards Board-approved nonconventional teacher residency pilot program. The program  
 57.4 must provide tuition scholarships or stipends to enable school district and charter school  
 57.5 employees or community members affiliated with a school district or charter school who  
 57.6 seek an education license to participate in a nonconventional teacher preparation program.  
 57.7 School districts and charter schools that receive funds under this subdivision are strongly  
 57.8 encouraged to recruit candidates of color and American Indian candidates to participate in  
 57.9 the Grow Your Own new teacher programs. Districts or schools providing financial support  
 57.10 may require a commitment as determined by the district to teach in the district or school  
 57.11 for a reasonable amount of time that does not exceed five years.

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

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

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

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

57.26 Sec. 53. **REVISOR'S INSTRUCTION.**

57.27 (a) The revisor of statutes shall renumber the provisions of Minnesota Statutes listed in  
 57.28 column A to the references listed in column B.

<u>Column A</u>	<u>Column B</u>
57.30 <u>136D.01</u>	<u>123C.01</u>
57.31 <u>136D.21</u>	<u>123C.21</u>
57.32 <u>136D.22</u>	<u>123C.22</u>
57.33 <u>136D.23</u>	<u>123C.23</u>
57.34 <u>136D.24</u>	<u>123C.24</u>

58.1	<u>136D.25</u>	<u>123C.25</u>
58.2	<u>136D.26</u>	<u>123C.26</u>
58.3	<u>136D.281</u>	<u>123C.27</u>
58.4	<u>136D.29</u>	<u>123C.28</u>
58.5	<u>136D.31</u>	<u>123C.29</u>
58.6	<u>136D.41</u>	<u>123C.41</u>
58.7	<u>136D.42</u>	<u>123C.42</u>
58.8	<u>136D.43</u>	<u>123C.43</u>
58.9	<u>136D.44</u>	<u>123C.44</u>
58.10	<u>136D.45</u>	<u>123C.45</u>
58.11	<u>136D.46</u>	<u>123C.46</u>
58.12	<u>136D.47</u>	<u>123C.47</u>
58.13	<u>136D.48</u>	<u>123C.48</u>
58.14	<u>136D.49</u>	<u>123C.49</u>
58.15	<u>136D.71</u>	<u>123C.71</u>
58.16	<u>136D.72</u>	<u>123C.72</u>
58.17	<u>136D.73</u>	<u>123C.73</u>
58.18	<u>136D.74</u>	<u>123C.74</u>
58.19	<u>136D.741</u>	<u>123C.75</u>
58.20	<u>136D.76</u>	<u>123C.76</u>
58.21	<u>136D.81</u>	<u>123C.81</u>
58.22	<u>136D.82</u>	<u>123C.82</u>
58.23	<u>136D.83</u>	<u>123C.83</u>
58.24	<u>136D.84</u>	<u>123C.84</u>
58.25	<u>136D.85</u>	<u>123C.85</u>
58.26	<u>136D.86</u>	<u>123C.86</u>
58.27	<u>136D.88</u>	<u>123C.87</u>
58.28	<u>136D.90</u>	<u>123C.88</u>
58.29	<u>136D.92</u>	<u>123C.89</u>
58.30	<u>136D.93</u>	<u>123C.90</u>
58.31	<u>136D.94</u>	<u>123C.91</u>

58.32        (b) The revisor of statutes shall make necessary cross-reference changes in Minnesota  
 58.33 Statutes and Minnesota Rules consistent with renumbering of Minnesota Statutes, chapter  
 58.34 136D in this act, and if Minnesota Statutes, chapter 136D, is further amended in the 2018  
 58.35 legislative session, shall codify the amendments in a manner consistent with this act. The  
 58.36 revisor may make necessary changes to sentence structure to preserve the meaning of the  
 58.37 text.

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

59.2 Sec. 54. **REPEALER.**

59.3 Minnesota Statutes 2016, sections 120B.35, subdivisions 4 and 5; 123A.26, subdivision  
59.4 3; 125A.75, subdivision 9; and 128D.06, subdivision 3, are repealed.

59.5 **ARTICLE 3**

59.6 **TEACHERS**

59.7 Section 1. Minnesota Statutes 2016, section 121A.39, is amended to read:

59.8 **121A.39 SCHOOL COUNSELORS.**

59.9 (a) A school district is strongly encouraged to have an adequate student-to-counselor  
59.10 ratio for its students beginning in the 2015-2016 school year and later.

59.11 (b) A school counselor ~~shall~~ must assist a student in meeting the requirements for high  
59.12 school graduation, college and career exploration, and selection, college affordability  
59.13 planning, and successful transitions into postsecondary education or training. As part of  
59.14 college and career exploration, a counselor is encouraged to present and explain the career  
59.15 opportunities and benefits offered by the United States armed forces and share information  
59.16 provided to the counselor by armed forces recruiters. In discussing military service with a  
59.17 student or a student's parent or guardian, a school counselor is encouraged to provide the  
59.18 student, parent, or guardian information concerning the military enlistment test. A counselor  
59.19 may consult with the Department of Labor and Industry to identify resources for students  
59.20 interested in exploring career opportunities in high-wage, high-demand occupations in the  
59.21 skilled trades and manufacturing.

59.22 (c) A school counselor must not discourage or otherwise interfere with a student's  
59.23 enlistment, or intention to enlist, in the armed forces.

59.24 Sec. 2. Minnesota Statutes 2017 Supplement, section 122A.187, subdivision 3, is amended  
59.25 to read:

59.26 Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4  
59.27 license under sections 122A.183 and 122A.184, respectively, who have been employed as  
59.28 a teacher during the renewal period of the expiring license, as a condition of license renewal,  
59.29 must present to their local continuing education and relicensure committee or other local  
59.30 relicensure committee evidence of work that demonstrates professional reflection and growth  
59.31 in best teaching practices, including among other things, cultural competence in accordance

60.1 with section 120B.30, subdivision 1, paragraph (q), and practices in meeting the varied  
 60.2 needs of English learners, from young children to adults under section 124D.59, subdivisions  
 60.3 2 and 2a. A teacher may satisfy the requirements of this paragraph by submitting the teacher's  
 60.4 most recent summative evaluation or improvement plan under section 122A.40, subdivision  
 60.5 8, or 122A.41, subdivision 5. Counselors, school social workers, and teachers who do not  
 60.6 provide direct instruction but who provide academic, college, and career planning and  
 60.7 support to students may submit proof of training on armed forces career options or careers  
 60.8 in the skilled trades and manufacturing as evidence of professional growth.

60.9 (b) The Professional Educator Licensing and Standards Board must ensure that its teacher  
 60.10 relicensing requirements include paragraph (a).

60.11 Sec. 3. Minnesota Statutes 2016, section 122A.71, subdivision 2, is amended to read:

60.12 Subd. 2. **Responsibility.** ~~By July 1, 1989, The Board of Teaching~~ Professional Educator  
 60.13 Licensing and Standards Board must ~~begin to~~ evaluate the effectiveness of prebaccalaureate,  
 60.14 postbaccalaureate, and other alternative program structures for preparing candidates for  
 60.15 entrance into the teaching profession. The evaluation ~~shall~~ must be conducted by independent  
 60.16 research centers or evaluators who are not associated with a Minnesota teacher education  
 60.17 institution and ~~shall~~ must be longitudinal in nature.

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

60.19 Sec. 4. **SURVEY OF TEACHER PREPARATION PROGRAMS.**

60.20 The Professional Educator Licensing and Standards Board must survey board-approved  
 60.21 teacher preparation programs for teachers of elementary education, early childhood education,  
 60.22 special education, and reading intervention to determine the extent of dyslexia instruction  
 60.23 offered by the programs. The board may consult with the dyslexia specialist at the Department  
 60.24 of Education when developing the survey and reviewing the teacher preparation program  
 60.25 responses. The board must report its findings to the chairs and ranking minority members  
 60.26 of the committees of the legislature having jurisdiction over kindergarten through grade 12  
 60.27 education policy and finance by January 2, 2019. The report must include information on  
 60.28 teacher preparation program instruction on screening for characteristics of dyslexia,  
 60.29 evidence-based instructional strategies for students showing characteristics of dyslexia, and  
 60.30 best practices for assisting students showing characteristics of dyslexia and their families.  
 60.31 The report must be submitted in accordance with Minnesota Statutes, section 3.195.

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

61.1

**ARTICLE 4**

61.2

**SPECIAL EDUCATION**

61.3

Section 1. **SPECIAL EDUCATION WORKING GROUP.**

61.4

61.5 Subdivision 1. Duties. (a) A working group on special education is created to review  
61.6 special education delivery and costs in Minnesota and submit a written report to the  
61.7 legislature recommending changes to reduce costs, if warranted. The report must:

61.7

61.8 (1) review how school districts, charter schools, intermediate school districts, special  
61.9 education cooperatives, education districts, and service cooperatives deliver special education  
61.10 services, and the costs and benefits associated with each model;

61.10

61.11 (2) compare relevant state and federal special education laws and regulations by reviewing  
61.12 the 2013 evaluation report by the Office of the Legislative Auditor on special education  
61.13 and other publicly available reports;

61.13

61.14 (3) analyze trends in special education enrollment and the reasons for the increased  
61.15 proportion of Minnesota students receiving special education, including identifying disparities  
61.16 in student identification;

61.16

61.17 (4) identify strategies or programs that would be effective in reducing the need for special  
61.18 education services or could provide less-intensive special education services, when  
61.19 appropriate;

61.19

61.20 (5) analyze funding for children receiving special education services in a nonresident  
61.21 district or charter school in accordance with Minnesota Statutes, sections 124E.21, 125A.11,  
61.22 and 127A.47;

61.22

61.23 (6) analyze the effect of the 2013 statutory changes to the state special education funding  
61.24 formula, including interactions and conformity with federal funding formulas;

61.24

61.25 (7) describe how school districts and charter schools use section 504 plans, including  
61.26 criteria used to determine when a section 504 plan is appropriate and the prevalence of  
61.27 section 504 plans in school districts and charter schools; and

61.27

61.28 (8) review the 2013 evaluation report by the Office of the Legislative Auditor on special  
61.29 education and whether any recommendations have been enacted or implemented.

61.29

61.30 (b) In making its recommendations, the special education working group must develop  
61.31 a ten-year strategic plan informed by the findings in paragraph (a) to help reduce the costs  
61.32 contributing to the special education cross-subsidy and overall special education funding.

62.1 Subd. 2. **Members.** (a) By June 1, 2018, the executive director of the following  
62.2 organizations may appoint one representative of that organization to serve as a member of  
62.3 the working group:

- 62.4 (1) the National Alliance on Mental Illness Minnesota;  
62.5 (2) the Parent Advocacy Coalition for Educational Rights;  
62.6 (3) the Minnesota School Boards Association;  
62.7 (4) the Minnesota Administrators for Special Education;  
62.8 (5) the Minnesota Association of Charter Schools;  
62.9 (6) Education Minnesota;  
62.10 (7) the Minnesota Rural Education Association;  
62.11 (8) the Association of Metropolitan School Districts;  
62.12 (9) The Arc Minnesota;  
62.13 (10) the Autism Society of Minnesota;  
62.14 (11) the Minnesota Disability Law Center;  
62.15 (12) the Minnesota Alliance with Youth;  
62.16 (13) the Minnesota Education Equity Partnership;  
62.17 (14) Service Employees International Union Local 284;  
62.18 (15) the Minnesota Association of School Administrators;  
62.19 (16) the Minnesota Association of School Business Officials;  
62.20 (17) the Minnesota Association of Alternative Programs;  
62.21 (18) Schools for Equity in Education;  
62.22 (19) Decoding Dyslexia Minnesota; and  
62.23 (20) the Minnesota Elementary School Principals' Association.

62.24 (b) The commissioner of education must solicit applications for membership in the  
62.25 working group, and based on the applications received, designate by June 25, 2018, the  
62.26 following individuals to serve as members of the working group:

- 62.27 (1) a representative from an intermediate school district;

63.1 (2) a representative from a special education cooperative, education district, or service  
 63.2 cooperative;

63.3 (3) a representative from the Governor's Council on Developmental Disabilities;

63.4 (4) a representative from the Commission of Deaf, DeafBlind and Hard of Hearing  
 63.5 Minnesotans;

63.6 (5) a representative from a school district in a city of the first class;

63.7 (6) two students receiving special education services and a parent of a student receiving  
 63.8 special education services; and

63.9 (7) one representative of a nonprofit organization specializing in early childhood  
 63.10 education issues.

63.11 Subd. 3. **Meetings.** The commissioner of education, or the commissioner's designee,  
 63.12 must convene the first meeting of the working group no later than July 15, 2018. The working  
 63.13 group must select a chair or cochairs from among its members at the first meeting. The  
 63.14 working group must meet periodically. Meetings of the working group must be open to the  
 63.15 public.

63.16 Subd. 4. **Compensation.** Working group members are not eligible to receive expenses  
 63.17 or per diem payments for serving on the working group.

63.18 Subd. 5. **Administrative support.** The commissioner of education must provide technical  
 63.19 and administrative assistance to the working group upon request.

63.20 Subd. 6. **Report.** (a) By January 15, 2019, the working group must submit a report  
 63.21 providing its findings and recommendations to the chairs and ranking minority members  
 63.22 of the legislative committees with jurisdiction over kindergarten through grade 12 education.

63.23 (b) The legislature convening in January 2019 is encouraged to convene a legislative  
 63.24 study group to review the recommendations and ten-year strategic plan to develop its own  
 63.25 recommendations for legislative changes, as necessary.

63.26 Subd. 7. **Expiration.** The working group expires on January 16, 2019, unless extended  
 63.27 by law.

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

## 63.29 **ARTICLE 5**

### 63.30 **FACILITIES AND TECHNOLOGY**

63.31 Section 1. Minnesota Statutes 2016, section 124E.03, subdivision 5, is amended to read:

64.1 Subd. 5. **Records and data requirements.** (a) A charter school must comply with  
64.2 chapter 13 governing government data; and sections 121A.75 governing access to juvenile  
64.3 justice records, and 260B.171, subdivisions 3 and 5, governing juvenile justice records.

64.4 (b) A charter school must comply with section 120A.22, subdivision 7, governing the  
64.5 transfer of students' educational records and sections 138.163 and 138.17 governing the  
64.6 management of local records.

64.7 (c) A charter school must comply with sections 125B.27 to 125B.29, governing  
64.8 technology providers, school-issued devices, and educational data. A technology provider  
64.9 contracting with a charter school must comply with sections 125B.27 to 125B.29.

64.10 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

64.11 Sec. 2. **[125B.27] TECHNOLOGY PROVIDER REQUIREMENTS.**

64.12 Subdivision 1. Technology provider definition. (a) "Technology provider" means a  
64.13 person who:

64.14 (1) contracts with a school district, as part of a one-to-one program or otherwise, to  
64.15 provide technological devices for student use or to provide access to a software or online  
64.16 application; and

64.17 (2) creates, receives, or maintains educational data pursuant or incidental to a contract  
64.18 with a school district.

64.19 (b) A technology provider does not include a nonprofit organization that has the primary  
64.20 purpose of expanding student access to postsecondary education and that obtains a student's  
64.21 consent to utilize a student's educational data for that purpose.

64.22 Subd. 2. Educational data. (a) A technology provider is subject to the provisions of  
64.23 section 13.05, subdivision 11. An assignee or delegate that creates, receives, or maintains  
64.24 educational data is subject to the same restrictions and obligations under this section as the  
64.25 technology provider.

64.26 (b) Educational data created, received, or maintained by a technology provider pursuant  
64.27 or incidental to a contract with a school district are not the technology provider's property.

64.28 (c) If educational data maintained by the technology provider are subject to a breach of  
64.29 the security of the data, as defined in section 13.055, the technology provider must, following  
64.30 discovery of the breach, disclose to the school district all information necessary to fulfill  
64.31 the requirements of section 13.055.



65.1 (d) Unless renewal of the contract is reasonably anticipated, within 30 days of the  
65.2 expiration of the contract, a technology provider must destroy or return to the appropriate  
65.3 school district all educational data created, received, or maintained pursuant or incidental  
65.4 to the contract.

65.5 (e) A technology provider must not:

65.6 (1) sell, share, or disseminate educational data, except as provided by this section or as  
65.7 part of a valid delegation or assignment of its contract with a school district; or

65.8 (2) use educational data for any commercial purpose, including but not limited to  
65.9 marketing or advertising to a student or parent.

65.10 Subd. 3. **Procedures.** (a) A technology provider must establish written procedures to  
65.11 ensure appropriate security safeguards are in place for educational data. A technology  
65.12 provider's written procedures must require that:

65.13 (1) only authorized employees or contractors can access the educational data;

65.14 (2) a person is authorized to access educational data only if access is necessary to fulfill  
65.15 official duties; and

65.16 (3) all actions in which educational data are entered, updated, accessed, shared, or  
65.17 disseminated are recorded in a log-of-use that includes the identity of the person interacting  
65.18 with the data and what action was performed. Information recorded in the log-of-use must  
65.19 be retained for at least one year.

65.20 (b) A technology provider's written procedures establishing security safeguards for  
65.21 educational data are public data, unless classified as not public under any other applicable  
65.22 law.

65.23 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

65.24 Sec. 3. **[125B.28] SCHOOL DISTRICT REQUIREMENTS.**

65.25 Subdivision 1. **Notice.** (a) Within 30 days of the start of each school year, a school  
65.26 district must give parents and students notice by United States mail, e-mail, or other direct  
65.27 form of communication, of any technology provider contract affecting a student's educational  
65.28 data. The notice must:

65.29 (1) identify each technology provider with access to educational data;

65.30 (2) identify the educational data affected by the technology provider contract; and

66.1 (3) include information about the opt-out rights provided in subdivision 2 and how to  
66.2 access a copy of the contract in accordance with paragraph (b).

66.3 (b) A school district must publish a complete copy of any contract with a technology  
66.4 provider on the district Web site for the duration of the contract.

66.5 Subd. 2. **Audit trail.** (a) A school district must establish written procedures to ensure  
66.6 appropriate security safeguards are in place for educational data stored on a school district's  
66.7 electronic database, software application, or cloud-based service. These procedures must  
66.8 require that:

66.9 (1) only authorized persons can access the educational data;

66.10 (2) a person is authorized to access educational data only if access is necessary to fulfill  
66.11 official duties; and

66.12 (3) all actions in which educational data are entered, updated, accessed, shared, or  
66.13 disseminated are recorded in a log-of-use that includes the identity of the person interacting  
66.14 with the data and what action was performed. Information recorded in the log-of-use must  
66.15 be retained for at least one year.

66.16 (b) The written procedures required by paragraph (a) are public data unless classified  
66.17 as not public under any other applicable law.

66.18 (c) Paragraph (a), clause (3), does not apply to technology systems that were in use prior  
66.19 to January 1, 2019, and that lack the capacity to automatically record actions in a log-of-use.

66.20 Subd. 3. **Training.** To ensure understanding of and compliance with applicable provisions  
66.21 of sections 121A.065, 125B.27 to 125B.29, and the Family Educational Rights and Privacy  
66.22 Act, United States Code, title 20, section 1232g, and its regulations as provided by Code  
66.23 of Federal Regulations, title 34, part 99, a school district must:

66.24 (1) to the extent practicable provide training for all administrative staff, information  
66.25 technology directors, teachers, and any other employee with access to educational data  
66.26 within 90 days of the beginning of the school year on compliance with applicable provisions  
66.27 of law under this subdivision, and related district procedures; and

66.28 (2) provide all employees and independent contractors with access to educational data  
66.29 written materials on compliance with applicable provisions of law under this subdivision.

66.30 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

67.1 Sec. 4. [125B.29] SCHOOL-ISSUED DEVICES.

67.2 Subdivision 1. Definition; school-issued device. "School-issued device" means a  
67.3 technological device that a school district, acting independently or with a technology provider,  
67.4 provides to an individual student for that student's dedicated personal use. A school-issued  
67.5 device includes a device issued through a one-to-one program.

67.6 Subd. 2. Prohibition on access. Except as provided in subdivision 3, a government  
67.7 entity or technology provider, as defined in section 125B.27, must not access or monitor:

67.8 (1) any location-tracking feature of a school-issued device;

67.9 (2) any audio or visual receiving, transmitting, or recording features of a school-issued  
67.10 device; or

67.11 (3) student interactions with a school-issued device, including but not limited to  
67.12 keystrokes and Web browsing activity.

67.13 Subd. 3. Exceptions. A government entity or technology provider, as defined in section  
67.14 125B.27, may engage in activities prohibited under subdivision 2 only if:

67.15 (1) the student to whom the school-issued device was issued initiates and agrees to the  
67.16 activity and the activity is limited to a noncommercial educational purpose;

67.17 (2) the activity is permitted under a judicial warrant;

67.18 (3) the student to whom the school-issued device was issued or that student's parent  
67.19 notifies the school district or a law enforcement agency that the device is missing or stolen;

67.20 (4) the activity is necessary to protect the health and safety of the student; or

67.21 (5) the activity is limited to that which is prohibited by subdivision 2, clause (3), and is  
67.22 necessary to investigate compliance with a school district's acceptable use policy.

67.23 Subd. 4. Notice. If a government entity or technology provider interacts with a  
67.24 school-issued device as provided in subdivision 3, clause (4), it must, within 72 hours of  
67.25 the access, notify the student to whom the device was issued or that student's parent and  
67.26 provide a written description of the interaction, including which features of the device were  
67.27 accessed and a description of the threat. This notice is not required if the notice itself would  
67.28 endanger the health or safety of a student.

67.29 EFFECTIVE DATE. This section is effective for the 2019-2020 school year and later.

68.1 Sec. 5. [125B.30] NONPUBLIC SCHOOLS.

68.2 (a) Notwithstanding any law to the contrary, a nonpublic school, excluding a home  
68.3 school, must comply with sections 125B.27 to 125B.29 as if it were a school district.

68.4 (b) A technology provider contracting with a nonpublic school, excluding a home school,  
68.5 must comply with sections 125B.27 to 125B.29 as if that school were a school district.

68.6 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

68.7 **ARTICLE 6**

68.8 **NUTRITION**

68.9 Section 1. Minnesota Statutes 2017 Supplement, section 123B.52, subdivision 7, is amended  
68.10 to read:

68.11 Subd. 7. **Food service contracts.** A contract between a school board and a food service  
68.12 management company that complies with Code of Federal Regulations, title 7, section  
68.13 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for  
68.14 not more than four additional years.

68.15 Sec. 2. Minnesota Statutes 2016, section 124D.111, is amended to read:

68.16 **124D.111 RESPECTFUL SCHOOL MEALS POLICY; LUNCH AID; FOOD**  
68.17 **SERVICE ACCOUNTING.**

68.18 Subdivision 1. **School lunch aid computation.** Each school year, the state must pay  
68.19 participants in the national school lunch program the amount of 12.5 cents for each full paid  
68.20 and free student lunch and 52.5 cents for each reduced-price lunch served to students.

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

68.24 Subd. 2a. **Federal child and adult care food program; criteria and notice.** The  
68.25 commissioner must post on the department's Web site eligibility criteria and application  
68.26 information for nonprofit organizations interested in applying to the commissioner for  
68.27 approval as a multisite sponsoring organization under the federal child and adult care food  
68.28 program. The posted criteria and information must inform interested nonprofit organizations  
68.29 about:

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

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

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

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

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

69.14 (c) Revenues and expenditures for food service activities must be recorded in the food  
69.15 service fund. The costs of processing applications, accounting for meals, preparing and  
69.16 serving food, providing kitchen custodial services, and other expenses involving the preparing  
69.17 of meals or the kitchen section of the lunchroom may be charged to the food service fund  
69.18 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial  
69.19 services, lunchroom utilities, and other administrative costs of the food service program  
69.20 must be charged to the general fund.

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

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

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

70.1 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit  
70.2 is not eliminated by revenues from food service operations in the next fiscal year, then the  
70.3 deficit must be eliminated by a permanent fund transfer from the general fund at the end of  
70.4 that second fiscal year. However, if a district contracts with a food service management  
70.5 company during the period in which the deficit has accrued, the deficit must be eliminated  
70.6 by a payment from the food service management company. A district's meal charge policy  
70.7 may allow a district to collect unpaid meal debt that contributes to a food service fund  
70.8 deficit. Such collection efforts must be consistent with subdivisions 4 and 5.

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

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

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

70.24 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to  
70.25 participating students in a respectful manner and ensure that any reminders for payment of  
70.26 outstanding student meal balances do not demean or stigmatize any child participating in  
70.27 the school lunch program and conform to the participant's school meals policy.

70.28 (b) Once a participant has placed a meal on a tray or otherwise served the meal to a  
70.29 student, the meal must not be subsequently withdrawn from the student by the cashier or  
70.30 other school official whether or not the student has an outstanding meals balance.

70.31 (c) Notwithstanding section 123B.38, the participant must not limit a student's  
70.32 participation in any school activities, graduation ceremonies, field trips, athletics, activity  
70.33 clubs, or other extracurricular activities or access to materials, technology, or other items

71.1 provided to other students. The participant must not impose any other restriction prohibited  
 71.2 under section 123B.37 due to unpaid student meal balances or any other unpaid fee.

71.3 (d) The participant must not discipline a student due to an unpaid student meal balance.

71.4 **EFFECTIVE DATE.** This section is effective July 1, 2018.

71.5 **ARTICLE 7**

71.6 **EARLY CHILDHOOD AND FAMILY SUPPORT**

71.7 Section 1. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 2, is  
 71.8 amended to read:

71.9 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,  
 71.10 parents or guardians must meet the following eligibility requirements:

71.11 (1) have an eligible child; and

71.12 (2) have income equal to or less than 185 percent of federal poverty level income in the  
 71.13 current calendar year, or be able to document their child's current participation in the free  
 71.14 and reduced-price lunch program or Child and Adult Care Food Program, National School  
 71.15 Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution  
 71.16 Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections  
 71.17 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act  
 71.18 of 2007; Minnesota family investment program under chapter 256J; child care assistance  
 71.19 programs under chapter 119B; the supplemental nutrition assistance program; or placement  
 71.20 in foster care under section 260C.212. Parents or guardians are not required to provide  
 71.21 income verification under this clause if the child is an eligible child under paragraph (b),  
 71.22 clause (4) or (5).

71.23 (b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

71.24 (1) at least three but not yet five years of age on September 1 of the current school year;

71.25 (2) a sibling from birth to age five of a child who has been awarded a scholarship under  
 71.26 this section provided the sibling attends the same program as long as funds are available;

71.27 (3) the child of a parent under age 21 who is pursuing a high school degree or a course  
 71.28 of study for a high school equivalency test; ~~or~~

71.29 ~~(4) homeless, in foster care, or in need of child protective services.~~

71.30 (4) designated as a child in need of protection or services as defined under section  
 71.31 260C.007; or

72.1 (5) designated as homeless under the federal McKinney-Vento Homeless Assistance  
72.2 Act, United States Code, title 42, section 11434a.

72.3 (c) A child who has received a scholarship under this section must continue to receive  
72.4 a scholarship each year until that child is eligible for kindergarten under section 120A.20  
72.5 and as long as funds are available.

72.6 (d) Early learning scholarships may not be counted as earned income for the purposes  
72.7 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota  
72.8 family investment program under chapter 256J, child care assistance programs under chapter  
72.9 119B, or Head Start under the federal Improving Head Start for School Readiness Act of  
72.10 2007.

72.11 (e) A child from an adjoining state whose family resides at a Minnesota address as  
72.12 assigned by the United States Postal Service, who has received developmental screening  
72.13 under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district,  
72.14 and whose family meets the criteria of paragraph (a) is eligible for an early learning  
72.15 scholarship under this section.

72.16 Sec. 2. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 3, is amended  
72.17 to read:

72.18 Subd. 3. **Administration.** (a) The commissioner shall establish application timelines  
72.19 and determine the schedule for awarding scholarships that meets operational needs of eligible  
72.20 families and programs. The commissioner must give highest priority to applications from  
72.21 children who:

72.22 (1) have a parent under age 21 who is pursuing a high school diploma or a course of  
72.23 study for a high school equivalency test;

72.24 (2) are in foster care or otherwise in need of protection or services; or

72.25 (3) have experienced homelessness in the last 24 months, as defined under the federal  
72.26 McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a.

72.27 The commissioner may prioritize applications on additional factors including family  
72.28 income, geographic location, and whether the child's family is on a waiting list for a publicly  
72.29 funded program providing early education or child care services.

72.30 (b) The commissioner shall establish a target for the average scholarship amount per  
72.31 child based on the results of the rate survey conducted under section 119B.02.



73.1 (c) A four-star rated program that has children eligible for a scholarship enrolled in or  
73.2 on a waiting list for a program beginning in July, August, or September may notify the  
73.3 commissioner, in the form and manner prescribed by the commissioner, each year of the  
73.4 program's desire to enhance program services or to serve more children than current funding  
73.5 provides. The commissioner may designate a predetermined number of scholarship slots  
73.6 for that program and notify the program of that number. For fiscal year 2018 and later, the  
73.7 statewide amount of funding directly designated by the commissioner must not exceed the  
73.8 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district  
73.9 or Head Start program qualifying under this paragraph may use its established registration  
73.10 process to enroll scholarship recipients and may verify a scholarship recipient's family  
73.11 income in the same manner as for other program participants.

73.12 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has not  
73.13 been accepted and subsequently enrolled in a rated program within ten months of the  
73.14 awarding of the scholarship, the scholarship cancels and the recipient must reapply in order  
73.15 to be eligible for another scholarship. A child may not be awarded more than one scholarship  
73.16 in a 12-month period.

73.17 (e) A child over the age of three who receives a scholarship ~~who~~ and has not completed  
73.18 development screening under sections 121A.16 to 121A.19 must complete that screening  
73.19 within 90 days of first attending an eligible program. A child who receives a scholarship  
73.20 before the age of three must complete the developmental screening no later than 90 days  
73.21 after the child's third birthday.

73.22 (f) For fiscal year 2017 and later, a school district or Head Start program enrolling  
73.23 scholarship recipients under paragraph (c) may apply to the commissioner, in the form and  
73.24 manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of  
73.25 the application, the commissioner must pay each program directly for each approved  
73.26 scholarship recipient enrolled under paragraph (c) according to the metered payment system  
73.27 or another schedule established by the commissioner.

73.28 Sec. 3. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 4, is amended  
73.29 to read:

73.30 Subd. 4. **Early childhood program eligibility.** (a) In order to be eligible to accept an  
73.31 early learning scholarship, a program must:

73.32 (1) participate in the quality rating and improvement system under section 124D.142;  
73.33 and

74.1 (2) beginning July 1, 2020, have a three- or four-star rating in the quality rating and  
74.2 improvement system.

74.3 (b) Any program accepting scholarships must use the revenue to supplement and not  
74.4 supplant federal funding.

74.5 ~~(c) Notwithstanding paragraph (a), all Minnesota early learning foundation scholarship~~  
74.6 ~~program pilot sites are eligible to accept an early learning scholarship under this section.~~

## 74.7 ARTICLE 8

### 74.8 SELF-SUFFICIENCY AND LIFELONG LEARNING

74.9 Section 1. Minnesota Statutes 2017 Supplement, section 124D.549, is amended to read:

74.10 **124D.549 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY**  
74.11 **TEST TESTS.**

74.12 The commissioner, in consultation with adult basic education stakeholders, must select  
74.13 ~~a~~ at least one high school equivalency test. The commissioner may issue a high school  
74.14 equivalency diploma to a Minnesota resident 19 years of age or older who has not earned  
74.15 a high school diploma, who has not previously been issued a ~~general education development~~  
74.16 ~~(GED) certification~~ high school equivalency diploma, and who has exceeded or achieved  
74.17 a minimum passing score on ~~the~~ an approved equivalency test established by the publisher.  
74.18 The commissioner of education may waive the minimum age requirement if supportive  
74.19 evidence is provided by an employer or a recognized education or rehabilitation provider.

74.20 Sec. 2. Minnesota Statutes 2017 Supplement, section 136A.246, subdivision 4, is amended  
74.21 to read:

74.22 Subd. 4. **Application.** Applications must be made to the commissioner on a form provided  
74.23 by the commissioner. The commissioner must, to the extent possible, make the application  
74.24 form as short and simple to complete as is reasonably possible. The commissioner shall  
74.25 establish a schedule for applications and grants. The application must include, without  
74.26 limitation:

74.27 (1) the projected number of employee trainees;

74.28 (2) the number of projected employee trainees who graduated from high school or passed  
74.29 ~~the~~ a commissioner of education-selected high school equivalency test in the current or  
74.30 immediately preceding calendar year;

74.31 (3) the competency standard for which training will be provided;

75.1 (4) the credential the employee will receive upon completion of training;

75.2 (5) the name and address of the training institution or program and a signed statement  
75.3 by the institution or program that it is able and agrees to provide the training;

75.4 (6) the period of the training; and

75.5 (7) the cost of the training charged by the training institution or program and certified  
75.6 by the institution or program. The cost of training includes tuition, fees, and required books  
75.7 and materials.

75.8 An application may be made for training of employees of multiple employers either by  
75.9 the employers or by an organization on their behalf.

75.10 Sec. 3. Minnesota Statutes 2017 Supplement, section 155A.30, subdivision 12, is amended  
75.11 to read:

75.12 Subd. 12. **Minnesota state authorization.** A cosmetology school licensed or applying  
75.13 for licensure under this section shall maintain recognition as an institution of postsecondary  
75.14 study by meeting the following conditions, in addition to the provisions of Minnesota Rules,  
75.15 ~~parts~~ part 2110.0310 ~~and 2110.0370~~:

75.16 (1) the school must admit as regular students only those individuals who have a high  
75.17 school diploma or a diploma based on passing a commissioner of education-selected high  
75.18 school equivalency ~~tests or their equivalent test~~, or who are beyond the age of compulsory  
75.19 education as prescribed by section 120A.22; and

75.20 (2) the school must be licensed by name and authorized by the Office of Higher Education  
75.21 and the board to offer one or more training programs beyond the secondary level.

APPENDIX  
Article locations in HF3315-1

ARTICLE 1	GENERAL EDUCATION.....	Page.Ln 1.27
ARTICLE 2	EDUCATION EXCELLENCE.....	Page.Ln 3.21
ARTICLE 3	TEACHERS.....	Page.Ln 59.5
ARTICLE 4	SPECIAL EDUCATION.....	Page.Ln 61.1
ARTICLE 5	FACILITIES AND TECHNOLOGY.....	Page.Ln 63.29
ARTICLE 6	NUTRITION.....	Page.Ln 68.7
ARTICLE 7	EARLY CHILDHOOD AND FAMILY SUPPORT.....	Page.Ln 71.5
ARTICLE 8	SELF-SUFFICIENCY AND LIFELONG LEARNING.....	Page.Ln 74.7

**120B.35 STUDENT ACADEMIC ACHIEVEMENT AND GROWTH.**

Subd. 4. **Improving schools.** Consistent with the requirements of this section, beginning June 20, 2012, the commissioner of education must annually report to the public and the legislature best practices implemented in those schools that are identified as high performing under federal expectations.

Subd. 5. **Improving graduation rates for students with emotional or behavioral disorders.**  
(a) A district must develop strategies in conjunction with parents of students with emotional or behavioral disorders and the county board responsible for implementing sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in school, when the district has a drop-out rate for students with an emotional or behavioral disorder in grades 9 through 12 exceeding 25 percent.

(b) A district must develop a plan in conjunction with parents of students with emotional or behavioral disorders and the local mental health authority to increase the graduation rates of students with emotional or behavioral disorders. A district with a drop-out rate for children with an emotional or behavioral disturbance in grades 9 through 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight to the commissioner.

**123A.26 COOPERATIVE UNITS; PROHIBITED AID AND LEVIES.**

Subd. 3. **Allocation from members.** By July 15 of each year, a school district may, by board resolution, request the department to make a payment to a third party. The total sum of the payments for the year may not exceed the lesser of (a) the district's general education aid for the fiscal year beginning July 1, according to sections 127A.47, subdivision 7, and 126C.13, subdivision 4, or (b) an amount equal to \$100 times the adjusted pupil units for the fiscal year beginning July 1. By July 30 of each year, the school district must report to the commissioner the amount allocated. The amount shall be paid to the third party according to section 127A.45, subdivision 16. Amounts paid to third parties under this subdivision shall be recognized and reported as revenues and expenditures on the school district's books of account under sections 123B.75 and 123B.76.

**125A.75 SPECIAL EDUCATION PROGRAMS; APPROVAL; AID PAYMENTS; TRAVEL AID; LITIGATION COSTS.**

Subd. 9. **Litigation costs; annual report.** (a) By November 30 of each year, a school district must annually report the district's special education litigation costs, including attorney fees and costs of due process hearings, to the commissioner of education, consistent with the Uniform Financial Accounting and Reporting Standards.

(b) By February 1 of each year, the commissioner shall report school district special education litigation costs to the house of representatives and the senate committees having jurisdiction over kindergarten through grade 12 education finance.

**128D.06 BOARD'S ANNUAL REPORT AND BUDGETS.**

Subd. 3. **Annual operating and capital budgets.** Not later than the 15th day of the last month of each fiscal year the board shall adopt and cause to be published two separate budgets, an operating budget and a capital budget for the subsequent fiscal year.