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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4300

- 03/14/2022 Authored by Davnie, Lee, Vang, Moran, Richardson and others  
The bill was read for the first time and referred to the Committee on Education Finance
- 04/07/2022 Adoption of Report: Amended and re-referred to the Committee on Taxes
- 04/19/2022 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 04/25/2022 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time
- 04/27/2022 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
- 05/04/2022 Passed by the Senate as Amended and returned to the House  
Refused to concur and a Conference Committee was appointed

1.1 A bill for an act

1.2 relating to education finance; modifying provisions for prekindergarten through

1.3 grade 12 education including general education, education excellence, teachers,

1.4 charter schools, special education, health and safety, facilities, nutrition and

1.5 libraries, early childhood, community education and lifelong learning, and state

1.6 agencies; making forecast adjustments to funding for general education, education

1.7 excellence, special education, facilities, nutrition, early education, and community

1.8 education and lifelong learning; requiring reports; authorizing rulemaking;

1.9 appropriating money; amending Minnesota Statutes 2020, sections 13.32,

1.10 subdivision 3; 119A.52; 120A.20, subdivision 1; 120A.22, subdivisions 7, 9;

1.11 120A.41; 120A.42; 120B.018, subdivision 6; 120B.021, subdivisions 1, 2, 3, 4;

1.12 120B.022, subdivision 1; 120B.024, subdivisions 1, 2; 120B.026; 120B.11,

1.13 subdivisions 1, 1a, 2, 3; 120B.12; 120B.15; 120B.30, subdivisions 1, 1a; 120B.301;

1.14 120B.35, subdivision 3; 120B.36, subdivision 2; 121A.031, subdivisions 5, 6;

1.15 121A.17, subdivision 3; 121A.19; 121A.21; 121A.41, subdivisions 2, 10, by adding

1.16 subdivisions; 121A.425; 121A.45, subdivision 1; 121A.46, subdivision 4, by

1.17 adding a subdivision; 121A.47, subdivisions 2, 14; 121A.53, subdivision 1;

1.18 121A.55; 121A.61, subdivisions 1, 3, by adding a subdivision; 122A.06,

1.19 subdivisions 4, 6; 122A.091, subdivision 5; 122A.14, by adding a subdivision;

1.20 122A.181, subdivision 5; 122A.183, subdivision 1; 122A.184, subdivision 1;

1.21 122A.185, subdivision 1; 122A.187, by adding a subdivision; 122A.31, subdivision

1.22 1; 122A.40, subdivisions 3, 5, 8; 122A.41, subdivisions 2, 5, by adding a

1.23 subdivision; 122A.415, subdivision 4, by adding subdivisions; 122A.50; 122A.635;

1.24 122A.76; 123A.485, subdivision 2; 123B.04, subdivision 1; 123B.147, subdivision

1.25 3; 123B.195; 123B.44, subdivisions 1, 5, 6; 123B.595; 123B.86, subdivision 3;

1.26 124D.09, subdivisions 3, 9, 10, 12, 13; 124D.095, subdivisions 2, 3, 4, 7, 8, by

1.27 adding subdivisions; 124D.1158, subdivisions 3, 4; 124D.119; 124D.128,

1.28 subdivision 1; 124D.13, subdivisions 2, 3; 124D.141, subdivision 2; 124D.151,

1.29 as amended; 124D.165, subdivisions 2, 3; 124D.2211; 124D.4531, subdivisions

1.30 1, 1a, 1b; 124D.531, subdivisions 1, 4; 124D.55; 124D.59, subdivisions 2, 2a;

1.31 124D.65, subdivision 5; 124D.68, subdivision 2; 124D.73, by adding a subdivision;

1.32 124D.74, subdivisions 1, 3, 4, by adding a subdivision; 124D.76; 124D.78;

1.33 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81, subdivisions 1, 2, 2a,

1.34 5, by adding a subdivision; 124D.83, subdivision 2, by adding a subdivision;

1.35 124D.861, subdivision 2; 124D.98, by adding a subdivision; 124E.02; 124E.03,

1.36 subdivision 2, by adding a subdivision; 124E.05, subdivisions 4, 7; 124E.06,

1.37 subdivisions 1, 4, 5; 124E.07, subdivision 3; 124E.11; 124E.13, subdivisions 1,

1.38 3; 124E.16, subdivision 1; 124E.25, subdivision 1a; 125A.03; 125A.08; 125A.094;

2.1 125A.0942, subdivisions 1, 2, 3; 125A.15; 125A.51; 125A.515, subdivision 3;  
 2.2 125A.71, subdivision 1; 125A.76, subdivision 2e; 126C.05, subdivision 19;  
 2.3 126C.10, subdivisions 2a, 4, 13, 13a, 14, 18a; 126C.15, subdivisions 1, 2; 126C.19,  
 2.4 by adding a subdivision; 127A.353, subdivision 2; 127A.45, subdivisions 12a, 13;  
 2.5 134.31, subdivisions 1, 4a; 134.32, subdivision 4; 134.34, subdivision 1; 134.355,  
 2.6 subdivisions 5, 6, 7; 144.4165; 179A.03, subdivision 19; Minnesota Statutes 2021  
 2.7 Supplement, sections 122A.70; 126C.05, subdivisions 1, 3; 126C.10, subdivisions  
 2.8 2d, 2e; 127A.353, subdivision 4; Laws 2021, First Special Session chapter 13,  
 2.9 article 1, sections 9; 10, subdivisions 2, 3, 4, 5, 6, 7, 9, 11; article 2, section 4,  
 2.10 subdivisions 2, 3, 4, 7, 12, 15, 22, 27; article 3, sections 7, subdivisions 3, 4, 5, 6,  
 2.11 7; 8, subdivision 2; article 5, section 3, subdivisions 2, 3, 4, 5; article 7, section 2,  
 2.12 subdivisions 2, 3; article 8, section 3, subdivisions 2, 3, 4, 6; article 9, section 4,  
 2.13 subdivisions 3, 4, 5, 6, 12; article 10, section 1, subdivisions 2, 5, 8, 9; article 11,  
 2.14 sections 4, subdivision 2; 7, subdivision 1; proposing coding for new law in  
 2.15 Minnesota Statutes, chapters 120B; 121A; 122A; 124D; 125A; 127A; repealing  
 2.16 Minnesota Statutes 2020, sections 120B.35, subdivision 5; 124D.151, subdivision  
 2.17 5; 124D.4531, subdivision 3a; Minnesota Statutes 2021 Supplement, section  
 2.18 124D.151, subdivision 6.

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

## 2.20 ARTICLE 1

### 2.21 GENERAL EDUCATION

2.22 Section 1. Minnesota Statutes 2020, section 120A.42, is amended to read:

#### 2.23 120A.42 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.

2.24 (a) The governing body of any district may contract with any of the teachers of the  
 2.25 district for the conduct of schools, and may conduct schools, on either, or any, of the  
 2.26 following holidays, provided that a clause to this effect is inserted in the teacher's contract:  
 2.27 Martin Luther King's birthday, Lincoln's and Washington's birthdays, ~~Columbus Day~~  
 2.28 Indigenous Peoples' Day, and Veterans' Day. On Martin Luther King's birthday, Washington's  
 2.29 birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program  
 2.30 must be devoted to a patriotic observance of the day. On Indigenous Peoples' Day, at least  
 2.31 one hour of the school program must be devoted to observance of the day. As part of its  
 2.32 observance of Indigenous Peoples' Day, a district may provide professional development  
 2.33 to teachers and staff, or instruction to students, on the following topics:

2.34 (1) the history of treaties between the United States and Indigenous peoples;

2.35 (2) the history of federal boarding schools for Indigenous children;

2.36 (3) Indigenous languages;

2.37 (4) Indigenous traditional medicines and cultural or spiritual practices;

2.38 (5) the sovereignty of Tribal Nations;

3.1 (6) the contributions of Indigenous people to American culture, literature, and society;  
3.2 and  
3.3 (7) current issues affecting Indigenous communities.

3.4 (b) A district may conduct a school program to honor Constitution Day and Citizenship  
3.5 Day by providing opportunities for students to learn about the principles of American  
3.6 democracy, the American system of government, American citizens' rights and  
3.7 responsibilities, American history, and American geography, symbols, and holidays. Among  
3.8 other activities under this paragraph, districts may administer to students the test questions  
3.9 United States Citizenship and Immigration Services officers pose to applicants for  
3.10 naturalization.

3.11 Sec. 2. Minnesota Statutes 2020, section 121A.21, is amended to read:

3.12 **121A.21 SCHOOL HEALTH SERVICES.**

3.13 Subdivision 1. School health services required. (a) Every school board must provide  
3.14 services to promote the health of its pupils.

3.15 (b) The board of a district with 1,000 pupils or more in average daily membership in  
3.16 early childhood family education, preschool disabled, elementary, and secondary programs  
3.17 must comply with the requirements of this paragraph. It may use one or a combination of  
3.18 the following methods:

3.19 (1) employ personnel, including at least one full-time equivalent licensed school nurse;

3.20 (2) contract with a public or private health organization or another public agency for  
3.21 personnel during the regular school year, determined appropriate by the board, who are  
3.22 currently licensed under chapter 148 and who are certified public health nurses; or

3.23 (3) enter into another arrangement approved by the commissioner.

3.24 Subd. 2. Access to menstrual products. A school district or charter school must provide  
3.25 students access to menstrual products at no charge. The products must be available in  
3.26 restrooms used by students in grades 4 to 12. For purposes of this section, "menstrual  
3.27 products" means pads, tampons, or other similar products used in connection with the  
3.28 menstrual cycle.

3.29 Sec. 3. Minnesota Statutes 2020, section 123A.485, subdivision 2, is amended to read:

3.30 Subd. 2. **Aid.** (a) For school districts consolidating after June 30, 2020, consolidation  
3.31 transition aid is equal to ~~\$200~~ \$400 times the number of resident pupil units in the newly

4.1 created district in the year of consolidation and ~~\$100~~ \$300 times the number of resident  
4.2 pupil units in the first year following the year of consolidation. The number of pupil units  
4.3 used to calculate aid in either year shall not exceed 1,000 for districts consolidating July 1,  
4.4 1994, and 1,500 for districts consolidating July 1, 1995, and thereafter.

4.5 (b) If the total appropriation for consolidation transition aid for any fiscal year, plus any  
4.6 amount transferred under section 127A.41, subdivision 8, is insufficient to pay all districts  
4.7 the full amount of aid earned, the department must first pay the districts in the first year  
4.8 following the year of consolidation the full amount of aid earned and distribute any remaining  
4.9 funds to the newly created districts in the first year of consolidation.

4.10 **EFFECTIVE DATE.** This section is effective for consolidations occurring after June  
4.11 30, 2020.

4.12 Sec. 4. Minnesota Statutes 2020, section 123B.04, subdivision 1, is amended to read:

4.13 Subdivision 1. **Definition.** "Education site" means a separate facility. ~~A~~ or program  
4.14 within a facility or within a district ~~is an education site~~ if the school board recognizes it as  
4.15 a site.

4.16 Sec. 5. Minnesota Statutes 2020, section 123B.195, is amended to read:

4.17 **123B.195 BOARD MEMBERS' RIGHT TO EMPLOYMENT.**

4.18 Notwithstanding section 471.88, subdivision 5, a school board member may be newly  
4.19 employed or may continue to be employed by a school district as an employee only if there  
4.20 is a reasonable expectation at the beginning of the fiscal year or at the time the contract is  
4.21 entered into or extended that the amount to be earned by that officer under that contract or  
4.22 employment relationship will not exceed ~~\$8,000~~ \$20,000 in that fiscal year. Notwithstanding  
4.23 section 122A.40 or 122A.41 or other law, if the officer does not receive majority approval  
4.24 to be initially employed or to continue in employment at a meeting at which all board  
4.25 members are present, that employment is immediately terminated and that officer has no  
4.26 further rights to employment while serving as a school board member in the district.

4.27 **EFFECTIVE DATE.** This section is effective July 1, 2022.

4.28 Sec. 6. Minnesota Statutes 2020, section 123B.44, subdivision 1, is amended to read:

4.29 Subdivision 1. **Provided services.** The commissioner of education shall promulgate  
4.30 rules under the provisions of chapter 14 requiring each district or other intermediary service  
4.31 area: (a) to provide each year upon formal request by a specific date by or on behalf of a

5.1 nonpublic school pupil enrolled in a nonpublic school located in that district or area, the  
5.2 same specific health services as are provided for public school pupils by the district where  
5.3 the nonpublic school is located; and (b) to provide each year upon formal request by a  
5.4 specific date by or on behalf of a nonpublic school elementary or secondary pupil enrolled  
5.5 in a nonpublic school located in that district or area, ~~the same specific~~ guidance and  
5.6 counseling services ~~as are provided for public school secondary pupils by the district where~~  
5.7 ~~the nonpublic school is located~~. The district where the nonpublic school is located must  
5.8 provide the necessary transportation within the district boundaries between the nonpublic  
5.9 school and a public school or neutral site for nonpublic school pupils who are provided  
5.10 pupil support services under this section if the district elects to provide pupil support services  
5.11 at a site other than the nonpublic school. Each request for pupil support services must set  
5.12 forth the guidance and counseling or health services requested by or on behalf of all eligible  
5.13 nonpublic school pupils enrolled in a given nonpublic school. No district or intermediary  
5.14 service area must not expend an amount for these pupil support services which exceeds the  
5.15 amount allotted to it under this section.

5.16 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 and later.

5.17 Sec. 7. Minnesota Statutes 2020, section 123B.44, subdivision 5, is amended to read:

5.18 Subd. 5. **Guidance and counseling services; allotment.** Each school year the  
5.19 commissioner shall allot to the school districts or intermediary service areas for the provision  
5.20 of guidance and counseling services pursuant to this section the actual cost of the services  
5.21 provided for the pupils in each respective nonpublic school for that school year. The allotment  
5.22 for guidance and counseling services for the elementary pupils in each nonpublic school  
5.23 must not exceed the average expenditure per public school elementary pupil for these services  
5.24 by those Minnesota public schools that provide these services to their elementary pupils,  
5.25 multiplied by the number of elementary pupils in that particular nonpublic school who  
5.26 request these services and who are enrolled as of September 15 of the current school year.  
5.27 The allotment for guidance and counseling services for the secondary pupils in each  
5.28 nonpublic school must not exceed the average expenditure per public school secondary  
5.29 pupil for these services by those Minnesota public schools ~~which~~ that provide these services  
5.30 to their secondary pupils, multiplied by the number of secondary pupils in that particular  
5.31 nonpublic school who request these services and who are enrolled as of September 15 of  
5.32 the current school year.

5.33 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 and later.

6.1 Sec. 8. Minnesota Statutes 2020, section 123B.44, subdivision 6, is amended to read:

6.2 Subd. 6. **Computation of maximum allotments.** For purposes of computing maximum  
6.3 allotments for each school year pursuant to this section, the average public school expenditure  
6.4 per pupil for health services and the average public school expenditure per elementary and  
6.5 secondary pupil for guidance and counseling services shall be computed and established  
6.6 by the department by February 1 of the preceding school year from the most recent public  
6.7 school year data then available.

6.8 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 and later.

6.9 Sec. 9. Minnesota Statutes 2020, section 123B.86, subdivision 3, is amended to read:

6.10 Subd. 3. **Board control.** (a) When transportation is provided, the scheduling of routes,  
6.11 manner and method of transportation, control and discipline of school children and any  
6.12 other matter relating thereto shall be within the sole discretion, control and management of  
6.13 the board.

6.14 (b) A school board and a nonpublic school may mutually agree to a written plan for the  
6.15 board to provide nonpublic pupil transportation to nonpublic school students.

6.16 (1) A school board that provides pupil transportation through its employees may transport  
6.17 nonpublic school students according to the plan and retain the nonpublic pupil transportation  
6.18 aid attributable to that plan. A nonpublic school may make a payment to the school district  
6.19 to cover additional transportation services agreed to in the written plan for nonpublic pupil  
6.20 transportation services not required under sections 123B.84 to 123B.87.

6.21 (2) A school board that contracts for pupil transportation services may enter into a  
6.22 contractual arrangement with a school bus contractor according to the written plan adopted  
6.23 by the school board and the nonpublic school to transport nonpublic school students and  
6.24 retain the nonpublic pupil transportation aid attributable to that plan for purposes of paying  
6.25 the school bus contractor. A nonpublic school may make a payment to the school district  
6.26 to cover additional transportation services agreed to in the written plan for nonpublic pupil  
6.27 transportation services included in the contract that are not required under sections 123B.84  
6.28 to 123B.87.

6.29 (c) The school district must report the number of nonpublic school students transported  
6.30 and the nonpublic pupil transportation expenditures incurred under paragraph (b) in the  
6.31 form and manner specified by the commissioner.

7.1 Sec. 10. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

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

7.4 (a) "Digital learning" is learning facilitated by technology that offers students an element  
7.5 of control over the time, place, path, or pace of their learning ~~and includes blended and~~  
7.6 ~~online learning.~~

7.7 (b) "Blended learning" is a form of digital learning that occurs when a student learns  
7.8 part time in a supervised physical setting and part time through digital delivery of instruction,  
7.9 or a student learns in a supervised physical setting where technology is used as a primary  
7.10 method to deliver instruction.

7.11 (c) "Online learning" is a form of digital learning ~~delivered by an approved online~~  
7.12 ~~learning provider under paragraph (d)~~ that occurs when a student learns primarily through  
7.13 digital delivery of instruction in a location other than a school building.

7.14 (d) "Supplemental online learning" means an online learning course taken in place of a  
7.15 course period at a local district school provided by a supplemental online learning provider.

7.16 ~~(d)~~ (e) "Supplemental online learning provider" is a school district, an intermediate  
7.17 school district, an organization of two or more school districts operating under a joint powers  
7.18 agreement, or a charter school located in Minnesota that provides online learning courses  
7.19 or programs to students other than their own enrolled students and is approved by the  
7.20 department to provide supplemental online learning courses.

7.21 ~~(e)~~ (f) "Student" is a Minnesota resident enrolled in a school under section 120A.22,  
7.22 subdivision 4, or in a school authorized to receive Tribal contract or grant aid under section  
7.23 124D.83, in kindergarten through grade 12.

7.24 ~~(f)~~ (g) "Supplemental online learning student" is a student enrolled in ~~an~~ a supplemental  
7.25 online learning course or program delivered by ~~an~~ a supplemental online learning provider  
7.26 under paragraph ~~(d)~~ (e).

7.27 (h) "Teacher" is a public employee as defined in section 179A.03, subdivision 18,  
7.28 employed by a charter school or district providing online instruction. The contract of a  
7.29 teacher employed by a charter school or district must meet the requirements of section  
7.30 122A.40 or 122A.41 and a charter school must employ or contract with a licensed teacher  
7.31 as defined in section 122A.06, subdivision 2. A teacher must perform all duties described  
7.32 in Minnesota Rules, part 8710.0310, defining teacher of record.

8.1 ~~(g)~~ (i) "Enrolling district" means the school district or charter school in which a student  
8.2 is enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

8.3 ~~(h) "Supplemental online learning" means an online learning course taken in place of a~~  
8.4 ~~course period at a local district school.~~

8.5 ~~(i) "Full-time online learning provider" means an enrolling school authorized by the~~  
8.6 ~~department to deliver comprehensive public education at any or all of the elementary, middle,~~  
8.7 ~~or high school levels.~~

8.8 (j) "Online learning course syllabus" is a written document that ~~an~~ a supplemental online  
8.9 learning provider transmits to the enrolling district using a format prescribed by the  
8.10 commissioner to identify the state academic standards embedded in an online course, the  
8.11 course content outline, required course assessments, expectations for actual teacher contact  
8.12 time and other student-to-teacher communications, and the academic support available to  
8.13 the online learning student.

8.14 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

8.15 Sec. 11. Minnesota Statutes 2020, section 124D.095, subdivision 3, is amended to read:

8.16 Subd. 3. **Authorization; notice; limitations on enrollment.** (a) An enrolling district  
8.17 may offer digital learning, blended learning, or online learning as instructional modalities  
8.18 to enrolled students. Digital learning, blended learning, or online learning do not generate  
8.19 online learning funds under this section. An enrolling district that offers digital learning,  
8.20 blended learning, or online learning only to its enrolled students is not subject to the reporting  
8.21 requirements or review criteria under subdivision 7, unless the enrolling district is a  
8.22 supplemental online learning provider. A teacher providing instruction via digital learning,  
8.23 blended learning, or online learning must hold the appropriate Minnesota license as defined  
8.24 in section 124D.095, subdivision 2, paragraph (h). Digital learning, blended learning, and  
8.25 online learning courses must be reported and identified in the Minnesota Common Course  
8.26 Catalog.

8.27 ~~(a)~~ (b) Any student may apply for ~~full-time~~ supplemental online enrollment in an  
8.28 approved supplemental online learning program ~~under section 124D.03 or 124D.08 or~~  
8.29 ~~chapter 124E. Notwithstanding sections 124D.03 and 124D.08 and chapter 124E, procedures~~  
8.30 ~~for enrolling in supplemental online learning are as provided in this subdivision.~~ A student  
8.31 age 17 or younger must have the written consent of a parent or guardian to apply. ~~No school~~  
8.32 ~~district or charter school may prohibit a student from applying to enroll in online learning.~~  
8.33 In order to enroll in online learning, the student and the student's parents must submit an



9.1 application to the supplemental online learning provider and identify the student's reason  
9.2 for enrolling. ~~An~~ A supplemental online learning provider that accepts a student under this  
9.3 section must notify the student and the enrolling district in writing within ten days if the  
9.4 enrolling district is not the supplemental online learning provider. The student and the  
9.5 student's parent must notify the supplemental online learning provider of the student's intent  
9.6 to enroll in online learning within ten days of being accepted, at which time the student and  
9.7 the student's parent must sign a statement indicating that they have reviewed the online  
9.8 course or program and understand the expectations of enrolling in online learning. The  
9.9 supplemental online learning provider must use a form provided by the department to notify  
9.10 the enrolling district of the student's application to enroll in online learning.

9.11 ~~(b)~~ (c) The supplemental online learning notice to the enrolling district when a student  
9.12 applies to the supplemental online learning provider ~~will~~ must include the courses or program,  
9.13 credits to be awarded, and the start date of the online course or program. ~~An~~ A supplemental  
9.14 online learning provider must make available the supplemental online course syllabus to  
9.15 the enrolling district. ~~Within 15 days after the online learning provider makes information~~  
9.16 ~~in this paragraph available to the enrolling district, the enrolling district must notify the~~  
9.17 ~~online provider whether the student, the student's parent, and the enrolling district agree or~~  
9.18 ~~disagree that the course meets the enrolling district's graduation requirements. A supplemental~~  
9.19 online learning provider that accepts a student under this section must notify the student  
9.20 and the enrolling district in writing within ten days if the enrolling district is not the  
9.21 supplemental online learning provider. A student may enroll in a supplemental online  
9.22 learning course up to the midpoint of the enrolling district's term. The enrolling district may  
9.23 waive this requirement for special circumstances and with the agreement of the online  
9.24 provider. ~~An online learning course or program that meets or exceeds a graduation standard~~  
9.25 ~~or the grade progression requirement of the enrolling district as described in the provider's~~  
9.26 ~~online course syllabus meets the corresponding graduation requirements applicable to the~~  
9.27 ~~student in the enrolling district. If the enrolling district does not agree that the course or~~  
9.28 ~~program meets its graduation requirements, then:~~

9.29 ~~(1) the enrolling district must make available an explanation of its decision to the student,~~  
9.30 ~~the student's parent, and the online provider; and~~

9.31 ~~(2) the online provider may make available a response to the enrolling district, showing~~  
9.32 ~~how the course or program meets the graduation requirements of the enrolling district.~~

9.33 ~~(e) An online learning provider must notify the commissioner that it is delivering online~~  
9.34 ~~learning and report the number of online learning students it accepts and the online learning~~  
9.35 ~~courses and programs it delivers.~~

10.1 ~~(d) An online learning provider may limit enrollment if the provider's school board or~~  
10.2 ~~board of directors adopts by resolution specific standards for accepting and rejecting students'~~  
10.3 ~~applications.~~

10.4 ~~(e) An enrolling district may reduce an online learning student's regular classroom~~  
10.5 ~~instructional membership in proportion to the student's membership in online learning~~  
10.6 ~~courses.~~

10.7 ~~(f) The online provider must report or make available information on an individual~~  
10.8 ~~student's progress and accumulated credit to the student, the student's parent, and the enrolling~~  
10.9 ~~district in a manner specified by the commissioner unless the enrolling district and the online~~  
10.10 ~~provider agree to a different form of notice and notify the commissioner. The enrolling~~  
10.11 ~~district must designate a contact person to help facilitate and monitor the student's academic~~  
10.12 ~~progress and accumulated credits towards graduation.~~

10.13 (d) A school district or charter school must allow an enrolled student to apply to enroll  
10.14 in supplemental online learning. A supplemental online learning provider must notify the  
10.15 enrolling district that the student has been accepted into the supplemental online learning  
10.16 program. Within 15 days of receiving the notification from the supplemental online learning  
10.17 program, the enrolling district must notify the supplemental online provider whether the  
10.18 student, the student's parent, and the enrolling district agree or disagree that the proposed  
10.19 course meets the enrolling district's graduation requirements.

10.20 (e) The enrolling district must communicate a student's individualized education program  
10.21 to the supplemental online provider upon accepting the enrollment and must coordinate  
10.22 services for students with disabilities unless a written agreement exists between the enrolling  
10.23 district and the supplemental online provider.

10.24 (f) An online learning course or program that meets or exceeds a graduation standard  
10.25 or the grade progression requirement of the enrolling district as described in the supplemental  
10.26 online provider's online course syllabus meets the corresponding graduation requirements  
10.27 applicable to the student in the enrolling district. The enrolling district must use the same  
10.28 criteria for accepting online learning credits or courses as it does for accepting credits or  
10.29 courses for transfer students under section 124D.03, subdivision 9. If the enrolling district  
10.30 does not agree that the course or program meets its graduation requirements, then:

10.31 (1) the enrolling district must make available an explanation of its decision to the student,  
10.32 the student's parent, and the supplemental online provider; and

11.1 (2) the supplemental online provider may make available a response to the enrolling  
 11.2 district showing how the course or program meets the graduation requirements of the  
 11.3 enrolling district.

11.4 (g) An enrolling district may reduce a supplemental online learning student's regular  
 11.5 classroom instructional enrollment in proportion to the student's enrollment in online learning  
 11.6 courses.

11.7 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

11.8 Sec. 12. Minnesota Statutes 2020, section 124D.095, subdivision 4, is amended to read:

11.9 Subd. 4. **Online learning parameters.** (a) ~~An~~ A supplemental online learning student  
 11.10 must receive academic credit for completing the requirements of an online learning course  
 11.11 or program. Secondary credits granted to ~~an~~ a supplemental online learning student count  
 11.12 toward the graduation and credit requirements of the enrolling district. ~~The enrolling district~~  
 11.13 ~~must apply the same graduation requirements to all students, including online learning~~  
 11.14 ~~students, and must continue to provide nonacademic services to online learning students.~~

11.15 If a student completes an online learning course or program that meets or exceeds a  
 11.16 graduation standard or the grade progression requirement at the enrolling district, that  
 11.17 standard or requirement is met. ~~The enrolling district must use the same criteria for accepting~~  
 11.18 ~~online learning credits or courses as it does for accepting credits or courses for transfer~~  
 11.19 ~~students under section 124D.03, subdivision 9. The enrolling district may reduce the course~~  
 11.20 ~~schedule of an online learning student in proportion to the number of online learning courses~~  
 11.21 ~~the student takes from an online learning provider that is not the enrolling district.~~

11.22 (b) ~~An~~ A supplemental online learning student may:

11.23 (1) enroll in supplemental online learning courses equal to a maximum of 50 percent of  
 11.24 the student's full schedule of courses per term during a single school year and the student  
 11.25 may exceed the supplemental online learning registration limit if the enrolling district permits  
 11.26 supplemental online learning enrollment above the limit, or if the enrolling district and the  
 11.27 supplemental online learning provider agree to the instructional services;

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

11.30 (3) enroll in additional supplemental courses with the online learning provider under a  
 11.31 separate agreement that includes terms for paying any tuition or course fees.

11.32 (c) An online learning student has the same access to ~~the~~ computer hardware and  
 11.33 education software available in a school as all other students in the enrolling district. ~~An~~

12.1 ~~online learning provider must assist an online learning student whose family qualifies for~~  
12.2 ~~the education tax credit under section 290.0674 to acquire computer hardware and educational~~  
12.3 ~~software for online learning purposes.~~ Supplemental online learning students may use the  
12.4 enrolling district's computer hardware and educational software to access supplemental  
12.5 online courses. Supplemental online learning students may participate in supplemental  
12.6 online courses from a scheduled study hall or other suitable location in the district in which  
12.7 the student is enrolled if the enrolling district is able to provide a space and supervision.

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

12.17 (d) A supplemental online learning provider must assist a supplemental online learning  
12.18 student whose family qualifies for the education tax credit under section 290.0674 to acquire  
12.19 computer hardware and educational software for online learning purposes and must provide  
12.20 information about broadband connectivity options and programs.

12.21 (e) A supplemental online learning provider may limit enrollment if the provider's school  
12.22 board or board of directors adopts by resolution specific standards for accepting and rejecting  
12.23 students' applications.

12.24 (f) A supplemental online learning provider must report or make available information  
12.25 on an individual student's progress and accumulated credit to the student, the student's  
12.26 parent, and the enrolling district in a manner specified by the commissioner unless the  
12.27 enrolling district and the supplemental online learning provider agree to a different form of  
12.28 reporting and notify the commissioner.

12.29 (g) An enrolling district must apply the same graduation requirements to all students,  
12.30 including supplemental online learning students, and must continue to provide nonacademic  
12.31 services to supplemental online learning students. An enrolling district must designate a  
12.32 contact person to help facilitate and monitor the academic progress and accumulated credits  
12.33 toward graduation for each supplemental online learning student enrolled in the district.

13.1 ~~(e) Both full-time and~~ (h) Supplemental online learning providers are subject to the  
13.2 reporting requirements and review criteria under subdivision 7. ~~A teacher holding a~~  
13.3 ~~Minnesota license must assemble and deliver instruction to online learning students. The~~  
13.4 ~~delivery of instruction occurs when the student interacts with the computer or the teacher~~  
13.5 ~~and receives ongoing assistance and assessment of learning. The instruction may include~~  
13.6 ~~curriculum developed by persons other than a teacher holding a Minnesota license. A teacher~~  
13.7 providing instruction via supplemental online learning must use a curriculum aligned with  
13.8 standards as described in section 120B.021 and must hold the appropriate Minnesota license  
13.9 as defined in section 124D.095, subdivision 2, paragraph (h).

13.10 (i) Unless the commissioner grants a waiver, a teacher providing online learning  
13.11 instruction must not instruct more than 40 students in any one online learning course or  
13.12 program.

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

13.19 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

13.20 Sec. 13. Minnesota Statutes 2020, section 124D.095, subdivision 7, is amended to read:

13.21 Subd. 7. **Department of Education.** (a) The department must review and approve or  
13.22 disapprove supplemental online learning providers applications within 90 calendar days of  
13.23 receiving ~~an~~ a supplemental online learning provider's completed application. The  
13.24 commissioner, using research-based standards of quality for online learning programs, must  
13.25 review all approved supplemental online learning providers on a cyclical three-year basis.  
13.26 Approved supplemental online learning providers annually must submit program data to,  
13.27 confirm statements of assurances for, and provide program updates including a current  
13.28 course list to the commissioner.

13.29 (b) A supplemental online learning provider must notify the commissioner that it is  
13.30 delivering online learning and must report the number of online learning students it accepts  
13.31 and the online learning courses and programs it delivers.

13.32 (c) An enrolling district that offers online learning under section 124D.095, subdivision  
13.33 2, paragraph (c), must create an online site or sites that are classified as online learning sites

14.1 and report student enrollments in the online school site or sites. Online and blended learning  
14.2 courses must be reported in the Minnesota Common Course Catalog.

14.3 ~~(b)~~ (d) The online learning courses and programs must be rigorous, aligned with state  
14.4 academic standards, and contribute to grade progression in a single subject. The supplemental  
14.5 online learning provider, ~~other than a digital learning provider offering digital learning to~~  
14.6 ~~its enrolled students only under subdivision 4, paragraph (d)~~, must give the commissioner  
14.7 written assurance that: (1) all courses meet state academic standards; and (2) the online  
14.8 learning curriculum, instruction, and assessment, expectations for actual teacher-contact  
14.9 time or other student-to-teacher communication, and academic support meet nationally  
14.10 recognized professional standards and are described as such in an online learning course  
14.11 syllabus that meets the commissioner's requirements. Once ~~an~~ a supplemental online learning  
14.12 provider is approved under this paragraph, all of its online learning course offerings are  
14.13 eligible for payment under this section unless a course is successfully challenged by an  
14.14 enrolling district or the department under paragraph ~~(e)~~ (e).

14.15 ~~(e)~~ (e) An enrolling district may challenge the validity of a course offered by ~~an~~ a  
14.16 supplemental online learning provider. The department must review such challenges based  
14.17 on the approval procedures under paragraph ~~(b)~~ (d). The department may initiate its own  
14.18 review of the validity of an online learning course offered by ~~an~~ a supplemental online  
14.19 learning provider.

14.20 ~~(d)~~ (f) The department may collect a fee not to exceed \$250 for approving online learning  
14.21 providers or \$50 per course for reviewing a challenge by an enrolling district.

14.22 ~~(e)~~ (g) The department must develop, publish, and maintain a list of supplemental online  
14.23 learning providers that it has reviewed and approved.

14.24 ~~(f)~~ (h) The department may review a complaint about ~~an~~ a supplemental online learning  
14.25 provider, or a complaint about a provider based on the provider's response to notice of a  
14.26 violation. If the department determines that ~~an~~ a supplemental online learning provider  
14.27 violated a law or rule, the department may:

14.28 (1) create a compliance plan for the provider; or

14.29 (2) withhold funds from the provider under sections 124D.095, 124E.25, and 127A.42.  
14.30 The department must notify ~~an~~ a supplemental online learning provider in writing about  
14.31 withholding funds and provide detailed calculations.

14.32 (i) An online learning program fee administration account is created in the special revenue  
14.33 fund. Funds retained under paragraph (d) shall be deposited in the account. Money in the

15.1 account is appropriated to the commissioner for costs associated with administering and  
15.2 monitoring online and digital learning programs.

15.3 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later,  
15.4 except that paragraph (i) is effective July 1, 2022.

15.5 Sec. 14. Minnesota Statutes 2020, section 124D.095, subdivision 8, is amended to read:

15.6 Subd. 8. **Financial arrangements.** (a) For a student enrolled in an online learning course,  
15.7 the department must calculate average daily membership and make payments according to  
15.8 this subdivision.

15.9 (b) The initial online learning average daily membership equals 1/12 for each semester  
15.10 course or a proportionate amount for courses of different lengths. The adjusted online  
15.11 learning average daily membership equals the initial online learning average daily  
15.12 membership times .88.

15.13 (c) No online learning average daily membership shall be generated if: (1) the student  
15.14 does not complete the online learning course, or (2) the student is enrolled in online learning  
15.15 provided by the enrolling district.

15.16 (d) Online learning average daily membership under this subdivision for a student  
15.17 currently enrolled in a Minnesota public school or in a Tribal contract or grant school  
15.18 authorized to receive aid under section 124D.83 shall be used only for computing average  
15.19 daily membership according to section 126C.05, subdivision 19, paragraph (a), clause (2),  
15.20 and for computing online learning aid according to section 124D.096.

15.21 Sec. 15. Minnesota Statutes 2020, section 124D.095, is amended by adding a subdivision  
15.22 to read:

15.23 Subd. 11. **Crisis online learning.** (a) "Crisis online learning" means online learning  
15.24 under this section as the primary mode of instruction for all students in a school building  
15.25 during a crisis learning period.

15.26 (b) "Crisis learning period" means a period of time that is the result of an unforeseeable  
15.27 incident or situation such as a natural disaster, pandemic, or other catastrophic event that  
15.28 creates an unsafe or untenable in-person learning environment as declared by a school  
15.29 district or charter school.

15.30 (c) "Crisis online learning plan" means a plan adopted by a school board or board of  
15.31 directors that describes the implementation of crisis online learning and how critical  
15.32 components of education are provided during the crisis learning period. Critical components

16.1 of education include but are not limited to nutrition services in accordance with United  
16.2 States Department of Agriculture regulations, how teachers will be accessible online and  
16.3 by telephone during regular school hours each crisis online learning day to assist students,  
16.4 accommodations for students without Internet access or insufficient digital device access  
16.5 in a household, and accessible options for students with disabilities under chapter 125A and  
16.6 the Individuals with Disabilities Education Act. A crisis online learning plan may only be  
16.7 adopted by a school district after consulting with the exclusive representative of the teachers  
16.8 or by a charter school after consulting with its teachers, and may include up to one  
16.9 instructional day to prepare for crisis online learning and one instructional day upon the  
16.10 conclusion of the crisis online learning period, not to exceed four days per school year  
16.11 without approval from the commissioner. Students and families must be notified of the  
16.12 crisis online learning plan before the beginning of the school year. Consistent with applicable  
16.13 labor agreements, districts must utilize available staff who are able to work during the crisis  
16.14 online learning period.

16.15 (d) Upon declaring a crisis learning period and providing notice to students and families  
16.16 at least one day prior to the regular school start time, a school district or charter school may  
16.17 implement the crisis online learning plan.

16.18 **EFFECTIVE DATE.** This section is effective the day following final enactment. For  
16.19 school year 2021-2022 the student and family notification requirement in subdivision 11,  
16.20 paragraph (c), does not apply.

16.21 Sec. 16. Minnesota Statutes 2020, section 124D.095, is amended by adding a subdivision  
16.22 to read:

16.23 Subd. 12. **Asynchronous learning.** Notwithstanding any law to the contrary, a  
16.24 state-approved alternative program that has provided asynchronous digital instruction for  
16.25 three or more years prior to the effective date of this act to students who are participating  
16.26 in independent study credit recovery programs may continue to provide asynchronous  
16.27 independent study credit recovery programs, and the student's time spent in these programs  
16.28 continues to count for extended time revenue under sections 126C.05 and 126C.10,  
16.29 subdivision 2a.

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

16.31 Sec. 17. Minnesota Statutes 2020, section 124D.4531, subdivision 1, is amended to read:

16.32 Subdivision 1. **Career and technical revenue.** (a) A district with a career and technical  
16.33 program approved under this section for the fiscal year in which the levy is certified is



17.1 eligible for career and technical revenue equal to 35 percent of approved expenditures in  
17.2 the fiscal year in which the levy is certified for the following:

17.3 (1) salaries paid to essential, licensed personnel providing direct instructional services  
17.4 to students in that fiscal year, including extended contracts, for services rendered in the  
17.5 district's approved career and technical education programs, excluding salaries reimbursed  
17.6 by another school district under clause (2);

17.7 (2) amounts paid to another Minnesota school district for salaries of essential, licensed  
17.8 personnel providing direct instructional services to students in that fiscal year for services  
17.9 rendered in the district's approved career and technical education programs;

17.10 (3) contracted services provided by a public or private agency other than a Minnesota  
17.11 school district or cooperative center under chapter 123A or 136D;

17.12 (4) necessary travel between instructional sites by licensed career and technical education  
17.13 personnel and district-encumbered student travel between instructional and placement sites  
17.14 in state-approved work-based learning programs;

17.15 (5) necessary travel by licensed career and technical education personnel for ~~vocational~~  
17.16 career and technical education student organization activities held within the state for  
17.17 instructional purposes;

17.18 (6) curriculum development activities that are part of a five-year plan for improvement  
17.19 based on program assessment;

17.20 (7) necessary travel by licensed career and technical education personnel for noncollegiate  
17.21 credit-bearing professional development; and

17.22 (8) specialized ~~vocational~~ career and technical education instructional supplies.

17.23 (b) The district must recognize the full amount of this levy as revenue for the fiscal year  
17.24 in which it is certified.

17.25 ~~(c) The amount of the revenue calculated under this subdivision may not exceed~~  
17.26 ~~\$17,850,000 for taxes payable in 2012, \$15,520,000 for taxes payable in 2013, and~~  
17.27 ~~\$20,657,000 for taxes payable in 2014.~~

17.28 ~~(d) If the estimated revenue exceeds the amount in paragraph (c), the commissioner must~~  
17.29 ~~reduce the percentage in paragraph (a) until the estimated revenue no longer exceeds the~~  
17.30 ~~limit in paragraph (c).~~

18.1 Sec. 18. Minnesota Statutes 2020, section 124D.4531, subdivision 1a, is amended to read:

18.2 Subd. 1a. **Career and technical levy.** ~~(a) For fiscal year 2014 only, a district may levy~~  
18.3 ~~an amount not more than the product of its career and technical revenue times the lesser of~~  
18.4 ~~one or the ratio of its adjusted net tax capacity per adjusted pupil unit in the fiscal year in~~  
18.5 ~~which the levy is certified to the career and technical revenue equalizing factor. The career~~  
18.6 ~~and technical revenue equalizing factor for fiscal year 2014 equals \$7,612.~~

18.7 ~~(b) For fiscal year 2015 and later, A district may levy an amount not more than the~~  
18.8 ~~product of its career and technical revenue times the lesser of one or the ratio of its adjusted~~  
18.9 ~~net tax capacity per adjusted pupil unit in the fiscal year in which the levy is certified to the~~  
18.10 ~~career and technical revenue equalizing factor. The career and technical revenue equalizing~~  
18.11 ~~factor for fiscal year 2015 and later equals \$7,612.~~

18.12 Sec. 19. Minnesota Statutes 2020, section 124D.4531, subdivision 1b, is amended to read:

18.13 Subd. 1b. **Career and technical aid.** ~~For fiscal year 2014 and later, A district's career~~  
18.14 ~~and technical aid equals its career and technical revenue less its career and technical levy.~~  
18.15 ~~If the district levy is less than the permitted levy, the district's career and technical aid shall~~  
18.16 ~~be reduced proportionately.~~

18.17 Sec. 20. **[124D.4532] CAREER AND TECHNICAL STUDENT TRANSPORTATION**  
18.18 **AID.**

18.19 A district that provides student travel between instructional and placement sites in  
18.20 state-approved work-based learning programs is eligible for state aid to reimburse the  
18.21 additional costs of transportation during the preceding fiscal year.

18.22 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

18.23 Sec. 21. Minnesota Statutes 2020, section 124D.59, subdivision 2, is amended to read:

18.24 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten through  
18.25 grade 12; an early childhood special education student under Part B, section 619 of the  
18.26 Individuals with Disabilities Education Act, United States Code, title 20, section 1419; or  
18.27 a prekindergarten student enrolled in an approved voluntary prekindergarten program under  
18.28 section 124D.151 or a school readiness plus program who meets the requirements under  
18.29 subdivision 2a or the following requirements:

19.1 (1) the pupil, as declared by a parent or guardian first learned a language other than  
19.2 English, comes from a home where the language usually spoken is other than English, or  
19.3 usually speaks a language other than English; and

19.4 (2) the pupil is determined by a valid assessment measuring the pupil's English language  
19.5 proficiency and by developmentally appropriate measures, which might include observations,  
19.6 teacher judgment, parent recommendations, or developmentally appropriate assessment  
19.7 instruments, to lack the necessary English skills to participate fully in academic classes  
19.8 taught in English.

19.9 (b) A pupil enrolled in a Minnesota public school in any grade 4 through 12 who in the  
19.10 previous school year took a commissioner-provided assessment measuring the pupil's  
19.11 emerging academic English, shall be counted as an English learner in calculating English  
19.12 learner pupil units under section 126C.05, subdivision 17, and shall generate state English  
19.13 learner aid under section 124D.65, subdivision 5, if the pupil scored below the state cutoff  
19.14 score or is otherwise counted as a nonproficient participant on the assessment measuring  
19.15 the pupil's emerging academic English, or, in the judgment of the pupil's classroom teachers,  
19.16 consistent with section 124D.61, clause (1), the pupil is unable to demonstrate academic  
19.17 language proficiency in English, including oral academic language, sufficient to successfully  
19.18 and fully participate in the general core curriculum in the regular classroom.

19.19 (c) Notwithstanding paragraphs (a) and (b), a pupil in early childhood special education  
19.20 or prekindergarten under section 124D.151, through grade 12 shall not be counted as an  
19.21 English learner in calculating English learner pupil units under section 126C.05, subdivision  
19.22 17, and shall not generate state English learner aid under section 124D.65, subdivision 5,  
19.23 if:

19.24 (1) the pupil is not enrolled during the current fiscal year in an educational program for  
19.25 English learners under sections 124D.58 to 124D.64; or

19.26 (2) the pupil has generated seven or more years of average daily membership in Minnesota  
19.27 public schools since July 1, 1996.

19.28 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

19.29 Sec. 22. Minnesota Statutes 2020, section 124D.59, subdivision 2a, is amended to read:

19.30 Subd. 2a. **English learner; limited or interrupted formal education.** Consistent with  
19.31 subdivision 2, an English learner ~~includes~~ with limited or interrupted formal education is  
19.32 an English learner ~~with an interrupted formal education who meets three of the following~~

20.1 ~~five requirements:~~ defined by subdivision 2 who has at least two years less schooling than  
 20.2 the English learner's peers when entering school in the United States.

20.3 ~~(1) comes from a home where the language usually spoken is other than English, or~~  
 20.4 ~~usually speaks a language other than English;~~

20.5 ~~(2) enters school in the United States after grade 6;~~

20.6 ~~(3) has at least two years less schooling than the English learner's peers;~~

20.7 ~~(4) functions at least two years below expected grade level in reading and mathematics;~~  
 20.8 ~~and~~

20.9 ~~(5) may be preliterate in the English learner's native language.~~

20.10 Sec. 23. Minnesota Statutes 2020, section 124D.65, subdivision 5, is amended to read:

20.11 Subd. 5. **School district EL revenue.** (a) The English learner programs initial allowance  
 20.12 equals \$704 for fiscal years 2021 and 2022. The English learner programs initial allowance  
 20.13 equals \$1,000 for fiscal year 2023. The English learner programs initial allowance for fiscal  
 20.14 year 2024 and later equals the product of \$1,000 times the ratio of the formula allowance  
 20.15 under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance  
 20.16 under section 126C.10, subdivision 2, for fiscal year 2023.

20.17 (b) The English learner programs concentration allowance equals \$250 for fiscal years  
 20.18 2021 and 2022. The English learner programs concentration allowance for fiscal year 2023  
 20.19 and later equals the product of \$250 times the ratio of the formula allowance under section  
 20.20 126C.10, subdivision 2, for the current fiscal year to the formula allowance under section  
 20.21 126C.10, subdivision 2, for fiscal year 2023.

20.22 ~~(a)~~ (c) A district's English learner programs initial revenue equals the product of (1)  
 20.23 ~~\$704~~ the English learner programs initial allowance times (2) the greater of 20 or the adjusted  
 20.24 average daily membership of eligible English learners enrolled in the district during the  
 20.25 current fiscal year.

20.26 (d) A district's English learner programs concentration revenue equals the product of  
 20.27 the English learner programs concentration allowance times the English learner pupil units  
 20.28 under section 126C.05, subdivision 17.

20.29 (e) A district's English learner cross subsidy aid equals:

20.30 (1) 40 percent of the district's English learner cross subsidy for fiscal year 2023;

20.31 (2) 50 percent of the district's English learner cross subsidy for fiscal year 2024;

- 21.1 (3) 75 percent of the district's English learner cross subsidy for fiscal year 2025; and
- 21.2 (4) 100 percent of the district's English learner cross subsidy for fiscal years 2026 and
- 21.3 later.
- 21.4 (f) A district's English learner programs revenue equals the sum of:
- 21.5 (1) the initial revenue under paragraph (c);
- 21.6 (2) the concentration revenue under paragraph (d); and
- 21.7 (3) a district's English learner cross subsidy aid under paragraph (e).
- 21.8 (g) A district's English learner cross subsidy equals the greater of zero or the difference
- 21.9 between the district's expenditure for qualifying services for the second previous year and
- 21.10 the district's English learner revenue for the second previous year.
- 21.11 ~~(b)~~ (h) A pupil ceases to generate state English learner aid in the school year following
- 21.12 the school year in which the pupil attains the state cutoff score on a commissioner-provided
- 21.13 assessment that measures the pupil's emerging academic English.
- 21.14 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.
- 21.15 Sec. 24. Minnesota Statutes 2020, section 124D.68, subdivision 2, is amended to read:
- 21.16 Subd. 2. **Eligible pupils.** (a) A pupil under the age of 21 or who meets the requirements
- 21.17 of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation
- 21.18 incentives program, if the pupil:
- 21.19 (1) performs substantially below the performance level for pupils of the same age in a
- 21.20 locally determined achievement test;
- 21.21 (2) is behind in satisfactorily completing coursework or obtaining credits for graduation;
- 21.22 (3) is pregnant or is a parent;
- 21.23 (4) has been assessed as chemically dependent;
- 21.24 (5) has been excluded or expelled according to sections 121A.40 to 121A.56;
- 21.25 ~~(6) has been referred by a school district for enrollment in an eligible program or a~~
- 21.26 ~~program pursuant to section 124D.69;~~
- 21.27 ~~(7)~~ (6) is a victim of physical or sexual abuse;
- 21.28 ~~(8)~~ (7) has experienced mental health problems;

22.1 ~~(9)~~ (8) has experienced homelessness sometime within six months before requesting a  
22.2 transfer to an eligible program;

22.3 ~~(10)~~ (9) speaks English as a second language or is an English learner;

22.4 ~~(11)~~ (10) has withdrawn from school or has been chronically truant; or

22.5 ~~(12)~~ (11) is being treated in a hospital in the seven-county metropolitan area for cancer  
22.6 or other life threatening illness or is the sibling of an eligible pupil who is being currently  
22.7 treated, and resides with the pupil's family at least 60 miles beyond the outside boundary  
22.8 of the seven-county metropolitan area.

22.9 (b) A pupil ~~otherwise qualifying under paragraph (a) who is at least 21 years of age and~~  
22.10 ~~not yet 22 years of age, and is an English learner with an interrupted formal education~~  
22.11 ~~according to section 124D.59, subdivision 2a,~~ is eligible to participate in the graduation  
22.12 incentives program under section 124D.68 and in concurrent enrollment courses offered  
22.13 under section 124D.09, subdivision 10, and is funded in the same manner as other pupils  
22.14 under this section: if the pupil otherwise qualifies under paragraph (a), is at least 21 years  
22.15 of age and not yet 22 years of age, and:

22.16 (1) is an English learner with a limited or interrupted formal education according to  
22.17 section 124D.59, subdivision 2a; or

22.18 (2) meets three of the following four requirements:

22.19 (i) comes from a home where the language usually spoken is other than English, or  
22.20 usually speaks a language other than English;

22.21 (ii) enters school in the United States after grade 6;

22.22 (iii) functions at least two years below expected grade level in reading and mathematics;  
22.23 and

22.24 (iv) may be preliterate in the English learner's native language.

22.25 Sec. 25. Minnesota Statutes 2020, section 124D.73, is amended by adding a subdivision  
22.26 to read:

22.27 Subd. 5. **American Indian student.** "American Indian student" means a student who  
22.28 identifies as American Indian or Alaska Native, using the state definition in effect on October  
22.29 1 of the previous school year.

23.1 Sec. 26. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

23.2 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance,  
23.3 including an annual report of American Indian student data using the state count, to districts,  
23.4 schools and postsecondary institutions for preservice and in-service training for teachers,  
23.5 American Indian education teachers and paraprofessionals specifically designed to implement  
23.6 culturally responsive teaching methods, culturally based curriculum development, testing  
23.7 and testing mechanisms, and the development of materials for American Indian education  
23.8 programs.

23.9 Sec. 27. Minnesota Statutes 2020, section 124D.81, is amended by adding a subdivision  
23.10 to read:

23.11 Subd. 8. **State-identified American Indian.** For the purposes of sections 124D.71 to  
23.12 124D.82, the number of students who identify as American Indian or Alaska Native, as  
23.13 defined by the state of Minnesota on October 1 of the previous school year, will be used to  
23.14 determine the state-identified American Indian student counts for districts, charter schools,  
23.15 and Tribal contract schools for the subsequent school year.

23.16 Sec. 28. Minnesota Statutes 2020, section 124D.83, is amended by adding a subdivision  
23.17 to read:

23.18 Subd. 3a. **Supplemental online learning.** A pupil attending a Tribal contract school  
23.19 under this section may participate in a supplemental online learning program offered by a  
23.20 school district. The serving school district may include the pupil's time spent in the  
23.21 supplemental online learning program in its pupil count.

23.22 Sec. 29. Minnesota Statutes 2020, section 125A.15, is amended to read:

23.23 **125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

23.24 The responsibility for special instruction and services for a child with a disability  
23.25 temporarily placed in another district for care and treatment shall be determined in the  
23.26 following manner:

23.27 (a) The district of residence of a child shall be the district in which the child's parent  
23.28 resides, if living, or the child's guardian. If there is a dispute between school districts  
23.29 regarding residency, the district of residence is the district designated by the commissioner.

23.30 (b) If a district other than the resident district places a pupil for care and treatment, the  
23.31 district placing the pupil must notify and give the resident district an opportunity to participate

24.1 in the placement decision. When an immediate emergency placement of a pupil is necessary  
24.2 and time constraints foreclose a resident district from participating in the emergency  
24.3 placement decision, the district in which the pupil is temporarily placed must notify the  
24.4 resident district of the emergency placement within 15 days. The resident district has up to  
24.5 five business days after receiving notice of the emergency placement to request an  
24.6 opportunity to participate in the placement decision, which the placing district must then  
24.7 provide.

24.8 (c) When a child is temporarily placed for care and treatment in a day program located  
24.9 in another district and the child continues to live within the district of residence during the  
24.10 care and treatment, the district of residence is responsible for providing transportation to  
24.11 and from the care and treatment program and an appropriate educational program for the  
24.12 child. The resident district may establish reasonable restrictions on transportation, except  
24.13 if a Minnesota court or agency orders the child placed at a day care and treatment program  
24.14 and the resident district receives a copy of the order, then the resident district must provide  
24.15 transportation to and from the program unless the court or agency orders otherwise.  
24.16 Transportation shall only be provided by the resident district during regular operating hours  
24.17 of the resident district. The resident district may provide the educational program at a school  
24.18 within the district of residence, at the child's residence, or in the district in which the day  
24.19 treatment center is located by paying tuition to that district. A district or charter school may  
24.20 utilize online learning under section 124D.095 to fulfill its educational program responsibility  
24.21 under this chapter if the child, or the child's parent or guardian for a pupil under the age of  
24.22 18, agrees to that form of instruction.

24.23 (d) When a child is temporarily placed in a residential program for care and treatment,  
24.24 the nonresident district in which the child is placed is responsible for providing an appropriate  
24.25 educational program for the child and necessary transportation while the child is attending  
24.26 the educational program; and must bill the district of the child's residence for the actual cost  
24.27 of providing the program, as outlined in section 125A.11, except as provided in paragraph  
24.28 (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a  
24.29 disability placed outside of the school district of residence by the commissioner of human  
24.30 services or the commissioner of corrections or their agents, for reasons other than providing  
24.31 for the child's special educational needs must not become the responsibility of either the  
24.32 district providing the instruction or the district of the child's residence. For the purposes of  
24.33 this section, the state correctional facilities operated on a fee-for-service basis are considered  
24.34 to be residential programs for care and treatment. A district or charter school may utilize  
24.35 online learning under section 124D.095 to fulfill its educational program responsibility



25.1 under this chapter if the child, or the child's parent or guardian for a pupil under the age of  
25.2 18, agrees to that form of instruction.

25.3 (e) A privately owned and operated residential facility may enter into a contract to obtain  
25.4 appropriate educational programs for special education children and services with a joint  
25.5 powers entity. The entity with which the private facility contracts for special education  
25.6 services shall be the district responsible for providing students placed in that facility an  
25.7 appropriate educational program in place of the district in which the facility is located. If a  
25.8 privately owned and operated residential facility does not enter into a contract under this  
25.9 paragraph, then paragraph (d) applies.

25.10 (f) The district of residence shall pay tuition and other program costs, not including  
25.11 transportation costs, to the district providing the instruction and services. The district of  
25.12 residence may claim general education aid for the child as provided by law. Transportation  
25.13 costs must be paid by the district responsible for providing the transportation and the state  
25.14 must pay transportation aid to that district.

25.15 Sec. 30. Minnesota Statutes 2020, section 125A.51, is amended to read:

25.16 **125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION**  
25.17 **AND TRANSPORTATION.**

25.18 The responsibility for providing instruction and transportation for a pupil without a  
25.19 disability who has a short-term or temporary physical or emotional illness or disability, as  
25.20 determined by the standards of the commissioner, and who is temporarily placed for care  
25.21 and treatment for that illness or disability, must be determined as provided in this section.

25.22 (a) The school district of residence of the pupil is the district in which the pupil's parent  
25.23 or guardian resides. If there is a dispute between school districts regarding residency, the  
25.24 district of residence is the district designated by the commissioner.

25.25 (b) When parental rights have been terminated by court order, the legal residence of a  
25.26 child placed in a residential or foster facility for care and treatment is the district in which  
25.27 the child resides.

25.28 (c) Before the placement of a pupil for care and treatment, the district of residence must  
25.29 be notified and provided an opportunity to participate in the placement decision. When an  
25.30 immediate emergency placement is necessary and time does not permit resident district  
25.31 participation in the placement decision, the district in which the pupil is temporarily placed,  
25.32 if different from the district of residence, must notify the district of residence of the  
25.33 emergency placement within 15 days of the placement. When a nonresident district makes

26.1 an emergency placement without first consulting with the resident district, the resident  
26.2 district has up to five business days after receiving notice of the emergency placement to  
26.3 request an opportunity to participate in the placement decision, which the placing district  
26.4 must then provide.

26.5 (d) When a pupil without a disability is temporarily placed for care and treatment in a  
26.6 day program and the pupil continues to live within the district of residence during the care  
26.7 and treatment, the district of residence must provide instruction and necessary transportation  
26.8 to and from the care and treatment program for the pupil. The resident district may establish  
26.9 reasonable restrictions on transportation, except if a Minnesota court or agency orders the  
26.10 child placed at a day care and treatment program and the resident district receives a copy  
26.11 of the order, then the resident district must provide transportation to and from the program  
26.12 unless the court or agency orders otherwise. Transportation shall only be provided by the  
26.13 resident district during regular operating hours of the resident district. The resident district  
26.14 may provide the instruction at a school within the district of residence, at the pupil's residence,  
26.15 through an online learning program under section 124D.095, provided by the pupil's resident  
26.16 district, district of open enrollment under section 124D.03, or charter school of enrollment  
26.17 under section 124E.11, or in the case of a placement outside of the resident district, in the  
26.18 district in which the day treatment program is located by paying tuition to that district. A  
26.19 district or charter school may provide the instruction through an online learning program  
26.20 if the pupil, or the pupil's parent or guardian for a pupil under the age of 18, agrees to that  
26.21 form of instruction. The district of placement may contract with a facility to provide  
26.22 instruction by teachers licensed by the Professional Educator Licensing and Standards  
26.23 Board.

26.24 (e) When a pupil without a disability is temporarily placed in a residential program for  
26.25 care and treatment, the district in which the pupil is placed must provide instruction for the  
26.26 pupil and necessary transportation while the pupil is receiving instruction, and in the case  
26.27 of a placement outside of the district of residence, the nonresident district must bill the  
26.28 district of residence for the actual cost of providing the instruction for the regular school  
26.29 year and for summer school, excluding transportation costs. A district or charter school may  
26.30 utilize online learning under section 124D.095 to fulfill its educational program responsibility  
26.31 under this chapter if the pupil, or the pupil's parent or guardian for a pupil under the age of  
26.32 18, agrees to that form of instruction.

26.33 (f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or  
26.34 private homeless shelter, then the district that enrolls the pupil under section 120A.20,  
26.35 subdivision 2, paragraph (b), shall provide the transportation, unless the district that enrolls

27.1 the pupil and the district in which the pupil is temporarily placed agree that the district in  
27.2 which the pupil is temporarily placed shall provide transportation. When a pupil without a  
27.3 disability is temporarily placed in a residential program outside the district of residence,  
27.4 the administrator of the court placing the pupil must send timely written notice of the  
27.5 placement to the district of residence. The district of placement may contract with a  
27.6 residential facility to provide instruction by teachers licensed by the Professional Educator  
27.7 Licensing and Standards Board. For purposes of this section, the state correctional facilities  
27.8 operated on a fee-for-service basis are considered to be residential programs for care and  
27.9 treatment.

27.10 (g) The district of residence must include the pupil in its residence count of pupil units  
27.11 and pay tuition as provided in section 123A.488 to the district providing the instruction.  
27.12 Transportation costs must be paid by the district providing the transportation and the state  
27.13 must pay transportation aid to that district. For purposes of computing state transportation  
27.14 aid, pupils governed by this subdivision must be included in the disabled transportation  
27.15 category if the pupils cannot be transported on a regular school bus route without special  
27.16 accommodations.

27.17 Sec. 31. Minnesota Statutes 2020, section 125A.515, subdivision 3, is amended to read:

27.18 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's  
27.19 residential facility is located must provide education services, including special education  
27.20 if eligible, to all students placed in a facility. If a child's district of residence, district of open  
27.21 enrollment under section 124D.03, or charter school of enrollment under section 124E.11  
27.22 is a state-approved online learning provider under section 124D.095, subdivision 2, paragraph  
27.23 (d), the district in which the children's residential facility is located may utilize that  
27.24 state-approved online learning program in fulfilling its education services responsibility  
27.25 under this section. A district or charter school may provide the instruction through an online  
27.26 learning program if the child, or child's parent or guardian for a child under the age of 18,  
27.27 agrees to that form of instruction.

27.28 (b) For education programs operated by the Department of Corrections, the providing  
27.29 district shall be the Department of Corrections. For students remanded to the commissioner  
27.30 of corrections, the providing and resident district shall be the Department of Corrections.

27.31 Sec. 32. Minnesota Statutes 2020, section 126C.05, subdivision 19, is amended to read:

27.32 Subd. 19. **Online learning students.** (a) The average daily membership for a public  
27.33 school pupil or a pupil enrolled in a school authorized to receive Tribal contract or grant

28.1 aid under section 124D.83 generating online learning average daily membership according  
28.2 to section 124D.095, subdivision 8, paragraph (b), equals the sum of: (1) the ratio of the  
28.3 sum of the number of instructional hours the pupil is enrolled in a regular classroom setting  
28.4 at the enrolling school to the actual number of instructional hours in the school year at the  
28.5 enrolling school, plus (2) .12 times the initial online learning average daily membership  
28.6 according to section 124D.095, subdivision 8, paragraph (b).

28.7 (b) When the sum of the average daily membership under paragraph (a) and the adjusted  
28.8 online learning average daily membership under section 124D.095, subdivision 8, paragraph  
28.9 (b), exceeds the maximum allowed for the student under subdivision 8 or 15, as applicable,  
28.10 the average daily membership under paragraph (a) shall be reduced by the excess over the  
28.11 maximum, but shall not be reduced below .12. The adjusted online learning average daily  
28.12 membership according to section 124D.095, subdivision 8, paragraph (b), shall be reduced  
28.13 by any remaining excess over the maximum.

28.14 Sec. 33. Minnesota Statutes 2020, section 126C.10, subdivision 2a, is amended to read:

28.15 Subd. 2a. **Extended time revenue.** (a) The extended time allowance is \$5,117 for fiscal  
28.16 years 2022 and 2023. For fiscal year 2024 and later, the extended time allowance equals  
28.17 the product of \$5,117 times the ratio of the formula allowance under subdivision 2 for the  
28.18 current fiscal year to the formula allowance under subdivision 2 for fiscal year 2023.

28.19 ~~(a)~~ (b) A school district's extended time revenue is equal to the product of ~~\$5,117~~ the  
28.20 extended time allowance and the sum of the adjusted pupil units of the district for each pupil  
28.21 in average daily membership in excess of 1.0 and less than 1.2 according to section 126C.05,  
28.22 subdivision 8.

28.23 ~~(b)~~ (c) Extended time revenue for pupils placed in an on-site education program at the  
28.24 Prairie Lakes Education Center or the Lake Park School, located within the borders of  
28.25 Independent School District No. 347, Willmar, for instruction provided after the end of the  
28.26 preceding regular school year and before the beginning of the following regular school year  
28.27 equals membership hours divided by the minimum annual instructional hours in section  
28.28 126C.05, subdivision 15, not to exceed 0.20, times the pupil unit weighting in section  
28.29 126C.05, subdivision 1, times ~~\$5,117~~ the extended time allowance.

28.30 (d) A school district's summer residential care and treatment extended time revenue  
28.31 equals the product of the extended time allowance times the sum of the resident summer  
28.32 residential care and treatment extended time average daily membership, times the pupil unit  
28.33 weighting in section 126C.05, subdivision 1.

29.1 (e) Summer residential care and treatment extended time average daily membership for  
 29.2 resident pupils placed in a residential program for care and treatment, excluding those in  
 29.3 paragraph (b) for instruction after the end of the preceding regular school year and before  
 29.4 the beginning of the following regular school year, equals membership hours divided by  
 29.5 the minimum annual instructional hours in section 126C.05, subdivision 15, not to exceed  
 29.6 0.20.

29.7 (f) For fiscal year 2023 and later, the amount of extended time revenue calculated under  
 29.8 this paragraph may not exceed \$1,000,000 for each fiscal year.

29.9 ~~(e)~~ (g) A school district's extended time revenue may be used for extended day programs,  
 29.10 extended week programs, summer school, vacation break academies such as spring break  
 29.11 academies and summer term academies, and other programming authorized under the  
 29.12 learning year program.

29.13 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

29.14 Sec. 34. Minnesota Statutes 2021 Supplement, section 126C.10, subdivision 2e, is amended  
 29.15 to read:

29.16 Subd. 2e. **Local optional revenue.** (a) For fiscal year 2021 and later, local optional  
 29.17 revenue for a school district equals the sum of the district's first tier local optional revenue  
 29.18 and second tier local optional revenue. A district's first tier local optional revenue equals  
 29.19 \$300 times the adjusted pupil units of the district for that school year. A district's second  
 29.20 tier local optional revenue equals \$424 times the adjusted pupil units of the district for that  
 29.21 school year.

29.22 (b) For fiscal year 2021 and later, a district's local optional levy equals the sum of the  
 29.23 first tier local optional levy and the second tier local optional levy.

29.24 (c) A district's first tier local optional levy equals the district's first tier local optional  
 29.25 revenue times the lesser of one or the ratio of the district's referendum market value per  
 29.26 resident pupil unit to \$880,000.

29.27 (d) For fiscal year 2022, a district's second tier local optional levy equals the district's  
 29.28 second tier local optional revenue times the lesser of one or the ratio of the district's  
 29.29 referendum market value per resident pupil unit to \$510,000. For fiscal year 2023, a district's  
 29.30 second tier local optional levy equals the district's second tier local optional revenue times  
 29.31 the lesser of one or the ratio of the district's referendum market value per resident pupil unit  
 29.32 to ~~\$548,842~~ \$703,865. For fiscal year 2024 ~~and later~~, a district's second tier local optional  
 29.33 levy equals the district's second tier local optional revenue times the lesser of one or the

30.1 ratio of the district's referendum market value per resident pupil unit to ~~\$510,000~~ \$572,600.  
 30.2 For fiscal year 2025 and later, a district's second tier local optional levy equals the district's  
 30.3 second tier local optional revenue times the lesser of one or the ratio of the district's  
 30.4 referendum market value per resident pupil unit to \$664,812.

30.5 (e) The local optional levy must be spread on referendum market value. A district may  
 30.6 levy less than the permitted amount.

30.7 (f) A district's local optional aid equals its local optional revenue minus its local optional  
 30.8 levy. If a district's actual levy for first or second tier local optional revenue is less than its  
 30.9 maximum levy limit for that tier, its aid must be proportionately reduced.

30.10 Sec. 35. Minnesota Statutes 2020, section 126C.10, subdivision 4, is amended to read:

30.11 Subd. 4. **Basic skills revenue.** A school district's basic skills revenue equals the sum  
 30.12 of:

30.13 (1) compensatory revenue under subdivision 3; plus

30.14 (2) English learner revenue under section 124D.65, subdivision 5; ~~plus, paragraph (e).~~

30.15 ~~(3) \$250 times the English learner pupil units under section 126C.05, subdivision 17.~~

30.16 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

30.17 Sec. 36. Minnesota Statutes 2020, section 126C.10, subdivision 13, is amended to read:

30.18 Subd. 13. **Total operating capital revenue.** (a) Total operating capital revenue for a  
 30.19 district equals the ~~amount determined under paragraph (b) or (c), plus~~ sum of:

30.20 (1) \$79 times the adjusted pupil units for the school year;

30.21 (2) the product of \$109, the district's maintenance cost index, and its adjusted pupil units  
 30.22 for the school year plus the amount computed under paragraph (c); and

30.23 (3) \$2 times the adjusted pupil units for the school year for the purposes of supplying  
 30.24 menstrual products under subdivision 14, clause (26).

30.25 (b) The revenue under this subdivision must be placed in a reserved account in the  
 30.26 general fund and may only be used according to subdivision 14.

30.27 ~~(b) Capital revenue for a district equals \$109 times the district's maintenance cost index~~  
 30.28 ~~times its adjusted pupil units for the school year.~~

31.1 (c) The revenue under paragraph (a), clause (2), for a district that operates a program  
31.2 under section 124D.128, is increased by an amount equal to \$31 times the number of adjusted  
31.3 pupil units served at the site where the program is implemented.

31.4 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

31.5 Sec. 37. Minnesota Statutes 2020, section 126C.10, subdivision 13a, is amended to read:

31.6 Subd. 13a. **Operating capital levy.** To obtain operating capital revenue, a district may  
31.7 levy an amount not more than the product of its operating capital revenue for the fiscal year  
31.8 times the lesser of one or the ratio of its adjusted net tax capacity per adjusted pupil unit to  
31.9 the operating capital equalizing factor. The operating capital equalizing factor equals ~~\$23,902~~  
31.10 ~~for fiscal year 2020, \$23,885 for fiscal year 2021, and \$22,912 for fiscal year 2022 and,~~  
31.11 \$22,912 for fiscal year 2023, \$25,490 for fiscal year 2024, and \$23,353 for fiscal year 2025  
31.12 and later.

31.13 Sec. 38. Minnesota Statutes 2020, section 126C.10, subdivision 14, is amended to read:

31.14 Subd. 14. **Uses of total operating capital revenue.** Total operating capital revenue may  
31.15 be used only for the following purposes:

31.16 (1) to acquire land for school purposes;

31.17 (2) to acquire or construct buildings for school purposes;

31.18 (3) to rent or lease buildings, including the costs of building repair or improvement that  
31.19 are part of a lease agreement;

31.20 (4) to improve and repair school sites and buildings, and equip or reequip school buildings  
31.21 with permanent attached fixtures, including library media centers;

31.22 (5) for a surplus school building that is used substantially for a public nonschool purpose;

31.23 (6) to eliminate barriers or increase access to school buildings by individuals with a  
31.24 disability;

31.25 (7) to bring school buildings into compliance with the State Fire Code adopted according  
31.26 to chapter 299F;

31.27 (8) to remove asbestos from school buildings, encapsulate asbestos, or make  
31.28 asbestos-related repairs;

31.29 (9) to clean up and dispose of polychlorinated biphenyls found in school buildings;

32.1 (10) to clean up, remove, dispose of, and make repairs related to storing heating fuel or  
32.2 transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section  
32.3 296A.01;

32.4 (11) for energy audits for school buildings and to modify buildings if the audit indicates  
32.5 the cost of the modification can be recovered within ten years;

32.6 (12) to improve buildings that are leased according to section 123B.51, subdivision 4;

32.7 (13) to pay special assessments levied against school property but not to pay assessments  
32.8 for service charges;

32.9 (14) to pay principal and interest on state loans for energy conservation according to  
32.10 section 216C.37 or loans made under the Douglas J. Johnson Economic Protection Trust  
32.11 Fund Act according to sections 298.292 to ~~298.298~~ 298.297;

32.12 (15) to purchase or lease interactive telecommunications equipment;

32.13 (16) by board resolution, to transfer money into the debt redemption fund to: (i) pay the  
32.14 amounts needed to meet, when due, principal and interest payments on certain obligations  
32.15 issued according to chapter 475; or (ii) pay principal and interest on debt service loans or  
32.16 capital loans according to section 126C.70;

32.17 (17) to pay operating capital-related assessments of any entity formed under a cooperative  
32.18 agreement between two or more districts;

32.19 (18) to purchase or lease computers and related hardware, software, and annual licensing  
32.20 fees, copying machines, telecommunications equipment, and other noninstructional  
32.21 equipment;

32.22 (19) to purchase or lease assistive technology or equipment for instructional programs;

32.23 (20) to purchase textbooks as defined in section 123B.41, subdivision 2;

32.24 (21) to purchase new and replacement library media resources or technology;

32.25 (22) to lease or purchase vehicles;

32.26 (23) to purchase or lease telecommunications equipment, computers, and related  
32.27 equipment for integrated information management systems for:

32.28 (i) managing and reporting learner outcome information for all students under a  
32.29 results-oriented graduation rule;

32.30 (ii) managing student assessment, services, and achievement information required for  
32.31 students with individualized education programs; and



- 33.1 (iii) other classroom information management needs;
- 33.2 (24) to pay personnel costs directly related to the acquisition, operation, and maintenance
- 33.3 of telecommunications systems, computers, related equipment, and network and applications
- 33.4 software; ~~and~~
- 33.5 (25) to pay the costs directly associated with closing a school facility, including moving
- 33.6 and storage costs; and
- 33.7 (26) to pay the costs of supplies and equipment necessary to provide access to menstrual
- 33.8 products at no charge to students in restrooms and as otherwise needed in school facilities.

33.9 **EFFECTIVE DATE.** This section is effective July 1, 2022.

33.10 Sec. 39. Minnesota Statutes 2020, section 126C.10, subdivision 18a, is amended to read:

33.11 Subd. 18a. **Pupil transportation adjustment.** (a) An independent, common, or special

33.12 school district's transportation sparsity revenue under subdivision 18 is increased by the

33.13 greater of zero or ~~18.2~~ 39.5 percent of the difference between:

33.14 (1) the lesser of the district's total cost for regular and excess pupil transportation under

33.15 section 123B.92, subdivision 1, paragraph (b), including depreciation, for the previous fiscal

33.16 year or 105 percent of the district's total cost for the second previous fiscal year; and

33.17 (2) the sum of:

33.18 (i) 4.66 percent of the district's basic revenue for the previous fiscal year;

33.19 (ii) transportation sparsity revenue under subdivision 18 for the previous fiscal year;

33.20 (iii) the district's charter school transportation adjustment for the previous fiscal year;

33.21 and

33.22 (iv) the district's reimbursement for transportation provided under section 123B.92,

33.23 subdivision 1, paragraph (b), clause (1), item (vi).

33.24 (b) A charter school's pupil transportation adjustment equals the school district per pupil

33.25 adjustment under paragraph (a).

33.26 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

33.27 Sec. 40. Minnesota Statutes 2020, section 126C.15, subdivision 1, is amended to read:

33.28 Subdivision 1. **Use of revenue.** The basic skills revenue under section 126C.10,

33.29 subdivision 4, must be reserved and used to meet the educational needs of pupils who enroll

33.30 under-prepared to learn and whose progress toward meeting state or local content or

34.1 performance standards is below the level that is appropriate for learners of their age. Basic  
34.2 skills revenue may also be used for programs designed to prepare children and their families  
34.3 for entry into school whether the student first enrolls in kindergarten or first grade. Any of  
34.4 the following may be provided to meet these learners' needs:

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

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

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

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

34.14 (5) comprehensive and ongoing staff development consistent with district and site plans  
34.15 according to section 122A.60 and to implement plans under section 120B.12, subdivision  
34.16 4a, for teachers, teacher aides, principals, and other personnel to improve their ability to  
34.17 identify the needs of these learners and provide appropriate remediation, intervention,  
34.18 accommodations, or modifications;

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

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

34.27 (8) bilingual programs, bicultural programs, and programs for English learners;

34.28 ~~(9) all-day kindergarten;~~

34.29 ~~(10)~~ (9) early education programs, parent-training programs, school readiness programs,  
34.30 ~~kindergarten~~ voluntary prekindergarten programs for four-year-olds, voluntary home visits  
34.31 under section 124D.13, subdivision 4, and other outreach efforts designed to prepare children  
34.32 for kindergarten;

35.1 ~~(11)~~ (10) extended school day and extended school year programs, including summer  
35.2 programs that may be offered directly by the site or under a performance-based contract  
35.3 with a community-based organization; and

35.4 ~~(12)~~ (11) substantial parent involvement in developing and implementing remedial  
35.5 education or intervention plans for a learner, including learning contracts between the school,  
35.6 the learner, and the parent that establish achievement goals and responsibilities of the learner  
35.7 and the learner's parent or guardian.

35.8 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

35.9 Sec. 41. Minnesota Statutes 2020, section 126C.15, subdivision 2, is amended to read:

35.10 Subd. 2. **Building allocation.** (a) A district or cooperative must allocate at least 80  
35.11 percent of its compensatory revenue to each school building in the district or cooperative  
35.12 where the children who have generated the revenue are served unless the school district or  
35.13 cooperative has received permission under Laws 2005, First Special Session chapter 5,  
35.14 article 1, section 50, to allocate compensatory revenue according to student performance  
35.15 measures developed by the school board.

35.16 (b) ~~Notwithstanding paragraph (a),~~ A district or cooperative may allocate up to 50 no  
35.17 more than 20 percent of the amount of compensatory revenue that the district receives to  
35.18 school sites according to a plan adopted by the school board. The money reallocated under  
35.19 this paragraph must be spent for the purposes listed in subdivision 1, but may be spent on  
35.20 students in any grade, including students attending school readiness or other prekindergarten  
35.21 programs.

35.22 (c) For the purposes of this section and section 126C.05, subdivision 3, "building" means  
35.23 education site as defined in section 123B.04, subdivision 1.

35.24 (d) Notwithstanding section 123A.26, subdivision 1, compensatory revenue generated  
35.25 by students served at a cooperative unit shall be paid to the cooperative unit.

35.26 (e) A district or cooperative with school building openings, school building closings,  
35.27 changes in attendance area boundaries, or other changes in programs or student demographics  
35.28 between the prior year and the current year may reallocate compensatory revenue among  
35.29 sites to reflect these changes. A district or cooperative must report to the department any  
35.30 adjustments it makes according to this paragraph and the department must use the adjusted  
35.31 compensatory revenue allocations in preparing the report required under section 123B.76,  
35.32 subdivision 3, paragraph (c).

35.33 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

36.1 Sec. 42. Minnesota Statutes 2020, section 126C.19, is amended by adding a subdivision  
36.2 to read:

36.3 Subd. 1a. **Supplemental online learning.** A shared time pupil may participate in a  
36.4 school district's supplemental online learning program in the same manner as the student  
36.5 may participate in other shared time programs.

36.6 Sec. 43. Minnesota Statutes 2020, section 127A.45, subdivision 12a, is amended to read:

36.7 Subd. 12a. **Forward shifted aid payments.** One hundred percent of the state aid in  
36.8 fiscal years 2003 and later received under ~~section~~ sections 124D.87 and 124D.4532 must  
36.9 be paid by the state to the recipient school district on August 30 of that year. The recipient  
36.10 school district must recognize this aid in the previous fiscal year.

36.11 Sec. 44. Laws 2021, First Special Session chapter 13, article 1, section 9, is amended to  
36.12 read:

36.13 Sec. 9. **ENGLISH LEARNER CROSS SUBSIDY REDUCTION AID.**

36.14 (a) Notwithstanding Minnesota Statutes, section 124D.65, English learner aid is increased  
36.15 by \$2,000,000 ~~per year~~ for fiscal ~~years~~ year 2022, 2023, 2024, and 2025. The commissioner  
36.16 must allocate the aid to each school district and charter school based on the school district's  
36.17 or charter school's proportionate share of English learner and concentration revenue under  
36.18 Minnesota Statutes, section 126C.10, subdivision 4, clauses (2) and (3), for the preceding  
36.19 fiscal year.

36.20 (b) Revenue under this section must be used and reserved as basic skills revenue  
36.21 according to Minnesota Statutes, section 126C.15.

36.22 Sec. 45. Laws 2021, First Special Session chapter 13, article 1, section 9, the effective  
36.23 date, is amended to read:

36.24 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2022 ~~and~~  
36.25 ~~expires at the end of fiscal year 2025.~~

36.26 Sec. 46. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 2,  
36.27 is amended to read:

36.28 Subd. 2. **General education aid.** For general education aid under Minnesota Statutes,  
36.29 section 126C.13, subdivision 4:

37.1 ~~7,569,266,000~~  
 37.2 \$ 7,484,917,000 ..... 2022  
 37.3 ~~7,804,527,000~~  
 37.4 \$ 7,862,102,000 ..... 2023

37.5 The 2022 appropriation includes \$717,326,000 for 2021 and ~~\$6,851,940,000~~  
 37.6 \$6,767,591,000 for 2022.

37.7 The 2023 appropriation includes ~~\$734,520,000~~ \$751,955,000 for 2022 and  
 37.8 ~~\$7,070,007,000~~ \$7,110,147,000 for 2023.

37.9 Sec. 47. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 5,  
 37.10 is amended to read:

37.11 Subd. 5. **Consolidation transition aid.** (a) For districts consolidating under Minnesota  
 37.12 Statutes, section 123A.485:

37.13 \$ 309,000 ..... 2022  
 37.14 ~~373,000~~  
 37.15 \$ 1,182,000 ..... 2023

37.16 (b) The 2022 appropriation includes \$30,000 for 2021 and \$279,000 for 2022.

37.17 (c) The 2023 appropriation includes \$31,000 for 2022 and ~~\$342,000~~ \$1,151,000 for  
 37.18 2023. If the fiscal year 2023 appropriation is insufficient, the Department of Education must  
 37.19 prorate the payments to each recipient school district.

37.20 (d) The 2023 appropriation includes 100 percent of the amount necessary to make the  
 37.21 adjustment required under section 3.

37.22 (e) If the base budget amounts for fiscal years 2024 and 2025 exceed the February 2022  
 37.23 forecast base budget estimates, the base budget amounts for these fiscal years must be  
 37.24 prorated accordingly.

37.25 Sec. 48. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 6,  
 37.26 is amended to read:

37.27 Subd. 6. **Nonpublic pupil education aid.** For nonpublic pupil education aid under  
 37.28 Minnesota Statutes, sections 123B.40 to 123B.43 and 123B.87:

37.29 ~~16,991,000~~  
 37.30 \$ 17,224,000 ..... 2022  
 37.31 ~~17,450,000~~  
 37.32 \$ 20,706,000 ..... 2023

38.1 The 2022 appropriation includes \$1,903,000 for 2021 and ~~\$15,088,000~~ \$15,321,000 for  
38.2 2022.

38.3 The 2023 appropriation includes ~~\$1,676,000~~ \$1,702,000 for 2022 and ~~\$15,774,000~~  
38.4 \$19,004,000 for 2023.

38.5 Sec. 49. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision  
38.6 11, is amended to read:

38.7 Subd. 11. **English learner cross subsidy reduction aid.** ~~(a)~~ For English learner cross  
38.8 subsidy reduction aid under section 9:

38.9 \$ 2,000,000 ..... 2022

38.10 \$ ~~2,000,000~~ ..... ~~2023~~

38.11 ~~(b) The base for English learner cross subsidy reduction aid is \$2,000,000 for fiscal year~~  
38.12 ~~2024, \$2,000,000 for fiscal year 2025, and \$0 for fiscal year 2026 and later.~~

38.13 Sec. 50. LEGISLATIVE WORKING GROUP ON IDENTIFYING THE  
38.14 APPROPRIATE STUDENT ELIGIBILITY METRIC FOR CALCULATING  
38.15 COMPENSATORY REVENUE.

38.16 Subdivision 1. Membership; chair. (a) The legislative working group on compensatory  
38.17 revenue must consist of eight members as follows:

38.18 (1) four members of the house of representatives, two members appointed by the speaker  
38.19 of the house and two members appointed by the minority leader of the house of  
38.20 representatives; and

38.21 (2) four members of the senate, two members appointed by the senate majority leader  
38.22 and two members appointed by the senate minority leader.

38.23 (b) Appointing authorities must make appointments by June 15, 2022.

38.24 (c) If a vacancy occurs, the appointing authority for the vacated position must fill the  
38.25 vacancy.

38.26 (d) The speaker of the house and the senate majority leader must each designate one  
38.27 working group member from each respective body to serve as chair. The chair must rotate  
38.28 after each meeting. The person appointed as chair by the speaker of the house must convene  
38.29 the first meeting of the working group by June 30, 2022.

38.30 (e) The working group is subject to Minnesota Statutes, section 3.055.

39.1 Subd. 2. **Duties.** (a) The working group must study requirements and practices to identify  
39.2 students whose families qualify as low income for purposes of calculating compensatory  
39.3 revenue.

39.4 (b) The working group must solicit input from the state demographer, the Department  
39.5 of Education, the Children's Cabinet, the Department of Human Services, the Department  
39.6 of Revenue, school districts and charter schools, county program managers implementing  
39.7 MNBenefits, and other interested stakeholders as to the best methods to provide a direct  
39.8 match for qualifying families.

39.9 (c) For purposes of calculating compensatory revenue, the working group must consider  
39.10 the benefits and disadvantages to the yearly application for free or reduced-price meals and  
39.11 whether eligibility may be determined throughout the school year.

39.12 (d) The working group must examine the effect of the Community Eligibility Provision  
39.13 program participation on students' reported free and reduced-price meal eligibility. The  
39.14 working group must also consider whether a simplified eligibility form could be used by  
39.15 students who attend Community Eligibility Provision program sites.

39.16 Subd. 3. **Assistance.** (a) To the extent practicable, the Department of Education must  
39.17 provide the working group with data necessary to analyze proposals altering the way that  
39.18 students are counted for purposes of calculating compensatory revenue.

39.19 (b) The Legislative Coordinating Commission must provide technical and administrative  
39.20 assistance to the working group upon request.

39.21 Subd. 4. **Recommendations; report.** The working group must issue a report to the  
39.22 governor and chairs and ranking minority members of the legislative committees with  
39.23 jurisdiction over kindergarten through grade 12 education by June 30, 2023.

39.24 Subd. 5. **Expiration.** The working group expires July 1, 2023.

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

39.26 Sec. 51. **APPROPRIATION; COMPENSATORY REVENUE LEGISLATIVE**  
39.27 **WORKING GROUP.**

39.28 \$23,000 in fiscal year 2023 is appropriated from the general fund to the director of the  
39.29 Legislative Coordinating Commission for purposes of section 51.

40.1 Sec. 52. **APPROPRIATION; DECLINING ENROLLMENT AID.**

40.2 (a) \$25,000,000 in fiscal year 2023 is appropriated from the general fund to the  
40.3 commissioner of education for declining enrollment aid.

40.4 (b) A public school's decline in enrollment equals the greater of zero or the difference  
40.5 between the fall 2020 enrollment and the fall 2021 enrollment.

40.6 (c) A public school's declining enrollment aid equals the ratio of the school's decline in  
40.7 enrollment in paragraph (b) to the statewide decline in enrollment times the amount  
40.8 appropriated in paragraph (a).

40.9 (d) For purposes of this section, "public school" means a school district, charter school,  
40.10 or cooperative unit under Minnesota Statutes, section 123A.24, subdivision 2.

40.11 (e) This aid is 100 percent payable in fiscal year 2023.

40.12 Sec. 53. **REPEALER.**

40.13 Minnesota Statutes 2020, section 124D.4531, subdivision 3a, is repealed.

40.14 **ARTICLE 2**

40.15 **EDUCATION EXCELLENCE**

40.16 Section 1. Minnesota Statutes 2020, section 13.32, subdivision 3, is amended to read:

40.17 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision  
40.18 5, educational data is private data on individuals and shall not be disclosed except as follows:

40.19 (a) pursuant to section 13.05;

40.20 (b) pursuant to a valid court order;

40.21 (c) pursuant to a statute specifically authorizing access to the private data;

40.22 (d) to disclose information in health, including mental health, and safety emergencies  
40.23 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code  
40.24 of Federal Regulations, title 34, section 99.36;

40.25 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),  
40.26 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,  
40.27 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

40.28 (f) to appropriate health authorities to the extent necessary to administer immunization  
40.29 programs and for bona fide epidemiologic investigations which the commissioner of health



41.1 determines are necessary to prevent disease or disability to individuals in the public  
41.2 educational agency or institution in which the investigation is being conducted;

41.3 (g) when disclosure is required for institutions that participate in a program under title  
41.4 IV of the Higher Education Act, United States Code, title 20, section 1092;

41.5 (h) to the appropriate school district officials to the extent necessary under subdivision  
41.6 6, annually to indicate the extent and content of remedial instruction, including the results  
41.7 of assessment testing and academic performance at a postsecondary institution during the  
41.8 previous academic year by a student who graduated from a Minnesota school district within  
41.9 two years before receiving the remedial instruction;

41.10 (i) to appropriate authorities as provided in United States Code, title 20, section  
41.11 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the  
41.12 system to effectively serve, prior to adjudication, the student whose records are released;  
41.13 provided that the authorities to whom the data are released submit a written request for the  
41.14 data that certifies that the data will not be disclosed to any other person except as authorized  
41.15 by law without the written consent of the parent of the student and the request and a record  
41.16 of the release are maintained in the student's file;

41.17 (j) to volunteers who are determined to have a legitimate educational interest in the data  
41.18 and who are conducting activities and events sponsored by or endorsed by the educational  
41.19 agency or institution for students or former students;

41.20 (k) to provide student recruiting information, from educational data held by colleges  
41.21 and universities, as required by and subject to Code of Federal Regulations, title 32, section  
41.22 216;

41.23 (l) to the juvenile justice system if information about the behavior of a student who poses  
41.24 a risk of harm is reasonably necessary to protect the health or safety of the student or other  
41.25 individuals;

41.26 (m) with respect to Social Security numbers of students in the adult basic education  
41.27 system, to Minnesota State Colleges and Universities and the Department of Employment  
41.28 and Economic Development for the purpose and in the manner described in section 124D.52,  
41.29 subdivision 7;

41.30 (n) to the commissioner of education for purposes of an assessment or investigation of  
41.31 a report of alleged maltreatment of a student as mandated by chapter 260E. Upon request  
41.32 by the commissioner of education, data that are relevant to a report of maltreatment and are

42.1 from charter school and school district investigations of alleged maltreatment of a student  
42.2 must be disclosed to the commissioner, including, but not limited to, the following:

42.3 (1) information regarding the student alleged to have been maltreated;

42.4 (2) information regarding student and employee witnesses;

42.5 (3) information regarding the alleged perpetrator; and

42.6 (4) what corrective or protective action was taken, if any, by the school facility in response  
42.7 to a report of maltreatment by an employee or agent of the school or school district;

42.8 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge  
42.9 of a crime of violence or nonforcible sex offense to the extent authorized under United  
42.10 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title  
42.11 34, sections 99.31 (a)(13) and (14);

42.12 (p) when the disclosure is information provided to the institution under United States  
42.13 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized  
42.14 under United States Code, title 20, section 1232g(b)(7); ~~or~~

42.15 (q) when the disclosure is to a parent of a student at an institution of postsecondary  
42.16 education regarding the student's violation of any federal, state, or local law or of any rule  
42.17 or policy of the institution, governing the use or possession of alcohol or of a controlled  
42.18 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and  
42.19 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution  
42.20 has an information release form signed by the student authorizing disclosure to a parent.  
42.21 The institution must notify parents and students about the purpose and availability of the  
42.22 information release forms. At a minimum, the institution must distribute the information  
42.23 release forms at parent and student orientation meetings; or

42.24 (r) with Tribal Nations about Tribally enrolled or descendant students so that the Tribal  
42.25 Nation and school district or charter school can support the educational attainment of the  
42.26 student.

42.27 Sec. 2. Minnesota Statutes 2020, section 120A.22, subdivision 7, is amended to read:

42.28 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that  
42.29 receives services or aid under sections 123B.40 to 123B.48 from which a student is  
42.30 transferring must transmit the student's educational records, within ten business days of a  
42.31 request, to the district, the charter school, or the nonpublic school in which the student is  
42.32 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under

43.1 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the  
43.2 charter school, or the nonpublic school in which a transferring student is next enrolling in  
43.3 order to comply with this subdivision.

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

43.7 (c) A school district, a charter school, or a nonpublic school that receives services or aid  
43.8 under sections 123B.40 to 123B.48 that transmits a student's educational records to another  
43.9 school district or other educational entity, charter school, or nonpublic school to which the  
43.10 student is transferring must include in the transmitted records information about any formal  
43.11 suspension, expulsion, and exclusion disciplinary action, as well as pupil withdrawals, under  
43.12 sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs  
43.13 to prevent the inappropriate behavior from recurring. The district, the charter school, or the  
43.14 nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must  
43.15 provide notice to a student and the student's parent or guardian that formal disciplinary  
43.16 records will be transferred as part of the student's educational record, in accordance with  
43.17 data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974,  
43.18 United States Code, title 20, section 1232(g).

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

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

43.29 Sec. 3. Minnesota Statutes 2020, section 120A.22, subdivision 9, is amended to read:

43.30 Subd. 9. **Knowledge and skills.** Instruction must be provided in at least the following  
43.31 subject areas:

43.32 (1) basic communication skills including reading and writing, literature, and fine arts;

43.33 (2) mathematics and science;

44.1 (3) social studies including history, geography, economics, government, and citizenship;  
44.2 ~~and~~

44.3 (4) health and physical education; and

44.4 (5) ethnic studies.

44.5 Instruction, textbooks, and materials must be in the English language. Another language  
44.6 may be used pursuant to sections 124D.59 to 124D.61.

44.7 Sec. 4. Minnesota Statutes 2020, section 120B.018, subdivision 6, is amended to read:

44.8 Subd. 6. **Required standard.** "Required standard" means (1) a statewide adopted  
44.9 expectation for student learning in the content areas of language arts, mathematics, science,  
44.10 social studies, physical education, and the arts, or (2) a locally adopted expectation for  
44.11 student learning in health ~~or the arts.~~

44.12 Sec. 5. Minnesota Statutes 2020, section 120B.021, subdivision 1, is amended to read:

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

44.15 (1) language arts;

44.16 (2) mathematics;

44.17 (3) science;

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

44.20 (5) physical education;

44.21 (6) health, for which locally developed academic standards apply; and

44.22 (7) ~~the arts, for which statewide or locally developed academic standards apply, as~~  
44.23 ~~determined by the school district.~~ Public elementary and middle schools must offer at least  
44.24 three and require at least two of the following ~~four~~ five arts areas: media arts, dance, music,  
44.25 theater, and visual arts. Public high schools must offer at least three and require at least  
44.26 one of the following five arts areas: media arts, dance, music, theater, and visual arts.

44.27 (b) For purposes of applicable federal law, the academic standards for language arts,  
44.28 mathematics, and science apply to all public school students, except the very few students  
44.29 with extreme cognitive or physical impairments for whom an individualized education  
44.30 program team has determined that the required academic standards are inappropriate. An

45.1 individualized education program team that makes this determination must establish  
45.2 alternative standards.

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

45.11 (d) A school district may include child sexual abuse prevention instruction in a health  
45.12 curriculum, consistent with paragraph (a), clause (6). Child sexual abuse prevention  
45.13 instruction may include age-appropriate instruction on recognizing sexual abuse and assault,  
45.14 boundary violations, and ways offenders groom or desensitize victims, as well as strategies  
45.15 to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may  
45.16 provide instruction under this paragraph in a variety of ways, including at an annual assembly  
45.17 or classroom presentation. A school district may also provide parents information on the  
45.18 warning signs of child sexual abuse and available resources.

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

45.22 Sec. 6. Minnesota Statutes 2020, section 120B.021, subdivision 2, is amended to read:

45.23 Subd. 2. **Standards development.** (a) The commissioner must consider advice from at  
45.24 least the following stakeholders in developing statewide rigorous core academic standards  
45.25 in language arts, mathematics, science, social studies, including history, geography,  
45.26 economics, government and citizenship, and the arts:

45.27 (1) parents of school-age children and members of the public throughout the state;

45.28 (2) teachers throughout the state currently licensed and providing instruction in language  
45.29 arts, mathematics, science, social studies, or the arts and licensed elementary and secondary  
45.30 school principals throughout the state currently administering a school site;

45.31 (3) currently serving members of local school boards and charter school boards throughout  
45.32 the state;

45.33 (4) faculty teaching core subjects at postsecondary institutions in Minnesota; ~~and~~

- 46.1 (5) representatives of the Minnesota business community;
- 46.2 (6) representatives from the Tribal Nations Education Committee and Minnesota's Tribal
- 46.3 Nations and communities, including both Anishinaabe and Dakota;
- 46.4 (7) youth currently enrolled in kindergarten through grade 12 school districts and charter
- 46.5 schools in Minnesota; and
- 46.6 (8) other stakeholders that represent the ethnic, racial, and geographic diversity of
- 46.7 Minnesota, including diversity of gender and sexual orientation, immigrant status, and
- 46.8 religious and linguistic background.

46.9 (b) Academic standards must:

- 46.10 (1) be clear, concise, objective, measurable, and grade-level appropriate;
- 46.11 (2) not require a specific teaching methodology or curriculum; and
- 46.12 (3) be consistent with the Constitutions of the United States and the state of Minnesota.

46.13 Sec. 7. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

46.14 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section

46.15 and section 120B.022, must adopt statewide rules under section 14.389 for implementing

46.16 statewide rigorous core academic standards in language arts, mathematics, science, social

46.17 studies, physical education, and the arts. After the rules authorized under this subdivision

46.18 are initially adopted, the commissioner may not amend or repeal these rules nor adopt new

46.19 rules on the same topic without specific legislative authorization unless done pursuant to

46.20 subdivision 4.

46.21 Sec. 8. Minnesota Statutes 2020, section 120B.021, subdivision 4, is amended to read:

46.22 Subd. 4. **Revisions and reviews required.** (a) The commissioner of education must

46.23 revise and ~~appropriately~~ embed Indigenous education standards that include the contributions

46.24 of American Indian Tribes and communities into the state's academic standards and

46.25 graduation requirements. These standards must be consistent with recommendations from

46.26 the Tribal Nations Education Committee.

46.27 (b) The commissioner of education must revise and embed technology and information

46.28 literacy standards consistent with recommendations from school media specialists into the

46.29 state's academic standards and graduation requirements and implement a ten-year cycle to

46.30 review and, consistent with the review, revise state academic standards and related

46.31 benchmarks, consistent with this subdivision. During each ten-year review and revision

47.1 cycle, the commissioner also must examine the alignment of each required academic standard  
47.2 and related benchmark with the knowledge and skills students need for career and college  
47.3 readiness and advanced work in the particular subject area.

47.4 ~~(c)~~ (c) The commissioner must ~~include the contributions of Minnesota American Indian~~  
47.5 ~~tribes and communities as related to the~~ embed ethnic studies into the state's academic  
47.6 standards during the review and revision of the required academic standards.

47.7 ~~(b)~~ (d) The commissioner must ensure that the statewide mathematics assessments  
47.8 administered to students in grades 3 through 8 and 11 are aligned with the state academic  
47.9 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b).  
47.10 The commissioner must implement a review of the academic standards and related  
47.11 benchmarks in mathematics beginning in the 2021-2022 school year and every ten years  
47.12 thereafter.

47.13 ~~(e)~~ (e) The commissioner must implement a review of the academic standards and related  
47.14 benchmarks in arts beginning in the 2017-2018 school year and every ten years thereafter.

47.15 ~~(d)~~ (f) The commissioner must implement a review of the academic standards and related  
47.16 benchmarks in science beginning in the 2018-2019 school year and every ten years thereafter.

47.17 ~~(e)~~ (g) The commissioner must implement a review of the academic standards and related  
47.18 benchmarks in language arts beginning in the 2019-2020 school year and every ten years  
47.19 thereafter.

47.20 ~~(f)~~ (h) The commissioner must implement a review of the academic standards and related  
47.21 benchmarks in social studies beginning in the 2020-2021 school year and every ten years  
47.22 thereafter.

47.23 ~~(g)~~ (i) The commissioner must implement a review of the academic standards and related  
47.24 benchmarks in physical education beginning in the ~~2022-2023~~ 2026-2027 school year and  
47.25 every ten years thereafter.

47.26 ~~(h)~~ (j) School districts and charter schools must revise and align local academic standards  
47.27 and high school graduation requirements in health, world languages, and career and technical  
47.28 education to require students to complete the revised standards beginning in a school year  
47.29 determined by the school district or charter school. School districts and charter schools must  
47.30 formally establish a periodic review cycle for the academic standards and related benchmarks  
47.31 in health, world languages, and career and technical education.

48.1 Sec. 9. Minnesota Statutes 2020, section 120B.022, subdivision 1, is amended to read:

48.2 Subdivision 1. **Elective standards.** A district must establish and regularly review its  
48.3 own standards in for career and technical education programs. Standards must align with  
48.4 Minnesota career and technical education frameworks, standards developed by national  
48.5 career and technical education organizations, or recognized industry standards. A district  
48.6 must use the current world languages standards developed by the American Council on the  
48.7 Teaching of Foreign Languages. A school district must offer courses in all elective subject  
48.8 areas.

48.9 Sec. 10. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

48.10 Subdivision 1. **Graduation requirements.** (a) Students ~~beginning 9th grade in the~~  
48.11 ~~2011-2012 school year and later~~ must successfully complete the following high school level  
48.12 credits for graduation:

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

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

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

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

48.23 (5) three and one-half credits of social studies, including credit for a course in government  
48.24 and citizenship in either 11th or 12th grade for students beginning 9th grade in the 2023-2024  
48.25 school year and later or an advanced placement, international baccalaureate, or other rigorous  
48.26 course on government and citizenship under section 120B.021, subdivision 1a, and a  
48.27 combination of other credits encompassing at least United States history, geography, ethnic  
48.28 studies, government and citizenship, world history, and economics sufficient to satisfy all  
48.29 of the academic standards in social studies;

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

48.32 (7) a minimum of seven elective credits.



49.1 (b) A school district is encouraged to offer a course for credit in government and  
49.2 citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year  
49.3 and later, that satisfies the government and citizenship requirement in paragraph (a), clause  
49.4 (5). A school district must offer the course starting in the 2023-2024 school year.

49.5 (c) A student beginning 9th grade in the 2023-2024 school year and later must  
49.6 successfully complete a personal finance course for one-half credit during the student's  
49.7 senior year of high school. The course must include but is not limited to the following topics:  
49.8 creating a household budget; taking out loans and accruing debt, including how interest  
49.9 works; home mortgages; how to file taxes; the impact of student loan debt; and how to read  
49.10 a paycheck and payroll deductions. A district may provide a personal finance course through  
49.11 in-person instruction, distance instruction, or a combination of in-person and distance  
49.12 instruction. The personal finance course may satisfy a social studies requirement, a career  
49.13 and technical education requirement in accordance with local standards, or other credit  
49.14 requirement, as determined by the school board.

49.15 **EFFECTIVE DATE.** This section is effective July 1, 2022. The addition of ethnic  
49.16 studies to the social studies credit requirement is effective for students entering grade 9 in  
49.17 the 2024-2025 school year.

49.18 Sec. 11. Minnesota Statutes 2020, section 120B.024, subdivision 2, is amended to read:

49.19 Subd. 2. **Credit equivalencies.** (a) A one-half credit of economics taught in a school's  
49.20 ~~agriculture~~ agricultural, food, and natural resources education or business ~~department~~  
49.21 education program may fulfill a one-half credit in social studies under subdivision 1, clause  
49.22 (5), if the credit is sufficient to satisfy all of the academic standards in economics.

49.23 (b) An agriculture science or career and technical education credit may fulfill the elective  
49.24 science credit required under subdivision 1, clause (4), if the credit meets the state physical  
49.25 science, life science, earth and space science, chemistry, or physics academic standards or  
49.26 a combination of these academic standards as approved by the district. An agriculture or  
49.27 career and technical education credit may fulfill the credit in chemistry or physics required  
49.28 under subdivision 1, clause (4), if the credit meets the state chemistry or physics academic  
49.29 standards as approved by the district. A student must satisfy either all of the chemistry  
49.30 academic standards or all of the physics academic standards prior to graduation. An  
49.31 agriculture science or career and technical education credit may not fulfill the required  
49.32 biology credit under subdivision 1, clause (4).

49.33 (c) A career and technical education credit may fulfill a mathematics or arts credit  
49.34 requirement under subdivision 1, clause (2) or (6).

50.1 (d) An ~~agriculture~~ agricultural, food, and natural resources education teacher is not  
50.2 required to meet the requirements of Minnesota Rules, part 3505.1150, subpart ~~1~~ 2, item  
50.3 B, to meet the credit equivalency requirements of paragraph (b) above.

50.4 (e) A computer science credit may fulfill a mathematics credit requirement under  
50.5 subdivision 1, clause (2), if the credit meets state academic standards in mathematics.

50.6 (f) A Project Lead the Way credit may fulfill a science or mathematics credit requirement  
50.7 under subdivision 1, clause (2) or (4), if the credit meets the state academic standards in  
50.8 science or mathematics.

50.9 Sec. 12. [120B.025] ETHNIC STUDIES CURRICULUM.

50.10 (a) "Ethnic studies" means the critical and interdisciplinary study of race, ethnicity, and  
50.11 indigeneity with a focus on the experiences and perspectives of people of color within and  
50.12 beyond the United States. Ethnic studies analyzes the ways in which race and racism have  
50.13 been and continue to be powerful social, cultural, and political forces, and the connections  
50.14 of race to the stratification of other groups, including stratification based on gender, class,  
50.15 sexual orientation, gender identity, disability, and legal status.

50.16 (b) Ethnic studies curriculum may be integrated into existing curricular opportunities  
50.17 or provided through additional curricular offerings.

50.18 Sec. 13. [120B.0251] ETHNIC STUDIES.

50.19 Subdivision 1. Definition. "Ethnic studies" has the meaning provided in section 120B.025.

50.20 Subd. 2. Requirements. (a) A student beginning grade 9 in the 2024-2025 school year  
50.21 and later must successfully complete a semester-long ethnic studies course to graduate from  
50.22 high school. The course must meet the minimum requirements of the model curriculum  
50.23 under subdivision 6. A district or charter school must offer an ethnic studies course that  
50.24 fulfills the requirements of this paragraph without increasing the number of credits required  
50.25 for graduation under section 120B.024.

50.26 (b) School districts and charter schools must provide ethnic studies instruction in  
50.27 elementary schools and middle schools by the 2025-2026 school year in accordance with  
50.28 Department of Education rules on ethnic studies.

50.29 (c) Ethnic studies instruction must meet statewide academic standards for ethnic studies  
50.30 curriculum.

51.1 (d) An ethnic studies course may focus specifically on a particular group of national or  
51.2 ethnic origin, including Hmong Studies or Somali Studies.

51.3 Subd. 3. **Rulemaking.** The commissioner of education must adopt rules for statewide  
51.4 academic standards for ethnic studies curriculum to be required for all kindergarten through  
51.5 grade 12 students. The rules must include a process for implementing standards statewide.

51.6 Subd. 4. **School needs assessment.** (a) A school district or charter school must conduct  
51.7 an ethnic studies school needs assessment with students, parents or guardians, and community  
51.8 members to determine the priorities for course selection, implementation, and timeline. The  
51.9 ethnic studies school needs assessment must include qualitative and quantitative components.  
51.10 Qualitative priorities must include a schoolwide listening session or feedback forum with  
51.11 students, parents or guardians, and community members. Quantitative priorities must include  
51.12 a school survey.

51.13 (b) A school district or charter school must annually evaluate the implementation of  
51.14 ethnic studies instruction by seeking feedback from students, parents or guardians, and  
51.15 community members. A school district or charter school must report to the commissioner  
51.16 of education in the form and manner determined by the commissioner on plans to modify  
51.17 implementation based on the annual evaluation.

51.18 Subd. 5. **Department of Education.** (a) The Department of Education must hire dedicated  
51.19 ethnic studies staff sufficient to fulfill the following department duties:

51.20 (1) monitor school district and charter school implementation of ethnic studies courses  
51.21 that fulfill ethnic studies standards;

51.22 (2) support school districts and charter schools in providing training for teachers and  
51.23 school district staff to successfully implement ethnic studies standards;

51.24 (3) require each school district or charter school to annually evaluate the implementation  
51.25 of the ethnic studies requirements by seeking feedback from students, parents or guardians,  
51.26 and community members;

51.27 (4) encourage school districts and charter schools to hire a dedicated coordinator for  
51.28 ethnic studies implementation with support from the Department of Education; and

51.29 (5) make available to school districts and charter schools the following:

51.30 (i) an ethnic studies school survey for each school district and charter school to use as  
51.31 part of a school needs assessment;

52.1 (ii) a list of recommended materials, resources, sample curricula, and pedagogical skills  
52.2 for use in kindergarten through grade 12 that accurately reflect the diversity of the state of  
52.3 Minnesota;

52.4 (iii) training materials for teachers, district staff, and school staff, including an ethnic  
52.5 studies coordinator, to implement ethnic studies requirements, including a school needs  
52.6 assessment; and

52.7 (iv) other resources to assist districts and charter schools in successfully implementing  
52.8 ethnic studies standards.

52.9 (b) The commissioner must review and revise the ethnic studies standards, once adopted,  
52.10 every ten years. Review and revision of the state standards must include robust community  
52.11 engagement and consultation with stakeholders.

52.12 Subd. 6. **Model curriculum.** (a) The Department of Education must encourage school  
52.13 districts and charter schools to use the model curriculum identified by the Ethnic Studies  
52.14 Task Force and to use materials authored by members of the community that is the subject  
52.15 of the course. The model curriculum must:

52.16 (1) use various forms of pedagogy to meet all students' needs, including participatory  
52.17 or research-based models for real-world connections to the current society;

52.18 (2) include a power, race, class, and gender analysis as part of the course via literature,  
52.19 discussion, classwork, and homework as it relates to ethnic studies courses; and

52.20 (3) include an intersectional analysis of climate, health, food, housing, education, and  
52.21 policy.

52.22 (b) The model ethnic studies curriculum must include the following topics:

52.23 (1) Latinx studies;

52.24 (2) African American studies;

52.25 (3) Asian American studies;

52.26 (4) Indigenous or First Nation studies; or

52.27 (5) introduction to ethnic studies.

52.28 **EFFECTIVE DATE.** This section is effective July 1, 2022, except subdivision 3, which  
52.29 is effective the day following final enactment.

53.1 Sec. 14. Minnesota Statutes 2020, section 120B.026, is amended to read:

53.2 **120B.026 PHYSICAL EDUCATION; ~~EXCLUSION~~ EXCUSAL FROM CLASS;**  
53.3 **RECESS.**

53.4 A student may be excused from a physical education class if the student submits written  
53.5 information signed by a physician stating that physical activity will jeopardize the student's  
53.6 health. A student may be excused from a physical education class if being excused meets  
53.7 the child's unique and individualized needs according to the child's individualized education  
53.8 program, federal 504 plan, or individualized health plan. A student may be excused if a  
53.9 parent or guardian requests an exemption on religious grounds. A student with a disability  
53.10 must be provided with modifications or adaptations that allow physical education class to  
53.11 meet their needs. ~~Schools are strongly encouraged not to exclude students in kindergarten~~  
53.12 ~~through grade 5 from recess due to punishment or disciplinary action.~~

53.13 **EFFECTIVE DATE.** This section is effective July 1, 2022.

53.14 Sec. 15. Minnesota Statutes 2020, section 120B.11, subdivision 1, is amended to read:

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

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

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

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

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

53.32 (e) "Ethnic studies" has the meaning provided in section 120B.025.

54.1 (f) "Antiracist" means actively working to identify and eliminate racism in all forms so  
54.2 that power and resources are redistributed and shared equitably among racial groups.

54.3 (g) "Culturally sustaining" means integrating content and practices that infuse the culture  
54.4 and language of Black, Indigenous, and People of Color communities who have been and  
54.5 continue to be harmed and erased through schooling.

54.6 (h) "Institutional racism" means structures, policies, and practices within and across  
54.7 institutions that produce outcomes that chronically favor white people and disadvantage  
54.8 those who are Black, Indigenous, and People of Color.

54.9 (i) "On track for graduation" means that at the end of grade 9, a student has earned at  
54.10 least five credits and has received no more than one failing grade in a term in a language  
54.11 arts, mathematics, science, or social studies course that fulfills a credit requirement under  
54.12 section 120B.024. A student is off track for graduation if the student fails to meet either of  
54.13 these criteria.

54.14 Sec. 16. Minnesota Statutes 2020, section 120B.11, subdivision 1a, is amended to read:

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

54.17 (1) the size of the academic achievement gap, rigorous course taking under section  
54.18 120B.35, subdivision 3, paragraph (c), clause (2), participation in honors or gifted and  
54.19 talented programming, and enrichment experiences by student subgroup;

54.20 (2) student performance on the Minnesota Comprehensive Assessments;

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

54.22 (4) career and college readiness under section 120B.30, subdivision 1-; and

54.23 (5) the number and percentage of students, by student subgroup, who are on track for  
54.24 graduation.

54.25 (b) A school district that offers advanced placement, international baccalaureate, or dual  
54.26 enrollment programs must report on the following performance measures starting in the  
54.27 2023-2024 school year:

54.28 (1) participation in postsecondary enrollment options and concurrent enrollment programs;

54.29 (2) the number of students who took an advanced placement exam and the number of  
54.30 students who passed the exam; and

55.1 (3) the number of students who took the international baccalaureate exam and the number  
55.2 of students who passed the exam.

55.3 (c) Performance measures under this subdivision must be reported for all student  
55.4 subgroups identified in section 120B.35, subdivision 3, paragraph (b), clause (2).

55.5 **EFFECTIVE DATE.** This section is effective July 1, 2022.

55.6 Sec. 17. Minnesota Statutes 2020, section 120B.11, subdivision 2, is amended to read:

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

55.10 (1) clearly defined district and school site goals and benchmarks for instruction and  
55.11 student achievement for all student subgroups identified in section 120B.35, subdivision 3,  
55.12 paragraph (b), clause (2);

55.13 (2) a process to: assess and evaluate each student's progress toward meeting state and  
55.14 local academic standards; ~~;~~ assess and identify students to participate in gifted and talented  
55.15 programs and accelerate their instruction, ~~and;~~ adopt early-admission procedures consistent  
55.16 with section 120B.15; ~~;~~ assess ethnic studies curriculum needs to determine priorities for  
55.17 integrating ethnic studies into existing courses or developing new courses; and identifying  
55.18 identify the strengths and weaknesses of instruction in pursuit of student and school success  
55.19 and curriculum affecting students' progress and growth toward career and college readiness  
55.20 and leading to the world's best workforce;

55.21 (3) a system to periodically review and evaluate the effectiveness of all instruction and  
55.22 curriculum, including ethnic studies curriculum, taking into account strategies and best  
55.23 practices, student outcomes, school principal evaluations under section 123B.147, subdivision  
55.24 3, students' access to effective teachers who are members of populations underrepresented  
55.25 among the licensed teachers in the district or school and who reflect the diversity of enrolled  
55.26 students under section 120B.35, subdivision 3, paragraph (b), clause (2), and teacher  
55.27 evaluations under section 122A.40, subdivision 8, or 122A.41, subdivision 5;

55.28 (4) strategies for improving instruction, curriculum, and student achievement, including:

55.29 (i) the English and, where practicable, the native language development and the academic  
55.30 achievement of English learners; and

55.31 (ii) access to ethnic studies curriculum using culturally responsive methodologies for  
55.32 all learners;

56.1 (5) a process to examine the equitable distribution of teachers and strategies to ensure  
 56.2 children in low-income and minority families, children in families of people of color, and  
 56.3 children in American Indian families are not taught at higher rates than other children by  
 56.4 inexperienced, ineffective, or out-of-field teachers;

56.5 (6) education effectiveness practices that:

56.6 (i) integrate high-quality instruction, rigorous curriculum, technology, and curriculum  
 56.7 that is rigorous, accurate, antiracist, and culturally sustaining;

56.8 (ii) ensure learning and work environments validate, affirm, embrace, and integrate  
 56.9 cultural and community strengths for all students, families, and employees; and

56.10 (iii) provide a collaborative professional culture that develops and supports seeks to  
 56.11 retain qualified, racially and ethnically diverse staff effective at working with diverse students  
 56.12 while developing and supporting teacher quality, performance, and effectiveness; and

56.13 (7) an annual budget for continuing to implement the district plan; and

56.14 (8) identifying a list of suggested and required materials, resources, sample curricula,  
 56.15 and pedagogical skills for use in kindergarten through grade 12 that accurately reflect the  
 56.16 diversity of the state of Minnesota.

56.17 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and  
 56.18 updated after June 30, 2023.

56.19 Sec. 18. Minnesota Statutes 2020, section 120B.11, subdivision 3, is amended to read:

56.20 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory  
 56.21 committee to ensure active community participation in all phases of planning and improving  
 56.22 the instruction and curriculum affecting state and district academic standards, consistent  
 56.23 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect  
 56.24 the diversity of the district and its school sites, include teachers, parents, support staff,  
 56.25 students, and other community residents, and provide translation to the extent appropriate  
 56.26 and practicable. The district advisory committee ~~shall~~ must pursue community support to  
 56.27 accelerate the academic and native literacy and achievement of English learners with varied  
 56.28 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and  
 56.29 2a. The district may establish site teams as subcommittees of the district advisory committee  
 56.30 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school  
 56.31 board: rigorous academic standards; student achievement goals and measures consistent  
 56.32 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district  
 56.33 assessments; means to improve students' equitable access to effective and more diverse



57.1 teachers; strategies to ensure the curriculum is rigorous, accurate, antiracist, and culturally  
57.2 sustaining; strategies to ensure that curriculum and learning and work environments validate,  
57.3 affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic  
57.4 groups; and program evaluations. School sites may expand upon district evaluations of  
57.5 instruction, curriculum, assessments, or programs. Whenever possible, parents and other  
57.6 community residents shall ~~shall~~ must comprise at least two-thirds of advisory committee members.

57.7 Sec. 19. **[120B.113] CLOSING EDUCATIONAL OPPORTUNITY GAPS GRANTS.**

57.8 Subdivision 1. **Grant program established.** The commissioner of education must  
57.9 establish a grant program to support implementation of world's best workforce strategies  
57.10 under section 120B.11, subdivision 2, clauses (4) and (6), and collaborative efforts that  
57.11 address opportunity gaps resulting from curricular, environmental, and structural inequities  
57.12 in schools experienced by students, families, and staff who are of color or who are American  
57.13 Indian.

57.14 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the  
57.15 meanings given.

57.16 (b) "Antiracist" means actively working to identify and eliminate racism in all forms so  
57.17 that power and resources are redistributed and shared equitably among racial groups.

57.18 (c) "Curricular" means curriculum resources used and content taught as well as access  
57.19 to levels of coursework or types of learning opportunities.

57.20 (d) "Environmental" means relating to the climate and culture of a school.

57.21 (e) "Equitable" means fairness by providing curriculum, instruction, support, and other  
57.22 resources for learning based on the needs of individual students and groups of students to  
57.23 succeed at school rather than treating all students the same despite the students having  
57.24 different needs.

57.25 (f) "Institutional racism" means policies and practices within and across institutions that  
57.26 produce outcomes that chronically favor white people and disadvantage those who are  
57.27 Black, Indigenous, and People of Color.

57.28 (g) "Opportunity gap" means the inequitable distribution of resources that impacts  
57.29 inequitable opportunities that contribute to or perpetuate learning gaps for certain groups  
57.30 of students.

57.31 (h) "Structural" means relating to the organization and systems of a school that have  
57.32 been created to manage a school.

58.1 Subd. 3. **Applications and grant awards.** The commissioner must determine application  
58.2 procedures and deadlines, select districts and charter schools to participate in the grant  
58.3 program, and determine the award amount and payment process of the grants. To the extent  
58.4 that there are sufficient applications, the commissioner must award an approximately equal  
58.5 number of grants between districts in greater Minnesota and those in the Twin Cities  
58.6 metropolitan area. If there are an insufficient number of applications received for either  
58.7 geographic area, then the commissioner may award grants to meet the requests for funds  
58.8 wherever a district is located.

58.9 Subd. 4. **Description.** The grant program must provide funding that supports collaborative  
58.10 efforts that close opportunity gaps by:

58.11 (1) ensuring school environments and curriculum validate, affirm, embrace, and integrate  
58.12 cultural and community strengths of students, families, and employees from all racial and  
58.13 ethnic backgrounds; and

58.14 (2) addressing institutional racism with equitable school policies, structures, practices,  
58.15 and curricular offerings, consistent with the requirements for long-term plans under section  
58.16 124D.861, subdivision 2, paragraph (c).

58.17 Subd. 5. **Report.** Grant recipients must annually report to the commissioner by a date  
58.18 and in a form and manner determined by the commissioner on efforts planned and  
58.19 implemented that engaged students, families, educators, and community members of diverse  
58.20 racial and ethnic backgrounds in making improvements to school climate and curriculum.  
58.21 The report must assess the impact of those efforts as perceived by racially and ethnically  
58.22 diverse stakeholders, and must identify any areas needed for further continuous improvement.  
58.23 The commissioner must publish a report for the public summarizing the activities of grant  
58.24 recipients and what was done to promote sharing of effective practices among grant recipients  
58.25 and potential grant applicants.

58.26 **EFFECTIVE DATE.** This section is effective July 1, 2022.

58.27 Sec. 20. Minnesota Statutes 2020, section 120B.12, is amended to read:

58.28 **120B.12 READING PROFICIENTLY NO LATER THAN THE END OF GRADE**  
58.29 **3.**

58.30 Subdivision 1. **Literacy goal.** The legislature seeks to have every child reading at or  
58.31 above grade level beginning in kindergarten and no later than the end of grade 3, including  
58.32 English learners, and that teachers provide ~~comprehensive, scientifically based~~  
58.33 evidence-based reading instruction through a multitiered system of support and based in

59.1 the science of reading by 2027. Instruction must focus on student mastery of the foundational  
59.2 reading skills of phonemic awareness, phonics, and fluency, as well as the development of  
59.3 oral language and vocabulary and reading comprehension skills. Students must receive  
59.4 evidenced-based instruction based in the science of reading that is proven to effectively  
59.5 teach children to read consistent with section 122A.06, subdivision 4.

59.6 Subd. 2. **Identification; report.** (a) Each school district must identify before the end of  
59.7 kindergarten, grade 1, and grade 2 all students who are not ~~reading at grade level~~  
59.8 demonstrating mastery of foundational reading skills, including phonemic awareness,  
59.9 phonics, decoding, and fluency, using a screening tool approved by the Department of  
59.10 Education. Students identified as not ~~reading at grade level~~ demonstrating mastery of  
59.11 foundational reading skills by the end of kindergarten, grade 1, and grade 2 must be screened,  
59.12 ~~in a locally determined manner~~ using a tool approved by the Department of Education, for  
59.13 characteristics of dyslexia and screening data must be submitted to the Department of  
59.14 Education in the form and manner prescribed by the commissioner.

59.15 (b) Students in grade 3 or higher who demonstrate a reading difficulty to a classroom  
59.16 teacher must be screened, ~~in a locally determined manner~~ using a tool approved by the  
59.17 Department of Education, for deficits in foundational reading skills and characteristics of  
59.18 dyslexia, unless a different reason for the reading difficulty has been identified.

59.19 (c) Reading assessments in English, and in the predominant languages of district students  
59.20 where practicable, must identify and evaluate students' areas of academic need related to  
59.21 literacy. The district also must monitor the progress and provide reading instruction  
59.22 appropriate to the specific needs of English learners. The district must use ~~a locally adopted,~~  
59.23 tools approved by the Department of Education that are developmentally appropriate, and  
59.24 culturally responsive ~~assessment~~ assessments and annually report summary assessment  
59.25 results to the commissioner by July 1.

59.26 (d) The district also must annually report to the commissioner by December 15 and July  
59.27 1 a summary of the district's efforts to screen and identify students who demonstrate  
59.28 characteristics of dyslexia using screening tools approved by the Department of Education  
59.29 such as those recommended by the department's dyslexia specialist. With respect to students  
59.30 screened or identified under paragraph (a), the report must include:

59.31 (1) a summary of the district's efforts to screen for dyslexia;

59.32 (2) the number of students screened for that reporting year; and

59.33 (3) the number of students demonstrating characteristics of dyslexia for that year.

60.1 (e) A student identified under this subdivision must be provided with alternate instruction  
60.2 under section 125A.56, subdivision 1.

60.3 Subd. 2a. **Parent notification and involvement.** Schools, ~~at least annually~~ on a quarterly  
60.4 basis, must give the parent of each student who is not reading at or above grade level timely  
60.5 information about:

60.6 (1) the student's reading proficiency, including student performance on foundational  
60.7 reading skills and whether the student has been identified as demonstrating characteristics  
60.8 of dyslexia, as measured by a ~~locally adopted assessment~~ tool approved by the Department  
60.9 of Education;

60.10 (2) reading-related services currently being provided within a multitiered system of  
60.11 support framework to the student, specific curricula being used, the training and licensure  
60.12 of the teacher providing these services, how these services address identified skill deficits,  
60.13 and how the student's progress will be monitored; and

60.14 (3) strategies for parents to use at home in helping their student succeed in becoming  
60.15 grade-level proficient in reading in English and in their native language.

60.16 A district may not use this section to deny a student's right to a special education  
60.17 evaluation.

60.18 Subd. 3. **Intervention.** (a) For each student identified under subdivision 2, the district  
60.19 shall provide reading intervention to accelerate student growth and reach the goal of reading  
60.20 at or above grade level by the end of the current grade and school year. If a student does  
60.21 not read at or above grade level by the end of ~~grade 3~~ the current school year, the district  
60.22 must continue to provide reading intervention until the student reads at grade level. District  
60.23 intervention methods ~~shall encourage~~ must include family engagement and, where possible,  
60.24 collaboration with appropriate school and community programs that specialize in  
60.25 evidence-based instructional practices based in the science of reading and emphasis on  
60.26 mastery of foundational reading skills, including phonemic awareness, phonics, decoding,  
60.27 and fluency. Intervention methods must be taught by a certified or licensed reading specialist  
60.28 and may include, but are not limited to, requiring attendance in summer school, intensified  
60.29 reading instruction that may require that the student be removed from the regular classroom  
60.30 for part of the school day, extended-day programs, or programs that strengthen students'  
60.31 cultural connections.

60.32 (b) A school district or charter school ~~is strongly encouraged to~~ must provide a personal  
60.33 learning plan for a student who is unable to demonstrate grade-level proficiency, as measured  
60.34 ~~by the statewide reading assessment in grade 3~~ state-approved progress monitoring tools in

61.1 kindergarten through grade 3. The district or charter school must determine the format of  
61.2 the personal learning plan in collaboration with the student's educators and other appropriate  
61.3 professionals. The school must develop the learning plan in consultation with the student's  
61.4 parent or guardian. The personal learning plan must address knowledge gaps and skill  
61.5 deficiencies through strategies such as specific exercises and practices during and outside  
61.6 of the regular school day, periodic assessments, and reasonable timelines. ~~The personal~~  
61.7 ~~learning plan may include grade retention, if it is in the student's best interest.~~ A school  
61.8 must maintain and regularly update and modify the personal learning plan until the student  
61.9 reads at grade level. This paragraph does not apply to a student under an individualized  
61.10 education program.

61.11 Subd. 4. **Staff development.** Each district shall use the data under subdivision 2 to  
61.12 identify the staff development needs so that:

61.13 (1) elementary teachers and early childhood educators, where appropriate, are able to  
61.14 implement comprehensive, scientifically based reading and oral language instruction based  
61.15 in the science of reading. Instruction provided by elementary teachers must include explicit,  
61.16 systematic instruction in the five reading areas of phonemic awareness, phonics, fluency,  
61.17 vocabulary, and comprehension as defined in section 122A.06, subdivision 4, and other  
61.18 literacy-related areas including writing until the student achieves grade-level reading  
61.19 proficiency. Instruction provided by early childhood educators must include explicit,  
61.20 systematic instruction in phonological and phonemic awareness, oral language, including  
61.21 listening comprehension and vocabulary, and letter-sound correspondence;

61.22 (2) elementary teachers and early childhood educators, where appropriate, have sufficient  
61.23 training to provide comprehensive, scientifically based reading and oral language instruction  
61.24 based in the science of reading that meets students' developmental, linguistic, and literacy  
61.25 needs, including foundational reading skills, using the intervention methods or programs  
61.26 selected by the district for the identified students;

61.27 (3) ~~licensed teachers employed by the district have regular opportunities to improve~~  
61.28 ~~reading and writing instruction~~ by July 1, 2027, all public school kindergarten through grade  
61.29 3 teachers and support staff employed by the school district must be offered training and  
61.30 provided ongoing coaching in the science of reading using a training program approved by  
61.31 the Department of Education and must be funded with literacy incentive aid received annually  
61.32 by districts under section 124D.98;

61.33 (4) licensed teachers recognize students' diverse needs in cross-cultural settings and are  
61.34 able to serve the oral language and linguistic needs of students who are English learners by

62.1 maximizing strengths in their native languages in order to cultivate students' English language  
 62.2 development, including oral academic language development, and build academic literacy;  
 62.3 and

62.4 (5) licensed teachers are well trained in culturally responsive pedagogy that enables  
 62.5 students to master content, develop skills to access content, and build relationships.

62.6 Subd. 4a. **Local literacy plan.** (a) Consistent with this section, a school district must  
 62.7 ~~adopt~~ submit a local literacy plan using the template provided by the Department of  
 62.8 Education, to have every child in kindergarten through grade 3 developing early literacy  
 62.9 skills and reading at or above grade level no later than the end of grade 3, including English  
 62.10 learners. The plan must be consistent with section 122A.06, subdivision 4, and include the  
 62.11 following:

62.12 (1) a process within a multitiered system of support framework to assess students' level  
 62.13 of reading proficiency and ~~data to support the effectiveness of an assessment used to screen~~  
 62.14 ~~and identify a student's level of reading proficiency~~ foundational reading skills that are  
 62.15 characteristic of dyslexia;

62.16 (2) a process to notify and ~~involve~~ partner with parents to promote developmentally  
 62.17 appropriate and culturally relevant language and literacy support at home;

62.18 (3) a description of the data-based decision-making process within the multitiered system  
 62.19 of support framework for how schools in the district will determine the ~~proper~~ appropriate  
 62.20 reading instruction and intervention strategy for a student to meet the identified student's  
 62.21 needs and the progress monitoring process for intensifying or modifying the reading strategy  
 62.22 instruction and intervention in order to obtain measurable reading progress;

62.23 (4) a process within a multitiered system of support framework to implement explicit,  
 62.24 systematic, evidence-based intervention methods based in the science of reading for students  
 62.25 who demonstrate foundational reading skills deficits or are not reading at or above grade  
 62.26 level and progress monitoring to provide information on the effectiveness of the intervention.  
 62.27 Intervention methods may not include the three-cueing system. Progress monitoring must  
 62.28 be completed to provide information on the effectiveness of the intervention; and

62.29 (5) a process to screen and identify students with characteristics of dyslexia as required  
 62.30 by section 120B.12; and

62.31 ~~(5)~~ (6) identification of staff development needs, including a ~~program~~ plan to meet those  
 62.32 needs.

62.33 (b) The district must post its literacy plan on the official school district website.

63.1 Subd. 5. **Commissioner.** The commissioner shall ~~recommend to districts multiple~~  
63.2 ~~assessment tools~~ provide a menu of state-approved assessment tools that are aligned to the  
63.3 English language arts state academic standards and to early childhood indicators of progress  
63.4 to assist districts and teachers with identifying students under subdivision 2. The  
63.5 commissioner shall also make available ~~examples of nationally recognized and research-based~~  
63.6 ~~instructional methods or programs to districts to provide~~ opportunities for teachers to be  
63.7 trained in the science of reading in order to ensure the instruction being provided is  
63.8 comprehensive, scientifically based reading instruction and intervention under this section.

63.9 Sec. 21. Minnesota Statutes 2020, section 120B.15, is amended to read:

63.10 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

63.11 (a) School districts may identify students, locally develop programs and services  
63.12 addressing instructional and affective needs, provide staff development, and evaluate  
63.13 programs and services to provide gifted and talented students with challenging and  
63.14 appropriate educational programs and services.

63.15 (b) School districts must adopt guidelines for assessing and identifying students for  
63.16 participation in gifted and talented programs and services consistent with section 120B.11,  
63.17 subdivision 2, clause (2). The guidelines should include the use of:

63.18 (1) multiple and objective criteria; and

63.19 (2) assessments and procedures that are valid and reliable, fair, and based on current  
63.20 theory and research. Assessments and procedures ~~should~~ must be sensitive and equitable  
63.21 to underrepresented groups, including, but not limited to, low-income students, minority  
63.22 students of color and American Indian students, twice-exceptional students, students with  
63.23 504 plans, and English learners. Assessments and procedures must be coordinated to allow  
63.24 for optimal identification of programs or services for underrepresented groups.

63.25 (c) School districts must adopt procedures for the academic acceleration of gifted and  
63.26 talented students consistent with section 120B.11, subdivision 2, clause (2). These procedures  
63.27 must include how the district will:

63.28 (1) assess a student's readiness and motivation for acceleration; and

63.29 (2) match the level, complexity, and pace of the curriculum to a student to achieve the  
63.30 best type of academic acceleration for that student.

63.31 (d) School districts must adopt procedures consistent with section 124D.02, subdivision  
63.32 1, for early admission to kindergarten or first grade of gifted and talented learners consistent

64.1 with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to  
64.2 underrepresented groups.

64.3 Sec. 22. Minnesota Statutes 2020, section 120B.30, subdivision 1, is amended to read:

64.4 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with  
64.5 appropriate technical qualifications and experience and stakeholders, consistent with  
64.6 subdivision 1a, must include in the comprehensive assessment system, for each grade level  
64.7 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics  
64.8 assessments for students that are aligned with the state's required academic standards under  
64.9 section 120B.021, include multiple choice questions, and are administered annually to all  
64.10 students in grades 3 through 8. State-developed high school tests aligned with the state's  
64.11 required academic standards under section 120B.021 and administered to all high school  
64.12 students in a subject other than writing must include multiple choice questions. The  
64.13 commissioner must establish a testing period as late as possible each school year during  
64.14 which schools must administer the Minnesota Comprehensive Assessments to students. The  
64.15 commissioner must publish the testing schedule at least two years before the beginning of  
64.16 the testing period.

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

64.19 (1) mathematics;

64.20 (i) grades 3 through 8 beginning in the 2010-2011 school year; and

64.21 (ii) high school level beginning in the 2013-2014 school year;

64.22 (2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012  
64.23 school year; and

64.24 (3) language arts and reading; grades 3 through 8 and high school level beginning in the  
64.25 2012-2013 school year.

64.26 (c) For students enrolled in grade 8 in the 2012-2013 school year and later, students'  
64.27 state graduation requirements, based on a longitudinal, systematic approach to student  
64.28 education and career planning, assessment, instructional support, and evaluation, include  
64.29 the following:

64.30 (1) achievement and career and college readiness in mathematics, reading, and writing,  
64.31 consistent with paragraph (k) and to the extent available, to monitor students' continuous  
64.32 development of and growth in requisite knowledge and skills; analyze students' progress



65.1 and performance levels, identifying students' academic strengths and diagnosing areas where  
65.2 students require curriculum or instructional adjustments, targeted interventions, or  
65.3 remediation; and, based on analysis of students' progress and performance data, determine  
65.4 students' learning and instructional needs and the instructional tools and best practices that  
65.5 support academic rigor for the student; and

65.6 (2) consistent with this paragraph and section 120B.125, age-appropriate exploration  
65.7 and planning activities and career assessments to encourage students to identify personally  
65.8 relevant career interests and aptitudes and help students and their families develop a regularly  
65.9 reexamined transition plan for postsecondary education or employment without need for  
65.10 postsecondary remediation.

65.11 Based on appropriate state guidelines, students with an individualized education program  
65.12 may satisfy state graduation requirements by achieving an individual score on the  
65.13 state-identified alternative assessments.

65.14 (d) Expectations of schools, districts, and the state for career or college readiness under  
65.15 this subdivision must be comparable in rigor, clarity of purpose, and rates of student  
65.16 completion.

65.17 A student under paragraph (c), clause (1), must receive targeted, relevant, academically  
65.18 rigorous, and resourced instruction, which may include a targeted instruction and intervention  
65.19 plan focused on improving the student's knowledge and skills in core subjects so that the  
65.20 student has a reasonable chance to succeed in a career or college without need for  
65.21 postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49,  
65.22 and related sections, an enrolling school or district must actively encourage a student in  
65.23 grade 11 or 12 who is identified as academically ready for a career or college to participate  
65.24 in courses and programs awarding college credit to high school students. Students are not  
65.25 required to achieve a specified score or level of proficiency on an assessment under this  
65.26 subdivision to graduate from high school.

65.27 (e) Though not a high school graduation requirement, students are encouraged to  
65.28 participate in a nationally recognized college entrance exam. To the extent state funding  
65.29 for college entrance exam fees is available, a district must pay the cost, one time, for an  
65.30 interested student in grade 11 or 12 who is eligible for a free or reduced-price meal, to take  
65.31 a nationally recognized college entrance exam before graduating. A student must be able  
65.32 to take the exam under this paragraph at the student's high school during the school day and  
65.33 at any one of the multiple exam administrations available to students in the district. A district  
65.34 may administer the ACT or SAT or both the ACT and SAT to comply with this paragraph.

66.1 If the district administers only one of these two tests and a free or reduced-price meal eligible  
66.2 student opts not to take that test and chooses instead to take the other of the two tests, the  
66.3 student may take the other test at a different time or location and remains eligible for the  
66.4 examination fee reimbursement. Notwithstanding sections 123B.34 to 123B.39, a school  
66.5 district may require a student that is not eligible for a free or reduced-price meal to pay the  
66.6 cost of taking a nationally recognized college entrance exam. The district must waive the  
66.7 cost for a student unable to pay.

66.8 (f) The commissioner and the chancellor of the Minnesota State Colleges and Universities  
66.9 must collaborate in aligning instruction and assessments for adult basic education students  
66.10 and English learners to provide the students with diagnostic information about any targeted  
66.11 interventions, accommodations, modifications, and supports they need so that assessments  
66.12 and other performance measures are accessible to them and they may seek postsecondary  
66.13 education or employment without need for postsecondary remediation. When administering  
66.14 formative or summative assessments used to measure the academic progress, including the  
66.15 oral academic development, of English learners and inform their instruction, schools must  
66.16 ensure that the assessments are accessible to the students and students have the modifications  
66.17 and supports they need to sufficiently understand the assessments.

66.18 (g) Districts and schools, on an annual basis, must use career exploration elements to  
66.19 help students, beginning no later than grade 9, and their families explore and plan for  
66.20 postsecondary education or careers based on the students' interests, aptitudes, and aspirations.  
66.21 Districts and schools must use timely regional labor market information and partnerships,  
66.22 among other resources, to help students and their families successfully develop, pursue,  
66.23 review, and revise an individualized plan for postsecondary education or a career. This  
66.24 process must help increase students' engagement in and connection to school, improve  
66.25 students' knowledge and skills, and deepen students' understanding of career pathways as  
66.26 a sequence of academic and career courses that lead to an industry-recognized credential,  
66.27 an associate's degree, or a bachelor's degree and are available to all students, whatever their  
66.28 interests and career goals.

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

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

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

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

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

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

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

67.33 (o) The commissioner must include the following components in the statewide public  
67.34 reporting system:

68.1 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through  
68.2 8 and testing at the high school levels that provides appropriate, technically sound  
68.3 accommodations or alternate assessments;

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

68.7 (3) state results on the ~~American College Test~~ ACT test; and

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

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

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

68.22 Sec. 23. Minnesota Statutes 2020, section 120B.30, subdivision 1a, is amended to read:

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

68.25 ~~(1) "Computer-adaptive assessments" means fully adaptive assessments.~~

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

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

68.30 ~~(4) "Above-grade level" test items contain subject area content that is above the grade~~  
68.31 ~~level of the student taking the assessment and is considered aligned with state academic~~  
68.32 ~~standards to the extent it is aligned with content represented in state academic standards~~

69.1 ~~above the grade level of the student taking the assessment. Notwithstanding the student's~~  
69.2 ~~grade level, administering above-grade level test items to a student does not violate the~~  
69.3 ~~requirement that state assessments must be aligned with state standards.~~

69.4 ~~(5) "Below-grade level" test items contain subject area content that is below the grade~~  
69.5 ~~level of the student taking the test and is considered aligned with state academic standards~~  
69.6 ~~to the extent it is aligned with content represented in state academic standards below the~~  
69.7 ~~student's current grade level. Notwithstanding the student's grade level, administering~~  
69.8 ~~below-grade level test items to a student does not violate the requirement that state~~  
69.9 ~~assessments must be aligned with state standards.~~

69.10 ~~(b) The commissioner must use fully adaptive mathematics and reading assessments for~~  
69.11 ~~grades 3 through 8.~~

69.12 ~~(e)~~ (a) For purposes of conforming with existing federal educational accountability  
69.13 requirements, the commissioner must develop and implement computer-adaptive reading  
69.14 and mathematics assessments for grades 3 through 8, state-developed high school reading  
69.15 and mathematics tests aligned with state academic standards, a high school writing test  
69.16 aligned with state standards when it becomes available, and science assessments under  
69.17 clause (2) that districts and sites must use to monitor student growth toward achieving those  
69.18 standards. The commissioner must not develop statewide assessments for academic standards  
69.19 in social studies, health and physical education, and the arts. The commissioner must require:

69.20 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through  
69.21 8, and high school reading, writing, and mathematics tests; and

69.22 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades  
69.23 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the  
69.24 commissioner must not require students to achieve a passing score on high school science  
69.25 assessments as a condition of receiving a high school diploma.

69.26 ~~(d)~~ (b) The commissioner must ensure that for annual computer-adaptive assessments:

69.27 (1) individual student performance data and achievement reports are available within  
69.28 three school days of when students take an assessment except in a year when an assessment  
69.29 reflects new performance standards;

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

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

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

70.9 ~~(e)~~ (c) The commissioner must ensure that all state tests administered to elementary and  
70.10 secondary students measure students' academic knowledge and skills and not students'  
70.11 values, attitudes, and beliefs.

70.12 ~~(f)~~ (d) Reporting of state assessment results must:

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

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

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

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

70.20 ~~(h)~~ (f) A school, school district, and charter school must administer statewide assessments  
70.21 under this section, as the assessments become available, to evaluate student progress toward  
70.22 career and college readiness in the context of the state's academic standards. A school,  
70.23 school district, or charter school may use a student's performance on a statewide assessment  
70.24 as one of multiple criteria to determine grade promotion or retention. A school, school  
70.25 district, or charter school may use a high school student's performance on a statewide  
70.26 assessment as a percentage of the student's final grade in a course, or place a student's  
70.27 assessment score on the student's transcript.

70.28 Sec. 24. Minnesota Statutes 2020, section 120B.301, is amended to read:

70.29 **120B.301 LIMITS ON LOCAL TESTING.**

70.30 (a) For students in grades 1 through 6, the cumulative total amount of time spent taking  
70.31 locally adopted districtwide or schoolwide assessments must not exceed ten hours per school  
70.32 year. For students in grades 7 through 12, the cumulative total amount of time spent taking

71.1 locally adopted districtwide or schoolwide assessments must not exceed 11 hours per school  
71.2 year. For purposes of this paragraph, international baccalaureate and advanced placement  
71.3 exams are not considered locally adopted assessments.

71.4 (b) A district or charter school is exempt from the requirements of paragraph (a), if the  
71.5 district or charter school, in consultation with the exclusive representative of the teachers  
71.6 or other teachers if there is no exclusive representative of the teachers, decides to exceed a  
71.7 time limit in paragraph (a) and includes the information in the report required under section  
71.8 120B.11, subdivision 5.

71.9 (c) A district or charter school, ~~before the first day of each school year,~~ must publish on  
71.10 its website a comprehensive calendar of standardized tests to be administered in the district  
71.11 or charter school during that school year. The calendar must provide the rationale for  
71.12 administering each assessment and indicate whether the assessment is a local option or  
71.13 required by state or federal law. The calendar must be published at least one week prior to  
71.14 any eligible assessments being administered and no later than October 1.

71.15 Sec. 25. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

71.16 Subd. 3. **State growth target measures; other state measures.** (a)(1) The state's  
71.17 educational assessment system measuring individual students' educational growth is based  
71.18 on indicators of current achievement growth that show growth from an individual student's  
71.19 prior achievement. Indicators of achievement and prior achievement must be based on highly  
71.20 reliable statewide or districtwide assessments. Indicators that take into account a student's  
71.21 prior achievement must not be used to disregard a school's low achievement or to exclude  
71.22 a school from a program to improve low-achievement levels.

71.23 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and  
71.24 report, as soon as practicable, separate categories of information using the student categories  
71.25 identified under the federal Elementary and Secondary Education Act, as most recently  
71.26 reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen  
71.27 community, seven of the most populous Asian ~~and Pacific Islander~~ groups, three of the most  
71.28 populous Native groups, seven of the most populous Hispanic/Latino groups, and five of  
71.29 the most populous Black and African Heritage groups ~~as determined by the total Minnesota~~  
71.30 ~~population based on the most recent American Community Survey;~~ These groups must be  
71.31 determined by a ten-year cycle using the American Community Survey of the total Minnesota  
71.32 population. The determination must be based on the most recent five-year dataset starting  
71.33 with the 2021-2025 dataset. Additional categories must include English learners under  
71.34 section 124D.59; home language; free or reduced-price ~~lunch~~ meals; and all students enrolled

72.1 in a Minnesota public school who are currently or were previously in foster care, except  
72.2 that such disaggregation and cross tabulation is not required if the number of students in a  
72.3 category is insufficient to yield statistically reliable information or the results would reveal  
72.4 personally identifiable information about an individual student.

72.5 (b) The commissioner, in consultation with a stakeholder group that includes assessment  
72.6 and evaluation directors, district staff, experts in culturally responsive teaching, and  
72.7 researchers, must implement a an appropriate growth model that compares the difference  
72.8 in students' achievement scores over time, and includes criteria for identifying schools and  
72.9 school districts that demonstrate academic progress or progress toward English language  
72.10 proficiency. The model may be used to advance educators' professional development and  
72.11 replicate programs that succeed in meeting students' diverse learning needs. Data on  
72.12 individual teachers generated under the model are personnel data under section 13.43. The  
72.13 model must allow users to:

72.14 (1) report student growth consistent with this paragraph; and

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

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

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

72.31 (1) a preparation measure indicating the number and percentage of high school graduates  
72.32 in the most recent school year who completed course work important to preparing them for  
72.33 postsecondary academic and career opportunities, consistent with the core academic subjects



73.1 required for admission to Minnesota's public colleges and universities as determined by the  
73.2 Office of Higher Education under chapter 136A; and

73.3 (2) a rigorous coursework measure indicating the number and percentage of high school  
73.4 graduates in the most recent school year who successfully completed one or more  
73.5 college-level advanced placement, international baccalaureate, postsecondary enrollment  
73.6 options including concurrent enrollment, other rigorous courses of study under section  
73.7 120B.021, subdivision 1a, or industry certification courses or programs.

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

73.12 (d) When reporting student performance under section 120B.36, subdivision 1, the  
73.13 commissioner annually, beginning July 1, 2014, must report summary data on school safety  
73.14 and students' engagement and connection at school, consistent with the student categories  
73.15 identified under paragraph (a), clause (2). The summary data under this paragraph are  
73.16 separate from and must not be used for any purpose related to measuring or evaluating the  
73.17 performance of classroom teachers. The commissioner, in consultation with qualified experts  
73.18 on student engagement and connection and classroom teachers, must identify highly reliable  
73.19 variables that generate summary data under this paragraph. The summary data may be used  
73.20 at school, district, and state levels only. Any data on individuals received, collected, or  
73.21 created that are used to generate the summary data under this paragraph are nonpublic data  
73.22 under section 13.02, subdivision 9.

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

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

73.29 (2) the percent of students under this paragraph whose progress and performance levels  
73.30 are meeting career and college readiness benchmarks under section 120B.30, subdivision  
73.31 1; and

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

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

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

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

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

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

74.7 (f) The commissioner, in consultation with recognized experts with knowledge and  
74.8 experience in assessing the language proficiency and academic performance of all English  
74.9 learners enrolled in a Minnesota public school course or program who are currently or were  
74.10 previously counted as an English learner under section 124D.59, must identify and report  
74.11 appropriate and effective measures to improve current categories of language difficulty and  
74.12 assessments, and monitor and report data on students' English proficiency levels, program  
74.13 placement, and academic language development, including oral academic language.

74.14 (g) When reporting four- and six-year graduation rates, the commissioner or school  
74.15 district must disaggregate the data by student categories according to paragraph (a), clause  
74.16 (2).

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

74.22 **EFFECTIVE DATE.** This section is effective the day following final enactment. The  
74.23 next update to the data used to determine the most populous groups must be implemented  
74.24 in 2026 using the 2021-2025 dataset.

74.25 Sec. 26. Minnesota Statutes 2020, section 120B.36, subdivision 2, is amended to read:

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

75.1 (b) Districts must provide parents sufficiently detailed summary data to permit parents  
75.2 to appeal under the most recently reauthorized federal Elementary and Secondary Education  
75.3 Act. The commissioner shall annually post federal expectations and state student growth,  
75.4 learning, and outcome data to the department's public website no later than September 1,  
75.5 except that in years when data or federal expectations reflect new performance standards,  
75.6 the commissioner shall post data on federal expectations and state student growth data no  
75.7 later than October 1.

75.8 Sec. 27. [121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.

75.9 Subdivision 1. Prohibition. (a) A public school may not have or adopt a name, symbol,  
75.10 or image that depicts or refers to an American Indian Tribe, individual, custom, or tradition  
75.11 to be used as a mascot, nickname, logo, letterhead, or team name of the district or school  
75.12 within the district.

75.13 (b) A public school may seek an exemption to paragraph (a) by submitting a request in  
75.14 writing to the Tribal Nations Education Committee and the Indian Affairs Council, which  
75.15 jointly shall have discretion to grant such an exemption. A public school that has a mascot  
75.16 prohibited by this section must request an exemption by January 1, 2023.

75.17 Subd. 2. Definitions. (a) For purposes of this section, the following terms have the  
75.18 meanings given.

75.19 (b) "American Indian" means an individual who is:

75.20 (1) a member of an Indian Tribe or Band, as membership is defined by the Tribe or  
75.21 Band, including:

75.22 (i) any Tribe or Band terminated since 1940; and

75.23 (ii) any Tribe or Band recognized by the state in which the Tribe or Band resides;

75.24 (2) a descendant, in the first or second degree, of an individual described in clause (1);

75.25 (3) considered by the Secretary of the Interior to be an Indian for any purpose;

75.26 (4) an Eskimo, Aleut, or other Alaska Native; or

75.27 (5) a member of an organized Indian group that received a grant under the Indian  
75.28 Education Act of 1988 as in effect the day preceding October 20, 1994.

75.29 (c) "District" means a district under section 120A.05, subdivision 8.

75.30 (d) "Mascot" means any human, nonhuman animal, or object used to represent a school  
75.31 and its population.

76.1 (e) "Public school" or "school" means a public school under section 120A.05, subdivisions  
76.2 9, 11, 13, and 17, and a charter school under chapter 124E.

76.3 Sec. 28. **[121A.201] MULTI-TIERED SYSTEM OF SUPPORT.**

76.4 The Minnesota Multi-Tiered System of Supports (MnMTSS) is a systemic, continuous  
76.5 improvement framework for ensuring positive social, emotional, behavioral, developmental,  
76.6 and academic outcomes for every student. MnMTSS provides access to layered tiers of  
76.7 culturally and linguistically responsive, evidence-based practices. The MnMTSS framework  
76.8 relies on the understanding and belief that every student can learn and thrive, and it engages  
76.9 an anti-racist approach to examining policies and practices and ensuring equitable distribution  
76.10 of resources and opportunity. This systemic framework requires:

76.11 (1) design and delivery of culturally and linguistically responsive, effective,  
76.12 standards-based core instruction in safe, supportive environments inclusive of every student  
76.13 as a necessary foundation for tiered supports;

76.14 (2) layered tiers of culturally and linguistically responsive supplemental and intensive  
76.15 supports to meet each student's needs;

76.16 (3) developing collective knowledge and experience through engagement in representative  
76.17 partnerships with students, education professionals, families, and communities;

76.18 (4) multidisciplinary teams of education professionals that review and use data to prevent  
76.19 and solve problems, inform instruction and supports, and ensure effective implementation  
76.20 in partnership with students and families;

76.21 (5) effective and timely use of meaningful, culturally relevant data disaggregated by  
76.22 student groups identified in section 121A.031 that includes but is not limited to universal  
76.23 screening, frequent progress monitoring, implementation fidelity, and multiple qualitative  
76.24 and quantitative sources; and

76.25 (6) ongoing professional learning on the MnMTSS systemic framework using anti-racist  
76.26 approaches to training and coaching.

76.27 Sec. 29. Minnesota Statutes 2020, section 121A.41, subdivision 2, is amended to read:

76.28 Subd. 2. **Dismissal.** "Dismissal" means the denial of the current educational program to  
76.29 any pupil, including exclusion, expulsion, and out-of-school suspension. ~~It~~ Dismissal does  
76.30 not include removal from class.

77.1 Sec. 30. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

77.2 Subd. 10. **In-school suspension; out-of-school suspension.** (a) "In-school suspension"  
77.3 means an instance in which a pupil is temporarily removed from the pupil's regular classroom  
77.4 for at least half a day for disciplinary purposes, but remains under the direct supervision of  
77.5 school personnel. For purposes of this paragraph, "direct supervision" means school personnel  
77.6 are physically in the same location as students under supervision.

77.7 (b) "Out-of-school suspension" means an action by the school administration, under  
77.8 rules promulgated by the school board, prohibiting a pupil from attending school for a period  
77.9 of no more than ten school days. If a suspension is longer than five days, the suspending  
77.10 administrator must provide the superintendent with a reason for the longer suspension. This  
77.11 definition does not apply to dismissal from school for ~~one school day~~ or less than one school  
77.12 day, except as provided in federal law for a student with a disability. Each suspension action  
77.13 may include a readmission plan. The readmission plan shall include, where appropriate, a  
77.14 provision for implementing alternative educational services upon readmission and may not  
77.15 be used to extend the current suspension. Consistent with section 125A.091, subdivision 5,  
77.16 the readmission plan must not obligate a parent to provide a sympathomimetic medication  
77.17 for the parent's child as a condition of readmission. The school administration may not  
77.18 impose consecutive suspensions against the same pupil for the same course of conduct, or  
77.19 incident of misconduct, except where the pupil will create an immediate and substantial  
77.20 danger to self or to surrounding persons or property, or where the district is in the process  
77.21 of initiating an expulsion, in which case the school administration may extend the suspension  
77.22 to a total of 15 school days.

77.23 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

77.24 Sec. 31. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision  
77.25 to read:

77.26 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**  
77.27 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means  
77.28 policies and practices that are alternatives to removing a pupil from class or dismissing a  
77.29 pupil from school, including evidence-based positive behavior interventions and supports,  
77.30 social and emotional services, school-linked mental health services, counseling services,  
77.31 social work services, referrals for special education or 504 evaluations, academic screening  
77.32 for Title 1 services or reading interventions, and alternative education services.  
77.33 Nonexclusionary disciplinary policies and practices require school officials to intervene in,  
77.34 redirect, and support a pupil's behavior before removing a pupil from class or beginning

78.1 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are  
78.2 not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and  
78.3 (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph  
78.4 (r); and 122A.627, clause (3).

78.5 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

78.6 Sec. 32. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision  
78.7 to read:

78.8 Subd. 13. **Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal  
78.9 or written agreement between a school administrator or district administrator and a pupil's  
78.10 parent to withdraw a student from the school district to avoid expulsion or exclusion dismissal  
78.11 proceedings. The duration of the withdrawal agreement cannot be for more than a 12-month  
78.12 period.

78.13 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

78.14 Sec. 33. Minnesota Statutes 2020, section 121A.425, is amended to read:

78.15 **121A.425 FULL AND EQUITABLE PARTICIPATION IN ~~PRESCHOOL AND~~**  
78.16 **~~PREKINDERGARTEN~~ EARLY LEARNING.**

78.17 Subdivision 1. **Disciplinary dismissals prohibited.** (a) A pupil enrolled in the following  
78.18 is not subject to dismissals under this chapter:

78.19 (1) a preschool or prekindergarten program, including a ~~child participating in~~ early  
78.20 childhood family education, school readiness, school readiness plus, voluntary  
78.21 prekindergarten, Head Start, or other school-based preschool or prekindergarten program;  
78.22 ~~may not be subject to dismissals under this chapter; or~~

78.23 (2) kindergarten through grade 3.

78.24 (b) Notwithstanding this subdivision, expulsions and exclusions may be used only after  
78.25 resources outlined in subdivision 2 have been exhausted, and only in circumstances where  
78.26 there is an ongoing serious safety threat to the child or others.

78.27 Subd. 2. **Nonexclusionary discipline.** For purposes of this section, nonexclusionary  
78.28 discipline must include at least one of the following:

78.29 (1) collaborating with the pupil's family or guardian, child mental health consultant or  
78.30 provider, education specialist, or other community-based support;

79.1 (2) creating a plan, written with the parent or guardian, that details the action and support  
79.2 needed for the pupil to fully participate in the current educational program, including a  
79.3 preschool or prekindergarten program; or

79.4 (3) providing a referral for needed support services, including parenting education, home  
79.5 visits, other supportive education interventions, or, where appropriate, an evaluation to  
79.6 determine if the pupil is eligible for special education services or section 504 services.

79.7 **EFFECTIVE DATE.** This section is effective July 1, 2022.

79.8 Sec. 34. Minnesota Statutes 2020, section 121A.45, subdivision 1, is amended to read:

79.9 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil  
79.10 without attempting to ~~provide alternative educational services~~ use nonexclusionary  
79.11 disciplinary policies and practices before dismissal proceedings or pupil withdrawal  
79.12 agreements, except where it appears that the pupil will create an immediate and substantial  
79.13 danger to self or to surrounding persons or property.

79.14 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

79.15 Sec. 35. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

79.16 Subd. 4. **Provision of alternative education services; suspension pending expulsion**  
79.17 **or exclusion hearing.** (a) Alternative education services must be provided to a pupil who  
79.18 is suspended for more than five consecutive school days.

79.19 (b) Notwithstanding the provisions of subdivisions 1 and 3, the pupil may be suspended  
79.20 pending the school board's decision in the expulsion or exclusion hearing; provided that  
79.21 alternative educational services are implemented to the extent that suspension exceeds five  
79.22 consecutive school days.

79.23 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

79.24 Sec. 36. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision  
79.25 to read:

79.26 Subd. 5. **Minimum education services.** School administration must allow a suspended  
79.27 pupil the opportunity to complete all school work assigned during the period of the pupil's  
79.28 suspension and to receive full credit for satisfactorily completing the assignments. The  
79.29 school principal or other person having administrative control of the school building or  
79.30 program is encouraged to designate a district or school employee as a liaison to work with  
79.31 the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and

80.1 other information, and (2) complete daily and weekly assignments and receive teachers'  
80.2 feedback.

80.3 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

80.4 Sec. 37. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

80.5 Subd. 2. **Written notice.** Written notice of intent to take action shall:

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

80.7 (b) contain a complete statement of the facts, a list of the witnesses and a description of  
80.8 their testimony;

80.9 (c) state the date, time, and place of the hearing;

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

80.11 (e) describe ~~alternative educational services~~ the nonexclusionary disciplinary practices  
80.12 accorded the pupil in an attempt to avoid the expulsion proceedings; and

80.13 (f) inform the pupil and parent or guardian of the right to:

80.14 (1) have a representative of the pupil's own choosing, including legal counsel, at the  
80.15 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost  
80.16 legal assistance may be available and that a legal assistance resource list is available from  
80.17 the Department of Education and is posted on their website;

80.18 (2) examine the pupil's records before the hearing;

80.19 (3) present evidence; and

80.20 (4) confront and cross-examine witnesses.

80.21 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

80.22 Sec. 38. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

80.23 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare  
80.24 and enforce an admission or readmission plan for any pupil who is excluded or expelled  
80.25 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~  
80.26 which may include completing a character education program, consistent with section  
80.27 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,  
80.28 mental health services, referrals for special education or 504 evaluation, and evidence-based  
80.29 academic interventions. The plan must require parental involvement in the admission or



81.1 readmission process, and may indicate the consequences to the pupil of not improving the  
81.2 pupil's behavior.

81.3 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply  
81.4 to a student's dismissal from school for ~~one school day or less~~ than one school day, except  
81.5 as provided under federal law for a student with a disability. Each suspension action may  
81.6 include a readmission plan. A readmission plan must provide, where appropriate, alternative  
81.7 education services, which must not be used to extend the student's current suspension period.  
81.8 Consistent with section 125A.091, subdivision 5, a readmission plan must not obligate a  
81.9 parent or guardian to provide psychotropic drugs to their student as a condition of  
81.10 readmission. School officials must not use the refusal of a parent or guardian to consent to  
81.11 the administration of psychotropic drugs to their student or to consent to a psychiatric  
81.12 evaluation, screening or examination of the student as a ground, by itself, to prohibit the  
81.13 student from attending class or participating in a school-related activity, or as a basis of a  
81.14 charge of child abuse, child neglect or medical or educational neglect.

81.15 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

81.16 Sec. 39. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

81.17 Subdivision 1. **Exclusions and expulsions; pupil withdrawals; physical**  
81.18 **assaults.** Consistent with subdivision 2, the school board must report through the department  
81.19 electronic reporting system each exclusion or expulsion ~~and,~~ each physical assault of a  
81.20 district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days  
81.21 of the effective date of the dismissal action, pupil withdrawal, or assault, to the commissioner  
81.22 of education. This report must include a statement of ~~alternative educational services~~  
81.23 nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in  
81.24 response to the assault given the pupil and the reason for, the effective date, and the duration  
81.25 of the exclusion or expulsion or other sanction, intervention, or resolution. The report must  
81.26 also include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

81.27 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

81.28 Sec. 40. Minnesota Statutes 2020, section 121A.55, is amended to read:

81.29 **121A.55 POLICIES TO BE ESTABLISHED.**

81.30 (a) The commissioner of education ~~shall~~ must promulgate guidelines to assist each school  
81.31 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written  
81.32 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies

82.1 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section  
82.2 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection  
82.3 of problems and shall. The policies must be designed to address students' inappropriate  
82.4 behavior from recurring.

82.5 (b) The policies shall must recognize the continuing responsibility of the school for the  
82.6 education of the pupil during the dismissal period.

82.7 (c) The school is responsible for ensuring that alternative educational services, if the  
82.8 pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress  
82.9 towards toward meeting the graduation standards adopted under section 120B.02 and help  
82.10 prepare the pupil for readmission in accordance with section 121A.46, subdivision 5.

82.11 (d) For expulsion and exclusion dismissals and pupil withdrawal agreements as defined  
82.12 in section 121A.41, subdivision 13:

82.13 (1) a school district's continuing responsibility includes reviewing the pupil's school  
82.14 work and grades on a quarterly basis to ensure the pupil is on track for readmission with  
82.15 the pupil's peers. School districts must communicate on a regular basis with the pupil's  
82.16 parent or guardian to ensure the pupil is completing the work assigned through the alternative  
82.17 educational services;

82.18 (2) a pupil receiving school-based or school-linked mental health services in the district  
82.19 under section 245.4889 continues to be eligible for those services until the pupil is enrolled  
82.20 in a new district; and

82.21 (3) a school district must provide to the pupil's parent or guardian information on  
82.22 accessing mental health services, including any free or sliding fee providers in the  
82.23 community. The information must also be posted on the district or charter school website.

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

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

82.31 **EFFECTIVE DATE.** This section is effective for the 2022-2023 school year and later.

83.1 Sec. 41. Minnesota Statutes 2020, section 121A.61, subdivision 1, is amended to read:

83.2 Subdivision 1. **Required policy.** Each school board must adopt a written districtwide  
83.3 school discipline policy which includes written rules of conduct for students, minimum  
83.4 consequences for violations of the rules, and grounds and procedures for removal of a student  
83.5 from class. The policy must contain the discipline complaint procedure that any member  
83.6 of the school community may use to file a complaint regarding the application of discipline  
83.7 policies and seek corrective action. The policy must be developed in consultation with  
83.8 administrators, teachers, employees, pupils, parents, community members, law enforcement  
83.9 agencies, county attorney offices, social service agencies, and such other individuals or  
83.10 organizations as the board determines appropriate. A school site council may adopt additional  
83.11 provisions to the policy subject to the approval of the school board.

83.12 Sec. 42. Minnesota Statutes 2020, section 121A.61, subdivision 3, is amended to read:

83.13 Subd. 3. **Policy components.** The policy must include at least the following components:

83.14 (a) rules governing student conduct and procedures for informing students of the rules;

83.15 (b) the grounds for removal of a student from a class;

83.16 (c) the authority of the classroom teacher to remove students from the classroom pursuant  
83.17 to procedures and rules established in the district's policy;

83.18 (d) the procedures for removal of a student from a class by a teacher, school administrator,  
83.19 or other school district employee;

83.20 (e) the period of time for which a student may be removed from a class, which may not  
83.21 exceed five class periods for a violation of a rule of conduct;

83.22 (f) provisions relating to the responsibility for and custody of a student removed from  
83.23 a class;

83.24 (g) the procedures for return of a student to the specified class from which the student  
83.25 has been removed;

83.26 (h) the procedures for notifying a student and the student's parents or guardian of  
83.27 violations of the rules of conduct and of resulting disciplinary actions;

83.28 (i) any procedures determined appropriate for encouraging early involvement of parents  
83.29 or guardians in attempts to improve a student's behavior;

83.30 (j) any procedures determined appropriate for encouraging early detection of behavioral  
83.31 problems;

84.1 (k) any procedures determined appropriate for referring a student in need of special  
84.2 education services to those services;

84.3 (l) any procedures determined appropriate for ensuring victims of bullying who respond  
84.4 with behavior not allowed under the school's behavior policies have access to a remedial  
84.5 response, consistent with section 121A.031;

84.6 ~~(m)~~ (m) the procedures for consideration of whether there is a need for a further assessment  
84.7 or of whether there is a need for a review of the adequacy of a current individualized  
84.8 education program of a student with a disability who is removed from class;

84.9 ~~(n)~~ (n) procedures for detecting and addressing chemical abuse problems of a student  
84.10 while on the school premises;

84.11 ~~(o)~~ (o) the minimum consequences for violations of the code of conduct;

84.12 ~~(p)~~ (p) procedures for immediate and appropriate interventions tied to violations of the  
84.13 code;

84.14 ~~(q)~~ (q) a provision that states that a teacher, school employee, school bus driver, or other  
84.15 agent of a district may use reasonable force in compliance with section 121A.582 and other  
84.16 laws;

84.17 ~~(r)~~ (r) an agreement regarding procedures to coordinate crisis services to the extent funds  
84.18 are available with the county board responsible for implementing sections 245.487 to  
84.19 245.4889 for students with a serious emotional disturbance or other students who have an  
84.20 individualized education program whose behavior may be addressed by crisis intervention;  
84.21 ~~and~~

84.22 ~~(s)~~ (s) a provision that states a student must be removed from class immediately if the  
84.23 student engages in assault or violent behavior. For purposes of this paragraph, "assault" has  
84.24 the meaning given it in section 609.02, subdivision 10. The removal shall be for a period  
84.25 of time deemed appropriate by the principal, in consultation with the teacher;

84.26 (t) a prohibition on the use of exclusionary practices for early learners as defined in  
84.27 section 121A.425; and

84.28 (u) a prohibition on the use of exclusionary practices to address attendance and truancy  
84.29 issues.

85.1 Sec. 43. Minnesota Statutes 2020, section 121A.61, is amended by adding a subdivision  
85.2 to read:

85.3 Subd. 4. **Discipline complaint procedure.** The discipline policy must contain procedures  
85.4 for students, parents and other guardians, and school staff to file a complaint and seek  
85.5 corrective action when the requirements of sections 121A.40 to 121A.61, including the  
85.6 implementation of the local behavior and discipline policies, are not being implemented  
85.7 appropriately or are being discriminately applied. Each district and school policy implemented  
85.8 under this section must, at a minimum:

85.9 (1) provide procedures for communicating this policy including the ability for a parent  
85.10 to appeal a decision under section 121A.49 that contains explicit instructions for filing the  
85.11 complaint;

85.12 (2) provide an opportunity for involved parties to submit additional information related  
85.13 to the complaint;

85.14 (3) provide a procedure to begin to investigate complaints within three school days of  
85.15 receipt, and identify personnel who will manage the investigation and any resulting record  
85.16 and are responsible for keeping and regulating access to any record;

85.17 (4) provide procedures for issuing a written determination to the complainant that  
85.18 addresses each allegation and contains findings and conclusions;

85.19 (5) if the investigation finds the requirements of sections 121A.40 to 121A.61, including  
85.20 any local policies that were not implemented appropriately, contain procedures that require  
85.21 a corrective action plan to correct a student's record and provide relevant staff with training,  
85.22 coaching, or other accountability practices to ensure appropriate compliance with policies  
85.23 in the future; and

85.24 (6) prohibit reprisals or retaliation against any person who asserts, alleges, or reports a  
85.25 complaint, and provide procedures for applying appropriate consequences for a person who  
85.26 engages in reprisal or retaliation.

85.27 Sec. 44. [121A.611] RECESS AND OTHER BREAKS.

85.28 (a) "Recess detention" as used in this chapter means excluding or excessively delaying  
85.29 a student from participating in a scheduled recess period as a consequence for student  
85.30 behavior. Recess detention does not include, among other things, providing alternative  
85.31 recess at the student's choice.

86.1 (b) A school district or charter school is encouraged to ensure student access to structured  
86.2 breaks from the demands of school and to support teachers, principals, and other school  
86.3 staff in their efforts to use evidence-based approaches to reduce exclusionary forms of  
86.4 discipline.

86.5 (c) A school district or charter school must not use recess detention unless:

86.6 (1) a student causes or is likely to cause serious physical harm to other students or staff;

86.7 (2) the student's parent or guardian specifically consents to the use of recess detention;

86.8 or

86.9 (3) for students receiving special education services, the student's individualized education  
86.10 program team has determined that withholding recess is appropriate based on the  
86.11 individualized needs of the student.

86.12 (d) A school district or charter school must require school staff to make a reasonable  
86.13 attempt to notify a parent or guardian within 24 hours of using recess detention.

86.14 (e) A school district or charter school must compile information on each recess detention  
86.15 at the end of each school year, including the student's age, grade, gender, race or ethnicity,  
86.16 and special education status. A school district or charter school is encouraged to use the  
86.17 data in professional development promoting the use of nonexclusionary discipline. This  
86.18 information must be available to the public upon request.

86.19 (f) A school district must not withhold or excessively delay a student's participation in  
86.20 scheduled mealtimes. This section does not alter a district's existing responsibilities under  
86.21 section 124D.111 or other state or federal law.

86.22 Sec. 45. Minnesota Statutes 2020, section 122A.06, subdivision 4, is amended to read:

86.23 Subd. 4. **Comprehensive, scientifically based reading instruction.** (a) "Comprehensive,  
86.24 scientifically based reading instruction" includes a program or collection of instructional  
86.25 practices that is based on valid, replicable evidence showing that when these programs or  
86.26 practices are used, students can be expected to achieve, at a minimum, satisfactory reading  
86.27 progress. The program or collection of practices must include, at a minimum, effective,  
86.28 ~~balanced~~ explicit, systematic instruction based in the science of reading with instruction in  
86.29 all five areas of reading: phonemic awareness, phonics, fluency, vocabulary development,  
86.30 and reading comprehension.

86.31 Comprehensive, scientifically based reading instruction also occurs within a multitiered  
86.32 system of support framework. A multitiered system of support includes and integrates

87.1 instructional strategies for continuously assessing, evaluating, and communicating the  
87.2 student's reading progress and needs in order to design and implement ongoing instruction  
87.3 and interventions based in the science of reading so that students of all ages and proficiency  
87.4 levels can read and comprehend text, write, and apply higher level thinking skills. Instruction  
87.5 within a multitiered system of support framework includes core, supplemental, and intensive  
87.6 reading instruction used at each grade level, including prekindergarten through third grade,  
87.7 and must be designed around teaching the five foundational reading skills based in the  
87.8 science of reading. For English learners developing literacy skills, districts are encouraged  
87.9 to use strategies that teach reading and writing in the students' native language and English  
87.10 at the same time.

87.11 (b) For the purposes of this subdivision, the following terms have the meanings given:

87.12 ~~(b)~~ (1) "Fluency" is means the ability of students to read text with speed, accuracy, and  
87.13 proper expression.

87.14 ~~(c)~~ (2) "Phonemic awareness" is means the ability of students to notice, think about, and  
87.15 manipulate individual sounds in spoken syllables and words.

87.16 (3) "Phonics instruction" means the explicit, systematic, and direct instruction of the  
87.17 relationships between letters and the sounds they represent and the application of this  
87.18 knowledge in reading and spelling.

87.19 ~~(d)~~ (4) "Phonics" is means the understanding that there are systematic and predictable  
87.20 relationships between written letters and spoken words. Phonics instruction is a way of  
87.21 teaching reading that stresses learning how letters correspond to sounds and how to apply  
87.22 this knowledge in reading and spelling.

87.23 ~~(e)~~ (5) "Reading comprehension" is means an active process that requires intentional  
87.24 thinking during which meaning is constructed through interactions between text and reader.  
87.25 Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and  
87.26 implementing specific cognitive strategies to help beginning readers derive meaning through  
87.27 intentional, problem-solving thinking processes.

87.28 ~~(f)~~ (6) "Vocabulary development" is means the process of teaching vocabulary both  
87.29 directly and indirectly, with repetition and multiple exposures to vocabulary items. Learning  
87.30 in rich contexts, incidental learning, and use of computer technology enhance the acquiring  
87.31 of vocabulary.

87.32 (7) "Foundational reading skills" means phonological and phonemic awareness, phonics  
87.33 or decoding, and fluency. Foundational reading skills appropriate to each grade level must

88.1 be mastered in kindergarten, grade 1, and grade 2. Struggling readers in grade 3 and higher  
88.2 who demonstrate deficits in foundational reading skills may require explicit, systematic  
88.3 instruction to reach mastery.

88.4 (8) A "multitiered system of support" means a systematic preventative approach that  
88.5 addresses the academic, behavioral, and social-emotional needs of all students at the core  
88.6 (universal), targeted (Tier I), and intensive (Tier II) levels. Through a multitiered system  
88.7 of support a teacher must provide high quality, scientifically based or evidence-based  
88.8 instruction and intervention that is matched to a student's needs; uses a method monitoring  
88.9 progress frequently to inform decisions about instruction and goals; and applies data literacy  
88.10 skills to educational decision making.

88.11 (c) Beginning in the 2022-2023 school year, a public school district or charter school  
88.12 must transition away from a program of instruction for students in kindergarten through  
88.13 grade 2 that is based in any practice or intervention program that uses:

88.14 (1) visual memory as the primary basis for teaching word recognition; or

88.15 (2) the three-cueing system model of reading based on meaning, structure and syntax,  
88.16 and visual, which is also known as "MSV."

88.17 ~~(g)~~ (d) Nothing in this subdivision limits the authority of a school district to select a  
88.18 school's reading program or curriculum.

88.19 Sec. 46. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

88.20 Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings  
88.21 given to them.

88.22 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,  
88.23 nonprofit two-year trade and technical school granting associate degrees, an opportunities  
88.24 industrialization center accredited by an accreditor recognized by the United States  
88.25 Department of Education, or a private, residential, two-year or four-year, liberal arts,  
88.26 degree-granting college or university located in Minnesota. An eligible institution cannot  
88.27 require a faith statement during the application process or base any part of the admission  
88.28 decision on a student's race, creed, ethnicity, disability, gender, or sexual orientation or  
88.29 religious beliefs or affiliations.

88.30 (b) "Course" means a course or program.

88.31 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under  
88.32 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by



89.1 a secondary teacher or a postsecondary faculty member, and are offered at a high school  
89.2 for which the district is eligible to receive concurrent enrollment program aid under section  
89.3 124D.091.

89.4 Sec. 47. Minnesota Statutes 2020, section 124D.09, subdivision 9, is amended to read:

89.5 Subd. 9. **Enrollment priority.** (a) A postsecondary institution must give priority to its  
89.6 postsecondary students when enrolling pupils in grades 10, 11, and 12 in its courses. A  
89.7 postsecondary institution may provide information about its programs to a secondary school  
89.8 or to a pupil or parent and it may advertise or otherwise recruit or solicit a secondary pupil  
89.9 to enroll in its programs ~~on educational and programmatic grounds only except,~~  
89.10 ~~notwithstanding other law to the contrary, and for the 2014-2015 through 2019-2020 school~~  
89.11 ~~years only, an eligible postsecondary institution may advertise or otherwise recruit or solicit~~  
89.12 ~~a secondary pupil residing in a school district with 700 students or more in grades 10, 11,~~  
89.13 ~~and 12, to enroll in its programs on educational, programmatic, or financial grounds.~~

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

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

89.24 (d) If a postsecondary institution enrolls a secondary school pupil in a course under this  
89.25 section, the postsecondary institution also must enroll in the same course an otherwise  
89.26 enrolled and qualified postsecondary student who qualifies as a veteran under section  
89.27 197.447, and demonstrates to the postsecondary institution's satisfaction that the institution's  
89.28 established enrollment timelines were not practicable for that student.

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

90.1 Sec. 48. Minnesota Statutes 2020, section 124D.09, subdivision 10, is amended to read:

90.2 Subd. 10. **Courses according to agreements.** (a) An eligible pupil, according to  
90.3 subdivision 5, may enroll in a nonsectarian course taught by a secondary teacher or a  
90.4 postsecondary faculty member and offered at a secondary school, or another location,  
90.5 according to an agreement between a public school board and the governing body of an  
90.6 eligible public postsecondary system or an eligible private postsecondary institution, as  
90.7 defined in subdivision 3. All provisions of this section apply to a pupil, public school board,  
90.8 district, and the governing body of a postsecondary institution, except as otherwise provided.  
90.9 A secondary school or a postsecondary institution that enrolls eligible pupils in courses  
90.10 according to agreements must annually report to the commissioner the participation rates  
90.11 of pupils enrolled in courses according to agreements, including the number of pupils  
90.12 enrolled and the number of courses taken for postsecondary credit.

90.13 (b) To encourage students, especially American Indian students and students of color,  
90.14 to consider teaching as a profession, participating schools, school districts, and postsecondary  
90.15 institutions are encouraged to develop and offer an "Introduction to Teaching" or  
90.16 "Introduction to Education" course under this subdivision. For the purpose of applying for  
90.17 grants under this paragraph, "eligible institution" includes schools and districts that partner  
90.18 with an accredited college or university in addition to postsecondary institutions identified  
90.19 in subdivision 3, paragraph (a). Grant recipients under this paragraph must annually report  
90.20 to the commissioner in a form and manner determined by the commissioner on the  
90.21 participation rates of students in courses under this paragraph, including the number of  
90.22 students who apply for admission to colleges or universities with teacher preparation  
90.23 programs and the number of students of color and American Indian students who earned  
90.24 postsecondary credit. Grant recipients must also describe recruiting efforts intended to  
90.25 ensure that the percentage of participating students who are of color or American Indian  
90.26 meets or exceeds the overall percentage of students of color or American Indian students  
90.27 in the school.

90.28 Sec. 49. Minnesota Statutes 2020, section 124D.09, subdivision 12, is amended to read:

90.29 Subd. 12. **Credits; grade point average weighting policy.** (a) A pupil must not audit  
90.30 a course under this section.

90.31 (b) A district shall grant academic credit to a pupil enrolled in a course for secondary  
90.32 credit if the pupil successfully completes the course. Seven quarter or four semester college  
90.33 credits equal at least one full year of high school credit. Fewer college credits may be  
90.34 prorated. A district must also grant academic credit to a pupil enrolled in a course for

91.1 postsecondary credit if secondary credit is requested by a pupil. If no comparable course is  
91.2 offered by the district, the district must, as soon as possible, notify the commissioner, who  
91.3 shall determine the number of credits that shall be granted to a pupil who successfully  
91.4 completes a course. If a comparable course is offered by the district, the school board shall  
91.5 grant a comparable number of credits to the pupil. If there is a dispute between the district  
91.6 and the pupil regarding the number of credits granted for a particular course, the pupil may  
91.7 appeal the board's decision to the commissioner. The commissioner's decision regarding  
91.8 the number of credits shall be final.

91.9 (c) A school board must adopt a policy regarding weighted grade point averages for any  
91.10 high school or dual enrollment course. A school board must adopt an identical policy  
91.11 regarding weighted grade point averages for credits earned via postsecondary coursework  
91.12 as for credits earned via concurrent enrollment coursework. The policy must state whether  
91.13 the district offers weighted grades. A school board must annually publish on its website a  
91.14 list of courses for which a student may earn a weighted grade.

91.15 (d) The secondary credits granted to a pupil must be counted toward the graduation  
91.16 requirements and subject area requirements of the district. Evidence of successful completion  
91.17 of each course and secondary credits granted must be included in the pupil's secondary  
91.18 school record. A pupil shall provide the school with a copy of the pupil's grade in each  
91.19 course taken for secondary credit under this section. Upon the request of a pupil, the pupil's  
91.20 secondary school record must also include evidence of successful completion and credits  
91.21 granted for a course taken for postsecondary credit. In either case, the record must indicate  
91.22 that the credits were earned at a postsecondary institution.

91.23 (e) If a pupil enrolls in a postsecondary institution after leaving secondary school, the  
91.24 postsecondary institution must award postsecondary credit for any course successfully  
91.25 completed for secondary credit at that institution. Other postsecondary institutions may  
91.26 award, after a pupil leaves secondary school, postsecondary credit for any courses  
91.27 successfully completed under this section. An institution may not charge a pupil for the  
91.28 award of credit.

91.29 (f) The Board of Trustees of the Minnesota State Colleges and Universities and the  
91.30 Board of Regents of the University of Minnesota must, and private nonprofit and proprietary  
91.31 postsecondary institutions should, award postsecondary credit for any successfully completed  
91.32 courses in a program certified by the National Alliance of Concurrent Enrollment Partnerships  
91.33 offered according to an agreement under subdivision 10. Consistent with section 135A.101,  
91.34 subdivision 3, all MnSCU institutions must give full credit to a secondary pupil who  
91.35 completes for postsecondary credit a postsecondary course or program that is part or all of

92.1 a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a  
92.2 MnSCU institution after leaving secondary school. Once one MnSCU institution certifies  
92.3 as completed a secondary student's postsecondary course or program that is part or all of a  
92.4 goal area or a transfer curriculum, every MnSCU institution must consider the student's  
92.5 course or program for that goal area or the transfer curriculum as completed.

92.6 Sec. 50. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

92.7 Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this section,  
92.8 the department must make payments according to this subdivision for courses that were  
92.9 taken for secondary credit.

92.10 The department must not make payments to a school district or postsecondary institution  
92.11 for a course taken for postsecondary credit only. The department must not make payments  
92.12 to a postsecondary institution for a course from which a student officially withdraws during  
92.13 the first ~~14~~ ten business days of the postsecondary institution's quarter or semester or who  
92.14 has been absent from the postsecondary institution for the first ~~15 consecutive school~~ ten  
92.15 business days of the postsecondary institution's quarter or semester and is not receiving  
92.16 instruction in the home or hospital.

92.17 A postsecondary institution shall receive the following:

92.18 (1) for an institution granting quarter credit, the reimbursement per credit hour shall be  
92.19 an amount equal to 88 percent of the product of the formula allowance minus \$425, multiplied  
92.20 by 1.2, and divided by 45; or

92.21 (2) for an institution granting semester credit, the reimbursement per credit hour shall  
92.22 be an amount equal to 88 percent of the product of the general revenue formula allowance  
92.23 minus \$425, multiplied by 1.2, and divided by 30.

92.24 The department must pay to each postsecondary institution 100 percent of the amount  
92.25 in clause (1) or (2) within 45 days of receiving initial enrollment information each quarter  
92.26 or semester. If changes in enrollment occur during a quarter or semester, the change shall  
92.27 be reported by the postsecondary institution at the time the enrollment information for the  
92.28 succeeding quarter or semester is submitted. At any time the department notifies a  
92.29 postsecondary institution that an overpayment has been made, the institution shall promptly  
92.30 remit the amount due.

93.1 Sec. 51. Minnesota Statutes 2020, section 124D.128, subdivision 1, is amended to read:

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

93.8 Sec. 52. Minnesota Statutes 2020, section 124D.2211, is amended to read:

93.9 **124D.2211 AFTER-SCHOOL COMMUNITY LEARNING PROGRAMS.**

93.10 Subdivision 1. **Establishment.** A competitive statewide after-school community learning  
 93.11 grant program is established to provide grants to ~~community or nonprofit organizations,~~  
 93.12 ~~political subdivisions, for-profit or nonprofit child care centers, or school-based programs~~  
 93.13 ~~that serve youth after school or during nonschool hours~~ organizations that offer academic  
 93.14 and enrichment activities for elementary and secondary school students during nonschool  
 93.15 hours. Grants must be used to offer a broad array of enrichment activities that promote  
 93.16 positive after-school activities, including art, music, community engagement, literacy,  
 93.17 science, technology, engineering, math, health, and recreation programs. The commissioner  
 93.18 ~~shall~~ must develop criteria for after-school community learning programs. The commissioner  
 93.19 may award grants under this section to community or nonprofit organizations, Minnesota  
 93.20 Tribal governments, political subdivisions, public libraries, for-profit or nonprofit child care  
 93.21 centers, or school-based programs that serve youth after school or during nonschool hours.

93.22 Subd. 2. ~~Program outcomes~~ Objectives. The ~~expected outcomes~~ objectives of the  
 93.23 after-school community learning programs are to ~~increase~~:

- 93.24 ~~(1) school connectedness of participants;~~  
 93.25 ~~(2) academic achievement of participating students in one or more core academic areas;~~  
 93.26 ~~(3) the capacity of participants to become productive adults; and~~  
 93.27 ~~(4) prevent truancy from school and prevent juvenile crime.~~

93.28 (1) increase access to protective factors that build young people's capacity to become  
 93.29 productive adults, such as through connections to a caring adult in order to promote healthy  
 93.30 behavior, attitudes, and relationships;

93.31 (2) develop skills and behaviors necessary to succeed in postsecondary education or  
 93.32 career opportunities;

94.1 (3) encourage school attendance and improve academic performance in accordance with  
94.2 the state's world's best workforce goals under section 120B.11; and

94.3 (4) expand program access in underserved communities.

94.4 Subd. 3. **Grants.** (a) An applicant shall ~~shall~~ must submit an after-school community learning  
94.5 program proposal to the commissioner. The submitted ~~plan~~ proposal must include:

94.6 (1) collaboration with and leverage of existing community resources that have  
94.7 demonstrated effectiveness;

94.8 (2) outreach to children and youth; ~~and~~

94.9 ~~(3) involvement of local governments, including park and recreation boards or schools,~~  
94.10 ~~unless no government agency is appropriate.~~

94.11 ~~Proposals will be reviewed and approved by the commissioner.~~

94.12 (3) an explanation of how the proposal will support the objectives identified in subdivision  
94.13 2; and

94.14 (4) a plan to implement effective after-school practices and provide staff access to  
94.15 professional development opportunities.

94.16 (b) The commissioner must review proposals and award grants to programs that:

94.17 (1) primarily serve low-income and underserved students; and

94.18 (2) provide opportunities for academic enrichment, and a broad array of additional  
94.19 services and activities to meet program objectives.

94.20 (c) To the extent practicable, the commissioner must award grants equitably among the  
94.21 geographic areas of Minnesota, including rural, suburban, and urban communities.

94.22 (d) The commissioner must award grants without giving preference to any particular  
94.23 grade of students served by an applicant program.

94.24 Subd. 4. **Technical assistance and continuous improvement.** (a) The commissioner  
94.25 must monitor and evaluate the performance of grant recipients to assess the effectiveness  
94.26 of after-school community learning programs in meeting the objectives identified in  
94.27 subdivision 2.

94.28 (b) The commissioner must contract with a nonprofit organization serving as the statewide  
94.29 after-school network to provide capacity building, professional development, and continuous  
94.30 program improvement supports to grant recipients, including guidance on effective practices  
94.31 for after-school programs.

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

95.2 Sec. 53. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

95.3 Subdivision 1. **Program described.** American Indian education programs are programs  
95.4 in public elementary and secondary schools, nonsectarian nonpublic, community, Tribal,  
95.5 charter, or alternative schools enrolling American Indian children designed to:

95.6 (1) support postsecondary preparation for American Indian pupils;

95.7 (2) support the academic achievement of American Indian ~~students~~ pupils;

95.8 (3) make the curriculum relevant to the needs, interests, and cultural heritage of American  
95.9 Indian pupils;

95.10 (4) provide positive reinforcement of the self-image of American Indian pupils;

95.11 (5) develop intercultural awareness among pupils, parents, and staff; and

95.12 (6) supplement, not supplant, state and federal educational and cocurricular programs.

95.13 Program services designed to increase completion and graduation rates of American Indian  
95.14 students must emphasize academic achievement, retention, and attendance; development  
95.15 of support services for staff, including in-service training and technical assistance in methods  
95.16 of teaching American Indian pupils; research projects, including innovative teaching  
95.17 approaches and evaluation of methods of relating to American Indian pupils; provision of  
95.18 career counseling to American Indian pupils; modification of curriculum, instructional  
95.19 methods, and administrative procedures to meet the needs of American Indian pupils; and  
95.20 ~~supplemental~~ instruction in American Indian language, literature, history, and culture.

95.21 Districts offering programs may make contracts for the provision of program services by  
95.22 establishing cooperative liaisons with Tribal programs and American Indian social service  
95.23 agencies. These programs may also be provided as components of early childhood and  
95.24 family education programs.

95.25 Sec. 54. Minnesota Statutes 2020, section 124D.74, subdivision 3, is amended to read:

95.26 Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent ~~it is~~  
95.27 ~~economically feasible~~ that the unique educational and culturally related academic needs of  
95.28 American Indian people are met and American Indian student accountability factors are the  
95.29 same or higher than their non-American Indian peers, a district or participating school may  
95.30 make provision for the voluntary enrollment of non-American Indian children in the  
95.31 instructional components of an American Indian education program in order that they may

96.1 acquire an understanding of the cultural heritage of the American Indian children for whom  
 96.2 that particular program is designed. However, in determining eligibility to participate in a  
 96.3 program, priority must be given to American Indian children. American Indian children  
 96.4 ~~and other children~~ enrolled in an existing nonpublic school system may be enrolled on a  
 96.5 shared time basis in American Indian education programs.

96.6 Sec. 55. Minnesota Statutes 2020, section 124D.74, subdivision 4, is amended to read:

96.7 Subd. 4. **Location of programs.** American Indian education programs must be located  
 96.8 ~~in facilities~~ educational settings in which regular classes in a variety of subjects are offered  
 96.9 on a daily basis, including district schools, charter schools, and Tribal contract schools that  
 96.10 offer virtual learning environments. Programs may operate on an extended day or extended  
 96.11 year basis.

96.12 Sec. 56. Minnesota Statutes 2020, section 124D.74, is amended by adding a subdivision  
 96.13 to read:

96.14 Subd. 7. **American Indian culture and language classes.** Any district or participating  
 96.15 school that conducts American Indian education programs pursuant to sections 124D.71 to  
 96.16 124D.82 and serves 100 or more state-identified American Indian students enrolled in the  
 96.17 district must provide American Indian culture and language classes.

96.18 Sec. 57. Minnesota Statutes 2020, section 124D.76, is amended to read:

96.19 ~~**124D.76 COMMUNITY COORDINATORS, INDIAN HOME/SCHOOL LIAISONS**~~  
 96.20 ~~**AMERICAN INDIAN EDUCATION PROGRAM COORDINATORS,**~~  
 96.21 ~~**PARAPROFESSIONALS.**~~

96.22 In addition to employing American Indian language and culture education teachers, each  
 96.23 district or participating school providing programs pursuant to sections 124D.71 to 124D.82  
 96.24 may employ paraprofessionals. Paraprofessionals must not be employed for the purpose of  
 96.25 supplanting American Indian language and culture education teachers.

96.26 Any district or participating school ~~which~~ that conducts American Indian education  
 96.27 programs pursuant to sections 124D.71 to 124D.82 must employ one or more full-time or  
 96.28 part-time ~~community coordinators or Indian home/school liaisons if there are~~ dedicated  
 96.29 American Indian education program coordinators in a district with 100 or more  
 96.30 state-identified American Indian students enrolled in the district. ~~Community coordinators~~  
 96.31 ~~shall~~ A dedicated American Indian education program coordinator must promote  
 96.32 communication, understanding, and cooperation between the schools and the community



97.1 and ~~shall~~ must visit the homes of children who are to be enrolled in an American Indian  
97.2 education program in order to convey information about the program.

97.3 Sec. 58. Minnesota Statutes 2020, section 124D.78, is amended to read:

97.4 **124D.78 PARENT AND COMMUNITY PARTICIPATION.**

97.5 Subdivision 1. **Parent committee.** School districts, charter schools, Tribal contract  
97.6 schools, and their respective school boards ~~and American Indian schools~~ must provide for  
97.7 the maximum involvement of parents of American Indian children enrolled in American  
97.8 Indian education programs, programs for elementary and secondary grades, special education  
97.9 programs, and support services. Accordingly, the board of a school district districts, charter  
97.10 schools, and Tribal contract schools in which there are ten or more state-identified American  
97.11 Indian students enrolled ~~and each American Indian school~~ must establish an American  
97.12 Indian ~~education~~ Parent Advisory Committee. If a committee whose membership consists  
97.13 of a majority of parents of American Indian children has been or is established according  
97.14 to federal, tribal, or other state law, that committee may serve as the committee required by  
97.15 this section and is subject to, at least, the requirements of this subdivision and subdivision  
97.16 2.

97.17 The American Indian ~~education~~ Parent Advisory Committee must develop its  
97.18 recommendations in consultation with the curriculum advisory committee required by  
97.19 section 120B.11, subdivision 3. This committee must afford parents the necessary information  
97.20 and the opportunity effectively to express their views concerning all aspects of American  
97.21 Indian education and the educational needs of the American Indian children enrolled in the  
97.22 school or program. ~~The school board or American Indian school~~ Districts, charter schools,  
97.23 and Tribal contract schools must ensure that programs are planned, operated, and evaluated  
97.24 with the involvement of and in consultation with parents of the American Indian students  
97.25 served by the programs.

97.26 Subd. 2. ~~Resolution of concurrence~~ Annual compliance. Prior to March 1 of each  
97.27 year, ~~the school board or American Indian school~~ must submit to the department a copy of  
97.28 ~~a resolution adopted by the American Indian education~~ Parent Advisory Committee. ~~The~~  
97.29 ~~copy must be signed by the chair of the committee and must state whether the committee~~  
97.30 ~~concur with the educational programs for American Indian students offered by the school~~  
97.31 ~~board or American Indian school. If the committee does not concur with the educational~~  
97.32 ~~programs, the reasons for nonconcurrence and recommendations shall be submitted directly~~  
97.33 ~~to the school board with the resolution. By resolution, the board must respond in writing~~  
97.34 ~~within 60 days, in cases of nonconcurrence, to each recommendation made by the committee~~

98.1 ~~and state its reasons for not implementing the recommendations.~~ must meet to discuss  
98.2 whether or not they concur with the educational offerings that have been extended by the  
98.3 district to American Indian students. If the committee finds that the district, charter school,  
98.4 Tribal contract school, and the school board have been meeting the needs of American  
98.5 Indian students, the committee must issue a vote and resolution of concurrence. If the  
98.6 committee finds that the needs of American Indian students are not being met, the committee  
98.7 must issue a vote and resolution of nonconcurrence. The vote and resolution must be  
98.8 presented to the school board by one or more members of the American Indian Parent  
98.9 Advisory Committee. The vote must be formally reflected on documentation provided by  
98.10 the Department of Education and must be submitted annually on March 1. If the vote is one  
98.11 of nonconcurrence, the committee must provide written recommendations for improvement  
98.12 to the school board at the time of the presentation. In the case of nonconcurrence, the school  
98.13 board is given 60 days in which to respond, in writing, to the committee's recommendations.  
98.14 The board response must be signed by the entire school board and submitted to both the  
98.15 American Indian Parent Advisory Committee and to the Department of Education.

98.16 Subd. 3. **Membership.** The American Indian ~~education~~ Parent Advisory Committee  
98.17 must be composed of parents or guardians of American Indian children eligible to be enrolled  
98.18 in American Indian education programs; American Indian secondary students ~~eligible to~~  
98.19 ~~be served~~; American Indian family members of students eligible to be enrolled in American  
98.20 Indian education programs; American Indian language and culture education teachers and  
98.21 paraprofessionals; American Indian teachers; American Indian district employees; American  
98.22 Indian counselors; adult American Indian people enrolled in educational programs; and  
98.23 ~~representatives from community groups~~ American Indian community members. ~~A~~ The  
98.24 majority of each committee must be parents or guardians of American Indian children  
98.25 enrolled or eligible to be enrolled in the programs. ~~The number of parents of American~~  
98.26 ~~Indian and non-American Indian children shall reflect approximately the proportion of~~  
98.27 ~~children of those groups enrolled in the programs.~~

98.28 Subd. 4. **Alternate committee.** If the organizational membership or the board of directors  
98.29 ~~of an American Indian~~ a Tribal contract school consists of parents of children attending the  
98.30 school, that membership or board may serve also as the American Indian ~~education~~ Parent  
98.31 Advisory Committee.

98.32 Subd. 5. **State-identified American Indian.** For the purposes of sections 124D.71 to  
98.33 124D.82, students who identify as American Indian or Alaska Native, using the state  
98.34 definition in effect on October 1 of the previous school year, will be used to determine the

99.1 state-identified American Indian student counts for districts, charter schools, and Tribal  
99.2 contract schools for the subsequent school year.

99.3 Sec. 59. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

99.4 Subd. 4. **Duties; powers.** The American Indian education director shall:

99.5 (1) ~~serve as the liaison for the department~~ work collaboratively and in conjunction with  
99.6 the Tribal Liaison, the Tribal Nations Education Committee, the 11 Tribal communities  
99.7 Nations in Minnesota, the Minnesota Chippewa Tribe, and the Minnesota Indian Affairs  
99.8 Council;

99.9 (2) evaluate the state of American Indian education in Minnesota;

99.10 (3) engage the tribal bodies, community groups, parents of children eligible to be served  
99.11 by American Indian education programs, American Indian administrators and teachers,  
99.12 persons experienced in the training of teachers for American Indian education programs,  
99.13 the tribally controlled schools, and other persons knowledgeable in the field of American  
99.14 Indian education and seek their advice on policies that can improve the quality of American  
99.15 Indian education;

99.16 (4) advise the commissioner on American Indian education issues, including:

99.17 (i) issues facing American Indian students;

99.18 (ii) policies for American Indian education;

99.19 (iii) awarding scholarships to eligible American Indian students and in administering  
99.20 the commissioner's duties regarding awarding of American Indian education grants to school  
99.21 districts; and

99.22 (iv) administration of the commissioner's duties under sections 124D.71 to 124D.82 and  
99.23 other programs for the education of American Indian people;

99.24 (5) propose to the commissioner legislative changes that will improve the quality of  
99.25 American Indian education;

99.26 (6) develop a strategic plan and a long-term framework for American Indian education,  
99.27 in conjunction with the Minnesota Indian Affairs Council, that is updated every five years  
99.28 and implemented by the commissioner, with goals to:

99.29 (i) increase American Indian student achievement, including increased levels of  
99.30 proficiency and growth on statewide accountability assessments;

99.31 (ii) increase the number of American Indian teachers in public schools;

100.1 (iii) close the achievement gap between American Indian students and their more  
100.2 advantaged peers;

100.3 (iv) increase the statewide graduation rate for American Indian students; and

100.4 (v) increase American Indian student placement in postsecondary programs and the  
100.5 workforce; and

100.6 (7) keep the American Indian community informed about the work of the department  
100.7 by reporting to the Tribal Nations Education Committee at each committee meeting.

100.8 Sec. 60. **[124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND**  
100.9 **OBJECTS OF CULTURAL SIGNIFICANCE.**

100.10 A school district or charter school must not prohibit an American Indian student from  
100.11 wearing American Indian regalia, Tribal regalia, or objects of cultural significance at  
100.12 graduation ceremonies.

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

100.14 Sec. 61. Minnesota Statutes 2020, section 124D.81, subdivision 1, is amended to read:

100.15 Subdivision 1. **Procedures.** A school district, charter school, or American  
100.16 Indian-controlled Tribal contract or grant school enrolling at least 20 American Indian  
100.17 students identified by the state count on October 1 of the previous school year ~~and operating~~  
100.18 ~~an American Indian education program according to section 124D.74~~ is eligible for American  
100.19 Indian education aid if it meets the requirements of this section. Programs may provide for  
100.20 contracts for the provision of program components by nonsectarian nonpublic, community,  
100.21 Tribal, charter, or alternative schools. The commissioner shall prescribe the form and manner  
100.22 of application for aids, and no aid shall be made for a program not complying with the  
100.23 requirements of sections 124D.71 to 124D.82.

100.24 Sec. 62. Minnesota Statutes 2020, section 124D.81, subdivision 2, is amended to read:

100.25 Subd. 2. **Plans.** To ~~qualify for~~ receive aid, an eligible district, charter school, or Tribal  
100.26 contract school must develop and submit a plan for approval by the Indian education director  
100.27 that shall:

100.28 (a) Identify the measures to be used to meet the requirements of sections 124D.71 to  
100.29 124D.82;

100.30 (b) Identify the activities, methods and programs to meet the identified educational needs  
100.31 of the children to be enrolled in the program;

101.1 (c) Describe how district goals and objectives as well as the objectives of sections  
101.2 124D.71 to 124D.82 are to be achieved;

101.3 (d) Demonstrate that required and elective courses as structured do not have a  
101.4 discriminatory effect within the meaning of section 124D.74, subdivision 5;

101.5 (e) Describe how each school program will be organized, staffed, coordinated, and  
101.6 monitored; and

101.7 (f) Project expenditures for programs under sections 124D.71 to 124D.82.

101.8 Sec. 63. Minnesota Statutes 2020, section 124D.81, subdivision 2a, is amended to read:

101.9 Subd. 2a. **American Indian education aid.** (a) The American Indian education aid  
101.10 allowance equals \$358 for fiscal years 2022 and 2023. The American Indian education aid  
101.11 allowance for fiscal year 2024 and later equals the product of \$358 times the ratio of the  
101.12 formula allowance under section 126C.10, subdivision 2, for the current fiscal year to the  
101.13 formula allowance under section 126C.10, subdivision 2, for fiscal year 2023.

101.14 (b) The American Indian education aid minimum equals \$20,000 for fiscal years 2022.  
101.15 The American Indian education aid minimum equals \$40,000 for fiscal year 2023. The  
101.16 American Indian education aid minimum for fiscal year 2024 and later equals the product  
101.17 of \$40,000 times the ratio of the formula allowance under section 126C.10, subdivision 2,  
101.18 for the current fiscal year to the formula allowance under section 126C.10, subdivision 2,  
101.19 for fiscal year 2023.

101.20 ~~(a)~~ (c) The American Indian education aid for an eligible district, charter school, or  
101.21 Tribal contract school equals the greater of (1) the sum of ~~\$20,000~~ the American Indian  
101.22 education aid minimum plus the product of \$358 the American Indian education aid  
101.23 allowance times the difference between the number of American Indian students enrolled  
101.24 on October 1 of the previous school year and 20; or (2) if the district or school received a  
101.25 grant under this section for fiscal year 2015, the amount of the grant for fiscal year 2015.

101.26 ~~(b)~~ (d) Notwithstanding paragraph ~~(a)~~ (c), the American Indian education aid must not  
101.27 exceed the district, charter school, or Tribal contract school's actual expenditure according  
101.28 to the approved plan under subdivision 2.

101.29 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

102.1 Sec. 64. Minnesota Statutes 2020, section 124D.81, subdivision 5, is amended to read:

102.2 Subd. 5. **Records.** Participating schools and districts must keep records and afford access  
102.3 to them as the commissioner finds necessary to ensure that American Indian education  
102.4 programs are implemented in conformity with sections 124D.71 to 124D.82. Each school  
102.5 district or participating school must keep accurate, detailed, and separate revenue and  
102.6 expenditure accounts for ~~pilot~~ American Indian education programs funded under this  
102.7 section.

102.8 Sec. 65. Minnesota Statutes 2020, section 124D.83, subdivision 2, is amended to read:

102.9 Subd. 2. **Revenue amount.** An American Indian-controlled tribal contract or grant school  
102.10 that is located on a reservation within the state and that complies with the requirements in  
102.11 subdivision 1 is eligible to receive tribal contract or grant school aid. The amount of aid is  
102.12 derived by:

102.13 (1) multiplying the formula allowance under section 126C.10, subdivision 2, ~~less \$170,~~  
102.14 times the difference between (i) the resident pupil units as defined in section 126C.05,  
102.15 subdivision 6, in average daily membership, excluding section 126C.05, subdivision 13,  
102.16 and (ii) the number of pupils for the current school year, weighted according to section  
102.17 126C.05, subdivision 1, receiving benefits under section 123B.42 or 123B.44 or for which  
102.18 the school is receiving reimbursement under section 124D.69;

102.19 (2) adding to the result in clause (1) an amount equal to the product of the formula  
102.20 allowance under section 126C.10, subdivision 2, less \$300 times the tribal contract  
102.21 compensation revenue pupil units;

102.22 (3) subtracting from the result in clause (2) the amount of money allotted to the school  
102.23 by the federal government through Indian School Equalization Program of the Bureau of  
102.24 Indian Affairs, according to Code of Federal Regulations, title 25, part 39, subparts A to E,  
102.25 for the basic program as defined by section 39.11, paragraph (b), for the base rate as applied  
102.26 to kindergarten through twelfth grade, excluding small school adjustments and additional  
102.27 weighting, but not money allotted through subparts F to L for contingency funds, school  
102.28 board training, student training, interim maintenance and minor repair, interim administration  
102.29 cost, prekindergarten, and operation and maintenance, and the amount of money that is  
102.30 received according to section 124D.69;

102.31 (4) dividing the result in clause (3) by the sum of the resident pupil units in average daily  
102.32 membership, excluding section 126C.05, subdivision 13, plus the tribal contract compensation  
102.33 revenue pupil units; and

103.1 (5) multiplying the sum of the resident pupil units, including section 126C.05, subdivision  
103.2 13, in average daily membership plus the tribal contract compensation revenue pupil units  
103.3 by the lesser of ~~\$3,230 for fiscal year 2019 and~~ 51.17 percent of the formula allowance for  
103.4 fiscal year years 2020, 2021, and 2022, and 52 percent of the formula allowance for fiscal  
103.5 year 2023 and later or the result in clause (4).

103.6 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and  
103.7 later.

103.8 Sec. 66. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

103.9 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible  
103.10 district must formally develop and implement a long-term plan under this section. The plan  
103.11 must be incorporated into the district's comprehensive strategic plan under section 120B.11.  
103.12 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~  
103.13 ~~learning environments that offer students school enrollment choices; family engagement~~  
103.14 ~~initiatives that involve families in their students' academic life and success; professional~~  
103.15 ~~development opportunities for teachers and administrators focused on improving the academic~~  
103.16 ~~achievement of all students, including teachers and administrators who are members of~~  
103.17 ~~populations underrepresented among the licensed teachers or administrators in the district~~  
103.18 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~  
103.19 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~  
103.20 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~  
103.21 ~~career readiness for underserved students, including students enrolled in alternative learning~~  
103.22 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~  
103.23 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~  
103.24 ~~underserved students; or recruitment and retention of teachers and administrators with~~  
103.25 ~~diverse racial and ethnic backgrounds.~~

103.26 (b) The plan must contain goals for:

103.27 (1) reducing the disparities in academic achievement and in equitable access to effective  
103.28 and more diverse teachers among all students and specific categories of students under  
103.29 section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender,  
103.30 disability, and English learners; and

103.31 (2) increasing racial and economic diversity and integration in schools and districts.

103.32 (c) The plan must include strategies to validate, affirm, embrace, and integrate cultural  
103.33 and community strengths of all students, families, and employees in the district's curriculum

104.1 as well as learning and work environments. The plan must address issues of institutional  
104.2 racism as defined in section 120B.11, subdivision 1, in schools that create opportunity and  
104.3 achievement gaps for students, families, and staff who are of color or who are American  
104.4 Indian. Examples of institutional racism experienced by students who are of color or who  
104.5 are American Indian include policies and practices that intentionally or unintentionally  
104.6 result in disparate discipline referrals and suspension, inequitable access to advanced  
104.7 coursework, overrepresentation in lower-level coursework, inequitable participation in  
104.8 cocurricular activities, inequitable parent involvement, and lack of equitable access to  
104.9 racially and ethnically diverse teachers who reflect the racial or ethnic diversity of students  
104.10 because it has not been a priority to hire or retain such teachers.

104.11 (d) School districts must use local data, to the extent practicable, to develop plan  
104.12 components and strategies. Plans may include:

104.13 (1) innovative and integrated prekindergarten through grade 12 learning environments  
104.14 that offer students school enrollment choices;

104.15 (2) family engagement initiatives that involve families in their students' academic life  
104.16 and success and improve relations between home and school;

104.17 (3) opportunities for students, families, staff, and community members who are of color  
104.18 or American Indian to share their experiences in the school setting with school staff and  
104.19 administration and to inform the development of specific proposals for making school  
104.20 environments more validating, affirming, embracing, and integrating of their cultural and  
104.21 community strengths;

104.22 (4) professional development opportunities for teachers and administrators focused on  
104.23 improving the academic achievement of all students, including knowledge, skills, and  
104.24 dispositions needed to be antiracist and culturally sustaining as defined in section 120B.11,  
104.25 subdivision 1, for serving students who are from racially and ethnically diverse backgrounds;

104.26 (5) recruitment and retention of teachers, administrators, cultural and family liaisons,  
104.27 paraprofessionals, and other staff from racial, ethnic, and linguistic backgrounds represented  
104.28 in the student population to strengthen relationships with all students, families, and other  
104.29 members of the community;

104.30 (6) collection, examination, and evaluation of academic and discipline data for  
104.31 institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and  
104.32 practices that result in the education disparities, in order to propose antiracist changes as  
104.33 defined in section 120B.11, subdivision 1, that increase access, meaningful participation,  
104.34 representation, and positive outcomes for students of color and American Indian students;



105.1 (7) increased programmatic opportunities and effective and more diverse instructors  
105.2 focused on rigor and college and career readiness for students who are impacted by racial,  
105.3 gender, linguistic, and economic disparities, including students enrolled in area learning  
105.4 centers or alternative learning programs under section 123A.05, state-approved alternative  
105.5 programs under section 126C.05, subdivision 15, and contract alternative programs under  
105.6 section 124D.69, among other underserved students;

105.7 (8) ethnic studies curriculum as defined in section 120B.11, subdivision 1, to provide  
105.8 all students with opportunities to learn about their own and others' cultures and historical  
105.9 experiences; or

105.10 (9) examination and revision of district curricula in all subjects to be inclusive of diverse  
105.11 racial and ethnic groups while meeting state academic standards and being culturally  
105.12 sustaining as defined in section 120B.11, subdivision 1, ensuring content being studied  
105.13 about any group is accurate and based in knowledge from that group.

105.14 ~~(b)~~ (e) Among other requirements, an eligible district must implement effective,  
105.15 research-based interventions that include formative multiple measures of assessment practices  
105.16 and engagement in order to reduce the eliminate academic disparities in student academic  
105.17 performance among the specific categories of students as measured by student progress and  
105.18 growth on state reading and math assessments and for students impacted by racial, gender,  
105.19 linguistic, and economic inequities as aligned with section 120B.11.

105.20 ~~(e)~~ (f) Eligible districts must create efficiencies and eliminate duplicative programs and  
105.21 services under this section, which may include forming collaborations or a single,  
105.22 seven-county metropolitan areawide partnership of eligible districts for this purpose.

105.23 **EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after  
105.24 the day following final enactment.

105.25 Sec. 67. Minnesota Statutes 2020, section 124D.98, is amended by adding a subdivision  
105.26 to read:

105.27 Subd. 5. Literacy incentive aid uses. Beginning July 1, 2022, literacy incentive aid  
105.28 must be used to support comprehensive literacy reform efforts in public schools as follows:

105.29 (1) for public school prekindergarten through grade 3 teachers and support staff to be  
105.30 trained in the science of reading using a training program approved by the Department of  
105.31 Education no later than July 1, 2027, unless the commissioner of education grants an  
105.32 extension;

106.1 (2) to hire a licensed reading and dyslexia specialist who is trained in the science of  
106.2 reading as determined by the commissioner of education and oversees a school district's or  
106.3 charter school's implementation of required components under section 120B.12 no later  
106.4 than July 1, 2027, unless the commissioner of education grants an extension;

106.5 (3) for the most underperforming schools, defined as those at 25 percent or below  
106.6 proficiency on grade 3 reading on the Minnesota Comprehensive Assessments, to hire  
106.7 literacy coaches trained in the science of reading to support teachers and multitiered systems  
106.8 of support implementation; and

106.9 (4) to provide materials, training, and ongoing coaching to ensure alternate instruction  
106.10 under section 125A.56, subdivision 1, is based in the science of reading.

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

106.12 Sec. 68. Minnesota Statutes 2020, section 125A.094, is amended to read:

106.13 **125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH**  
106.14 **DISABILITIES.**

106.15 The use of restrictive procedures ~~for children with disabilities~~ for all pupils attending  
106.16 public school is governed by sections 125A.0941 and 125A.0942.

106.17 Sec. 69. Minnesota Statutes 2020, section 125A.0942, subdivision 1, is amended to read:

106.18 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use restrictive  
106.19 procedures shall maintain and make publicly accessible in an electronic format on a school  
106.20 or district website or make a paper copy available upon request describing a restrictive  
106.21 procedures plan for children with disabilities that at least:

106.22 (1) lists the restrictive procedures the school intends to use;

106.23 (2) describes how the school will implement a range of positive behavior strategies and  
106.24 provide links to mental health services;

106.25 (3) describes how the school will provide training on de-escalation techniques, consistent  
106.26 with section 122A.187, subdivision 4;

106.27 (4) describes how the school will monitor and review the use of restrictive procedures,  
106.28 including:

106.29 (i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a), clause  
106.30 (5); and

107.1 (ii) convening an oversight committee to undertake a quarterly review of the use of  
107.2 restrictive procedures based on patterns or problems indicated by similarities in the time of  
107.3 day, day of the week, duration of the use of a procedure, the individuals involved, or other  
107.4 factors associated with the use of restrictive procedures; the number of times a restrictive  
107.5 procedure is used schoolwide and for individual children; the number and types of injuries,  
107.6 if any, resulting from the use of restrictive procedures; whether restrictive procedures are  
107.7 used in nonemergency situations; the need for additional staff training; the use of restrictive  
107.8 procedures for disproportionality, racial disparities, in the usage of restrictive procedures;  
107.9 the usage of school resource officer's handling of the behaviors; student documentation to  
107.10 determine if the staff followed the standards for using restrictive procedures and if there is  
107.11 updated information about whether the restrictive procedures are contraindicated for the  
107.12 particular student; and proposed actions to minimize the use of restrictive procedures; and

107.13 (5) includes a written description and documentation of the training staff completed  
107.14 under subdivision 5.

107.15 (b) Schools annually must publicly identify oversight committee members who must at  
107.16 least include:

107.17 (1) a mental health professional, school psychologist, or school social worker;

107.18 (2) an expert in positive behavior strategies;

107.19 (3) a special education administrator; and

107.20 (4) a general education administrator.

107.21 Sec. 70. Minnesota Statutes 2020, section 125A.0942, subdivision 2, is amended to read:

107.22 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a  
107.23 licensed special education teacher, school social worker, school psychologist, behavior  
107.24 analyst certified by the National Behavior Analyst Certification Board, a person with a  
107.25 master's degree in behavior analysis, other licensed education professional, paraprofessional  
107.26 under section 120B.363, or mental health professional under section 245.4871, subdivision  
107.27 27, who has completed the training program under subdivision 5.

107.28 (b) A school shall make reasonable efforts to notify the parent on the same day a  
107.29 restrictive procedure is used on the child, or if the school is unable to provide same-day  
107.30 notice, notice is sent within two days by written or electronic means or as otherwise indicated  
107.31 by the child's parent under paragraph (f).

108.1 (c) The district must hold a meeting of the individualized education program team, if  
108.2 the student is a student with a disability, or a meeting of relevant members of the student's  
108.3 team, including the parent, if the student is not a student with a disability, conduct or review  
108.4 a functional behavioral analysis, review data, consider developing additional or revised  
108.5 positive behavioral interventions and supports, consider actions to reduce the use of restrictive  
108.6 procedures, and modify the individualized education program or behavior intervention plan  
108.7 as appropriate. The district must hold the meeting: within ten calendar days after district  
108.8 staff use restrictive procedures on two separate school days within 30 calendar days or a  
108.9 pattern of use emerges and the child's individualized education program or behavior  
108.10 intervention plan does not provide for using restrictive procedures in an emergency; or at  
108.11 the request of a parent or the district after restrictive procedures are used. The district must  
108.12 review use of restrictive procedures at a child's annual individualized education program  
108.13 meeting when the child's individualized education program provides for using restrictive  
108.14 procedures in an emergency.

108.15 (d) If the ~~individualized education program~~ meeting team under paragraph (c) determines  
108.16 that existing interventions and supports are ineffective in reducing the use of restrictive  
108.17 procedures or the district uses restrictive procedures on a child on ten or more school days  
108.18 during the same school year, the team, as appropriate, either must consult with other  
108.19 professionals working with the child; consult with experts in behavior analysis, mental  
108.20 health, communication, or autism; consult with culturally competent professionals; review  
108.21 existing evaluations, resources, and successful strategies; or consider whether to reevaluate  
108.22 the child.

108.23 (e) At the ~~individualized education program~~ meeting under paragraph (c), the team must  
108.24 review any known medical or psychological limitations, including any medical information  
108.25 the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider  
108.26 whether to prohibit that restrictive procedure, and document any prohibition in the  
108.27 individualized education program or behavior intervention plan.

108.28 (f) An individualized education program team may plan for using restrictive procedures  
108.29 and may include these procedures in a child's individualized education program or behavior  
108.30 intervention plan; however, the restrictive procedures may be used only in response to  
108.31 behavior that constitutes an emergency, consistent with this section. The individualized  
108.32 education program or behavior intervention plan shall indicate how the parent wants to be  
108.33 notified when a restrictive procedure is used.

109.1 Sec. 71. Minnesota Statutes 2020, section 125A.0942, subdivision 3, is amended to read:

109.2 Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be used  
109.3 only in an emergency. A school that uses physical holding or seclusion shall meet the  
109.4 following requirements:

109.5 (1) physical holding or seclusion is the least intrusive intervention that effectively  
109.6 responds to the emergency;

109.7 (2) physical holding or seclusion is not used to discipline a noncompliant child;

109.8 (3) physical holding or seclusion ends when the threat of harm ends and the staff  
109.9 determines the child can safely return to the classroom or activity;

109.10 (4) staff directly observes the child while physical holding or seclusion is being used;

109.11 (5) each time physical holding or seclusion is used, the staff person who implements or  
109.12 oversees the physical holding or seclusion documents, as soon as possible after the incident  
109.13 concludes, the following information:

109.14 (i) a description of the incident that led to the physical holding or seclusion;

109.15 (ii) why a less restrictive measure failed or was determined by staff to be inappropriate  
109.16 or impractical;

109.17 (iii) the time the physical holding or seclusion began and the time the child was released;  
109.18 ~~and~~

109.19 (iv) a brief record of the child's behavioral and physical status; and

109.20 (v) a brief description of the post-use debriefing process that occurred following the use  
109.21 of the restrictive procedure;

109.22 (6) the room used for seclusion must:

109.23 (i) be at least six feet by five feet;

109.24 (ii) be well lit, well ventilated, adequately heated, and clean;

109.25 (iii) have a window that allows staff to directly observe a child in seclusion;

109.26 (iv) have tamperproof fixtures, electrical switches located immediately outside the door,  
109.27 and secure ceilings;

109.28 (v) have doors that open out and are unlocked, locked with keyless locks that have  
109.29 immediate release mechanisms, or locked with locks that have immediate release mechanisms  
109.30 connected with a fire and emergency system; and

110.1 (vi) not contain objects that a child may use to injure the child or others; and  
110.2 (7) before using a room for seclusion, a school must:  
110.3 (i) receive written notice from local authorities that the room and the locking mechanisms  
110.4 comply with applicable building, fire, and safety codes; and  
110.5 (ii) register the room with the commissioner, who may view that room.  
110.6 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,  
110.7 recommend to the commissioner specific and measurable implementation and outcome  
110.8 goals for reducing the use of restrictive procedures and the commissioner must submit to  
110.9 the legislature a report on districts' progress in reducing the use of restrictive procedures  
110.10 that recommends how to further reduce these procedures and eliminate the use of seclusion.  
110.11 The statewide plan includes the following components: measurable goals; the resources,  
110.12 training, technical assistance, mental health services, and collaborative efforts needed to  
110.13 significantly reduce districts' use of seclusion; and recommendations to clarify and improve  
110.14 the law governing districts' use of restrictive procedures. The commissioner must consult  
110.15 with interested stakeholders when preparing the report, including representatives of advocacy  
110.16 organizations, special education directors, teachers, paraprofessionals, intermediate school  
110.17 districts, school boards, day treatment providers, county social services, state human services  
110.18 department staff, mental health professionals, and autism experts. Beginning with the  
110.19 2016-2017 school year, in a form and manner determined by the commissioner, districts  
110.20 must report data quarterly to the department by January 15, April 15, July 15, and October  
110.21 15 about individual students who have been secluded. By July 15 each year, districts must  
110.22 report summary data on their use of restrictive procedures to the department for the prior  
110.23 school year, July 1 through June 30, in a form and manner determined by the commissioner.  
110.24 The summary data must include information about the use of restrictive procedures, including  
110.25 use of reasonable force under section 121A.582.

110.26 Sec. 72. Minnesota Statutes 2020, section 144.4165, is amended to read:

110.27 **144.4165 TOBACCO PRODUCTS PROHIBITED IN PUBLIC SCHOOLS.**

110.28 (a) No person shall at any time smoke, chew, or otherwise ingest tobacco, or carry or  
110.29 use an activated electronic delivery device as defined in section 609.685, subdivision 1, in  
110.30 a public school, as defined in section 120A.05, subdivisions 9, 11, and 13, or in a charter  
110.31 school governed by chapter 124E. This prohibition extends to all facilities, whether owned,  
110.32 rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or  
110.33 controls.

111.1 (b) Nothing in this section shall prohibit the lighting of tobacco by an adult as a part of  
 111.2 a traditional Indian spiritual or cultural ceremony. An American Indian student may carry  
 111.3 a medicine pouch containing loose tobacco intended in observance of traditional spiritual  
 111.4 or cultural practices. For purposes of this section, an American Indian is a person ~~who is a~~  
 111.5 ~~member of an Indian tribe as defined in section 260.755, subdivision 12~~ having origins in  
 111.6 any of the original peoples of North America who maintain cultural identification through  
 111.7 Tribal affiliation or community recognition.

111.8 Sec. 73. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 2,  
 111.9 is amended to read:

111.10 Subd. 2. **Achievement and integration aid.** For achievement and integration aid under  
 111.11 Minnesota Statutes, section 124D.862:

111.12		<del>84,057,000</del>		
111.13	\$	<u>80,310,000</u>	.....	2022
111.14		<del>83,431,000</del>		
111.15	\$	<u>82,750,000</u>	.....	2023

111.16 The 2022 appropriation includes \$8,868,000 for 2021 and ~~\$75,189,000~~ \$71,442,000 for  
 111.17 2022.

111.18 The 2023 appropriation includes ~~\$8,353,000~~ \$7,938,000 for 2022 and ~~\$75,078,000~~  
 111.19 \$74,812,000 for 2023.

111.20 Sec. 74. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 3,  
 111.21 is amended to read:

111.22 Subd. 3. **American Indian education aid.** For American Indian education aid under  
 111.23 Minnesota Statutes, section 124D.81, subdivision 2a:

111.24		<del>11,351,000</del>		
111.25	\$	<u>11,436,000</u>	.....	2022
111.26		<del>11,775,000</del>		
111.27	\$	<u>15,009,000</u>	.....	2023

111.28 The 2022 appropriation includes \$1,102,000 for 2021 and ~~\$10,249,000~~ \$10,334,000 for  
 111.29 2022.

111.30 The 2023 appropriation includes ~~\$1,138,000~~ \$1,148,000 for 2022 and ~~\$10,637,000~~  
 111.31 \$13,861,000 for 2023.

112.1 Sec. 75. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 4,  
 112.2 is amended to read:

112.3 Subd. 4. **Charter school building lease aid.** For building lease aid under Minnesota  
 112.4 Statutes, section 124E.22:

112.5		<del>93,547,000</del>		
112.6	\$	<u>89,499,000</u>	.....	2022
112.7		<del>99,819,000</del>		
112.8	\$	<u>96,340,000</u>	.....	2023

112.9 The 2022 appropriation includes \$8,617,000 for 2021 and ~~\$84,930,000~~ \$80,882,000 for  
 112.10 2022.

112.11 The 2023 appropriation includes ~~\$9,436,000~~ 8,987,000 for 2022 and ~~\$90,383,000~~  
 112.12 \$87,353,000 for 2023.

112.13 Sec. 76. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 7,  
 112.14 is amended to read:

112.15 Subd. 7. **Concurrent enrollment aid.** (a) For concurrent enrollment aid under Minnesota  
 112.16 Statutes, section 124D.091:

112.17	\$	4,000,000	.....	2022
112.18		<del>4,000,000</del>		
112.19	\$	<u>9,000,000</u>	.....	2023

112.20 (b) If the appropriation is insufficient, the commissioner must proportionately reduce  
 112.21 the aid payment to each school district.

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

112.23 (d) The base for fiscal year 2024 is \$8,000,000. The base for fiscal year 2025 is  
 112.24 \$9,000,000.

112.25 Sec. 77. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 15,  
 112.26 is amended to read:

112.27 Subd. 15. **Minnesota math corps program.** (a) For the Minnesota math corps program  
 112.28 under Minnesota Statutes, section 124D.42, subdivision 9:

112.29	\$	1,000,000	.....	2022
112.30	\$	1,000,000	.....	2023

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



113.1 (c) The base for fiscal year 2024 and later is ~~\$500,000~~ \$1,000,000.

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

113.3 Sec. 78. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 22,  
113.4 is amended to read:

113.5 Subd. 22. **Sanneh Foundation.** (a) For grants to the Sanneh Foundation for purposes  
113.6 of paragraph (b):

113.7 \$ 1,500,000 ..... 2022

113.8 ~~1,500,000~~

113.9 \$ 850,000 ..... 2023

113.10 (b) The grants to the Sanneh Foundation must be directed toward programs for  
113.11 low-performing and chronically absent students with a focus on low-income students and  
113.12 students of color. The goals of the grants include decreasing absenteeism, encouraging  
113.13 school engagement, improving grades, and improving graduation rates. The grants may be  
113.14 used to:

113.15 (1) provide all-day, in-school academic and behavioral interventions and social and  
113.16 emotional learning throughout the school year;

113.17 (2) provide year-round, out-of-school behavioral, social, and emotional learning  
113.18 interventions and enrichment activities;

113.19 (3) enhance career exploration opportunities, including exposure to businesses and  
113.20 business activities; and

113.21 (4) develop pathways in cooperation with businesses or higher education partners for  
113.22 participants to pursue careers in education and youth development.

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

113.24 (d) The base for fiscal year 2024 is \$0.

113.25 Sec. 79. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 27,  
113.26 is amended to read:

113.27 Subd. 27. **Tribal contract school aid.** For Tribal contract school aid under Minnesota  
113.28 Statutes, section 124D.83:

113.29 ~~2,743,000~~

113.30 \$ 2,808,000 ..... 2022

113.31 ~~3,160,000~~

113.32 \$ 3,253,000 ..... 2023

114.1 The 2022 appropriation includes \$240,000 for 2021 and ~~\$2,503,000~~ \$2,568,000 for  
114.2 2022.

114.3 The 2023 appropriation includes ~~\$278,000~~ \$285,000 for 2022 and ~~\$2,882,000~~ \$2,968,000  
114.4 for 2023.

114.5 Sec. 80. **NATIONAL AND INTERNATIONAL EDUCATION COMPARISONS.**

114.6 Each public district and school selected to participate in the national assessment of  
114.7 educational progress shall do so pursuant to United States Code, title 20, section 6312(c)(2),  
114.8 as in effect on December 10, 2015, or similar national or international assessments, both  
114.9 for the national sample and for any state-by-state comparison programs that may be initiated,  
114.10 as directed by the commissioner. The assessments must be conducted using the data collection  
114.11 procedures, student surveys, educator surveys, and other instruments included in the National  
114.12 Assessment of Educational Progress or similar national or international assessments being  
114.13 administered in Minnesota. The administration of such assessments shall be in addition to  
114.14 and separate from the administration of the statewide, standardized assessments.

114.15 Sec. 81. **ETHNIC STUDIES TASK FORCE.**

114.16 Subdivision 1. **Task force established.** (a) The Ethnic Studies Task Force is established  
114.17 to advise the commissioner of education on ethnic studies standards, curriculum, and  
114.18 resources necessary to implement ethnic studies requirements under Minnesota Statutes,  
114.19 section 120B.0251. The commissioner must appoint members of the task force by July 1,  
114.20 2022, with input from the Minnesota Ethnic Studies Coalition.

114.21 (b) The Ethnic Studies Task Force must have 25 members, as follows:

114.22 (1) five community members with a demonstrated commitment to ethnic studies;

114.23 (2) three public school students in grades 9 to 12;

114.24 (3) two public school students in grades 6 to 8;

114.25 (4) three parents or guardians of public kindergarten through grade 12 students;

114.26 (5) three Minnesota-based, college-level faculty experts in ethnic studies;

114.27 (6) three ethnic studies high school teachers;

114.28 (7) three ethnic studies grades 6 to 8 teachers; and

114.29 (8) three ethnic studies kindergarten to grade 5 teachers.

115.1 (c) Demographics of the task force must be inclusive and represent the diversity of the  
115.2 state, including racial, ethnic, and geographic diversity, and diversity related to gender and  
115.3 sexual orientation, immigrant status, and religious and linguistic background.

115.4 Subd. 2. **Duties.** (a) The task force must review available ethnic studies curricular and  
115.5 instructional resources in order to:

115.6 (1) develop state ethnic studies standards to propose to the commissioner for adoption;

115.7 (2) recommend professional learning requirements for educators and staff to facilitate  
115.8 the successful implementation of ethnic studies courses;

115.9 (3) recommend resources and materials school districts and charter schools may use to  
115.10 implement ethnic studies standards; and

115.11 (4) identify or develop model ethnic studies curriculum that school districts and charter  
115.12 schools may use in accordance with section 120B.0251.

115.13 (b) The task force must provide to the commissioner of education the ethnic studies  
115.14 standards and recommendations by October 31, 2023, and the model ethnic studies curriculum  
115.15 by July 1, 2024.

115.16 Subd. 3. **Meetings and compensation.** (a) The task force must convene on at least a  
115.17 bimonthly basis and must hold the first meeting no later than October 15, 2022.

115.18 (b) Members of the task force shall receive a stipend of \$250 per month for their time,  
115.19 work, and expertise.

115.20 Subd. 4. **Administration.** The commissioner must provide meeting space and technical  
115.21 assistance for the task force.

115.22 Subd. 5. **Statewide academic standards.** The commissioner must adopt the academic  
115.23 standards for ethnic studies curriculum developed by the task force using the expedited  
115.24 rulemaking process in Minnesota Statutes, section 14.389.

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

115.26 Sec. 82. **COMPUTER SCIENCE EDUCATION FOUNDATIONAL BLUEPRINT.**

115.27 Subdivision 1. **Foundational blueprint.** (a) The commissioner of education must, in  
115.28 consultation with the Computer Science Education Task Force established under this section,  
115.29 develop a foundational blueprint for a statewide computer science program for elementary  
115.30 and secondary schools that includes the following components:

116.1 (1) a statement of purpose that defines computer science consistent with the definition  
116.2 found in the K-12 Computer Science Framework, describes the objectives and goals of a  
116.3 computer science education program, identifies strategies and resources needed to achieve  
116.4 these goals, and establishes a timeline for achieving these goals;

116.5 (2) an assessment of the current state landscape for kindergarten through grade 12  
116.6 computer science education, including teacher licensure and assignments, and data on  
116.7 enrollment in computer science courses, disaggregated by the student groups under Minnesota  
116.8 Statutes, section 120B.35, subdivision 3, paragraph (b), clause (2);

116.9 (3) a plan for expanding computer science education opportunities to every district school  
116.10 site and charter school within five years;

116.11 (4) a plan to develop comprehensive and foundational kindergarten through grade 12  
116.12 computer science academic standards that local districts may adopt at their discretion under  
116.13 Minnesota Statutes, section 120B.022;

116.14 (5) a plan for professional development opportunities to prepare current teachers to teach  
116.15 computer science;

116.16 (6) a plan relating to teacher licensure, including developing a computer science  
116.17 endorsement or other computer science credential for teachers who are already licensed,  
116.18 and a plan to develop a teacher preparation program for licensure in computer science;

116.19 (7) a plan for the Department of Education to regularly evaluate progress toward the  
116.20 blueprint goals, including annually reporting disaggregated data on enrollment in computer  
116.21 science courses; and

116.22 (8) recommendations to ensure the long-term sustainability of the blueprint.

116.23 (b) The commissioner must submit a copy of the foundational blueprint for computer  
116.24 science to the chairs and ranking members of the legislative committees having jurisdiction  
116.25 over kindergarten through grade 12 education by January 31, 2023, in accordance with  
116.26 Minnesota Statutes, section 3.195.

116.27 Subd. 2. **Task force.** (a) The commissioner of education must convene an advisory task  
116.28 force, facilitated by the state computer science specialist, to advise the commissioner on  
116.29 the development of the foundational blueprint for computer science.

116.30 (b) Members of the task force must include:

116.31 (1) one member of the house of representatives appointed by the speaker of the house  
116.32 and one member appointed by the minority leader of the house of representatives;

- 117.1 (2) one senator appointed by the senate majority leader and one senator appointed by  
117.2 the senate minority leader;
- 117.3 (3) one member appointed by the governor;
- 117.4 (4) the commissioner of education or the commissioner's designee;
- 117.5 (5) the commissioner of higher education or the commissioner's designee;
- 117.6 (6) one representative of the Professional Educator Licensing and Standards Board;
- 117.7 (7) one representative of the Computer Science Teachers' Association MN;
- 117.8 (8) one representative from the business community;
- 117.9 (9) one representative from a nonprofit organization working with students and teachers  
117.10 on computer science;
- 117.11 (10) one representative from the Minnesota Association for School Administrators;
- 117.12 (11) one representative from Education Minnesota;
- 117.13 (12) one representative from the Minnesota Association of Colleges for Teacher  
117.14 Education;
- 117.15 (13) one representative from CSforAll Minnesota;
- 117.16 (14) one computer science teacher from the seven-county metropolitan area and one  
117.17 computer science teacher from outside the seven-county metropolitan area;
- 117.18 (15) a career and technical education teacher;
- 117.19 (16) one school administrator from the seven-county metropolitan area who oversees  
117.20 computer science education in a district, and one school administrator from outside the  
117.21 seven-county metropolitan area who oversees computer science education in a district; and
- 117.22 (17) one representative from the Technology Advisory Council.
- 117.23 (c) Appointments to the task force must be made by June 1, 2022. Appointments to the  
117.24 task force must represent the diverse populations within the state of Minnesota, including  
117.25 diversity based on race, ethnicity, gender, and disability status. The commissioner of  
117.26 education must provide administrative support and meeting space for the task force.
- 117.27 (d) Public members of the task force may be compensated and reimbursed for expenses  
117.28 in accordance with Minnesota Statutes, section 15.059, subdivision 3.
- 117.29 (e) Meetings of the task force are subject to the Minnesota Open Meeting Law under  
117.30 Minnesota Statutes, chapter 13D.

118.1 (f) The task force expires on January 31, 2024.

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

118.3 Sec. 83. **APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

118.4 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 118.5 appropriated from the general fund to the Department of Education for the fiscal years  
 118.6 designated.

118.7 Subd. 2. **After-school community learning programs.** (a) For grants for after-school  
 118.8 community learning programs in accordance with Minnesota Statutes, section 124D.2211:

118.9 §        25,000,000     ..... 2023

118.10 (b) The commissioner of education may use up to four percent of the appropriation to  
 118.11 assess the effectiveness of after-school community learning programs in accordance with  
 118.12 Minnesota Statutes, section 124D.2211, subdivision 4, paragraph (a). The commissioner  
 118.13 must use three percent of the appropriation to contract with the nonprofit organization  
 118.14 serving as the statewide after-school network in accordance with Minnesota Statutes, section  
 118.15 124D.2211, subdivision 4, paragraph (b).

118.16 (c) This appropriation is available until June 30, 2025. The base for fiscal years 2024  
 118.17 and 2025 is \$0. The base for fiscal year 2026 and later is \$10,000,000.

118.18 Subd. 3. **BOLD literacy.** (a) For the Minnesota BOLD statewide literacy plan to increase  
 118.19 the equitable access to effective literacy experiences for all students by ensuring school  
 118.20 leaders and educators are trained in the science of reading; supporting effective  
 118.21 implementation and measurement of instructional practices aligned to state standards through  
 118.22 the multitiered systems of support framework; and utilizing data literacy to inform instruction,  
 118.23 inform educator development, evaluate resource deployment and policy, and employ  
 118.24 intentional family and community engagement strategies.

118.25 §                0     ..... 2022

118.26 §        4,750,000     ..... 2023

118.27 (b) Of this amount, \$1,750,000 is for the Department of Education to establish science  
 118.28 of reading academies to be provided at no cost to educators who work in Minnesota school  
 118.29 districts and charter schools to complete Language Essentials for Teachers of Reading and  
 118.30 Spelling (LETRS) professional development. Educators who have completed LETRS may  
 118.31 have the opportunity to become LETRS facilitators through a train-the-trainer model.

118.32 (c) Of this amount, \$800,000 is to maintain a literacy unit at the Department of Education.

119.1 (d) Of this amount, \$1,200,000 is to expand literacy and dyslexia data collection and  
 119.2 reporting systems at the Department of Education in order to collect and analyze  
 119.3 prekindergarten through grade 3 data, including foundational reading skills, dyslexia  
 119.4 screening data, and screening results of multilingual learners.

119.5 (e) Of this amount, \$1,000,000 is for state library services grants to support  
 119.6 evidence-based early literacy practices rooted in the science of reading in school and  
 119.7 community libraries.

119.8 (f) Funds may be used for grant administration costs.

119.9 Subd. 4. **Closing educational opportunity gaps grants.** (a) To support schools in their  
 119.10 efforts to close opportunity gaps under Minnesota Statutes, section 120B.113:

119.11 \$        5,000,000    ..... 2023

119.12 (b) The department may retain up to five percent of this appropriation to administer the  
 119.13 grant program.

119.14 Subd. 5. **Computer Science Advisory Task Force.** For the Computer Science Advisory  
 119.15 Task Force:

119.16 \$        20,000    ..... 2023

119.17 Subd. 6. **Culturally specific learning opportunities.** (a) For grants to school districts,  
 119.18 charter schools, intermediate school districts, and cooperatives to create and offer culturally  
 119.19 specific learning opportunities, including to form partnerships between community  
 119.20 organizations and schools that offer critical thinking and engagement in learning. "Culturally  
 119.21 specific learning opportunities" means programming that is culturally responsive,  
 119.22 evidence-based, and comprehensive, and that responds to the academic and social-emotional  
 119.23 needs of historically underserved students.

119.24 \$                0    ..... 2022

119.25 \$        5,000,000    ..... 2023

119.26 (b) Grants may be awarded in an amount up to \$200,000 per recipient.

119.27 (c) To the extent practicable, the commissioner must award grants equitably among the  
 119.28 geographic areas of Minnesota, including rural, suburban, and urban communities.

119.29 (d) Up to five percent of this appropriation may be retained for administration costs.

119.30 Subd. 7. **Ethnic studies implementation.** (a) For requirements related to ethnic studies  
 119.31 under Minnesota Statutes, section 120B.0251, and the Ethnic Studies Task Force under  
 119.32 section 81:

120.1           \$           576,000    ..... 2023

120.2           (b) The base for fiscal year 2024 is \$474,000 and \$451,000 in fiscal year 2025.

120.3           Subd. 8. **Ethnic studies school grants.** (a) For competitive grants to school districts  
120.4 and charter schools to develop and implement ethnic studies courses:

120.5           \$           0        ..... 2023

120.6           (b) The commissioner must consult with the Ethnic Studies Task Force to develop criteria  
120.7 for the grants.

120.8           (c) The base for fiscal year 2024 and later is \$500,000.

120.9           Subd. 9. **Expanding rigorous coursework for Black students, Indigenous students,**  
120.10 **students of color, and students in greater Minnesota.** (a) For grants to expand rigorous  
120.11 coursework primarily for but not limited to disadvantaged and underrepresented students  
120.12 and students in greater Minnesota, such as through advanced placement courses, international  
120.13 baccalaureate programs, career and technical education, and concurrent enrollment courses:

120.14           \$           0        ..... 2022

120.15           \$           5,000,000    ..... 2023

120.16           (b) Of this amount, \$1,800,000 is for grants to districts and charter schools for regional  
120.17 partnerships and statewide programs in order to support professional development and  
120.18 incentives for high school teachers to develop and expand course offerings approved by the  
120.19 state. Compensation for teachers to teach courses beyond the contract day or year is an  
120.20 allowable expenditure. Funds may supplement, but not replace, current state and federal  
120.21 program funds. Grants may be awarded in an amount up to \$50,000 per recipient.

120.22           (c) Of this amount, \$3,200,000 is for matching grants to school districts and charter  
120.23 schools to support rigorous course expansion and statewide career and technical education  
120.24 program quality improvements. The department shall provide technical support and guidance.  
120.25 Funds may supplement, but not replace, current state and federal program funds. Grants  
120.26 may be awarded in an amount up to \$100,000 per recipient.

120.27           (d) Eligible grantees include school districts, charter schools, intermediate school districts,  
120.28 and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2.

120.29           (e) The department must require an applicant for grant funds to submit a plan that  
120.30 describes how the applicant would use grant funds to increase participation by disadvantaged  
120.31 and underrepresented students in rigorous coursework. The department must consider an  
120.32 applicant's goals, strategies, and capacity to increase participation by disadvantaged and  
120.33 underrepresented students when awarding funds.



121.1 (f) At least 50 percent of the funds in this subdivision must be awarded to grant recipients  
 121.2 in greater Minnesota.

121.3 (g) Up to five percent of this appropriation may be retained for administration costs.

121.4 Subd. 10. **Full-service community schools.** (a) For comprehensive program support  
 121.5 for full-service community schools:

121.6 \$ 50,000,000 ..... 2023

121.7 (b) Of this amount, priority must be given to programs in the following order:

121.8 (1) current grant recipients issued under Minnesota Statutes, section 124D.231;

121.9 (2) schools identified as low-performing under the Federal Every Student Succeeds Act;  
 121.10 and

121.11 (3) any other applicants.

121.12 (c) This appropriation is available until June 30, 2025. The base for fiscal year 2024 and  
 121.13 2025 is \$0. The base for fiscal year 2026 and later is \$20,000,000.

121.14 Subd. 11. **Minnesota Association of Alternative Programs.** (a) For a grant to the  
 121.15 Minnesota Association of Alternative Programs STARS Chapter to help students in  
 121.16 alternative programs develop employment, academic, and social skills and support student  
 121.17 participation in trainings and conferences:

121.18 \$ 45,000 ..... 2023

121.19 (b) This appropriation is available until June 30, 2025. The base for fiscal year 2024 and  
 121.20 later is \$0.

121.21 Subd. 12. **Minnesota Council on Economic Education.** (a) For a grant to the Minnesota  
 121.22 Council on Economic Education:

121.23 \$ 150,000 ..... 2023

121.24 (b) The grant funds must be used to:

121.25 (1) provide professional development to Minnesota's kindergarten through grade 12  
 121.26 teachers implementing state graduation standards in learning areas related to economic  
 121.27 education;

121.28 (2) support the direct-to-student ancillary economic and personal finance programs that  
 121.29 Minnesota teachers supervise and coach; and

121.30 (3) provide support to affiliated higher education-based centers for economic education  
 121.31 currently based at: (i) Minnesota State University, Mankato; (ii) Minnesota State University,

122.1 Moorhead; (iii) St. Cloud State University; (iv) St. Catherine University; and (v) the  
 122.2 University of St. Thomas as the higher education centers' work relates to the activities  
 122.3 described in clauses (1) and (2).

122.4 (c) By February 15 of each year following the receipt of a grant, the Minnesota Council  
 122.5 on Economic Education must report to the commissioner of education on the number and  
 122.6 type of in-person and online teacher professional development opportunities provided by  
 122.7 the Minnesota Council on Economic Education or its affiliated state centers for economic  
 122.8 education. The report must include a description of the content, length, and location of the  
 122.9 programs; the number of preservice and licensed teachers receiving professional development  
 122.10 through each of these opportunities; and a summary of evaluations of teacher professional  
 122.11 opportunities.

122.12 (d) The Department of Education must pay the full amount of the grant to the Minnesota  
 122.13 Council on Economic Education by August 15 of each fiscal year. The Minnesota Council  
 122.14 on Economic Education must submit its fiscal reporting in the form and manner specified  
 122.15 by the commissioner. The commissioner may request additional information as necessary.

122.16 (e) This appropriation is in addition to any other appropriation for this purpose.

122.17 (f) The base for fiscal year 2024 and later is \$150,000.

122.18 Subd. 13. **Multitiered systems of support.** (a) For implementation of multitiered systems  
 122.19 of support, a systematic continuous improvement framework that addresses the academic,  
 122.20 behavioral, and social-emotional needs of all students at the universal, targeted, and intensive  
 122.21 levels. Through multitiered systems of support, teachers must provide high quality,  
 122.22 evidence-based instruction and intervention that is matched to a student's needs, use a method  
 122.23 of monitoring progress regularly to inform decisions about instruction and goals, and apply  
 122.24 data-based decision making to key educational efforts.

122.25 \$ 0 ..... 2022

122.26 \$ 21,250,000 ..... 2023

122.27 (b) Of this amount, \$2,600,000 is for the Department of Education to support  
 122.28 implementation. Funds may be used to support increased capacity at the six Regional Centers  
 122.29 of Excellence, the Early Childhood Special Education Centers of Excellence, and Minnesota  
 122.30 Service Cooperatives.

122.31 (c) Of this amount, \$9,400,000 is reserved for grants to school districts, charter schools,  
 122.32 and cooperative units as defined in Minnesota Statutes, section 123A.24, subdivision 2, for  
 122.33 implementation of multitiered systems of support, including hiring local multitiered systems

123.1 of support coordinators and deferring costs for personnel to participate in cohort activities.

123.2 Up to five percent of this amount is available for program and grant administration.

123.3 (d) Of this amount, \$1,250,000 is for Language Essentials for Teachers of Reading and

123.4 Spelling training for educators to ensure multitiered systems of support core, supplemental,

123.5 and intervention literacy instructional practices are based in the science of reading. Up to

123.6 five percent of this amount is available for program and grant administration.

123.7 (e) Of this amount, \$4,000,000 is for a grant to the Building Assets, Reducing Risks

123.8 Center to provide access to services to all multitiered systems of support grantees under

123.9 this subdivision. Up to five percent of this amount is available for program and grant

123.10 administration.

123.11 (f) Of this amount, \$2,000,000 is for Tribal-state relations training for school staff

123.12 engaged in the statewide implementation of multitiered systems of support framework. Up

123.13 to five percent of this amount is available for program and grant administration.

123.14 (g) Of this amount, \$2,000,000 is for the University of Minnesota Center for Applied

123.15 Research and Educational Improvement to support implementation and evaluation of the

123.16 multitiered systems of support framework. Up to five percent of this amount is available

123.17 for program and grant administration.

123.18 (h) Support for school districts, charter schools, and cooperative units under this

123.19 subdivision may include but is not limited to:

123.20 (1) providing training, guidance, and implementation resources for a statewide multitiered

123.21 system of support model, including a universal screening process approved by the Department

123.22 of Education to identify students who may be at risk of experiencing academic, behavioral,

123.23 and social-emotional development difficulties;

123.24 (2) providing guidance to convene school-based teams to analyze data provided by

123.25 screenings under clause (1) and resources for related identification, instruction, and

123.26 intervention methods;

123.27 (3) dyslexia screening and intervention based in the science of reading;

123.28 (4) requiring school districts and charter schools to provide parents of students identified

123.29 in the screenings under clauses (1) and (3) with notice of screening findings and related

123.30 support information;

123.31 (5) requiring districts and charter schools to provide at-risk students with interventions

123.32 and to monitor the effectiveness of these interventions and student progress; and

124.1 (6) developing and annually reporting findings regarding the implementation of the  
124.2 statewide multitiered systems of support.

124.3 (i) The base for fiscal year 2024 and later is \$21,620,000. Of this amount, \$1,620,000  
124.4 is for Language Essentials for Teachers of Reading and Spelling training.

124.5 Subd. 14. **Network for the Development of Children of African Descent.** (a) For a  
124.6 grant to the Network for the Development of Children of African Descent to expand the  
124.7 organization's holistic, evidence-based programming that has been proven to address disparate  
124.8 literacy, education, and family stabilization outcomes for African American children and  
124.9 their families, breaking generational cycles of poverty.

124.10 \$ 1,000,000 ..... 2023

124.11 (b) Program and expansion activities must include:

124.12 (1) providing holistic programming for parents, caregivers, and children in  
124.13 prekindergarten through grade 8 using a two-generation or whole-family approach to support  
124.14 healthy child development through programming that is culturally responsive and focused  
124.15 on building foundational literacy, self-determination, and self-reliance;

124.16 (2) expanding the organization's family-centered home learning curricula and materials  
124.17 that support learning at home and school;

124.18 (3) providing training and consulting services to education and human service providers  
124.19 on improving culturally responsive services to children and families who are experiencing  
124.20 disparate outcomes; and

124.21 (4) scaling or replicating the organization's proven models in the seven-county  
124.22 metropolitan area and in other regions of Minnesota outside of the seven-county metropolitan  
124.23 area.

124.24 (c) This appropriation is available until June 30, 2025. The base for fiscal year 2024 and  
124.25 later is \$0.

124.26 Subd. 15. **Wilderness Inquiry.** (a) For a grant to Wilderness Inquiry for credit recovery  
124.27 programs, capital expenses, and a fellowship program:

124.28 \$ 494,000 ..... 2023

124.29 (b) Of this amount, up to \$290,000 is for credit recovery activities.

124.30 (c) Of this amount, up to \$15,000 is for accessibility equipment for youth with disabilities.

124.31 (d) Of this amount, up to \$145,000 is for transportation needs.

125.1 (e) Of this amount, up to \$44,000 is for a fellowship program.

125.2 (f) Wilderness Inquiry must form at least four partnerships with school district or charter  
 125.3 school programs to deliver services in partnership with the schools that will enhance credit  
 125.4 recovery programs. Two of the districts must be outside of the 11-county metropolitan area.  
 125.5 Each partnership agreement must provide a plan for integrating Wilderness Inquiry  
 125.6 programming into credit recovery activities within the district.

125.7 (g) This appropriation is available until June 30, 2025.

125.8 (h) The grant recipient must submit a report describing the programs offered using grant  
 125.9 funds and the effectiveness of program outcomes. The report must be submitted to the  
 125.10 commissioner of education and to the chairs and ranking minority members of the legislative  
 125.11 committees with jurisdiction over kindergarten through grade 12 education.

125.12 Subd. 16. **Sanneh Foundation.** For a grant to the Sanneh Foundation for the purposes  
 125.13 of Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 22:

125.14 §            650,000    ..... 2023

125.15 This appropriation is available until June 30, 2025.

125.16 **EFFECTIVE DATE.** This section is effective July 1, 2022.

125.17 Sec. 84. **REVISOR INSTRUCTION.**

125.18 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column  
 125.19 A with the number listed in column B. The revisor shall also make necessary cross-reference  
 125.20 changes consistent with the renumbering. The revisor shall also make any technical language  
 125.21 and other changes necessitated by the renumbering and cross-reference changes in this act.

<u>Column A</u>	<u>Column B</u>
	<u>General Requirements Statewide Assessments</u>
<u>120B.30, subdivision 1a, paragraph (h)</u>	<u>120B.30, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
<u>120B.30, subdivision 2, paragraph (b),</u> <u>clauses (1) and (2)</u>	<u>120B.30, subdivision 6, paragraph (c)</u>

126.1	<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
126.2	<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
126.3	<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
126.4	<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
126.5	<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>
126.6	<u>General Requirements Test Design</u>	
126.7	<u>120B.30, subdivision 1a, paragraph (a),</u>	<u>120B.301, subdivision 1</u>
126.8	<u>clauses (1) to (5)</u>	
126.9	<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
126.10	<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
126.11	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
126.12	<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
126.13	<u>120B.30, subdivision 1a, paragraph (c),</u>	<u>120B.301, subdivision 3, paragraph (d)</u>
126.14	<u>clauses (1) and (2)</u>	
126.15	<u>Assessment Graduation Requirements</u>	
126.16	<u>120B.30, subdivision 1, paragraph (c),</u>	<u>120B.304, subdivision 1</u>
126.17	<u>clauses (1) and (2)</u>	
126.18	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>
126.19	<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>
126.20	<u>Assessment Reporting Requirements</u>	
126.21	<u>120B.30, subdivision 1a, paragraph (f),</u>	<u>120B.305, subdivision 1</u>
126.22	<u>clauses (1) to (3)</u>	
126.23	<u>120B.30, subdivision 1a, paragraph (d),</u>	<u>120B.305, subdivision 2, paragraph (a)</u>
126.24	<u>clauses (1) to (4)</u>	
126.25	<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
126.26	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
126.27	<u>120B.30, subdivision 1, paragraph (o),</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
126.28	<u>clauses (1) to (4)</u>	
126.29	<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>
126.30	<u>District Assessment Requirements</u>	
126.31	<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>
126.32	<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>
126.33	<u>College and Career Readiness</u>	
126.34	<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
126.35	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
126.36	<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
126.37	<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
126.38	<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>
126.39	<u>120B.30, subdivision 1, paragraph (j)</u>	<u>120B.307, subdivision 4, paragraph (c)</u>

127.1 120B.30, subdivision 1, paragraph (k) 120B.307, subdivision 4, paragraph (d)  
 127.2 120B.30, subdivision 1, paragraph (l) 120B.307, subdivision 4, paragraph (e)

127.3 Sec. 85. **REPEALER.**

127.4 Minnesota Statutes 2020, section 120B.35, subdivision 5, is repealed.

127.5 **ARTICLE 3**

127.6 **TEACHERS**

127.7 Section 1. **[120B.117] INCREASING THE PERCENTAGE OF TEACHERS OF**  
 127.8 **COLOR AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

127.9 Subdivision 1. **Purpose.** This section sets short-term and long-term attainment goals for  
 127.10 increasing the percentage of teachers of color and who are American Indian teachers in  
 127.11 Minnesota and for ensuring all students have equitable access to effective and racially and  
 127.12 ethnically diverse teachers who reflect the diversity of students. The goals and report required  
 127.13 under this section are important for meeting attainment goals for the world's best workforce  
 127.14 under section 120B.11, achievement and integration under section 124D.861, and higher  
 127.15 education attainment under section 135A.012, all of which have been established to close  
 127.16 persistent opportunity and achievement gaps that limit students' success in school and life  
 127.17 and impede the state's economic growth.

127.18 Subd. 2. **Equitable access to racially and ethnically diverse teachers.** The percentage  
 127.19 of teachers in Minnesota who are of color or who are American Indian should increase at  
 127.20 least two percentage points per year to have a teaching workforce that more closely reflects  
 127.21 the state's increasingly diverse student population and to ensure all students have equitable  
 127.22 access to effective and diverse teachers by 2040.

127.23 Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion  
 127.24 of any other goals and does not confer a right or create a claim for any person.

127.25 Subd. 4. **Reporting.** Beginning in 2022 and every even-numbered year thereafter, the  
 127.26 Professional Educator Licensing and Standards Board must collaborate with the Department  
 127.27 of Education and the Office of Higher Education to publish a summary report of each of  
 127.28 the programs they administer and any other programs receiving state appropriations that  
 127.29 have or include an explicit purpose of increasing the racial and ethnic diversity of the state's  
 127.30 teacher workforce to more closely reflect the diversity of students. The report must include  
 127.31 programs under sections 122A.59, 122A.63, 122A.635, 122A.70, 122A.73, 124D.09,  
 127.32 124D.861, 136A.1274, 136A.1276, and 136A.1791, along with any other programs or

128.1 initiatives that receive state appropriations to address the shortage of teachers of color and  
128.2 American Indian teachers. The board must, in coordination with the Office of Higher  
128.3 Education and Department of Education, provide policy and funding recommendations  
128.4 related to state-funded programs to increase the recruitment, preparation, licensing, hiring,  
128.5 and retention of racially and ethnically diverse teachers and the state's progress toward  
128.6 meeting or exceeding the goals of this section. The report must include recommendations  
128.7 for state policy and funding needed to achieve the goals of this section, plans for sharing  
128.8 the report and activities of grant recipients, and opportunities among grant recipients of  
128.9 various programs to share effective practices with each other. The 2022 report must include  
128.10 a recommendation of whether a state advisory council should be established to address the  
128.11 shortage of racially and ethnically diverse teachers and what the composition and charge  
128.12 of such an advisory council would be if established. The board must consult with the Indian  
128.13 Affairs Council and other ethnic councils along with other community partners, including  
128.14 students of color and American Indian students, in developing the report. By November 1  
128.15 of each even-numbered year, the board must submit the report to the chairs and ranking  
128.16 minority members of the legislative committees with jurisdiction over education and higher  
128.17 education policy and finance. The report must be available to the public on the board's  
128.18 website.

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

128.20 **Sec. 2. [120B.25] CURRICULUM POLICY.**

128.21 A school board must adopt a written policy that prohibits discrimination or discipline  
128.22 for a teacher or principal on the basis of incorporating into curriculum contributions by  
128.23 persons in a federally protected class or protected class under sections 121A.031 and  
128.24 363A.13, consistent with local collective bargaining agreements and sections 121A.41 to  
128.25 121A.56.

128.26 **Sec. 3.** Minnesota Statutes 2020, section 122A.06, subdivision 6, is amended to read:

128.27 **Subd. 6. Shortage area.** "Shortage area" means:

128.28 (1) licensure fields and economic development regions reported by the commissioner  
128.29 of education or the Professional Educator Licensing and Standards Board as experiencing  
128.30 a teacher shortage, including the number of assignments a school district is unable to fill  
128.31 with a licensed teacher by November 1 of every even-numbered year; and

128.32 (2) economic development regions where there is a shortage of licensed teachers who  
128.33 reflect the racial or ethnic diversity of students in the region.



129.1 **EFFECTIVE DATE.** This section is effective July 1, 2022.

129.2 Sec. 4. Minnesota Statutes 2020, section 122A.091, subdivision 5, is amended to read:

129.3 Subd. 5. **Survey of districts.** (a) The Professional Educator Licensing and Standards  
129.4 Board must survey the state's school districts and teacher preparation programs and report  
129.5 to the education committees of the legislature by February 1, 2019, and each odd-numbered  
129.6 year thereafter, on the status of teacher early retirement patterns, the access to effective and  
129.7 more diverse teachers who reflect the students under section 120B.35, subdivision 3,  
129.8 paragraph (b), clause (2), enrolled in a district or school, the teacher shortage, and the  
129.9 substitute teacher shortage, including patterns and shortages in licensure field areas and the  
129.10 economic development regions of the state.

129.11 (b) The report must also include:

129.12 (1) aggregate data on teachers' self-reported race and ethnicity;

129.13 (2) data on how districts are making progress in hiring teachers and substitute teachers  
129.14 in the areas of shortage, including the number of teachers hired in the preceding two years,  
129.15 the number of teachers hired holding a license at each tier level, the number of assignments  
129.16 the school district was unable to fill with a licensed teacher, and licenses and permissions  
129.17 for license fields without a board-approved preparation program by economic development  
129.18 regions; and

129.19 (3) a five-year projection of teacher demand for each district, taking into account the  
129.20 students under section 120B.35, subdivision 3, paragraph (b), clause (2), expected to enroll  
129.21 in the district during that five-year period.

129.22 **EFFECTIVE DATE.** This section is effective July 1, 2022.

129.23 Sec. 5. Minnesota Statutes 2020, section 122A.14, is amended by adding a subdivision to  
129.24 read:

129.25 Subd. 11. **Mental illness.** The board must adopt rules that require all school administrators  
129.26 renewing a license to include in the renewal requirements at least two hours of mental illness  
129.27 training. The training must include at least one hour of suicide prevention training in each  
129.28 licensure renewal period that is a nationally recognized evidence-based program. At least  
129.29 one additional hour of training must include understanding the key warning signs of  
129.30 early-onset mental illness in children and adolescents, trauma, accommodations for students'  
129.31 mental illness, parents' roles in addressing students' mental illness, fetal alcohol spectrum  
129.32 disorders, autism, and de-escalation methods, among other similar topics.

130.1 Sec. 6. Minnesota Statutes 2020, section 122A.181, subdivision 5, is amended to read:

130.2 Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter  
130.3 indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and  
130.4 limited to the district or charter school that requested the initial Tier 1 license.

130.5 (b) A Tier 1 license does not bring an individual within the definition of a teacher for  
130.6 purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

130.7 ~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under~~  
130.8 ~~section 179A.03, subdivision 18.~~

130.9 Sec. 7. Minnesota Statutes 2020, section 122A.183, subdivision 1, is amended to read:

130.10 Subdivision 1. **Requirements.** (a) The Professional Educator Licensing and Standards  
130.11 Board must issue a Tier 3 license to a candidate who provides information sufficient to  
130.12 demonstrate all of the following:

130.13 (1) the candidate meets the educational or professional requirements in paragraphs (b)  
130.14 and (c);

130.15 (2) the candidate has obtained a passing score on the required licensure exams under  
130.16 section 122A.185; and

130.17 (3) the candidate has completed the coursework required under subdivision 2.

130.18 (b) A candidate for a Tier 3 license must have a bachelor's degree to teach a class or  
130.19 course outside a career and technical education or career pathways course of study.

130.20 (c) A candidate for a Tier 3 license must have one of the following credentials in a  
130.21 relevant content area to teach a class or course in a career and technical education or career  
130.22 pathways course of study:

130.23 (1) an associate's degree;

130.24 (2) a professional certification; or

130.25 (3) five years of relevant work experience.

130.26 In consultation with the governor's Workforce Development Board established under section  
130.27 116L.665, the board must establish a list of qualifying certifications, and may add additional  
130.28 professional certifications in consultation with school administrators, teachers, and other  
130.29 stakeholders.

131.1 (d) The board must issue a Tier 3 license to a candidate who provides information  
 131.2 sufficient to demonstrate the following, regardless of whether the candidate meets other  
 131.3 requirements in this section:

131.4 (1) the candidate has completed a teacher preparation program from a culturally specific  
 131.5 Minority Serving Institution in the United States, such as Historically Black Colleges and  
 131.6 Universities, Tribal Colleges and Universities, or Hispanic-Serving Institutions, including  
 131.7 those in Puerto Rico, and is eligible for a teacher license in another state; or

131.8 (2) the candidate has completed a university teacher preparation program in another  
 131.9 country and has taught at least two years.

131.10 The candidate must have completed student teaching comparable to the student teaching  
 131.11 expectations in Minnesota.

131.12 Sec. 8. Minnesota Statutes 2020, section 122A.184, subdivision 1, is amended to read:

131.13 Subdivision 1. **Requirements.** The Professional Educator Licensing and Standards  
 131.14 Board must issue a Tier 4 license to a candidate who provides information sufficient to  
 131.15 demonstrate all of the following:

131.16 (1) the candidate meets all requirements for a Tier 3 license under section 122A.183,  
 131.17 and has completed a teacher preparation program under section 122A.183, subdivision 2,  
 131.18 clause (1) or (2);

131.19 (2) the candidate has at least three years of teaching experience in Minnesota or another  
 131.20 state;

131.21 (3) the candidate has obtained a passing score on all required licensure exams under  
 131.22 section 122A.185; and

131.23 (4) the candidate's most recent summative teacher evaluation did not result in placing  
 131.24 or otherwise keeping the teacher in an improvement process pursuant to section 122A.40,  
 131.25 subdivision 8, or 122A.41, subdivision 5.

131.26 Sec. 9. Minnesota Statutes 2020, section 122A.185, subdivision 1, is amended to read:

131.27 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~  
 131.28 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~  
 131.29 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~  
 131.30 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~  
 131.31 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~

132.1 ~~3~~ license to provide direct instruction to pupils in elementary, secondary, or special education  
132.2 programs if candidates meet the other requirements in section ~~122A.181, 122A.182, or~~  
132.3 ~~122A.183, respectively.~~

132.4 ~~(b)~~ (a) The board must adopt and revise rules requiring ~~candidates~~ applicants for Tier 3  
132.5 and Tier 4 licenses to pass an examination or performance assessment of general pedagogical  
132.6 knowledge and examinations of licensure field specific content: if the applicant has not  
132.7 completed a board-approved preparation program assuring that candidates from the program  
132.8 recommended for licensure meet content and pedagogy licensure standards in Minnesota.  
132.9 Candidates who have satisfactorily completed board-approved programs in Minnesota with  
132.10 required coursework and clinical field experiences that include learning opportunities and  
132.11 assessments aligned to content and pedagogy licensure standards are not additionally required  
132.12 to pass content and pedagogy exams for Tier 3 licensure. Applicants who have satisfactorily  
132.13 completed a preparation program in another state and passed licensure examinations in that  
132.14 state are not additionally required to pass similar examinations required in Minnesota. The  
132.15 content examination requirement does not apply if no relevant content exam exists.

132.16 ~~(e)~~ (b) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must  
132.17 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,  
132.18 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge  
132.19 and understanding of the foundations of reading development, development of reading  
132.20 comprehension and reading assessment and instruction, and the ability to integrate that  
132.21 knowledge and understanding into instruction strategies under section 122A.06, subdivision  
132.22 4.

132.23 (c) All testing centers in the state must provide monthly opportunities for untimed content  
132.24 and pedagogy examinations. These opportunities must be advertised on the test registration  
132.25 website. The board must require the exam vendor to provide other equitable opportunities  
132.26 to pass exams, including:

132.27 (1) waiving testing fees for test takers who qualify for federal grants;

132.28 (2) providing free, multiple, full-length practice tests for each exam and free,  
132.29 comprehensive study guides on the test registration website;

132.30 (3) making content and pedagogy exams available in languages other than English for  
132.31 teachers seeking licensure to teach in language immersion programs; and

132.32 (4) providing free, detailed exam results analysis by test objective to assist candidates  
132.33 who do not pass an exam in identifying areas for improvement.

133.1 Any candidate who has not passed a required exam after two attempts must be allowed to  
133.2 retake the exam, including new versions of the exam, without being charged an additional  
133.3 fee.

133.4 (d) The requirement to pass a board-adopted reading, writing, and mathematics skills  
133.5 examination does not apply to nonnative English speakers, as verified by qualified Minnesota  
133.6 school district personnel or Minnesota higher education faculty, who, after meeting the  
133.7 content and pedagogy requirements under this subdivision, apply for a teaching license to  
133.8 provide direct instruction in their native language or world language instruction under section  
133.9 120B.022, subdivision 1.

133.10 **EFFECTIVE DATE.** This section is effective July 1, 2022.

133.11 Sec. 10. Minnesota Statutes 2020, section 122A.187, is amended by adding a subdivision  
133.12 to read:

133.13 Subd. 7. **American Indian history and culture.** The Professional Educator Licensing  
133.14 and Standards Board must adopt rules that require all licensed teachers renewing their license  
133.15 under sections 122A.181 to 122A.184 to include in the renewal requirements professional  
133.16 development in the cultural heritage and contemporary contributions of American Indians,  
133.17 with particular emphasis on Minnesota Tribal Nations.

133.18 **EFFECTIVE DATE.** This section is effective July 1, 2023.

133.19 Sec. 11. Minnesota Statutes 2020, section 122A.40, subdivision 3, is amended to read:

133.20 Subd. 3. **Hiring, dismissing.** (a) School boards must hire or dismiss teachers at duly  
133.21 called meetings. Where a husband and wife, brother and sister, or two brothers or sisters,  
133.22 constitute a quorum, no contract employing a teacher shall be made or authorized except  
133.23 upon the unanimous vote of the full board. A teacher related by blood or marriage, within  
133.24 the fourth degree, computed by the civil law, to a board member shall not be employed  
133.25 except by a unanimous vote of the full board. The initial employment of the teacher in the  
133.26 district must be by written contract, signed by the teacher and by the chair and clerk. All  
133.27 subsequent employment of the teacher in the district must be by written contract, signed by  
133.28 the teacher and by the chair and clerk, except where there is a master agreement covering  
133.29 the employment of the teacher. Contracts for teaching or supervision of teaching can be  
133.30 made only with qualified teachers. A teacher shall not be required to reside within the  
133.31 employing district as a condition to teaching employment or continued teaching employment.

134.1 (b) A school district must report all new teacher hires and terminations, including layoffs,  
134.2 by race and ethnicity annually to the Professional Educator Licensing and Standards Board.  
134.3 The report must not include data that would personally identify individuals.

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

134.5 Sec. 12. Minnesota Statutes 2020, section 122A.40, subdivision 5, is amended to read:

134.6 **Subd. 5. Probationary period.** (a) The first three consecutive years of a teacher's first  
134.7 teaching experience in Minnesota in a single district is deemed to be a probationary period  
134.8 of employment, and, the probationary period in each district in which the teacher is thereafter  
134.9 employed shall be one year. The school board must adopt a plan for written evaluation of  
134.10 teachers during the probationary period that is consistent with subdivision 8. Evaluation  
134.11 must occur at least three times periodically throughout each school year for a teacher  
134.12 performing services during that school year; the first evaluation must occur within the first  
134.13 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
134.14 and other staff development opportunities and days on which a teacher is absent from school  
134.15 must not be included in determining the number of school days on which a teacher performs  
134.16 services. Except as otherwise provided in paragraph (b), during the probationary period any  
134.17 annual contract with any teacher may or may not be renewed as the school board shall see  
134.18 fit. However, the board must give any such teacher whose contract it declines to renew for  
134.19 the following school year written notice to that effect before July 1. If the teacher requests  
134.20 reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason  
134.21 in writing, including a statement that appropriate supervision was furnished describing the  
134.22 nature and the extent of such supervision furnished the teacher during the employment by  
134.23 the board, within ten days after receiving such request. The school board may, after a hearing  
134.24 held upon due notice, discharge a teacher during the probationary period for cause, effective  
134.25 immediately, under section 122A.44.

134.26 (b) A board must discharge a probationary teacher, effective immediately, upon receipt  
134.27 of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has  
134.28 been revoked due to a conviction for child abuse or sexual abuse.

134.29 (c) A probationary teacher whose first three years of consecutive employment are  
134.30 interrupted for active military service and who promptly resumes teaching consistent with  
134.31 federal reemployment timelines for uniformed service personnel under United States Code,  
134.32 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes  
134.33 of paragraph (a).

135.1 (d) A probationary teacher whose first three years of consecutive employment are  
135.2 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
135.3 months of when the leave began is considered to have a consecutive teaching experience  
135.4 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
135.5 three years of teaching service immediately before and after the leave.

135.6 (e) A probationary teacher must complete at least 120 days of teaching service each year  
135.7 during the probationary period. Days devoted to parent-teacher conferences, teachers'  
135.8 workshops, and other staff development opportunities and days on which a teacher is absent  
135.9 from school do not count as days of teaching service under this paragraph.

135.10 (f) Notwithstanding any law to the contrary, a teacher who has taught for three  
135.11 consecutive years in a single school district or charter school in Minnesota or another state  
135.12 must serve a probationary period no longer than one year in a Minnesota school district.

135.13 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements  
135.14 effective July 1, 2023, and thereafter.

135.15 Sec. 13. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

135.16 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
135.17 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
135.18 representative of the teachers in the district, consistent with paragraph (b), may develop a  
135.19 teacher evaluation and peer review process for probationary and continuing contract teachers  
135.20 through joint agreement. If a school board and the exclusive representative of the teachers  
135.21 do not agree to an annual teacher evaluation and peer review process, then the school board  
135.22 and the exclusive representative of the teachers must implement the state teacher evaluation  
135.23 plan under paragraph (c). The process must include having trained observers serve as peer  
135.24 coaches or having teachers participate in professional learning communities, consistent with  
135.25 paragraph (b).

135.26 (b) To develop, improve, and support qualified teachers and effective teaching practices,  
135.27 improve student learning and success, and provide all enrolled students in a district or school  
135.28 with improved and equitable access to more effective and diverse teachers, the annual  
135.29 evaluation process for teachers:

135.30 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
135.31 5;

135.32 (2) must establish a three-year professional review cycle for each teacher that includes  
135.33 an individual growth and development plan, a peer review process, and at least one

136.1 summative evaluation performed by a qualified and trained evaluator such as a school  
136.2 administrator. For the years when a tenured teacher is not evaluated by a qualified and  
136.3 trained evaluator, the teacher must be evaluated by a peer review;

136.4 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,  
136.5 or revise a rubric of performance standards for teacher practice that (i) is based on  
136.6 professional teaching standards established in rule, (ii) includes culturally responsive  
136.7 methodologies, and (iii) provides common descriptions of effectiveness using at least three  
136.8 levels of performance;

136.9 (4) must coordinate staff development activities under sections 122A.60 and 122A.61  
136.10 with this evaluation process and teachers' evaluation outcomes;

136.11 (5) may provide time during the school day and school year for peer coaching and teacher  
136.12 collaboration;

136.13 (6) may include job-embedded learning opportunities such as professional learning  
136.14 communities;

136.15 (7) may include mentoring and induction programs for teachers, including teachers who  
136.16 are members of populations underrepresented among the licensed teachers in the district or  
136.17 school and who reflect the diversity of students under section 120B.35, subdivision 3,  
136.18 paragraph (b), clause (2), who are enrolled in the district or school;

136.19 (8) must include an option for teachers to develop and present a portfolio demonstrating  
136.20 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
136.21 3, and include teachers' own performance assessment based on student work samples and  
136.22 examples of teachers' work, which may include video among other activities for the  
136.23 summative evaluation;

136.24 (9) must use data from valid and reliable assessments aligned to state and local academic  
136.25 standards and must use state and local measures of student growth and literacy that may  
136.26 include value-added models or student learning goals to determine 35 percent of teacher  
136.27 evaluation results;

136.28 (10) must use longitudinal data on student engagement and connection, and other student  
136.29 outcome measures explicitly aligned with the elements of curriculum for which teachers  
136.30 are responsible, including academic literacy, oral academic language, and achievement of  
136.31 content areas of English learners;



137.1 (11) must require qualified and trained evaluators such as school administrators to  
137.2 perform summative evaluations and ensure school districts and charter schools provide for  
137.3 effective evaluator training specific to teacher development and evaluation;

137.4 (12) must give teachers not meeting professional teaching standards under clauses (3)  
137.5 through (11) support to improve through a teacher improvement process that includes  
137.6 established goals and timelines; and

137.7 (13) must discipline a teacher for not making adequate progress in the teacher  
137.8 improvement process under clause (12) that may include a last chance warning, termination,  
137.9 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline  
137.10 a school administrator determines is appropriate.

137.11 Data on individual teachers generated under this subdivision are personnel data under  
137.12 section 13.43. The observation and interview notes of peer coaches may only be disclosed  
137.13 to other school officials with the consent of the teacher being coached.

137.14 (c) The department, in consultation with parents who may represent parent organizations  
137.15 and teacher and administrator representatives appointed by their respective organizations,  
137.16 representing the Professional Educator Licensing and Standards Board, the Minnesota  
137.17 Association of School Administrators, the Minnesota School Boards Association, the  
137.18 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
137.19 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
137.20 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
137.21 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
137.22 that complies with the requirements in paragraph (b) and applies to all teachers under this  
137.23 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual  
137.24 teacher evaluation and peer review process. The teacher evaluation process created under  
137.25 this subdivision does not create additional due process rights for probationary teachers under  
137.26 subdivision 5.

137.27 (d) Consistent with the measures of teacher effectiveness under this subdivision:

137.28 (1) for students in kindergarten through grade 4, a school administrator must not place  
137.29 or approve the placement of a student in the classroom of a teacher who is in the improvement  
137.30 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,  
137.31 in the prior year, that student was in the classroom of a teacher who received discipline  
137.32 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that  
137.33 grade; and

138.1 (2) for students in grades 5 through 12, a school administrator must not place or approve  
138.2 the placement of a student in the classroom of a teacher who is in the improvement process  
138.3 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the  
138.4 prior year, that student was in the classroom of a teacher who received discipline pursuant  
138.5 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area  
138.6 and grade.

138.7 All data created and used under this paragraph retains its classification under chapter 13.

138.8 **EFFECTIVE DATE.** This section is effective July 1, 2023.

138.9 Sec. 14. Minnesota Statutes 2020, section 122A.41, subdivision 2, is amended to read:

138.10 Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public  
138.11 schools in cities of the first class during the first three years of consecutive employment  
138.12 shall be deemed to be in a probationary period of employment during which period any  
138.13 annual contract with any teacher may, or may not, be renewed as the school board, after  
138.14 consulting with the peer review committee charged with evaluating the probationary teachers  
138.15 under subdivision 3, shall see fit. The school site management team or the school board if  
138.16 there is no school site management team, shall adopt a plan for a written evaluation of  
138.17 teachers during the probationary period according to subdivisions 3 and 5. Evaluation by  
138.18 the peer review committee charged with evaluating probationary teachers under subdivision  
138.19 3 shall occur at least three times periodically throughout each school year for a teacher  
138.20 performing services during that school year; the first evaluation must occur within the first  
138.21 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,  
138.22 and other staff development opportunities and days on which a teacher is absent from school  
138.23 shall not be included in determining the number of school days on which a teacher performs  
138.24 services. The school board may, during such probationary period, discharge or demote a  
138.25 teacher for any of the causes as specified in this code. A written statement of the cause of  
138.26 such discharge or demotion shall be given to the teacher by the school board at least 30  
138.27 days before such removal or demotion shall become effective, and the teacher so notified  
138.28 shall have no right of appeal therefrom.

138.29 (b) A probationary teacher whose first three years of consecutive employment are  
138.30 interrupted for active military service and who promptly resumes teaching consistent with  
138.31 federal reemployment timelines for uniformed service personnel under United States Code,  
138.32 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes  
138.33 of paragraph (a).

139.1 (c) A probationary teacher whose first three years of consecutive employment are  
139.2 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12  
139.3 months of when the leave began is considered to have a consecutive teaching experience  
139.4 for purposes of paragraph (a) if the probationary teacher completes a combined total of  
139.5 three years of teaching service immediately before and after the leave.

139.6 (d) A probationary teacher must complete at least 120 days of teaching service each year  
139.7 during the probationary period. Days devoted to parent-teacher conferences, teachers'  
139.8 workshops, and other staff development opportunities and days on which a teacher is absent  
139.9 from school do not count as days of teaching service under this paragraph.

139.10 (e) Notwithstanding any law to the contrary, a teacher who has taught for three  
139.11 consecutive years in a single school district or charter school in Minnesota or another state  
139.12 must serve a probationary period no longer than one year in a Minnesota school district.

139.13 **EFFECTIVE DATE.** This section is effective for collective bargaining agreements  
139.14 effective July 1, 2023, and thereafter.

139.15 Sec. 15. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

139.16 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**  
139.17 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
139.18 representative of the teachers in the district, consistent with paragraph (b), may develop an  
139.19 annual teacher evaluation and peer review process for probationary and nonprobationary  
139.20 teachers through joint agreement. If a school board and the exclusive representative of the  
139.21 teachers in the district do not agree to an annual teacher evaluation and peer review process,  
139.22 then the school board and the exclusive representative of the teachers must implement the  
139.23 state teacher evaluation plan developed under paragraph (c). The process must include  
139.24 having trained observers serve as peer coaches or having teachers participate in professional  
139.25 learning communities, consistent with paragraph (b).

139.26 (b) To develop, improve, and support qualified teachers and effective teaching practices  
139.27 and improve student learning and success, and provide all enrolled students in a district or  
139.28 school with improved and equitable access to more effective and diverse teachers, the annual  
139.29 evaluation process for teachers:

139.30 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
139.31 2;

139.32 (2) must establish a three-year professional review cycle for each teacher that includes  
139.33 an individual growth and development plan, a peer review process, and at least one

140.1 summative evaluation performed by a qualified and trained evaluator such as a school  
140.2 administrator;

140.3 (3) ~~must be based on professional teaching standards established in rule~~ create, adopt,  
140.4 or revise a rubric of performance standards for teacher practice that (i) is based on  
140.5 professional teaching standards established in rule, (ii) includes culturally responsive  
140.6 methodologies, and (iii) provides common descriptions of effectiveness using at least three  
140.7 levels of performance;

140.8 (4) must coordinate staff development activities under sections 122A.60 and 122A.61  
140.9 with this evaluation process and teachers' evaluation outcomes;

140.10 (5) may provide time during the school day and school year for peer coaching and teacher  
140.11 collaboration;

140.12 (6) may include job-embedded learning opportunities such as professional learning  
140.13 communities;

140.14 (7) may include mentoring and induction programs for teachers, including teachers who  
140.15 are members of populations underrepresented among the licensed teachers in the district or  
140.16 school and who reflect the diversity of students under section 120B.35, subdivision 3,  
140.17 paragraph (b), clause (2), who are enrolled in the district or school;

140.18 (8) must include an option for teachers to develop and present a portfolio demonstrating  
140.19 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
140.20 3, and include teachers' own performance assessment based on student work samples and  
140.21 examples of teachers' work, which may include video among other activities for the  
140.22 summative evaluation;

140.23 (9) must use data from valid and reliable assessments aligned to state and local academic  
140.24 standards and must use state and local measures of student growth and literacy that may  
140.25 include value-added models or student learning goals to determine 35 percent of teacher  
140.26 evaluation results;

140.27 (10) must use longitudinal data on student engagement and connection and other student  
140.28 outcome measures explicitly aligned with the elements of curriculum for which teachers  
140.29 are responsible, including academic literacy, oral academic language, and achievement of  
140.30 English learners;

140.31 (11) must require qualified and trained evaluators such as school administrators to  
140.32 perform summative evaluations and ensure school districts and charter schools provide for  
140.33 effective evaluator training specific to teacher development and evaluation;

141.1 (12) must give teachers not meeting professional teaching standards under clauses (3)  
141.2 through (11) support to improve through a teacher improvement process that includes  
141.3 established goals and timelines; and

141.4 (13) must discipline a teacher for not making adequate progress in the teacher  
141.5 improvement process under clause (12) that may include a last chance warning, termination,  
141.6 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline  
141.7 a school administrator determines is appropriate.

141.8 Data on individual teachers generated under this subdivision are personnel data under  
141.9 section 13.43. The observation and interview notes of peer coaches may only be disclosed  
141.10 to other school officials with the consent of the teacher being coached.

141.11 (c) The department, in consultation with parents who may represent parent organizations  
141.12 and teacher and administrator representatives appointed by their respective organizations,  
141.13 representing the Professional Educator Licensing and Standards Board, the Minnesota  
141.14 Association of School Administrators, the Minnesota School Boards Association, the  
141.15 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
141.16 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
141.17 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
141.18 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
141.19 that complies with the requirements in paragraph (b) and applies to all teachers under this  
141.20 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual  
141.21 teacher evaluation and peer review process. The teacher evaluation process created under  
141.22 this subdivision does not create additional due process rights for probationary teachers under  
141.23 subdivision 2.

141.24 (d) Consistent with the measures of teacher effectiveness under this subdivision:

141.25 (1) for students in kindergarten through grade 4, a school administrator must not place  
141.26 or approve the placement of a student in the classroom of a teacher who is in the improvement  
141.27 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,  
141.28 in the prior year, that student was in the classroom of a teacher who received discipline  
141.29 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that  
141.30 grade; and

141.31 (2) for students in grades 5 through 12, a school administrator must not place or approve  
141.32 the placement of a student in the classroom of a teacher who is in the improvement process  
141.33 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the  
141.34 prior year, that student was in the classroom of a teacher who received discipline pursuant

142.1 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area  
142.2 and grade.

142.3 All data created and used under this paragraph retains its classification under chapter 13.

142.4 **EFFECTIVE DATE.** This section is effective July 1, 2023.

142.5 Sec. 16. Minnesota Statutes 2020, section 122A.41, is amended by adding a subdivision  
142.6 to read:

142.7 **Subd. 16. Hiring and dismissal.** A school district must report all new teacher hires and  
142.8 terminations, including layoffs, by race and ethnicity annually to the Professional Educator  
142.9 Licensing and Standards Board. The report must not include data that would personally  
142.10 identify individuals.

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

142.12 Sec. 17. Minnesota Statutes 2020, section 122A.415, subdivision 4, is amended to read:

142.13 **Subd. 4. Basic alternative teacher compensation aid.** (a) The basic alternative teacher  
142.14 compensation aid for a school with a plan approved under section 122A.414, subdivision  
142.15 2b, equals 65 percent of the alternative teacher compensation revenue under subdivision 1.  
142.16 The basic alternative teacher compensation aid for a charter school with a plan approved  
142.17 under section 122A.414, subdivisions 2a and 2b, equals \$260 times the number of pupils  
142.18 enrolled in the school on October 1 of the previous year, or on October 1 of the current year  
142.19 for a charter school in the first year of operation, times the ratio of the sum of the alternative  
142.20 teacher compensation aid and alternative teacher compensation levy for all participating  
142.21 school districts to the maximum alternative teacher compensation revenue for those districts  
142.22 under subdivision 1.

142.23 (b) Notwithstanding paragraph (a) and subdivision 1, the state total basic alternative  
142.24 teacher compensation aid entitlement must not exceed ~~\$75,840,000 for fiscal year 2016 and~~  
142.25 ~~\$88,118,000 for fiscal year 2017~~ 2022, \$88,951,000 for fiscal year 2023, and \$89,161,000  
142.26 for fiscal year 2024 and later. The commissioner must limit the amount of alternative teacher  
142.27 compensation aid approved under this section so as not to exceed these limits by not  
142.28 approving new participants or by prorating the aid among participating districts, intermediate  
142.29 school districts, school sites, and charter schools. The commissioner may also reallocate a  
142.30 portion of the allowable aid for the biennium from the second year to the first year to meet  
142.31 the needs of approved participants.

143.1 (c) Basic alternative teacher compensation aid for an intermediate district or other  
143.2 cooperative unit equals \$3,000 times the number of licensed teachers employed by the  
143.3 intermediate district or cooperative unit on October 1 of the previous school year.

143.4 **EFFECTIVE DATE.** This section is effective for the entitlement for fiscal year 2023.

143.5 Sec. 18. Minnesota Statutes 2020, section 122A.415, is amended by adding a subdivision  
143.6 to read:

143.7 Subd. 7. **Revenue uses.** (a) Alternative teacher compensation revenue received under  
143.8 this section must be used for purposes directly aligned with the implementation of the  
143.9 approved plan under section 122A.414, subdivisions 2, paragraph (b), and 2a, if the applicant  
143.10 is a charter school or cooperative.

143.11 (b) No more than five percent of the total amount of revenue may be spent on  
143.12 administrative costs.

143.13 Sec. 19. Minnesota Statutes 2020, section 122A.415, is amended by adding a subdivision  
143.14 to read:

143.15 Subd. 8. **Revenue reserved.** Alternative teacher compensation revenue received under  
143.16 this section must be reserved and used only for the programs authorized in this section.

143.17 Sec. 20. Minnesota Statutes 2020, section 122A.50, is amended to read:

143.18 **122A.50 PREPARATION TIME.**

143.19 Subdivision 1. **Preparation time.** Beginning with agreements effective July 1, 1995,  
143.20 and thereafter, all collective bargaining agreements for teachers provided for under chapter  
143.21 179A, must include provisions for preparation time or a provision indicating that the parties  
143.22 to the agreement chose not to include preparation time in the contract.

143.23 If the parties cannot agree on preparation time the following provision shall apply and  
143.24 be incorporated as part of the agreement: "Within the student day for every 25 minutes of  
143.25 classroom instructional time, a minimum of five additional minutes of preparation time  
143.26 shall be provided to each licensed teacher. Preparation time shall be provided in one or two  
143.27 uninterrupted blocks during the student day. Exceptions to this may be made by mutual  
143.28 agreement between the district and the exclusive representative of the teachers."

143.29 Subd. 2. **Due process forms and procedures time.** (a) Beginning with the 2022-2023  
143.30 school year, a school district must use the revenue under this subdivision to provide time  
143.31 for teachers to complete due process forms and procedures in accordance with the plan

144.1 developed under paragraph (c). This time is in addition to the preparation time under  
144.2 subdivision 1. For purposes of this subdivision, "school district" includes a charter school  
144.3 where teachers have an exclusive representative for purposes of collective bargaining.

144.4 (b) For fiscal year 2023, the due process revenue for a school district is equal to \$19  
144.5 times the adjusted pupil units for the current fiscal year. For fiscal year 2023, the due process  
144.6 revenue for a school district that is a member of an intermediate school district or other  
144.7 cooperative unit that enrolls students is equal to \$3.75 times the adjusted pupil units for the  
144.8 current fiscal year. For fiscal year 2024 and later, the due process revenue for a school  
144.9 district equals \$7.40 times the adjusted pupil units for the current fiscal year. For fiscal year  
144.10 2024 and later, the due process revenue for a school district that is a member of an  
144.11 intermediate school district or other cooperative unit that enrolls students equals \$1.50 times  
144.12 the adjusted pupil units for the current fiscal year. If a district is a member of more than one  
144.13 cooperative unit that enrolls students, the revenue must be allocated among the cooperative  
144.14 units.

144.15 (c) A district must meet and negotiate an agreement with the exclusive representative  
144.16 of teachers in the district containing a plan to use the revenue authorized under this  
144.17 subdivision. The plan must provide teachers that provide direct services to students with  
144.18 individualized education programs or individualized family services plans time to complete  
144.19 due process forms and procedures. Examples of allowed uses for the revenue include:

144.20 (1) twenty hours of paid time for each teacher providing direct special education services,  
144.21 with the time paid at a rate proportional to the teacher's annual salary, in addition to the  
144.22 wages provided under applicable collective bargaining agreements and memoranda between  
144.23 the school board and exclusive representative of teachers;

144.24 (2) the costs of necessary substitute teachers;

144.25 (3) innovative flexible learning days or weeks that provide teachers time during the  
144.26 regularly scheduled duty day to complete forms and procedures; and

144.27 (4) due process clerks or other staff dedicated to assisting teachers with due process  
144.28 forms and procedures.

144.29 (d) If the district and exclusive representative cannot reach agreement on a plan to use  
144.30 the revenue, the agreement must require the revenue to be used for the use identified in  
144.31 paragraph (c), clause (1). The parties may agree to reduce the number of paid hours if they  
144.32 agree on another use for the revenue, including another use identified in paragraph (c).

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



145.1 Sec. 21. Minnesota Statutes 2020, section 122A.635, is amended to read:

145.2 **122A.635 COLLABORATIVE URBAN AND GREATER MINNESOTA**  
145.3 **EDUCATORS OF COLOR GRANT PROGRAM.**

145.4 Subdivision 1. **Establishment.** The Professional Educator Licensing and Standards  
145.5 Board must award competitive grants to increase the number of teacher candidates who are  
145.6 of color or who are American Indian, complete teacher preparation programs, and meet the  
145.7 requirements for a Tier 3 license under section 122A.183. Eligibility for a grant under this  
145.8 section is limited to public or private higher education institutions that offer a teacher  
145.9 preparation program approved by the Professional Educator Licensing and Standards Board.

145.10 Subd. 2. **Competitive grants.** (a) The Professional Educator Licensing and Standards  
145.11 Board must award competitive grants to a variety of higher education institution types under  
145.12 this section. The board must require an applicant institution to submit a plan describing how  
145.13 it would use grant funds to increase the number of teachers who are of color or who are  
145.14 American Indian, and must award grants based on the following criteria, listed in descending  
145.15 order of priority:

145.16 ~~(1) the number of teacher candidates being supported in the program who are of color~~  
145.17 ~~or who are American Indian;~~

145.18 ~~(2) (1) program outcomes, including graduation or program completion rates; and~~  
145.19 ~~licensure recommendation rates; and placement rates for candidates who are of color or~~  
145.20 ~~who are American Indian compared to all candidates enrolled in a teacher preparation~~  
145.21 ~~program at the institution and, for each outcome measure, the number of those teacher~~  
145.22 ~~candidates who are of color or who are American Indian; and~~

145.23 ~~(3) the percent of racially and ethnically diverse teacher candidates enrolled in the~~  
145.24 ~~institution compared to:~~

145.25 ~~(i) the total percent of students of color and American Indian students enrolled at the~~  
145.26 ~~institution, regardless of major; and~~

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

145.30 (2) the extent to which an institution's plan is clear in describing how the institution  
145.31 would use grant funds for implementing explicit research-based practices to provide  
145.32 programmatic support to teacher candidates who are of color or who are American Indian.  
145.33 Plans for grant funds may include:

146.1 (i) recruiting more racially and ethnically diverse candidates for admission to teacher  
146.2 preparation programs;

146.3 (ii) providing differentiated advising, mentoring, or other supportive community-building  
146.4 activities in addition to what the institution provides to all candidates enrolled in the  
146.5 institution;

146.6 (iii) providing academic tutoring or support to help teacher candidates pass required  
146.7 assessments; and

146.8 (iv) providing for program staffing expenses;

146.9 (3) an institution's plan to provide direct financial assistance as scholarships or stipends  
146.10 within the allowable dollar range determined by the board under subdivision 3, paragraph  
146.11 (b), to teacher candidates who are of color or who are American Indian;

146.12 ~~(b) The board must give priority in awarding grants under this section to institutions that~~  
146.13 ~~received grants under Laws 2017, First Special Session chapter 5, article 2, section 57,~~  
146.14 ~~subdivision 27, and have demonstrated continuing success at recruiting, retaining, graduating,~~  
146.15 ~~and inducting~~ (4) whether the institution has previously received a competitive grant under  
146.16 this section and has demonstrated positive outcomes from the use of grant funds for efforts  
146.17 helping teacher candidates who are of color or who are American Indian; to enroll in and  
146.18 successfully complete teacher preparation programs and be recommended for licensure;

146.19 (5) geographic diversity among the institutions. In order to expand the number of grant  
146.20 recipients throughout the state, whenever there is at least a 20 percent increase in the base  
146.21 appropriation for this grant program, the board must prioritize awarding grants to institutions  
146.22 outside of the Twin Cities metropolitan area. If the board awards a competitive grant based  
146.23 on the criteria in paragraph (a) to a program that has not previously received funding, the  
146.24 board must thereafter give priority to the program equivalent to other programs given priority  
146.25 under this paragraph, that have received grants and demonstrated positive outcomes; and

146.26 (6) the percentage of racially and ethnically diverse teacher candidates enrolled in the  
146.27 institution compared to:

146.28 (i) the aggregate percentage of students of color and American Indian students enrolled  
146.29 in the institution, regardless of major; and

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

147.1 (b) The board must not penalize an applicant institution in the grant review process for  
147.2 using grant funds only to provide direct financial support to teacher candidates if that is the  
147.3 institution's priority and the institution uses other resources to provide programmatic support  
147.4 to candidates.

147.5 (c) The board must determine award amounts for development, maintenance and, or  
147.6 expansion of programs based only on the degree to which applicants meet the criteria in  
147.7 this subdivision, the number of candidates who are of color or who are American Indian  
147.8 supported by an applicant program, ~~sustaining support for those candidates,~~ and funds  
147.9 available.

147.10 (d) The board must determine grant awards in part by multiplying the number of teacher  
147.11 candidates to be provided direct financial assistance by the average amount the institution  
147.12 proposes per candidate that is within the allowable dollar range. After assessing an  
147.13 institution's adherence to grant criteria and funds available, the board may grant an institution  
147.14 a lower average amount per candidate and the institution may decide to award less per  
147.15 candidate or provide financial assistance to fewer candidates within the allowable range.  
147.16 Additionally, an institution may use up to 25 percent of the awarded grant funds to provide  
147.17 programmatic support as described in paragraph (a), clause (3). If the board does not award  
147.18 an applicant institution's full request, the board must allow the institution to modify how it  
147.19 uses grant funds to maximize program outcomes consistent with the requirements of this  
147.20 section.

147.21 Subd. 3. **Grant program administration.** (a) The Professional Educator Licensing and  
147.22 Standards Board may enter into an interagency agreement with the Office of Higher  
147.23 Education. The agreement may include a transfer of funds to the Office of Higher Education  
147.24 to help establish and administer the competitive grant process. The board must award grants  
147.25 to institutions located in various economic development regions throughout the state, but  
147.26 must not predetermine the number of institutions to be awarded grants under this section  
147.27 or set a limit for the amount that any one institution may receive as part of the competitive  
147.28 grant application process.

147.29 (b) The board must establish a standard allowable dollar range for the amount of direct  
147.30 financial assistance an applicant institution may provide to each candidate. To determine  
147.31 the range, the board may collect de-identified data from institutions that received a grant  
147.32 during the previous grant period and calculate the average scholarship amount awarded to  
147.33 all candidates across all institutions using the most recent fiscal year data available. The  
147.34 calculation may be used to determine a scholarship range that is no more than 25 percent  
147.35 than this amount and no less than half the average of this amount. The purpose of direct

148.1 financial assistance is to assist candidates matriculating through completing licensure  
 148.2 programs if they demonstrate financial need after considering other grants and scholarships  
 148.3 provided.

148.4 (c) All grants must be awarded by August 15 of the fiscal year in which the grants are  
 148.5 to be used ~~except that, for initial competitive grants awarded for fiscal year 2020, grants~~  
 148.6 ~~must be awarded by September 15.~~ An institution that receives a grant under this section  
 148.7 may use the grant funds over a two- to four-year period to sustain support for teacher  
 148.8 candidates at any stage from recruitment and program admission to graduation and licensure  
 148.9 application.

148.10 Subd. 4. **Report.** (a) By ~~January~~ July 15 of each year, an institution awarded a grant  
 148.11 under this section must prepare for the legislature and the board a detailed report regarding  
 148.12 the expenditure of grant funds, including the amounts used to recruit, retain, and ~~instruct~~  
 148.13 support teacher candidates of color or who are American Indian teacher candidates to  
 148.14 complete programs and be recommended for licensure. The report must include:

148.15 (1) the total number of teacher candidates of color, disaggregated by race or ethnic group,  
 148.16 who and American Indian teacher candidates who:

148.17 (i) are enrolled in the institution;

148.18 (ii) are supported by grant funds with direct financial assistance during the academic  
 148.19 reporting year;

148.20 (iii) are supported with other programmatic supports;

148.21 (iv) are recruited to the institution, are and newly admitted to the a licensure program,  
 148.22 are enrolled in the;

148.23 (v) are enrolled in a licensure program;

148.24 (vi) have completed a licensure program, have completed student teaching, have  
 148.25 graduated, are licensed, and are newly employed as Minnesota teachers in their licensure  
 148.26 field. A grant recipient must report; and

148.27 (vii) were recommended for licensure in the field for which they were prepared;

148.28 (2) the total number of teacher candidates of color or who are American Indian teacher  
 148.29 candidates at each stage from recruitment program admission to licensed teaching licensure  
 148.30 recommendation as a percentage of total all candidates seeking the same licensure at the  
 148.31 institution; and

149.1 (3) a brief narrative describing the successes and challenges of efforts proposed in the  
149.2 grant application to support candidates with grant funds, and lessons learned for future  
149.3 efforts.

149.4 (b) By September 1 of each year, the board must post a report on its website summarizing  
149.5 the activities and outcomes of grant recipients and results that promote sharing of effective  
149.6 practices and lessons learned among grant recipients.

149.7 Sec. 22. Minnesota Statutes 2021 Supplement, section 122A.70, is amended to read:

149.8 **122A.70 TEACHER MENTORSHIP AND RETENTION OF EFFECTIVE**  
149.9 **TEACHERS.**

149.10 Subdivision 1. **Teacher mentoring, induction, and retention programs.** (a) School  
149.11 districts must develop teacher mentoring programs for teachers new to the profession or  
149.12 district, including teaching residents, teachers of color, teachers who are American Indian,  
149.13 teachers in license shortage areas, teachers with special needs, or experienced teachers in  
149.14 need of peer coaching.

149.15 (b) Teacher mentoring programs must be included in or aligned with districts' teacher  
149.16 evaluation and peer review processes under sections 122A.40, subdivision 8, and 122A.41,  
149.17 subdivision 5. A district may use staff development revenue under section 122A.61, special  
149.18 grant programs established by the legislature, or another funding source to pay a stipend to  
149.19 a mentor who may be a current or former teacher who has taught at least three years and is  
149.20 not on an improvement plan. ~~Other initiatives using such funds or funds available under~~  
149.21 ~~sections 124D.861 and 124D.862 may include:~~

149.22 ~~(1) additional stipends as incentives to mentors of color or who are American Indian;~~

149.23 ~~(2) financial supports for professional learning community affinity groups across schools~~  
149.24 ~~within and between districts for teachers from underrepresented racial and ethnic groups to~~  
149.25 ~~come together throughout the school year. For purposes of this section, "affinity groups"~~  
149.26 ~~are groups of educators who share a common racial or ethnic identity in society as persons~~  
149.27 ~~of color or who are American Indian;~~

149.28 ~~(3) programs for induction aligned with the district or school mentorship program during~~  
149.29 ~~the first three years of teaching, especially for teachers from underrepresented racial and~~  
149.30 ~~ethnic groups; or~~

149.31 ~~(4) grants supporting licensed and nonlicensed educator participation in professional~~  
149.32 ~~development, such as workshops and graduate courses, related to increasing student~~

150.1 ~~achievement for students of color and American Indian students in order to close opportunity~~  
150.2 ~~and achievement gaps.~~

150.3 ~~(c) A school or district that receives a grant must negotiate additional retention strategies~~  
150.4 ~~or protection from unrequested leave of absences in the beginning years of employment for~~  
150.5 ~~teachers of color and teachers who are American Indian. Retention strategies may include~~  
150.6 ~~providing financial incentives for teachers of color and teachers who are American Indian~~  
150.7 ~~to work in the school or district for at least five years and placing American Indian educators~~  
150.8 ~~at sites with other American Indian educators and educators of color at sites with other~~  
150.9 ~~educators of color to reduce isolation and increase opportunity for collegial support.~~

150.10 Subd. 2. **Board grants.** The Professional Educator Licensing and Standards Board must  
150.11 make grant application forms available to sites interested in developing, sustaining, or  
150.12 expanding a mentorship program. A school district; a or group of school districts; a coalition  
150.13 of districts, teachers, and teacher education institutions; or, a school or coalition of schools,  
150.14 or a coalition of teachers, or nonlicensed educators may apply for a program grant. A higher  
150.15 education institution or nonprofit organization may partner with a grant applicant but is not  
150.16 eligible as a sole applicant for grant funds. The Professional Educator Licensing and  
150.17 Standards Board, in consultation with the teacher mentoring task force, must approve or  
150.18 disapprove the applications. To the extent possible, the approved applications must reflect  
150.19 effective mentoring, professional development, and retention components, and be  
150.20 geographically distributed throughout the state. The Professional Educator Licensing and  
150.21 Standards Board must encourage the selected sites to consider the use of its assessment  
150.22 procedures.

150.23 Subd. 2a. **Funded work.** (a) Grant funds may be used for the following:

150.24 (1) additional stipends as incentives to mentors who are of color or who are American  
150.25 Indian;

150.26 (2) financial supports for professional learning community affinity groups across schools  
150.27 within and between districts for educators from underrepresented racial and ethnic groups  
150.28 to come together throughout the school year. For purposes of this section, "affinity groups"  
150.29 mean groups of licensed and nonlicensed educators who share a common racial or ethnic  
150.30 identity in society as persons who are of color or who are American Indian;

150.31 (3) programs for induction aligned with the district or school mentorship program during  
150.32 the first three years of teaching, especially for teachers from underrepresented racial and  
150.33 ethnic groups;

151.1 (4) professional development focused on ways to close opportunity and achievement  
151.2 gaps for students of color and American Indian students; or

151.3 (5) for teachers of color and American Indian teachers, graduate courses toward a first  
151.4 master's degree in a field related to their licensure or toward an additional license.

151.5 (b) A charter school or district that receives a grant must negotiate additional retention  
151.6 strategies or protection from unrequested leaves of absence in the beginning years of  
151.7 employment for teachers who are of color or who are American Indian. Retention strategies  
151.8 may include providing financial incentives for teachers of color and teachers who are  
151.9 American Indian to work in the school or district for at least five years and placing American  
151.10 Indian educators at sites with other American Indian educators and educators of color at  
151.11 sites with other educators of color to reduce isolation and increase opportunity for collegial  
151.12 support.

151.13 Subd. 3. **Criteria for selection.** (a) At a minimum, applicants for grants under subdivision  
151.14 2 must express commitment to:

151.15 (1) allow staff participation;

151.16 (2) assess skills of both beginning and mentor teachers;

151.17 (3) provide appropriate in-service to needs identified in the assessment;

151.18 (4) provide leadership to the effort;

151.19 (5) cooperate with higher education institutions or teacher educators;

151.20 (6) provide facilities and other resources;

151.21 (7) share findings, materials, and techniques with other school districts; and

151.22 (8) retain teachers of color and teachers who are American Indian.

151.23 (b) The Professional Educator Licensing and Standards Board must give priority to  
151.24 applications to fund programs to induct, mentor, and retain Tier 2 or Tier 3 teachers who  
151.25 are of color or who are American Indian, and Tier 2 or Tier 3 teachers in licensure shortage  
151.26 areas within the applicant's economic development region.

151.27 Subd. 4. **Additional funding.** Grant applicants must seek additional funding and  
151.28 assistance from sources such as school districts, postsecondary institutions, foundations,  
151.29 and the private sector.

151.30 Subd. 5. **Program implementation.** A grant recipient may use grant funds on  
151.31 implementing activities over a period of time up to 24 months. New and expanding

152.1 mentorship sites that receive a board grant under subdivision 2 to design, develop, implement,  
152.2 and evaluate their program must participate in activities that support program development  
152.3 and implementation.

152.4 Subd. 6. **Report.** By ~~June~~ September 30 of each year after receiving a grant, recipients  
152.5 must submit a report to the Professional Educator Licensing and Standards Board on program  
152.6 efforts that describes mentoring and induction activities and assesses the impact of these  
152.7 programs on teacher effectiveness and retention.

152.8 **EFFECTIVE DATE.** This section is effective July 1, 2022.

152.9 Sec. 23. Minnesota Statutes 2020, section 122A.76, is amended to read:

152.10 **122A.76 STATEWIDE CONCURRENT ENROLLMENT TEACHER TRAINING**  
152.11 **PROGRAM PARTNERSHIP.**

152.12 Subdivision 1. **Definition.** (a) For purposes of this section, the following terms have the  
152.13 meanings given them.

152.14 (b) ~~"Northwest Regional Partnership"~~ "Concurrent Enrollment Teacher Partnership"  
152.15 means a voluntary association of the Lakes Country Service Cooperative, the Northwest  
152.16 Service Cooperative, ~~and the Metropolitan Education Cooperative Service Unit, Minnesota~~  
152.17 State University-Moorhead, and other interested colleges and universities operated by the  
152.18 Minnesota State system or the University of Minnesota that works work together to provide  
152.19 coordinated higher learning opportunities for teachers.

152.20 (e) ~~"State Partnership" means a voluntary association of the Northwest Regional~~  
152.21 ~~Partnership and the Metropolitan Educational Cooperative Service Unit.~~

152.22 (d) (c) "Eligible postsecondary institution" means a public or private postsecondary  
152.23 institution that awards graduate credits.

152.24 (e) (d) "Eligible teacher" means a licensed secondary teacher of secondary school courses  
152.25 for postsecondary credit interested in teaching or currently teaching concurrent enrollment  
152.26 courses.

152.27 Subd. 1a. **Fiscal host.** Lakes Country Service Cooperative is the fiscal host for the  
152.28 Concurrent Enrollment Teacher Partnership.

152.29 Subd. 2. **Establishment.** (a) ~~Lakes Country Service Cooperative, in consultation with~~  
152.30 ~~the Northwest Service Cooperative,~~ The Concurrent Enrollment Teacher Partnership may  
152.31 develop a ~~continuing education~~ program to allow eligible teachers to attain the requisite



153.1 graduate credits necessary to be qualified to teach ~~secondary school courses for postsecondary~~  
 153.2 ~~credit~~ concurrent enrollment courses.

153.3 (b) ~~If established, the State Partnership~~ The Concurrent Enrollment Teacher Partnership  
 153.4 must contract with one or more eligible postsecondary institutions to establish a ~~continuing~~  
 153.5 ~~education credit~~ program to allow eligible teachers to attain sufficient graduate credits to  
 153.6 qualify to teach ~~secondary school~~ concurrent enrollment courses for ~~postsecondary credit.~~  
 153.7 Members of the ~~State~~ Concurrent Enrollment Teacher Partnership must work to eliminate  
 153.8 duplication of service and develop the ~~continuing education credit~~ program efficiently and  
 153.9 cost-effectively.

153.10 Subd. 3. **Curriculum development.** The ~~continuing education~~ program must use flexible  
 153.11 delivery models, such as an online education curriculum, that allow eligible secondary  
 153.12 school teachers to attain graduate credit at a reduced credit rate. Information about the  
 153.13 curriculum, including course length and course requirements, must be posted on the website  
 153.14 of the eligible institution offering the course at least two weeks before eligible teachers are  
 153.15 required to register for courses ~~in the continuing education program.~~

153.16 Subd. 4. **Funding for course participation; course development; scholarships;**  
 153.17 **stipends participation incentives.** (a) Lakes Country Service Cooperative, in consultation  
 153.18 with the other members of the ~~Northwest Regional~~ Concurrent Enrollment Teacher  
 153.19 Partnership, ~~shall:~~ must

153.20 ~~(1) provide funding for course development~~ eligible teachers to participate in the program  
 153.21 for up to 18 credits in applicable postsecondary subject areas;

153.22 ~~(2) provide scholarships for eligible teachers to enroll in the continuing education~~  
 153.23 ~~program; and~~

153.24 ~~(3) develop criteria for awarding educator stipends on a per-credit basis to incentivize~~  
 153.25 ~~participation in the continuing education program.~~

153.26 (b) ~~If established, the State Partnership must:~~

153.27 ~~(1) provide funding for course development for up to 18 credits in applicable~~  
 153.28 ~~postsecondary subject areas;~~

153.29 ~~(2) provide scholarships for eligible teachers to enroll in the continuing education~~  
 153.30 ~~program; and~~

153.31 ~~(3) develop criteria for awarding educator stipends on a per-credit basis to incentivize~~  
 153.32 ~~participation in the continuing education program.~~

154.1 (b) The Concurrent Enrollment Teacher Partnership may:

154.2 (1) provide funding for course development in applicable postsecondary subject areas;

154.3 (2) work with school districts to develop incentives for teachers to participate in the  
154.4 program; and

154.5 (3) enroll college faculty, as space permits, and provide financial assistance if state aid  
154.6 remains available.

154.7 Subd. 5. **Private funding.** The partnerships may receive private resources to supplement  
154.8 the available public money. ~~All money received in fiscal year 2017 shall be administered~~  
154.9 ~~by the Lakes Country Service Cooperative. All money received in fiscal year 2018 and later~~  
154.10 ~~shall be administered by the State Partnership.~~

154.11 Subd. 6. **Report required.** ~~(a) The Northwest Regional Partnership must submit a report~~  
154.12 ~~by January 15, 2018, on the progress of its activities to the legislature, commissioner of~~  
154.13 ~~education, and Board of Trustees of the Minnesota State Colleges and Universities. The~~  
154.14 ~~report shall contain a financial report for the preceding year.~~

154.15 ~~(b) If established, the State~~ The Concurrent Enrollment Teacher Partnership must submit  
154.16 an annual joint report to the legislature and the Office of Higher Education by January 15  
154.17 of each year on the progress of its activities. The report must include the number of teachers  
154.18 participating in the program, the geographic location of the teachers, the number of credits  
154.19 earned, and the subject areas of the courses in which participants earned credit. The report  
154.20 must include a financial report for the preceding year.

154.21 **EFFECTIVE DATE.** This section is effective July 1, 2022.

154.22 Sec. 24. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

154.23 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,  
154.24 and instructional leadership services, under the supervision of the superintendent of schools  
154.25 of the district and according to the policies, rules, and regulations of the school board, for  
154.26 the planning, management, operation, and evaluation of the education program of the building  
154.27 or buildings to which the principal is assigned.

154.28 (b) To enhance a principal's culturally responsive leadership skills and support and  
154.29 improve teaching practices, school performance, and student achievement for diverse student  
154.30 populations, including at-risk students, children with disabilities, English learners, and gifted  
154.31 students, among others, a district must develop and implement a performance-based system  
154.32 for annually evaluating school principals assigned to supervise a school building within the

155.1 district. The evaluation must be designed to improve teaching and learning by supporting  
155.2 the principal in shaping the school's professional environment and developing teacher  
155.3 quality, performance, and effectiveness. The annual evaluation must:

155.4 (1) support and improve a principal's instructional leadership, organizational management,  
155.5 and professional development, and strengthen the principal's capacity in the areas of  
155.6 instruction, supervision, evaluation, and teacher development;

155.7 (2) support and improve a principal's culturally responsive leadership practices that  
155.8 create inclusive and respectful teaching and learning environments for all students, families,  
155.9 and employees;

155.10 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of  
155.11 student progress toward career and college readiness;

155.12 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and  
155.13 goals, and the principal's own professional multiyear growth plans and goals, all of which  
155.14 must support the principal's leadership behaviors and practices, rigorous curriculum, school  
155.15 performance, and high-quality instruction;

155.16 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

155.17 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and  
155.18 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

155.19 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation  
155.20 and incorporate district achievement goals and targets;

155.21 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and  
155.22 learning, curriculum and instruction, student learning, culturally responsive leadership  
155.23 practices, and a collaborative professional culture; and

155.24 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria  
155.25 under this subdivision, implement a plan to improve the principal's performance and specify  
155.26 the procedure and consequence if the principal's performance is not improved.

155.27 The provisions of this paragraph are intended to provide districts with sufficient flexibility  
155.28 to accommodate district needs and goals related to developing, supporting, and evaluating  
155.29 principals.

155.30 **EFFECTIVE DATE.** This section is effective July 1, 2023.

156.1 Sec. 25. Minnesota Statutes 2020, section 179A.03, subdivision 19, is amended to read:

156.2 Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment"  
 156.3 means the hours of employment, the compensation therefor including fringe benefits except  
 156.4 retirement contributions or benefits other than employer payment of, or contributions to,  
 156.5 premiums for group insurance coverage of retired employees or severance pay, class sizes  
 156.6 in school districts and charter schools, student testing, student to personnel ratios in school  
 156.7 districts, and the employer's personnel policies affecting the working conditions of the  
 156.8 employees. In the case of professional employees the term does not mean educational  
 156.9 policies of a school district. "Terms and conditions of employment" is subject to section  
 156.10 179A.07.

156.11 Sec. 26. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 3,  
 156.12 is amended to read:

156.13 Subd. 3. **Statewide Concurrent enrollment teacher training program.** (a) For the  
 156.14 concurrent enrollment teacher partnership under Minnesota Statutes, section 122A.76:

156.15	\$	375,000	.....	2022
156.16		<del>375,000</del>		
156.17	\$	<u>1,000,000</u>	.....	2023

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

156.19 (c) Any balance in the second year does not cancel but is available until June 30, 2025.

156.20 Sec. 27. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 4,  
 156.21 is amended to read:

156.22 Subd. 4. **Grow Your Own.** (a) For grants to develop, continue, or expand Grow Your  
 156.23 Own new teacher programs under Minnesota Statutes, section 122A.73:

156.24	\$	6,500,000	.....	2022
156.25		<del>6,500,000</del>		
156.26	\$	<u>68,000,000</u>	.....	2023

156.27 (b) This appropriation is subject to the requirements under Minnesota Statutes, section  
 156.28 122A.73, subdivision 5.

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

156.30 (d) The base for fiscal years 2024 and 2025 is \$6,500,000. The base for fiscal year 2026  
 156.31 is \$27,000,000.

156.32 **EFFECTIVE DATE.** This section is effective July 1, 2022.

157.1 Sec. 28. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 5,  
157.2 is amended to read:

157.3 Subd. 5. **Nonexclusionary discipline.** (a) For grants to school districts and charter  
157.4 schools to provide training for school staff on nonexclusionary disciplinary practices:

157.5 \$ 1,750,000 ..... 2022

157.6 ~~500,000~~

157.7 \$ 5,000,000 ..... 2023

157.8 (b) Grants are to develop training and to work with schools to train staff on  
157.9 nonexclusionary disciplinary practices that maintain the respect, trust, and attention of  
157.10 students and help keep students in classrooms. These funds may also be used for grant  
157.11 administration.

157.12 (c) Eligible grantees include school districts, charter schools, intermediate school districts,  
157.13 and cooperative units as defined in section 123A.24, subdivision 2.

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

157.15 (e) The base for fiscal year 2024 and later is ~~\$0~~ \$5,000,000.

157.16 Sec. 29. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 6,  
157.17 is amended to read:

157.18 Subd. 6. **Expanded concurrent enrollment grants.** (a) For grants to institutions offering  
157.19 "Introduction to Teaching" or "Introduction to Education" college in the schools courses  
157.20 under Minnesota Statutes, section 124D.09, subdivision 10, paragraph (b):

157.21 \$ 500,000 ..... 2022

157.22 ~~500,000~~

157.23 \$ 1,000,000 ..... 2023

157.24 (b) The department may retain up to five percent of the appropriation amount to monitor  
157.25 and administer the grant program.

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

157.27 **EFFECTIVE DATE.** This section is effective July 1, 2022.

157.28 Sec. 30. Laws 2021, First Special Session chapter 13, article 3, section 7, subdivision 7,  
157.29 is amended to read:

157.30 Subd. 7. **Alternative teacher compensation aid.** (a) For alternative teacher compensation  
157.31 aid under Minnesota Statutes, section 122A.415, subdivision 4:

158.1 ~~88,896,000~~  
 158.2 \$ 88,559,000 ..... 2022  
 158.3 ~~88,898,000~~  
 158.4 \$ 89,234,000 ..... 2023

158.5 (b) The 2022 appropriation includes \$8,877,000 for 2021 and ~~\$80,019,000~~ \$79,682,000  
 158.6 for 2022.

158.7 (c) The 2023 appropriation includes ~~\$8,891,000~~ \$8,854,000 for 2022 and ~~\$80,007,000~~  
 158.8 \$80,380,000 for 2023.

158.9 Sec. 31. Laws 2021, First Special Session chapter 13, article 3, section 8, subdivision 2,  
 158.10 is amended to read:

158.11 Subd. 2. **Collaborative urban and greater Minnesota educators of color grants.** (a)  
 158.12 For collaborative urban and greater Minnesota educators of color grants under Minnesota  
 158.13 Statutes, section 122A.635:

158.14 \$ 1,000,000 ..... 2022  
 158.15 ~~1,000,000~~  
 158.16 \$ 3,000,000 ..... 2023

158.17 (b) The board may retain up to \$30,000 of the appropriation amount in each fiscal year  
 158.18 to monitor and administer the grant program and a portion of these funds may be transferred  
 158.19 to the Office of Higher Education as determined by the executive director of the board and  
 158.20 the commissioner to support the administration of the program.

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

158.22 **EFFECTIVE DATE.** This section is effective July 1, 2022.

158.23 Sec. 32. **TEACHER SUPPLY AND DEMAND REPORT.**

158.24 (a) By February 1, 2023, the Professional Educator Licensing and Standards Board must  
 158.25 include in the report required under Minnesota Statutes, section 122A.091, subdivision 5,  
 158.26 the number of teacher openings, by school district, for teachers with licenses in the following  
 158.27 fields:

158.28 (1) English as a second language;

158.29 (2) early childhood;

158.30 (3) special education;

158.31 (4) career and technical education;

159.1 (5) science, technology, engineering, arts, and math; and

159.2 (6) world languages.

159.3 (b) For each field listed in paragraph (a), the report must also include the number of  
 159.4 teachers hired, by school district, at each license tier level, and the number of teacher  
 159.5 assignments the school district was unable to fill with a licensed teacher.

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

159.7 Sec. 33. **TEMPORARY INCREASE IN TEACHERS RETIREMENT ASSOCIATION**  
 159.8 **EARNINGS LIMITATION.**

159.9 For fiscal years 2023, 2024, and 2025, notwithstanding Minnesota Statutes, section  
 159.10 354.44, subdivision 5, the applicable earnings limitation for an individual collecting a  
 159.11 retirement annuity is \$92,000.

159.12 Sec. 34. **APPROPRIATIONS.**

159.13 Subdivision 1. **Department of Education.** The sums indicated in this section are  
 159.14 appropriated from the general fund to the Department of Education for the fiscal years  
 159.15 designated.

159.16 Subd. 2. **American Indian history and culture.** (a) For implementation of the American  
 159.17 Indian history and culture relicensure requirement under Minnesota Statutes, section  
 159.18 122A.187, subdivision 7. The commissioner may transfer funds to the Professional Educator  
 159.19 Licensing and Standards Board as necessary:

159.20 \$ 0 ..... 2022

159.21 \$ 0 ..... 2023

159.22 (b) The base is \$86,000 for fiscal year 2024 and \$60,000 for fiscal year 2025.

159.23 Subd. 3. **Due process aid.** (a) For special education teacher due process aid under section  
 159.24 122A.50 not otherwise reimbursed as special education aid:

159.25 \$ 18,230,000 ..... 2023

159.26 (b) The base is \$8,227,000 for fiscal year 2024 and \$8,605,000 for fiscal year 2025.

159.27 Subd. 4. **Science teachers.** (a) For a grant to the Minnesota Science Teachers Association:

159.28 \$ 611,000 ..... 2023

159.29 (b) Grant funds must be used to provide pedagogical and content professional  
 159.30 development to implement the 2019 revised science standards, including for current high

160.1 school teachers to prepare to take the content test for additional licensure in earth science,  
 160.2 and to provide pedagogical and content professional development to 6th grade and high  
 160.3 school teachers to be effective teachers of earth and space science. Professional development  
 160.4 must be offered at multiple locations across the state, including outside the seven-county  
 160.5 metropolitan area as well as online.

160.6 (c) This appropriation is available until June 30, 2025. Up to five percent of this  
 160.7 appropriation may be used for administrative costs incurred by the Department of Education.

160.8 Subd. 5. **Teacher retention bonuses.** (a) For providing retention bonuses to teachers  
 160.9 who are new to the profession:

160.10 \$ 0 ..... 2022

160.11 \$ 11,250,000 ..... 2023

160.12 (b) The commissioner must establish a process to identify eligible teachers to receive  
 160.13 retention bonuses in this program.

160.14 (c) The commissioner must prioritize teachers of color and American Indian teachers,  
 160.15 teachers filling licensure shortage areas, and teachers from low-income backgrounds.

160.16 (d) The employer of the eligible teacher must offer the stipend and request reimbursement  
 160.17 from the department using a process established by the department.

160.18 (e) A retention bonus must be in addition to the local salary agreement.

160.19 (f) Reimbursements for eligible teachers must meet the following requirements:

160.20 (1) \$1,000 awarded to first-year teachers who successfully complete their first year of  
 160.21 employment and are returning for a second year.

160.22 (2) \$2,000 awarded to the same cohort of teachers who successfully complete their  
 160.23 second year of employment and are returning for a third year.

160.24 (3) \$4,500 awarded to the same cohort of teachers who successfully complete their third  
 160.25 year of employment and are returning for a fourth year.

160.26 (g) This appropriation is available until June 30, 2025.

160.27 (h) The department may retain up to five percent of the appropriation amount to monitor  
 160.28 and administer the program.



161.1

**ARTICLE 4**

161.2

**CHARTER SCHOOLS**

161.3 Section 1. Minnesota Statutes 2020, section 124E.02, is amended to read:

161.4 **124E.02 DEFINITIONS.**

161.5 (a) For purposes of this chapter, the terms defined in this section have the meanings  
161.6 given them.

161.7 (b) "Affidavit" means a written statement the authorizer submits to the commissioner  
161.8 for approval to establish a charter school under section 124E.06, subdivision 4, attesting to  
161.9 its review and approval process before chartering a school.

161.10 (c) "Affiliate" means a person that directly or indirectly, through one or more  
161.11 intermediaries, controls, is controlled by, or is under common control with another person.

161.12 (d) "Charter management organization" means any nonprofit entity that contracts with  
161.13 a charter school board of directors to provide, manage, or oversee all or substantially all of  
161.14 the charter school's educational program design or implementation, or the charter school's  
161.15 administrative, financial, business, and operational functions.

161.16 ~~(d)~~(e) "Control" means the ability to affect the management, operations, or policy actions  
161.17 or decisions of a person, whether by owning voting securities, by contract, or otherwise.

161.18 (f) "Education management organization" means any for-profit entity that contracts with  
161.19 a charter school board of directors to provide, manage, or oversee all or substantially all of  
161.20 the charter school's educational program design or implementation, or the charter school's  
161.21 administrative, financial, business, and operational functions.

161.22 ~~(e)~~(g) "Immediate family" means an individual whose relationship by blood, marriage,  
161.23 adoption, or partnership is no more remote than first cousin.

161.24 (h) "Market need and demand study" means a study that, for the proposed locations of  
161.25 the school or additional site, includes the following:

161.26 (1) current and projected demographic information of student populations in the  
161.27 geographic area;

161.28 (2) current student enrollment patterns in the geographic area;

161.29 (3) information on existing schools and types of educational programs currently available;

161.30 (4) documentation of the plan for outreach to diverse and underrepresented populations;

161.31 (5) information on the availability of properly zoned and classified facilities; and

162.1 (6) quantification of existing demand for the new school or site expansion.

162.2 (i) "Online education service provider" means an organization that provides the online  
162.3 learning management system, virtual learning environment, or online student management  
162.4 system and services for the implementation and operation of the online education program.

162.5 ~~(f)~~ (j) "Person" means an individual or entity of any kind.

162.6 ~~(g)~~ (k) "Related party" means an affiliate or immediate relative of the other interested  
162.7 party, an affiliate of an immediate relative who is the other interested party, or an immediate  
162.8 relative of an affiliate who is the other interested party.

162.9 ~~(h)~~ (l) For purposes of this chapter, the terms defined in section 120A.05 have the same  
162.10 meanings.

162.11 Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:

162.12 Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall  
162.13 meet all federal, state, and local health and safety requirements applicable to school districts.

162.14 (b) A school must comply with statewide accountability requirements governing standards  
162.15 and assessments in chapter 120B.

162.16 (c) A charter school must comply with the Minnesota Public School Fee Law, sections  
162.17 123B.34 to 123B.39.

162.18 (d) A charter school is a district for the purposes of tort liability under chapter 466.

162.19 (e) A charter school must comply with the Pledge of Allegiance requirement under  
162.20 section 121A.11, subdivision 3.

162.21 (f) A charter school and charter school board of directors must comply with chapter 181  
162.22 governing requirements for employment.

162.23 (g) A charter school must comply with continuing truant notification under section  
162.24 260A.03.

162.25 (h) A charter school must develop and implement a teacher evaluation and peer review  
162.26 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place  
162.27 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).  
162.28 The teacher evaluation process in this paragraph does not create any additional employment  
162.29 rights for teachers.

163.1 (i) A charter school must adopt a policy, plan, budget, and process, consistent with  
163.2 section 120B.11, to review curriculum, instruction, and student achievement and strive for  
163.3 the world's best workforce.

163.4 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,  
163.5 sections 121A.40 to 121A.56, and section 121A.575.

163.6 Sec. 3. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to  
163.7 read:

163.8 Subd. 9. **English learners.** A charter school is subject to and must comply with the  
163.9 Education for English Learners Act, sections 124D.58 to 124D.64 as though it were a district.

163.10 Sec. 4. Minnesota Statutes 2020, section 124E.05, subdivision 4, is amended to read:

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

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

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

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

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

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

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

163.26 (7) the process for renewing or terminating the school's charter based on evidence  
163.27 showing the academic, organizational, and financial competency of the school, including  
163.28 its success in increasing student achievement and meeting the goals of the charter school  
163.29 agreement; and

163.30 (8) an assurance specifying that the organization is committed to serving as an authorizer  
163.31 for the full five-year term until the organization formally withdraws as an approved authorizer

164.1 under subdivision 7 or the commissioner terminates the organization's ability to authorize  
164.2 charter schools under subdivision 6.

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

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

164.9 Sec. 5. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

164.10 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw  
164.11 as an approved authorizer for a reason unrelated to any cause under ~~section 124E.10,~~  
164.12 ~~subdivision 4~~ subdivision 6, the authorizer must notify all its chartered schools and the  
164.13 commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30  
164.14 in the next calendar year, ~~regardless of when the authorizer's five-year term of approval~~  
164.15 ~~ends.~~ Upon notification of the schools and commissioner, the authorizer must provide a  
164.16 letter to the school for distribution to families of students enrolled in the school that explains  
164.17 the decision to withdraw as an authorizer. The commissioner may approve the transfer of  
164.18 a charter school to a new authorizer under section 124E.10, subdivision 5.

164.19 Sec. 6. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

164.20 Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an  
164.21 application from a charter school developer, may charter either a licensed teacher under  
164.22 section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed  
164.23 teachers under section 122A.18, subdivision 1, to operate a school subject to the  
164.24 commissioner's approval of the authorizer's affidavit under subdivision 4.

164.25 (b) "Application" under this section means the charter school business plan a charter  
164.26 school developer submits to an authorizer for approval to establish a charter school. This  
164.27 application must include:

164.28 (1) the school developer's:

164.29 (i) mission statement;

164.30 (ii) school purposes;

164.31 (iii) program design;

165.1 (iv) market need and demand study;

165.2 ~~(iv)~~ (v) financial plan;

165.3 ~~(v)~~ (vi) governance and management structure; and

165.4 ~~(vi)~~ (vii) background and experience; and

165.5 (2) any other information the authorizer requests; ~~and.~~

165.6 ~~(3) a "statement of assurances" of legal compliance prescribed by the commissioner.~~

165.7 (c) An authorizer shall not approve an application submitted by a charter school developer  
165.8 under paragraph (a) if the application does not comply with subdivision 3, paragraph (e),  
165.9 and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit  
165.10 submitted by an authorizer under subdivision 4 if the affidavit does not comply with  
165.11 subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

165.12 Sec. 7. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:

165.13 Subd. 4. **Authorizer's affidavit; approval process.** (a) Before an operator may establish  
165.14 and operate a school, the authorizer must file an affidavit with the commissioner stating its  
165.15 intent to charter a school. An authorizer must file a separate affidavit for each school it  
165.16 intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of  
165.17 the year the new charter school plans to serve students. The affidavit must state:

165.18 (1) the terms and conditions under which the authorizer would charter a school, including  
165.19 the market need and demand study; and

165.20 (2) how the authorizer intends to oversee:

165.21 (i) the fiscal and student performance of the charter school; and

165.22 (ii) compliance with the terms of the written contract between the authorizer and the  
165.23 charter school board of directors under section 124E.10, subdivision 1.

165.24 (b) The commissioner must approve or disapprove the authorizer's affidavit within 60  
165.25 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the  
165.26 commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer  
165.27 then has 20 business days to address the deficiencies. The commissioner must notify the  
165.28 authorizer of the commissioner's final approval or final disapproval within 15 business days  
165.29 after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer  
165.30 does not address deficiencies to the commissioner's satisfaction, the commissioner's

166.1 disapproval is final. An authorizer who fails to obtain the commissioner's approval is  
166.2 precluded from chartering the school that is the subject of this affidavit.

166.3 Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

166.4 Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to  
166.5 amend the school charter to add grades or primary enrollment sites beyond those defined  
166.6 in the original affidavit approved by the commissioner. After approving the school's  
166.7 application, the authorizer shall submit a supplemental affidavit in the form and manner  
166.8 prescribed by the commissioner. The authorizer must file a supplemental affidavit to the  
166.9 commissioner by October 1 to be eligible to add grades or sites in the next school year. The  
166.10 supplemental affidavit must document to the authorizer's satisfaction:

166.11 (1) the need for the additional grades or sites with supporting long-range enrollment  
166.12 projections;

166.13 (2) a longitudinal record of student academic performance and growth on statewide  
166.14 assessments under chapter 120B or on other academic assessments that measure longitudinal  
166.15 student performance and growth approved by the charter school's board of directors and  
166.16 agreed upon with the authorizer;

166.17 (3) a history of sound school finances and a plan to add grades or sites that sustains the  
166.18 school's finances; ~~and~~

166.19 (4) board capacity to administer and manage the additional grades or sites; and

166.20 (5) for a site expansion, the market need and demand study.

166.21 (b) The commissioner shall have 30 business days to review and comment on the  
166.22 supplemental affidavit. The commissioner shall notify the authorizer in writing of any  
166.23 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to  
166.24 address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.  
166.25 The commissioner must notify the authorizer of final approval or final disapproval within  
166.26 15 business days after receiving the authorizer's response to the deficiencies in the affidavit.  
166.27 The school may not add grades or sites until the commissioner has approved the supplemental  
166.28 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

166.29 Sec. 9. Minnesota Statutes 2020, section 124E.07, subdivision 3, is amended to read:

166.30 Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors shall  
166.31 have at least five nonrelated members and include: (1) at least one licensed teacher, as  
166.32 defined in section 122A.06, subdivision 2, who is employed as a teacher at the school or

167.1 provides instruction under contract between the charter school and a cooperative; (2) at  
167.2 least one parent or legal guardian of a student enrolled in the charter school who is not an  
167.3 employee of the charter school; and (3) at least one interested community member who  
167.4 resides in Minnesota, is not employed by the charter school, and does not have a child  
167.5 enrolled in the school. The board structure may include a majority of teachers under this  
167.6 paragraph or parents or community members, or it may have no clear majority. The chief  
167.7 financial officer and the chief administrator may only serve as ex-officio nonvoting board  
167.8 members. No charter school employees shall serve on the board other than teachers under  
167.9 clause (1). Contractors providing facilities, goods, or services to a charter school shall not  
167.10 serve on the board of directors of the charter school.

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

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

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

167.25 Sec. 10. Minnesota Statutes 2020, section 124E.11, is amended to read:

167.26 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

167.27 (a) A charter school, including its preschool or prekindergarten program established  
167.28 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

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

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

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

168.1 (b) A charter school, including its preschool or prekindergarten program established  
168.2 under section 124E.06, subdivision 3, paragraph (b), shall enroll an eligible pupil who  
168.3 submits a timely application, unless the number of applications exceeds the capacity of a  
168.4 program, class, grade level, or building. In this case, pupils must be accepted by lot. The  
168.5 charter school must develop and publish, including on its website, a lottery policy and  
168.6 process that it must use when accepting pupils by lot.

168.7 (c) Admission to a charter school is free to any person who resides within the state of  
168.8 Minnesota and Minnesota students have enrollment preference over out-of-state residents.  
168.9 A charter school shall give enrollment preference to a sibling of an enrolled pupil and to a  
168.10 foster child of that pupil's parents and may give preference for enrolling children of the  
168.11 school's staff before accepting other pupils by lot. A charter school that is located in Duluth  
168.12 township in St. Louis County and admits students in kindergarten through grade 6 must  
168.13 give enrollment preference to students residing within a five-mile radius of the school and  
168.14 to the siblings of enrolled children. ~~A charter school may give enrollment preference to~~  
168.15 ~~children currently enrolled in the school's free preschool or prekindergarten program under~~  
168.16 ~~section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten in~~  
168.17 ~~the next school year.~~

168.18 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless  
168.19 the pupil is at least five years of age on September 1 of the calendar year in which the school  
168.20 year for which the pupil seeks admission commences; or (2) as a first grade student, unless  
168.21 the pupil is at least six years of age on September 1 of the calendar year in which the school  
168.22 year for which the pupil seeks admission commences or has completed kindergarten; except  
168.23 that a charter school may establish and publish on its website a policy for admission of  
168.24 selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b)  
168.25 and (c), and section 124D.02, subdivision 1.

168.26 (e) Except as permitted in ~~paragraph~~ paragraphs (d) and (i), a charter school, including  
168.27 its preschool or prekindergarten program established under section 124E.06, subdivision  
168.28 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability,  
168.29 measures of achievement or aptitude, or athletic ability and may not establish any criteria  
168.30 or requirements for admission that are inconsistent with this section.

168.31 (f) The charter school shall not distribute any services or goods of value to students,  
168.32 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter  
168.33 school.



169.1 (g) Once a student is enrolled in the school, the student is considered enrolled in the  
169.2 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal  
169.3 Act in sections 121A.40 to 121A.56, except that children currently enrolled in the school's  
169.4 fee-based preschool or prekindergarten program under section 124E.06, subdivision 3,  
169.5 paragraph (b), who are eligible to enroll in kindergarten in the next school year must apply  
169.6 for entry into kindergarten according to the provisions of this section. Out-of-state residents  
169.7 must annually apply to and be admitted by the school according to the provisions of this  
169.8 section.

169.9 (h) A charter school with at least 90 percent of enrolled students who are eligible for  
169.10 special education services and have a primary disability of deaf or hard-of-hearing may  
169.11 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,  
169.12 paragraph (a), and must comply with the federal Individuals with Disabilities Education  
169.13 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause  
169.14 (iv).

169.15 (i) A charter school serving at least 90 percent of enrolled students who are eligible for  
169.16 special education services and have a primary disability of deaf, hard-of-hearing, or deafblind  
169.17 may give enrollment preference to students who are eligible for special education services  
169.18 and have a primary disability of deaf, hard-of-hearing, or deafblind. The charter school may  
169.19 not limit admission based on the student's eligibility for additional special education services.

169.20 Sec. 11. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

169.21 Subdivision 1. **Leased space.** A charter school may lease space from: an independent  
169.22 or special school board; other public organization; private, nonprofit, nonsectarian  
169.23 organization; private property owner; or a sectarian organization if the leased space is  
169.24 constructed as a school facility. The owner of the space must be the lessor. The commissioner  
169.25 must review and approve or disapprove leases in a timely manner to determine eligibility  
169.26 for lease aid under section 124E.22.

169.27 **EFFECTIVE DATE.** This section is effective for leases effective July 1, 2022, and  
169.28 thereafter.

169.29 Sec. 12. Minnesota Statutes 2020, section 124E.13, subdivision 3, is amended to read:

169.30 Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building  
169.31 corporation may purchase, expand, or renovate an existing facility to serve as a school or  
169.32 may construct a new school facility. A One charter school may organize an affiliated  
169.33 nonprofit building corporation that serves only that charter school if the charter school:

- 170.1 (1) has operated for at least six consecutive years;
- 170.2 (2) as of June 30, has a net positive unreserved general fund balance in the preceding  
170.3 three fiscal years;
- 170.4 (3) has long-range strategic and financial plans that include enrollment projections for  
170.5 at least five years;
- 170.6 (4) completes a feasibility study of facility options that outlines the benefits and costs  
170.7 of each option; and
- 170.8 (5) has a plan that describes project parameters and budget.
- 170.9 (b) An affiliated nonprofit building corporation under this subdivision must:
- 170.10 (1) be incorporated under section 317A;
- 170.11 (2) comply with applicable Internal Revenue Service regulations, including regulations  
170.12 for "supporting organizations" as defined by the Internal Revenue Service;
- 170.13 (3) post on the school website the name, mailing address, bylaws, minutes of board  
170.14 meetings, and names of the current board of directors of the affiliated nonprofit building  
170.15 corporation;
- 170.16 (4) submit to the commissioner a copy of its annual audit by December 31 of each year;  
170.17 and
- 170.18 (5) comply with government data practices law under chapter 13.
- 170.19 (c) An affiliated nonprofit building corporation must not serve as the leasing agent for  
170.20 property ~~or~~ and facilities it does not own. A charter school that leases property and a facility  
170.21 from an affiliated nonprofit building corporation that does not own the leased facility property  
170.22 and building is ineligible to receive charter school lease aid. The state is immune from  
170.23 liability resulting from a contract between a charter school and an affiliated nonprofit building  
170.24 corporation.
- 170.25 (d) The board of directors of the charter school must ensure the affiliated nonprofit  
170.26 building corporation complies with all applicable legal requirements. The charter school's  
170.27 authorizer must oversee the efforts of the board of directors of the charter school to ensure  
170.28 legal compliance of the affiliated building corporation. A school's board of directors that  
170.29 fails to ensure the affiliated nonprofit building corporation's compliance violates its  
170.30 responsibilities and an authorizer must consider that failure when evaluating the charter  
170.31 school.

171.1 Sec. 13. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

171.2 Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits,  
171.3 audit procedures, and audit requirements as a district, except as required under this  
171.4 subdivision. Audits must be conducted in compliance with generally accepted governmental  
171.5 auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing  
171.6 auditing procedures. A charter school is subject to and must comply with sections 15.054;  
171.7 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property  
171.8 and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing  
171.9 municipal contracting. The audit must comply with the requirements of sections 123B.75  
171.10 to 123B.83 governing school district finance, except when the commissioner and authorizer  
171.11 approve a deviation made necessary because of school program finances. The commissioner,  
171.12 state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance  
171.13 audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must  
171.14 submit a plan under section 123B.81, subdivision 4.

171.15 (b) The charter school must submit an audit report to the commissioner and its authorizer  
171.16 annually by December 31. The charter school's charter management organization or  
171.17 educational management organization must submit an audit report to the commissioner  
171.18 annually by December 31.

171.19 (c) The charter school, with the assistance of the auditor conducting the audit, must  
171.20 include with the report, as supplemental information: (1) a copy of management agreements  
171.21 with a charter management organization or an educational management organization and  
171.22 (2) service agreements or contracts over the lesser of \$100,000 or ten percent of the school's  
171.23 most recent annual audited expenditures. The agreements must detail the terms of the  
171.24 agreement, including the services provided and the annual costs for those services. If the  
171.25 entity that provides the professional services to the charter school is exempt from taxation  
171.26 under section 501 of the Internal Revenue Code of 1986, that entity must file with the  
171.27 commissioner by February 15 a copy of the annual return required under section 6033 of  
171.28 the Internal Revenue Code of 1986.

171.29 (d) A charter school independent audit report shall include audited financial data of an  
171.30 affiliated building corporation under section 124E.13, subdivision 3, or other component  
171.31 unit.

171.32 (e) If the audit report finds that a material weakness exists in the financial reporting  
171.33 systems of a charter school, the charter school must submit a written report to the  
171.34 commissioner explaining how the charter school will resolve that material weakness. An

172.1 auditor, as a condition of providing financial services to a charter school, must agree to  
172.2 make available information about a charter school's financial audit to the commissioner and  
172.3 authorizer upon request.

172.4 Sec. 14. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

172.5 Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section  
172.6 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods  
172.7 occurring after the school ceases serving students, the commissioner shall withhold the  
172.8 estimated state aid owed the school. The charter school board of directors and authorizer  
172.9 must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A, and financial  
172.10 information about the school's liabilities and assets. After receiving the closure plan, financial  
172.11 information, an audit of pupil counts, and documented lease expenditures from the charter  
172.12 school and monitoring special education expenditures, the commissioner may release cash  
172.13 withheld and may continue regular payments up to the current year payment percentages  
172.14 if further amounts are owed. If, based on audits and monitoring, the school received state  
172.15 aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to  
172.16 eliminate the aid overpayment.

172.17 (b) For a charter school ceasing operations before or at the end of a school year,  
172.18 notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary  
172.19 final payments after the school submits the closure plan, an audit of pupil counts, documented  
172.20 lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS)  
172.21 financial data and the commissioner monitors special education expenditures for the final  
172.22 year of operation. The commissioner may make the final payment after receiving audited  
172.23 financial statements under section 123B.77, subdivision 3.

172.24 (c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and  
172.25 satisfying creditors, remaining cash and investment balances shall be returned by the  
172.26 commissioner to the state general fund.

## 172.27 ARTICLE 5

### 172.28 SPECIAL EDUCATION

172.29 Section 1. Minnesota Statutes 2020, section 122A.31, subdivision 1, is amended to read:

172.30 Subdivision 1. **Requirements for American sign language/English interpreters.** (a)  
172.31 In addition to any other requirements that a school district establishes, any person employed  
172.32 to provide American sign language/English interpreting or sign transliterating services on  
172.33 a full-time or part-time basis for a school district ~~after July 1, 2000~~, must:

173.1 (1) hold current interpreter ~~and~~ or transliterator certificates awarded by the Registry of  
173.2 Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate awarded  
173.3 by the National Association of the Deaf (NAD), or a comparable state certification from  
173.4 the commissioner of education; ~~and~~

173.5 ~~(2)~~ satisfactorily complete an interpreter/transliterator training program affiliated with  
173.6 an accredited educational institution; or

173.7 (2) hold a certified deaf interpreter certification issued by RID.

173.8 (b) New graduates of an interpreter/transliterator program affiliated with an accredited  
173.9 education institution or deaf interpreters shall be granted a two-year provisional certificate  
173.10 by the commissioner. During the two-year provisional period, the interpreter/transliterator  
173.11 must develop and implement an education plan in collaboration with a mentor under  
173.12 paragraph (c).

173.13 (c) A mentor of a provisionally certified interpreter/transliterator must be an  
173.14 interpreter/transliterator who has either NAD level IV or V certification or RID certified  
173.15 interpreter and certified transliterator certification and have at least three years of  
173.16 interpreting/transliterating experience in any educational setting. The mentor, in collaboration  
173.17 with the provisionally certified interpreter/transliterator, shall develop and implement an  
173.18 education plan designed to meet the requirements of paragraph (a), clause (1), and include  
173.19 a weekly on-site mentoring process.

173.20 (d) Consistent with the requirements of this paragraph, a person holding a provisional  
173.21 certificate may apply to the commissioner for one time-limited extension. The commissioner,  
173.22 in consultation with the Commission of the Deaf, DeafBlind and Hard of Hearing, must  
173.23 grant the person a time-limited extension of the provisional certificate based on the following  
173.24 documentation:

173.25 (1) letters of support from the person's mentor, a parent of a pupil the person serves, the  
173.26 special education director of the district in which the person is employed, and a representative  
173.27 from the regional service center of the deaf and hard-of-hearing;

173.28 (2) records of the person's formal education, training, experience, and progress on the  
173.29 person's education plan; and

173.30 (3) an explanation of why the extension is needed.

173.31 As a condition of receiving the extension, the person must comply with a plan and the  
173.32 accompanying ~~time-line~~ timeline for meeting the requirements of this subdivision. A  
173.33 committee composed of the deaf and hard-of-hearing state specialist, a representative of

174.1 the Minnesota Association of Deaf Citizens, a representative of the Minnesota Registry of  
174.2 Interpreters ~~of~~ for the Deaf, and other appropriate ~~persons~~ committee members selected by  
174.3 the commissioner must develop the plan and ~~time-line~~ timeline for the person receiving the  
174.4 extension.

174.5 (e) A school district may employ only an interpreter/transliterators who has been certified  
174.6 under paragraph (a) or (b), or for whom a time-limited extension has been granted under  
174.7 paragraph (d).

174.8 (f) An interpreter who meets the requirements of paragraph (a) is "essential personnel"  
174.9 as defined in section 125A.76, subdivision 1.

174.10 Sec. 2. Minnesota Statutes 2020, section 125A.03, is amended to read:

174.11 **125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.**

174.12 (a) As defined in paragraph (b), every district must provide special instruction and  
174.13 services, either within the district or in another district, for all children with a disability,  
174.14 including providing required services under Code of Federal Regulations, title 34, section  
174.15 300.121, paragraph (d), to those children suspended or expelled from school for more than  
174.16 ten school days in that school year, who are residents of the district and who are disabled  
174.17 as set forth in section 125A.02. For purposes of state and federal special education laws,  
174.18 the phrase "special instruction and services" in the state Education Code means a free and  
174.19 appropriate public education provided to an eligible child with disabilities. "Free appropriate  
174.20 public education" means special education and related services that:

174.21 (1) are provided at public expense, under public supervision and direction, and without  
174.22 charge;

174.23 (2) meet the standards of the state, including the requirements of the Individuals with  
174.24 Disabilities Education Act, Part B or C;

174.25 (3) include an appropriate preschool, elementary school, or secondary school education;  
174.26 and

174.27 (4) are provided to children ages three through 21 in conformity with an individualized  
174.28 education program that meets the requirements of the Individuals with Disabilities Education  
174.29 Act, subpart A, sections 300.320 to 300.324, and provided to infants and toddlers in  
174.30 conformity with an individualized family service plan that meets the requirements of the  
174.31 Individuals with Disabilities Education Act, subpart A, sections 303.300 to 303.346.

175.1 (b) Notwithstanding any age limits in laws to the contrary, special instruction and services  
175.2 must be provided from birth until ~~July 1~~ after the child with a disability becomes ~~21~~ 22  
175.3 years old but shall not extend beyond secondary school or its equivalent, except as provided  
175.4 in section 124D.68, subdivision 2. For the 2022-2023 school year only, special instruction  
175.5 and services must be provided until a child with a disability becomes 23 years old, but shall  
175.6 not extend beyond secondary school or its equivalent, except as provided in section 124D.68,  
175.7 subdivision 2. Local health, education, and social service agencies must refer children under  
175.8 age five who are known to need or suspected of needing special instruction and services to  
175.9 the school district. Districts with less than the minimum number of eligible children with a  
175.10 disability as determined by the commissioner must cooperate with other districts to maintain  
175.11 a full range of programs for education and services for children with a disability. This section  
175.12 does not alter the compulsory attendance requirements of section 120A.22.

175.13 (c) At the board's discretion, a school district that participates in a reciprocity agreement  
175.14 with a neighboring state under section 124D.041 may enroll and provide special instruction  
175.15 and services to a child from an adjoining state whose family resides at a Minnesota address  
175.16 as assigned by the United States Postal Service if the district has completed child  
175.17 identification procedures for that child to determine the child's eligibility for special education  
175.18 services, and the child has received developmental screening under sections 121A.16 to  
175.19 121A.19.

175.20 Sec. 3. Minnesota Statutes 2020, section 125A.08, is amended to read:

175.21 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

175.22 (a) At the beginning of each school year, each school district shall have in effect, for  
175.23 each child with a disability, an individualized education program.

175.24 (b) As defined in this section, every district must ensure the following:

175.25 (1) all students with disabilities are provided the special instruction and services which  
175.26 are appropriate to their needs. Where the individualized education program team has  
175.27 determined appropriate goals and objectives based on the student's needs, including the  
175.28 extent to which the student can be included in the least restrictive environment, and where  
175.29 there are essentially equivalent and effective instruction, related services, or assistive  
175.30 technology devices available to meet the student's needs, cost to the district may be among  
175.31 the factors considered by the team in choosing how to provide the appropriate services,  
175.32 instruction, or devices that are to be made part of the student's individualized education  
175.33 program. The individualized education program team shall consider and may authorize  
175.34 services covered by medical assistance according to section 256B.0625, subdivision 26.

176.1 Before a school district evaluation team makes a determination of other health disability  
176.2 under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation  
176.3 team must seek written documentation of the student's medically diagnosed chronic or acute  
176.4 health condition signed by a licensed physician or a licensed health care provider acting  
176.5 within the scope of the provider's practice. The student's needs and the special education  
176.6 instruction and services to be provided must be agreed upon through the development of  
176.7 an individualized education program. The program must address the student's need to develop  
176.8 skills to live and work as independently as possible within the community. The individualized  
176.9 education program team must consider positive behavioral interventions, strategies, and  
176.10 supports that address behavior needs for children. During grade 9, the program must address  
176.11 the student's needs for transition from secondary services to postsecondary education and  
176.12 training, employment, community participation, recreation, and leisure and home living. In  
176.13 developing the program, districts must inform parents of the full range of transitional goals  
176.14 and related services that should be considered. The program must include a statement of  
176.15 the needed transition services, including a statement of the interagency responsibilities or  
176.16 linkages or both before secondary services are concluded. If the individualized education  
176.17 program meets the plan components in section 120B.125, the individualized education  
176.18 program satisfies the requirement and no additional transition plan is needed;

176.19 (2) children with a disability under age five and their families are provided special  
176.20 instruction and services appropriate to the child's level of functioning and needs;

176.21 (3) children with a disability and their parents or guardians are guaranteed procedural  
176.22 safeguards and the right to participate in decisions involving identification, assessment  
176.23 including assistive technology assessment, and educational placement of children with a  
176.24 disability;

176.25 (4) eligibility and needs of children with a disability are determined by an initial  
176.26 evaluation or reevaluation, which may be completed using existing data under United States  
176.27 Code, title 20, section 33, et seq.;

176.28 (5) to the maximum extent appropriate, children with a disability, including those in  
176.29 public or private institutions or other care facilities, are educated with children who are not  
176.30 disabled, and that special classes, separate schooling, or other removal of children with a  
176.31 disability from the regular educational environment occurs only when and to the extent that  
176.32 the nature or severity of the disability is such that education in regular classes with the use  
176.33 of supplementary services cannot be achieved satisfactorily;



177.1 (6) in accordance with recognized professional standards, testing and evaluation materials,  
177.2 and procedures used for the purposes of classification and placement of children with a  
177.3 disability are selected and administered so as not to be racially or culturally discriminatory;  
177.4 and

177.5 (7) the rights of the child are protected when the parents or guardians are not known or  
177.6 not available, or the child is a ward of the state.

177.7 (c) For all paraprofessionals employed to work in programs whose role in part is to  
177.8 provide direct support to students with disabilities, the school board in each district shall  
177.9 ensure that:

177.10 (1) before or beginning at the time of employment, each paraprofessional must develop  
177.11 sufficient knowledge and skills in emergency procedures, building orientation, roles and  
177.12 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin  
177.13 meeting the needs, especially disability-specific and behavioral needs, of the students with  
177.14 whom the paraprofessional works;

177.15 (2) before beginning work alone with an individual student with a disability, the assigned  
177.16 paraprofessional must be either given paid time, or time during the school day, to review a  
177.17 student's individualized education program or be briefed on the student's specific needs by  
177.18 appropriate staff;

177.19 ~~(2)~~ (3) annual training opportunities are required to enable the paraprofessional to  
177.20 continue to further develop the knowledge and skills that are specific to the students with  
177.21 whom the paraprofessional works, including understanding disabilities, the unique and  
177.22 individual needs of each student according to the student's disability and how the disability  
177.23 affects the student's education and behavior, following lesson plans, and implementing  
177.24 follow-up instructional procedures and activities; and

177.25 (4) a minimum of 20 hours of paid orientation or professional development must be  
177.26 provided annually to all paraprofessionals, Title I aides, and other instructional support  
177.27 staff. Eight of the 20 hours must be completed before the first instructional day of the school  
177.28 year or within 30 days of hire. The orientation or professional development must be relevant  
177.29 to the employee's occupation and may include collaboration time with classroom teachers  
177.30 and planning for the school year. For paraprofessionals who provide direct support to  
177.31 students, at least 50 percent of the professional development or orientation must be dedicated  
177.32 to meeting the requirements of this section. Professional development for paraprofessionals  
177.33 may also address the requirements of section 120B.363, subdivision 3. A school administrator

178.1 must provide an annual certification of compliance with this requirement to the commissioner;  
178.2 and

178.3 ~~(3)~~ (5) a districtwide process obligates each paraprofessional to work under the ongoing  
178.4 direction of a licensed teacher and, where appropriate and possible, the supervision of a  
178.5 school nurse.

178.6 (d) A school district may conduct a functional behavior assessment as defined in  
178.7 Minnesota Rules, part 3525.0210, subpart 22, as a stand-alone evaluation without conducting  
178.8 a comprehensive evaluation of the student in accordance with prior written notice provisions  
178.9 in section 125A.091, subdivision 3a. A parent or guardian may request that a school district  
178.10 conduct a comprehensive evaluation of the parent's or guardian's student.

178.11 Sec. 4. [125A.755] PARAPROFESSIONAL TRAINING AID.

178.12 Beginning in fiscal year 2023, each school district, charter school, and cooperative  
178.13 organization serving pupils is eligible for paraprofessional training aid. Paraprofessional  
178.14 training aid equals \$196 times the number of paraprofessionals, Title I aides, and other  
178.15 instructional support staff employed by the school district, charter school, or cooperative  
178.16 organization during the previous school year. A school district must reserve paraprofessional  
178.17 training aid and spend it only on the training required in section 125A.08.

178.18 **EFFECTIVE DATE.** This section is effective for fiscal year 2023 and later.

178.19 Sec. 5. Minnesota Statutes 2020, section 125A.76, subdivision 2e, is amended to read:

178.20 Subd. 2e. **Cross subsidy reduction aid.** (a) A school district's annual cross subsidy  
178.21 reduction aid equals the school district's initial special education cross subsidy for the  
178.22 previous fiscal year times the cross subsidy aid factor for that fiscal year.

178.23 (b) The cross subsidy aid factor equals ~~2.6 percent for fiscal year 2020 and~~ 6.43 percent  
178.24 for fiscal year 2021, 6.43 percent for fiscal year 2022, 55.895 percent for fiscal year 2023,  
178.25 and 56.9405 percent for fiscal year 2024 and later.

178.26 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

178.27 Sec. 6. Minnesota Statutes 2020, section 127A.45, subdivision 13, is amended to read:

178.28 Subd. 13. **Aid payment percentage.** Except as provided in subdivisions 11, 12, 12a,  
178.29 and 14, each fiscal year, all education aids and credits in this chapter and chapters 120A,  
178.30 120B, 121A, 122A, 123A, 123B, 124D, 124E, 125A, 125B, 126C, 134, and section 273.1392,  
178.31 shall be paid at the current year aid payment percentage of the estimated entitlement during

179.1 the fiscal year of the entitlement. ~~For the purposes of this subdivision, a district's estimated~~  
 179.2 ~~entitlement for special education aid under section 125A.76 for fiscal year 2014 and later~~  
 179.3 ~~equals 97.4 percent of the district's entitlement for the current fiscal year.~~ The final adjustment  
 179.4 payment, according to subdivision 9, must be the amount of the actual entitlement, after  
 179.5 adjustment for actual data, minus the payments made during the fiscal year of the entitlement.

179.6 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

179.7 Sec. 7. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 2, is  
 179.8 amended to read:

179.9 Subd. 2. **Special education; regular.** For special education aid under Minnesota Statutes,  
 179.10 section 125A.75:

179.11		<del>1,822,998,000</del>		
179.12	\$	<u>1,748,169,000</u>	.....	2022
179.13		<del>1,945,533,000</del>		
179.14	\$	<u>2,353,733,000</u>	.....	2023

179.15 The 2022 appropriation includes \$215,125,000 for 2021 and ~~\$1,607,873,000~~  
 179.16 \$1,533,044,000 for 2022.

179.17 The 2023 appropriation includes ~~\$226,342,000~~ \$215,809,000 for 2022 and  
 179.18 ~~\$1,719,191,000~~ \$2,137,924,000 for 2023.

179.19 Sec. 8. **LEGISLATIVE WORKING GROUP ON SPECIAL EDUCATION TUITION**  
 179.20 **BILLING.**

179.21 **Subdivision 1. Membership; chair.** (a) The legislative working group on special  
 179.22 education tuition billing must consist of eight members as follows:

179.23 (1) four members of the house of representatives, two members appointed by the speaker  
 179.24 of the house and two members appointed by the minority leader of the house of  
 179.25 representatives; and

179.26 (2) four members of the senate, two members appointed by the senate majority leader  
 179.27 and two members appointed by the senate minority leader.

179.28 (b) Appointing authorities must make appointments by June 15, 2022.

179.29 (c) If a vacancy occurs, the appointing authority for the vacated position must fill the  
 179.30 vacancy.

179.31 (d) The speaker and the majority leader must each designate one working group member  
 179.32 from each respective body to serve as chair. The chair must rotate after each meeting. The

180.1 person appointed as chair by the speaker must convene the first meeting of the working  
180.2 group by June 30, 2022.

180.3 Subd. 2. **Duties.** (a) The working group must study requirements and practices relating  
180.4 to tuition billing for special education and general education services provided to a student  
180.5 with a disability by a nonresident school district; cooperative as defined in Minnesota  
180.6 Statutes, section 123A.24, subdivision 2; or charter school, including a charter school that  
180.7 serves a high percentage of students with individualized education programs. The billing  
180.8 costs considered must include special education costs, general education costs, facility costs,  
180.9 and access fees charged by a cooperative to a nonmember school district. The working  
180.10 group must review data from the Department of Education relating to special education  
180.11 services billed to resident school districts, third-party billing data, and other relevant data  
180.12 provided by school districts, cooperatives, charter schools, and families of children with  
180.13 individualized education programs.

180.14 (b) The working group must solicit input from the Department of Education, including  
180.15 the School Finance Division, school districts, cooperatives, charter schools, special education  
180.16 school administrators, families of children with individualized education programs, and  
180.17 other interested stakeholders.

180.18 (c) The working group must determine what statutory changes to special education  
180.19 billing are necessary to adequately and equitably fund school districts, cooperatives, and  
180.20 charter schools in meeting the needs of students with individualized education programs.

180.21 Subd. 3. **Assistance.** (a) The Department of Education must provide the working group  
180.22 with all available data necessary to analyze special education billing costs to school districts,  
180.23 including the effect of potential changes to special education billing requirements.

180.24 (b) The Legislative Coordinating Commission must provide technical and administrative  
180.25 assistance to the working group upon request.

180.26 Subd. 4. **Recommendations; report.** The working group must issue a report to the  
180.27 governor and chairs and ranking minority members of the legislative committees with  
180.28 jurisdiction over kindergarten through grade 12 education by January 31, 2023.

180.29 Subd. 5. **Expiration.** The working group expires February 1, 2023.

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

181.1 **Sec. 9. SPECIFIC LEARNING DISABILITY; RULEMAKING.**

181.2 (a) The commissioner of education must begin the rulemaking process to amend  
181.3 Minnesota Rules, part 3525.1341, and establish a stakeholder workgroup to review current  
181.4 specific learning disabilities criteria by December 31, 2022. By June 20, 2023, the workgroup  
181.5 must make recommendations aligned with related state and federal requirements, including:

181.6 (1) removing discrepancies from criteria;

181.7 (2) developing a plan to operationalize changes to criteria to align with current best  
181.8 practices and address concerns of multiple stakeholder groups, including but not limited to  
181.9 administrators, parents, educators, researchers, related services staff, advocates, lawyers,  
181.10 and minority and immigrant groups;

181.11 (3) providing definitions and clarification of terms and procedures within existing  
181.12 requirements;

181.13 (4) establishing the accountability process, including procedures and targets, for districts  
181.14 and cooperatives to use in evaluating their progress toward implementation of the amended  
181.15 rule; and

181.16 (5) developing an evaluation framework for measuring intended and unintended results  
181.17 of amended criteria. Intended and unintended results may include overidentification and  
181.18 underidentification of minorities, delays to referral and identification, transitioning from  
181.19 developmental delay to specific learning disability, consistency of identification across  
181.20 districts and the state, adding unnecessary paperwork, limiting team decision making, or  
181.21 limiting access and progress with intensive and individualized special education support.

181.22 (b) Following the development of recommendations from the stakeholder workgroup,  
181.23 the commissioner must proceed with the rulemaking process and recommended alignment  
181.24 with other existing state and federal law completed by June 30, 2024.

181.25 (c) Concurrent with rulemaking, the commissioner must establish technical assistance  
181.26 and training capacity on the amended criteria, and training and capacity building must begin  
181.27 upon final approval of the amended rule through June 30, 2029.

181.28 (d) The amended rule must go into full effect no later than five years after the proposed  
181.29 revised rules are approved by the administrative law judge.

181.30 **Sec. 10. APPROPRIATION.**

181.31 Subdivision 1. **Department of Education.** The sums in this section are appropriated  
181.32 from the general fund to the commissioner of education in the fiscal years designated.

182.1 Subd. 2. **Paraprofessional training.** For compensation associated with paid orientation  
 182.2 and professional development for paraprofessionals under Minnesota Statutes, sections  
 182.3 125A.08 and 125A.755:

182.4 § 20,352,000 ..... 2023

182.5 Sec. 11. **LEGISLATIVE WORKING GROUP.**

182.6 \$23,000 in fiscal year 2023 is appropriated from the general fund to the director of the  
 182.7 Legislative Coordinating Commission for purposes of section 8.

## 182.8 **ARTICLE 6**

### 182.9 **HEALTH AND SAFETY**

182.10 Section 1. **[120B.239] SUBSTANCE MISUSE AWARENESS AND PREVENTION.**

182.11 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in this  
 182.12 subdivision have the meanings given.

182.13 (b) "Public school" means a school district or charter school.

182.14 (c) "Substance misuse" has the meaning given in section 254A.02, subdivision 6a.

182.15 Subd. 2. **School instruction requirements.** (a) A public school is strongly encouraged  
 182.16 to provide substance misuse awareness and prevention instruction at least once to students  
 182.17 in grades 6 through 8. A public school must use age-appropriate substance misuse prevention  
 182.18 instructional materials. Substance misuse awareness and prevention instruction must include  
 182.19 the role of social media in substance misuse and in the distribution of illegal drugs. The  
 182.20 instruction may be provided as part of a public school's locally developed health standards  
 182.21 and curriculum.

182.22 (b) A public school is strongly encouraged to provide substance misuse awareness and  
 182.23 prevention instruction to students in grades 9 through 12.

182.24 (c) A public school is encouraged to use a peer-to-peer education program to provide  
 182.25 substance misuse awareness and prevention instruction.

182.26 (d) Instruction provided under this section, including a peer-to-peer education program,  
 182.27 must be evidence-based.

182.28 Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

182.29 Subd. 5. **Safe and supportive schools programming.** (a) ~~Distriets and schools are~~  
 182.30 ~~encouraged to provide developmentally appropriate programmatic instruction to help students~~

183.1 ~~identify, prevent, and reduce prohibited conduct; value diversity in school and society;~~  
 183.2 ~~develop and improve students' knowledge and skills for solving problems, managing conflict,~~  
 183.3 ~~engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct;~~  
 183.4 ~~and make effective prevention and intervention programs available to students. Upon request,~~  
 183.5 ~~the school safety technical assistance center under section 127A.052 must assist a district~~  
 183.6 ~~or school in helping students understand social media and cyberbullying.~~ Districts and  
 183.7 schools must establish strategies for creating a positive school climate and use evidence-based  
 183.8 social-emotional learning to prevent and reduce discrimination and other improper conduct.

183.9 (b) Districts and schools ~~are encouraged to~~ must:

183.10 (1) engage all students in creating a safe and supportive school environment;

183.11 (2) partner with parents and other community members to develop and implement  
 183.12 prevention and intervention programs;

183.13 (3) engage all students and adults in integrating education, intervention, and other  
 183.14 remedial responses into the school environment;

183.15 (4) train student bystanders to intervene in and report incidents of prohibited conduct to  
 183.16 the school's primary contact person;

183.17 (5) teach students to advocate for themselves and others;

183.18 (6) prevent inappropriate referrals to special education of students who may engage in  
 183.19 prohibited conduct; and

183.20 (7) foster student collaborations that foster a safe and supportive school climate.

183.21 Sec. 3. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

183.22 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the  
 183.23 commissioner of human rights, shall develop and maintain a state model policy. A district  
 183.24 or school that does not adopt and implement a local policy under subdivisions 3 to 5 must  
 183.25 implement and may supplement the provisions of the state model policy. The commissioner  
 183.26 must assist districts and schools under this subdivision to implement the state policy. The  
 183.27 state model policy must:

183.28 (1) define prohibited conduct, consistent with this section;

183.29 (2) apply the prohibited conduct policy components in this section;

183.30 (3) for a child with a disability, whenever an evaluation by an individualized education  
 183.31 program team or a section 504 team indicates that the child's disability affects the child's

184.1 social skills development or the child is vulnerable to prohibited conduct because of the  
184.2 child's disability, the child's individualized education program or section 504 plan may  
184.3 address the skills and proficiencies the child needs to not engage in and respond to such  
184.4 conduct; and

184.5 (4) encourage violence prevention and character development education programs under  
184.6 section 120B.232, subdivision 1.

184.7 (b) The commissioner shall develop and post departmental procedures for:

184.8 (1) periodically reviewing district and school programs and policies for compliance with  
184.9 this section, including evidence-based social-emotional learning;

184.10 (2) investigating, reporting, and responding to noncompliance with this section, which  
184.11 may include an annual review of plans to improve and provide a safe and supportive school  
184.12 climate; and

184.13 (3) allowing students, parents, and educators to file a complaint about noncompliance  
184.14 with the commissioner.

184.15 (c) The commissioner must post on the department's website information indicating that  
184.16 when districts and schools allow non-curriculum-related student groups access to school  
184.17 facilities, the district or school must give all student groups equal access to the school  
184.18 facilities regardless of the content of the group members' speech.

184.19 (d) The commissioner must develop and maintain resources to assist a district or school  
184.20 in implementing strategies for creating a positive school climate and use evidence-based,  
184.21 social-emotional learning to prevent and reduce discrimination and other improper conduct.

184.22 (e) The commissioner must develop and adopt state-level social-emotional learning  
184.23 standards.

184.24 Sec. 4. **[121A.0312] MALICIOUS AND SADISTIC CONDUCT.**

184.25 (a) A school board must adopt a written policy to address malicious and sadistic conduct  
184.26 involving race, gender, religion, disability, sexual harassment, sexual orientation, and sexual  
184.27 exploitation by a district or school staff member or student enrolled in a public or charter  
184.28 school against another staff member or student that occurs as described in section 121A.031,  
184.29 subdivision 1.

184.30 (b) The policy shall apply to students, teachers, administrators, and other school  
184.31 personnel, and include at a minimum the components under section 121A.031, subdivision  
184.32 4, paragraph (a), and disciplinary actions that will be taken for violation of the policy.



185.1 Disciplinary actions must conform with collective bargaining agreements and sections  
185.2 121A.41 to 121A.56.

185.3 (c) The policy must be conspicuously posted throughout each school building, given to  
185.4 each district employee and independent contractor at the time of entering into the person's  
185.5 employment contract, and included in each school's student handbook on school policies.  
185.6 Each school must develop a process for discussing the school's policy addressing malicious  
185.7 and sadistic conduct involving race, gender, religion, disability, sexual harassment, sexual  
185.8 orientation, and sexual exploitation with students, parents of students, and school employees.

185.9 (d) For purposes of this section, "malicious and sadistic conduct" means creating a hostile  
185.10 learning environment by acting with the intent to cause harm by intentionally injuring  
185.11 another without just cause or reason or engaging in extreme or excessive cruelty or delighting  
185.12 in cruelty.

185.13 **Sec. 5. [121A.07] CHILD ABUSE HOTLINE NUMBER.**

185.14 (a) To the extent funds or in-kind contributions are available under paragraph (b), a  
185.15 school board or charter school must display in a conspicuous place in each school building  
185.16 an easily readable durable poster of the national child abuse hotline number or otherwise  
185.17 communicate to students notice of the national child abuse hotline number.

185.18 (b) A school board or charter school may accept nonpublic funds or in-kind contributions  
185.19 to implement this section.

185.20 **Sec. 6. [121A.224] OPIATE ANTAGONISTS.**

185.21 (a) A school district or charter school may maintain a supply of opiate antagonists, as  
185.22 defined in section 604A.04, subdivision 1, at each school site to be administered in  
185.23 compliance with section 151.37, subdivision 12.

185.24 (b) A school district or charter school may enter into arrangements with suppliers of  
185.25 opiate antagonists to obtain opiate antagonists at fair-market, free, or reduced prices. A third  
185.26 party, other than a supplier, may pay for a school's supply of opiate antagonists.

185.27 **EFFECTIVE DATE.** This section is effective July 1, 2022.

185.28 **Sec. 7. [121A.245] MENTAL HEALTH SCREENING.**

185.29 Subdivision 1. **Screening required.** A school district or charter school must develop a  
185.30 plan to conduct evidence-based mental health screenings on students in kindergarten through

186.1 grade 12. This requirement applies to a district or charter school that has received funding  
186.2 under section 124D.901 to hire student support services personnel.

186.3 Subd. 2. **Parent notice.** (a) A district or charter school must notify a student's parent of  
186.4 the plan to conduct the screening, including the purpose of the screening and when the  
186.5 screening will be conducted. A district or charter school must not conduct a mental health  
186.6 screening on a student whose parent has not consented to the screening. "Parent" as used  
186.7 in this section has the meaning provided in section 120A.22, subdivision 3.

186.8 (b) If the results of a student's screening indicate a potential mental health condition, the  
186.9 district or charter school must notify the student's parent of the results and provide the parent  
186.10 a copy of the results and a list of resources available to the student in the school or  
186.11 community.

186.12 Subd. 3. **Commissioner assistance.** The commissioner of education may provide districts  
186.13 or charter schools with sample mental health screenings and other resources to assist them  
186.14 with implementing mental health screenings under this section.

186.15 Subd. 4. **Screening data.** (a) A school district or charter school must not use the results  
186.16 of mental health screenings to make any decision relating to the student's instruction,  
186.17 academic opportunities, or student discipline.

186.18 (b) Records relating to mental health screenings must be maintained in accordance with  
186.19 the Data Practices Act under chapter 13 and the Family Educational Rights and Privacy Act  
186.20 of 1974, United States Code, title 20, section 1232(g).

186.21 (c) Notwithstanding section 138.17, mental health screening data collected by a school  
186.22 district or charter school under this section must be destroyed the earlier of:

186.23 (1) the district or charter school notifying the student's parent of the results and resources  
186.24 available to the student in the school or community in accordance with subdivision 2; or

186.25 (2) 60 days from the date of collection.

186.26 Subd. 5. **Intermediate school districts and other cooperative units.** For purposes of  
186.27 this section, "school district" includes programs serving school-age children operated by  
186.28 an intermediate school district or other cooperative unit defined in section 123A.24,  
186.29 subdivision 2.

186.30 **EFFECTIVE DATE.** This section is effective July 1, 2022.

187.1 **Sec. 8. [124D.901] STUDENT SUPPORT PERSONNEL AID.**

187.2 Subdivision 1. **Definitions.** For the purposes of this section, the following terms have  
187.3 the meanings given:

187.4 (1) "new position" means a student support services personnel full-time or part-time  
187.5 position not under contract by a school district, charter school, or cooperative unit at the  
187.6 start of the 2021-2022 school year; and

187.7 (2) "student support services personnel" means an individual licensed to serve as a school  
187.8 counselor, school psychologist, school social worker, school nurse, or chemical dependency  
187.9 counselor in Minnesota.

187.10 Subd. 2. **Purpose.** The purpose of student support personnel aid is to:

187.11 (1) address shortages of student support services personnel within Minnesota schools;

187.12 (2) decrease caseloads for existing student support services personnel to ensure effective  
187.13 services;

187.14 (3) ensure that students receive effective student support services and integrated and  
187.15 comprehensive services to improve prekindergarten through grade 12 academic, physical,  
187.16 social, and emotional outcomes supporting career and college readiness and effective school  
187.17 mental health services;

187.18 (4) ensure that student support services personnel serve within the scope and practice  
187.19 of their training and licensure;

187.20 (5) fully integrate learning supports, instruction, assessment, data-based decision making,  
187.21 and family and community engagement within a comprehensive approach that facilitates  
187.22 interdisciplinary collaboration; and

187.23 (6) improve student health, school safety, and school climate to support academic success  
187.24 and career and college readiness.

187.25 Subd. 3. **Aid eligibility and application.** A school district, charter school, intermediate  
187.26 school district, or other cooperative unit is eligible to apply for student support personnel  
187.27 aid under this section. The commissioner must prescribe the form and manner of the  
187.28 application, which must include a plan describing how the aid will be used.

187.29 Subd. 4. **Student support personnel aid.** (a) The initial student support personnel aid  
187.30 for a school district equals the greater of \$100 times the adjusted pupil units at the district  
187.31 for the current fiscal year or \$50,000. The initial student support personnel aid for a charter

188.1 school equals \$100 times the adjusted pupil units at the charter school for the current fiscal  
188.2 year.

188.3 (b) The cooperative student support personnel aid for a school district that is a member  
188.4 of an intermediate school district or other cooperative unit that enrolls students equals \$6  
188.5 times the adjusted pupil units at the district for the current fiscal year. If a district is a member  
188.6 of more than one cooperative unit that enrolls students, the revenue must be allocated among  
188.7 the cooperative units.

188.8 (c) Notwithstanding paragraphs (a) and (b), the student support personnel aid must not  
188.9 exceed the district or cooperative unit's actual expenditure according to the approved plan  
188.10 under subdivision 3.

188.11 Subd. 5. **Allowed uses; match requirements.** (a) Cooperative student support personnel  
188.12 aid must be transferred to the intermediate district or other cooperative unit of which the  
188.13 district is a member and used to hire new positions for student support services personnel  
188.14 at the intermediate district or cooperative unit.

188.15 (b) If a school district, charter school, or cooperative unit does not receive at least two  
188.16 applications and is not able to hire a new full-time equivalent position with student support  
188.17 personnel aid, the aid may be used for contracted services from individuals licensed to serve  
188.18 as a school counselor, school psychologist, school social worker, school nurse, or chemical  
188.19 dependency counselor in Minnesota.

188.20 Subd. 6. **Support personnel pipeline.** An account is established in the special revenue  
188.21 fund known as the "school support personnel pipeline account." Funds appropriated for the  
188.22 school support personnel pipeline program must be transferred to the school support personnel  
188.23 pipeline account in the special revenue fund. Money in the account is appropriated to the  
188.24 commissioner for developing a student support personnel workforce pipeline focused on  
188.25 workforce development strategies to increase providers of color and Indigenous providers,  
188.26 professional respecialization, recruitment, and retention; to increase the number of student  
188.27 support personnel providing school-based services; and to provide a licensed school nurse  
188.28 position at the Department of Education.

188.29 Subd. 7. **Report required.** By February 1 following any fiscal year in which student  
188.30 support personnel aid was received, a school district, charter school, or cooperative unit  
188.31 must submit a written report to the commissioner indicating how the new position affected  
188.32 two or more of the following measures:

188.33 (1) school climate;

189.1 (2) student health;

189.2 (3) attendance rates;

189.3 (4) academic achievement;

189.4 (5) career and college readiness; and

189.5 (6) postsecondary completion rates.

189.6 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

189.7 **Sec. 9. [127A.21] COMPREHENSIVE SCHOOL MENTAL HEALTH SERVICES**

189.8 **LEADS.**

189.9 Subdivision 1. **Lead position established.** The department must employ two leads to  
189.10 serve as a source of information and support for schools in addressing the mental health  
189.11 needs of students, teachers, and school staff, and developing comprehensive school mental  
189.12 health systems in school districts and charter schools. One lead must work on addressing  
189.13 the mental health needs of students and the other lead must work on addressing the mental  
189.14 health needs of teachers and other school staff.

189.15 Subd. 2. **Assistance to districts.** (a) The leads must, upon request, assist schools in  
189.16 assessing the quality of their comprehensive school mental health systems and developing  
189.17 improvement plans to implement evidence-based mental health resources, tools, and practices  
189.18 in school districts and charter schools throughout Minnesota.

189.19 (b) The leads must establish a clearinghouse and provide information and resources for  
189.20 school districts, charter schools, teachers, and families to support students', teachers', and  
189.21 school staff's mental health needs.

189.22 (c) The leads must work with school districts and charter schools to improve mental  
189.23 health infrastructure support by:

189.24 (1) developing guidance and sharing resources on improving the quality of comprehensive  
189.25 school mental health systems;

189.26 (2) developing and sharing resources on evidence-based strategies, behavioral  
189.27 interventions, and practices or techniques for addressing mental health needs, including  
189.28 implementing a comprehensive approach to suicide prevention;

189.29 (3) facilitating coordination and cooperation to enable school districts and charter schools  
189.30 to share strategies, challenges, and successes associated with supporting the mental health  
189.31 needs of students, teachers, and staff;

190.1 (4) providing advice, upon request, to schools on implementing trauma-informed and  
190.2 culturally responsive school-based programs that provide prevention or intervention services  
190.3 to students, teachers, and staff;

190.4 (5) aligning resources among the different state agencies, including the Department of  
190.5 Education, Department of Human Services, and Department of Health, to ensure school  
190.6 mental health systems can efficiently access state resources; and

190.7 (6) maintaining a comprehensive list of resources on the Department of Education website  
190.8 that schools may use to address students', teachers', and staff's mental health needs, including  
190.9 grant opportunities; community-based prevention and intervention services; model policies;  
190.10 written publications that schools may distribute to students, teachers, and staff; professional  
190.11 development opportunities; best practices; and other resources for mental health education  
190.12 under section 120B.21.

190.13 (d) The leads may report to the legislature as necessary regarding students', teachers',  
190.14 and school staff's mental health needs, challenges in developing comprehensive school  
190.15 mental health services, successful strategies and outcomes, and recommendations for  
190.16 integrating mental health services and supports in schools.

190.17 Subd. 3. **Coordination with other agencies.** The comprehensive school mental health  
190.18 services lead must consult with the Regional Centers of Excellence, the Department of  
190.19 Health, the Department of Human Services, the Minnesota School Safety Center, and other  
190.20 federal, state, and local agencies as necessary to identify or develop information, training,  
190.21 and resources to help school districts and charter schools support students', teachers', and  
190.22 school staff's mental health needs.

190.23 **EFFECTIVE DATE.** This section is effective July 1, 2022.

190.24 Sec. 10. **APPROPRIATIONS.**

190.25 Subdivision 1. **Department of Education.** The sum indicated in this section is  
190.26 appropriated from the general fund to the Department of Education for the fiscal year  
190.27 designated.

190.28 Subd. 2. **Comprehensive school mental health services leads.** (a) For the comprehensive  
190.29 school mental health services lead under Minnesota Statutes, section 127A.21:

190.30 §            226,000    ..... 2023

190.31 (b) The base for fiscal year 2024 and later is \$301,000.

191.1 Subd. 3. Level 4 special education sites mental health grants. (a) For transfer to the  
191.2 commissioner of human services for additional school-linked mental health grants:

191.3 § 9,000,000 ..... 2023

191.4 (b) Of the appropriations in paragraph (a), up to \$3,500,000 is for grants to eligible  
191.5 providers for programs established under Laws 2017, First Special Session chapter 5, article  
191.6 2, section 56.

191.7 (c) Up to \$5,500,000 is for grants to eligible providers serving students in other federal  
191.8 instructional setting level 4 special education sites.

191.9 (d) If any funds remain, the commissioner of human services may increase grant awards  
191.10 under paragraph (b) and award additional grants to other eligible providers for school-linked  
191.11 mental health services.

191.12 (e) The commissioner of human services may designate a portion of the awards granted  
191.13 under this subdivision for school staff development activities for licensed and unlicensed  
191.14 staff supporting families in meeting their children's needs, including assistance navigating  
191.15 the health care, social service, and juvenile justice systems.

191.16 (f) The annual budget base for this program is \$9,000,000.

191.17 Subd. 4. Student support personnel pipeline. (a) For the school support personnel  
191.18 pipeline program under section 124D.901:

191.19 § 9,000,000 ..... 2023

191.20 (b) The base for fiscal year 2024 and 2025 is \$1,500,000.

191.21 Subd. 5. Student support personnel aid. (a) For aid to support schools in addressing  
191.22 students' social, emotional, and physical health under Minnesota Statutes, section 124D.901:

191.23 § 95,862,000 ..... 2023

191.24 (b) The 2023 appropriation includes \$95,862,000 for 2023. This is based on an entitlement  
191.25 of \$106,513,000.

191.26 (c) The base for fiscal year 2024 and later is \$106,336,000.

192.1 **ARTICLE 7**  
192.2 **FACILITIES**

192.3 Section 1. Minnesota Statutes 2020, section 123B.595, is amended to read:

192.4 **123B.595 LONG-TERM FACILITIES MAINTENANCE REVENUE.**

192.5 Subdivision 1. **Long-term facilities maintenance revenue.** ~~(a) For fiscal year 2017~~  
192.6 ~~only, long-term facilities maintenance revenue equals the greater of (1) the sum of (i) \$193~~  
192.7 ~~times the district's adjusted pupil units times the lesser of one or the ratio of the district's~~  
192.8 ~~average building age to 35 years, plus the cost approved by the commissioner for indoor~~  
192.9 ~~air quality, fire alarm and suppression, and asbestos abatement projects under section~~  
192.10 ~~123B.57, subdivision 6, with an estimated cost of \$100,000 or more per site, plus (ii) for a~~  
192.11 ~~school district with an approved voluntary prekindergarten program under section 124D.151,~~  
192.12 ~~the cost approved by the commissioner for remodeling existing instructional space to~~  
192.13 ~~accommodate prekindergarten instruction, or (2) the sum of (i) the amount the district would~~  
192.14 ~~have qualified for under Minnesota Statutes 2014, section 123B.57, Minnesota Statutes~~  
192.15 ~~2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591, and (ii) for a school~~  
192.16 ~~district with an approved voluntary prekindergarten program under section 124D.151, the~~  
192.17 ~~cost approved by the commissioner for remodeling existing instructional space to~~  
192.18 ~~accommodate prekindergarten instruction.~~

192.19 ~~(b) For fiscal year 2018 only, long-term facilities maintenance revenue equals the greater~~  
192.20 ~~of (1) the sum of (i) \$292 times the district's adjusted pupil units times the lesser of one or~~  
192.21 ~~the ratio of the district's average building age to 35 years, plus (ii) the cost approved by the~~  
192.22 ~~commissioner for indoor air quality, fire alarm and suppression, and asbestos abatement~~  
192.23 ~~projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000 or more~~  
192.24 ~~per site, plus (iii) for a school district with an approved voluntary prekindergarten program~~  
192.25 ~~under section 124D.151, the cost approved by the commissioner for remodeling existing~~  
192.26 ~~instructional space to accommodate prekindergarten instruction, or (2) the sum of (i) the~~  
192.27 ~~amount the district would have qualified for under Minnesota Statutes 2014, section 123B.57,~~  
192.28 ~~Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section 123B.591,~~  
192.29 ~~and (ii) for a school district with an approved voluntary prekindergarten program under~~  
192.30 ~~section 124D.151, the cost approved by the commissioner for remodeling existing~~  
192.31 ~~instructional space to accommodate prekindergarten instruction.~~

192.32 ~~(e)~~ (a) For fiscal year ~~2019~~ 2022 and later, long-term facilities maintenance revenue  
192.33 equals the greater of (1) the sum of (i) ~~\$380~~ the long-term facilities maintenance allowance  
192.34 times the district's adjusted pupil units times the ~~lesser of one or the ratio of the district's~~



193.1 ~~average building age to 35 years, plus~~ district's building age index, (ii) the cost approved  
 193.2 by the commissioner for indoor air quality, fire alarm and suppression, and asbestos  
 193.3 abatement projects under section 123B.57, subdivision 6, with an estimated cost of \$100,000  
 193.4 or more per site, ~~plus and~~ (iii) for a school district with an approved voluntary prekindergarten  
 193.5 program under section 124D.151, the cost approved by the commissioner for remodeling  
 193.6 existing instructional space to accommodate prekindergarten instruction, or (2) the sum of  
 193.7 (i) the amount the district would have qualified for under Minnesota Statutes 2014, section  
 193.8 123B.57, Minnesota Statutes 2014, section 123B.59, and Minnesota Statutes 2014, section  
 193.9 123B.591, and (ii) for a school district with an approved voluntary prekindergarten program  
 193.10 under section 124D.151, the cost approved by the commissioner for remodeling existing  
 193.11 instructional space to accommodate prekindergarten instruction.

193.12 ~~(d) (b)~~ Notwithstanding ~~paragraphs paragraph~~ paragraph (a), (b), and (e), a school district that  
 193.13 qualified for eligibility under Minnesota Statutes 2014, section 123B.59, subdivision 1,  
 193.14 paragraph (a), for fiscal year 2010 remains eligible for funding under this section as a district  
 193.15 that would have qualified for eligibility under Minnesota Statutes 2014, section 123B.59,  
 193.16 subdivision 1, paragraph (a), for fiscal year 2017 and later.

193.17 (c) For purposes of this section, a district's building age index for fiscal years 2022 and  
 193.18 2023 equals the lesser of one or the ratio of the district's average building age to 35. For  
 193.19 fiscal year 2024 and later, a district's building age index equals one.

193.20 (d) The long-term facilities maintenance allowance is \$380 for fiscal years 2022 and  
 193.21 2023. For fiscal year 2024 and later, the long-term facilities maintenance allowance equals  
 193.22 the product of \$380 times the ratio of the formula allowance under section 126C.10,  
 193.23 subdivision 2, for the current fiscal year to the formula allowance under section 126C.10,  
 193.24 subdivision 2, for fiscal year 2023.

193.25 **Subd. 2. Long-term facilities maintenance revenue for a charter school.** ~~(a) For fiscal~~  
 193.26 ~~year 2017 only, long-term facilities maintenance revenue for a charter school equals \$34~~  
 193.27 ~~times the adjusted pupil units.~~

193.28 ~~(b) For fiscal year 2018 only, long-term facilities maintenance revenue for a charter~~  
 193.29 ~~school equals \$85 times the adjusted pupil units.~~

193.30 ~~(c) For fiscal year 2019 and later,~~ (a) Long-term facilities maintenance revenue for a  
 193.31 charter school equals \$132 charter school long-term facilities maintenance allowance times  
 193.32 the adjusted pupil units.

193.33 (b) The charter school long-term facilities maintenance allowance is \$132 for fiscal  
 193.34 years 2022 and 2023. For fiscal year 2024 and later, the charter school long-term facilities

194.1 maintenance allowance equals the product of \$132 times the ratio of the formula allowance  
194.2 under section 126C.10, subdivision 2, for the current fiscal year to the formula allowance  
194.3 under section 126C.10, subdivision 2, for fiscal year 2023.

194.4 Subd. 3. **Intermediate districts and other cooperative units.** Upon approval through  
194.5 the adoption of a resolution by each member district school board of an intermediate district  
194.6 or other cooperative units under section 123A.24, subdivision 2, and the approval of the  
194.7 commissioner of education, a school district may include in its authority under this section  
194.8 a proportionate share of the long-term maintenance costs of the intermediate district or  
194.9 cooperative unit. The cooperative unit may issue bonds to finance the project costs or levy  
194.10 for the costs, using long-term maintenance revenue transferred from member districts to  
194.11 make debt service payments or pay project costs. Authority under this subdivision is in  
194.12 addition to the authority for individual district projects under subdivision 1.

194.13 Subd. 4. **Facilities plans.** (a) To qualify for revenue under this section, a school district  
194.14 or intermediate district, not including a charter school, must have a ten-year facility plan  
194.15 adopted by the school board and approved by the commissioner. The plan must include  
194.16 provisions for implementing a health and safety program that complies with health, safety,  
194.17 and environmental regulations and best practices, including indoor air quality management  
194.18 and remediation of lead hazards.

194.19 (b) The district must annually update the plan, submit the plan to the commissioner for  
194.20 approval by July 31, and indicate whether the district will issue bonds to finance the plan  
194.21 or levy for the costs.

194.22 (c) For school districts issuing bonds to finance the plan, the plan must include a debt  
194.23 service schedule demonstrating that the debt service revenue required to pay the principal  
194.24 and interest on the bonds each year will not exceed the projected long-term facilities revenue  
194.25 for that year.

194.26 Subd. 5. **Bond authorization.** (a) A school district may issue general obligation bonds  
194.27 under this section to finance facilities plans approved by its board and the commissioner.  
194.28 Chapter 475, except sections 475.58 and 475.59, must be complied with. The authority to  
194.29 issue bonds under this section is in addition to any bonding authority authorized by this  
194.30 chapter or other law. The amount of bonding authority authorized under this section must  
194.31 be disregarded in calculating the bonding or net debt limits of this chapter, or any other law  
194.32 other than section 475.53, subdivision 4.

195.1 (b) At least 20 days before the earliest of the issuance of bonds or the final certification  
 195.2 of levies under subdivision 6, the district must publish notice of the intended projects, the  
 195.3 amount of the bond issue, and the total amount of district indebtedness.

195.4 (c) The portion of revenue under this section for bonded debt must be recognized in the  
 195.5 debt service fund.

195.6 Subd. 6. **Levy authorization.** A district may levy for costs related to an approved plan  
 195.7 under subdivision 4 as follows:

195.8 (1) if the district has indicated to the commissioner that bonds will be issued, the district  
 195.9 may levy for the principal and interest payments on outstanding bonds issued under  
 195.10 subdivision 5 after reduction for any aid receivable under subdivision 9;

195.11 (2) if the district has indicated to the commissioner that the plan will be funded through  
 195.12 levy, the district may levy according to the schedule approved in the plan after reduction  
 195.13 for any aid receivable under subdivision 9; or

195.14 (3) if the debt service revenue for a district required to pay the principal and interest on  
 195.15 bonds issued under subdivision 5 exceeds the district's long-term facilities maintenance  
 195.16 revenue for the same fiscal year, the district's general fund levy must be reduced by the  
 195.17 amount of the excess.

195.18 Subd. 7. **Long-term facilities maintenance equalization revenue.** ~~(a) For fiscal year~~  
 195.19 ~~2017 only, a district's long-term facilities maintenance equalization revenue equals the lesser~~  
 195.20 ~~of (1) \$193 times the adjusted pupil units or (2) the district's revenue under subdivision 1.~~

195.21 ~~(b) For fiscal year 2018 only, a district's long-term facilities maintenance equalization~~  
 195.22 ~~revenue equals the lesser of (1) \$292 times the adjusted pupil units or (2) the district's~~  
 195.23 ~~revenue under subdivision 1.~~

195.24 ~~(c)~~ (a) For fiscal year ~~2019~~ 2022 and later, a district's long-term facilities maintenance  
 195.25 equalization revenue equals the lesser of (1) ~~\$380~~ the long-term facilities maintenance  
 195.26 allowance times the adjusted pupil units or (2) the district's revenue under subdivision 1.

195.27 ~~(d)~~ (b) Notwithstanding ~~paragraphs~~ paragraph (a) ~~to (c)~~, a district's long-term facilities  
 195.28 maintenance equalization revenue must not be less than the lesser of the district's long-term  
 195.29 facilities maintenance revenue or the amount of aid the district received for fiscal year 2015  
 195.30 under Minnesota Statutes 2014, section 123B.59, subdivision 6.

195.31 Subd. 8. **Long-term facilities maintenance equalized levy.** (a) ~~For fiscal year 2017~~  
 195.32 ~~and later,~~ A district's long-term facilities maintenance equalized levy equals the district's  
 195.33 long-term facilities maintenance equalization revenue minus the greater of:

196.1 (1) the lesser of the district's long-term facilities maintenance equalization revenue or  
196.2 the amount of aid the district received for fiscal year 2015 under Minnesota Statutes 2014,  
196.3 section 123B.59, subdivision 6; or

196.4 (2) the district's long-term facilities maintenance equalization revenue times the greater  
196.5 of (i) zero or (ii) one minus the ratio of its adjusted net tax capacity per adjusted pupil unit  
196.6 in the year preceding the year the levy is certified to ~~123~~ 128.7 percent of the state average  
196.7 adjusted net tax capacity per adjusted pupil unit for all school districts in the year preceding  
196.8 the year the levy is certified.

196.9 (b) For purposes of this subdivision, "adjusted net tax capacity" means the value described  
196.10 in section 126C.01, subdivision 2, paragraph (b).

196.11 Subd. 8a. **Long-term facilities maintenance unequalized levy.** ~~For fiscal year 2017~~  
196.12 ~~and later,~~ A district's long-term facilities maintenance unequalized levy equals the difference  
196.13 between the district's revenue under subdivision 1 and the district's equalization revenue  
196.14 under subdivision 7.

196.15 Subd. 9. **Long-term facilities maintenance equalized aid.** ~~For fiscal year 2017 and~~  
196.16 ~~later,~~ A district's long-term facilities maintenance equalized aid equals its long-term facilities  
196.17 maintenance equalization revenue minus its long-term facilities maintenance equalized levy  
196.18 times the ratio of the actual equalized amount levied to the permitted equalized levy.

196.19 Subd. 10. **Allowed uses for long-term facilities maintenance revenue.** (a) A district  
196.20 may use revenue under this section for any of the following:

196.21 (1) deferred capital expenditures and maintenance projects necessary to prevent further  
196.22 erosion of facilities;

196.23 (2) increasing accessibility of school facilities;

196.24 (3) health and safety capital projects under section 123B.57; ~~or~~

196.25 (4) by board resolution, to transfer money from the general fund reserve for long-term  
196.26 facilities maintenance to the debt redemption fund to pay the amounts needed to meet, when  
196.27 due, principal and interest on general obligation bonds issued under subdivision 5; or

196.28 (5) by annual board resolution, to transfer money from the general fund reserve for  
196.29 long-term facilities maintenance to the reserve for operating capital.

196.30 (b) A charter school may use revenue under this section for any purpose related to the  
196.31 school.

197.1 Subd. 11. **Restrictions on long-term facilities maintenance revenue.** Notwithstanding  
 197.2 subdivision 10, long-term facilities maintenance revenue may not be used:

197.3 (1) for the construction of new facilities, remodeling of existing facilities, or the purchase  
 197.4 of portable classrooms;

197.5 (2) to finance a lease purchase agreement, installment purchase agreement, or other  
 197.6 deferred payments agreement;

197.7 (3) for energy-efficiency projects under section 123B.65, for a building or property or  
 197.8 part of a building or property used for postsecondary instruction or administration, or for a  
 197.9 purpose unrelated to elementary and secondary education; or

197.10 (4) for violence prevention and facility security, ergonomics, or emergency  
 197.11 communication devices.

197.12 Subd. 12. **Reserve account.** The portion of long-term facilities maintenance revenue  
 197.13 not recognized under subdivision 5, paragraph (c), must be maintained in a reserve account  
 197.14 within the general fund.

197.15 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2024 and later.

197.16 Sec. 2. Laws 2021, First Special Session chapter 13, article 7, section 2, subdivision 3, is  
 197.17 amended to read:

197.18 Subd. 3. **Long-term facilities maintenance equalized aid.** For long-term facilities  
 197.19 maintenance equalized aid under Minnesota Statutes, section 123B.595, subdivision 9:

197.20 ~~108,582,000~~  
 197.21 \$ 107,837,000 ..... 2022

197.22 ~~111,077,000~~  
 197.23 \$ 110,014,000 ..... 2023

197.24 The 2022 appropriation includes \$10,660,000 for 2021 and ~~\$97,922,000~~ \$97,177,000  
 197.25 for 2022.

197.26 The 2023 appropriation includes ~~\$10,880,000~~ \$10,797,000 for 2022 and ~~\$100,197,000~~  
 197.27 \$99,217,000 for 2023.

197.28 Sec. 3. **FUND TRANSFER; BURNSVILLE-EAGAN-SAVAGE SCHOOL DISTRICT.**

197.29 (a) Notwithstanding Minnesota Statutes, section 123B.51, subdivision 4, paragraph (b),  
 197.30 or any law to the contrary, any remaining net proceeds received by Independent School  
 197.31 District No. 191, Burnsville-Eagan-Savage, in connection with a lease of real property that  
 197.32 is not needed for school purposes, or part of the property that is not needed for school

198.1 purposes permitted under Minnesota Statutes, section 123B.51, subdivision 4, paragraph  
198.2 (a), which property the school board of the district has specifically identified in its open  
198.3 facilities action plan, may be deposited in the district's general unrestricted fund following  
198.4 the deposit of such proceeds in the debt retirement fund of the district in an amount sufficient  
198.5 to meet, when due, that percentage of the principal and interest payments for outstanding  
198.6 bonds that is ascribable to the payment of expenses necessary and incidental to the  
198.7 construction or purchase of the particular building or property that is leased.

198.8 (b) Notwithstanding Minnesota Statutes, section 123B.51, subdivision 6, paragraphs (c)  
198.9 to (f), or any law to the contrary, any remaining proceeds of the sale or exchange of school  
198.10 buildings or real property of Independent School District No. 191, Burnsville-Eagan-Savage,  
198.11 specifically identified in the district's open facilities action plan, may be deposited in the  
198.12 district's general unrestricted fund following application of such proceeds, as required under  
198.13 Minnesota Statutes, section 123B.51, subdivision 6, paragraph (b).

198.14 **EFFECTIVE DATE.** This section is effective upon compliance by Independent School  
198.15 District No. 191, Burnsville-Eagan-Savage, with Minnesota Statutes, section 645.021,  
198.16 subdivisions 2 and 3.

198.17 **Sec. 4. LEASE LEVY FOR TRANSPORTATION HUB FOR EASTERN CARVER**  
198.18 **COUNTY SCHOOL DISTRICT.**

198.19 Notwithstanding Minnesota Statutes, section 126C.40, subdivision 1, Independent School  
198.20 District No. 112, Eastern Carver County Schools, may lease a transportation hub under  
198.21 Minnesota Statutes, section 126C.40, subdivision 1, if the district demonstrates to the  
198.22 satisfaction of the commissioner of education that the transportation hub will result in  
198.23 significant financial savings for the school district. Levy authority under this section must  
198.24 not exceed the total levy authority under Minnesota Statutes, section 126C.40, subdivision  
198.25 1, paragraph (e).

198.26 **EFFECTIVE DATE.** This section is effective for taxes payable in 2023 and later.

199.1

**ARTICLE 8**

199.2

**NUTRITION AND LIBRARIES**

199.3

**Section 1. [124D.1112]COMMUNITY ELIGIBILITY PROVISION**

199.4

**PARTICIPATION; TECHNICAL ASSISTANCE; COMPENSATORY REVENUE**

199.5

**ADJUSTMENT.**

199.6

Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have the meanings given.

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(b) "Community eligibility provision" means the reimbursement option available for the national school lunch program and national school breakfast program, as defined under Code of Federal Regulations, title 7, section 245.9.

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(c) "Community-eligibility qualifying school" means a school that, as determined by the Department of Education by April 1 of each year, meets the eligibility criteria specified in Code of Federal Regulations, title 7, section 245.9, for participation in the community eligibility provision. A school meets the eligibility criteria if the department determines it qualifies to do so as an individual school, as part of an entire local educational agency, or as part of a group of schools within a local educational agency, as defined under Code of Federal Regulations, title 7, section 245.9(f).

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(d) "Full-reimbursement qualifying school" means a community-eligibility qualifying school that, as determined by the department by April 1 of each year, has an identified student percentage sufficient to allow the school to claim reimbursement through the community eligibility provision at the applicable federal free rate for all meals served within the school as part of the national school lunch program and national school breakfast program. A school satisfies this definition if the department determines that it meets the criteria as an individual school, part of an entire local educational agency, or part of a group of schools within a local educational agency, as defined under Code of Federal Regulations, title 7, section 245.9(f).

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(e) "Identified student" and "identified student percentage" have the meanings as defined under Code of Federal Regulations, title 7, section 245.9.

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(f) "Local educational agency" has the meaning as defined under Code of Federal Regulations, title 7, section 245.2.

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(g) "National school breakfast program" means the nonprofit breakfast program established by section 4 of the Child Nutrition Act of 1966, as defined under United States Code, title 42, section 1773.

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199.33

200.1 (h) "National school lunch program" means the nonprofit lunch program established  
200.2 under the Richard B. Russell National School Lunch Act, as defined under United States  
200.3 Code, title 42, section 1751, et seq.

200.4 Subd. 2. **Purpose.** The purposes of this section are to leverage federal funding through  
200.5 the community eligibility provision to support students in achieving their academic potential,  
200.6 provide students with increased access to nutritious options while they are developing  
200.7 lifelong eating habits, and reduce stigma associated with receiving free school meals and  
200.8 ensure that a school site's compensatory revenue is not negatively affected by the school's  
200.9 participation in the community eligibility provision program.

200.10 Subd. 3. **Department duties.** (a) In addition to fulfilling any other applicable state and  
200.11 federal requirements, the department must provide to each local educational agency a list  
200.12 of schools as defined under Code of Federal Regulations, title 7, section 245.9(f)(5), within  
200.13 the prescribed time frame, and must gather the information necessary to compile this list.  
200.14 A local education agency is exempt from the requirement to submit this information to the  
200.15 state.

200.16 (b) A community-eligible qualifying school, whether eligible for full or partial federal  
200.17 funding, must participate in the community eligibility provision program. Within the time  
200.18 frames established in paragraph (a), by April 1 of each year, the department must notify  
200.19 each local education agency of its qualifying school sites and, for sites eligible for partial  
200.20 federal funding, calculate and notify the local education agency of the state aid contribution  
200.21 for each site to ensure the site receives full funding for the national school breakfast and  
200.22 lunch program meals served by the site to its students.

200.23 (c) The department must ensure appropriate reimbursement rates for schools and districts  
200.24 using the community eligibility provision.

200.25 (d) If a school or district is ineligible to receive reimbursement through the community  
200.26 eligibility provision, the department must assist the school or district, if feasible, in achieving  
200.27 eligibility.

200.28 (e) The department must conduct an annual review to identify local educational agencies  
200.29 that have not fully complied with subdivision 5 and provide notification of that determination  
200.30 to the relevant local educational agencies within 30 days of making that determination.

200.31 Subd. 4. **Technical assistance.** The department must provide technical assistance to a  
200.32 local educational agency with one or more community-eligibility qualifying schools to assist  
200.33 them in meeting any state and federal requirements necessary in order to receive  
200.34 reimbursement through the community eligibility provision.



201.1 Subd. 5. **Community eligibility provision; required participation; exemption.** (a)  
201.2 Except as provided otherwise by this section, effective in the 2023-2024 school year and  
201.3 every school year thereafter, each community-eligibility qualifying school must participate  
201.4 in the community eligibility provision in the subsequent school year and throughout the  
201.5 duration of the community eligibility provision's four-year cycle.

201.6 (b) Schools that, through an arrangement with a local entity, provide meals to all students  
201.7 and at no cost to the students are exempt from the requirements of this section.

201.8 Subd. 6. **Reporting obligations for noncompliant full-reimbursement qualifying**  
201.9 **schools.** A local agency with one or more schools that qualify for full reimbursement that  
201.10 fails to comply with subdivision 5 must respond to a notification of noncompliance from  
201.11 the department within 60 days of receipt of the notification. The response must include a  
201.12 report available to the local school board and the public on any obstacles to participation  
201.13 that contributed to the noncompliance and plans to ensure compliance for the following  
201.14 school year.

201.15 Sec. 2. Minnesota Statutes 2020, section 124D.119, is amended to read:

201.16 **124D.119 SUMMER FOOD SERVICE REPLACEMENT AID PROGRAM AND**  
201.17 **CHILD AND ADULT CARE FOOD PROGRAM.**

201.18 Subdivision 1. **Summer Food Service Program replacement aid.** States State funds  
201.19 are available to compensate department-approved Summer Food Service Program sponsors.  
201.20 Reimbursement shall be made on December 15 based on total meals served by each sponsor  
201.21 from the end of the school year to the beginning of the next school year on a pro rata basis.

201.22 Subd. 2. **Child and Adult Care Food Program and Summer Food Service Program**  
201.23 **sponsor organizations.** Legally distinct Child and Adult Care Food Program and Summer  
201.24 Food Service Program sites may transfer sponsoring organizations no more than once per  
201.25 year, except under extenuating circumstances including termination of the sponsoring  
201.26 organization's agreement or other circumstances approved by the Department of Education.

201.27 Subd. 3. **Child and Adult Care Food Program and Summer Food Service Program**  
201.28 **training.** Prior to applying to sponsor a Child and Adult Care Food Program or Summer  
201.29 Food Service Program site, a nongovernmental organization applicant must provide  
201.30 documentation to the Department of Education verifying that staff members have completed  
201.31 program-specific training as designated by the commissioner.

201.32 Subd. 4. **Summer Food Service Program locations.** Consistent with Code of Federal  
201.33 Regulations, title 7, section 225.6(d)(1)(ii), the Department of Education must not approve

202.1 a new Summer Food Service Program open site that is within a half-mile radius of an existing  
202.2 Summer Food Service Program open site, except the department may approve a new Summer  
202.3 Food Service Program open site within a half-mile radius if the new program will not be  
202.4 servicing the same group of children for the same meal type.

202.5 Sec. 3. [124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.

202.6 A school district or charter school library or school library media center provides equitable  
202.7 and free access to students, teachers, and administrators. A school library or school library  
202.8 media center is defined as having the following characteristics:

202.9 (1) ensures every student has equitable access to resources and is able to locate, access,  
202.10 and use resources that are organized and cataloged;

202.11 (2) has a collection development plan that includes but is not limited to materials selection  
202.12 and de-selection, a challenged materials procedure, and an intellectual and academic freedom  
202.13 statement;

202.14 (3) is housed in a central location that provides an environment for expanded learning  
202.15 and supports a variety of student interests;

202.16 (4) has technology and Internet access; and

202.17 (5) is served by a licensed school library media specialist or licensed school librarian.

202.18 Sec. 4. Minnesota Statutes 2021 Supplement, section 126C.05, subdivision 3, is amended  
202.19 to read:

202.20 Subd. 3. **Compensation revenue pupil units.** Compensation revenue pupil units must  
202.21 be computed according to this subdivision.

202.22 (a) The compensation revenue concentration percentage for each building in a district  
202.23 equals the product of 100 times the ratio of:

202.24 (1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~  
202.25 meals plus one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price  
202.26 meals on October 1 of the previous fiscal year; to

202.27 (2) the number of pupils enrolled in the building on October 1 of the previous fiscal  
202.28 year.

202.29 (b) The compensation revenue pupil weighting factor for a building equals the lesser of  
202.30 one or the quotient obtained by dividing the building's compensation revenue concentration  
202.31 percentage by 80.0.

203.1 (c) The compensation revenue pupil units for a building equals the product of:

203.2 (1) the sum of the number of pupils enrolled in the building eligible to receive free ~~lunch~~  
203.3 meals and one-half of the pupils eligible to receive ~~reduced-priced lunch~~ reduced-price  
203.4 meals on October 1 of the previous fiscal year; times

203.5 (2) the compensation revenue pupil weighting factor for the building; times

203.6 (3) .60.

203.7 (d) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten programs under  
203.8 section 124D.151, charter schools, and contracted alternative programs in the first year of  
203.9 operation, compensation revenue pupil units shall be computed using data for the current  
203.10 fiscal year. If the voluntary prekindergarten program, charter school, or contracted alternative  
203.11 program begins operation after October 1, compensatory revenue pupil units shall be  
203.12 computed based on pupils enrolled on an alternate date determined by the commissioner,  
203.13 and the compensation revenue pupil units shall be prorated based on the ratio of the number  
203.14 of days of student instruction to 170 days.

203.15 ~~(e) Notwithstanding paragraphs (a) to (c), for voluntary prekindergarten seats discontinued~~  
203.16 ~~in fiscal year 2024 due to the reduction in the participation limit under section 124D.151,~~  
203.17 ~~subdivision 6, those discontinued seats must not be used to calculate compensation revenue~~  
203.18 ~~pupil units for fiscal year 2024.~~

203.19 ~~(f)~~ (e) The percentages in this subdivision must be based on the count of individual  
203.20 pupils and not on a building average or minimum.

203.21 (f) For fiscal year 2023 and later, for a school participating in the community eligibility  
203.22 provision program or special assistance program under section 11(a)(1) of the Richard B.  
203.23 Russell National School Lunch Act, United States Code, title 42, section 1759a, compensatory  
203.24 revenue under section 126C.10, subdivision 3, equals the greatest of the amount determined  
203.25 using:

203.26 (1) the pupil counts according to paragraphs (a) to (f) for the year specified;

203.27 (2) the pupil counts for the year specified in paragraphs (b) to (f) and the compensation  
203.28 revenue concentration percentages from paragraph (a) for the pupil count from the fall of  
203.29 2019; or

203.30 (3) the pupil counts for the year specified in paragraphs (b) to (f) and the compensation  
203.31 revenue concentration percentages from paragraph (a) for the pupil count from the fall of  
203.32 the year preceding the school's participation in the four-year community eligibility provision  
203.33 program.

204.1 Sec. 5. Minnesota Statutes 2020, section 134.31, subdivision 1, is amended to read:

204.2 Subdivision 1. **Library service.** The state shall, as an integral part of its responsibility  
204.3 for public education, support the provision of library service for every ~~citizen~~ resident, the  
204.4 development of cooperative programs for the sharing of resources and services among all  
204.5 libraries, and the establishment of jointly operated library services at a single location where  
204.6 appropriate.

204.7 Sec. 6. Minnesota Statutes 2020, section 134.31, subdivision 4a, is amended to read:

204.8 Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota  
204.9 Department of Education shall provide specialized services to people with visual and physical  
204.10 disabilities through the Minnesota Braille and Talking Book Library under a cooperative  
204.11 plan with the National Library ~~Services~~ Service for the Blind and ~~Physically Handicapped~~  
204.12 ~~of the Library of Congress~~ Print Disabled.

204.13 Sec. 7. Minnesota Statutes 2020, section 134.32, subdivision 4, is amended to read:

204.14 Subd. 4. **Special project grants.** It may provide special project grants to assist innovative  
204.15 and experimental library programs including, but not limited to, special services for American  
204.16 Indians and ~~the Spanish-speaking~~ English language learners, delivery of library materials  
204.17 to homebound persons, other extensions of library services to persons without access to  
204.18 libraries and projects to strengthen and improve library services.

204.19 Sec. 8. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

204.20 Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall  
204.21 be provided to any regional public library system where there are at least three participating  
204.22 counties and where each participating city and county is providing for public library service  
204.23 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted  
204.24 net tax capacity of the taxable property of that city or county, as determined by the  
204.25 commissioner of revenue for the second, third, and fourth year preceding that calendar year  
204.26 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita  
204.27 amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the  
204.28 per capita amount shall be increased by a percentage equal to one-half of the percentage by  
204.29 which the total state adjusted net tax capacity of property as determined by the commissioner  
204.30 of revenue for the second year preceding that calendar year increases over that total adjusted  
204.31 net tax capacity for the third year preceding that calendar year.

205.1 (b) The minimum level of support specified under this subdivision or subdivision 4 shall  
205.2 be certified annually to the participating cities and counties by the Department of Education.  
205.3 If a city or county chooses to reduce its local support in accordance with subdivision 4,  
205.4 paragraph (b) or (c), it shall notify its regional public library system. The regional public  
205.5 library system shall notify the Department of Education that a revised certification is required.  
205.6 The revised minimum level of support shall be certified to the city or county by the  
205.7 Department of Education.

205.8 (c) A city which is a part of a regional public library system shall not be required to  
205.9 provide this level of support if the property of that city is already taxable by the county for  
205.10 the support of that regional public library system. In no event shall the Department of  
205.11 Education require any city or county to provide a higher level of support than the level of  
205.12 support specified in this section in order for a system to qualify for regional library basic  
205.13 system support aid. This section shall not be construed to prohibit a city or county from  
205.14 providing a higher level of support for public libraries than the level of support specified  
205.15 in this section.

205.16 (d) The amounts required to be expended under this section are subject to the reduced  
205.17 maintenance of effort requirements in section 275.761.

205.18 Sec. 9. Minnesota Statutes 2020, section 134.355, subdivision 5, is amended to read:

205.19 Subd. 5. **Base aid distribution.** ~~Five~~ Fifteen percent of the available aid funds shall be  
205.20 paid to each system as base aid for basic system services.

205.21 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and  
205.22 later.

205.23 Sec. 10. Minnesota Statutes 2020, section 134.355, subdivision 6, is amended to read:

205.24 Subd. 6. **Adjusted net tax capacity per capita distribution.** ~~Twenty-five~~ Fifteen percent  
205.25 of the available aid funds shall be distributed to regional public library systems based upon  
205.26 the adjusted net tax capacity per capita for each member county or participating portion of  
205.27 a county as calculated for the ~~second~~ third year preceding the fiscal year for which aid is  
205.28 provided. Each system's entitlement shall be calculated as follows:

205.29 ~~(a)~~ (1) multiply the adjusted net tax capacity per capita for each county or participating  
205.30 portion of a county by .0082-;

205.31 ~~(b)~~ (2) add sufficient aid funds that are available under this subdivision to raise the  
205.32 amount of the county or participating portion of a county with the lowest value calculated

206.1 according to ~~paragraph (a)~~ clause (1) to the amount of the county or participating portion  
206.2 of a county with the next highest value calculated according to ~~paragraph (a)~~ clause (1).  
206.3 Multiply the amount of the additional aid funds by the population of the county or  
206.4 participating portion of a county;

206.5 ~~(e)~~ (3) continue the process described in ~~paragraph (b)~~ clause (2) by adding sufficient  
206.6 aid funds that are available under this subdivision to the amount of a county or participating  
206.7 portion of a county with the next highest value calculated in ~~paragraph (a)~~ clause (1) to raise  
206.8 it and the amount of counties and participating portions of counties with lower values  
206.9 calculated in ~~paragraph (a)~~ clause (1) up to the amount of the county or participating portion  
206.10 of a county with the next highest value, until reaching an amount where funds available  
206.11 under this subdivision are no longer sufficient to raise the amount of a county or participating  
206.12 portion of a county and the amount of counties and participating portions of counties with  
206.13 lower values up to the amount of the next highest county or participating portion of a county;  
206.14 and

206.15 ~~(d)~~ (4) if the point is reached using the process in ~~paragraphs (b) and (e)~~ clauses (2) and  
206.16 (3) at which the remaining aid funds under this subdivision are not adequate for raising the  
206.17 amount of a county or participating portion of a county and all counties and participating  
206.18 portions of counties with amounts of lower value to the amount of the county or participating  
206.19 portion of a county with the next highest value, those funds are to be divided on a per capita  
206.20 basis for all counties or participating portions of counties that received aid funds under the  
206.21 calculation in ~~paragraphs (b) and (e)~~ clauses (2) and (3).

206.22 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and  
206.23 later.

206.24 Sec. 11. Minnesota Statutes 2020, section 134.355, subdivision 7, is amended to read:

206.25 Subd. 7. **Population determination.** A regional public library system's population shall  
206.26 be determined according to must be calculated using the most recent estimate available  
206.27 under section 477A.011, subdivision 3, at the time the aid amounts are calculated, which  
206.28 must be by April 1 in the year the calculation is made.

206.29 **EFFECTIVE DATE.** This section is effective for state aid for fiscal year 2023 and  
206.30 later.

207.1 Sec. 12. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 2,  
 207.2 is amended to read:

207.3 Subd. 2. **School lunch.** For school lunch aid under Minnesota Statutes, section 124D.111,  
 207.4 and Code of Federal Regulations, title 7, section 210.17:

207.5		<del>16,661,000</del>		
207.6	\$	<u>14,187,000</u>	.....	2022
207.7		<del>16,954,000</del>		
207.8	\$	<u>16,194,000</u>	.....	2023

207.9 Sec. 13. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 3,  
 207.10 is amended to read:

207.11 Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota Statutes,  
 207.12 section 124D.1158:

207.13		<del>11,848,000</del>		
207.14	\$	<u>20,000</u>	.....	2022
207.15		<del>12,200,000</del>		
207.16	\$	<u>11,153,000</u>	.....	2023

207.17 Sec. 14. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 6,  
 207.18 is amended to read:

207.19 Subd. 6. **Basic system support.** For basic system support aid under Minnesota Statutes,  
 207.20 section 134.355:

207.21	\$	13,570,000	.....	2022
207.22		<del>13,570,000</del>		
207.23	\$	<u>15,370,000</u>	.....	2023

207.24 The 2022 appropriation includes \$1,357,000 for 2021 and \$12,213,000 for 2022.

207.25 The 2023 appropriation includes \$1,357,000 for 2022 and ~~\$12,213,000~~ \$14,013,000 for  
 207.26 2023.

207.27 Sec. 15. **APPROPRIATION; COMMUNITY ELIGIBILITY PROVISION FUNDING.**

207.28 (a) \$18,546,000 in fiscal year 2023 is appropriated from the general fund to the  
 207.29 Department of Education for additional funding for school meals.

207.30 (b) For each school participating in the Community Eligibility Provision program, the  
 207.31 commissioner must calculate the difference between the federal reimbursement for the  
 207.32 school breakfasts and school lunches served at the site and the average cost of the school

208.1 breakfasts and school lunches as annually defined by the United States Department of  
208.2 Agriculture and pay that amount to the school in the form and manner designated by the  
208.3 commissioner.

208.4 (c) If the appropriation for school meals under this section exceeds the amount necessary  
208.5 for payments under paragraph (b), the commissioner may award grants to other schools to  
208.6 provide free breakfast and free lunch to all students at the school site. A school participating  
208.7 in the school meals program must apply for a grant in the form and manner specified by the  
208.8 commissioner. The commissioner must prioritize grants applications based on the number  
208.9 of free and reduced-price meal eligible students at each applicant school site.

208.10 (d) The commissioner may retain up to two percent of the appropriation in this section  
208.11 for administrative purposes.

208.12 (e) The budget base is \$14,146,000 for fiscal year 2024 and \$13,792,000 for fiscal year  
208.13 2025.

208.14 Sec. 16. **REVISOR INSTRUCTION.**

208.15 The revisor of statutes shall replace the phrases "free lunch," "reduced price lunch,"  
208.16 "reduced priced lunch," "reduced-price lunch," and "free or reduced price lunch" with "free  
208.17 meals," "reduced-price meals," and "free or reduced-price meals" wherever they appear in  
208.18 statute when used in context with the national school lunch and breakfast program.

208.19

## ARTICLE 9

208.20

### EARLY CHILDHOOD

208.21 Section 1. Minnesota Statutes 2020, section 119A.52, is amended to read:

208.22 **119A.52 DISTRIBUTION OF APPROPRIATION.**

208.23 (a) The commissioner of education must distribute money appropriated for that purpose  
208.24 to federally designated Head Start programs to expand services and to serve additional  
208.25 low-income children. ~~Migrant and Indian reservation programs must be initially allocated~~  
208.26 ~~money based on the programs' share of federal funds.,~~ which may include costs associated  
208.27 with program operations, infrastructure, or reconfiguration to serve children from birth to  
208.28 age five in center-based services. The distribution must occur in the following order: (1)  
208.29 10.72 percent of the total Head Start appropriation must be allocated to federally designated  
208.30 Tribal Head Start programs; (2) the Tribal Head Start portion of the appropriation must be  
208.31 allocated to Tribal Head Start programs based on the programs' share of federal funds; and  
208.32 (3) migrant programs must then be initially allocated funding based on the programs' share



209.1 of federal funds. The remaining money must be initially allocated to the remaining local  
209.2 agencies based equally on the agencies' share of federal funds and on the proportion of  
209.3 eligible children in the agencies' service area who are not currently being served. A Head  
209.4 Start program must be funded at a per child rate equal to its contracted, federally funded  
209.5 base level at the start of the fiscal year. For all agencies without a federal Early Head Start  
209.6 rate, the state average federal cost per child for Early Head Start applies. In allocating funds  
209.7 under this paragraph, the commissioner of education must assure that each Head Start  
209.8 program in existence in 1993 is allocated no less funding in any fiscal year than was allocated  
209.9 to that program in fiscal year 1993. Before paying money to the programs, the commissioner  
209.10 must notify each program of its initial allocation and how the money must be used. Each  
209.11 program must present a plan under section 119A.535. For any program that cannot utilize  
209.12 its full allocation at the beginning of the fiscal year, the commissioner must reduce the  
209.13 allocation proportionately. Money available after the initial allocations are reduced must  
209.14 be redistributed to eligible programs.

209.15 (b) The commissioner must develop procedures to make payments to programs based  
209.16 upon the number of children reported to be enrolled during the required time period of  
209.17 program operations. Enrollment is defined by federal Head Start regulations. The procedures  
209.18 must include a reporting schedule, corrective action plan requirements, and financial  
209.19 consequences to be imposed on programs that do not meet full enrollment after the period  
209.20 of corrective action. Programs reporting chronic underenrollment, as defined by the  
209.21 commissioner, will have their subsequent program year allocation reduced proportionately.  
209.22 Funds made available by prorating payments and allocations to programs with reported  
209.23 underenrollment will be made available to the extent funds exist to fully enrolled Head Start  
209.24 programs through a form and manner prescribed by the department.

209.25 (c) Programs with approved innovative initiatives that target services to high-risk  
209.26 populations, including homeless families and families living in homeless shelters and  
209.27 transitional housing, are exempt from the procedures in paragraph (b). This exemption does  
209.28 not apply to entire programs. The exemption applies only to approved innovative initiatives  
209.29 that target services to high-risk populations, including homeless families and families living  
209.30 in homeless shelters, transitional housing, and permanent supportive housing.

209.31 Sec. 2. Minnesota Statutes 2020, section 120A.20, subdivision 1, is amended to read:

209.32 Subdivision 1. **Age limitations; pupils.** (a) All schools supported in whole or in part  
209.33 by state funds are public schools. Admission to a public school is free to any person who:  
209.34 (1) resides within the district that operates the school; (2) is under 21 years of age or who

210.1 meets the requirements of paragraph (c); and (3) satisfies the minimum age requirements  
210.2 imposed by this section. Notwithstanding the provisions of any law to the contrary, the  
210.3 conduct of all students under 21 years of age attending a public secondary school is governed  
210.4 by a single set of reasonable rules and regulations promulgated by the school board.

210.5 (b) A person shall not be admitted to a public school: (1) as a prekindergarten pupil,  
210.6 unless the pupil is at least four years of age as of September 1 of the calendar year in which  
210.7 the school year for which the pupil seeks admission commences; (2) as a kindergarten pupil,  
210.8 unless the pupil is at least five years of age on September 1 of the calendar year in which  
210.9 the school year for which the pupil seeks admission commences; or ~~(2)~~ (3) as a 1st grade  
210.10 student, unless the pupil is at least six years of age on September 1 of the calendar year in  
210.11 which the school year for which the pupil seeks admission commences or has completed  
210.12 kindergarten; except that any school board may establish a policy for admission of selected  
210.13 pupils at an earlier age under section 124D.02.

210.14 (c) A pupil who becomes age 21 after enrollment is eligible for continued free public  
210.15 school enrollment until at least one of the following occurs: (1) the first September 1 after  
210.16 the pupil's 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the  
210.17 pupil's withdrawal with no subsequent enrollment within 21 calendar days; or (4) the end  
210.18 of the school year.

210.19 Sec. 3. Minnesota Statutes 2020, section 120A.41, is amended to read:

210.20 **120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

210.21 (a) A school board's annual school calendar must include at least 425 hours of instruction  
210.22 for a kindergarten student without a disability, 935 hours of instruction for a student in  
210.23 grades 1 through 6, and 1,020 hours of instruction for a student in grades 7 through 12, not  
210.24 including summer school. The school calendar for a prekindergarten student without a  
210.25 disability and a student in an all-day kindergarten must include at least 850 hours of  
210.26 instruction for the school year. ~~The school calendar for a prekindergarten student under~~  
210.27 ~~section 124D.151, if offered by the district, must include at least 350 hours of instruction~~  
210.28 ~~for the school year.~~ A school board's annual calendar must include at least 165 days of  
210.29 instruction for a student in grades 1 through 11 unless a four-day week schedule has been  
210.30 approved by the commissioner under section 124D.126.

210.31 (b) A school board's annual school calendar may include plans for up to five days of  
210.32 instruction provided through online instruction due to inclement weather. The inclement  
210.33 weather plans must be developed according to section 120A.414.

211.1 Sec. 4. Minnesota Statutes 2020, section 121A.17, subdivision 3, is amended to read:

211.2 Subd. 3. **Screening program.** (a) A screening program must include at least the following  
211.3 components: developmental assessments, which may include parent report developmental  
211.4 screening instruments if the parent or child is unable to complete the screening in person  
211.5 due to an immunocompromised status or other health concern; hearing and vision screening  
211.6 or referral; immunization review and referral; the child's height and weight; the date of  
211.7 the child's most recent comprehensive vision examination, if any; identification of risk  
211.8 factors that may influence learning; an interview with the parent about the child; and  
211.9 referral for assessment, diagnosis, and treatment when potential needs are identified. The  
211.10 district and the person performing or supervising the screening must provide a parent or  
211.11 guardian with clear written notice that the parent or guardian may decline to answer questions  
211.12 or provide information about family circumstances that might affect development and  
211.13 identification of risk factors that may influence learning. The notice must state "Early  
211.14 childhood developmental screening helps a school district identify children who may benefit  
211.15 from district and community resources available to help in their development. Early childhood  
211.16 developmental screening includes a vision screening that helps detect potential eye problems  
211.17 but is not a substitute for a comprehensive eye exam." The notice must clearly state that  
211.18 declining to answer questions or provide information does not prevent the child from being  
211.19 enrolled in kindergarten or first grade if all other screening components are met. If a parent  
211.20 or guardian is not able to read and comprehend the written notice, the district and the person  
211.21 performing or supervising the screening must convey the information in another manner.  
211.22 The notice must also inform the parent or guardian that a child need not submit to the district  
211.23 screening program if the child's health records indicate to the school that the child has  
211.24 received comparable developmental screening performed within the preceding 365 days by  
211.25 a public or private health care organization or individual health care provider. The notice  
211.26 must be given to a parent or guardian at the time the district initially provides information  
211.27 to the parent or guardian about screening and must be given again at the screening location.

211.28 (b) All screening components shall be consistent with the standards of the state  
211.29 commissioner of health for early developmental screening programs. A developmental  
211.30 screening program must not provide laboratory tests or a physical examination to any child.  
211.31 The district must request from the public or private health care organization or the individual  
211.32 health care provider the results of any laboratory test or physical examination within the 12  
211.33 months preceding a child's scheduled screening. For the purposes of this section,  
211.34 "comprehensive vision examination" means a vision examination performed by an optometrist  
211.35 or ophthalmologist.

212.1 (c) If a child is without health coverage, the school district must refer the child to an  
212.2 appropriate health care provider.

212.3 (d) A board may offer additional components such as nutritional, physical and dental  
212.4 assessments, review of family circumstances that might affect development, blood pressure,  
212.5 laboratory tests, and health history.

212.6 (e) If a statement signed by the child's parent or guardian is submitted to the administrator  
212.7 or other person having general control and supervision of the school that the child has not  
212.8 been screened because of conscientiously held beliefs of the parent or guardian, the screening  
212.9 is not required.

212.10 Sec. 5. Minnesota Statutes 2020, section 121A.19, is amended to read:

212.11 **121A.19 DEVELOPMENTAL SCREENING AID.**

212.12 Each school year, the state must pay a district for each child or student screened by the  
212.13 district according to the requirements of section 121A.17. The amount of state aid for each  
212.14 child or student screened shall be: (1) ~~\$75~~ \$98 for a child screened at age three; (2) ~~\$50~~ \$65  
212.15 for a child screened at age four; (3) ~~\$40~~ \$52 for a child screened at age five or six prior to  
212.16 kindergarten; and (4) ~~\$30~~ \$39 for a student screened within 30 days after first enrolling in  
212.17 a public school kindergarten if the student has not previously been screened according to  
212.18 the requirements of section 121A.17. If this amount of aid is insufficient, the district may  
212.19 permanently transfer from the general fund an amount that, when added to the aid, is  
212.20 sufficient. Developmental screening aid shall not be paid for any student who is screened  
212.21 more than 30 days after the first day of attendance at a public school kindergarten, except  
212.22 if a student transfers to another public school kindergarten within 30 days after first enrolling  
212.23 in a Minnesota public school kindergarten program. In this case, if the student has not been  
212.24 screened, the district to which the student transfers may receive developmental screening  
212.25 aid for screening that student when the screening is performed within 30 days of the transfer  
212.26 date.

212.27 Sec. 6. **122A.731 GRANTS FOR GROW YOUR OWN EARLY CHILDHOOD**  
212.28 **EDUCATOR PROGRAMS.**

212.29 Subdivision 1. Establishment. The commissioner of education must award grants for  
212.30 Grow Your Own Early Childhood Educator programs established under this section in order  
212.31 to develop an early childhood education workforce that more closely reflects the state's  
212.32 increasingly diverse student population and to ensure all students have equitable access to  
212.33 high-quality early educators.

213.1 Subd. 2. **Grow Your Own Early Childhood Educator programs.** (a) Minnesota  
213.2 licensed family child care or licensed center-based child care programs, school district or  
213.3 charter school early learning programs, Head Start programs, institutions of higher education,  
213.4 and other community partnership nongovernment organizations may apply for a grant to  
213.5 host, build, or expand an early childhood educator preparation program that leads to an  
213.6 individual earning the credential or degree needed to enter or advance in the early childhood  
213.7 education workforce. Examples include programs that help interested individuals earn the  
213.8 Child Development Associate credential, an associate's degree in child development, or a  
213.9 bachelor's degree in early childhood studies or early childhood licensures. Programs must  
213.10 prioritize candidates that represent the demographics of the populations served. The grant  
213.11 recipient must use at least 80 percent of grant funds for student stipends and tuition  
213.12 scholarships.

213.13 (b) Programs providing financial support to interested individuals may require a  
213.14 commitment from the individuals awarded financial support, as determined by the program,  
213.15 to teach in the program or school for a reasonable amount of time that does not exceed one  
213.16 year.

213.17 Subd. 3. **Grant procedure.** Eligible programs must apply for a grant under this section  
213.18 in the form and manner specified by the commissioner. To the extent that there are sufficient  
213.19 applications, the commissioner must, to the extent practicable, award an equal number of  
213.20 grants between applicants in greater Minnesota and those in the seven-county metropolitan  
213.21 area.

213.22 Subd. 4. **Grow Your Own Early Childhood Educator programs account.** (a) The  
213.23 Grow Your Own Early Childhood Educator programs account is established in the special  
213.24 revenue fund.

213.25 (b) Funds appropriated for the Grow Your Own Early Childhood Educator programs  
213.26 under this section must be transferred to the Grow Your Own Early Childhood Educator  
213.27 programs account in the special revenue fund.

213.28 (c) Money in the account is annually appropriated to the commissioner for the Grow  
213.29 Your Own Early Childhood Educator programs under this section. Any returned funds are  
213.30 available to be regrant. Grant recipients may apply to use grant money over a period of  
213.31 up to 60 months.

213.32 (d) Up to \$300,000 annually is appropriated to the commissioner for costs associated  
213.33 with administering and monitoring the programs under this section.

214.1 Subd. 5. **Report.** Grant recipients must annually report to the commissioner in the form  
214.2 and manner determined by the commissioner on their activities under this section after  
214.3 completing preparation programs. The report must include the number of educators being  
214.4 supported through grant funds, the number of educators obtaining credentials by type, a  
214.5 comparison of the beginning level of education and ending level of education of individual  
214.6 participants, and an assessment of program effectiveness, including participant feedback,  
214.7 areas for improvement, and where applicable, employment changes and current employment  
214.8 status. The commissioner must publish a public report that summarizes the activities and  
214.9 outcomes of grant recipients and what was done to promote sharing of effective practices  
214.10 among grant recipients and potential grant applicants.

214.11 Sec. 7. Minnesota Statutes 2020, section 124D.1158, subdivision 3, is amended to read:

214.12 **Subd. 3. Program reimbursement.** Each school year, the state must reimburse each  
214.13 participating school 30 cents for each reduced-price breakfast, 55 cents for each fully paid  
214.14 breakfast served to students in grades 1 to 12, and \$1.30 for each fully paid breakfast served  
214.15 to a prekindergarten student enrolled in an approved voluntary prekindergarten program  
214.16 under section 124D.151, early childhood special education students participating in a program  
214.17 authorized under section 124D.151, or a kindergarten student.

214.18 Sec. 8. Minnesota Statutes 2020, section 124D.1158, subdivision 4, is amended to read:

214.19 **Subd. 4. No fees.** A school that receives school breakfast aid under this section must  
214.20 make breakfast available without charge to all participating students in grades 1 to 12 who  
214.21 qualify for free or reduced-price meals and to all prekindergarten students enrolled in an  
214.22 approved voluntary prekindergarten program under section 124D.151, early childhood  
214.23 special education students participating in a program authorized under section 124D.151,  
214.24 and all kindergarten students.

214.25 Sec. 9. Minnesota Statutes 2020, section 124D.13, subdivision 2, is amended to read:

214.26 **Subd. 2. Program requirements.** (a) Early childhood family education programs are  
214.27 programs for children in the period of life from birth to kindergarten, for the parents and  
214.28 other relatives of these children, for adults who provide child care, and for expectant parents.  
214.29 To the extent that funds are insufficient to provide programs for all children, early childhood  
214.30 family education programs should emphasize programming for a child from birth to age  
214.31 three and encourage parents and other relatives to involve four- and five-year-old children  
214.32 in school readiness programs, and other public and nonpublic early learning programs. A

215.1 district may not limit participation to school district residents. Early childhood family  
215.2 education programs must provide:

215.3 (1) programs to educate parents ~~and~~<sub>2</sub> other relatives, and caregivers about the physical,  
215.4 cognitive, social, and emotional development of children and to enhance the skills of parents  
215.5 and other relatives in providing for their children's learning and development;

215.6 (2) structured learning activities requiring interaction between children and their parents  
215.7 ~~or~~<sub>2</sub> other relatives, and caregivers;

215.8 (3) structured learning activities for children that promote children's development and  
215.9 positive interaction with peers, which are held while parents ~~or~~<sub>2</sub> other relatives, and caregivers  
215.10 attend parent education classes;

215.11 (4) information on related community resources;

215.12 (5) information, materials, and activities that support the safety of children, including  
215.13 prevention of child abuse and neglect;

215.14 (6) a community needs assessment that identifies new and underserved populations,  
215.15 identifies child and family risk factors, particularly those that impact children's learning and  
215.16 development, and assesses family and parenting education needs in the community;

215.17 (7) programming and services that are tailored to the needs of families and parents  
215.18 prioritized in the community needs assessment; and

215.19 (8) information about and, if needed, assist in making arrangements for an early childhood  
215.20 health and developmental screening under sections 121A.16 and 121A.17, when the child  
215.21 nears the third birthday.

215.22 Early childhood family education programs should prioritize programming and services  
215.23 for families and parents identified in the community needs assessment, particularly those  
215.24 families and parents with children with the most risk factors birth to age three.

215.25 Early childhood family education programs are encouraged to provide parents of English  
215.26 learners with translated oral and written information to monitor the program's impact on  
215.27 their children's English language development, to know whether their children are progressing  
215.28 in developing their English and native language proficiency, and to actively engage with  
215.29 and support their children in developing their English and native language proficiency.

215.30 The programs must include learning experiences for children, parents, ~~and~~<sub>2</sub> other relatives,  
215.31 and caregivers that promote children's early literacy and, where practicable, their native  
215.32 language skills and activities for children that require substantial involvement of the children's

216.1 parents or other relatives. The program may provide parenting education programming or  
 216.2 services to anyone identified in the community needs assessment. Providers must review  
 216.3 the program periodically to assure the instruction and materials are not racially, culturally,  
 216.4 or sexually biased. The programs must encourage parents to be aware of practices that may  
 216.5 affect equitable development of children.

216.6 (b) For the purposes of this section, "relative" or "relatives" means noncustodial  
 216.7 grandparents or other persons related to a child by blood, marriage, adoption, or foster  
 216.8 placement, excluding parents.

216.9 Sec. 10. Minnesota Statutes 2020, section 124D.13, subdivision 3, is amended to read:

216.10 Subd. 3. **Substantial parental involvement.** The requirement of substantial parental  
 216.11 ~~or~~ other relative, or caregiver involvement in subdivision 2 means that:

216.12 ~~(a)~~ (1) parents ~~or~~ other relatives, or caregivers must be physically present much of the  
 216.13 time in classes with their children or be in concurrent classes;

216.14 ~~(b)~~ (2) parenting education or family education must be an integral part of every early  
 216.15 childhood family education program;

216.16 ~~(c)~~ (3) early childhood family education appropriations must not be used for traditional  
 216.17 day care or nursery school, or similar programs; and

216.18 ~~(d)~~ (4) the form of parent involvement common to kindergarten, elementary school, or  
 216.19 early childhood special education programs such as parent conferences, newsletters, and  
 216.20 notes to parents do not qualify a program under subdivision 2.

216.21 Sec. 11. Minnesota Statutes 2020, section 124D.141, subdivision 2, is amended to read:

216.22 Subd. 2. **Additional duties.** The following duties are added to those assigned to the  
 216.23 council under federal law:

216.24 (1) make recommendations on the most efficient and effective way to leverage state and  
 216.25 federal funding streams for early childhood and child care programs;

216.26 ~~(2) make recommendations on how to coordinate or collocate early childhood and child~~  
 216.27 ~~care programs in one state Office of Early Learning. The council shall establish a task force~~  
 216.28 ~~to develop these recommendations. The task force shall include two nonexecutive branch~~  
 216.29 ~~or nonlegislative branch representatives from the council; six representatives from the early~~  
 216.30 ~~childhood caucus; two representatives each from the Departments of Education, Human~~  
 216.31 ~~Services, and Health; one representative each from a local public health agency, a local~~



217.1 ~~county human services agency, and a school district; and two representatives from the~~  
217.2 ~~private nonprofit organizations that support early childhood programs in Minnesota. In~~  
217.3 ~~developing recommendations in coordination with existing efforts of the council, the task~~  
217.4 ~~force shall consider how to:~~

217.5 ~~(i) consolidate and coordinate resources and public funding streams for early childhood~~  
217.6 ~~education and child care, and ensure the accountability and coordinated development of all~~  
217.7 ~~early childhood education and child care services to children from birth to kindergarten~~  
217.8 ~~entrance;~~

217.9 ~~(ii) create a seamless transition from early childhood programs to kindergarten;~~

217.10 ~~(iii) encourage family choice by ensuring a mixed system of high-quality public and~~  
217.11 ~~private programs, with local points of entry, staffed by well-qualified professionals;~~

217.12 ~~(iv) ensure parents a decisive role in the planning, operation, and evaluation of programs~~  
217.13 ~~that aid families in the care of children;~~

217.14 ~~(v) provide consumer education and accessibility to early childhood education and child~~  
217.15 ~~care resources;~~

217.16 ~~(vi) advance the quality of early childhood education and child care programs in order~~  
217.17 ~~to support the healthy development of children and preparation for their success in school;~~

217.18 ~~(vii) develop a seamless service delivery system with local points of entry for early~~  
217.19 ~~childhood education and child care programs administered by local, state, and federal~~  
217.20 ~~agencies;~~

217.21 ~~(viii) ensure effective collaboration between state and local child welfare programs and~~  
217.22 ~~early childhood mental health programs and the Office of Early Learning;~~

217.23 ~~(ix) develop and manage an effective data collection system to support the necessary~~  
217.24 ~~functions of a coordinated system of early childhood education and child care in order to~~  
217.25 ~~enable accurate evaluation of its impact;~~

217.26 ~~(x) respect and be sensitive to family values and cultural heritage; and~~

217.27 ~~(xi) establish the administrative framework for and promote the development of early~~  
217.28 ~~childhood education and child care services in order to provide that these services, staffed~~  
217.29 ~~by well-qualified professionals, are available in every community for all families that express~~  
217.30 ~~a need for them.~~

217.31 ~~In addition, the task force must consider the following responsibilities for transfer to the~~  
217.32 ~~Office of Early Learning:~~

218.1 ~~(A) responsibilities of the commissioner of education for early childhood education~~  
218.2 ~~programs and financing under sections 119A.50 to 119A.535, 121A.16 to 121A.19, and~~  
218.3 ~~124D.129 to 124D.2211;~~

218.4 ~~(B) responsibilities of the commissioner of human services for child care assistance,~~  
218.5 ~~child care development, and early childhood learning and child protection facilities programs~~  
218.6 ~~and financing under chapter 119B and section 256E.37; and~~

218.7 ~~(C) responsibilities of the commissioner of health for family home visiting programs~~  
218.8 ~~and financing under section 145A.17.~~

218.9 ~~Any costs incurred by the council in making these recommendations must be paid from~~  
218.10 ~~private funds. If no private funds are received, the council must not proceed in making these~~  
218.11 ~~recommendations. The council must report its recommendations to the governor and the~~  
218.12 ~~legislature by January 15, 2011;~~

218.13 ~~(3) (2) review program evaluations regarding high-quality early childhood programs;~~

218.14 ~~(4) (3) make recommendations to the governor and legislature, including proposed~~  
218.15 ~~legislation on how to most effectively create a high-quality early childhood system in~~  
218.16 ~~Minnesota in order to improve the educational outcomes of children so that all children are~~  
218.17 ~~school-ready by 2020; and~~

218.18 ~~(5) make recommendations to the governor and the legislature by March 1, 2011, on the~~  
218.19 ~~creation and implementation of a statewide school readiness report card to monitor progress~~  
218.20 ~~toward the goal of having all children ready for kindergarten by the year 2020. The~~  
218.21 ~~recommendations shall include what should be measured including both children and system~~  
218.22 ~~indicators, what benchmarks should be established to measure state progress toward the~~  
218.23 ~~goal, and how frequently the report card should be published. In making their~~  
218.24 ~~recommendations, the council shall consider the indicators and strategies for Minnesota's~~  
218.25 ~~early childhood system report, the Minnesota school readiness study, developmental~~  
218.26 ~~assessment at kindergarten entrance, and the work of the council's accountability committee.~~  
218.27 ~~Any costs incurred by the council in making these recommendations must be paid from~~  
218.28 ~~private funds. If no private funds are received, the council must not proceed in making these~~  
218.29 ~~recommendations; and~~

218.30 ~~(6) make recommendations to the governor and the legislature on how to screen earlier~~  
218.31 ~~and comprehensively assess children for school readiness in order to provide increased early~~  
218.32 ~~interventions and increase the number of children ready for kindergarten. In formulating~~  
218.33 ~~their recommendations, the council shall consider (i) ways to interface with parents of~~  
218.34 ~~children who are not participating in early childhood education or care programs, (ii) ways~~

219.1 ~~to interface with family child care providers, child care centers, and school-based early~~  
219.2 ~~childhood and Head Start programs, (iii) if there are age-appropriate and culturally sensitive~~  
219.3 ~~screening and assessment tools for three-, four-, and five-year-olds, (iv) the role of the~~  
219.4 ~~medical community in screening, (v) incentives for parents to have children screened at an~~  
219.5 ~~earlier age, (vi) incentives for early education and care providers to comprehensively assess~~  
219.6 ~~children in order to improve instructional practice, (vii) how to phase in increases in screening~~  
219.7 ~~and assessment over time, (viii) how the screening and assessment data will be collected~~  
219.8 ~~and used and who will have access to the data, (ix) how to monitor progress toward the goal~~  
219.9 ~~of having 50 percent of three-year-old children screened and 50 percent of entering~~  
219.10 ~~kindergarteners assessed for school readiness by 2015 and 100 percent of three-year-old~~  
219.11 ~~children screened and entering kindergarteners assessed for school readiness by 2020, and~~  
219.12 ~~(x) costs to meet these benchmarks. The council shall consider the screening instruments~~  
219.13 ~~and comprehensive assessment tools used in Minnesota early childhood education and care~~  
219.14 ~~programs and kindergarten. The council may survey early childhood education and care~~  
219.15 ~~programs in the state to determine the screening and assessment tools being used or rely on~~  
219.16 ~~previously collected survey data, if available. For purposes of this subdivision, "school~~  
219.17 ~~readiness" is defined as the child's skills, knowledge, and behaviors at kindergarten entrance~~  
219.18 ~~in these areas of child development: social; self-regulation; cognitive, including language,~~  
219.19 ~~literacy, and mathematical thinking; and physical. For purposes of this subdivision,~~  
219.20 ~~"screening" is defined as the activities used to identify a child who may need further~~  
219.21 ~~evaluation to determine delay in development or disability. For purposes of this subdivision,~~  
219.22 ~~"assessment" is defined as the activities used to determine a child's level of performance in~~  
219.23 ~~order to promote the child's learning and development. Work on this duty will begin in~~  
219.24 ~~fiscal year 2012. Any costs incurred by the council in making these recommendations must~~  
219.25 ~~be paid from private funds. If no private funds are received, the council must not proceed~~  
219.26 ~~in making these recommendations. The council must report its recommendations to the~~  
219.27 ~~governor and legislature by January 15, 2013, with an interim report on February 15, 2011.~~

219.28 (4) review and provide input on the recommendations and implementation timelines  
219.29 developed by the Great Start For All Minnesota Children Task Force under Laws 2021,  
219.30 First Special Session chapter 7, article 14, section 18, subdivision 2.

220.1 Sec. 12. Minnesota Statutes 2020, section 124D.151, as amended by Laws 2021, First  
220.2 Special Session chapter 13, article 9, section 1, is amended to read:

220.3 **124D.151 VOLUNTARY PREKINDERGARTEN PROGRAM FOR ELIGIBLE**  
220.4 **FOUR-YEAR-OLD CHILDREN.**

220.5 Subdivision 1. **Establishment; purpose.** ~~A district, a charter school, a group of districts,~~  
220.6 ~~a group of charter schools, or a group of districts and charter schools~~ school district or  
220.7 charter school, a child care center or family child care provider licensed under section  
220.8 245A.03, or a Head Start agency licensed under section 245A.03 that meets program  
220.9 requirements under subdivision 2 may establish a voluntary prekindergarten program for  
220.10 eligible four-year-old children. The purpose of a voluntary prekindergarten program is to  
220.11 prepare children for success as they enter kindergarten in the following year.

220.12 Subd. 1a. **Definition.** For purposes of this section, "lead teacher" means an individual  
220.13 with primary responsibility for the instruction and care of eligible children in a voluntary  
220.14 prekindergarten classroom. A lead teacher employed by a school district is a teacher for  
220.15 purposes of sections 122A.40, subdivision 1; 122A.41, subdivision 1, paragraph (a); and  
220.16 179A.03, subdivision 18.

220.17 Subd. 2. **Program requirements.** ~~(a)~~ A voluntary prekindergarten program provider  
220.18 must:

220.19 (1) provide instruction through play-based learning to foster children's social and  
220.20 emotional development, cognitive development, physical and motor development, and  
220.21 language and literacy skills, including the native language and literacy skills of English  
220.22 learners, to the extent practicable;

220.23 (2) ~~measure each child's cognitive and social skills~~ assess each child's progress toward  
220.24 the state's early learning standards at program entrance and exit using a  
220.25 commissioner-approved, formative measure aligned to the state's early learning standards  
220.26 ~~when the child enters and again before the child leaves the program, screening and progress~~  
220.27 ~~monitoring measures, and other age-appropriate versions from the state-approved menu of~~  
220.28 ~~kindergarten entry profile measures;~~ age-appropriate assessment that must be submitted to  
220.29 the department in the form and manner prescribed by the commissioner;

220.30 (3) provide comprehensive program content aligned with the state's early learning  
220.31 standards, including the implementation of curriculum, assessment, and intentional  
220.32 ~~instructional strategies aligned with the state early learning standards, and kindergarten~~  
220.33 ~~through grade 3 academic standards;~~

221.1 (4) provide instructional content and activities that are of sufficient length and intensity  
221.2 to address learning needs including offering a program with at least ~~350~~ 850 hours of  
221.3 instruction per school year for a prekindergarten student;

221.4 (5) provide voluntary prekindergarten ~~instructional~~ staff salaries ~~comparable and set~~  
221.5 salary schedules equivalent to the salaries of local kindergarten through grade 12 instructional  
221.6 staff, public school district elementary school staff with similar credentials and experience  
221.7 for school district and charter prekindergarten program sites and, to the extent practicable,  
221.8 for Head Start, child care center, and family child care sites;

221.9 (6) employ a lead teacher for each voluntary prekindergarten classroom who has at least  
221.10 a bachelor's degree in early education or a related field no later than July 1, 2028. Teachers  
221.11 employed by an eligible provider for at least three of the last five years immediately preceding  
221.12 July 1, 2022, who meet the necessary content knowledge and teaching skills for early  
221.13 childhood educators, as demonstrated through measures determined by the state, may be  
221.14 employed as a lead teacher;

221.15 ~~(6)~~ (7) coordinate appropriate kindergarten transition with families, ~~community-based~~  
221.16 ~~prekindergarten programs, and school district kindergarten programs;~~ and all mixed-delivery  
221.17 partners within the school district;

221.18 ~~(7)~~ (8) involve parents in program ~~planning~~ decision making and transition planning by  
221.19 implementing parent engagement strategies that include culturally and linguistically  
221.20 responsive activities in prekindergarten through third grade that are aligned with early  
221.21 childhood family education under section 124D.13;

221.22 ~~(8)~~ (9) coordinate with relevant community-based services, including health and social  
221.23 service agencies, to ensure children have access to comprehensive services;

221.24 ~~(9)~~ (10) coordinate with all relevant school district programs and services including  
221.25 early childhood special education, homeless students, and English learners;

221.26 ~~(10)~~ (11) ensure staff-to-child ratios of one-to-ten and a maximum group size of 20  
221.27 children; in school-based programs, staff-to-child ratios and group size as required for child  
221.28 care center and family child care licensing in programs offered in child care centers and by  
221.29 family child care providers, and staff-to-child ratios and group size as determined by Head  
221.30 Start standards in programs offered by Head Start agencies; and

221.31 ~~(11)~~ (12) provide high-quality coordinated professional development, training, and  
221.32 coaching for ~~both school district and community-based early learning,~~ Head Start, child  
221.33 care center, and family child care providers that is informed by a measure of adult-child

222.1 interactions and enables teachers to be highly knowledgeable in early childhood curriculum  
222.2 content, assessment, native and English language development programs, and instruction;  
222.3 ~~and.~~

222.4 ~~(12) implement strategies that support the alignment of professional development,~~  
222.5 ~~instruction, assessments, and prekindergarten through grade 3 curricula.~~

222.6 ~~(b) A voluntary prekindergarten program must have teachers knowledgeable in early~~  
222.7 ~~childhood curriculum content, assessment, native and English language programs, and~~  
222.8 ~~instruction.~~

222.9 ~~(c) Districts and charter schools must include their strategy for implementing and~~  
222.10 ~~measuring the impact of their voluntary prekindergarten program under section 120B.11~~  
222.11 ~~and provide results in their world's best workforce annual summary to the commissioner of~~  
222.12 ~~education.~~

222.13 Subd. 3. **Mixed delivery of services program plan.** ~~A district or charter school may~~  
222.14 ~~contract with a charter school, Head Start or child care centers, family child care programs~~  
222.15 ~~licensed under section 245A.03, or a community-based organization to provide eligible~~  
222.16 ~~children with developmentally appropriate services that meet the program requirements in~~  
222.17 ~~subdivision 2. Components of a mixed-delivery plan include strategies for recruitment,~~  
222.18 ~~contracting, and monitoring of fiscal compliance and program quality. School districts and~~  
222.19 ~~charter schools that receive funding for voluntary prekindergarten programs must develop~~  
222.20 ~~and submit a mixed-delivery program plan to the Department of Education annually by July~~  
222.21 ~~1, 2023, and every year thereafter, in a manner and format prescribed by the commissioner.~~  
222.22 ~~The plan must ensure alignment of all voluntary prekindergarten program providers within~~  
222.23 ~~the school district boundaries in meeting the program requirements in subdivision 2 and~~  
222.24 ~~must include:~~

222.25 ~~(1) a description of the process used to convene and obtain group agreement among all~~  
222.26 ~~voluntary prekindergarten program providers within the district boundaries in order to~~  
222.27 ~~coordinate efforts regarding the requirements in subdivision 2;~~

222.28 ~~(2) a description of the voluntary prekindergarten program providers within the school~~  
222.29 ~~district boundaries, including but not limited to the name and location of partners and the~~  
222.30 ~~number of hours and days per week the program will be offered at each program site;~~

222.31 ~~(3) an estimate of the number of eligible children to be served in the program at each~~  
222.32 ~~school site or mixed-delivery location;~~

223.1 (4) a plan for recruitment, outreach, and communication regarding the availability of  
223.2 public prekindergarten programming within the community;

223.3 (5) a plan for coordinating and offering professional development opportunities, as  
223.4 needed;

223.5 (6) a plan for coordinating the required child assessments, as needed, and continuous  
223.6 quality improvement efforts to ensure quality instruction;

223.7 (7) a plan for meeting the needs of any child with an individualized education plan;

223.8 (8) a plan to ensure salaries equivalent to school staff with comparable credentials and  
223.9 experience;

223.10 (9) a detailed plan for transitioning children and families to kindergarten; and

223.11 (10) a statement of assurances signed by the superintendent, charter school director,  
223.12 Head Start director, child care center director, or family child care license holder that the  
223.13 proposed program meets the requirements of subdivision 2. A statement of assurances must  
223.14 be submitted in the mixed-delivery program plan and must be signed by an individual from  
223.15 each voluntary prekindergarten program provider with authority to enter into the agreement.

223.16 Subd. 3a. **Funding.** (a) School district and charter school voluntary prekindergarten  
223.17 providers are funded based on the number of eligible pupils enrolled as authorized under  
223.18 chapters 124D, 124E, and 126C.

223.19 (b) Head Start voluntary prekindergarten providers that are licensed under section  
223.20 245A.03 and meet the requirements of subdivisions 2 and 3 must receive \$11,000 per child  
223.21 served per year.

223.22 (c) Licensed child care center and family child care voluntary prekindergarten providers  
223.23 that are licensed under section 245A.03 and meet the requirements of subdivisions 2 and 3  
223.24 must receive \$11,000 per child served per year.

223.25 (d) The commissioner must establish a process for allocating the seats under paragraphs  
223.26 (b) and (c) that match community strengths, capacity, and needs. The number of seats per  
223.27 year is subject to the availability of appropriations.

223.28 (e) Up to 2.5 percent of the amounts appropriated for paragraphs (b) and (c) may be  
223.29 used for distribution of funds.

223.30 Subd. 4. **Eligibility.** A (a) An eligible child means a child who:

223.31 (1) is four years of age as of September 1 in the calendar year in which the school year  
223.32 commences is; and

- 224.1 (2) meets at least one of the following criteria:
- 224.2 (i) qualifies for free or reduced-price meals;
- 224.3 (ii) is an English learner as defined by section 124D.59, subdivision 2;
- 224.4 (iii) is American Indian;
- 224.5 (iv) is experiencing homelessness;
- 224.6 (v) has an individualized education plan under section 125A.08;
- 224.7 (vi) was identified as having a potential risk factor that may influence learning through
- 224.8 health and developmental screening under sections 121A.16 to 121.19;
- 224.9 (vii) is in foster care, in need of child protection services, or in kinship care, including
- 224.10 children receiving Northstar kinship assistance under chapter 256N;
- 224.11 (viii) has a parent who is a migrant or seasonal agriculture laborer under section 181.85;
- 224.12 or
- 224.13 (ix) has a parent who is incarcerated.
- 224.14 (b) An eligible child is eligible to participate in a voluntary prekindergarten program
- 224.15 free of charge. ~~An eligible four-year-old child served in a mixed-delivery system by a child~~
- 224.16 ~~care center, family child care program licensed under section 245A.03, or community-based~~
- 224.17 ~~organization~~ Programs may charge a sliding fee for instructional hours that exceed 850
- 224.18 hours during the school year, any hours that provide before- or after-school child care during
- 224.19 the school year, or any hours that provide child care during the summer. A child that does
- 224.20 not meet the eligibility requirements in paragraph (a), clause (2), may participate in the
- 224.21 same classroom as eligible children and may be charged a sliding fee as long as the
- 224.22 ~~mixed-delivery partner~~ state funding was not awarded a seat for that child.
- 224.23 (c) Each eligible child must complete a health and developmental screening within 90
- 224.24 days of program enrollment under sections 121A.16 to 121A.19, and provide documentation
- 224.25 of required immunizations under section 121A.15.
- 224.26 **Subd. 5. Application process; priority for high poverty schools.** (a) To qualify for
- 224.27 program approval for fiscal year 2017, a district or charter school must submit an application
- 224.28 to the commissioner by July 1, 2016. To qualify for program approval for fiscal year 2018
- 224.29 and later, a district or charter school must submit an application to the commissioner by
- 224.30 January 30 of the fiscal year prior to the fiscal year in which the program will be
- 224.31 implemented. The application must include:



225.1 (1) a description of the proposed program, including the number of hours per week the  
225.2 program will be offered at each school site or mixed-delivery location;

225.3 (2) an estimate of the number of eligible children to be served in the program at each  
225.4 school site or mixed-delivery location; and

225.5 (3) a statement of assurances signed by the superintendent or charter school director that  
225.6 the proposed program meets the requirements of subdivision 2.

225.7 (b) The commissioner must review all applications submitted for fiscal year 2017 by  
225.8 August 1, 2016, and must review all applications submitted for fiscal year 2018 and later  
225.9 by March 1 of the fiscal year in which the applications are received and determine whether  
225.10 each application meets the requirements of paragraph (a).

225.11 (c) The commissioner must divide all applications for new or expanded voluntary  
225.12 prekindergarten programs under this section meeting the requirements of paragraph (a) and  
225.13 school readiness plus programs into four groups as follows: the Minneapolis and St. Paul  
225.14 school districts; other school districts located in the metropolitan equity region as defined  
225.15 in section 126C.10, subdivision 28; school districts located in the rural equity region as  
225.16 defined in section 126C.10, subdivision 28; and charter schools. Within each group, the  
225.17 applications must be ordered by rank using a sliding scale based on the following criteria:

225.18 (1) concentration of kindergarten students eligible for free or reduced-price lunches by  
225.19 school site on October 1 of the previous school year. A school site may contract to partner  
225.20 with a community-based provider or Head Start under subdivision 3 or establish an early  
225.21 childhood center and use the concentration of kindergarten students eligible for free or  
225.22 reduced-price meals from a specific school site as long as those eligible children are  
225.23 prioritized and guaranteed services at the mixed-delivery site or early education center. For  
225.24 school district programs to be operated at locations that do not have free and reduced-price  
225.25 lunch concentration data for kindergarten programs for October 1 of the previous school  
225.26 year, including mixed-delivery programs, the school district average concentration of  
225.27 kindergarten students eligible for free or reduced-price lunches must be used for the rank  
225.28 ordering;

225.29 (2) presence or absence of a three- or four-star Parent Aware rated program within the  
225.30 school district or close proximity of the district. School sites with the highest concentration  
225.31 of kindergarten students eligible for free or reduced-price lunches that do not have a three-  
225.32 or four-star Parent Aware program within the district or close proximity of the district shall  
225.33 receive the highest priority, and school sites with the lowest concentration of kindergarten  
225.34 students eligible for free or reduced-price lunches that have a three- or four-star Parent

226.1 Aware rated program within the district or close proximity of the district shall receive the  
226.2 lowest priority; and

226.3 (3) whether the district has implemented a mixed delivery system.

226.4 (d) The limit on participation for the programs as specified in subdivision 6 must initially  
226.5 be allocated among the four groups based on each group's percentage share of the statewide  
226.6 kindergarten enrollment on October 1 of the previous school year. Within each group, the  
226.7 participation limit for fiscal years 2018 and 2019 must first be allocated to school sites  
226.8 approved for aid in the previous year to ensure that those sites are funded for the same  
226.9 number of participants as approved for the previous year. The remainder of the participation  
226.10 limit for each group must be allocated among school sites in priority order until that region's  
226.11 share of the participation limit is reached. If the participation limit is not reached for all  
226.12 groups, the remaining amount must be allocated to the highest priority school sites, as  
226.13 designated under this section, not funded in the initial allocation on a statewide basis. For  
226.14 fiscal year 2020 and later, the participation limit must first be allocated to school sites  
226.15 approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year  
226.16 2018 based on the statewide rankings under paragraph (c).

226.17 (e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid  
226.18 under this subdivision, it shall remain eligible for aid if it continues to meet program  
226.19 requirements, regardless of changes in the concentration of students eligible for free or  
226.20 reduced-price lunches.

226.21 (f) If the total number of participants approved based on applications submitted under  
226.22 paragraph (a) is less than the participation limit under subdivision 6, the commissioner must  
226.23 notify all school districts and charter schools of the amount that remains available within  
226.24 30 days of the initial application deadline under paragraph (a), and complete a second round  
226.25 of allocations based on applications received within 60 days of the initial application deadline.

226.26 (g) Procedures for approving applications submitted under paragraph (f) shall be the  
226.27 same as specified in paragraphs (a) to (d), except that the allocations shall be made to the  
226.28 highest priority school sites not funded in the initial allocation on a statewide basis.

226.29 **Subd. 6. Participation limits.** (a) Notwithstanding section 126C.05, subdivision 1,  
226.30 paragraph (d), the pupil units for a voluntary prekindergarten program for an eligible school  
226.31 district or charter school must not exceed 60 percent of the kindergarten pupil units for that  
226.32 school district or charter school under section 126C.05, subdivision 1, paragraph (e).

226.33 (b) In reviewing applications under subdivision 5, the commissioner must limit the total  
226.34 number of participants in the voluntary prekindergarten and school readiness plus programs

227.1 under Laws 2017, First Special Session chapter 5, article 8, section 9, to not more than 7,160  
 227.2 participants for fiscal years 2019, 2020, 2021, 2022, and 2023, and 3,160 participants for  
 227.3 fiscal years 2024 and later.

227.4 Subd. 7. **Financial accounting.** An eligible school district or charter school must record  
 227.5 expenditures attributable to voluntary prekindergarten pupils according to guidelines prepared  
 227.6 by the commissioner under section 127A.17. Child care centers, family child care providers,  
 227.7 and Head Start agencies must record expenditures attributable to voluntary prekindergarten  
 227.8 pupils according to guidelines developed and approved by the commissioner of education.

227.9 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

227.10 Sec. 13. Minnesota Statutes 2020, section 124D.165, subdivision 2, is amended to read:

227.11 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,  
 227.12 parents or guardians must have an eligible child and meet at least one of the following  
 227.13 eligibility requirements:

227.14 ~~(1) have an eligible child; and~~

227.15 ~~(2) (1) have income equal to or less than 185 200 percent of federal poverty level income~~  
 227.16 ~~in the current calendar year; or;~~

227.17 ~~(2) be able to document their child's current participation in the free and reduced-price~~  
 227.18 ~~lunch meal program or Child and Adult Care Food Program, National School Lunch Act,~~  
 227.19 ~~United States Code, title 42, sections 1751 and 1766; the Food Distribution Program on~~  
 227.20 ~~Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections 2011-2036;~~  
 227.21 ~~Head Start under the federal Improving Head Start for School Readiness Act of 2007;~~  
 227.22 ~~Minnesota family investment program under chapter 256J; child care assistance programs~~  
 227.23 ~~under chapter 119B; the supplemental nutrition assistance program; or placement~~

227.24 ~~(3) have a child referred as in need of child protection services or placed in foster care~~  
 227.25 ~~under section 260C.212.~~

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

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

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

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

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

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

228.5 (d) Early learning scholarships may not be counted as earned income for the purposes  
228.6 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota  
228.7 family investment program under chapter 256J, child care assistance programs under chapter  
228.8 119B, or Head Start under the federal Improving Head Start for School Readiness Act of  
228.9 2007.

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

228.15 Sec. 14. Minnesota Statutes 2020, section 124D.165, subdivision 3, is amended to read:

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

228.20 (1) are not yet four years of age;

228.21 ~~(1)~~ (2) have a parent under age 21 who is pursuing a high school diploma or a course of  
228.22 study for a high school equivalency test;

228.23 ~~(2)~~ (3) are in foster care or otherwise;

228.24 (4) have been referred as in need of child protection or services; or

228.25 (5) have an incarcerated parent;

228.26 ~~(3)~~ (6) have experienced homelessness in the last 24 months, as defined under the federal  
228.27 McKinney-Vento Homeless Assistance Act, United States Code, title 42, section 11434a-;  
228.28 or

228.29 (7) has family income less than or equal to 185 percent of federal poverty level income  
228.30 in the current calendar year.

229.1 (b) The commissioner may prioritize applications on additional factors including family  
229.2 income, geographic location, and whether the child's family is on a waiting list for a publicly  
229.3 funded program providing early education or child care services.

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

229.6 ~~(e)~~ A four-star rated program that has children eligible for a scholarship enrolled in or  
229.7 on a waiting list for a program beginning in July, August, or September may notify the  
229.8 commissioner, in the form and manner prescribed by the commissioner, each year of the  
229.9 program's desire to enhance program services or to serve more children than current funding  
229.10 provides. The commissioner may designate a predetermined number of scholarship slots  
229.11 for that program and notify the program of that number. For fiscal year 2018 and later, the  
229.12 statewide amount of funding directly designated by the commissioner must not exceed the  
229.13 funding directly designated for fiscal year 2017. Beginning July 1, 2016, a school district  
229.14 or Head Start program qualifying under this paragraph may use its established registration  
229.15 process to enroll scholarship recipients and may verify a scholarship recipient's family  
229.16 income in the same manner as for other program participants.

229.17 (d) The commissioner may establish exploratory efforts to increase parent education  
229.18 and family support services to families receiving early learning scholarships, including  
229.19 home visits and parent education services.

229.20 ~~(d)~~ (e) A scholarship is awarded for a 12-month period. If the scholarship recipient has  
229.21 not been accepted and subsequently enrolled in a rated program within ~~ten~~ three months of  
229.22 the awarding of the scholarship, the scholarship cancels and the recipient must reapply in  
229.23 order to be eligible for another scholarship. An extension may be requested if a program is  
229.24 unavailable for the child within the three-month timeline. A child may not be awarded more  
229.25 than one scholarship in a 12-month period.

229.26 ~~(e)~~ (f) A child who receives a scholarship who has not completed development screening  
229.27 under sections 121A.16 to 121A.19 must complete that screening within 90 days of first  
229.28 attending an eligible program or within 90 days after the child's third birthday if awarded  
229.29 a scholarship under the age of three.

229.30 ~~(f)~~ For fiscal year 2017 and later, a school district or Head Start program enrolling  
229.31 scholarship recipients under paragraph (e) may apply to the commissioner, in the form and  
229.32 manner prescribed by the commissioner, for direct payment of state aid. Upon receipt of  
229.33 the application, the commissioner must pay each program directly for each approved

230.1 ~~scholarship recipient enrolled under paragraph (e) according to the metered payment system~~  
230.2 ~~or another schedule established by the commissioner.~~

230.3 Sec. 15. Minnesota Statutes 2020, section 124D.59, subdivision 2, is amended to read:

230.4 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten through  
230.5 grade 12; an early childhood special education student under Part B, section 619, of the  
230.6 Individuals with Disabilities Education Act, United States Code, title 20, section 1419; or  
230.7 a prekindergarten student enrolled in an approved voluntary prekindergarten program under  
230.8 section 124D.151 or a school readiness plus program who meets the requirements under  
230.9 subdivision 2a or the following requirements:

230.10 (1) the pupil, as declared by a parent or guardian first learned a language other than  
230.11 English, comes from a home where the language usually spoken is other than English, or  
230.12 usually speaks a language other than English; and

230.13 (2) the pupil is determined by a valid assessment measuring the pupil's English language  
230.14 proficiency and by developmentally appropriate measures, which might include observations,  
230.15 teacher judgment, parent recommendations, or developmentally appropriate assessment  
230.16 instruments, to lack the necessary English skills to participate fully in academic classes  
230.17 taught in English.

230.18 (b) A pupil enrolled in a Minnesota public school in any grade 4 through 12 who in the  
230.19 previous school year took a commissioner-provided assessment measuring the pupil's  
230.20 emerging academic English, shall be counted as an English learner in calculating English  
230.21 learner pupil units under section 126C.05, subdivision 17, and shall generate state English  
230.22 learner aid under section 124D.65, subdivision 5, if the pupil scored below the state cutoff  
230.23 score or is otherwise counted as a nonproficient participant on the assessment measuring  
230.24 the pupil's emerging academic English, or, in the judgment of the pupil's classroom teachers,  
230.25 consistent with section 124D.61, clause (1), the pupil is unable to demonstrate academic  
230.26 language proficiency in English, including oral academic language, sufficient to successfully  
230.27 and fully participate in the general core curriculum in the regular classroom.

230.28 (c) Notwithstanding paragraphs (a) and (b), a pupil in early childhood special education  
230.29 or prekindergarten under section 124D.151, through grade 12 shall not be counted as an  
230.30 English learner in calculating English learner pupil units under section 126C.05, subdivision  
230.31 17, and shall not generate state English learner aid under section 124D.65, subdivision 5,  
230.32 if:

231.1 (1) the pupil is not enrolled during the current fiscal year in an educational program for  
 231.2 English learners under sections 124D.58 to 124D.64; or

231.3 (2) the pupil has generated seven or more years of average daily membership in Minnesota  
 231.4 public schools since July 1, 1996.

231.5 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

231.6 Sec. 16. Minnesota Statutes 2021 Supplement, section 126C.05, subdivision 1, is amended  
 231.7 to read:

231.8 Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the age  
 231.9 of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in  
 231.10 average daily membership enrolled in the district of residence, in another district under  
 231.11 sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under  
 231.12 chapter 124E; or for whom the resident district pays tuition under section 123A.18, 123A.22,  
 231.13 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03  
 231.14 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

231.15 (a) A prekindergarten pupil with a disability who is enrolled in a program approved by  
 231.16 the commissioner and has an individualized education program is counted as the ratio of  
 231.17 the number of hours of assessment and education service to 825 times 1.0 with a minimum  
 231.18 average daily membership of 0.28, but not more than 1.0 pupil unit.

231.19 (b) A prekindergarten pupil who is assessed but determined not to be disabled is counted  
 231.20 as the ratio of the number of hours of assessment service to 825 times 1.0.

231.21 ~~(c) A kindergarten pupil with a disability who is enrolled in a program approved by the~~  
 231.22 ~~commissioner is counted as the ratio of the number of hours of assessment and education~~  
 231.23 ~~services required in the fiscal year by the pupil's individualized education program to 875,~~  
 231.24 ~~but not more than one.~~

231.25 ~~(d)~~ (c) A prekindergarten pupil who is not included in paragraph (a) or (b) and is enrolled  
 231.26 in an approved a voluntary prekindergarten program under section 124D.151 is counted as  
 231.27 the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil  
 231.28 units that meets the minimum hours required in section 120A.41 is counted as 1.0 pupil  
 231.29 unit.

231.30 ~~(e)~~ (d) A kindergarten pupil who is not included in paragraph (c) is counted as 1.0 pupil  
 231.31 unit if the pupil is enrolled in a free all-day, every day kindergarten program available to  
 231.32 all kindergarten pupils at the pupil's school that meets the minimum hours requirement in

232.1 section 120A.41, or is counted as .55 pupil unit, if the pupil is not enrolled in a free all-day,  
 232.2 every day kindergarten program available to all kindergarten pupils at the pupil's school.

232.3 ~~(f)~~ (e) A pupil who is in any of grades 1 to 6 is counted as 1.0 pupil unit.

232.4 ~~(g)~~ (f) A pupil who is in any of grades 7 to 12 is counted as 1.2 pupil units.

232.5 ~~(h)~~ (g) A pupil who is in the postsecondary enrollment options program is counted as  
 232.6 1.2 pupil units.

232.7 ~~(i) For fiscal years 2018 through 2023, a prekindergarten pupil who:~~

232.8 ~~(1) is not included in paragraph (a), (b), or (d);~~

232.9 ~~(2) is enrolled in a school readiness plus program under Laws 2017, First Special Session~~  
 232.10 ~~chapter 5, article 8, section 9; and~~

232.11 ~~(3) has one or more of the risk factors specified by the eligibility requirements for a~~  
 232.12 ~~school readiness plus program;~~

232.13 ~~is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more~~  
 232.14 ~~than 0.6 pupil units. A pupil qualifying under this paragraph must be counted in the same~~  
 232.15 ~~manner as a voluntary prekindergarten student for all general education and other school~~  
 232.16 ~~funding formulas.~~

232.17 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

232.18 Sec. 17. Minnesota Statutes 2021 Supplement, section 126C.10, subdivision 2d, is amended  
 232.19 to read:

232.20 Subd. 2d. **Declining enrollment revenue.** (a) A school district's declining enrollment  
 232.21 revenue equals the greater of zero or the product of: (1) 28 percent of the formula allowance  
 232.22 for that year and (2) the difference between the adjusted pupil units for the preceding year  
 232.23 and the adjusted pupil units for the current year.

232.24 (b) Notwithstanding paragraph (a), for prekindergarten programs for fiscal year 2024  
 232.25 2023 only, prekindergarten pupil units under section 126C.05, subdivision 1, paragraph ~~(d)~~  
 232.26 (c), must be excluded from the calculation of declining enrollment revenue.

232.27 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.



233.1 Sec. 18. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 3,  
 233.2 is amended to read:

233.3 Subd. 3. **Early learning scholarships.** (a) For the early learning scholarship program  
 233.4 under Minnesota Statutes, section 124D.165:

233.5 \$ 70,709,000 ..... 2022

233.6 ~~70,709,000~~

233.7 \$ 201,886,000 ..... 2023

233.8 (b) This appropriation is subject to the requirements under Minnesota Statutes, section  
 233.9 124D.165, subdivision 6.

233.10 (c) Notwithstanding Minnesota Statutes, section 124D.165, for fiscal year 2023 only,  
 233.11 the commissioner may allocate funds to Head Start agencies, child care centers, and family  
 233.12 child care providers as necessary to implement the voluntary prekindergarten transition  
 233.13 year, including allocating funds under Minnesota Statutes, section 124D.165, as they existed  
 233.14 prior to the date of enactment of this act.

233.15 (d) The base for fiscal year 2024 is \$94,682,000 and the base for fiscal year 2025 is  
 233.16 \$90,656,000.

233.17 Sec. 19. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 4,  
 233.18 is amended to read:

233.19 Subd. 4. **Head Start program.** (a) For Head Start programs under Minnesota Statutes,  
 233.20 section 119A.52:

233.21 \$ 25,100,000 ..... 2022

233.22 ~~25,100,000~~

233.23 \$ 35,100,000 ..... 2023

233.24 (b) The base for fiscal year 2024 and later is \$35,100,000.

233.25 (c) Beginning in fiscal year 2023, a Head Start program must spend on Early Head Start:

233.26 (1) at least the amount the Head Start program spent on Early Head Start from its share  
 233.27 of the \$25,100,000 state appropriation in fiscal year 2022; and

233.28 (2) the program's share of \$10,000,000.

234.1 Sec. 20. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 6,  
 234.2 is amended to read:

234.3 Subd. 6. **Developmental screening aid.** (a) For developmental screening aid under  
 234.4 Minnesota Statutes, sections 121A.17 and 121A.19:

234.5		<del>3,582,000</del>		
234.6	\$	<u>3,655,000</u>	.....	2022
234.7		<del>3,476,000</del>		
234.8	\$	<u>4,560,000</u>	.....	2023

234.9 (b) The 2022 appropriation includes \$360,000 for 2021 and ~~\$3,222,000~~ \$3,295,000 for  
 234.10 2022.

234.11 (c) The 2023 appropriation includes ~~\$357,000~~ \$366,000 for 2022 and ~~\$3,119,000~~  
 234.12 \$4,194,000 for 2023.

234.13 Sec. 21. **TRANSITION YEAR IN 2023.**

234.14 (a) Fiscal year 2023 may serve as a transition year in order to give current voluntary  
 234.15 prekindergarten programs, school readiness plus programs, and early learning scholarships  
 234.16 pathway II programs one year to transition to the new voluntary prekindergarten program  
 234.17 for eligible four-year-old children and to make the necessary adjustments to meet the  
 234.18 additional program requirements and facilitate relationships with all voluntary  
 234.19 prekindergarten program providers within the school district boundaries.

234.20 (b) For fiscal year 2023 only, school districts operating a voluntary prekindergarten  
 234.21 program under Minnesota Statutes, section 124D.151, or school readiness plus program  
 234.22 under Laws 2017, First Special Session chapter 5, article 8, section 9, may apply to the  
 234.23 Department of Education to allow the program to continue to operate under the provisions  
 234.24 of Minnesota Statutes, sections 124D.151 and 126C.05, subdivision 1, as they existed prior  
 234.25 to the date of enactment of this act.

234.26 Sec. 22. **APPROPRIATIONS.**

234.27 Subdivision 1. Department of Education. The sums indicated in this section are  
 234.28 appropriated from the general fund to the Department of Education for the fiscal years  
 234.29 designated.

234.30 Subd. 2. Mental health services and early childhood social workers. (a) For grants  
 234.31 to fund social workers focused solely on early childhood systems that strengthen early  
 234.32 childhood programs and improve outcomes for participating children and families:

235.1           \$           2,500,000       ..... 2023

235.2           (b) Eligible applicants are school districts and charter schools with early learning  
235.3 programs that may include but are not limited to Head Start, early Head Start, and early  
235.4 intervention programs serving children from birth to kindergarten that:

235.5           (1) implement a family partnership process to support family well-being, family safety,  
235.6 health, and economic stability;

235.7           (2) identify family strengths and needs using the Head Start Parent Family and  
235.8 Community Engagement Framework;

235.9           (3) offer individualized family partnership services in collaboration with families; and

235.10          (4) offer support services in collaboration or colocation with mental health practitioners  
235.11 to provide training, coaching, or skill building to early learning staff and parents.

235.12          (c) This appropriation is in addition to any other federal funds a grantee receives for this  
235.13 purpose.

235.14          (d) Up to five percent of this appropriation may be retained for grant administration  
235.15 costs.

235.16          Subd. 3. **Grow Your Own Early Childhood Educator programs.** (a) For grants to  
235.17 develop, continue, or expand the Grow Your Own Early Childhood Educator programs  
235.18 under Minnesota Statutes, section 122A.731:

235.19           \$           3,860,000       ..... 2023

235.20          (b) This appropriation is subject to the requirements under Minnesota Statutes, section  
235.21 122A.731, subdivision 4.

235.22          (c) The base for fiscal year 2024 and later is \$3,805,000.

235.23          Subd. 4. **Early childhood family education licensure grant.** (a) For a grant to the  
235.24 University of Minnesota to provide scholarships for prospective teachers enrolled in the  
235.25 parent and family education licensure program to cover the cost of attendance in the program:

235.26           \$           177,000       ..... 2023

235.27          (b) The commissioner may award additional grants to other postsecondary institutions  
235.28 with parent and family education licensure programs if funds are available.

235.29          (c) A grant application must at least include:

235.30          (1) the in-kind, coordination, and mentorship services to be provided by the postsecondary  
235.31 institution;

236.1 (2) the process for identifying and recruiting prospective teachers who represent known  
 236.2 parent and family education teacher licensure shortage areas, both demographic and  
 236.3 geographic;

236.4 (3) the process for coordinating with school districts to support prospective teachers in  
 236.5 completing a licensure program or working in an early childhood family education program;  
 236.6 and

236.7 (4) the process for prioritizing and awarding scholarships to students.

236.8 (d) A grant recipient must report in a form and manner determined by the commissioner  
 236.9 on their activities under this subdivision, including the number of participants; the percentage  
 236.10 of participants who are of color or American Indian; the percentage of participants who  
 236.11 reside in, or will be employed in, school districts located in the rural equity region as defined  
 236.12 in Minnesota Statutes, section 126C.10, subdivision 28; an assessment of program  
 236.13 effectiveness, including participant feedback and areas of improvement; the percentage of  
 236.14 participants continuing to pursue parent and family education licensure; and where applicable,  
 236.15 the number of participants hired in a district as parent and family education teachers after  
 236.16 completing the preparation program.

236.17 (e) The base for fiscal year 2024 is \$177,000. The base for fiscal year 2025 is \$0.

236.18 Subd. 5. **Executive function across generations curriculum grant.** (a) For a grant to  
 236.19 The Family Partnership for an executive function curriculum pilot program:

236.20     \$        450,000    .....  2023

236.21 (b) The Family Partnership must establish 15 sites across Minnesota to provide executive  
 236.22 function across generations curriculum. The sites must be spread across the state and include  
 236.23 rural, suburban, and urban early education and care providers, organizations providing home  
 236.24 visiting services, or parenting groups in high-risk communities. The Family Partnership  
 236.25 must report to the legislative committees with jurisdiction over early childhood by December  
 236.26 15, 2022, and December 15, 2023, on the progress made to expand the executive function  
 236.27 curriculum across Minnesota.

236.28 (c) This is a onetime appropriation and is available until June 30, 2025.

236.29 Subd. 6. **Reach Out and Read Minnesota.** (a) For a grant to support Reach Out and  
 236.30 Read Minnesota to establish a statewide plan that encourages early childhood development  
 236.31 through a network of health care clinics:

236.32     \$        250,000    .....  2023

- 237.1 (b) The grant recipient must develop and implement a plan that includes:
- 237.2 (1) integrating children's books and parent education into well-child visits;
- 237.3 (2) creating literacy-rich environments at clinics, including books for visits outside of
- 237.4 Reach Out and Read Minnesota parameters or for waiting room use or volunteer readers to
- 237.5 model read-aloud techniques for parents where possible;
- 237.6 (3) working with public health clinics, federally qualified health centers, Tribal sites,
- 237.7 community health centers, and clinics that belong to health care systems, as well as
- 237.8 independent clinics in underserved areas; and
- 237.9 (4) training medical professionals on speaking with parents of infants, toddlers, and
- 237.10 preschoolers on the importance of early literacy.
- 237.11 (c) The base for fiscal year 2024 and later is \$250,000.
- 237.12 (d) The plan must be fully implemented on a statewide basis by 2029.
- 237.13 Subd. 7. **Minnesota Children's Museum.** (a) For a grant to the Minnesota Children's
- 237.14 Museum for operating costs:
- 237.15     \$        2,000,000    .....    2023
- 237.16 (b) The appropriation in paragraph (a) must be used by the Minnesota Children's Museum
- 237.17 to aid in the recovery of general operations and programming losses due to COVID-19.
- 237.18 (c) The appropriation is in addition to the appropriation in Laws 2021, First Special
- 237.19 Session chapter 13, article 2, section 4, subdivision 18.
- 237.20 (d) This is a onetime appropriation and is available until June 30, 2025.
- 237.21 Subd. 8. **Children's asset building program.** (a) For a matching grant to the Saint Paul
- 237.22 and Minnesota Foundation to support a children's asset building program that: (1) creates
- 237.23 a savings account for every child born to a resident of the city of St. Paul during the time
- 237.24 period for which funds are available; and (2) supports financial education for families on
- 237.25 their child's college and career pathway:
- 237.26     \$        250,000    .....    2023
- 237.27 (b) Grant money provided under this subdivision must be matched with money from
- 237.28 nonstate sources.
- 237.29 (c) By February 15, 2025, the Saint Paul and Minnesota Foundation must submit a report
- 237.30 on the children's asset building program to the commissioner of education and to legislative
- 237.31 committees with jurisdiction over early childhood. At a minimum, the report must provide

238.1 a detailed review of the program's design and features, including program outcomes, funding,  
 238.2 financial education programming activities, and program marketing, outreach, and  
 238.3 engagement activities.

238.4 (d) This is a onetime appropriation and is available until June 30, 2025.

238.5 Subd. 9. **Early Childhood Family Education Office.** (a) For two full-time equivalent  
 238.6 staff and for operational expenses to provide support and guidance for early childhood  
 238.7 family education programs:

238.8     \$        325,000    .....  2023

238.9 (b) Each staff member must hold a valid license as a teacher of parent and family  
 238.10 education.

238.11 (c) The base in fiscal year 2024 and later is \$325,000.

238.12 Subd. 10. **Voluntary prekindergarten through mixed delivery.** For voluntary  
 238.13 prekindergarten provided by Head Start agencies, child care centers, and family child care  
 238.14 providers under Minnesota Statutes, section 124D.151, subdivision 3a, paragraphs (b) and  
 238.15 (c):

238.16     \$        96,920,000    .....  2023

238.17 Sec. 23. **REPEALER.**

238.18 (a) Minnesota Statutes 2020, section 124D.151, subdivision 5, is repealed.

238.19 (b) Minnesota Statutes 2021 Supplement, section 124D.151, subdivision 6, is repealed.

238.20 **EFFECTIVE DATE.** This section is effective July 1, 2022.

## 238.21 **ARTICLE 10**

### 238.22 **COMMUNITY EDUCATION AND LIFELONG LEARNING**

238.23 Section 1. Minnesota Statutes 2020, section 124D.531, subdivision 1, is amended to read:

238.24 Subdivision 1. **State total adult basic education aid.** (a) The state total adult basic  
 238.25 education aid for fiscal year ~~2011~~ 2023 equals ~~\$44,419,000~~ \$52,781,000, plus any amount  
 238.26 that is not paid during the previous fiscal year as a result of adjustments under subdivision  
 238.27 4, paragraph (a), or section 124D.52, subdivision 3. The state total adult basic education  
 238.28 aid for later fiscal years equals:

239.1 (1) the state total adult basic education aid for the preceding fiscal year plus any amount  
239.2 that is not paid for during the previous fiscal year, as a result of adjustments under subdivision  
239.3 4, paragraph (a), or section 124D.52, subdivision 3; times

239.4 (2) the lesser of 1.03, or the greater of:

239.5 (i) ~~1.03~~ one plus the percent change in the formula allowance under section 126C.10,  
239.6 subdivision 2, from the previous fiscal year to the current fiscal year; or

239.7 (ii) the average growth in state total contact hours over the prior ten program years.

239.8 Three percent of the state total adult basic education aid must be set aside for adult basic  
239.9 education supplemental service grants under section 124D.522.

239.10 (b) The state total adult basic education aid, excluding basic population aid, equals the  
239.11 difference between the amount computed in paragraph (a), and the state total basic population  
239.12 aid under subdivision 2.

239.13 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2023 and later.

239.14 Sec. 2. Minnesota Statutes 2020, section 124D.531, subdivision 4, is amended to read:

239.15 Subd. 4. **Adult basic education program aid limit.** (a) Notwithstanding subdivisions  
239.16 2 and 3, the total adult basic education aid for a program per prior year contact hour must  
239.17 not exceed ~~\$22~~ \$28 per prior year contact hour computed under subdivision 3, clause (2).

239.18 (b) The aid for a program under subdivision 3, clause (2), adjusted for changes in program  
239.19 membership, must not exceed the aid for that program under subdivision 3, clause (2), for  
239.20 the first preceding fiscal year by more than the greater of 11 percent or \$10,000.

239.21 (c) Adult basic education aid is payable to a program for unreimbursed costs occurring  
239.22 in the program year as defined in section 124D.52, subdivision 3.

239.23 (d) Any adult basic education aid that is not paid to a program because of the program  
239.24 aid limitation under paragraph (a) must be added to the state total adult basic education aid  
239.25 for the next fiscal year under subdivision 1. Any adult basic education aid that is not paid  
239.26 to a program because of the program aid limitations under paragraph (b) must be reallocated  
239.27 among programs by adjusting the rate per contact hour under subdivision 3, clause (2).

239.28 **EFFECTIVE DATE.** This section is effective for revenue in fiscal year 2023 and later.

240.1 Sec. 3. Minnesota Statutes 2020, section 124D.55, is amended to read:

240.2 **124D.55 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY TEST**  
 240.3 **FEES.**

240.4 ~~(a) The commissioner shall pay 60 percent of the fee that is charged to an eligible~~  
 240.5 ~~individual for the full battery of the commissioner-selected high school equivalency tests,~~  
 240.6 ~~but not more than \$40 for an eligible individual.~~

240.7 ~~(b) Notwithstanding paragraph (a), for fiscal years 2020 and 2021 only,~~ The commissioner  
 240.8 shall pay 100 percent of the fee charged to an eligible individual for the full battery of the  
 240.9 commissioner-selected high school equivalency tests, but not more than the cost of one full  
 240.10 battery of tests per year for any individual.

240.11 Sec. 4. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 8,  
 240.12 is amended to read:

240.13 Subd. 8. **Adult basic education aid.** For adult basic education aid under Minnesota  
 240.14 Statutes, section 124D.531:

240.15		<del>53,191,000</del>		
240.16	\$	<u>51,764,000</u>	.....	2022
240.17		<del>54,768,000</del>		
240.18	\$	<u>52,760,000</u>	.....	2023

240.19 The 2022 appropriation includes \$5,177,000 for 2021 and ~~\$48,014,000~~ \$46,587,000 for  
 240.20 2022.

240.21 The 2023 appropriation includes ~~\$5,334,000~~ \$5,176,000 for 2022 and ~~\$49,434,000~~  
 240.22 \$47,584,000 for 2023.

240.23 Sec. 5. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 9,  
 240.24 is amended to read:

240.25 Subd. 9. **High school equivalency tests.** For payment of the costs of the  
 240.26 commissioner-selected high school equivalency tests under Minnesota Statutes, section  
 240.27 124D.55:

240.28	\$	125,000	.....	2022
240.29		<del>125,000</del>		
240.30	\$	<u>470,000</u>	.....	2023



241.1

**ARTICLE 11**

241.2

**STATE AGENCIES**

241.3 Section 1. Minnesota Statutes 2020, section 125A.71, subdivision 1, is amended to read:

241.4 Subdivision 1. **Rental income; appropriation.** Rental income, ~~excluding rent for land~~  
241.5 ~~and living residences,~~ must be deposited in the state treasury and credited to a revolving  
241.6 fund of the academies. Money in the revolving fund for rental income is annually  
241.7 appropriated to the academies for staff development purposes. Payment from the revolving  
241.8 fund for rental income may be made only according to vouchers authorized by the  
241.9 administrator of the academies.

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

241.11 Sec. 2. Minnesota Statutes 2020, section 127A.353, subdivision 2, is amended to read:

241.12 Subd. 2. **Qualifications.** The governor shall select the school trust lands director on the  
241.13 basis of outstanding professional qualifications and knowledge of finance, business practices,  
241.14 minerals, forest and real estate management, and the fiduciary responsibilities of a trustee  
241.15 to the beneficiaries of a trust. The school trust lands director serves in the unclassified service  
241.16 for a term of four years. ~~The first term shall end on December 31, 2020.~~ The governor may  
241.17 remove the school trust lands director for cause. If a director resigns or is removed for cause,  
241.18 the governor shall appoint a director for the remainder of the term.

241.19 Sec. 3. Minnesota Statutes 2021 Supplement, section 127A.353, subdivision 4, is amended  
241.20 to read:

241.21 Subd. 4. **Duties; powers.** (a) The school trust lands director shall:

241.22 (1) ~~take an oath of office before assuming any duties as the director~~ act in a fiduciary  
241.23 capacity for trust beneficiaries in accordance with the principles under section 127A.351;

241.24 (2) evaluate the school trust land asset position;

241.25 (3) determine the estimated current and potential market value of school trust lands;

241.26 (4) advise and provide recommendations to the governor, Executive Council,  
241.27 commissioner of natural resources, and the Legislative Permanent School Fund Commission  
241.28 on the management of school trust lands, including: on school trust land management policies  
241.29 and other policies that may affect the goal of the permanent school fund under section  
241.30 127A.31;

- 242.1 (5) advise and provide recommendations to the Executive Council and Land Exchange  
 242.2 Board on all matters regarding school trust lands presented to either body;
- 242.3 (6) advise and provide recommendations to the commissioner of natural resources on  
 242.4 managing school trust lands, including but not limited to advice and recommendations on:
- 242.5 (i) Department of Natural Resources school trust land management plans;
- 242.6 (ii) leases of school trust lands;
- 242.7 (iii) royalty agreements on school trust lands;
- 242.8 (iv) land sales and exchanges;
- 242.9 (v) cost certification; and
- 242.10 (vi) revenue generating options;
- 242.11 (7) serve as temporary trustee of school trust lands for school trust lands subject to  
 242.12 proposed or active eminent domain proceedings;
- 242.13 (8) serve as temporary trustee of school trust lands pursuant to section 94.342, subdivision  
 242.14 5;
- 242.15 ~~(5) propose~~ (9) submit to the Legislative Permanent School Fund Commission for review  
 242.16 an annual budget and management plan for the director that includes proposed legislative  
 242.17 changes that will improve the asset allocation of the school trust lands;
- 242.18 ~~(6)~~ (10) develop and implement a ten-year strategic plan and a 25-year framework for  
 242.19 management of school trust lands, in conjunction with the commissioner of natural resources,  
 242.20 that is updated every five years ~~and implemented by the commissioner~~, with goals to:
- 242.21 (i) retain core real estate assets;
- 242.22 (ii) increase the value of the real estate assets and the cash flow from those assets;
- 242.23 (iii) rebalance the portfolio in assets with high performance potential and the strategic  
 242.24 disposal of selected assets;
- 242.25 (iv) establish priorities for management actions;
- 242.26 (v) balance revenue enhancement and resource stewardship; and
- 242.27 (vi) advance strategies on school trust lands to capitalize on ecosystem services markets;  
 242.28 and
- 242.29 ~~(7) submit to the Legislative Permanent School Fund Commission for review an annual~~  
 242.30 ~~budget and management plan for the director; and~~

243.1 ~~(8)~~ (11) keep the beneficiaries, governor, legislature, and the public informed about the  
 243.2 work of the director by reporting to the Legislative Permanent School Fund Commission  
 243.3 in a public meeting at least once during each calendar quarter.

243.4 (b) In carrying out the duties under paragraph (a), the school trust lands director ~~shall~~  
 243.5 ~~have the authority to~~ may:

243.6 (1) direct and control money appropriated to the director;

243.7 (2) establish job descriptions and employ ~~up to five employees in the unclassified service,~~  
 243.8 staff within the limitations of money appropriated to the director;

243.9 (3) enter into interdepartmental agreements with any other state agency;

243.10 (4) enter into joint powers agreements under chapter 471;

243.11 (5) evaluate and initiate real estate development projects on school trust lands in  
 243.12 conjunction with the commissioner of natural resources and with the advice of the Legislative  
 243.13 Permanent School Fund Commission ~~in order~~ to generate long-term economic return to the  
 243.14 permanent school fund; and

243.15 ~~(6) serve as temporary trustee of school trust land for school trust lands subject to~~  
 243.16 ~~proposed or active eminent domain proceedings; and~~

243.17 ~~(7)~~ (6) submit recommendations on strategies for school trust land leases, sales, or  
 243.18 exchanges to the commissioner of natural resources and the Legislative Permanent School  
 243.19 Fund Commission.

243.20 Sec. 4. Laws 2021, First Special Session chapter 13, article 11, section 4, subdivision 2,  
 243.21 is amended to read:

243.22 Subd. 2. **Department.** (a) For the Department of Education:

243.23 \$ 30,837,000 ..... 2022

243.24 ~~26,287,000~~

243.25 \$ 29,411,000 ..... 2023

243.26 Of these amounts:

243.27 (1) \$319,000 each year is for the Board of School Administrators;

243.28 (2) \$1,000,000 each year is for regional centers of excellence under Minnesota Statutes,  
 243.29 section 120B.115;

243.30 (3) \$250,000 each year is for the School Finance Division to enhance financial data  
 243.31 analysis;

244.1 (4) \$720,000 each year is for implementing Minnesota's Learning for English Academic  
244.2 Proficiency and Success Act under Laws 2014, chapter 272, article 1, as amended;

244.3 (5) \$123,000 each year is for a dyslexia specialist;

244.4 (6) \$480,000 each year is for the Department of Education's mainframe update;

244.5 (7) \$4,500,000 in fiscal year 2022 only is for legal fees and costs associated with  
244.6 litigation; ~~and~~

244.7 (8) \$340,000 in fiscal ~~years~~ year 2022 and \$2,924,000 in 2023 only are for administration  
244.8 and monitoring of voluntary prekindergarten programs-, including data collection, analysis,  
244.9 and support for providers implementing the assessment required under Minnesota Statutes,  
244.10 section 124D.151. The base for this item is \$2,674,000 in fiscal year 2024 and \$2,784,000  
244.11 in fiscal year 2025; and

244.12 (9) \$540,000 in fiscal year 2023 is for costs associated with implementing the specific  
244.13 learning disability criteria change, which may include grants for training.

244.14 (b) None of the amounts appropriated under this subdivision may be used for Minnesota's  
244.15 Washington, D.C., office.

244.16 (c) The expenditures of federal grants and aids as shown in the biennial budget document  
244.17 and its supplements are approved and appropriated and must be spent as indicated.

244.18 (d) This appropriation includes funds for information technology project services and  
244.19 support subject to the provisions of Minnesota Statutes, section 16E.21. Any ongoing  
244.20 information technology costs will be incorporated into the service level agreement and will  
244.21 be paid to the Office of MN.IT Services by the Department of Education under the rates  
244.22 and mechanisms specified in that agreement.

244.23 (e) To account for the base adjustments provided in Laws 2018, chapter 211, article 21,  
244.24 section 1, paragraph (a), and section 3, paragraph (a), as well as the adjustments in paragraph  
244.25 (a), clauses (8) and (9), the base for fiscal year 2024 and later is \$25,965,000 \$29,179,000.  
244.26 The base for fiscal year 2025 is \$29,289,000.

244.27 Sec. 5. Laws 2021, First Special Session chapter 13, article 11, section 7, subdivision 1,  
244.28 is amended to read:

244.29 Subdivision 1. **Professional Educator Licensing and Standards Board.** (a) The sums  
244.30 indicated in this section are appropriated from the general fund to the Professional Educator  
244.31 Licensing and Standards Board for the fiscal years designated:

245.1 \$ 2,792,000 ..... 2022  
 245.2 ~~2,839,000~~  
 245.3 \$ 3,499,000 ..... 2023

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

245.5 (c) \$660,000 in fiscal year 2023 is for enhancements to the educator licensing system  
 245.6 to ensure the Professional Educator Licensing and Standards Board may review and approve  
 245.7 educator licensing applications in a timely and effective manner.

245.8 ~~(d)~~ (d) This appropriation includes funds for information technology project services  
 245.9 and support subject to Minnesota Statutes, section 16E.21. Any ongoing information  
 245.10 technology costs will be incorporated into an interagency agreement and will be paid to the  
 245.11 Office of MN.IT Services by the Professional Educator Licensing and Standards Board  
 245.12 under the mechanism specified in that agreement.

245.13 (e) The base for fiscal year 2024 and later is \$3,203,000.

245.14 **ARTICLE 12**

245.15 **FORECAST ADJUSTMENTS**

245.16 **A. GENERAL EDUCATION**

245.17 Section 1. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision  
 245.18 3, is amended to read:

245.19 Subd. 3. **Enrollment options transportation.** For transportation of pupils attending  
 245.20 postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation  
 245.21 of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

245.22 \$ ~~12,000~~ 1,000 ..... 2022  
 245.23 \$ ~~13,000~~ 1,000 ..... 2023

245.24 Sec. 2. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 4,  
 245.25 is amended to read:

245.26 Subd. 4. **Abatement aid.** For abatement aid under Minnesota Statutes, section 127A.49:

245.27 ~~2,897,000~~  
 245.28 \$ 2,042,000 ..... 2022  
 245.29 ~~3,558,000~~  
 245.30 \$ 2,003,000 ..... 2023

245.31 The 2022 appropriation includes \$269,000 for 2021 and ~~\$2,628,000~~ \$1,773,000 for  
 245.32 2022.

246.1 The 2023 appropriation includes ~~\$291,000~~ \$197,000 for 2022 and ~~\$3,267,000~~ \$1,806,000  
 246.2 for 2023.

246.3 Sec. 3. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 7,  
 246.4 is amended to read:

246.5 Subd. 7. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid under  
 246.6 Minnesota Statutes, section 123B.92, subdivision 9:

246.7		<del>19,770,000</del>		
246.8	\$	<u>19,143,000</u>	.....	2022
246.9		<del>19,906,000</del>		
246.10	\$	<u>19,796,000</u>	.....	2023

246.11 The 2022 appropriation includes \$1,910,000 for 2021 and ~~\$17,860,000~~ \$17,233,000 for  
 246.12 2022.

246.13 The 2023 appropriation includes ~~\$1,984,000~~ \$1,915,000 for 2022 and ~~\$17,922,000~~  
 246.14 \$17,881,000 for 2023.

246.15 Sec. 4. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 9,  
 246.16 is amended to read:

246.17 Subd. 9. **Career and technical aid** For career and technical aid under Minnesota Statutes,  
 246.18 section 124D.4531, subdivision 1b:

246.19		<del>2,668,000</del>		
246.20	\$	<u>2,582,000</u>	.....	2022
246.21		<del>2,279,000</del>		
246.22	\$	<u>1,980,000</u>	.....	2023

246.23 The 2022 appropriation includes \$323,000 for 2021 and ~~\$2,345,000~~ \$2,259,000 for  
 246.24 2022.

246.25 The 2023 appropriation includes ~~\$260,000~~ \$251,000 for 2022 and ~~\$2,019,000~~ \$1,729,000  
 246.26 for 2023.

246.27 **B. EDUCATION EXCELLENCE**

246.28 Sec. 5. Laws 2021, First Special Session chapter 13, article 2, section 4, subdivision 12,  
 246.29 is amended to read:

246.30 Subd. 12. **Interdistrict desegregation or integration transportation grants.** For  
 246.31 interdistrict desegregation or integration transportation grants under Minnesota Statutes,  
 246.32 section 124D.87:

247.1 ~~12,310,000~~  
 247.2 \$ 9,900,000 ..... 2022  
 247.3 ~~14,823,000~~  
 247.4 \$ 10,974,000 ..... 2023

247.5 **C. SPECIAL EDUCATION**

247.6 Sec. 6. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 3, is  
 247.7 amended to read:

247.8 Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes, section  
 247.9 125A.75, subdivision 3, for children with disabilities placed in residential facilities within  
 247.10 the district boundaries for whom no district of residence can be determined:

247.11 ~~1,818,000~~  
 247.12 \$ 1,674,000 ..... 2022  
 247.13 ~~2,010,000~~  
 247.14 \$ 1,887,000 ..... 2023

247.15 If the appropriation for either year is insufficient, the appropriation for the other year is  
 247.16 available.

247.17 Sec. 7. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 4, is  
 247.18 amended to read:

247.19 Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based  
 247.20 services under Minnesota Statutes, section 125A.75, subdivision 1:

247.21 ~~465,000~~  
 247.22 \$ 356,000 ..... 2022  
 247.23 ~~512,000~~  
 247.24 \$ 384,000 ..... 2023

247.25 The 2022 appropriation includes \$23,000 for 2021 and ~~\$442,000~~ \$333,000 for 2022.

247.26 The 2023 appropriation includes ~~\$49,000~~ \$36,000 for 2022 and ~~\$463,000~~ \$348,000 for  
 247.27 2023.

247.28 Sec. 8. Laws 2021, First Special Session chapter 13, article 5, section 3, subdivision 5, is  
 247.29 amended to read:

247.30 Subd. 5. **Court-placed special education revenue.** For reimbursing serving school  
 247.31 districts for unreimbursed eligible expenditures attributable to children placed in the serving  
 247.32 school district by court action under Minnesota Statutes, section 125A.79, subdivision 4:

248.1                    ~~24,000~~  
 248.2            \$                0        ..... 2022  
 248.3            \$                25,000        ..... 2023

**D. FACILITIES**

248.5        Sec. 9. Laws 2021, First Special Session chapter 13, article 7, section 2, subdivision 2, is  
 248.6 amended to read:

248.7        Subd. 2. **Debt service equalization aid.** For debt service equalization aid under  
 248.8 Minnesota Statutes, section 123B.53, subdivision 6:

248.9            \$            25,001,000        ..... 2022  
 248.10                    ~~24,286,000~~  
 248.11            \$            24,315,000        ..... 2023

248.12        The 2022 appropriation includes \$2,588,000 for 2021 and \$22,413,000 for 2022.

248.13        The 2023 appropriation includes \$2,490,000 for 2022 and ~~\$21,796,000~~ \$21,825,000 for  
 248.14 2023.

**E. NUTRITION**

248.16        Sec. 10. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 4,  
 248.17 is amended to read:

248.18        Subd. 4. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes,  
 248.19 section 124D.118:

248.20                    ~~656,000~~  
 248.21            \$            566,000        ..... 2022  
 248.22                    ~~658,000~~  
 248.23            \$            659,000        ..... 2023

**F. EARLY EDUCATION**

248.25        Sec. 11. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 5,  
 248.26 is amended to read:

248.27        Subd. 5. **Early childhood family education aid.** (a) For early childhood family education  
 248.28 aid under Minnesota Statutes, section 124D.135:

248.29                    ~~35,003,000~~  
 248.30            \$            34,160,000        ..... 2022  
 248.31                    ~~36,478,000~~  
 248.32            \$            35,126,000        ..... 2023



249.1 (b) The 2022 appropriation includes \$3,341,000 for 2021 and ~~\$31,662,000~~ \$30,819,000  
 249.2 for 2022.

249.3 (c) The 2023 appropriation includes ~~\$3,518,000~~ \$3,424,000 for 2022 and ~~\$32,960,000~~  
 249.4 \$31,702,000 for 2023.

249.5 Sec. 12. Laws 2021, First Special Session chapter 13, article 9, section 4, subdivision 12,  
 249.6 is amended to read:

249.7 Subd. 12. **Home visiting aid.** (a) For home visiting aid under Minnesota Statutes, section  
 249.8 124D.135:

249.9		<del>462,000</del>		
249.10	\$	<u>455,000</u>	.....	2022
249.11		<del>444,000</del>		
249.12	\$	<u>426,000</u>	.....	2023

249.13 (b) The 2022 appropriation includes \$47,000 for 2021 and ~~\$415,000~~ \$408,000 for 2022.

249.14 (c) The 2023 appropriation includes ~~\$46,000~~ \$45,000 for 2022 and ~~\$398,000~~ \$381,000  
 249.15 for 2023.

249.16 **G. COMMUNITY EDUCATION AND LIFELONG LEARNING**

249.17 Sec. 13. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 2,  
 249.18 is amended to read:

249.19 Subd. 2. **Community education aid.** For community education aid under Minnesota  
 249.20 Statutes, section 124D.20:

249.21	\$	180,000	.....	2022
249.22		<del>155,000</del>		
249.23	\$	<u>175,000</u>	.....	2023

249.24 The 2022 appropriation includes \$22,000 for 2021 and \$158,000 for 2022.

249.25 The 2023 appropriation includes \$17,000 for 2022 and ~~\$138,000~~ \$158,000 for 2023.

249.26 Sec. 14. Laws 2021, First Special Session chapter 13, article 10, section 1, subdivision 5,  
 249.27 is amended to read:

249.28 Subd. 5. **School-age care aid.** For school-age care aid under Minnesota Statutes, section  
 249.29 124D.22:

250.1                   ~~1,000~~  
 250.2           \$           0     ..... 2022  
 250.3           \$           1,000     ..... 2023

250.4           The 2022 appropriation includes \$0 for 2021 and ~~\$1,000~~ \$0 for 2022.

250.5           The 2023 appropriation includes \$0 for 2022 and \$1,000 for 2023.

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

**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.

**124D.151 VOLUNTARY PREKINDERGARTEN PROGRAM.**

**Subd. 5. Application process; priority for high poverty schools.** (a) To qualify for program approval for fiscal year 2017, a district or charter school must submit an application to the commissioner by July 1, 2016. To qualify for program approval for fiscal year 2018 and later, a district or charter school must submit an application to the commissioner by January 30 of the fiscal year prior to the fiscal year in which the program will be implemented. The application must include:

(1) a description of the proposed program, including the number of hours per week the program will be offered at each school site or mixed-delivery location;

(2) an estimate of the number of eligible children to be served in the program at each school site or mixed-delivery location; and

(3) a statement of assurances signed by the superintendent or charter school director that the proposed program meets the requirements of subdivision 2.

(b) The commissioner must review all applications submitted for fiscal year 2017 by August 1, 2016, and must review all applications submitted for fiscal year 2018 and later by March 1 of the fiscal year in which the applications are received and determine whether each application meets the requirements of paragraph (a).

(c) The commissioner must divide all applications for new or expanded voluntary prekindergarten programs under this section meeting the requirements of paragraph (a) and school readiness plus programs into four groups as follows: the Minneapolis and St. Paul school districts; other school districts located in the metropolitan equity region as defined in section 126C.10, subdivision 28; school districts located in the rural equity region as defined in section 126C.10, subdivision 28; and charter schools. Within each group, the applications must be ordered by rank using a sliding scale based on the following criteria:

(1) concentration of kindergarten students eligible for free or reduced-price lunches by school site on October 1 of the previous school year. A school site may contract to partner with a community-based provider or Head Start under subdivision 3 or establish an early childhood center and use the concentration of kindergarten students eligible for free or reduced-price meals from a specific school site as long as those eligible children are prioritized and guaranteed services at the mixed-delivery site or early education center. For school district programs to be operated at locations that do not have free and reduced-price lunch concentration data for kindergarten programs for October 1 of the previous school year, including mixed-delivery programs, the school district average concentration of kindergarten students eligible for free or reduced-price lunches must be used for the rank ordering;

(2) presence or absence of a three- or four-star Parent Aware rated program within the school district or close proximity of the district. School sites with the highest concentration of kindergarten students eligible for free or reduced-price lunches that do not have a three- or four-star Parent Aware program within the district or close proximity of the district shall receive the highest priority, and school sites with the lowest concentration of kindergarten students eligible for free or reduced-price lunches that have a three- or four-star Parent Aware rated program within the district or close proximity of the district shall receive the lowest priority; and

(3) whether the district has implemented a mixed delivery system.

(d) The limit on participation for the programs as specified in subdivision 6 must initially be allocated among the four groups based on each group's percentage share of the statewide kindergarten enrollment on October 1 of the previous school year. Within each group, the participation limit for fiscal years 2018 and 2019 must first be allocated to school sites approved for aid in the previous

APPENDIX  
Repealed Minnesota Statutes: H4300-4

year to ensure that those sites are funded for the same number of participants as approved for the previous year. The remainder of the participation limit for each group must be allocated among school sites in priority order until that region's share of the participation limit is reached. If the participation limit is not reached for all groups, the remaining amount must be allocated to the highest priority school sites, as designated under this section, not funded in the initial allocation on a statewide basis. For fiscal year 2020 and later, the participation limit must first be allocated to school sites approved for aid in fiscal year 2017, and then to school sites approved for aid in fiscal year 2018 based on the statewide rankings under paragraph (c).

(e) Once a school site or a mixed delivery site under subdivision 3 is approved for aid under this subdivision, it shall remain eligible for aid if it continues to meet program requirements, regardless of changes in the concentration of students eligible for free or reduced-price lunches.

(f) If the total number of participants approved based on applications submitted under paragraph (a) is less than the participation limit under subdivision 6, the commissioner must notify all school districts and charter schools of the amount that remains available within 30 days of the initial application deadline under paragraph (a), and complete a second round of allocations based on applications received within 60 days of the initial application deadline.

(g) Procedures for approving applications submitted under paragraph (f) shall be the same as specified in paragraphs (a) to (d), except that the allocations shall be made to the highest priority school sites not funded in the initial allocation on a statewide basis.

**Subd. 6. Participation limits.** (a) Notwithstanding section 126C.05, subdivision 1, paragraph (d), the pupil units for a voluntary prekindergarten program for an eligible school district or charter school must not exceed 60 percent of the kindergarten pupil units for that school district or charter school under section 126C.05, subdivision 1, paragraph (e).

(b) In reviewing applications under subdivision 5, the commissioner must limit the total number of participants in the voluntary prekindergarten and school readiness plus programs under Laws 2017, First Special Session chapter 5, article 8, section 9, to not more than 7,160 participants for fiscal years 2019, 2020, 2021, 2022, and 2023, and 3,160 participants for fiscal years 2024 and later.

**124D.4531 CAREER AND TECHNICAL REVENUE.**

**Subd. 3a. Revenue adjustments.** Notwithstanding subdivisions 1, 1a, and 3, for taxes payable in 2012 to 2014 only, the department must calculate the career and technical revenue for each district according to Minnesota Statutes 2010, section 124D.4531, and adjust the revenue for each district proportionately to meet the statewide revenue target under subdivision 1, paragraph (c). For purposes of calculating the revenue guarantee under subdivision 3, the career and technical education revenue for the previous fiscal year is the revenue according to Minnesota Statutes 2010, section 124D.4531, before adjustments to meet the statewide revenue target.