

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3393

(SENATE AUTHORS: CLAUSEN and Latz)

DATE	D-PG	OFFICIAL STATUS
02/20/2020	4843	Introduction and first reading Referred to E-12 Finance and Policy
03/09/2020	5356	Author added Latz

1.1 A bill for an act

1.2 relating to education; making certain policy and technical changes for

1.3 prekindergarten through grade 12 education provisions including general education,

1.4 schools, teachers, definitions, and timelines; requiring reports; amending Minnesota

1.5 Statutes 2018, sections 13.32, subdivision 3; 120A.20, by adding a subdivision;

1.6 120A.22, subdivisions 7, 10; 120A.40; 120B.018, subdivision 6; 120B.021,

1.7 subdivisions 1, 2; 120B.022, subdivision 1b; 120B.024, by adding a subdivision;

1.8 120B.11, subdivisions 2, 3; 120B.13, subdivision 4; 120B.15; 121A.031,

1.9 subdivisions 5, 6; 121A.41, subdivision 10, by adding subdivisions; 121A.45,

1.10 subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47,

1.11 subdivisions 2, 14; 121A.53, subdivision 1; 121A.55; 122A.181, subdivision 5;

1.12 122A.183, subdivision 2; 122A.185, subdivision 1; 122A.26, subdivision 2;

1.13 122A.40, subdivision 8; 123B.09, subdivision 2; 123B.147, subdivision 3; 124D.03,

1.14 subdivision 5; 124D.09, subdivision 13; 124D.111, subdivision 4, by adding a

1.15 subdivision; 124D.141, subdivision 2; 124D.165, subdivisions 3, 4; 124D.74,

1.16 subdivision 1; 124D.78, subdivisions 1, 3; 124D.79, subdivision 2; 124D.81,

1.17 subdivision 1; 124D.861, subdivision 2; 124D.862, subdivision 7; 124E.03,

1.18 subdivision 2, by adding subdivisions; 124E.05, subdivisions 4, 7; 124E.11;

1.19 124E.13, subdivision 3; 125A.091, by adding a subdivision; 125A.30; 134.31,

1.20 subdivision 4a; 609A.03, subdivision 7a; Minnesota Statutes 2019 Supplement,

1.21 sections 120B.024, subdivision 1; 120B.35, subdivision 3; 124D.09, subdivisions

1.22 3, 7; 124D.59, subdivision 2a; proposing coding for new law in Minnesota Statutes,

1.23 chapters 120B; 121A; 124D; repealing Minnesota Rules, part 8710.0500, subpart

1.24 1, item A.

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

1.26 **ARTICLE 1**

1.27 **A WORLD CLASS EDUCATION FOR EVERY STUDENT**

1.28 Section 1. Minnesota Statutes 2018, section 13.32, subdivision 3, is amended to read:

1.29 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision

1.30 5, educational data is private data on individuals and shall not be disclosed except as follows:

1.31 (a) pursuant to section 13.05;

2.1 (b) pursuant to a valid court order;

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

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

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

2.9 (f) to appropriate health authorities to the extent necessary to administer immunization
2.10 programs and for bona fide epidemiologic investigations which the commissioner of health
2.11 determines are necessary to prevent disease or disability to individuals in the public
2.12 educational agency or institution in which the investigation is being conducted;

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

2.15 (h) to the appropriate school district officials to the extent necessary under subdivision
2.16 6, annually to indicate the extent and content of remedial instruction, including the results
2.17 of assessment testing and academic performance at a postsecondary institution during the
2.18 previous academic year by a student who graduated from a Minnesota school district within
2.19 two years before receiving the remedial instruction;

2.20 (i) to appropriate authorities as provided in United States Code, title 20, section
2.21 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the
2.22 system to effectively serve, prior to adjudication, the student whose records are released;
2.23 provided that the authorities to whom the data are released submit a written request for the
2.24 data that certifies that the data will not be disclosed to any other person except as authorized
2.25 by law without the written consent of the parent of the student and the request and a record
2.26 of the release are maintained in the student's file;

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

2.30 (k) to provide student recruiting information, from educational data held by colleges
2.31 and universities, as required by and subject to Code of Federal Regulations, title 32, section
2.32 216;

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

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

3.8 (n) to the commissioner of education for purposes of an assessment or investigation of
3.9 a report of alleged maltreatment of a student as mandated by section 626.556. Upon request
3.10 by the commissioner of education, data that are relevant to a report of maltreatment and are
3.11 from charter school and school district investigations of alleged maltreatment of a student
3.12 must be disclosed to the commissioner, including, but not limited to, the following:

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

3.14 (2) information regarding student and employee witnesses;

3.15 (3) information regarding the alleged perpetrator; and

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

3.18 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
3.19 of a crime of violence or nonforcible sex offense to the extent authorized under United
3.20 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
3.21 34, sections 99.31 (a)(13) and (14);

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

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

4.1 (r) to tribal nations about tribally enrolled or descendant students to allow the tribal
4.2 nation and school district or charter school to support the educational attainment of the
4.3 student.

4.4 Sec. 2. Minnesota Statutes 2018, section 120B.018, subdivision 6, is amended to read:

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

4.9 Sec. 3. Minnesota Statutes 2018, section 120B.021, subdivision 1, is amended to read:

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

4.12 (1) language arts;

4.13 (2) mathematics;

4.14 (3) science;

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

4.17 (5) physical education;

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

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

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

4.30 (c) The department must adopt the most recent SHAPE America (Society of Health and
4.31 Physical Educators) kindergarten through grade 12 standards and benchmarks for physical

5.1 education as the required physical education academic standards. The department may
 5.2 modify and adapt the national standards to accommodate state interest. The modification
 5.3 and adaptations must maintain the purpose and integrity of the national standards. The
 5.4 department must make available sample assessments, which school districts may use as an
 5.5 alternative to local assessments, to assess students' mastery of the physical education
 5.6 standards beginning in the 2018-2019 school year.

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

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

5.18 Sec. 4. Minnesota Statutes 2018, section 120B.021, subdivision 2, is amended to read:

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

5.23 (1) the Tribal Nations Education Committee under section 124D.79, subdivision 4, and
 5.24 representatives from Minnesota's tribal nations and communities, including both Anishinaabe
 5.25 and Dakota;

5.26 ~~(1)~~ (2) parents of school-age children and members of the public throughout the state;

5.27 ~~(2)~~ (3) teachers throughout the state currently licensed and providing instruction in
 5.28 language arts, mathematics, science, social studies, or the arts and licensed elementary and
 5.29 secondary school principals throughout the state currently administering a school site;

5.30 ~~(3)~~ (4) currently serving members of local school boards and charter school boards
 5.31 throughout the state;

5.32 ~~(4)~~ (5) faculty teaching core subjects at postsecondary institutions in Minnesota; and

6.1 ~~(5)~~ (6) representatives of the Minnesota business community.

6.2 (b) Academic standards must:

6.3 (1) be clear, concise, objective, measurable, and grade-level appropriate;

6.4 (2) not require a specific teaching methodology or curriculum; and

6.5 (3) be consistent with the Constitutions of the United States and the state of Minnesota.

6.6 Sec. 5. Minnesota Statutes 2018, section 120B.022, subdivision 1b, is amended to read:

6.7 Subd. 1b. **State bilingual and multilingual seals.** (a) Consistent with efforts to strive
6.8 for the world's best workforce under sections 120B.11 and 124E.03, subdivision 2, paragraph
6.9 (i), and close the academic achievement and opportunity gap under sections 124D.861 and
6.10 124D.862, voluntary state bilingual and multilingual seals are established to recognize high
6.11 school students in any school district, charter school, or nonpublic school who demonstrate
6.12 an advanced-low level or an intermediate high level of functional proficiency in listening,
6.13 speaking, reading, and writing on either assessments aligned with American Council on the
6.14 Teaching of Foreign Languages' (ACTFL) proficiency guidelines or on equivalent valid
6.15 and reliable assessments in one or more languages in addition to English. American Sign
6.16 Language is a language other than English for purposes of this subdivision and a world
6.17 language for purposes of subdivision 1a.

6.18 (b) In addition to paragraph (a), to be eligible to receive a seal:

6.19 (1) students must satisfactorily complete all required English language arts credits; and

6.20 (2) students must demonstrate mastery of Minnesota's English language proficiency
6.21 standards.

6.22 (c) Consistent with this subdivision, a high school student who demonstrates an
6.23 intermediate high ACTFL level of functional proficiency in one language in addition to
6.24 English is eligible to receive the state bilingual gold seal. A high school student who
6.25 demonstrates an intermediate high ACTFL level of functional native proficiency in more
6.26 than one language in addition to English is eligible to receive the state multilingual gold
6.27 seal. A high school student who demonstrates an advanced-low ACTFL level of functional
6.28 proficiency in one language in addition to English is eligible to receive the state bilingual
6.29 platinum seal. A high school student who demonstrates an advanced-low ACTFL level of
6.30 functional proficiency in more than one language in addition to English is eligible to receive
6.31 the state multilingual platinum seal.

7.1 (d) School districts and charter schools may give students periodic opportunities to
7.2 demonstrate their level of proficiency in listening, speaking, reading, and writing in a
7.3 language in addition to English. Where valid and reliable assessments are unavailable, a
7.4 school district or charter school may rely on evaluators trained in assessing under ACTFL
7.5 proficiency guidelines to assess a student's level of foreign, heritage, or indigenous language
7.6 proficiency under this section. School districts and charter schools must maintain appropriate
7.7 records to identify high school students eligible to receive the state bilingual or multilingual
7.8 gold and platinum seals and world language proficiency certificates. School districts and
7.9 charter schools must annually report to the department all seals and world language
7.10 proficiency certificates by categories of student race, English learner status, free and
7.11 reduced-price lunch status, and disability status. The school district or charter school must
7.12 affix indicate the appropriate seal to or certificate and corresponding number of college
7.13 semesters earned at Minnesota State Colleges and Universities on the transcript of each
7.14 high school student who meets the requirements of this subdivision and may affix the seal
7.15 to the student's diploma. A school district or charter school must not charge the high school
7.16 student a fee for this seal.

7.17 (e) A school district or charter school may award elective course credits in world
7.18 languages to a student who demonstrates the requisite proficiency in a language other than
7.19 English under this section.

7.20 (f) A school district or charter school may award community service credit to a student
7.21 who demonstrates an intermediate high or advanced-low ACTFL level of functional
7.22 proficiency in listening, speaking, reading, and writing in a language other than English
7.23 and who participates in community service activities that are integrated into the curriculum,
7.24 involve the participation of teachers, and support biliteracy in the school or local community.

7.25 (g) The commissioner must list on the web page those assessments that are aligned to
7.26 ACTFL proficiency guidelines.

7.27 (h) By August 1, 2015, the colleges and universities of the Minnesota State Colleges
7.28 and Universities system must establish criteria to translate the seals into college credits
7.29 based on the world language course equivalencies identified by the Minnesota State Colleges
7.30 and Universities faculty and staff and, upon request from an enrolled student, the Minnesota
7.31 State Colleges and Universities may award foreign language credits to a student who receives
7.32 a Minnesota World Language Proficiency Certificate under subdivision 1a. A student who
7.33 demonstrated the requisite level of language proficiency in grade 10, 11, or 12 to receive a
7.34 seal or certificate and is enrolled in a Minnesota State Colleges and Universities institution
7.35 must request college credits for the student's seal or proficiency certificate within three

8.1 academic years after graduating from high school. The University of Minnesota is encouraged
8.2 to award students foreign language academic credits consistent with this paragraph.

8.3 Sec. 6. Minnesota Statutes 2019 Supplement, section 120B.024, subdivision 1, is amended
8.4 to read:

8.5 Subdivision 1. **Graduation requirements.** (a) Students beginning 9th grade in the
8.6 2011-2012 school year and later must successfully complete the following high school level
8.7 credits for graduation:

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

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

8.12 (3) an algebra I credit by the end of 8th grade sufficient to satisfy all of the 8th grade
8.13 standards in mathematics. The credit does not earn high school credit;

8.14 (4) three credits of science, including at least one credit of biology, one credit of chemistry
8.15 or physics, and one ~~elective~~ credit of earth and space science beginning with the 9th grade
8.16 class in the 2023-2024 school year. The combination of credits under this clause must be
8.17 sufficient to satisfy (i) all of the academic standards in either chemistry or physics and (ii)
8.18 all other academic standards in science;

8.19 (5) three and one-half credits of social studies, encompassing at least United States
8.20 history, geography, government and citizenship, world history, and economics sufficient
8.21 to satisfy all of the academic standards in social studies;

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

8.24 (7) one credit of physical education sufficient to satisfy all the academic standards in
8.25 physical education; and

8.26 ~~(7)~~ (8) a minimum of ~~seven~~ six elective credits.

8.27 (b) A school district is encouraged to offer a course for credit in government and
8.28 citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year
8.29 and later, that satisfies the government and citizenship requirement in paragraph (a), clause
8.30 (5).

9.1 Sec. 7. Minnesota Statutes 2018, section 120B.024, is amended by adding a subdivision
9.2 to read:

9.3 Subd. 3. **Students experiencing homelessness.** (a) To ensure that students experiencing
9.4 homelessness, as defined in section 119B.011, subdivision 13b, do not face additional
9.5 barriers to their educational success or graduation, a district or charter school must award
9.6 a high school diploma to a student who has experienced homelessness in high school when
9.7 the student satisfies the state graduation requirements defined in section 120B.02, subdivision
9.8 2, regardless of whether the student satisfies additional graduation requirements established
9.9 by the district or charter school that exceed the state graduation requirements.

9.10 (b) A district or charter school must ensure that a student experiencing homelessness
9.11 receives priority enrollment in courses for which the student is otherwise eligible, courses
9.12 that are required for or contribute to satisfying graduation requirements, and courses that
9.13 may have been partially completed in another school, district, or charter school.

9.14 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

9.15 Sec. 8. Minnesota Statutes 2018, section 120B.11, subdivision 2, is amended to read:

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

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

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

9.28 (3) a system to periodically review and evaluate the effectiveness of all instruction and
9.29 curriculum, taking into account strategies and best practices, student outcomes, school
9.30 principal evaluations under section 123B.147, subdivision 3, students' access to effective
9.31 teachers who are members of populations underrepresented among the licensed teachers in
9.32 the district or school and who reflect the diversity of enrolled students under section 120B.35,

10.1 subdivision 3, paragraph (b), clause (2), and teacher evaluations under section 122A.40,
 10.2 subdivision 8, or 122A.41, subdivision 5;

10.3 (4) strategies for improving instruction, curriculum, and student achievement, including
 10.4 (i) the English and, where practicable, the native language development and the academic
 10.5 achievement of English learners;, and (ii) for all learners, access to culturally relevant or
 10.6 ethnic studies curriculum using culturally responsive methodologies;

10.7 (5) a process to examine the equitable distribution of teachers and strategies to ensure
 10.8 low-income and minority children from low-income families, families of color, and American
 10.9 Indian families are not taught at higher rates than other children by inexperienced, ineffective,
 10.10 or out-of-field teachers;

10.11 (6) education effectiveness practices that integrate high-quality instruction;; rigorous
 10.12 curriculum;; technology;; inclusive and respectful learning and work environments for all
 10.13 students, families, and staff; and a collaborative professional culture that ~~develops and~~
 10.14 ~~supports~~ retains qualified and racially, ethnically, and linguistically diverse staff effective
 10.15 at working with diverse students while developing and supporting teacher quality,
 10.16 performance, and effectiveness; and

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

10.18 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and
 10.19 updated after the day of final enactment.

10.20 Sec. 9. Minnesota Statutes 2018, section 120B.11, subdivision 3, is amended to read:

10.21 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory
 10.22 committee to ensure active community participation in all phases of planning and improving
 10.23 the instruction and curriculum affecting state and district academic standards, consistent
 10.24 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect
 10.25 the diversity of the district and its school sites, include teachers, parents, support staff,
 10.26 students, and other community residents, and provide translation to the extent appropriate
 10.27 and practicable. The district advisory committee ~~shall~~ must pursue community support to
 10.28 accelerate the academic and native literacy and achievement of English learners with varied
 10.29 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and
 10.30 2a. The district may establish site teams as subcommittees of the district advisory committee
 10.31 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school
 10.32 board rigorous academic standards;; student achievement goals and measures consistent
 10.33 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35;; district

11.1 assessments; means to improve students' equitable access to effective and more diverse
 11.2 teachers; strategies to ensure the curriculum and learning and work environments are
 11.3 inclusive and respectful toward all racial and ethnic groups; and program evaluations. School
 11.4 sites may expand upon district evaluations of instruction, curriculum, assessments, or
 11.5 programs. Whenever possible, parents and other community residents ~~shall~~ must comprise
 11.6 at least two-thirds of advisory committee members.

11.7 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and
 11.8 updated after the day of final enactment.

11.9 Sec. 10. Minnesota Statutes 2018, section 120B.15, is amended to read:

11.10 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS.**

11.11 (a) School districts may identify students, locally develop programs or services addressing
 11.12 instructional and affective needs, provide staff development, and evaluate programs or
 11.13 services to provide gifted and talented students with challenging and appropriate educational
 11.14 programs or services.

11.15 (b) School districts must adopt guidelines for assessing and identifying students for
 11.16 participation in gifted and talented programs consistent with section 120B.11, subdivision
 11.17 2, clause (2). The guidelines should include the use of:

11.18 (1) multiple and objective criteria; and

11.19 (2) assessments and procedures that are valid and reliable, fair, and based on current
 11.20 theory and research. Assessments and procedures ~~should~~ must be sensitive and equitable
 11.21 to underrepresented groups, including, but not limited to, low-income students, ~~minority~~
 11.22 students of color and American Indian students, twice-exceptional students, students with
 11.23 504 plans, and English learners. Assessments and procedures must be coordinated to allow
 11.24 for optimal identification of programs or services for these underrepresented students.

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

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

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

11.31 (d) School districts must adopt procedures consistent with section 124D.02, subdivision
 11.32 1, for early admission to kindergarten or first grade of gifted and talented learners consistent

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

12.3 Sec. 11. 120B.25 CURRICULUM POLICY.

12.4 A school board must adopt a written policy that prohibits discrimination or discipline
 12.5 for a teacher or principal on the basis of incorporating into curriculum contributions by
 12.6 persons in a federally protected class or protected class under section 363A.13, consistent
 12.7 with local collective bargaining agreements and sections 121A.41 to 121A.56.

12.8 Sec. 12. Minnesota Statutes 2019 Supplement, section 124D.59, subdivision 2a, is amended
 12.9 to read:

12.10 Subd. 2a. **English learner; interrupted formal education.** Consistent with subdivision
 12.11 2, ~~an English learner includes an English learner with an interrupted formal education who~~
 12.12 ~~meets three of the following five requirements:~~ means a pupil who has at least two years
 12.13 less schooling than the pupil's peers and enters school in the United States after grade 3.

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

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

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

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

12.19 ~~and~~

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

12.21 Sec. 13. Minnesota Statutes 2018, section 124D.861, subdivision 2, is amended to read:

12.22 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible
 12.23 district must formally develop and implement a long-term plan under this section. The plan
 12.24 must be incorporated into the district's comprehensive strategic plan under section 120B.11.
 12.25 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~
 12.26 ~~learning environments that offer students school enrollment choices; family engagement~~
 12.27 ~~initiatives that involve families in their students' academic life and success; professional~~
 12.28 ~~development opportunities for teachers and administrators focused on improving the academic~~
 12.29 ~~achievement of all students, including teachers and administrators who are members of~~
 12.30 ~~populations underrepresented among the licensed teachers or administrators in the district~~
 12.31 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~

13.1 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~
13.2 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~
13.3 ~~career readiness for underserved students, including students enrolled in alternative learning~~
13.4 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~
13.5 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~
13.6 ~~underserved students; or recruitment and retention of teachers and administrators with~~
13.7 ~~diverse racial and ethnic backgrounds.~~

13.8 (b) The plan must contain goals for:

13.9 (1) reducing the disparities in academic achievement and in equitable access to effective
13.10 and more diverse teachers among all students and specific categories of students under
13.11 section 120B.35, subdivision 3, paragraph (b), excluding the student categories of gender,
13.12 disability, and English learners; and

13.13 (2) increasing racial and economic diversity and integration in schools and districts.

13.14 (c) The plan must include strategies to make schools' curriculum and learning and work
13.15 environments more inclusive and respectful of students' racial, ethnic, and linguistic diversity
13.16 and to address issues of structural inequities in schools that create opportunity and
13.17 achievement gaps for students, families, and staff who are of color or who are American
13.18 Indian. Examples of possible structural inequities include but are not limited to policies and
13.19 practices that unintentionally result in disparate referrals and suspension, inequitable access
13.20 to advanced coursework, overrepresentation in lower level coursework, inequitable
13.21 participation in cocurricular activities, inequitable parent involvement, and lack of access
13.22 to racially and ethnically diverse teachers.

13.23 (d) Plan components and strategies should be informed by local data and may include
13.24 but are not limited to the following efforts:

13.25 (1) innovative and integrated prekindergarten through grade 12 learning environments
13.26 that offer students school enrollment choices;

13.27 (2) family engagement initiatives that involve families in their students' academic life
13.28 and success, and improve relations between home and school;

13.29 (3) creating opportunities for students, families, staff, and community members who are
13.30 of color or American Indian to share their experiences in the school setting with school staff
13.31 and administration to inform development of specific proposals for making school
13.32 environments more inclusive and respectful toward all students, families, and staff;

14.1 (4) professional development opportunities for teachers and administrators focused on
14.2 improving the academic achievement of all students, including knowledge, skills, and
14.3 dispositions needed to be culturally responsive and successfully serve students who are
14.4 from diverse racial, ethnic, and linguistic backgrounds;

14.5 (5) recruitment and retention of teachers, administrators, cultural and family liaisons,
14.6 paraprofessionals, and other nonlicensed staff from racial, ethnic, and linguistic backgrounds
14.7 represented in the student population to strengthen relationships with all students, families,
14.8 and other members of the community;

14.9 (6) examining academic and discipline data, reexamining institutional policies and
14.10 practices that result in opportunity and achievement disparities between racial and ethnic
14.11 groups, and making necessary changes that increase access, meaningful participation,
14.12 representation, and positive outcomes for students of color, American Indian students, and
14.13 students who qualify for free or reduced-price lunch;

14.14 (7) increased programmatic opportunities and effective and more diverse instructors
14.15 focused on rigor and college and career readiness for underserved students, including but
14.16 not limited to students enrolled in alternative learning centers under section 123A.05, public
14.17 alternative programs under section 126C.05, subdivision 15, and contract alternative programs
14.18 under section 124D.69;

14.19 (8) developing or expanding ethnic studies course offerings to provide all students with
14.20 in-depth opportunities to learn about their own and others' cultures and historical experiences;
14.21 or

14.22 (9) examining and revising curricula in various subjects to be culturally relevant and
14.23 inclusive of various racial and ethnic groups while meeting state academic standards.

14.24 ~~(b)~~ (e) Among other requirements, an eligible district must implement effective,
14.25 research-based interventions that include formative assessment practices to reduce the
14.26 disparities in student academic performance among the specific categories of students as
14.27 measured by student progress and growth on state reading and math assessments and as
14.28 aligned with section 120B.11.

14.29 ~~(e)~~ (f) Eligible districts must create efficiencies and eliminate duplicative programs and
14.30 services under this section, which may include forming collaborations or a single,
14.31 seven-county metropolitan areawide partnership of eligible districts for this purpose.

14.32 **EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after
14.33 the day of final enactment.

15.1 **ARTICLE 2**15.2 **SAFE AND NURTURING SCHOOLS FOR EVERY STUDENT**

15.3 Section 1. Minnesota Statutes 2018, section 120A.22, subdivision 7, is amended to read:

15.4 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that
15.5 receives services or aid under sections 123B.40 to 123B.48 from which a student is
15.6 transferring must transmit the student's educational records, within ten business days of a
15.7 request, to the district, the charter school, or the nonpublic school in which the student is
15.8 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under
15.9 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the
15.10 charter school, or the nonpublic school in which a transferring student is next enrolling in
15.11 order to comply with this subdivision.

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

15.15 (c) A school district, a charter school, or a nonpublic school that receives services or aid
15.16 under sections 123B.40 to 123B.48 that transmits a student's educational records to another
15.17 school district or other educational entity, charter school, or nonpublic school to which the
15.18 student is transferring must include in the transmitted records information about any formal
15.19 suspension, expulsion, and exclusion disciplinary action as well as pupil withdrawals under
15.20 sections 121A.40 to 121A.56. Transmitted records must document any service a pupil
15.21 requires to prevent the inappropriate behavior from recurring. The district, the charter school,
15.22 or the nonpublic school that receives services or aid under sections 123B.40 to 123B.48
15.23 must provide notice to a student and the student's parent or guardian that formal disciplinary
15.24 records will be transferred as part of the student's educational record, in accordance with
15.25 data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974,
15.26 United States Code, title 20, section 1232(g).

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

15.33 (e) A principal or chief administrative officer who receives a probable cause notice under
15.34 section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that

16.1 data in the student's educational records if they are transmitted to another school, unless the
16.2 data are required to be destroyed under paragraph (d) or section 121A.75.

16.3 Sec. 2. Minnesota Statutes 2018, section 120A.40, is amended to read:

16.4 **120A.40 SCHOOL CALENDAR.**

16.5 (a) Except for learning programs during summer, flexible learning year programs
16.6 authorized under sections 124D.12 to 124D.127, and learning year programs under section
16.7 124D.128, a district must not commence an elementary or secondary school year before
16.8 Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops
16.9 may be held before Labor Day. Districts that enter into cooperative agreements are
16.10 encouraged to adopt similar school calendars.

16.11 (b) A district may begin the school year on any day before Labor Day:

16.12 (1) to accommodate a construction or remodeling project of \$400,000 or more affecting
16.13 a district school facility;

16.14 (2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a
16.15 district that qualifies under clause (1); or

16.16 (3) if the district agrees to the same schedule with a school district in an adjoining state.

16.17 (c) A school board may consider the community's religious or cultural observances when
16.18 adopting an annual school calendar.

16.19 Sec. 3. Minnesota Statutes 2018, section 121A.031, subdivision 5, is amended to read:

16.20 Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools are
16.21 encouraged to provide developmentally appropriate programmatic instruction to help students
16.22 identify, prevent, and reduce prohibited conduct; value diversity in school and society;
16.23 develop and improve students' knowledge and skills for solving problems, managing conflict,
16.24 engaging in civil discourse, and recognizing, responding to, and reporting prohibited conduct;
16.25 and make effective prevention and intervention programs available to students. Upon request,
16.26 the school safety technical assistance center under section 127A.052 must assist a district
16.27 or school in helping students understand social media and cyberbullying. Districts and
16.28 schools must establish strategies for creating a positive school climate and use evidence-based
16.29 social-emotional learning to prevent and reduce discrimination and other improper conduct.

16.30 (b) Districts and schools ~~are encouraged to~~ must:

16.31 (1) engage all students in creating a safe and supportive school environment;

17.1 (2) partner with parents and other community members to develop and implement
17.2 prevention and intervention programs;

17.3 (3) engage all students and adults in integrating education, intervention, and other
17.4 remedial responses into the school environment;

17.5 (4) train student bystanders to intervene in and report incidents of prohibited conduct to
17.6 the school's primary contact person;

17.7 (5) teach students to advocate for themselves and others;

17.8 (6) prevent inappropriate referrals to special education of students who may engage in
17.9 prohibited conduct; and

17.10 (7) foster student collaborations that foster a safe and supportive school climate.

17.11 Sec. 4. Minnesota Statutes 2018, section 121A.031, subdivision 6, is amended to read:

17.12 Subd. 6. **State model policy.** (a) The commissioner, in consultation with the
17.13 commissioner of human rights, shall develop and maintain a state model policy. A district
17.14 or school that does not adopt and implement a local policy under subdivisions 3 to 5 must
17.15 implement and may supplement the provisions of the state model policy. The commissioner
17.16 must assist districts and schools under this subdivision to implement the state policy. The
17.17 state model policy must:

17.18 (1) define prohibited conduct, consistent with this section;

17.19 (2) apply the prohibited conduct policy components in this section;

17.20 (3) for a child with a disability, whenever an evaluation by an individualized education
17.21 program team or a section 504 team indicates that the child's disability affects the child's
17.22 social skills development or the child is vulnerable to prohibited conduct because of the
17.23 child's disability, the child's individualized education program or section 504 plan may
17.24 address the skills and proficiencies the child needs to not engage in and respond to such
17.25 conduct; and

17.26 (4) encourage violence prevention and character development education programs under
17.27 section 120B.232, subdivision 1.

17.28 (b) The commissioner shall develop and post departmental procedures for:

17.29 (1) periodically reviewing district and school programs and policies for compliance with
17.30 this section;

18.1 (2) investigating, reporting, and responding to noncompliance with this section, which
 18.2 may include an annual review of plans to improve and provide a safe and supportive school
 18.3 climate; and

18.4 (3) allowing students, parents, and educators to file a complaint about noncompliance
 18.5 with the commissioner.

18.6 (c) The commissioner must post on the department's website information indicating that
 18.7 when districts and schools allow non-curriculum-related student groups access to school
 18.8 facilities, the district or school must give all student groups equal access to the school
 18.9 facilities regardless of the content of the group members' speech.

18.10 (d) The commissioner must develop and maintain resources to assist a district or school
 18.11 in implementing strategies for creating a positive school climate and using evidence-based
 18.12 social-emotional learning to prevent and reduce discrimination and other improper conduct.

18.13 (e) The commissioner must develop and adopt state level standards for social, emotional,
 18.14 and cognitive development.

18.15 Sec. 5. [121A.391] SENSORY, SERENITY, OR PRAYER ROOMS.

18.16 (a) School districts and charter schools are required to adopt a policy, consistent with
 18.17 their student population, that considers providing sensory rooms to students when it is in
 18.18 the best interest of students.

18.19 (b) School districts and charter schools are required to adopt a policy, consistent with
 18.20 their student population, that considers providing serenity or prayer rooms to students.

18.21 Sec. 6. Minnesota Statutes 2018, section 121A.41, subdivision 10, is amended to read:

18.22 Subd. 10. **Suspension.** (a) "In-school suspension" means an instance in which a pupil
 18.23 is temporarily removed from the pupil's regular classroom for at least half a day for
 18.24 disciplinary purposes, but remains under the direct supervision of school personnel. "Direct
 18.25 supervision" means school personnel are physically present in the same location as the pupil
 18.26 under supervision.

18.27 ~~"Suspension"~~ (b) "Out-of-school suspension" means an action by the school
 18.28 administration, under rules promulgated by the school board, prohibiting a pupil from
 18.29 attending school for a period of no more than ten school days. If a suspension is longer than
 18.30 five days, the suspending administrator must provide the superintendent with a reason for
 18.31 the longer suspension. This definition does not apply to dismissal from school for less than
 18.32 one school day ~~or less~~, except as provided in federal law for a student with a disability. Each

19.1 suspension action may include a readmission plan. The readmission plan shall include,
19.2 where appropriate, a provision for implementing alternative educational services upon
19.3 readmission and may not be used to extend the current suspension. Consistent with section
19.4 125A.091, subdivision 5, the readmission plan must not obligate a parent to provide a
19.5 sympathomimetic medication for the parent's child as a condition of readmission. The school
19.6 administration may not impose consecutive suspensions against the same pupil for the same
19.7 course of conduct, or incident of misconduct, except where the pupil will create an immediate
19.8 and substantial danger to self or to surrounding persons or property, or where the district is
19.9 in the process of initiating an expulsion, in which case the school administration may extend
19.10 the suspension to a total of 15 school days.

19.11 Sec. 7. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to
19.12 read:

19.13 **Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil**
19.14 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means
19.15 policies and practices that are alternatives to removing a pupil from class or dismissing a
19.16 pupil from school. Nonexclusionary disciplinary policies and practices include but are not
19.17 limited to evidence-based positive behavior interventions and supports, social and emotional
19.18 services, school-linked mental health services, counseling services, social work services,
19.19 referrals for special education or 504 evaluations, academic screening for title one services
19.20 or reading interventions, and alternative education services. Nonexclusionary disciplinary
19.21 policies and practices require school officials to intervene in, redirect, and support a pupil's
19.22 behavior before removing a pupil from class or beginning dismissal proceedings.
19.23 Nonexclusionary disciplinary policies and practices also include but are not limited to the
19.24 policies and practices under sections 120B.12; 121A.575, clauses (1) and (2); 121A.031,
19.25 subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph (q); 122A.627,
19.26 clause (3); and 123A.56.

19.27 Sec. 8. Minnesota Statutes 2018, section 121A.41, is amended by adding a subdivision to
19.28 read:

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

20.1 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

20.2 Sec. 9. **[121A.425] FULL AND EQUITABLE PARTICIPATION IN PRESCHOOL**
 20.3 **AND PREKINDERGARTEN.**

20.4 Subdivision 1. **Disciplinary dismissals prohibited.** A school district or charter school
 20.5 must prohibit the disciplinary dismissal of a child enrolled in a preschool or prekindergarten
 20.6 program, including a child participating in early childhood family education, school readiness,
 20.7 school readiness plus, voluntary prekindergarten, Head Start, or other school-based preschool
 20.8 or prekindergarten program.

20.9 Subd. 2. **Nonexclusionary discipline.** School district or charter school staff must ensure
 20.10 that a child fully participates in a preschool or prekindergarten program described in
 20.11 subdivision 1 by providing one or more of the following services:

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

20.14 (2) creating a plan, written with the parent or guardian, that details the action and support
 20.15 needed for the child to fully participate in a preschool or prekindergarten program;

20.16 (3) providing a referral for needed support services, including parenting education, home
 20.17 visits, or other supportive educational interventions; or

20.18 (4) determining if a referral for special education is appropriate for the child.

20.19 Sec. 10. Minnesota Statutes 2018, section 121A.45, subdivision 1, is amended to read:

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

20.25 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

20.26 Sec. 11. Minnesota Statutes 2018, section 121A.46, subdivision 4, is amended to read:

20.27 Subd. 4. **Suspension pending expulsion or exclusion hearing.** (a) Notwithstanding
 20.28 the provisions of subdivisions 1 and 3, the pupil may be suspended pending the school
 20.29 board's decision in the expulsion or exclusion hearing; provided that alternative educational
 20.30 services are implemented to the extent that suspension exceeds five days.

21.1 (b) A school administrator must ensure that alternative educational services are provided
 21.2 when a pupil is suspended for more than five consecutive school days.

21.3 Sec. 12. Minnesota Statutes 2018, section 121A.46, is amended by adding a subdivision
 21.4 to read:

21.5 Subd. 5. **Minimum education services.** A suspended pupil must have the opportunity
 21.6 to complete all school work assigned during the period of the pupil's suspension and to
 21.7 receive full credit for satisfactorily completing the assignments. When a class assignment
 21.8 is modified due to the pupil not being physically present in the classroom setting, the modified
 21.9 assignment must address the same standards as the original assignment and provide the
 21.10 pupil with the same amount of credit when completed. A school principal or other person
 21.11 with administrative control of the school building or program is encouraged to designate a
 21.12 district or school employee as a liaison to work with the pupil's teacher to allow the suspended
 21.13 pupil to (1) receive timely course materials and other information, and (2) complete daily
 21.14 and weekly assignments and receive feedback from the teacher as appropriate.

21.15 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

21.16 Sec. 13. Minnesota Statutes 2018, section 121A.47, subdivision 2, is amended to read:

21.17 Subd. 2. **Written notice.** Written notice of intent to take action shall:

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

21.19 (b) contain a complete statement of the facts, a list of the witnesses and a description of
 21.20 their testimony;

21.21 (c) state the date, time, and place of the hearing;

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

21.23 (e) describe ~~alternative educational services~~ the nonexclusionary disciplinary practices
 21.24 accorded the pupil in an attempt to avoid the expulsion proceedings; and

21.25 (f) inform the pupil and parent or guardian of the right to:

21.26 (1) have a representative of the pupil's own choosing, including legal counsel, at the
 21.27 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost
 21.28 legal assistance may be available and that a legal assistance resource list is available from
 21.29 the Department of Education and is posted on their website;

21.30 (2) examine the pupil's records before the hearing;

22.1 (3) present evidence; and

22.2 (4) confront and cross-examine witnesses.

22.3 Sec. 14. Minnesota Statutes 2018, section 121A.47, subdivision 14, is amended to read:

22.4 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare
 22.5 and enforce an admission or readmission plan for any pupil who is excluded or expelled
 22.6 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~
 22.7 which may include completing a character education program, consistent with section
 22.8 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,
 22.9 mental health services, referrals for special education or 504 evaluation, and evidence-based
 22.10 academic interventions. The plan must require parental involvement in the admission or
 22.11 readmission process, and may indicate the consequences to the pupil of not improving the
 22.12 pupil's behavior.

22.13 (b) The definition of suspension under section 121A.41, subdivision 10, does not apply
 22.14 to a student's dismissal from school for less than one school day ~~or less~~, except as provided
 22.15 under federal law for a student with a disability. Each suspension action may include a
 22.16 readmission plan. A readmission plan must provide, where appropriate, alternative education
 22.17 services, which must not be used to extend the student's current suspension period. Consistent
 22.18 with section 125A.091, subdivision 5, a readmission plan must not obligate a parent or
 22.19 guardian to provide psychotropic drugs to their student as a condition of readmission. School
 22.20 officials must not use the refusal of a parent or guardian to consent to the administration of
 22.21 psychotropic drugs to their student or to consent to a psychiatric evaluation, screening or
 22.22 examination of the student as a ground, by itself, to prohibit the student from attending class
 22.23 or participating in a school-related activity, or as a basis of a charge of child abuse, child
 22.24 neglect or medical or educational neglect.

22.25 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

22.26 Sec. 15. Minnesota Statutes 2018, section 121A.53, subdivision 1, is amended to read:

22.27 Subdivision 1. **Exclusions and expulsions; pupil withdrawals and physical**
 22.28 **assaults.** Consistent with subdivision 2, the school board must report through the department
 22.29 electronic reporting system each exclusion or expulsion ~~and,~~ each physical assault of a
 22.30 district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days
 22.31 of the effective date of the dismissal action, pupil withdrawal, or assault to the commissioner
 22.32 of education. This report must include a statement of ~~alternative educational services~~
 22.33 nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in

23.1 response to the assault given the pupil and the reason for, the effective date, and the duration
 23.2 of the exclusion or expulsion or other sanction, intervention, or resolution. The report must
 23.3 also include the ~~student's~~ pupil's age, grade, gender, race, and special education status.

23.4 **EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

23.5 Sec. 16. Minnesota Statutes 2018, section 121A.55, is amended to read:

23.6 **121A.55 POLICIES TO BE ESTABLISHED.**

23.7 (a) The commissioner of education shall promulgate guidelines to assist each school
 23.8 board. Each school board ~~shall~~ must establish uniform criteria for dismissal and adopt written
 23.9 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies
 23.10 ~~shall~~ must include nonexclusionary disciplinary policies and practices consistent with section
 23.11 121A.41, subdivision 12, and must emphasize preventing dismissals through early detection
 23.12 of problems and shall. The policies must be designed to address students' inappropriate
 23.13 behavior from recurring.

23.14 (b) The policies ~~shall~~ must recognize the continuing responsibility of the school for the
 23.15 education of the pupil during the dismissal period.

23.16 (1) The school is responsible for ensuring that the alternative educational services, if
 23.17 the pupil wishes to take advantage of them, provided to the pupil must be adequate to allow
 23.18 the pupil to make progress towards toward meeting the graduation standards adopted under
 23.19 section 120B.02 and help prepare the pupil for readmission, and is in accordance with section
 23.20 121A.46, subdivision 5.

23.21 (2) For an expulsion, exclusion, or pupil withdrawal agreement as defined in section
 23.22 121A.41, subdivision 13:

23.23 (i) The school district must review the pupil's school work and grades on a quarterly
 23.24 basis to ensure the pupil is making progress toward readmission. A school district must
 23.25 communicate on a regular basis with the pupil's parent or guardian to ensure the pupil is
 23.26 completing the work assigned through the alternative educational services. If the pupil
 23.27 enrolls and is admitted into a new school district during the dismissal period, this obligation
 23.28 ends.

23.29 (ii) If school-based mental health services are provided in the district under section
 23.30 245.4889, a pupil remains eligible for those services until the pupil is enrolled in a new
 23.31 district.

24.1 (iii) The district must provide to the pupil's parent or guardian a list of mental health
 24.2 and counseling services available to the pupil after expulsion. The list must also be posted
 24.3 on the district or charter school website.

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

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

24.11 Sec. 17. Minnesota Statutes 2019 Supplement, section 124D.09, subdivision 3, is amended
 24.12 to read:

24.13 Subd. 3. **Definitions.** For purposes of this section, the following terms have the meanings
 24.14 given to them.

24.15 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,
 24.16 nonprofit two-year trade and technical school granting associate degrees, an opportunities
 24.17 industrialization center accredited by an accreditor recognized by the United States
 24.18 Department of Education, or a private, residential, two-year or four-year, liberal arts,
 24.19 degree-granting college or university located in Minnesota. An eligible institution cannot
 24.20 require or base any part of the admission decision on a student's race, color, creed, religion,
 24.21 national origin, sex, age, marital status, status with regard to public assistance, sexual
 24.22 orientation, disability, or gender.

24.23 (b) "Course" means a course or program.

24.24 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under
 24.25 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by
 24.26 a secondary teacher or a postsecondary faculty member, and are offered at a high school
 24.27 for which the district is eligible to receive concurrent enrollment program aid under section
 24.28 124D.091.

24.29 Sec. 18. Minnesota Statutes 2018, section 124D.111, subdivision 4, is amended to read:

24.30 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must
 24.31 make lunch available without charge to all participating students who qualify for free or
 24.32 reduced-price meals. The participant must also ensure that any reminders for payment of

25.1 ~~outstanding student meal balances do not demean or stigmatize~~ not deny a school lunch to
 25.2 any child participating in the school lunch program whether or not that student has an
 25.3 outstanding balance in the student's meal account.

25.4 Sec. 19. Minnesota Statutes 2018, section 124D.111, is amended by adding a subdivision
 25.5 to read:

25.6 Subd. 5. **Respectful treatment.** (a) A participant that receives school lunch aid under
 25.7 this section must provide meals to students in a respectful manner. The participant must
 25.8 ensure that any reminder for payment of an outstanding student meal balance does not
 25.9 demean or stigmatize any student participating in the school lunch program. Prohibited
 25.10 reminders include but are not limited to dumping meals, withdrawing a meal that has been
 25.11 served, announcing or listing a student's name publicly, or drawing attention to a student
 25.12 with a sticker, stamp, pin, or other identification. The participant must not impose any other
 25.13 restriction prohibited under section 123B.37 due to unpaid student meal balances. The
 25.14 participant must not limit a student's (1) participation in any school activity, field trip,
 25.15 activity club, other extracurricular activity, or graduation ceremony or other graduation
 25.16 activity; or (2) access to any material, technology, or other item provided to a student due
 25.17 to an unpaid student meal balance.

25.18 (b) If the commissioner or the commissioner's designee determines a participant has
 25.19 violated the requirement to provide meals to a participating student in a respectful manner,
 25.20 the commissioner or the commissioner's designee must send a letter of noncompliance to
 25.21 the participant. The participant is required to respond and, if applicable, remedy the practice
 25.22 within 30 days of receipt of the letter.

25.23 Sec. 20. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND
 25.24 OBJECTS OF CULTURAL SIGNIFICANCE.

25.25 A school district or charter school must not prohibit an American Indian student from
 25.26 wearing American Indian regalia, tribal regalia, or objects of cultural significance at
 25.27 graduation ceremonies.

25.28 Sec. 21. Minnesota Statutes 2018, section 124E.03, subdivision 2, is amended to read:

25.29 **Subd. 2. Certain federal, state, and local requirements.** (a) A charter school shall
 25.30 meet all federal, state, and local health and safety requirements applicable to school districts.

25.31 (b) A school must comply with statewide accountability requirements governing standards
 25.32 and assessments in chapter 120B.

26.1 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
26.2 123B.34 to 123B.39.

26.3 (d) A charter school is a district for the purposes of tort liability under chapter 466.

26.4 (e) A charter school must comply with the Pledge of Allegiance requirement under
26.5 section 121A.11, subdivision 3.

26.6 (f) A charter school and charter school board of directors must comply with chapter 181
26.7 governing requirements for employment.

26.8 (g) A charter school must comply with continuing truant notification under section
26.9 260A.03.

26.10 (h) A charter school must develop and implement a teacher evaluation and peer review
26.11 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place
26.12 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).
26.13 The teacher evaluation process in this paragraph does not create any additional employment
26.14 rights for teachers.

26.15 (i) A charter school must adopt a policy, plan, budget, and process, consistent with
26.16 section 120B.11, to review curriculum, instruction, and student achievement and strive for
26.17 the world's best workforce.

26.18 (j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act,
26.19 sections 121A.40 to 121A.56.

26.20 (k) A charter school is subject to and must comply with the uniform municipal contracting
26.21 law under section 471.345 in the same manner as a school district.

26.22 ARTICLE 3

26.23 QUALIFIED TEACHERS FOR EVERY STUDENT

26.24 Section 1. [120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR
26.25 AND AMERICAN INDIAN TEACHERS IN MINNESOTA.

26.26 Subdivision 1. Purpose. This section sets short-term and long-term state goals for
26.27 increasing the percentage of teachers of color and American Indian teachers in Minnesota
26.28 and for ensuring all students have equitable access to effective and racially and ethnically
26.29 diverse teachers who reflect the diversity of students. The goals and report required under
26.30 this section are also important for meeting state goals for the world's best workforce under
26.31 section 120B.11, achievement and integration under section 124D.861, and higher education
26.32 attainment under section 135A.012, all of which have been established to close persistent

27.1 opportunity and achievement gaps that limit students' success in school and life and impede
27.2 the state's economic growth.

27.3 Subd. 2. **Equitable access to racially and ethnically diverse teachers.** The percentage
27.4 of teachers who are of color or American Indian in Minnesota should increase at least two
27.5 percentage points per year to have a teaching workforce that more closely reflects the state's
27.6 increasingly diverse student population and to ensure all students have equitable access to
27.7 effective and diverse teachers by 2040.

27.8 Subd. 3. **Rights not created.** The attainment goal in this section is not to the exclusion
27.9 of any other goals and does not confer a right or create a claim for any person.

27.10 Subd. 4. **Reporting.** Beginning in 2020 and every even-numbered year thereafter, the
27.11 Professional Educator Licensing and Standards Board must collaborate with the Department
27.12 of Education and the Office of Higher Education to publish a summary report of each of
27.13 the programs they administer and any other programs receiving state appropriations that
27.14 have or include an explicit purpose of increasing the racial and ethnic diversity of the state's
27.15 teacher workforce to more closely reflect the diversity of students. The report must include
27.16 programs under sections 122A.2451, 122A.63, 122A.635, 122A.70, 124D.09, 124D.861,
27.17 136A.1275, and 136A.1791, along with any other programs or initiatives that receive state
27.18 appropriations to address the shortage of teachers of color and American Indian teachers.
27.19 The board must, in coordination with the Office of Higher Education and Department of
27.20 Education, provide policy and funding recommendations related to state-funded programs
27.21 to increase the recruitment, preparation, licensing, hiring, and retention of racially and
27.22 ethnically diverse teachers and the state's progress toward meeting or exceeding the goals
27.23 of this section. The report must also include recommendations for state policy and funding
27.24 needed to achieve the goals of this section, as well as plans for sharing the report and
27.25 activities of grant recipients, and opportunities among grant recipients of various programs
27.26 to share effective practices with each other. The 2020 report must include a recommendation
27.27 of whether a state advisory council should be established to address the shortage of racially
27.28 and ethnically diverse teachers and what the composition and charge of such an advisory
27.29 council would be if established. The board must consult with the state Indian Affairs Council
27.30 and other ethnic councils along with other community and stakeholder groups, including
27.31 students of color and American Indian students, in developing the report. By November 1
27.32 of each even-numbered year, the board must submit the report to the chairs and ranking
27.33 minority members of the legislative committees with jurisdiction over education and higher
27.34 education policy and finance. The report must be available to the public on the board's
27.35 website.

28.1 Sec. 2. Minnesota Statutes 2018, section 122A.181, subdivision 5, is amended to read:

28.2 Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter
28.3 indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and
28.4 limited to the district or charter school that requested the initial Tier 1 license.

28.5 (b) A Tier 1 license does not bring an individual within the definition of a teacher for
28.6 purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

28.7 ~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under~~
28.8 ~~section 179A.03, subdivision 18.~~

28.9 Sec. 3. Minnesota Statutes 2018, section 122A.183, subdivision 2, is amended to read:

28.10 Subd. 2. **Coursework.** A candidate for a Tier 3 license must meet the coursework
28.11 requirement by demonstrating one of the following:

28.12 (1) completion of a Minnesota-approved teacher preparation program;

28.13 (2) completion of a state-approved teacher preparation program that includes field-specific
28.14 student teaching equivalent to field-specific student teaching in Minnesota-approved teacher
28.15 preparation programs. The field-specific student teaching requirement does not apply to a
28.16 candidate that has two years of teaching experience;

28.17 (3) submission of a content-specific licensure portfolio; or

28.18 (4) a professional teaching license from another state, evidence that the candidate's
28.19 license is in good standing, and two years of teaching experience; ~~or,~~

28.20 ~~(5) three years of teaching experience under a Tier 2 license and evidence of summative~~
28.21 ~~teacher evaluations that did not result in placing or otherwise keeping the teacher on an~~
28.22 ~~improvement process pursuant to section 122A.40, subdivision 8, or section 122A.41,~~
28.23 ~~subdivision 5.~~

28.24 Sec. 4. Minnesota Statutes 2018, section 122A.185, subdivision 1, is amended to read:

28.25 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~
28.26 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~
28.27 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~
28.28 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~
28.29 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~
28.30 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~

29.1 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~
 29.2 ~~122A.183, respectively.~~

29.3 ~~(b)~~ (a) The board must adopt rules requiring candidates for Tier 3 and Tier 4 licenses to
 29.4 pass an examination of general pedagogical knowledge and examinations of licensure field
 29.5 specific content. The content examination requirement does not apply if no relevant content
 29.6 exam exists.

29.7 ~~(e)~~ (b) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must
 29.8 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,
 29.9 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge
 29.10 and understanding of the foundations of reading development, development of reading
 29.11 comprehension and reading assessment and instruction, and the ability to integrate that
 29.12 knowledge and understanding into instruction strategies under section 122A.06, subdivision
 29.13 4.

29.14 ~~(d)~~ (c) The requirement to pass a board-adopted reading, writing, and mathematics skills
 29.15 examination does not apply to nonnative English speakers, as verified by qualified Minnesota
 29.16 school district personnel or Minnesota higher education faculty, who, after meeting the
 29.17 content and pedagogy requirements under this subdivision, apply for a teaching license to
 29.18 provide direct instruction in their native language or world language instruction under section
 29.19 120B.022, subdivision 1.

29.20 Sec. 5. Minnesota Statutes 2018, section 122A.26, subdivision 2, is amended to read:

29.21 Subd. 2. **Exceptions.** (a) A person who teaches in a community education program
 29.22 ~~which~~ that qualifies for aid pursuant to section 124D.52 shall continue to meet licensure
 29.23 requirements as a teacher. A person who teaches in an early childhood and family education
 29.24 program ~~which~~ that is offered through a community education program and ~~which~~ that
 29.25 qualifies for community education aid pursuant to section 124D.20 or early childhood and
 29.26 family education aid pursuant to section 124D.135 shall continue to meet licensure
 29.27 requirements as a teacher. A person who teaches in a community education course ~~which~~
 29.28 that is offered for credit for graduation to persons under 18 years of age shall continue to
 29.29 meet licensure requirements as a teacher.

29.30 (b) A person who teaches a driver training course ~~which~~ that is offered through a
 29.31 community education program to persons under 18 years of age shall be licensed by the
 29.32 Professional Educator Licensing and Standards Board or be subject to section 171.35. A
 29.33 license which is required for an instructor in a community education program pursuant to
 29.34 this ~~subdivision~~ paragraph shall not be construed to bring an individual within the definition

30.1 of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1,
30.2 ~~clause~~ paragraph (a).

30.3 Sec. 6. Minnesota Statutes 2018, section 122A.40, subdivision 8, is amended to read:

30.4 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**
30.5 **teachers.** (a) To improve student learning and success, a school board and an exclusive
30.6 representative of the teachers in the district, consistent with paragraph (b), may develop a
30.7 teacher evaluation and peer review process for probationary and continuing contract teachers
30.8 through joint agreement. If a school board and the exclusive representative of the teachers
30.9 do not agree to an annual teacher evaluation and peer review process, then the school board
30.10 and the exclusive representative of the teachers must implement the state teacher evaluation
30.11 plan under paragraph (c). The process must include having trained observers serve as peer
30.12 coaches or having teachers participate in professional learning communities, consistent with
30.13 paragraph (b).

30.14 (b) To develop, improve, and support qualified teachers and effective teaching practices,
30.15 improve student learning and success, and provide all enrolled students in a district or school
30.16 with improved and equitable access to more effective and diverse teachers, the annual
30.17 evaluation process for teachers:

30.18 (1) must, for probationary teachers, provide for all evaluations required under subdivision
30.19 5;

30.20 (2) must establish a three-year professional review cycle for each teacher that includes
30.21 an individual growth and development plan, a peer review process, and at least one
30.22 summative evaluation performed by a qualified and trained evaluator such as a school
30.23 administrator. For the years when a tenured teacher is not evaluated by a qualified and
30.24 trained evaluator, the teacher must be evaluated by a peer review;

30.25 (3) ~~must be based on professional teaching standards established in rule;~~ create, adopt,
30.26 or revise a rubric of performance standards for teacher practice that must include culturally
30.27 responsive methodologies and at least three levels of performance to determine common
30.28 descriptions of effectiveness;

30.29 (4) must coordinate staff development activities under sections 122A.60 and 122A.61
30.30 with this evaluation process and teachers' evaluation outcomes;

30.31 (5) may provide time during the school day and school year for peer coaching and teacher
30.32 collaboration;

31.1 (6) may include job-embedded learning opportunities such as professional learning
31.2 communities;

31.3 (7) may include mentoring and induction programs for teachers, including teachers who
31.4 are members of populations underrepresented among the licensed teachers in the district or
31.5 school and who reflect the diversity of students under section 120B.35, subdivision 3,
31.6 paragraph (b), clause (2), who are enrolled in the district or school;

31.7 (8) must include an option for teachers to develop and present a portfolio demonstrating
31.8 evidence of reflection and professional growth, consistent with section 122A.187, subdivision
31.9 3, and include teachers' own performance assessment based on student work samples and
31.10 examples of teachers' work, which may include video among other activities for the
31.11 summative evaluation;

31.12 (9) must use data from valid and reliable assessments aligned to state and local academic
31.13 standards and must use state and local measures of student growth and literacy that may
31.14 include value-added models or student learning goals to determine 35 percent of teacher
31.15 evaluation results;

31.16 (10) must use longitudinal data on student engagement and connection, and other student
31.17 outcome measures explicitly aligned with the elements of curriculum for which teachers
31.18 are responsible, including academic literacy, oral academic language, and achievement of
31.19 content areas of English learners;

31.20 (11) must require qualified and trained evaluators such as school administrators to
31.21 perform summative evaluations and ensure school districts and charter schools provide for
31.22 effective evaluator training specific to teacher development and evaluation;

31.23 (12) must give teachers not meeting professional teaching standards under clauses (3)
31.24 through (11) support to improve through a teacher improvement process that includes
31.25 established goals and timelines; and

31.26 (13) must discipline a teacher for not making adequate progress in the teacher
31.27 improvement process under clause (12) that may include a last chance warning, termination,
31.28 discharge, nonrenewal, transfer to a different position, a leave of absence, or other discipline
31.29 a school administrator determines is appropriate.

31.30 Data on individual teachers generated under this subdivision are personnel data under
31.31 section 13.43. The observation and interview notes of peer coaches may only be disclosed
31.32 to other school officials with the consent of the teacher being coached.

32.1 (c) The department, in consultation with parents who may represent parent organizations
32.2 and teacher and administrator representatives appointed by their respective organizations,
32.3 representing the Professional Educator Licensing and Standards Board, the Minnesota
32.4 Association of School Administrators, the Minnesota School Boards Association, the
32.5 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and
32.6 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,
32.7 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with
32.8 research expertise in teacher evaluation, must create and publish a teacher evaluation process
32.9 that complies with the requirements in paragraph (b) and applies to all teachers under this
32.10 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual
32.11 teacher evaluation and peer review process. The teacher evaluation process created under
32.12 this subdivision does not create additional due process rights for probationary teachers under
32.13 subdivision 5.

32.14 (d) Consistent with the measures of teacher effectiveness under this subdivision:

32.15 (1) for students in kindergarten through grade 4, a school administrator must not place
32.16 or approve the placement of a student in the classroom of a teacher who is in the improvement
32.17 process referenced in paragraph (b), clause (12), or has not had a summative evaluation if,
32.18 in the prior year, that student was in the classroom of a teacher who received discipline
32.19 pursuant to paragraph (b), clause (13), unless no other teacher at the school teaches that
32.20 grade; and

32.21 (2) for students in grades 5 through 12, a school administrator must not place or approve
32.22 the placement of a student in the classroom of a teacher who is in the improvement process
32.23 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the
32.24 prior year, that student was in the classroom of a teacher who received discipline pursuant
32.25 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area
32.26 and grade.

32.27 All data created and used under this paragraph retains its classification under chapter 13.

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

32.29 Sec. 7. Minnesota Statutes 2018, section 123B.09, subdivision 2, is amended to read:

32.30 Subd. 2. **School board member training.** A member shall receive training in school
32.31 finance and management developed in consultation with the Minnesota School Boards
32.32 Association and consistent with section 127A.19. The School Boards Association must
32.33 make available to each newly elected school board member training in school finance and

33.1 management consistent with section 127A.19 within 180 days of that member taking office.
 33.2 The program shall be developed in consultation with the department and appropriate
 33.3 representatives of higher education. For purposes of this subdivision only, the definition of
 33.4 school board member includes a board member of a tribal contract school under section
 33.5 124D.83.

33.6 Sec. 8. Minnesota Statutes 2018, section 123B.147, subdivision 3, is amended to read:

33.7 Subd. 3. **Duties; evaluation.** (a) The principal shall provide administrative, supervisory,
 33.8 and instructional leadership services, under the supervision of the superintendent of schools
 33.9 of the district and according to the policies, rules, and regulations of the school board, for
 33.10 the planning, management, operation, and evaluation of the education program of the building
 33.11 or buildings to which the principal is assigned.

33.12 (b) To enhance a principal's culturally responsive leadership skills and support and
 33.13 improve teaching practices, school performance, and student achievement for diverse student
 33.14 populations, including at-risk students, children with disabilities, English learners, and gifted
 33.15 students, among others, a district must develop and implement a performance-based system
 33.16 for annually evaluating school principals assigned to supervise a school building within the
 33.17 district. The evaluation must be designed to improve teaching and learning by supporting
 33.18 the principal in shaping the school's professional environment and developing teacher
 33.19 quality, performance, and effectiveness. The annual evaluation must:

33.20 (1) support and improve a principal's instructional leadership, organizational management,
 33.21 and professional development, and strengthen the principal's capacity in the areas of
 33.22 instruction, supervision, evaluation, and teacher development;

33.23 (2) support and improve a principal's culturally responsive leadership practices that
 33.24 create inclusive and respectful teaching and learning environments for all students, families,
 33.25 and employees;

33.26 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of
 33.27 student progress toward career and college readiness;

33.28 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and
 33.29 goals, and the principal's own professional multiyear growth plans and goals, all of which
 33.30 must support the principal's leadership behaviors and practices, rigorous curriculum, school
 33.31 performance, and high-quality instruction;

33.32 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

34.1 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and
 34.2 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

34.3 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation
 34.4 and incorporate district achievement goals and targets;

34.5 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and
 34.6 learning, curriculum and instruction, student learning, culturally responsive leadership
 34.7 practices, and a collaborative professional culture; and

34.8 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria
 34.9 under this subdivision, implement a plan to improve the principal's performance and specify
 34.10 the procedure and consequence if the principal's performance is not improved.

34.11 The provisions of this paragraph are intended to provide districts with sufficient flexibility
 34.12 to accommodate district needs and goals related to developing, supporting, and evaluating
 34.13 principals.

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

34.15 Sec. 9. **REPEALER.**

34.16 Minnesota Rules, part 8710.0500, subpart 1, item A, is repealed.

34.17 **ARTICLE 4**

34.18 **UPDATING DEFINITIONS AND TIMELINES**

34.19 Section 1. Minnesota Statutes 2018, section 120A.20, is amended by adding a subdivision
 34.20 to read:

34.21 **Subd. 4. Verification of age for admission to public school.** (a) Public schools may
 34.22 request documentation that verifies a pupil falls within the school's minimum and maximum
 34.23 age requirements for admission to publicly funded prekindergarten, preschool, kindergarten,
 34.24 or grades 1 to 12. Documentation may include a passport, a hospital birth record or
 34.25 physician's certificate, a baptismal or religious certificate, an adoption record, health records,
 34.26 immunization records, immigration records, previously verified school records, early
 34.27 childhood screening records, Minnesota Immunization Information Connection records, or
 34.28 an affidavit from a parent.

34.29 (b) The school district or charter school must not deny a child from public school
 34.30 enrollment solely because the child's parent or guardian is unable to provide a birth certificate
 34.31 record.

35.1 Sec. 2. Minnesota Statutes 2018, section 120A.22, subdivision 10, is amended to read:

35.2 Subd. 10. **Requirements for instructors.** A person who is providing instruction to a
35.3 child must meet at least one of the following requirements:

35.4 (1) hold a valid Minnesota teaching license in the field and for the grade level taught;

35.5 (2) be directly supervised by a person holding a valid Minnesota teaching license;

35.6 ~~(3) successfully complete a teacher competency examination;~~

35.7 ~~(4)~~ (3) provide instruction in a school that is accredited by an accrediting agency,
35.8 recognized according to section 123B.445, or recognized by the commissioner;

35.9 ~~(5)~~ (4) hold a baccalaureate degree; or

35.10 ~~(6)~~ (5) be the parent of a child who is assessed according to the procedures in subdivision
35.11 11.

35.12 Any person providing instruction in a public school must meet the requirements of clause
35.13 (1).

35.14 Sec. 3. Minnesota Statutes 2018, section 120B.13, subdivision 4, is amended to read:

35.15 Subd. 4. **Rigorous course taking information; AP, IB, and PSEO.** The commissioner
35.16 shall submit the following information on rigorous course taking, disaggregated by student
35.17 subgroup, school district, and postsecondary institution, to the education committees of the
35.18 legislature each year by ~~February~~ June 1:

35.19 (1) the number of pupils enrolled in postsecondary enrollment options under section
35.20 124D.09, including concurrent enrollment, career and technical education courses offered
35.21 as a concurrent enrollment course, advanced placement, and international baccalaureate
35.22 courses in each school district;

35.23 (2) the number of teachers in each district attending training programs offered by the
35.24 college board, International Baccalaureate North America, Inc., or Minnesota concurrent
35.25 enrollment programs;

35.26 (3) the number of teachers in each district participating in support programs;

35.27 (4) recent trends in the field of postsecondary enrollment options under section 124D.09,
35.28 including concurrent enrollment, advanced placement, and international baccalaureate
35.29 programs;

36.1 (5) expenditures for each category in this section and under sections 124D.09 and
36.2 124D.091, including career and technical education courses offered as a concurrent
36.3 enrollment course; and

36.4 (6) other recommendations for the state program or the postsecondary enrollment options
36.5 under section 124D.09, including concurrent enrollment.

36.6 Sec. 4. Minnesota Statutes 2019 Supplement, section 120B.35, subdivision 3, is amended
36.7 to read:

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

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

36.27 (b) The commissioner, in consultation with a stakeholder group that includes assessment
36.28 and evaluation directors, district staff, experts in culturally responsive teaching, and
36.29 researchers, must implement a growth model that compares the difference in students'
36.30 achievement scores over time, and includes criteria for identifying schools and school
36.31 districts that demonstrate academic progress. The model may be used to advance educators'
36.32 professional development and replicate programs that succeed in meeting students' diverse
36.33 learning needs. Data on individual teachers generated under the model are personnel data
36.34 under section 13.43. The model must allow users to:

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

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

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

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

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

37.23 (2) a rigorous coursework measure indicating the number and percentage of high school
37.24 graduates in the most recent school year who successfully completed one or more
37.25 college-level advanced placement, international baccalaureate, postsecondary enrollment
37.26 options including concurrent enrollment, other rigorous courses of study under section
37.27 120B.021, subdivision 1a, or industry certification courses or programs.

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

37.32 (d) When reporting student performance under section 120B.36, subdivision 1, the
37.33 commissioner annually, beginning July 1, 2014, must report summary data on school safety
37.34 and students' engagement and connection at school, consistent with the student categories

38.1 identified under paragraph (a), clause (2). The summary data under this paragraph are
38.2 separate from and must not be used for any purpose related to measuring or evaluating the
38.3 performance of classroom teachers. The commissioner, in consultation with qualified experts
38.4 on student engagement and connection and classroom teachers, must identify highly reliable
38.5 variables that generate summary data under this paragraph. The summary data may be used
38.6 at school, district, and state levels only. Any data on individuals received, collected, or
38.7 created that are used to generate the summary data under this paragraph are nonpublic data
38.8 under section 13.02, subdivision 9.

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

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

38.15 (2) the percent of students under this paragraph whose progress and performance levels
38.16 are meeting career and college readiness benchmarks under section 120B.30, subdivision
38.17 1; and

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

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

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

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

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

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

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

39.1 (g) When reporting four- and six-year graduation rates, the commissioner or school
39.2 district must disaggregate the data by student categories according to paragraph (a), clause
39.3 (2).

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

39.9 Sec. 5. Minnesota Statutes 2018, section 124D.03, subdivision 5, is amended to read:

39.10 Subd. 5. **Nonresident district procedures.** A district shall notify the parent or guardian
39.11 in writing by February 15 or within 90 days for applications submitted after January 15 in
39.12 the case of achievement and integration district transfers whether the application has been
39.13 accepted or rejected. If an application is rejected, the district must state in the notification
39.14 the reason for rejection. The parent or guardian must notify the nonresident district by March
39.15 1 or within ~~45 days~~ 15 business days for applicants after January 15 whether the pupil
39.16 intends to enroll in the nonresident district. Notice of intent to enroll in the nonresident
39.17 district obligates the pupil to attend the nonresident district during the following school
39.18 year, unless the boards of the resident and the nonresident districts agree in writing to allow
39.19 the pupil to transfer back to the resident district. If the pupil's parents or guardians change
39.20 residence to another district, the student does not lose the seat in the nonresident district but
39.21 the parent or guardian must complete an updated enrollment options form. If a parent or
39.22 guardian does not notify the nonresident district by the January 15 deadline, if it applies,
39.23 the pupil may not enroll in that nonresident district during the following school year, unless
39.24 the boards of the resident and nonresident district agree otherwise. The nonresident district
39.25 must notify the resident district by March 15 or 30 days later of the pupil's intent to enroll
39.26 in the nonresident district. The same procedures apply to a pupil who applies to transfer
39.27 from one participating nonresident district to another participating nonresident district.

39.28 Sec. 6. Minnesota Statutes 2019 Supplement, section 124D.09, subdivision 7, is amended
39.29 to read:

39.30 Subd. 7. **Dissemination of information; notification of intent to enroll.** By the earlier
39.31 of (1) three weeks prior to the date by which a student must register for district courses for
39.32 the following school year, or (2) March 1 of each year, a district must provide up-to-date
39.33 information on the district's website and in materials that are distributed to parents and

40.1 students about the program, including information about enrollment requirements and the
40.2 ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11. To assist the
40.3 district in planning, a pupil must inform the district ~~by May 30 of each year~~ of the pupil's
40.4 intent to enroll in postsecondary courses during the following ~~school year~~. ~~A pupil is bound~~
40.5 ~~by notifying or not notifying the district by May 30~~ term. A pupil must notify the district
40.6 of the pupil's intent to enroll by May 30 for the fall term or October 30 for the spring term
40.7 or may not enroll in postsecondary courses under this section.

40.8 Sec. 7. Minnesota Statutes 2018, section 124D.09, subdivision 13, is amended to read:

40.9 Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this section,
40.10 the department must make payments according to this subdivision for courses that were
40.11 taken for secondary credit.

40.12 The department must not make payments to a school district or postsecondary institution
40.13 for a course taken for postsecondary credit only. The department must not make payments
40.14 to a postsecondary institution for a course from which a student officially withdraws during
40.15 the first ~~14~~ ten business days of the postsecondary institution's quarter or semester or who
40.16 has been absent from the postsecondary institution for the first ~~15 consecutive school~~ ten
40.17 business days of the postsecondary institution's quarter or semester and is not receiving
40.18 instruction in the home or hospital.

40.19 A postsecondary institution shall receive the following:

40.20 (1) for an institution granting quarter credit, the reimbursement per credit hour shall be
40.21 an amount equal to 88 percent of the product of the formula allowance minus \$425, multiplied
40.22 by 1.2, and divided by 45; or

40.23 (2) for an institution granting semester credit, the reimbursement per credit hour shall
40.24 be an amount equal to 88 percent of the product of the general revenue formula allowance
40.25 minus \$425, multiplied by 1.2, and divided by 30.

40.26 The department must pay to each postsecondary institution 100 percent of the amount
40.27 in clause (1) or (2) within 45 days of receiving initial enrollment information each quarter
40.28 or semester. If changes in enrollment occur during a quarter or semester, the change shall
40.29 be reported by the postsecondary institution at the time the enrollment information for the
40.30 succeeding quarter or semester is submitted. At any time the department notifies a
40.31 postsecondary institution that an overpayment has been made, the institution shall promptly
40.32 remit the amount due.

41.1 Sec. 8. Minnesota Statutes 2018, section 124D.141, subdivision 2, is amended to read:

41.2 Subd. 2. **Additional duties.** The following duties are added to those assigned to the
41.3 council under federal law:

41.4 (1) make recommendations on the most efficient and effective way to leverage state and
41.5 federal funding streams for early childhood and child care programs;

41.6 ~~(2) make recommendations on how to coordinate or colocate early childhood and child~~
41.7 ~~care programs in one state Office of Early Learning. The council shall establish a task force~~
41.8 ~~to develop these recommendations. The task force shall include two nonexecutive branch~~
41.9 ~~or nonlegislative branch representatives from the council; six representatives from the early~~
41.10 ~~childhood caucus; two representatives each from the Departments of Education, Human~~
41.11 ~~Services, and Health; one representative each from a local public health agency, a local~~
41.12 ~~county human services agency, and a school district; and two representatives from the~~
41.13 ~~private nonprofit organizations that support early childhood programs in Minnesota. In~~
41.14 ~~developing recommendations in coordination with existing efforts of the council, the task~~
41.15 ~~force shall consider how to:~~

41.16 ~~(i) consolidate and coordinate resources and public funding streams for early childhood~~
41.17 ~~education and child care, and ensure the accountability and coordinated development of all~~
41.18 ~~early childhood education and child care services to children from birth to kindergarten~~
41.19 ~~entrance;~~

41.20 ~~(ii) create a seamless transition from early childhood programs to kindergarten;~~

41.21 ~~(iii) encourage family choice by ensuring a mixed system of high-quality public and~~
41.22 ~~private programs, with local points of entry, staffed by well-qualified professionals;~~

41.23 ~~(iv) ensure parents a decisive role in the planning, operation, and evaluation of programs~~
41.24 ~~that aid families in the care of children;~~

41.25 ~~(v) provide consumer education and accessibility to early childhood education and child~~
41.26 ~~care resources;~~

41.27 ~~(vi) advance the quality of early childhood education and child care programs in order~~
41.28 ~~to support the healthy development of children and preparation for their success in school;~~

41.29 ~~(vii) develop a seamless service delivery system with local points of entry for early~~
41.30 ~~childhood education and child care programs administered by local, state, and federal~~
41.31 ~~agencies;~~

42.1 ~~(viii) ensure effective collaboration between state and local child welfare programs and~~
 42.2 ~~early childhood mental health programs and the Office of Early Learning;~~

42.3 ~~(ix) develop and manage an effective data collection system to support the necessary~~
 42.4 ~~functions of a coordinated system of early childhood education and child care in order to~~
 42.5 ~~enable accurate evaluation of its impact;~~

42.6 ~~(x) respect and be sensitive to family values and cultural heritage; and~~

42.7 ~~(xi) establish the administrative framework for and promote the development of early~~
 42.8 ~~childhood education and child care services in order to provide that these services, staffed~~
 42.9 ~~by well-qualified professionals, are available in every community for all families that express~~
 42.10 ~~a need for them.~~

42.11 ~~In addition, the task force must consider the following responsibilities for transfer to the~~
 42.12 ~~Office of Early Learning:~~

42.13 ~~(A) responsibilities of the commissioner of education for early childhood education~~
 42.14 ~~programs and financing under sections 119A.50 to 119A.535, 121A.16 to 121A.19, and~~
 42.15 ~~124D.129 to 124D.2211;~~

42.16 ~~(B) responsibilities of the commissioner of human services for child care assistance,~~
 42.17 ~~child care development, and early childhood learning and child protection facilities programs~~
 42.18 ~~and financing under chapter 119B and section 256E.37; and~~

42.19 ~~(C) responsibilities of the commissioner of health for family home visiting programs~~
 42.20 ~~and financing under section 145A.17.~~

42.21 ~~Any costs incurred by the council in making these recommendations must be paid from~~
 42.22 ~~private funds. If no private funds are received, the council must not proceed in making these~~
 42.23 ~~recommendations. The council must report its recommendations to the governor and the~~
 42.24 ~~legislature by January 15, 2011;~~

42.25 ~~(3) (2) review program evaluations regarding high-quality early childhood programs;~~
 42.26 ~~and~~

42.27 ~~(4) (3) make recommendations to the governor and legislature, including proposed~~
 42.28 ~~legislation on how to most effectively create a high-quality early childhood system in~~
 42.29 ~~Minnesota in order to improve the educational outcomes of children so that all children are~~
 42.30 ~~school-ready by 2020;~~

42.31 ~~(5) make recommendations to the governor and the legislature by March 1, 2011, on the~~
 42.32 ~~creation and implementation of a statewide school readiness report card to monitor progress~~

43.1 toward the goal of having all children ready for kindergarten by the year 2020. The
43.2 recommendations shall include what should be measured including both children and system
43.3 indicators, what benchmarks should be established to measure state progress toward the
43.4 goal, and how frequently the report card should be published. In making their
43.5 recommendations, the council shall consider the indicators and strategies for Minnesota's
43.6 early childhood system report, the Minnesota school readiness study, developmental
43.7 assessment at kindergarten entrance, and the work of the council's accountability committee.
43.8 Any costs incurred by the council in making these recommendations must be paid from
43.9 private funds. If no private funds are received, the council must not proceed in making these
43.10 recommendations; and

43.11 (6) make recommendations to the governor and the legislature on how to screen earlier
43.12 and comprehensively assess children for school readiness in order to provide increased early
43.13 interventions and increase the number of children ready for kindergarten. In formulating
43.14 their recommendations, the council shall consider (i) ways to interface with parents of
43.15 children who are not participating in early childhood education or care programs, (ii) ways
43.16 to interface with family child care providers, child care centers, and school-based early
43.17 childhood and Head Start programs, (iii) if there are age-appropriate and culturally sensitive
43.18 screening and assessment tools for three-, four-, and five-year-olds, (iv) the role of the
43.19 medical community in screening, (v) incentives for parents to have children screened at an
43.20 earlier age, (vi) incentives for early education and care providers to comprehensively assess
43.21 children in order to improve instructional practice, (vii) how to phase in increases in screening
43.22 and assessment over time, (viii) how the screening and assessment data will be collected
43.23 and used and who will have access to the data, (ix) how to monitor progress toward the goal
43.24 of having 50 percent of three-year-old children screened and 50 percent of entering
43.25 kindergarteners assessed for school readiness by 2015 and 100 percent of three-year-old
43.26 children screened and entering kindergarteners assessed for school readiness by 2020, and
43.27 (x) costs to meet these benchmarks. The council shall consider the screening instruments
43.28 and comprehensive assessment tools used in Minnesota early childhood education and care
43.29 programs and kindergarten. The council may survey early childhood education and care
43.30 programs in the state to determine the screening and assessment tools being used or rely on
43.31 previously collected survey data, if available. For purposes of this subdivision, "school
43.32 readiness" is defined as the child's skills, knowledge, and behaviors at kindergarten entrance
43.33 in these areas of child development: social; self-regulation; cognitive, including language,
43.34 literacy, and mathematical thinking; and physical. For purposes of this subdivision,
43.35 "screening" is defined as the activities used to identify a child who may need further
43.36 evaluation to determine delay in development or disability. For purposes of this subdivision,

44.1 ~~"assessment" is defined as the activities used to determine a child's level of performance in~~
44.2 ~~order to promote the child's learning and development. Work on this duty will begin in~~
44.3 ~~fiscal year 2012. Any costs incurred by the council in making these recommendations must~~
44.4 ~~be paid from private funds. If no private funds are received, the council must not proceed~~
44.5 ~~in making these recommendations. The council must report its recommendations to the~~
44.6 ~~governor and legislature by January 15, 2013, with an interim report on February 15, 2011.~~

44.7 Sec. 9. Minnesota Statutes 2018, section 124D.165, subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

45.6 (e) A child who receives a scholarship who has not completed development screening
 45.7 under sections 121A.16 to 121A.19 must complete that screening within 90 days of first
 45.8 attending an eligible program or within 90 days after the child's third birthday if awarded
 45.9 a scholarship under the age of three.

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

45.16 Sec. 10. Minnesota Statutes 2018, section 124D.165, subdivision 4, is amended to read:

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

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

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

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

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

45.27 Sec. 11. Minnesota Statutes 2018, section 124D.74, subdivision 1, is amended to read:

45.28 Subdivision 1. **Program described.** American Indian education programs are programs
 45.29 in public elementary and secondary schools, nonsectarian nonpublic, community, tribal,
 45.30 charter, or alternative schools enrolling American Indian children designed to:

45.31 (1) support postsecondary preparation for American Indian pupils;

- 46.1 (2) support the academic achievement of American Indian ~~students~~ pupils;
- 46.2 (3) make the curriculum relevant to the needs, interests, and cultural heritage of American
- 46.3 Indian pupils;
- 46.4 (4) provide positive reinforcement of the self-image of American Indian pupils;
- 46.5 (5) develop intercultural awareness among pupils, parents, and staff; and
- 46.6 (6) supplement, not supplant, state and federal educational and cocurricular programs.

46.7 Program services designed to increase completion and graduation rates of American Indian

46.8 ~~students~~ pupils must emphasize academic achievement, retention, and attendance;

46.9 development of support services for staff, including in-service training and technical

46.10 assistance in methods of teaching American Indian pupils; research projects, including

46.11 innovative teaching approaches and evaluation of methods of relating to American Indian

46.12 pupils; provision of career counseling to American Indian pupils; modification of curriculum,

46.13 instructional methods, and administrative procedures to meet the needs of American Indian

46.14 pupils; and ~~supplemental~~ instruction in American Indian language, literature, history, and

46.15 culture. Districts offering programs may make contracts for the provision of program services

46.16 by establishing cooperative liaisons with tribal programs and American Indian social service

46.17 agencies. These programs may also be provided as components of early childhood and

46.18 family education programs.

46.19 Sec. 12. Minnesota Statutes 2018, section 124D.78, subdivision 1, is amended to read:

46.20 Subdivision 1. **Parent committee.** (a) School boards and American Indian schools must

46.21 provide for the maximum involvement of parents of children enrolled in education programs,

46.22 programs for elementary and secondary grades, special education programs, and support

46.23 services. Accordingly, the board of a school district in which there are ten or more American

46.24 Indian students enrolled and each American Indian school must establish an American

46.25 Indian education parent advisory committee.

46.26 (b) For purposes of this section, American Indian students are defined as persons having

46.27 origins in any of the original peoples of North America who maintain cultural identification

46.28 through tribal affiliation or community recognition.

46.29 (c) If a committee whose membership consists of a majority of parents of American

46.30 Indian children has been or is established according to federal, tribal, or other state law, that

46.31 committee may serve as the committee required by this section and is subject to, at least,

46.32 the requirements of this subdivision and subdivision 2.

47.1 (d) The American Indian education parent advisory committee must develop its
 47.2 recommendations in consultation with the curriculum advisory committee required by
 47.3 section 120B.11, subdivision 3. This committee must afford parents the necessary information
 47.4 and the opportunity effectively to express their views concerning all aspects of American
 47.5 Indian education and the educational needs of the American Indian children enrolled in the
 47.6 school or program. The school board or American Indian school must ensure that programs
 47.7 are planned, operated, and evaluated with the involvement of and in consultation with parents
 47.8 of American Indian students served by the programs as evidenced by American Indian
 47.9 education parent advisory committee meeting minutes.

47.10 Sec. 13. Minnesota Statutes 2018, section 124D.78, subdivision 3, is amended to read:

47.11 Subd. 3. **Membership.** The American Indian education parent advisory committee must
 47.12 be composed of parents of children eligible to be enrolled in American Indian education
 47.13 programs; secondary students eligible to be served; American Indian language and culture
 47.14 education teachers and paraprofessionals; American Indian teachers; counselors; adult
 47.15 American Indian people enrolled in educational programs; and representatives from
 47.16 community groups. A majority of each committee must be parents of American Indian
 47.17 children enrolled or eligible to be enrolled in the programs. ~~The number of parents of~~
 47.18 ~~American Indian and non-American Indian children shall reflect approximately the proportion~~
 47.19 ~~of children of those groups enrolled in the programs.~~

47.20 Sec. 14. Minnesota Statutes 2018, section 124D.79, subdivision 2, is amended to read:

47.21 Subd. 2. **Technical assistance.** The commissioner ~~shall~~ must provide technical assistance,
 47.22 which must include an annual report of American Indian student data using the state count,
 47.23 to districts, schools and postsecondary institutions for preservice and in-service training for
 47.24 teachers, American Indian education teachers and paraprofessionals specifically designed
 47.25 to implement culturally responsive teaching methods, culturally based curriculum
 47.26 development, testing and testing mechanisms, and the development of materials for American
 47.27 Indian education programs.

47.28 Sec. 15. Minnesota Statutes 2018, section 124D.81, subdivision 1, is amended to read:

47.29 Subdivision 1. **Procedures.** A school district, charter school, or American
 47.30 Indian-controlled tribal contract or grant school enrolling at least 20 American Indian
 47.31 students identified by the state count on October 1 of the previous school year and operating
 47.32 an American Indian education program according to section 124D.74 is eligible for Indian
 47.33 education aid if it meets the requirements of this section. Programs may provide for contracts

48.1 for the provision of program components by nonsectarian nonpublic, community, tribal,
48.2 charter, or alternative schools. The commissioner shall prescribe the form and manner of
48.3 application for aids, and no aid shall be made for a program not complying with the
48.4 requirements of sections 124D.71 to 124D.82.

48.5 Sec. 16. Minnesota Statutes 2018, section 124D.862, subdivision 7, is amended to read:

48.6 Subd. 7. **Revenue reserved.** Integration revenue received under this section must be
48.7 reserved and used only for the programs authorized in section 124D.861, subdivision 2.

48.8 Sec. 17. Minnesota Statutes 2018, section 124E.03, is amended by adding a subdivision
48.9 to read:

48.10 Subd. 8. **English learners.** A charter school is subject to and must comply with the
48.11 Education for English Learners Act under sections 124D.58 to 124D.64 as though it were
48.12 a district.

48.13 Sec. 18. Minnesota Statutes 2018, section 124E.03, is amended by adding a subdivision
48.14 to read:

48.15 Subd. 9. **Corporal punishment.** A charter school is subject to and must comply with
48.16 section 121A.58 as though it were a district.

48.17 Sec. 19. Minnesota Statutes 2018, section 124E.05, subdivision 4, is amended to read:

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

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

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

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

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

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

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

49.3 (7) the process for renewing or terminating the school's charter based on evidence
49.4 showing the academic, organizational, and financial competency of the school, including
49.5 its success in increasing student achievement and meeting the goals of the charter school
49.6 agreement; and

49.7 (8) an assurance specifying that the organization is committed to serving as an authorizer
49.8 ~~for the full five-year term~~ until the commissioner terminates the organization's ability to
49.9 authorize charter schools under subdivision 6, or until the organization formally withdraws
49.10 as an approved authorizer under subdivision 7.

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

49.16 Sec. 20. Minnesota Statutes 2018, section 124E.05, subdivision 7, is amended to read:

49.17 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw
49.18 as an approved authorizer for a reason unrelated to any cause under ~~section 124E.10,~~
49.19 ~~subdivision 4~~ subdivision 6, the authorizer must notify all its chartered schools and the
49.20 commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30
49.21 in the next calendar year, ~~regardless of when the authorizer's five-year term of approval~~
49.22 ~~ends~~. Upon notification of the schools and commissioner, the authorizer must provide a
49.23 letter to the school for distribution to families of students enrolled in the school that explains
49.24 the decision to withdraw as an authorizer. The commissioner may approve the transfer of
49.25 a charter school to a new authorizer under section 124E.10, subdivision 5.

49.26 Sec. 21. Minnesota Statutes 2018, section 124E.11, is amended to read:

49.27 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

49.28 (a) A charter school, including its preschool or prekindergarten program established
49.29 under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

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

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

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

50.3 (b) A charter school, including its preschool or prekindergarten program established
50.4 under section 124E.06, subdivision 3, paragraph (b), shall enroll an eligible pupil who
50.5 submits a timely application, unless the number of applications exceeds the capacity of a
50.6 program, class, grade level, or building. In this case, pupils must be accepted by lot. The
50.7 charter school must develop and publish, including on its website, a lottery policy and
50.8 process that it must use when accepting pupils by lot.

50.9 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil
50.10 and to a foster child of that pupil's parents and may give preference for enrolling children
50.11 of the school's staff before accepting other pupils by lot. A charter school that is located in
50.12 Duluth township in St. Louis County and admits students in kindergarten through grade 6
50.13 must give enrollment preference to students residing within a five-mile radius of the school
50.14 and to the siblings of enrolled children. A charter school may give enrollment preference
50.15 to children currently enrolled in the school's free preschool or prekindergarten program
50.16 under section 124E.06, subdivision 3, paragraph (b), who are eligible to enroll in kindergarten
50.17 in the next school year.

50.18 (d) Admission to a charter school is free to any person who resides within the state of
50.19 Minnesota. A person shall not be admitted to a charter school (1) as a kindergarten pupil,
50.20 unless the pupil is at least five years of age on September 1 of the calendar year in which
50.21 the school year for which the pupil seeks admission commences; or (2) as a first grade
50.22 student, unless the pupil is at least six years of age on September 1 of the calendar year in
50.23 which the school year for which the pupil seeks admission commences or has completed
50.24 kindergarten; except that a charter school may establish and publish on its website a policy
50.25 for admission of selected pupils at an earlier age, consistent with the enrollment process in
50.26 paragraphs (b) and (c).

50.27 (e) Except as permitted in paragraph (d), a charter school, including its preschool or
50.28 prekindergarten program established under section 124E.06, subdivision 3, paragraph (b),
50.29 may not limit admission to pupils on the basis of intellectual ability, measures of achievement
50.30 or aptitude, or athletic ability and may not establish any criteria or requirements for admission
50.31 that are inconsistent with this section.

50.32 (f) The charter school shall not distribute any services or goods of value to students,
50.33 parents, or guardians as an inducement, term, or condition of enrolling a student in a charter
50.34 school.

51.1 (g) Once a student is enrolled in the school, the student is considered enrolled in the
 51.2 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal
 51.3 Act in sections 121A.40 to 121A.56.

51.4 (h) A charter school with at least 90 percent of enrolled students who are eligible for
 51.5 special education services and have a primary disability of deaf or hard-of-hearing may
 51.6 enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1,
 51.7 paragraph (a), and must comply with the federal Individuals with Disabilities Education
 51.8 Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause
 51.9 (iv).

51.10 Sec. 22. Minnesota Statutes 2018, section 124E.13, subdivision 3, is amended to read:

51.11 Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building
 51.12 corporation may purchase, expand, or renovate an existing facility to serve as a school or
 51.13 may construct a new school facility. ~~A~~ One local education agency charter school may
 51.14 organize an affiliated nonprofit building corporation if the charter school:

51.15 (1) has operated for at least six consecutive years;

51.16 (2) as of June 30, has a net positive unreserved general fund balance in the preceding
 51.17 three fiscal years;

51.18 (3) has long-range strategic and financial plans that include enrollment projections for
 51.19 at least five years;

51.20 (4) completes a feasibility study of facility options that outlines the benefits and costs
 51.21 of each option; and

51.22 (5) has a plan that describes project parameters and budget.

51.23 (b) An affiliated nonprofit building corporation under this subdivision must:

51.24 (1) be incorporated under section 317A;

51.25 (2) comply with applicable Internal Revenue Service regulations, including regulations
 51.26 for "supporting organizations" as defined by the Internal Revenue Service;

51.27 (3) post on the school website the name, mailing address, bylaws, minutes of board
 51.28 meetings, and names of the current board of directors of the affiliated nonprofit building
 51.29 corporation;

51.30 (4) submit to the commissioner a copy of its annual audit by December 31 of each year;
 51.31 and

52.1 (5) comply with government data practices law under chapter 13.

52.2 (c) An affiliated nonprofit building corporation must not serve as the leasing agent for
52.3 property or facilities it does not own. A charter school that leases a facility from an affiliated
52.4 nonprofit building corporation that does not own the leased facility is ineligible to receive
52.5 charter school lease aid. The state is immune from liability resulting from a contract between
52.6 a charter school and an affiliated nonprofit building corporation.

52.7 (d) The board of directors of the charter school must ensure the affiliated nonprofit
52.8 building corporation complies with all applicable legal requirements. The charter school's
52.9 authorizer must oversee the efforts of the board of directors of the charter school to ensure
52.10 legal compliance of the affiliated building corporation. A school's board of directors that
52.11 fails to ensure the affiliated nonprofit building corporation's compliance violates its
52.12 responsibilities and an authorizer must consider that failure when evaluating the charter
52.13 school.

52.14 Sec. 23. Minnesota Statutes 2018, section 125A.091, is amended by adding a subdivision
52.15 to read:

52.16 Subd. 29. **Rulemaking.** The commissioner of education must adopt rules or amend
52.17 Minnesota Rules, part 3525.3700, subparts 1 and 1a, to carry out the provisions of
52.18 subdivisions 3a and 7.

52.19 Sec. 24. Minnesota Statutes 2018, section 125A.30, is amended to read:

52.20 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

52.21 (a) A group of school districts or special education cooperatives, in cooperation with
52.22 the county and tribal health and human service agencies located in the county or counties
52.23 in which the districts or cooperatives are located, must establish an Interagency Early
52.24 Intervention Committee for children with disabilities under age five and their families under
52.25 this section, and for children with disabilities ages three to 22 consistent with the requirements
52.26 under sections 125A.023 and 125A.027. Committees must include representatives of local
52.27 health, education, and county and tribal human service agencies, early childhood family
52.28 education programs, Head Start, parents of young children with disabilities under age 12,
52.29 child care resource and referral agencies, school readiness programs, current service
52.30 providers, and agencies that serve families experiencing homelessness, and may also include
52.31 representatives from other private or public agencies and school nurses. The committee
52.32 must elect a chair from among its members and must meet at least quarterly.

53.1 (b) The committee must develop and implement interagency policies and procedures
53.2 concerning the following ongoing duties:

53.3 (1) develop public awareness systems designed to inform potential recipient families,
53.4 especially parents with premature infants, or infants with other physical risk factors associated
53.5 with learning or development complications, of available programs and services;

53.6 (2) to reduce families' need for future services, and especially parents with premature
53.7 infants, or infants with other physical risk factors associated with learning or development
53.8 complications, implement interagency child find systems designed to actively seek out,
53.9 identify, and refer infants and young children with, or at risk of, disabilities, including a
53.10 child under the age of three who: (i) is the subject of a substantiated case of abuse or neglect
53.11 or (ii) is identified as directly affected by illegal substance abuse, or withdrawal symptoms
53.12 resulting from prenatal drug exposure;

53.13 (3) implement a process for assuring that services involve cooperating agencies at all
53.14 steps leading to individualized programs;

53.15 (4) identify the current services and funding being provided within the community for
53.16 children with disabilities under age five and their families; and

53.17 (5) develop a plan for the allocation and expenditure of federal early intervention funds
53.18 under United States Code, title 20, section 1471 et seq. (Part C, Public Law 108-446) and
53.19 United States Code, title 20, section 631, et seq. (Chapter I, Public Law 89-313).

53.20 (c) The local committee shall also participate in needs assessments and program planning
53.21 activities conducted by local social service, health and education agencies for young children
53.22 with disabilities and their families.

53.23 Sec. 25. Minnesota Statutes 2018, section 134.31, subdivision 4a, is amended to read:

53.24 Subd. 4a. **Services to people with visual and physical disabilities.** The Minnesota
53.25 Department of Education shall provide specialized services to people with visual and physical
53.26 disabilities through the Minnesota Braille and Talking Book Library under a cooperative
53.27 plan with the National Library ~~Services~~ Service for the Blind and ~~Physically Handicapped~~
53.28 Print Disabled of the Library of Congress.

53.29 Sec. 26. Minnesota Statutes 2018, section 609A.03, subdivision 7a, is amended to read:

53.30 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance
53.31 of an expungement order related to a charge supported by probable cause, the DNA samples
53.32 and DNA records held by the Bureau of Criminal Apprehension and collected under authority

54.1 other than section 299C.105 shall not be sealed, returned to the subject of the record, or
54.2 destroyed.

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

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

54.8 (2) when a criminal justice agency seeks access to a record that was sealed under section
54.9 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
54.10 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
54.11 sentencing, the requesting agency must obtain an ex parte court order after stating a
54.12 good-faith basis to believe that opening the record may lead to relevant information;

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

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

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

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

54.26 (c) An agency or jurisdiction subject to an expungement order shall maintain the record
54.27 in a manner that provides access to the record by a criminal justice agency under paragraph
54.28 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau
54.29 of Criminal Apprehension shall notify the commissioner of human services, or the
54.30 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~
54.31 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access
54.32 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to
54.33 the expungement order shall provide access to the record to the commissioner of human

55.1 services, or the Professional Educator Licensing and Standards Board, ~~or the licensing~~
55.2 ~~division of the Department of Education~~ under paragraph (b), clause (4) or (5).

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

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

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

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

8710.0500 EXAMINATIONS FOR TEACHER LICENSES.

Subpart 1. Examination requirements.

A. An applicant for a first professional teaching license shall provide official evidence of having successfully completed examinations of skills in reading, writing, and mathematics before being issued an initial Minnesota professional teaching license. The examinations must have been adopted by the Professional Educator Licensing and Standards Board. An applicant who is deaf must fulfill the mathematics requirement of this part by successfully completing the mathematics examination, and must fulfill the reading and writing requirements of this part either by successfully completing the reading and writing examinations or by evaluation by board approved colleges and universities of demonstrated proficiency (Intermediate Plus) in the expressive and receptive use of alternative communication systems including sign language and finger spelling as measured by the Sign Communication Proficiency Inventory (SCPI). This inventory is published by the National Technical Institute for the Deaf in Rochester, New York, and is administered through the College of Education at the University of Minnesota on at least an annual basis. A description of this inventory is available through the Minitex interlibrary loan system in the Journal of Sign Language Studies and American Annals for the Deaf. The inventory is incorporated by reference. It may be periodically changed. An applicant who is blind shall be required to fulfill requirements of this part by successfully completing the examinations with an opportunity to select a reader, to use adaptive visual aids or technology aids, and to complete the testing under adaptive conditions.