

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 978

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DATE	D-PG	OFFICIAL STATUS
03/04/2013	473	Introduction and first reading Referred to Education
03/20/2013	1189a	Comm report: To pass as amended and re-refer to Finance
04/24/2013	2622a	Comm report: Amended Comm report: No recommendation
	2689	Second reading
04/26/2013		Special Order: Amended Third reading Passed

A bill for an act

1.1 relating to education; modifying policies for early childhood through grade
1.2 12 education; including general education student accountability, education
1.3 excellence, charter schools, special programs, technology, libraries, and early
1.4 childhood education, self-sufficiency, and lifelong learning; amending Minnesota
1.5 Statutes 2012, sections 15.059, subdivision 5b; 120A.41; 120B.021, subdivision
1.6 1; 120B.023; 120B.024; 120B.15; 120B.31, subdivision 1; 122A.09, subdivision
1.7 4; 122A.18, subdivision 2; 122A.23, subdivision 2; 122A.28, subdivision 1;
1.8 123B.88, subdivision 22; 123B.92, subdivision 1; 124D.095, subdivision 10;
1.9 124D.10; 124D.122; 124D.52, by adding a subdivision; 124D.79, subdivision 1,
1.10 by adding a subdivision; 125A.0941; 125A.0942; 125A.27, subdivisions 8, 11,
1.11 14; 125A.28; 125A.29; 125A.30; 125A.32; 125A.33; 125A.35, subdivision 1;
1.12 125A.36; 125A.43; 126C.10, subdivision 14; 126C.15, subdivision 2; 134.32;
1.13 134.34; 134.351, subdivisions 3, 7; 134.353; 134.354; 134.355, subdivisions 1,
1.14 2, 3, 4, 5, 6; 134.36; 260A.02, subdivision 3; 260A.03; 260A.05, subdivision
1.15 1; 260A.07, subdivision 1; Laws 2011, First Special Session chapter 11, article
1.16 7, section 2, subdivision 8, as amended; proposing coding for new law in
1.17 Minnesota Statutes, chapters 120A; 120B; 124D; repealing Minnesota Statutes
1.18 2012, section 125A.35, subdivisions 4, 5; Minnesota Rules, parts 3501.0505;
1.19 3501.0510; 3501.0515; 3501.0520; 3501.0525; 3501.0530; 3501.0535;
1.20 3501.0540; 3501.0545; 3501.0550.

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

ARTICLE 1

GENERAL EDUCATION

1.25 Section 1. Minnesota Statutes 2012, section 120A.41, is amended to read:

120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.

1.27 A school board's annual school calendar must include at least 425 hours of
1.28 instruction for a kindergarten student without a disability, 935 hours of instruction for a
1.29 student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7
1.30 through 12, not including summer school. ~~Nothing in this section permits a school district~~

2.1 ~~to adopt~~ A school board's annual calendar must include at least 165 days of instruction
 2.2 for a student in grades 1 through 11 unless a four-day week schedule unless has been
 2.3 approved by the commissioner under section 124D.126.

2.4 Sec. 2. Minnesota Statutes 2012, section 123B.88, subdivision 22, is amended to read:

2.5 Subd. 22. **Postsecondary enrollment options pupils.** Districts may provide bus
 2.6 transportation along school bus routes when space is available, for pupils attending
 2.7 programs at a postsecondary institution under the postsecondary enrollment options
 2.8 program. ~~The transportation is permitted only if it does not increase the district's~~
 2.9 ~~expenditures for transportation.~~ Fees collected for this service under section 123B.36,
 2.10 subdivision 1, paragraph (13), shall be subtracted from the authorized cost for nonregular
 2.11 transportation for the purpose of section 123B.92. A school district may provide
 2.12 transportation for a pupil participating in an articulated program operated under an
 2.13 agreement between the school district and the postsecondary institution.

2.14 Sec. 3. Minnesota Statutes 2012, section 123B.92, subdivision 1, is amended to read:

2.15 Subdivision 1. **Definitions.** For purposes of this section and section 125A.76, the
 2.16 terms defined in this subdivision have the meanings given to them.

2.17 (a) "Actual expenditure per pupil transported in the regular and excess transportation
 2.18 categories" means the quotient obtained by dividing:

2.19 (1) the sum of:

2.20 (i) all expenditures for transportation in the regular category, as defined in paragraph
 2.21 (b), clause (1), and the excess category, as defined in paragraph (b), clause (2), plus

2.22 (ii) an amount equal to one year's depreciation on the district's school bus fleet
 2.23 and mobile units computed on a straight line basis at the rate of 15 percent per year for
 2.24 districts operating a program under section 124D.128 for grades 1 to 12 for all students in
 2.25 the district and 12-1/2 percent per year for other districts of the cost of the fleet, plus

2.26 (iii) an amount equal to one year's depreciation on the district's type III vehicles, as
 2.27 defined in section 169.011, subdivision 71, which must be used a majority of the time for
 2.28 pupil transportation purposes, computed on a straight line basis at the rate of 20 percent
 2.29 per year of the cost of the type three school buses by:

2.30 (2) the number of pupils eligible for transportation in the regular category, as defined
 2.31 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause (2).

2.32 (b) "Transportation category" means a category of transportation service provided to
 2.33 pupils as follows:

2.34 (1) Regular transportation is:

3.1 (i) transportation to and from school during the regular school year for resident
3.2 elementary pupils residing one mile or more from the public or nonpublic school they
3.3 attend, and resident secondary pupils residing two miles or more from the public
3.4 or nonpublic school they attend, excluding desegregation transportation and noon
3.5 kindergarten transportation; but with respect to transportation of pupils to and from
3.6 nonpublic schools, only to the extent permitted by sections 123B.84 to 123B.87;

3.7 (ii) transportation of resident pupils to and from language immersion programs;

3.8 (iii) transportation of a pupil who is a custodial parent and that pupil's child between
3.9 the pupil's home and the child care provider and between the provider and the school, if
3.10 the home and provider are within the attendance area of the school;

3.11 (iv) transportation to and from or board and lodging in another district, of resident
3.12 pupils of a district without a secondary school; and

3.13 (v) transportation to and from school during the regular school year required under
3.14 subdivision 3 for nonresident elementary pupils when the distance from the attendance
3.15 area border to the public school is one mile or more, and for nonresident secondary pupils
3.16 when the distance from the attendance area border to the public school is two miles or
3.17 more, excluding desegregation transportation and noon kindergarten transportation.

3.18 For the purposes of this paragraph, a district may designate a licensed day care facility,
3.19 school day care facility, respite care facility, the residence of a relative, or the residence
3.20 of a person or other location chosen by the pupil's parent or guardian, or an after-school
3.21 program for children operated by a political subdivision of the state, as the home of a pupil
3.22 for part or all of the day, if requested by the pupil's parent or guardian, and if that facility,
3.23 residence, or program is within the attendance area of the school the pupil attends.

3.24 (2) Excess transportation is:

3.25 (i) transportation to and from school during the regular school year for resident
3.26 secondary pupils residing at least one mile but less than two miles from the public or
3.27 nonpublic school they attend, and transportation to and from school for resident pupils
3.28 residing less than one mile from school who are transported because of full-service school
3.29 zones, extraordinary traffic, drug, or crime hazards; and

3.30 (ii) transportation to and from school during the regular school year required under
3.31 subdivision 3 for nonresident secondary pupils when the distance from the attendance area
3.32 border to the school is at least one mile but less than two miles from the public school
3.33 they attend, and for nonresident pupils when the distance from the attendance area border
3.34 to the school is less than one mile from the school and who are transported because of
3.35 full-service school zones, extraordinary traffic, drug, or crime hazards.

4.1 (3) Desegregation transportation is transportation within and outside of the district
4.2 during the regular school year of pupils to and from schools located outside their normal
4.3 attendance areas under a plan for desegregation mandated by the commissioner or under
4.4 court order.

4.5 (4) "Transportation services for pupils with disabilities" is:

4.6 (i) transportation of pupils with disabilities who cannot be transported on a regular
4.7 school bus between home or a respite care facility and school;

4.8 (ii) necessary transportation of pupils with disabilities from home or from school to
4.9 other buildings, including centers such as developmental achievement centers, hospitals,
4.10 and treatment centers where special instruction or services required by sections 125A.03
4.11 to 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district
4.12 where services are provided;

4.13 (iii) necessary transportation for resident pupils with disabilities required by sections
4.14 125A.12, and 125A.26 to 125A.48;

4.15 (iv) board and lodging for pupils with disabilities in a district maintaining special
4.16 classes;

4.17 (v) transportation from one educational facility to another within the district for
4.18 resident pupils enrolled on a shared-time basis in educational programs, and necessary
4.19 transportation required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils
4.20 with disabilities who are provided special instruction and services on a shared-time basis
4.21 or if resident pupils are not transported, the costs of necessary travel between public
4.22 and private schools or neutral instructional sites by essential personnel employed by the
4.23 district's program for children with a disability;

4.24 (vi) transportation for resident pupils with disabilities to and from board and lodging
4.25 facilities when the pupil is boarded and lodged for educational purposes;

4.26 (vii) transportation of pupils for a curricular field trip activity on a school bus
4.27 equipped with a power lift when the power lift is required by a student's disability or
4.28 section 504 plan; and

4.29 (viii) services described in clauses (i) to (vii), when provided for pupils with
4.30 disabilities in conjunction with a summer instructional program that relates to the
4.31 pupil's individualized education program or in conjunction with a learning year program
4.32 established under section 124D.128.

4.33 For purposes of computing special education initial aid under section 125A.76,
4.34 subdivision 2, the cost of providing transportation for children with disabilities includes
4.35 (A) the additional cost of transporting a homeless student from a temporary nonshelter
4.36 home in another district to the school of origin, or a formerly homeless student from a

5.1 permanent home in another district to the school of origin but only through the end of
 5.2 the academic year; and (B) depreciation on district-owned school buses purchased after
 5.3 July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated
 5.4 according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the
 5.5 disabled transportation category must be excluded in calculating the actual expenditure
 5.6 per pupil transported in the regular and excess transportation categories according to
 5.7 paragraph (a). For purposes of subitem (A), a school district may transport a child who
 5.8 does not have a school of origin to the same school attended by that child's sibling, if
 5.9 the siblings are homeless.

5.10 (5) "Nonpublic nonregular transportation" is:

5.11 (i) transportation from one educational facility to another within the district for
 5.12 resident pupils enrolled on a shared-time basis in educational programs, excluding
 5.13 transportation for nonpublic pupils with disabilities under clause (4);

5.14 (ii) transportation within district boundaries between a nonpublic school and a
 5.15 public school or a neutral site for nonpublic school pupils who are provided pupil support
 5.16 services pursuant to section 123B.44; and

5.17 (iii) late transportation home from school or between schools within a district for
 5.18 nonpublic school pupils involved in after-school activities.

5.19 (c) "Mobile unit" means a vehicle or trailer designed to provide facilities for
 5.20 educational programs and services, including diagnostic testing, guidance and counseling
 5.21 services, and health services. A mobile unit located off nonpublic school premises is a
 5.22 neutral site as defined in section 123B.41, subdivision 13.

5.23 **EFFECTIVE DATE.** This section is effective July 1, 2013.

5.24 Sec. 4. Minnesota Statutes 2012, section 126C.10, subdivision 14, is amended to read:

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

5.27 (1) to acquire land for school purposes;

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

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

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

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

- 6.1 (6) to eliminate barriers or increase access to school buildings by individuals with a
6.2 disability;
- 6.3 (7) to bring school buildings into compliance with the State Fire Code adopted
6.4 according to chapter 299F;
- 6.5 (8) to remove asbestos from school buildings, encapsulate asbestos, or make
6.6 asbestos-related repairs;
- 6.7 (9) to clean up and dispose of polychlorinated biphenyls found in school buildings;
- 6.8 (10) to clean up, remove, dispose of, and make repairs related to storing heating fuel
6.9 or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined
6.10 in section 296A.01;
- 6.11 (11) for energy audits for school buildings and to modify buildings if the audit
6.12 indicates the cost of the modification can be recovered within ten years;
- 6.13 (12) to improve buildings that are leased according to section 123B.51, subdivision 4;
- 6.14 (13) to pay special assessments levied against school property but not to pay
6.15 assessments for service charges;
- 6.16 (14) to pay principal and interest on state loans for energy conservation according to
6.17 section 216C.37 or loans made under the Douglas J. Johnson Economic Protection Trust
6.18 Fund Act according to sections 298.292 to 298.298;
- 6.19 (15) to purchase or lease interactive telecommunications equipment;
- 6.20 (16) by board resolution, to transfer money into the debt redemption fund to: (i)
6.21 pay the amounts needed to meet, when due, principal and interest payments on certain
6.22 obligations issued according to chapter 475; or (ii) pay principal and interest on debt
6.23 service loans or capital loans according to section 126C.70;
- 6.24 (17) to pay operating capital-related assessments of any entity formed under a
6.25 cooperative agreement between two or more districts;
- 6.26 (18) to purchase or lease computers and related ~~materials~~ hardware, initial purchase
6.27 of related software, but not annual licensing fees, copying machines, telecommunications
6.28 equipment, and other noninstructional equipment;
- 6.29 (19) to purchase or lease assistive technology or equipment for instructional
6.30 programs;
- 6.31 (20) to purchase textbooks as defined in section 123B.41, subdivision 2;
- 6.32 (21) to purchase new and replacement library media resources or technology;
- 6.33 (22) to lease or purchase vehicles;
- 6.34 (23) to purchase or lease telecommunications equipment, computers, and related
6.35 equipment for integrated information management systems for:

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

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

7.5 (iii) other classroom information management needs;

7.6 (24) to pay personnel costs directly related to the acquisition, operation, and
7.7 maintenance of telecommunications systems, computers, related equipment, and network
7.8 and applications software; and

7.9 (25) to pay the costs directly associated with closing a school facility, including
7.10 moving and storage costs.

7.11 Sec. 5. Minnesota Statutes 2012, section 126C.15, subdivision 2, is amended to read:

7.12 Subd. 2. **Building allocation.** (a) A district or cooperative must allocate its
7.13 compensatory revenue to each school building in the district or cooperative where
7.14 the children who have generated the revenue are served unless the school district or
7.15 cooperative has received permission under Laws 2005, First Special Session chapter 5,
7.16 article 1, section 50, to allocate compensatory revenue according to student performance
7.17 measures developed by the school board.

7.18 (b) Notwithstanding paragraph (a), a district or cooperative may allocate up to
7.19 five percent of the amount of compensatory revenue that the district receives to school
7.20 sites according to a plan adopted by the school board, and a district or cooperative may
7.21 allocate up to an additional five percent of its compensatory revenue for activities under
7.22 subdivision 1, clause (10), according to a plan adopted by the school board. The money
7.23 reallocated under this paragraph must be spent for the purposes listed in subdivision 1, but
7.24 may be spent on students in any grade, including students attending school readiness or
7.25 other prekindergarten programs.

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

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

7.30 (e) A district or cooperative with school building openings, school building
7.31 closings, changes in attendance area boundaries, or other changes in programs or student
7.32 demographics between the prior year and the current year may reallocate compensatory
7.33 revenue among sites to reflect these changes. A district or cooperative must report to the
7.34 department any adjustments it makes according to this paragraph and the department must

8.1 use the adjusted compensatory revenue allocations in preparing the report required under
8.2 section 123B.76, subdivision 3, paragraph (c).

8.3 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014
8.4 and later.

8.5 **ARTICLE 2**

8.6 **STUDENT ACCOUNTABILITY**

8.7 Section 1. **[120B.018] DEFINITIONS.**

8.8 Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

8.9 Subd. 2. **Academic standard.** "Academic standard" means a summary description
8.10 of student learning in a required content area under section 120B.021 or elective content
8.11 area under section 120B.022.

8.12 Subd. 3. **Benchmark.** "Benchmark" means specific knowledge or skill that a
8.13 student must master to complete part of an academic standard by the end of the grade
8.14 level or grade band.

8.15 Subd. 4. **Credit.** "Credit" means the determination by the local school district
8.16 that a student has successfully completed an academic year of study or mastered the
8.17 applicable subject matter.

8.18 Subd. 5. **Elective standard.** "Elective standard" means a locally adopted
8.19 expectation for student learning in career and technical education and world languages.

8.20 Subd. 6. **Required standard.** "Required standard" means (1) a statewide adopted
8.21 expectation for student learning in the content areas of language arts, mathematics, science,
8.22 social studies, physical education, (2) a locally adopted expectation for student learning in
8.23 health, and (3) a statewide or locally adopted expectation for student learning in the arts.

8.24 Subd. 7. **School site.** "School site" means a separate facility, or a separate program
8.25 within a facility that a local school board recognizes as a school site for funding purposes.

8.26 Sec. 2. Minnesota Statutes 2012, section 120B.021, subdivision 1, is amended to read:

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

8.29 (1) language arts;

8.30 (2) mathematics;

8.31 (3) science;

8.32 (4) social studies, ~~including history, geography, economics, and government and~~
8.33 ~~citizenship;~~

- 9.1 (5) physical education;
- 9.2 (6) health, for which locally developed academic standards apply; and
- 9.3 (7) the arts, for which statewide or locally developed academic standards apply, as
- 9.4 determined by the school district. Public elementary and middle schools must offer at least
- 9.5 three and require at least two of the following four arts areas: dance; music; theater; and
- 9.6 visual arts. Public high schools must offer at least three and require at least one of the
- 9.7 following five arts areas: media arts; dance; music; theater; and visual arts.

9.8 ~~The commissioner must submit proposed standards in science and social studies to~~

9.9 ~~the legislature by February 1, 2004.~~

9.10 (b) For purposes of applicable federal law, the academic standards for language arts,

9.11 mathematics, and science apply to all public school students, except the very few students

9.12 with extreme cognitive or physical impairments for whom an individualized education

9.13 program team has determined that the required academic standards are inappropriate. An

9.14 individualized education program team that makes this determination must establish

9.15 alternative standards.

9.16 ~~A school district, no later than the 2007-2008 school year, must adopt graduation~~

9.17 ~~requirements that meet or exceed state graduation requirements established in law or rule.~~

9.18 ~~A school district that incorporates these state graduation requirements before the 2007-2008~~

9.19 ~~school year must provide students who enter the 9th grade in or before the 2003-2004~~

9.20 ~~school year the opportunity to earn a diploma based on existing locally established~~

9.21 ~~graduation requirements in effect when the students entered the 9th grade. (c) District~~

9.22 ~~efforts to develop, implement, or improve instruction or curriculum as a result of the~~

9.23 ~~provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.~~

9.24 ~~The commissioner must include the contributions of Minnesota American Indian~~

9.25 ~~tribes and communities as they relate to the academic standards during the review and~~

9.26 ~~revision of the required academic standards.~~

9.27 Sec. 3. Minnesota Statutes 2012, section 120B.023, is amended to read:

9.28 **120B.023 BENCHMARKS.**

9.29 Subdivision 1. **Benchmarks implement, supplement statewide academic**

9.30 **standards.** (a) The commissioner must supplement required state academic standards with

9.31 grade-level benchmarks. High school benchmarks may cover more than one grade. The

9.32 benchmarks must implement statewide academic standards by specifying the academic

9.33 ~~knowledge and skills that~~ Schools must offer and students must achieve all benchmarks for

9.34 an academic standard to satisfactorily complete a that state standard. ~~The commissioner~~

10.1 ~~must publish benchmarks to inform and guide parents, teachers, school districts, and other~~
 10.2 ~~interested persons and to use in developing tests consistent with the benchmarks.~~

10.3 (b) The commissioner shall publish benchmarks in the State Register to inform and
 10.4 guide parents, teachers, school districts, and other interested persons and transmit the
 10.5 benchmarks in any other manner that makes them accessible to the general public. The
 10.6 commissioner must use benchmarks in developing tests under section 120B.30. The
 10.7 commissioner may charge a reasonable fee for publications.

10.8 (c) Once established, the commissioner may change the benchmarks only with
 10.9 specific legislative authorization and after completing a review under subdivision 2.

10.10 ~~(d) The commissioner must develop and implement a system for reviewing each~~
 10.11 ~~of the required academic standards and related benchmarks and elective standards on a~~
 10.12 ~~periodic cycle, consistent with subdivision 2.~~

10.13 ~~(e) (d)~~ The benchmarks are not subject to chapter 14 and section 14.386 does not
 10.14 apply.

10.15 **Subd. 2. Revisions and reviews required.** (a) The commissioner of education must
 10.16 revise and appropriately embed technology and information literacy standards consistent
 10.17 with recommendations from school media specialists into the state's academic standards
 10.18 and graduation requirements and implement a review cycle for state academic standards
 10.19 and related benchmarks, consistent with this subdivision. During each review cycle, the
 10.20 commissioner also must examine the alignment of each required academic standard and
 10.21 related benchmark with the knowledge and skills students need for college readiness
 10.22 and advanced work in the particular subject area. The commissioner must include the
 10.23 contributions of Minnesota American Indian tribes and communities as they relate to the
 10.24 academic standards during the review and revision of the required academic standards.

10.25 ~~(b) The commissioner in the 2006-2007 school year must revise and align the state's~~
 10.26 ~~academic standards and high school graduation requirements in mathematics to require~~
 10.27 ~~that students satisfactorily complete the revised mathematics standards, beginning in the~~
 10.28 ~~2010-2011 school year. Under the revised standards:~~

10.29 ~~(1) students must satisfactorily complete an algebra I credit by the end of eighth~~
 10.30 ~~grade; and~~

10.31 ~~(2) students scheduled to graduate in the 2014-2015 school year or later must~~
 10.32 ~~satisfactorily complete an algebra II credit or its equivalent.~~

10.33 (b) The commissioner also must ensure that the statewide mathematics assessments
 10.34 administered to students in grades 3 through 8 and 11 are aligned with the state academic
 10.35 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph

11.1 (b). The commissioner must implement a review of the academic standards and related
11.2 benchmarks in mathematics beginning in the 2015-2016 school year.

11.3 ~~(c) The commissioner in the 2007-2008 school year must revise and align the state's~~
11.4 ~~academic standards and high school graduation requirements in the arts to require that~~
11.5 ~~students satisfactorily complete the revised arts standards beginning in the 2010-2011~~
11.6 ~~school year. The commissioner must implement a review of the academic standards and~~
11.7 ~~related benchmarks in arts beginning in the 2016-2017 school year.~~

11.8 ~~(d) The commissioner in the 2008-2009 school year must revise and align the state's~~
11.9 ~~academic standards and high school graduation requirements in science to require that~~
11.10 ~~students satisfactorily complete the revised science standards, beginning in the 2011-2012~~
11.11 ~~school year. Under the revised standards, students scheduled to graduate in the 2014-2015~~
11.12 ~~school year or later must satisfactorily complete a chemistry or physics credit or a career~~
11.13 ~~and technical education credit that meets standards underlying the chemistry, physics,~~
11.14 ~~or biology credit or a combination of those standards approved by the district. The~~
11.15 ~~commissioner must implement a review of the academic standards and related benchmarks~~
11.16 ~~in science beginning in the 2017-2018 school year.~~

11.17 ~~(e) The commissioner in the 2009-2010 school year must revise and align the state's~~
11.18 ~~academic standards and high school graduation requirements in language arts to require~~
11.19 ~~that students satisfactorily complete the revised language arts standards beginning in the~~
11.20 ~~2012-2013 school year. The commissioner must implement a review of the academic~~
11.21 ~~standards and related benchmarks in language arts beginning in the 2018-2019 school year.~~

11.22 (f) The commissioner in the 2010-2011 school year must revise and align the state's
11.23 academic standards and high school graduation requirements in social studies to require
11.24 that students satisfactorily complete the revised social studies standards beginning in the
11.25 2013-2014 school year. The commissioner must implement a review of the academic
11.26 standards and related benchmarks in social studies beginning in the 2019-2020 school year.

11.27 (g) School districts and charter schools must revise and align local academic
11.28 standards and high school graduation requirements in health, world languages, and career
11.29 and technical education to require students to complete the revised standards beginning
11.30 in a school year determined by the school district or charter school. School districts and
11.31 charter schools must formally establish a periodic review cycle for the academic standards
11.32 and related benchmarks in health, world languages, and career and technical education.

11.33 Sec. 4. Minnesota Statutes 2012, section 120B.024, is amended to read:

11.34 **120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS.**

12.1 Subdivision 1. Graduation requirements. (a) Students beginning 9th grade in the
 12.2 2011-2012 school year and later must successfully complete the following high school
 12.3 level course credits for graduation:

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

12.6 (2) three credits of mathematics, ~~encompassing at least algebra, geometry, statistics,~~
 12.7 ~~and probability~~ including an algebra II credit or its equivalent, sufficient to satisfy all of
 12.8 the academic standard standards in mathematics;

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

12.11 ~~(3)~~ (4) three credits of science, including at least: ~~(i) one credit in of biology; and~~
 12.12 ~~(ii) one chemistry or physics credit or a career and technical education credit that meets~~
 12.13 ~~standards underlying the chemistry, physics, or biology credit or a combination of those~~
 12.14 ~~standards approved by the district, but meeting biology standards under this item does not~~
 12.15 ~~meet the biology requirement under item (i),~~ one credit of chemistry or physics, and one
 12.16 elective credit of science. The combination of credits under this clause must be sufficient
 12.17 to satisfy (i) all of the academic standards in either chemistry or physics and (ii) all other
 12.18 academic standards in science;

12.19 ~~(4)~~ (5) three and one-half credits of social studies, ~~encompassing at least United~~
 12.20 ~~States history, geography, government and citizenship, world history, and economics or~~
 12.21 ~~three credits of social studies encompassing at least United States history, geography,~~
 12.22 ~~government and citizenship, and world history, and one-half credit of economics taught in~~
 12.23 ~~a school's social studies, agriculture education, or business department~~ sufficient to satisfy
 12.24 all of the academic standards in social studies;

12.25 ~~(5)~~ (6) one credit in of the arts sufficient to satisfy all of the state or local academic
 12.26 standards in the arts; and

12.27 ~~(6)~~ (7) a minimum of seven elective course credits.

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

12.31 Subd. 2. Credit equivalencies. (a) A one-half credit of economics taught in a
 12.32 school's agriculture education or business department may fulfill a one-half credit in
 12.33 social studies under subdivision 1, clause (5), if the credit is sufficient to satisfy all of the
 12.34 academic standards in economics.

12.35 (b) An agriculture science course or career and technical education credit may fulfill
 12.36 a the elective science credit requirement other than the specified science credit in biology

13.1 under ~~paragraph (a), clause (3)~~. subdivision 1, clause (4), if the course meets academic
 13.2 standards in science as approved by the district. An agriculture science or career and
 13.3 technical education credit may fulfill the credit in chemistry or physics required under
 13.4 subdivision 1, clause (4), if (1) the credit meets a combination of the chemistry, physics,
 13.5 and biology academic standards as approved by the district and (2) the student satisfies
 13.6 either all of the chemistry academic standards or all of the physics academic standards
 13.7 prior to graduation. An agriculture science or career and technical education credit may
 13.8 not fulfill the biology credit required under subdivision 1, clause (4).

13.9 (c) A career and technical education ~~course credit~~ credit may fulfill a mathematics or arts
 13.10 credit requirement ~~or a science credit requirement other than the specified science credit in~~
 13.11 ~~biology~~ under ~~paragraph (a)~~ subdivision 1, clause (2), (3), or (5) (6).

13.12 (d) An agriculture education teacher is not required to meet the requirements of
 13.13 Minnesota Rules, part 3505.1150, subpart 1, item B, to meet the credit equivalency
 13.14 requirements of paragraph (b) above.

13.15 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to
 13.16 students entering 9th grade in the 2013-2014 school year and later.

13.17 Sec. 5. Minnesota Statutes 2012, section 120B.15, is amended to read:

13.18 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS.**

13.19 (a) School districts may identify students, locally develop programs addressing
 13.20 instructional and affective needs, provide staff development, and evaluate programs to
 13.21 provide gifted and talented students with challenging and appropriate educational programs.

13.22 (b) School districts ~~may~~ must adopt guidelines for assessing and identifying students
 13.23 for participation in gifted and talented programs. The guidelines should include the use of:

13.24 (1) multiple and objective criteria; and

13.25 (2) assessments and procedures that are valid and reliable, fair, and based on current
 13.26 theory and research. Assessments and procedures should be sensitive to underrepresented
 13.27 groups, including, but not limited to, low-income, minority, twice-exceptional, and
 13.28 English learners.

13.29 (c) School districts must adopt procedures for the academic acceleration of gifted
 13.30 and talented students. These procedures must include how the district will:

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

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

14.1 (d) School districts must adopt procedures for early admission to kindergarten
 14.2 or first grade of gifted and talented learners. The procedures must be sensitive to
 14.3 underrepresented groups and must address how the district or charter school will:

- 14.4 (1) assess a child's readiness and motivation for accelerations;
 14.5 (2) assess a child's cognitive abilities, achievement, and performance; and
 14.6 (3) monitor the child's adjustment postacceleration.

14.7 The school district shall admit a gifted and talented child to kindergarten or first
 14.8 grade who fails to meet the age requirement under section 120A.20, subdivision 1,
 14.9 paragraph (b), provided the child completes the procedures and meets the criteria for early
 14.10 entrance adopted by the school board under this subdivision.

14.11 Sec. 6. Minnesota Statutes 2012, section 120B.31, subdivision 1, is amended to read:

14.12 Subdivision 1. **Educational accountability and public reporting.** Consistent
 14.13 with the direction to adopt statewide academic standards under section 120B.02, the
 14.14 department, in consultation with education and other system stakeholders, must establish a
 14.15 coordinated and comprehensive system of educational accountability and public reporting
 14.16 that promotes greater academic achievement, preparation for higher academic education,
 14.17 preparation for the world of work, citizenship ~~under sections 120B.021, subdivision 1,~~
 14.18 ~~clause (4), and 120B.024, paragraph (a), clause (4),~~ and the arts.

14.19 Sec. 7. **REVISOR'S INSTRUCTION.**

14.20 The revisor of statutes shall renumber Minnesota Statutes, section 120B.023,
 14.21 subdivision 2, as Minnesota Statutes, section 120B.021, subdivision 4. The revisor shall
 14.22 make necessary cross-reference changes consistent with the renumbering.

14.23 Sec. 8. **REPEALER.**

14.24 Minnesota Rules, parts 3501.0505; 3501.0510; 3501.0515; 3501.0520; 3501.0525;
 14.25 3501.0530; 3501.0535; 3501.0540; 3501.0545; and 3501.0550, are repealed, effective
 14.26 for the 2014-2015 school year and later.

14.27 **ARTICLE 3**

14.28 **EDUCATION EXCELLENCE**

14.29 Section 1. **[120A.37] CLASSROOM PLACEMENT; TEACHER RATING.**

14.30 (a) Beginning in the 2016-2017 school year, consistent with the teacher evaluations
 14.31 under sections 122A.40, subdivision 8, and 122A.41, subdivision 5, a school administrator
 14.32 must not place a student in kindergarten through grade 4 for consecutive school years in

15.1 the classroom of a teacher who received the lowest evaluation rating, unless the school
 15.2 does not have another teacher at that grade level.

15.3 (b) Beginning in the 2016-2017 school year, consistent with the teacher evaluations
 15.4 under sections 122A.40, subdivision 8, and 122A.41, subdivision 5, a school administrator
 15.5 must not place a student in grades five through twelve for consecutive school years in the
 15.6 classroom of a teacher in the same subject area who received the lowest evaluation rating,
 15.7 unless the school does not have another teacher in that subject area.

15.8 (c) The department, in consultation with the stakeholders under sections 122A.40,
 15.9 subdivision 8, and 122A.41, subdivision 5, must review the classroom placement policies
 15.10 under this section and must, no later than January 15, 2014, make a recommendation to
 15.11 the legislative committees and divisions having jurisdiction over kindergarten through
 15.12 grade 12 education funding and policy regarding implementation of these policies.

15.13 **Sec. 2. [120B.21] MENTAL HEALTH EDUCATION.**

15.14 School districts and charter schools must provide mental health instruction for
 15.15 students in grades 6 through 12 aligned with local health and physical education standards
 15.16 and integrated into existing programs, curriculum, or the general school environment of
 15.17 a district or charter school. The commissioner, in consultation with the commissioner
 15.18 of human services and mental health organizations, shall provide districts and charter
 15.19 schools with:

15.20 (1) age-appropriate model learning activities for grades 6 through 12 that encompass
 15.21 the mental health components of the National Health Education Standards and the
 15.22 benchmarks developed by the department's quality teaching network in health and physical
 15.23 education, and best practices in mental health education; and

15.24 (2) a directory of resources for planning and implementing age-appropriate mental
 15.25 health curriculum and instruction in grades 6 through 12.

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

15.27 **Sec. 3.** Minnesota Statutes 2012, section 122A.09, subdivision 4, is amended to read:

15.28 **Subd. 4. License and rules.** (a) The board must adopt rules to license public school
 15.29 teachers and interns subject to chapter 14.

15.30 (b) The board must adopt rules requiring a person to pass a skills examination in
 15.31 reading, writing, and mathematics as a requirement for initial teacher licensure, except
 15.32 that the board may issue a temporary, one-year teaching license to an otherwise qualified
 15.33 candidate who has not passed the skills exam at the time the candidate successfully
 15.34 completes an approved teacher preparation program. A person who is a nonnative English

16.1 language speaker as verified by qualified Minnesota school district personnel or Minnesota
16.2 higher education institution faculty and who directly instructs in that other language or
16.3 provides world language instruction under section 120B.022, subdivision 1, in that other
16.4 language may take and pass the skills examination at any time up to 36 months after
16.5 becoming otherwise eligible for an initial teaching license and may hold a temporary
16.6 teaching license during that time. Such rules must require college and universities offering
16.7 a board-approved teacher preparation program to provide remedial assistance to persons
16.8 who did not achieve a qualifying score on the skills examination, including those for
16.9 whom English is a second language.

16.10 (c) The board must adopt rules to approve teacher preparation programs. The board,
16.11 upon the request of a postsecondary student preparing for teacher licensure or a licensed
16.12 graduate of a teacher preparation program, shall assist in resolving a dispute between the
16.13 person and a postsecondary institution providing a teacher preparation program when the
16.14 dispute involves an institution's recommendation for licensure affecting the person or the
16.15 person's credentials. At the board's discretion, assistance may include the application
16.16 of chapter 14.

16.17 (d) The board must provide the leadership and adopt rules for the redesign of teacher
16.18 education programs to implement a research based, results-oriented curriculum that
16.19 focuses on the skills teachers need in order to be effective. The board shall implement new
16.20 systems of teacher preparation program evaluation to assure program effectiveness based
16.21 on proficiency of graduates in demonstrating attainment of program outcomes. Teacher
16.22 preparation programs including alternative teacher preparation programs under section
16.23 122A.245, among other programs, must include a content-specific, board-approved,
16.24 performance-based assessment that measures teacher candidates in three areas: planning
16.25 for instruction and assessment; engaging students and supporting learning; and assessing
16.26 student learning.

16.27 (e) The board must adopt rules requiring candidates for initial licenses to pass an
16.28 examination of general pedagogical knowledge and examinations of licensure-specific
16.29 teaching skills. The rules shall be effective by September 1, 2001. The rules under this
16.30 paragraph also must require candidates for initial licenses to teach prekindergarten or
16.31 elementary students to pass, as part of the examination of licensure-specific teaching
16.32 skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive,
16.33 scientifically based reading instruction under section 122A.06, subdivision 4, and their
16.34 knowledge and understanding of the foundations of reading development, the development
16.35 of reading comprehension, and reading assessment and instruction, and their ability to
16.36 integrate that knowledge and understanding.

17.1 (f) The board must adopt rules requiring teacher educators to work directly with
17.2 elementary or secondary school teachers in elementary or secondary schools to obtain
17.3 periodic exposure to the elementary or secondary teaching environment.

17.4 (g) The board must grant licenses to interns and to candidates for initial licenses
17.5 based on appropriate professional competencies that are aligned with the board's licensing
17.6 system and students' diverse learning needs. The board must include these licenses in a
17.7 statewide differentiated licensing system that creates new leadership roles for successful
17.8 experienced teachers premised on a collaborative professional culture dedicated to meeting
17.9 students' diverse learning needs in the 21st century and formalizes mentoring and induction
17.10 for newly licensed teachers that is provided through a teacher support framework.

17.11 (h) The board must design and implement an assessment system which requires a
17.12 candidate for an initial license and first continuing license to demonstrate the abilities
17.13 necessary to perform selected, representative teaching tasks at appropriate levels.

17.14 (i) The board must receive recommendations from local committees as established
17.15 by the board for the renewal of teaching licenses.

17.16 (j) The board must grant life licenses to those who qualify according to requirements
17.17 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and
17.18 214.10. The board must not establish any expiration date for application for life licenses.

17.19 (k) The board must adopt rules that require all licensed teachers who are renewing
17.20 their continuing license to include in their renewal requirements further preparation in
17.21 the areas of using positive behavior interventions and in accommodating, modifying, and
17.22 adapting curricula, materials, and strategies to appropriately meet the needs of individual
17.23 students and ensure adequate progress toward the state's graduation rule.

17.24 (l) In adopting rules to license public school teachers who provide health-related
17.25 services for disabled children, the board shall adopt rules consistent with license or
17.26 registration requirements of the commissioner of health and the health-related boards who
17.27 license personnel who perform similar services outside of the school.

17.28 (m) The board must adopt rules that require all licensed teachers who are renewing
17.29 their continuing license to include in their renewal requirements further reading
17.30 preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect
17.31 until they are approved by law. Teachers who do not provide direct instruction including, at
17.32 least, counselors, school psychologists, school nurses, school social workers, audiovisual
17.33 directors and coordinators, and recreation personnel are exempt from this section.

17.34 (n) The board must adopt rules that require all licensed teachers who are renewing
17.35 their continuing license to include in their renewal requirements further preparation,
17.36 first, in understanding the key warning signs of early-onset mental illness in children

18.1 and adolescents and then, during subsequent licensure renewal periods, preparation may
 18.2 include providing a more in-depth understanding of students' mental illness, trauma,
 18.3 accommodations for students' mental illness, parents' role in addressing students' mental
 18.4 illness, Fetal Alcohol Spectrum Disorders, autism, the requirements of section 125A.0942
 18.5 governing restrictive procedures, and de-escalation methods, among other similar topics.

18.6 (o) The board must establish an appeals process for nonnative English language
 18.7 speaker candidates under paragraph (b) who have not achieved a passing score on the
 18.8 examination. The appeals process must allow a candidate to demonstrate the candidate's
 18.9 competence by an alternative, equally rigorous method.

18.10 **EFFECTIVE DATE.** Paragraphs (b) and (o) are effective the day following final
 18.11 enactment. Paragraph (n) is effective August 1, 2014.

18.12 Sec. 4. Minnesota Statutes 2012, section 122A.18, subdivision 2, is amended to read:

18.13 Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of
 18.14 Teaching must issue licenses under its jurisdiction to persons the board finds to be
 18.15 qualified and competent for their respective positions.

18.16 (b) The board must require a person to pass an examination of skills in reading,
 18.17 writing, and mathematics before being granted an initial teaching license to provide direct
 18.18 instruction to pupils in prekindergarten, elementary, secondary, or special education
 18.19 programs, except that the board may issue a temporary, one-year teaching license to an
 18.20 otherwise qualified candidate who has not passed the skills exam at the time the candidate
 18.21 successfully completes an approved teacher preparation program. The board may grant
 18.22 up to three one-year temporary teaching licenses to a person who is a nonnative English
 18.23 language speaker as verified by qualified Minnesota school district personnel or Minnesota
 18.24 higher education institution faculty and directly instructs in that other language or provides
 18.25 world language instruction under section 120B.022, subdivision 1, in that other language,
 18.26 consistent with section 122A.09, subdivision 4, paragraph (b). The board must require
 18.27 colleges and universities offering a board approved teacher preparation program to
 18.28 ~~provide~~ make available upon request remedial assistance that includes a formal diagnostic
 18.29 component to persons enrolled in their institution who did not achieve a qualifying score
 18.30 on the skills examination, including those for whom English is a second language. The
 18.31 colleges and universities must ~~provide~~ make available assistance in the specific academic
 18.32 areas of deficiency in which the person did not achieve a qualifying score. School districts
 18.33 may make available upon request similar, appropriate, and timely remedial assistance that
 18.34 includes a formal diagnostic component to those persons employed by the district who
 18.35 completed their teacher education program, who did not achieve a qualifying score on

19.1 the skills examination, including those persons for whom English is a second language
 19.2 and persons under section 122A.23, subdivision 2, paragraph (h), who completed their
 19.3 teacher's education program outside the state of Minnesota, and who received a temporary,
 19.4 one-year license to teach in Minnesota. The Board of Teaching shall report annually to the
 19.5 education committees of the legislature on the total number of teacher candidates during
 19.6 the most recent school year taking the skills examination, the number who achieve a
 19.7 qualifying score on the examination, the number who do not achieve a qualifying score on
 19.8 the examination, the distribution of all candidates' scores, the number of candidates who
 19.9 have taken the examination at least once before, and the number of candidates who have
 19.10 taken the examination at least once before and achieve a qualifying score, and the number
 19.11 of nonnative English language speakers taking the examination under this paragraph.

19.12 (c) A person who has completed an approved teacher preparation program and
 19.13 obtained a temporary, one-year teaching license, but has not passed the skills exam, may
 19.14 have the board renew the temporary one-year license but not more than two times after
 19.15 February 1, 2014, if the licensee:

19.16 (1) provides evidence of participating in an approved remedial assistance program
 19.17 through a school district or postsecondary institution that includes a formal diagnostic
 19.18 component in the specific subject areas the licensee did not pass;

19.19 (2) attempts to pass the skills exam during the one-year licensure period; and

19.20 (3) the school district employing the licensee requests that the licensee continue to
 19.21 teach for that district under a temporary license.

19.22 (d) The Board of Teaching must grant continuing licenses only to those persons who
 19.23 have met board criteria for granting a continuing license, which includes passing the skills
 19.24 examination in reading, writing, and mathematics, consistent with paragraph (b), and
 19.25 section 122A.09, subdivision 4, paragraph (b).

19.26 ~~(d)~~ (e) All colleges and universities approved by the board of teaching to prepare
 19.27 persons for teacher licensure must include in their teacher preparation programs a common
 19.28 core of teaching knowledge and skills to be acquired by all persons recommended
 19.29 for teacher licensure. This common core shall meet the standards developed by the
 19.30 interstate new teacher assessment and support consortium in its 1992 "model standards for
 19.31 beginning teacher licensing and development." Amendments to standards adopted under
 19.32 this paragraph are covered by chapter 14. The board of teaching shall report annually to
 19.33 the education committees of the legislature on the performance of teacher candidates
 19.34 on common core assessments of knowledge and skills under this paragraph during the
 19.35 most recent school year.

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

20.1 Sec. 5. Minnesota Statutes 2012, section 122A.23, subdivision 2, is amended to read:

20.2 Subd. 2. **Applicants licensed in other states.** (a) Subject to the requirements of
20.3 sections 122A.18, subdivision 8, and 123B.03, the Board of Teaching must issue a teaching
20.4 license or a temporary teaching license under paragraphs (b) to (e) to an applicant who holds
20.5 at least a baccalaureate degree from a regionally accredited college or university and holds
20.6 or held a similar out-of-state teaching license that requires the applicant to successfully
20.7 complete a teacher preparation program approved by the issuing state, which includes
20.8 field-specific teaching methods and student teaching or essentially equivalent experience.

20.9 (b) The Board of Teaching must issue a teaching license to an applicant who:

20.10 (1) successfully completed all exams and human relations preparation components
20.11 required by the Board of Teaching; and

20.12 (2) holds or held an out-of-state teaching license to teach the same content field and
20.13 grade levels if the scope of the out-of-state license is no more than one grade level less
20.14 than a similar Minnesota license.

20.15 (c) The Board of Teaching, consistent with board rules and paragraph (h), must
20.16 issue up to three one-year temporary teaching licenses to an applicant who holds or held
20.17 an out-of-state teaching license to teach the same content field and grade levels, where
20.18 the scope of the out-of-state license is no more than one grade level less than a similar
20.19 Minnesota license, but has not successfully completed all exams and human relations
20.20 preparation components required by the Board of Teaching.

20.21 (d) The Board of Teaching, consistent with board rules, must issue up to three
20.22 one-year temporary teaching licenses to an applicant who:

20.23 (1) successfully completed all exams and human relations preparation components
20.24 required by the Board of Teaching; and

20.25 (2) holds or held an out-of-state teaching license to teach the same content field
20.26 and grade levels, where the scope of the out-of-state license is no more than one grade
20.27 level less than a similar Minnesota license, but has not completed field-specific teaching
20.28 methods or student teaching or equivalent experience.

20.29 The applicant may complete field-specific teaching methods and student teaching
20.30 or equivalent experience by successfully participating in a one-year school district
20.31 mentorship program consistent with board-adopted standards of effective practice and
20.32 Minnesota graduation requirements.

20.33 (e) The Board of Teaching must issue a temporary teaching license for a term of
20.34 up to three years only in the content field or grade levels specified in the out-of-state
20.35 license to an applicant who:

21.1 (1) successfully completed all exams and human relations preparation components
 21.2 required by the Board of Teaching; and

21.3 (2) holds or held an out-of-state teaching license where the out-of-state license is
 21.4 more limited in the content field or grade levels than a similar Minnesota license.

21.5 (f) The Board of Teaching must not issue to an applicant more than three one-year
 21.6 temporary teaching licenses under this subdivision.

21.7 (g) The Board of Teaching must not issue a license under this subdivision if the
 21.8 applicant has not attained the additional degrees, credentials, or licenses required in a
 21.9 particular licensure field.

21.10 (h) ~~The Board of Teaching must require~~ An applicant for a teaching license or a
 21.11 temporary teaching license under this subdivision ~~to~~ must pass a skills examination in
 21.12 reading, writing, and mathematics before the board issues the applicant a continuing
 21.13 teaching license. Consistent with section 122A.18, subdivision 2, paragraph (c), and
 21.14 notwithstanding other provisions of this subdivision, the board may issue a temporary,
 21.15 one-year teaching license to an otherwise qualified applicant who has not passed the skills
 21.16 exam and the board may renew this temporary license but not more than two times after
 21.17 February 1, 2014, if the school district employing the applicant requests that the applicant
 21.18 continue to teach for that district under a temporary license.

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

21.20 Sec. 6. Minnesota Statutes 2012, section 122A.28, subdivision 1, is amended to read:

21.21 Subdivision 1. **K-12 license to teach deaf and hard-of-hearing students;**
 21.22 **relicensure.** (a) The Board of Teaching must review and determine appropriate licensure
 21.23 requirements for a candidate for a license or an applicant for a continuing license to teach
 21.24 deaf and hard-of-hearing students in prekindergarten through grade 12. In addition to
 21.25 other requirements, a candidate must demonstrate the minimum level of proficiency in
 21.26 American sign language as determined by the board.

21.27 (b) Among other relicensure requirements, each teacher under this section must
 21.28 complete 30 continuing education clock hours on hearing loss topics, including American
 21.29 Sign Language, American Sign Language linguistics, and deaf culture, for every 120
 21.30 continuing education clock hours the teacher must complete for licensure renewal.

21.31 **EFFECTIVE DATE.** This section is effective August 1, 2013.

21.32 Sec. 7. Minnesota Statutes 2012, section 124D.122, is amended to read:

21.33 **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.**

22.1 The board of any district or a consortium of districts, with the approval of the
 22.2 commissioner, may establish and operate a flexible learning year program in one or
 22.3 more of the day or residential facilities for children with a disability within the district.
 22.4 Consortiums may use a single application and evaluation process, though results, public
 22.5 hearings, and board approvals must be obtained for each district.

22.6 Sec. 8. Minnesota Statutes 2012, section 124D.79, subdivision 1, is amended to read:

22.7 Subdivision 1. **Community involvement.** The commissioner must provide for the
 22.8 maximum involvement of the state committees on American Indian education, parents
 22.9 of American Indian children, secondary students eligible to be served, American Indian
 22.10 language and culture education teachers, American Indian teachers, teachers' aides,
 22.11 representatives of community groups, and persons knowledgeable in the field of American
 22.12 Indian education, in the formulation of policy and procedures relating to the administration
 22.13 of sections 124D.71 to 124D.82. The commissioner must annually hold a field hearing on
 22.14 Indian education to gather input from American Indian educators, parents, and students on
 22.15 the state of American Indian education in Minnesota. Results of the hearing must be made
 22.16 available to all 11 tribal nations for review and comment.

22.17 Sec. 9. Minnesota Statutes 2012, section 124D.79, is amended by adding a subdivision
 22.18 to read:

22.19 Subd. 4. **Consultation with the tribal nations education committee.** (a) The
 22.20 commissioner shall seek consultation with the Tribal Nations Education Committee on all
 22.21 issues relating to American Indian education including:

22.22 (1) administration of the commissioner's duties under sections 124D.71 to 124D.82
 22.23 and other programs;

22.24 (2) administration of other programs for the education of American Indian people, as
 22.25 determined by the commissioner;

22.26 (3) awarding of scholarships to eligible American Indian students;

22.27 (4) administration of the commissioner's duties regarding awarding of American
 22.28 Indian postsecondary preparation grants to school districts; and

22.29 (5) recommendations of education policy changes for American Indians.

22.30 (b) Membership in the Tribal Nations Education Committee is the sole discretion
 22.31 of the committee and nothing in this subdivision gives the commissioner authority to
 22.32 dictate committee membership.

22.33 Sec. 10. **[124D.791] INDIAN EDUCATION DIRECTOR.**

23.1 Subdivision 1. **Appointment.** An Indian education director shall be appointed by
23.2 the commissioner.

23.3 Subd. 2. **Qualifications.** The commissioner shall select the Indian education
23.4 director on the basis of outstanding professional qualifications and knowledge of
23.5 American Indian education, culture, practices, and beliefs. The Indian education director
23.6 serves in the unclassified service. The commissioner may remove the Indian education
23.7 director for cause. The commissioner is encouraged to seek qualified applicants who
23.8 are enrolled members of a tribe.

23.9 Subd. 3. **Compensation.** Compensation of the Indian education director shall be
23.10 established under chapter 15A.

23.11 Subd. 4. **Duties; powers.** The Indian education director shall:

23.12 (1) serve as the liaison for the department with the Tribal Nations Education
23.13 Committee, the 11 reservations, the Minnesota Chippewa tribe, the Minnesota Indian
23.14 Affairs Council, and the urban advisory council;

23.15 (2) evaluate the state of American Indian education in Minnesota;

23.16 (3) engage the tribal bodies, community groups, parents of children eligible to be
23.17 served by American Indian education programs, American Indian administrators and
23.18 teachers, persons experienced in the training of teachers for American Indian education
23.19 programs, the tribally controlled schools, and other persons knowledgeable in the field of
23.20 American Indian education and seek their advice on policies that can improve the quality
23.21 of American Indian education;

23.22 (4) advise the commissioner on American Indian education issues, including:

23.23 (i) issues facing American Indian students;

23.24 (ii) policies for American Indian education;

23.25 (iii) awarding scholarships to eligible American Indian students and in administering
23.26 the commissioner's duties regarding awarding of American Indian postsecondary
23.27 preparation grants to school districts; and

23.28 (iv) administration of the commissioner's duties under sections 124D.71 to 124D.82
23.29 and other programs for the education of American Indian people;

23.30 (5) propose to the commissioner legislative changes that will improve the quality
23.31 of American Indian education;

23.32 (6) develop a strategic plan and a long-term framework for American Indian
23.33 education, in conjunction with the Minnesota Indian Affairs Council, that is updated every
23.34 five years and implemented by the commissioner, with goals to:

23.35 (i) increase American Indian student achievement, including increased levels of
23.36 proficiency and growth on statewide accountability assessments;

- 24.1 (ii) increase the number of American Indian teachers in public schools;
 24.2 (iii) close the achievement gap between American Indian students and their more
 24.3 advantaged peers;
 24.4 (iv) increase the statewide graduation rate for American Indian students; and
 24.5 (v) increase American Indian student placement in postsecondary programs and
 24.6 the workforce; and
 24.7 (7) keep the American Indian community informed about the work of the department
 24.8 by reporting to the Tribal Nations Education Committee at each committee meeting.

24.9 **Sec. 11. CAREER AND TECHNICAL EDUCATION ADVISORY TASK FORCE.**

24.10 **Subdivision 1. Recommendations.** (a) A career and technical education advisory
 24.11 task force is established to make recommendations to the Minnesota legislature for
 24.12 improving (1) student outcomes in grades 11 to 14, (2) alignment between secondary and
 24.13 postsecondary education programs serving students in grades 11 to 14, (3) alignment
 24.14 between education programs for students in grades 11 to 14 and Minnesota's workforce
 24.15 needs, and (4) the efficiency and cost-effectiveness of Minnesota's public secondary and
 24.16 postsecondary programs serving students in grades 11 to 14. Advisory task force members
 24.17 must examine the role of education providers, employers, policy makers, and other
 24.18 interested stakeholders in realizing these improvements.

24.19 (b) In developing recommendations for improving student outcomes, advisory task
 24.20 force members must at least consider how to (1) better inform students about career options,
 24.21 occupational trends, and educational paths leading to viable and rewarding careers, (2)
 24.22 develop and adapt as needed an education and work plan for each student aligned with the
 24.23 student's personal and professional interests, abilities, skills, and aspirations, (3) monitor,
 24.24 assess, and increase students' achievement levels in high school, (4) better prepare high
 24.25 school students for postsecondary education meeting their career goals, and (5) increase the
 24.26 rates at which students complete a postsecondary certificate, industry license, or degree.

24.27 (c) In developing recommendations for better aligning Minnesota's secondary and
 24.28 postsecondary education programs for students in grades 11 to 14, advisory task force
 24.29 members must at least consider how to (1) improve monitoring of high school students'
 24.30 progress to better target interventions and support and remove the need for remedial
 24.31 instruction, (2) better align high school courses and expectations and postsecondary
 24.32 credit-bearing courses, (3) better align high school standards and assessments with
 24.33 postsecondary readiness measures and entrance requirements, and (4) increase student
 24.34 persistence and completion rates.

25.1 (d) In developing recommendations for better aligning education programs for
 25.2 students in grades 11 to 14 and the preparation necessary to meet Minnesota's workforce
 25.3 needs, advisory task force members must at least consider how to (1) more closely
 25.4 align state kindergarten through grade 12 academic standards, high school graduation
 25.5 requirements, and the expectations of postsecondary institutions and Minnesota employers,
 25.6 (2) enable more high school students to pursue postsecondary education and training
 25.7 leading to a certificate, industry license, or degree in a high-demand and high-reward
 25.8 field, (3) reduce the gap between the demand for and preparation of a skilled Minnesota
 25.9 workforce, and (4) provide graduates of two-year and four-year postsecondary institutions
 25.10 with the foundational skills needed for civic engagement, ongoing employment, and
 25.11 continuous learning.

25.12 (e) In developing recommendations for better aligning efficient and cost-effective
 25.13 secondary and postsecondary programs for students in grades 11 to 14, advisory task force
 25.14 members must at least consider how to (1) give high school students earlier and increased
 25.15 access to postsecondary credit-bearing courses, and (2) provide targeted interventions and
 25.16 support to help high school students avoid postsecondary remedial instruction.

25.17 (f) In developing recommendations under this subdivision, advisory task force
 25.18 members are encouraged to consider how to structurally redesign secondary and
 25.19 postsecondary education to (1) align Minnesota's statewide high school assessment system
 25.20 with measures of readiness for postsecondary education, (2) provide targeted intervention
 25.21 and support to students who are at risk of not graduating or off track for graduating from
 25.22 high school, (3) increase and accelerate opportunities for secondary students to earn
 25.23 postsecondary credits leading to a certificate, industry license, or degree, and (4) better
 25.24 understand students' personal and professional interests, abilities, skills, and aspirations
 25.25 and align that understanding with postsecondary education and careers.

25.26 Subd. 2. **Task force membership and operation.** (a) Advisory task force
 25.27 members must include representatives of the following entities selected by that entity:
 25.28 the Minnesota Association of Career and Technical Administrators; the Minnesota
 25.29 Association for Career and Technical Education; University of Minnesota and Minnesota
 25.30 State Colleges and Universities faculty working to develop career and technical educators
 25.31 in Minnesota; the National Research Center for Career and Technical Education; the
 25.32 Minnesota Department of Education; the Minnesota Department of Employment and
 25.33 Economic Development; the Minnesota Board of Teaching; the Minnesota Association of
 25.34 Colleges for Teacher Education; and any other representatives selected by the task force
 25.35 members. The education commissioner, or the commissioner's designee, must convene the

26.1 task force. Task force members are not eligible for compensation or reimbursement for
 26.2 expenses related to task force activities.

26.3 (b) The education commissioner, upon request, must provide technical assistance to
 26.4 the task force.

26.5 (c) The task force must submit its recommendations under this section to the
 26.6 legislative committees with jurisdiction over kindergarten through grade 12 education by
 26.7 February 15, 2014.

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

26.9 Sec. 12. **TEACHER LICENSURE ADVISORY TASK FORCE.**

26.10 Subdivision 1. **Establishment and duties.** (a) A Teacher Licensure Advisory
 26.11 Task Force is established to make recommendations to the Board of Teaching, the
 26.12 education commissioner, and the education committees of the legislature on requirements
 26.13 for: teacher applicants to demonstrate mastery of college-level reading, writing, and
 26.14 mathematics skills through nationally normed assessments, a college-level skills portfolio,
 26.15 or accredited college coursework, among other methods of demonstrating basic skills
 26.16 mastery; and an alternative licensure pathway for nonnative English speakers seeking
 26.17 licensure to teach in a language immersion program.

26.18 (b) Task force recommendations on how teacher candidates demonstrate
 26.19 college-level skills mastery must encompass the following criteria:

26.20 (1) assessment content must be relevant to the teacher's subject area licensure;

26.21 (2) the scope of assessment content must be documented in sufficient detail to
 26.22 correspond to a similarly detailed description of relevant public school curriculum;

26.23 (3) the scope of assessment content must be publicly available and readily accessible
 26.24 on the Web site of the Board of Teaching and all Minnesota board-approved teacher
 26.25 preparation programs and institutions;

26.26 (4) the Board of Teaching and all Minnesota board-approved teacher preparation
 26.27 programs and institutions, upon request, must make available to the public at cost a written
 26.28 review of the scope of assessment content;

26.29 (5) if applicable, the Board of Teaching and all Minnesota board-approved teacher
 26.30 preparation programs and institutions annually must post on their Web site up-to-date
 26.31 longitudinal summary data showing teacher candidates' overall passing rate and the
 26.32 passing rate for each demographic group of teacher candidates taking a college-level skills
 26.33 assessment in that school year and in previous school years;

26.34 (6) reliable evidence showing assessment content is not culturally biased;

27.1 (7) the Board of Teaching and all Minnesota board-approved teacher preparation
27.2 programs and institutions must appropriately accommodate teacher candidates
27.3 with documented learning disabilities, including an appeals process if a request for
27.4 accommodations is denied; and

27.5 (8) if applicable, give timely, detailed item analysis feedback to teacher candidates
27.6 who do not pass the basic skills assessment sufficient for the candidate to target specific
27.7 areas of deficiency for appropriate remediation.

27.8 Subd. 2. **Membership.** The Teacher Licensure Advisory Task Force shall be
27.9 composed of the following 19 members appointed by July 15, 2013:

27.10 (1) two members of the Board of Teaching appointed by the board's executive
27.11 director;

27.12 (2) two representatives from the Department of Education appointed by the
27.13 commissioner of education;

27.14 (3) two members of the house of representatives, one appointed by the speaker of the
27.15 house of representatives, and one appointed by the minority leader;

27.16 (4) two senators, one appointed by the Subcommittee on Committees of the
27.17 Committee on Rules and Administration, and one appointed by the minority leader;

27.18 (5) one elementary school principal from rural Minnesota appointed by the
27.19 Minnesota Elementary School Principals Association and one secondary school principal
27.20 from the seven-county metropolitan area appointed by the Minnesota Secondary School
27.21 Principals Association;

27.22 (6) one licensed and practicing public elementary school teacher and one licensed
27.23 and practicing secondary school teacher appointed by Education Minnesota;

27.24 (7) one teacher preparation faculty member each from the University of Minnesota
27.25 system appointed by the system president, the Minnesota State Colleges and Universities
27.26 system appointed by the system chancellor, and the Minnesota Private Colleges and
27.27 Universities system appointed by the Minnesota Private Colleges Council;

27.28 (8) one member of the nonpublic education council appointed by the council;

27.29 (9) one representative of Minnesota charter schools appointed by the Minnesota
27.30 Charter Schools Association; and

27.31 (10) two representatives from the business community, appointed by the Minnesota
27.32 Chamber of Commerce.

27.33 Subd. 3. **First meeting; chair.** The executive director of the Board of Teaching
27.34 must convene the task force by August 1, 2013, and shall appoint a chair from the
27.35 membership of the task force.

28.1 Subd. 4. **Compensation.** Task force members are not eligible for compensation or
 28.2 reimbursement for expenses related to task force activities.

28.3 Subd. 5. **Support.** The executive director of the board and the commissioner of
 28.4 education must provide technical assistance to task force members upon request.

28.5 Subd. 6. **Report.** By February 1, 2014, task force members must submit to the
 28.6 Board of Teaching, the education commissioner, and to the chairs and ranking minority
 28.7 members of the senate and house of representatives committees and divisions with
 28.8 primary jurisdiction over K-12 education their written recommendations on requirements
 28.9 for teacher applicants to demonstrate mastery of basic reading, writing, and mathematics
 28.10 skills and for an alternative licensure pathway for nonnative English speakers seeking
 28.11 licensure to teach in a language immersion program.

28.12 Subd. 7. **Sunset.** The task force shall sunset the day after submitting the report
 28.13 under subdivision 6, or February 2, 2014, whichever is earlier.

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

28.15 Sec. 13. **STUDENT SUPPORT SERVICES; TEAM STAFFING APPROACH.**

28.16 The commissioner of education shall develop and submit to the kindergarten
 28.17 through grade 12 education policy and finance committees of the legislature by February
 28.18 1, 2014, recommendations for providing access to licensed student support services,
 28.19 including licensed school counselors, licensed school psychologists, licensed school
 28.20 nurses, licensed school social workers, and licensed chemical health counselors, to public
 28.21 school students throughout Minnesota using a multidisciplinary team staffing structure.

28.22 The recommendations must reflect:

28.23 (1) the extent to which students need academic, career, physical, emotional, social,
 28.24 and early-onset mental health services to ensure educational achievement, safety and
 28.25 enhancement of student's physical, emotional, and social well-being;

28.26 (2) the extent to which such services or teams do not exist, are incomplete or
 28.27 inadequate given the number of students with unmet psychological, social, and health
 28.28 needs that interfere with learning;

28.29 (3) existing funding streams and opportunities for additional funds to improve
 28.30 students' access to needed licensed student support services; and

28.31 (4) caseloads and best practices when working to improve access to needed licensed
 28.32 student support services.

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

29.1 **ARTICLE 4**

29.2 **CHARTER SCHOOLS**

29.3 Section 1. Minnesota Statutes 2012, section 124D.10, is amended to read:

29.4 **124D.10 CHARTER SCHOOLS.**

29.5 Subdivision 1. **Purposes.** (a) The primary purpose of this section is to:

29.6 ~~(1)~~ improve pupil learning and student achievement~~;~~. Additional purposes include to:

29.7 ~~(2)~~ (1) increase learning opportunities for pupils;

29.8 ~~(3)~~ (2) encourage the use of different and innovative teaching methods;

29.9 ~~(4)~~ (3) measure learning outcomes and create different and innovative forms of
29.10 measuring outcomes;

29.11 ~~(5)~~ (4) establish new forms of accountability for schools; ~~and~~ or

29.12 ~~(6)~~ (5) create new professional opportunities for teachers, including the opportunity
29.13 to be responsible for the learning program at the school site.

29.14 (b) This section does not provide a means to keep open a school that a school board
29.15 decides to close. However, a school board may endorse or authorize the establishing of
29.16 a charter school to replace the school the board decided to close. Applicants seeking a
29.17 charter under this circumstance must demonstrate to the authorizer that the charter sought
29.18 is substantially different in purpose and program from the school the board closed and
29.19 that the proposed charter satisfies the requirements of this subdivision. If the school
29.20 board that closed the school authorizes the charter, it must document in its affidavit to the
29.21 commissioner that the charter is substantially different in program and purpose from
29.22 the school it closed.

29.23 An authorizer shall not approve an application submitted by a charter school
29.24 developer under subdivision 4, paragraph (a), if the application does not comply with this
29.25 subdivision. The commissioner shall not approve an affidavit submitted by an authorizer
29.26 under subdivision 4, paragraph (b), if the affidavit does not comply with this subdivision.

29.27 Subd. 2. **Applicability.** This section applies only to charter schools formed and
29.28 operated under this section.

29.29 Subd. 3. **Authorizer.** (a) For purposes of this section, the terms defined in this
29.30 subdivision have the meanings given them.

29.31 "Application" to receive approval as an authorizer means the proposal an eligible
29.32 authorizer submits to the commissioner under paragraph (c) before that authorizer is able
29.33 to submit any affidavit to charter to a school.

29.34 "Application" under subdivision 4 means the charter school business plan a
29.35 school developer submits to an authorizer for approval to establish a charter school that

30.1 documents the school developer's mission statement, school purposes, program design,
30.2 financial plan, governance and management structure, and background and experience,
30.3 plus any other information the authorizer requests. The application also shall include a
30.4 "statement of assurances" of legal compliance prescribed by the commissioner.

30.5 "Affidavit" means a written statement the authorizer submits to the commissioner
30.6 for approval to establish a charter school under subdivision 4 attesting to its review and
30.7 approval process before chartering a school.

30.8 (b) The following organizations may authorize one or more charter schools:

30.9 (1) a school board, intermediate school district school board, or education district
30.10 organized under sections 123A.15 to 123A.19;

30.11 (2) a charitable organization under section 501(c)(3) of the Internal Revenue Code
30.12 of 1986, excluding a nonpublic sectarian or religious institution; any person other than a
30.13 natural person that directly or indirectly, through one or more intermediaries, controls,
30.14 is controlled by, or is under common control with the nonpublic sectarian or religious
30.15 institution; and any other charitable organization under this clause that in the federal IRS
30.16 Form 1023, Part IV, describes activities indicating a religious purpose, that:

30.17 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on
30.18 Foundations;

30.19 (ii) is registered with the attorney general's office; and

30.20 (iii) is incorporated in the state of Minnesota and has been operating continuously
30.21 for at least five years but does not operate a charter school;

30.22 (3) a Minnesota private college, notwithstanding clause (2), that grants two- or
30.23 four-year degrees and is registered with the Minnesota Office of Higher Education under
30.24 chapter 136A; community college, state university, or technical college governed by the
30.25 Board of Trustees of the Minnesota State Colleges and Universities; or the University
30.26 of Minnesota;

30.27 (4) a nonprofit corporation subject to chapter 317A, described in section 317A.905,
30.28 and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code
30.29 of 1986, may authorize one or more charter schools if the charter school has operated
30.30 for at least three years under a different authorizer and if the nonprofit corporation has
30.31 existed for at least 25 years; or

30.32 (5) single-purpose authorizers that are charitable, nonsectarian organizations formed
30.33 under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state
30.34 of Minnesota whose sole purpose is to charter schools. Eligible organizations interested
30.35 in being approved as an authorizer under this paragraph must submit a proposal to the
30.36 commissioner that includes the provisions of paragraph (c) and a five-year financial plan.

31.1 Such authorizers shall consider and approve charter school applications using the criteria
 31.2 provided in subdivision 4 and shall not limit the applications it solicits, considers, or
 31.3 approves to any single curriculum, learning program, or method.

31.4 (c) An eligible authorizer under this subdivision must apply to the commissioner for
 31.5 approval as an authorizer before submitting any affidavit to the commissioner to charter
 31.6 a school. The application for approval as a charter school authorizer must demonstrate
 31.7 the applicant's ability to implement the procedures and satisfy the criteria for chartering a
 31.8 school under this section. The commissioner must approve or disapprove an application
 31.9 within 45 business days of the application deadline. If the commissioner disapproves
 31.10 the application, the commissioner must notify the applicant of the specific deficiencies
 31.11 in writing and the applicant then has 20 business days to address the deficiencies to the
 31.12 commissioner's satisfaction. After the 20 business days expire, the commissioner has 15
 31.13 business days to make a final decision to approve or disapprove the application. Failing to
 31.14 address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to
 31.15 be an authorizer. The commissioner, in establishing criteria for approval, must consider
 31.16 the applicant's:

- 31.17 (1) capacity and infrastructure;
- 31.18 (2) application criteria and process;
- 31.19 (3) contracting process;
- 31.20 (4) ongoing oversight and evaluation processes; and
- 31.21 (5) renewal criteria and processes.

31.22 (d) An applicant must include in its application to the commissioner to be an
 31.23 approved authorizer at least the following:

- 31.24 (1) how chartering schools is a way for the organization to carry out its mission;
- 31.25 (2) a description of the capacity of the organization to serve as an authorizer,
 31.26 including the personnel who will perform the authorizing duties, their qualifications, the
 31.27 amount of time they will be assigned to this responsibility, and the financial resources
 31.28 allocated by the organization to this responsibility;
- 31.29 (3) a description of the application and review process the authorizer will use to
 31.30 make decisions regarding the granting of charters;
- 31.31 (4) a description of the type of contract it will arrange with the schools it charters
 31.32 that meets the provisions of subdivision 6;
- 31.33 (5) the process to be used for providing ongoing oversight of the school consistent
 31.34 with the contract expectations specified in clause (4) that assures that the schools chartered
 31.35 are complying with both the provisions of applicable law and rules, and with the contract;

32.1 (6) a description of the criteria and process the authorizer will use to grant expanded
32.2 applications under subdivision 4, paragraph (j);

32.3 (7) the process for making decisions regarding the renewal or termination of
32.4 the school's charter based on evidence that demonstrates the academic, organizational,
32.5 and financial competency of the school, including its success in increasing student
32.6 achievement and meeting the goals of the charter school agreement; and

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

32.9 (e) A disapproved applicant under this section may resubmit an application during a
32.10 future application period.

32.11 (f) If the governing board of an approved authorizer votes to withdraw as an
32.12 approved authorizer for a reason unrelated to any cause under subdivision 23, the
32.13 authorizer must notify all its chartered schools and the commissioner in writing by July
32.14 15 of its intent to withdraw as an authorizer on June 30 in the next calendar year. The
32.15 commissioner may approve the transfer of a charter school to a new authorizer under this
32.16 paragraph after the new authorizer submits an affidavit to the commissioner.

32.17 (g) The authorizer must participate in department-approved training.

32.18 ~~(h) An authorizer that chartered a school before August 1, 2009, must apply by~~
32.19 ~~June 30, 2012, to the commissioner for approval, under paragraph (e), to continue as an~~
32.20 ~~authorizer under this section. For purposes of this paragraph, an authorizer that fails to~~
32.21 ~~submit a timely application is ineligible to charter a school.~~

32.22 ~~(i)~~ (h) The commissioner shall review an authorizer's performance every five years
32.23 in a manner and form determined by the commissioner and may review an authorizer's
32.24 performance more frequently at the commissioner's own initiative or at the request of a
32.25 charter school operator, charter school board member, or other interested party. The
32.26 commissioner, after completing the review, shall transmit a report with findings to the
32.27 authorizer. If, consistent with this section, the commissioner finds that an authorizer has
32.28 not fulfilled the requirements of this section, the commissioner may subject the authorizer
32.29 to corrective action, which may include terminating the contract with the charter school
32.30 board of directors of a school it chartered. The commissioner must notify the authorizer
32.31 in writing of any findings that may subject the authorizer to corrective action and
32.32 the authorizer then has 15 business days to request an informal hearing before the
32.33 commissioner takes corrective action. If the commissioner terminates a contract between
32.34 an authorizer and a charter school under this paragraph, the commissioner may assist the
32.35 charter school in acquiring a new authorizer.

33.1 (†)(i) The commissioner may at any time take corrective action against an authorizer,
33.2 including terminating an authorizer's ability to charter a school for:

33.3 (1) failing to demonstrate the criteria under paragraph (c) under which the
33.4 commissioner approved the authorizer;

33.5 (2) violating a term of the chartering contract between the authorizer and the charter
33.6 school board of directors;

33.7 (3) unsatisfactory performance as an approved authorizer; or

33.8 (4) any good cause shown that provides the commissioner a legally sufficient reason
33.9 to take corrective action against an authorizer.

33.10 Subd. 4. **Formation of school.** (a) An authorizer, after receiving an application from
33.11 a school developer, may charter a licensed teacher under section 122A.18, subdivision
33.12 1, or a group of individuals that includes one or more licensed teachers under section
33.13 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the
33.14 authorizer's affidavit under paragraph (b). The school must be organized and operated as a
33.15 nonprofit corporation under chapter 317A and the provisions under the applicable chapter
33.16 shall apply to the school except as provided in this section.

33.17 Notwithstanding sections 465.717 and 465.719, a school district, subject to this
33.18 section and section 124D.11, may create a corporation for the purpose of establishing a
33.19 charter school.

33.20 (b) Before the operators may establish and operate a school, the authorizer must file
33.21 an affidavit with the commissioner stating its intent to charter a school. An authorizer
33.22 must file a separate affidavit for each school it intends to charter. The affidavit must state
33.23 the terms and conditions under which the authorizer would charter a school and how the
33.24 authorizer intends to oversee the fiscal and student performance of the charter school and to
33.25 comply with the terms of the written contract between the authorizer and the charter school
33.26 board of directors under subdivision 6. The commissioner must approve or disapprove the
33.27 authorizer's affidavit within 60 business days of receipt of the affidavit. If the commissioner
33.28 disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies
33.29 in the affidavit and the authorizer then has 20 business days to address the deficiencies.
33.30 If the authorizer does not address deficiencies to the commissioner's satisfaction, the
33.31 commissioner's disapproval is final. Failure to obtain commissioner approval precludes an
33.32 authorizer from chartering the school that is the subject of this affidavit.

33.33 (c) The authorizer may prevent an approved charter school from opening for
33.34 operation if, among other grounds, the charter school violates this section or does not meet
33.35 the ready-to-open standards that are part of the authorizer's oversight and evaluation
33.36 process or are stipulated in the charter school contract.

34.1 (d) The operators authorized to organize and operate a school, before entering into a
34.2 contract or other agreement for professional or other services, goods, or facilities, must
34.3 incorporate as a nonprofit corporation under chapter 317A and must establish a board of
34.4 directors composed of at least five members who are not related parties until a timely
34.5 election for members of the ongoing charter school board of directors is held according to
34.6 the school's articles and bylaws under paragraph (f). A charter school board of directors
34.7 must be composed of at least five members who are not related parties. Staff members
34.8 employed at the school, including teachers providing instruction under a contract with a
34.9 cooperative, and all parents or legal guardians of children enrolled in the school are the
34.10 voters eligible to elect the members of the school's board of directors. A charter school
34.11 must notify eligible voters of the school board election dates at least 30 days before the
34.12 election. Board of director meetings must comply with chapter 13D.

34.13 (e) A charter school shall publish and maintain on the school's official Web site: (1)
34.14 the minutes of meetings of the board of directors, and of members and committees having
34.15 any board-delegated authority, for at least one calendar year from the date of publication;
34.16 (2) directory information for members of the board of directors and committees having
34.17 board-delegated authority; and (3) identifying and contact information for the school's
34.18 authorizer. Identifying and contact information for the school's authorizer must be
34.19 included in other school materials made available to the public. Upon request of an
34.20 individual, the charter school must also make available in a timely fashion financial
34.21 statements showing all operations and transactions affecting income, surplus, and deficit
34.22 during the school's last annual accounting period; and a balance sheet summarizing assets
34.23 and liabilities on the closing date of the accounting period. A charter school also must ~~post~~
34.24 ~~on its official Web site information identifying its authorizer and indicate how to contact~~
34.25 ~~that authorizer and~~ include that same information about its authorizer in other school
34.26 materials that it makes available to the public.

34.27 (f) Every charter school board member shall attend ongoing training throughout
34.28 the member's term on board governance, including training on the board's role and
34.29 responsibilities, employment policies and practices, and financial management. A board
34.30 member who does not begin the required initial training within six months after being
34.31 seated and complete that training within 12 months of being seated on the board is
34.32 ineligible to continue to serve as a board member. The school shall include in its annual
34.33 report the training attended by each board member during the previous year.

34.34 (g) The ongoing board must be elected before the school completes its third year of
34.35 operation. Board elections must be held during the school year but may not be conducted
34.36 on days when the school is closed for holidays, breaks, or vacations. The charter school

35.1 board of directors shall be composed of at least five nonrelated members and include: (i)
35.2 at least one licensed teacher employed as a teacher at the school or ~~a licensed teacher~~
35.3 providing instruction under contract between the charter school and a cooperative; (ii) the
35.4 parent or legal guardian of a student enrolled in the charter school who is not an employee
35.5 of the charter school; and (iii) an interested community member who is not employed by
35.6 the charter school and does not have a child enrolled in the school. The board may be
35.7 a teacher majority board composed of teachers described in this paragraph. The chief
35.8 financial officer and the chief administrator may only serve as ex-officio nonvoting board
35.9 members ~~and may not serve as a voting member of the board~~. Charter school employees
35.10 shall not serve on the board unless item (i) applies. Contractors providing facilities, goods,
35.11 or services to a charter school shall not serve on the board of directors of the charter school.
35.12 Board bylaws shall outline the process and procedures for changing the board's governance
35.13 model, consistent with chapter 317A. A board may change its governance model only:

35.14 (1) by a majority vote of the board of directors and the licensed teachers employed
35.15 by the school, including licensed teachers providing instruction under a contract between
35.16 the school and a cooperative; and

35.17 (2) with the authorizer's approval.

35.18 Any change in board governance must conform with the board structure established
35.19 under this paragraph.

35.20 (h) The granting or renewal of a charter by an authorizer must not be conditioned
35.21 upon the bargaining unit status of the employees of the school.

35.22 (i) The granting or renewal of a charter school by an authorizer must not be
35.23 contingent on the charter school being required to contract, lease, or purchase services
35.24 from the authorizer. Any potential contract, ~~lease,~~ or purchase of service from an
35.25 authorizer must be disclosed to the commissioner, accepted through an open bidding
35.26 process, and be a separate contract from the charter contract. The school must document
35.27 the open bidding process. An authorizer must not enter into a contract to provide
35.28 management and financial services for a school that it authorizes, unless the school
35.29 documents that it received at least two competitive bids.

35.30 (j) An authorizer may permit the board of directors of a charter school to expand
35.31 the operation of the charter school to additional sites or ~~to add additional~~ grades at the
35.32 school beyond those described in the authorizer's original affidavit as approved by
35.33 the commissioner only after submitting a supplemental affidavit for approval to the
35.34 commissioner in a form and manner prescribed by the commissioner. The supplemental
35.35 affidavit must document that:

35.36 (1) the proposed expansion plan demonstrates need and projected enrollment;

36.1 (2) the expansion is warranted, at a minimum, by longitudinal data demonstrating
36.2 students' improved academic performance and growth on statewide assessments under
36.3 chapter 120B;

36.4 (3) the charter school is financially sound and the financing it needs to implement
36.5 the proposed expansion exists; and

36.6 (4) the charter school has the governance structure and management capacity to
36.7 carry out its expansion.

36.8 (k) The commissioner shall have 30 business days to review and comment on the
36.9 supplemental affidavit. The commissioner shall notify the authorizer of any deficiencies in
36.10 the supplemental affidavit and the authorizer then has 20 business days to address, to the
36.11 commissioner's satisfaction, any deficiencies in the supplemental affidavit. The school
36.12 may not expand grades or add sites until the commissioner has approved the supplemental
36.13 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

36.14 Subd. 4a. **Conflict of interest.** (a) An individual is prohibited from serving as a
36.15 member of the charter school board of directors if the individual, an immediate family
36.16 member, or the individual's partner is an owner, employee or agent of, or a contractor with a
36.17 for-profit or nonprofit entity or individual with whom the charter school contracts, directly
36.18 or indirectly, for professional services, goods, or facilities. A violation of this prohibition
36.19 renders a contract voidable at the option of the commissioner or the charter school board
36.20 of directors. A member of a charter school board of directors who violates this prohibition
36.21 is individually liable to the charter school for any damage caused by the violation.

36.22 (b) No member of the board of directors, employee, officer, or agent of a charter
36.23 school shall participate in selecting, awarding, or administering a contract if a conflict
36.24 of interest exists. A conflict exists when:

36.25 (1) the board member, employee, officer, or agent;

36.26 (2) the immediate family of the board member, employee, officer, or agent;

36.27 (3) the partner of the board member, employee, officer, or agent; or

36.28 (4) an organization that employs, or is about to employ any individual in clauses

36.29 (1) to (3),

36.30 has a financial or other interest in the entity with which the charter school is contracting.

36.31 A violation of this prohibition renders the contract void.

36.32 (c) Any employee, agent, or board member of the authorizer who participates
36.33 in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or
36.34 nonrenewal process or decision is ineligible to serve on the board of directors of a school
36.35 chartered by that authorizer.

37.1 (d) An individual may serve as a member of the board of directors if no conflict of
37.2 interest under paragraph (a) exists.

37.3 (e) The conflict of interest provisions under this subdivision do not apply to
37.4 compensation paid to a teacher employed as a teacher by the charter school who or a
37.5 teacher who provides instructional services to the charter school through a cooperative
37.6 formed under chapter 308A when the teacher also serves as a member of on the charter
37.7 school board of directors.

37.8 ~~(f) The conflict of interest provisions under this subdivision do not apply to a teacher~~
37.9 ~~who provides services to a charter school through a cooperative formed under chapter~~
37.10 ~~308A when the teacher also serves on the charter school board of directors.~~

37.11 Subd. 5. **Conversion of existing schools.** A board of an independent or special
37.12 school district may convert one or more of its existing schools to charter schools under
37.13 this section if 60 percent of the full-time teachers at the school sign a petition seeking
37.14 conversion. The conversion must occur at the beginning of an academic year.

37.15 Subd. 6. **Charter contract.** The authorization for a charter school must be in the
37.16 form of a written contract signed by the authorizer and the board of directors of the charter
37.17 school. The contract must be completed within 45 business days of the commissioner's
37.18 approval of the authorizer's affidavit. The authorizer shall submit to the commissioner a
37.19 copy of the signed charter contract within ten business days of its execution. The contract
37.20 for a charter school must be in writing and contain at least the following:

37.21 (1) a declaration that the charter school will carry out the primary purpose in
37.22 subdivision 1 and how the school will report its implementation of the primary purpose;

37.23 ~~(1) (2)~~ a declaration of the any additional purposes in subdivision 1 that the school
37.24 intends to carry out and how the school will report its implementation of those purposes;

37.25 ~~(2) (3)~~ a description of the school program and the specific academic and
37.26 nonacademic outcomes that pupils must achieve;

37.27 ~~(3) (4)~~ a statement of admission policies and procedures;

37.28 ~~(4) (5)~~ a governance, management, and administration plan for the school;

37.29 ~~(5) (6)~~ signed agreements from charter school board members to comply with all
37.30 federal and state laws governing organizational, programmatic, and financial requirements
37.31 applicable to charter schools;

37.32 ~~(6) (7)~~ the criteria, processes, and procedures that the authorizer will use for
37.33 ongoing oversight of operational, financial, and academic performance to monitor and
37.34 evaluate the fiscal, operational, and academic performance consistent with subdivision
37.35 15, paragraphs (a) and (b);

38.1 ~~(7)~~ (8) for contract renewal, the formal written performance evaluation of the school
 38.2 that is a prerequisite for reviewing a charter contract under subdivision 15;

38.3 ~~(8)~~ (9) types and amounts of insurance liability coverage to be obtained by the
 38.4 charter school, consistent with subdivision 8, paragraph (k);

38.5 ~~(9)~~ (10) consistent with subdivision 25, paragraph (d), a provision to indemnify and
 38.6 hold harmless the authorizer and its officers, agents, and employees from any suit, claim,
 38.7 or liability arising from any operation of the charter school, and the commissioner and
 38.8 department officers, agents, and employees notwithstanding section 3.736;

38.9 ~~(10)~~ (11) the term of the initial contract, which may be up to five years plus an
 38.10 additional preoperational planning year, and up to five years for a renewed contract or a
 38.11 contract with a new authorizer after a transfer of authorizers, if warranted by the school's
 38.12 academic, financial, and operational performance;

38.13 ~~(11)~~ (12) how the board of directors or the operators of the charter school will
 38.14 provide special instruction and services for children with a disability under sections
 38.15 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within
 38.16 which the charter school will operate to provide the special instruction and services to
 38.17 children with a disability;

38.18 ~~(12) the process and criteria the authorizer intends to use to monitor and evaluate the~~
 38.19 ~~fiscal and student performance of the charter school, consistent with subdivision 15; and~~

38.20 (13) the specific conditions for contract renewal, which identify performance under
 38.21 the primary purpose of subdivision 1 as the most important factor in determining contract
 38.22 renewal; and

38.23 ~~(13)~~ (14) the plan for an orderly closing of the school under chapter 317A, ~~if~~
 38.24 whether the closure is a termination for cause, a voluntary termination, or a nonrenewal
 38.25 of the contract, ~~and~~ that includes establishing the responsibilities of the school board of
 38.26 directors and the authorizer and notifying the commissioner, authorizer, school district in
 38.27 which the charter school is located, and parents of enrolled students about the closure,
 38.28 the transfer of student records to students' resident districts, and procedures for closing
 38.29 financial operations.

38.30 Subd. 6a. **Audit report.** (a) The charter school must submit an audit report to the
 38.31 commissioner and its authorizer by December 31 each year.

38.32 (b) The charter school, with the assistance of the auditor conducting the audit,
 38.33 must include with the report, as supplemental information, a copy of all charter school
 38.34 agreements for corporate management services, including parent company or other
 38.35 administrative, financial, and staffing services. If the entity that provides the professional
 38.36 services to the charter school is exempt from taxation under section 501 of the Internal

39.1 Revenue Code of 1986, that entity must file with the commissioner by February 15 a copy
39.2 of the annual return required under section 6033 of the Internal Revenue Code of 1986.

39.3 (c) A charter school independent audit report shall include audited financial data of
39.4 an affiliated building corporation or other component unit.

39.5 ~~(e)~~ (d) If the audit report finds that a material weakness exists in the financial
39.6 reporting systems of a charter school, the charter school must submit a written report to
39.7 the commissioner explaining how the material weakness will be resolved. An auditor,
39.8 as a condition of providing financial services to a charter school, must agree to make
39.9 available information about a charter school's financial audit to the commissioner and
39.10 authorizer upon request.

39.11 Subd. 7. **Public status; exemption from statutes and rules.** A charter school is
39.12 a public school and is part of the state's system of public education. A charter school is
39.13 exempt from all statutes and rules applicable to a school, school board, or school district
39.14 unless a statute or rule is made specifically applicable to a charter school or is included
39.15 in this section.

39.16 Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all
39.17 federal, state, and local health and safety requirements applicable to school districts.

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

39.20 (c) A school authorized by a school board may be located in any district, unless the
39.21 school board of the district of the proposed location disapproves by written resolution.

39.22 (d) A charter school must be nonsectarian in its programs, admission policies,
39.23 employment practices, and all other operations. An authorizer may not authorize a charter
39.24 school or program that is affiliated with a nonpublic sectarian school or a religious
39.25 institution. A charter school student must be released for religious instruction, consistent
39.26 with section 120A.22, subdivision 12, clause (3).

39.27 (e) Charter schools must not be used as a method of providing education or
39.28 generating revenue for students who are being home-schooled. This paragraph does not
39.29 apply to shared time aid under section 126C.19.

39.30 (f) The primary focus of a charter school must be to provide a comprehensive
39.31 program of instruction for at least one grade or age group from five through 18 years
39.32 of age. Instruction may be provided to people younger than five years and older than
39.33 18 years of age.

39.34 (g) A charter school may not charge tuition.

39.35 (h) A charter school is subject to and must comply with chapter 363A and section
39.36 121A.04.

40.1 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal
40.2 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections
40.3 123B.34 to 123B.39.

40.4 (j) A charter school is subject to the same financial audits, audit procedures, and
40.5 audit requirements as a district, except as required under subdivision 6a. Audits must be
40.6 conducted in compliance with generally accepted governmental auditing standards, the
40.7 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject
40.8 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;
40.9 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with
40.10 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are
40.11 necessary because of the program at the school. Deviations must be approved by the
40.12 commissioner and authorizer. The Department of Education, state auditor, legislative
40.13 auditor, or authorizer may conduct financial, program, or compliance audits. A charter
40.14 school determined to be in statutory operating debt under sections 123B.81 to 123B.83
40.15 must submit a plan under section 123B.81, subdivision 4.

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

40.17 (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22,
40.18 subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

40.19 (m) A charter school is subject to the Pledge of Allegiance requirement under
40.20 section 121A.11, subdivision 3.

40.21 (n) A charter school offering online courses or programs must comply with section
40.22 124D.095.

40.23 (o) A charter school and charter school board of directors are subject to chapter 181.

40.24 (p) A charter school must comply with section 120A.22, subdivision 7, governing
40.25 the transfer of students' educational records and sections 138.163 and 138.17 governing
40.26 the management of local records.

40.27 (q) A charter school that provides early childhood health and developmental
40.28 screening must comply with sections 121A.16 to 121A.19.

40.29 (r) A charter school that provides school-sponsored youth athletic activities must
40.30 comply with section 121A.38.

40.31 (s) A charter school is subject to and must comply with continuing truant notification
40.32 under section 260A.03.

40.33 Subd. 8a. **Aid reduction.** The commissioner may reduce a charter school's state aid
40.34 under section 127A.42 or 127A.43 if the charter school board fails to correct a violation
40.35 under this section.

41.1 Subd. 8b. **Aid reduction for violations.** The commissioner may reduce a charter
41.2 school's state aid by an amount not to exceed 60 percent of the charter school's basic
41.3 revenue for the period of time that a violation of law occurs.

41.4 Subd. 9. **Admission requirements.** (a) A charter school may limit admission to:

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

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

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

41.10 (b) A charter school shall enroll an eligible pupil who submits a timely application,
41.11 unless the number of applications exceeds the capacity of a program, class, grade level, or
41.12 building. In this case, pupils must be accepted by lot. The charter school must develop
41.13 and publish, including on its Web site, a lottery policy and process that it must use when
41.14 accepting pupils by lot.

41.15 (c) A charter school shall give enrollment preference to a sibling of an enrolled pupil
41.16 and to a foster child of that pupil's parents and may give preference for enrolling children
41.17 of the school's staff before accepting other pupils by lot.

41.18 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil,
41.19 unless the pupil is at least five years of age on September 1 of the calendar year in which
41.20 the school year for which the pupil seeks admission commences; or (2) as a first grade
41.21 student, unless the pupil is at least six years of age on September 1 of the calendar year in
41.22 which the school year for which the pupil seeks admission commences or has completed
41.23 kindergarten; except that a charter school may establish and publish on its Web site a
41.24 policy for admission of selected pupils at an earlier age, consistent with the enrollment
41.25 process in paragraphs (b) and (c).

41.26 (e) Except as permitted in paragraph (d), a charter school may not limit admission
41.27 to pupils on the basis of intellectual ability, measures of achievement or aptitude, or
41.28 athletic ability and may not establish any criteria or requirements for admission that are
41.29 inconsistent with this subdivision.

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

41.33 Subd. 10. **Pupil performance.** A charter school must design its programs to at
41.34 least meet the outcomes adopted by the commissioner for public school students. In
41.35 the absence of the commissioner's requirements, the school must meet the outcomes
41.36 contained in the contract with the authorizer. The achievement levels of the outcomes

42.1 contained in the contract may exceed the achievement levels of any outcomes adopted by
42.2 the commissioner for public school students.

42.3 Subd. 11. **Employment and other operating matters.** (a) A charter school must
42.4 employ or contract with necessary teachers, as defined by section 122A.15, subdivision 1,
42.5 who hold valid licenses to perform the particular service for which they are employed in
42.6 the school. The charter school's state aid may be reduced under section 127A.43 if the
42.7 school employs a teacher who is not appropriately licensed or approved by the board of
42.8 teaching. The school may employ necessary employees who are not required to hold
42.9 teaching licenses to perform duties other than teaching and may contract for other services.
42.10 The school may discharge teachers and nonlicensed employees. The charter school board
42.11 is subject to section 181.932. When offering employment to a prospective employee, a
42.12 charter school must give that employee a written description of the terms and conditions
42.13 of employment and the school's personnel policies.

42.14 (b) A person, without holding a valid administrator's license, may perform
42.15 administrative, supervisory, or instructional leadership duties. The board of directors shall
42.16 establish qualifications for persons that hold administrative, supervisory, or instructional
42.17 leadership roles. The qualifications shall include at least the following areas: instruction
42.18 and assessment; human resource and personnel management; financial management;
42.19 legal and compliance management; effective communication; and board, authorizer, and
42.20 community relationships. The board of directors shall use those qualifications as the basis
42.21 for job descriptions, hiring, and performance evaluations of those who hold administrative,
42.22 supervisory, or instructional leadership roles. The board of directors and an individual
42.23 who does not hold a valid administrative license and who serves in an administrative,
42.24 supervisory, or instructional leadership position shall develop a professional development
42.25 plan. Documentation of the implementation of the professional development plan of these
42.26 persons shall be included in the school's annual report.

42.27 (c) The board of directors also shall decide and be responsible for matters related to
42.28 the operation of the school, including budgeting, curriculum and operating procedures.

42.29 Subd. 12. **Pupils with a disability.** A charter school must comply with sections
42.30 125A.02, 125A.03 to 125A.24, and 125A.65 and rules relating to the education of pupils
42.31 with a disability as though it were a district.

42.32 Subd. 13. **Length of school year.** A charter school must provide instruction each
42.33 year for at least the number of hours required by section 120A.41. It may provide
42.34 instruction throughout the year according to sections 124D.12 to 124D.127 or 124D.128.

42.35 Subd. 14. **Annual public reports.** A charter school must publish an annual report
42.36 approved by the board of directors. The annual report must at least include information

43.1 on school enrollment, student attrition, governance and management, staffing, finances,
 43.2 academic performance, ~~operational performance~~, innovative practices and implementation,
 43.3 and future plans. A charter school must post the annual report on the school's official Web
 43.4 site. The charter school must also distribute the annual report by publication, mail, or
 43.5 electronic means to the commissioner, its authorizer, school employees, and parents and
 43.6 legal guardians of students enrolled in the charter school ~~and must also post the report on~~
 43.7 ~~the charter school's official Web site~~. The reports are public data under chapter 13.

43.8 Subd. 15. **Review and comment.** (a) The authorizer shall provide a formal written
 43.9 evaluation of the school's performance before the authorizer renews the charter contract.
 43.10 The department must review and comment on the authorizer's evaluation process at the
 43.11 time the authorizer submits its application for approval and each time the authorizer
 43.12 undergoes its five-year review under subdivision 3, paragraph (i).

43.13 (b) An authorizer shall monitor and evaluate the ~~fee~~, academic, financial, and
 43.14 operational, ~~and student~~ performance of the school, and may for this purpose annually
 43.15 assess a charter school a fee according to paragraph (c). The agreed-upon fee structure
 43.16 must be stated in the charter school contract.

43.17 (c) The fee that ~~each charter school pays to an authorizer each year~~ an authorizer
 43.18 may annually assess is the greater of:

43.19 (1) the basic formula allowance for that year; or

43.20 (2) the lesser of:

43.21 (i) the maximum fee factor times the basic formula allowance for that year; or

43.22 (ii) the fee factor times the basic formula allowance for that year times the charter
 43.23 school's adjusted ~~marginal cost~~ pupil units for that year. The fee factor equals ~~.005 in fiscal~~
 43.24 ~~year 2010, .01 in fiscal year 2011, .013 in fiscal year 2012, and .015 in fiscal years 2013~~
 43.25 ~~and later~~. The maximum fee factor equals ~~1.5 in fiscal year 2010, 2.0 in fiscal year 2011,~~
 43.26 ~~3.0 in fiscal year 2012, and 4.0 in fiscal years 2013 and later~~.

43.27 (d) An authorizer may not assess a fee for any required services other than as
 43.28 provided in this subdivision.

43.29 (e) For the preoperational planning period, after a school is chartered, the authorizer
 43.30 may assess a charter school a fee equal to the basic formula allowance.

43.31 (f) By September 30 of each year, an authorizer shall submit to the commissioner a
 43.32 statement of income and expenditures related to chartering activities during the previous
 43.33 school year ending June 30. A copy of the statement shall be given to all schools chartered
 43.34 by the authorizer.

43.35 Subd. 16. **Transportation.** (a) A charter school after its first fiscal year of operation
 43.36 by March 1 of each fiscal year and a charter school by July 1 of its first fiscal year of

44.1 operation must notify the district in which the school is located and the Department of
44.2 Education if it will provide its own transportation or use the transportation services of the
44.3 district in which it is located for the fiscal year.

44.4 (b) If a charter school elects to provide transportation for pupils, the transportation
44.5 must be provided by the charter school within the district in which the charter school is
44.6 located. The state must pay transportation aid to the charter school according to section
44.7 124D.11, subdivision 2.

44.8 For pupils who reside outside the district in which the charter school is located, the
44.9 charter school is not required to provide or pay for transportation between the pupil's
44.10 residence and the border of the district in which the charter school is located. A parent
44.11 may be reimbursed by the charter school for costs of transportation from the pupil's
44.12 residence to the border of the district in which the charter school is located if the pupil is
44.13 from a family whose income is at or below the poverty level, as determined by the federal
44.14 government. The reimbursement may not exceed the pupil's actual cost of transportation
44.15 or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for
44.16 more than 250 miles per week.

44.17 At the time a pupil enrolls in a charter school, the charter school must provide the
44.18 parent or guardian with information regarding the transportation.

44.19 (c) If a charter school does not elect to provide transportation, transportation for
44.20 pupils enrolled at the school must be provided by the district in which the school is
44.21 located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a
44.22 pupil residing in the same district in which the charter school is located. Transportation
44.23 may be provided by the district in which the school is located, according to sections
44.24 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in a different
44.25 district. If the district provides the transportation, the scheduling of routes, manner and
44.26 method of transportation, control and discipline of the pupils, and any other matter relating
44.27 to the transportation of pupils under this paragraph shall be within the sole discretion,
44.28 control, and management of the district.

44.29 Subd. 17. **Leased space.** A charter school may lease space from an independent
44.30 or special school board ~~eligible to be an authorizer~~, other public organization, private,
44.31 nonprofit nonsectarian organization, private property owner, or a sectarian organization
44.32 if the leased space is constructed as a school facility. The department must review and
44.33 approve or disapprove leases, including modifications and renewals prior to execution of
44.34 the lease by the lessee and lessor, in a timely manner. Leases for a school year must be
44.35 submitted to the department no later than July 1 before that school year. The commissioner
44.36 may waive this date based on an appeal by a charter school when circumstances beyond

45.1 the control of the charter school do not allow a lease agreement to be written prior to that
 45.2 date. The commissioner shall not approve a facility lease that does not have (1) a sum
 45.3 certain annual cost and (2) an escape clause that may be exercised by the charter school in
 45.4 the event of nonrenewal or termination of the charter school contract.

45.5 Subd. 17a. **Affiliated nonprofit building corporation.** (a) Before a charter school
 45.6 may organize an affiliated nonprofit building corporation (i) to renovate or purchase an
 45.7 existing facility to serve as a school or (ii) to expand an existing building or construct
 45.8 a new school facility, an authorizer must submit an affidavit to the commissioner for
 45.9 approval in the form and manner the commissioner prescribes, and consistent with
 45.10 paragraphs (b) and (c) or (d).

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

45.12 (1) be incorporated under section 317A;

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

45.15 (3) submit to the commissioner each fiscal year a list of current board members
 45.16 and a copy of its annual audit; and

45.17 (4) comply with government data practices law under chapter 13.

45.18 An affiliated nonprofit building corporation must not serve as the leasing agent for
 45.19 property or facilities it does not own. A charter school that leases a facility from an
 45.20 affiliated nonprofit building corporation that does not own the leased facility is ineligible
 45.21 to receive charter school lease aid. The state is immune from liability resulting from a
 45.22 contract between a charter school and an affiliated nonprofit building corporation.

45.23 (c) A charter school may organize an affiliated nonprofit building corporation to
 45.24 renovate or purchase an existing facility to serve as a school if the charter school:

45.25 (1) has been operating for at least five consecutive school years;

45.26 (2) has had a net positive unreserved general fund balance as of June 30 in the
 45.27 preceding five fiscal years;

45.28 (3) has a long-range strategic and financial plan;

45.29 (4) completes a feasibility study of available buildings;

45.30 (5) documents enrollment projections and the need to use an affiliated building
 45.31 corporation to renovate or purchase an existing facility to serve as a school; and

45.32 (6) has a plan for the renovation or purchase, which describes the parameters and
 45.33 budget for the project.

45.34 (d) A charter school may organize an affiliated nonprofit building corporation to
 45.35 expand an existing school facility or construct a new school facility if the charter school:

45.36 (1) demonstrates the lack of facilities available to serve as a school;

46.1 (2) has been operating for at least eight consecutive school years;

46.2 (3) has had a net positive unreserved general fund balance as of June 30 in the
46.3 preceding five fiscal years;

46.4 (4) completes a feasibility study of facility options;

46.5 (5) has a long-range strategic and financial plan that includes enrollment projections
46.6 and demonstrates the need for constructing a new school facility; and

46.7 (6) has a plan for the expansion or new school facility, which describes the
46.8 parameters and budget for the project.

46.9 Subd. 17b. Positive review and comment. (e) A charter school or an affiliated
46.10 nonprofit building corporation organized by a charter school must not initiate an
46.11 installment contract for purchase, or a lease agreement, or solicit bids for new construction,
46.12 expansion, or remodeling of an educational facility that requires an expenditure in
46.13 excess of \$1,400,000, unless it meets the criteria in subdivision 17a, paragraph (b) and
46.14 paragraph (c) or (d), as applicable, and receives a positive review and comment from
46.15 the commissioner under section 123B.71.

46.16 Subd. 19. Disseminate information. (a) ~~The authorizer, the operators,~~ Authorizers
46.17 and the department must disseminate information to the public on how to form and
46.18 operate a charter school. Charter schools must disseminate information about how to
46.19 use the offerings of a charter school. Targeted groups include low-income families and
46.20 communities, students of color, and students who are at risk of academic failure.

46.21 (b) Authorizers, operators, and the department also may disseminate information
46.22 about the successful best practices in teaching and learning demonstrated by charter
46.23 schools.

46.24 Subd. 20. Leave to teach in a charter school. If a teacher employed by a district
46.25 makes a written request for an extended leave of absence to teach at a charter school,
46.26 the district must grant the leave. The district must grant a leave not to exceed a total of
46.27 five years. Any request to extend the leave shall be granted only at the discretion of the
46.28 school board. The district may require that the request for a leave or extension of leave
46.29 be made before February 1 in the school year preceding the school year in which the
46.30 teacher intends to leave, or February 1 of the calendar year in which the teacher's leave is
46.31 scheduled to terminate. Except as otherwise provided in this subdivision and except for
46.32 section 122A.46, subdivision 7, the leave is governed by section 122A.46, including, but
46.33 not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

46.34 During a leave, the teacher may continue to aggregate benefits and credits in the
46.35 Teachers' Retirement Association account under chapters 354 and 354A, consistent with
46.36 subdivision 22.

47.1 Subd. 21. **Collective bargaining.** Employees of the board of directors of a charter
47.2 school may, if otherwise eligible, organize under chapter 179A and comply with its
47.3 provisions. The board of directors of a charter school is a public employer, for the
47.4 purposes of chapter 179A, upon formation of one or more bargaining units at the school.
47.5 Bargaining units at the school must be separate from any other units within an authorizing
47.6 district, except that bargaining units may remain part of the appropriate unit within an
47.7 authorizing district, if the employees of the school, the board of directors of the school,
47.8 the exclusive representative of the appropriate unit in the authorizing district, and the
47.9 board of the authorizing district agree to include the employees in the appropriate unit of
47.10 the authorizing district.

47.11 Subd. 22. **Teacher and other employee retirement.** (a) Teachers in a charter
47.12 school must be public school teachers for the purposes of chapters 354 and 354A.

47.13 (b) Except for teachers under paragraph (a), employees in a charter school must be
47.14 public employees for the purposes of chapter 353.

47.15 Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a)
47.16 The duration of the contract with an authorizer must be for the term contained in the
47.17 contract according to subdivision 6. The authorizer may or may not renew a contract at
47.18 the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally
47.19 terminate a contract during the term of the contract for any ground listed in paragraph (b).
47.20 At least 60 business days before not renewing or terminating a contract, the authorizer
47.21 shall notify the board of directors of the charter school of the proposed action in writing.
47.22 The notice shall state the grounds for the proposed action in reasonable detail and that the
47.23 charter school's board of directors may request in writing an informal hearing before the
47.24 authorizer within 15 business days of receiving notice of nonrenewal or termination of
47.25 the contract. Failure by the board of directors to make a written request for an informal
47.26 hearing within the 15-business-day period shall be treated as acquiescence to the proposed
47.27 action. Upon receiving a timely written request for a hearing, the authorizer shall give ten
47.28 business days' notice to the charter school's board of directors of the hearing date. The
47.29 authorizer shall conduct an informal hearing before taking final action. The authorizer
47.30 shall take final action to renew or not renew a contract no later than 20 business days
47.31 before the proposed date for terminating the contract or the end date of the contract.

47.32 (b) A contract may be terminated or not renewed upon any of the following grounds:

47.33 (1) failure to ~~meet~~ demonstrate satisfactory academic achievement for all groups of
47.34 students, including the requirements for pupil performance contained in the contract;

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

47.36 (3) violations of law; or

48.1 (4) other good cause shown.

48.2 If a contract is terminated or not renewed under this paragraph, the school must be
48.3 dissolved according to the applicable provisions of chapter 317A.

48.4 (c) If the authorizer and the charter school board of directors mutually agree to
48.5 terminate or not renew the contract, a change in authorizers is allowed if the commissioner
48.6 approves the change to a different eligible authorizer to authorize the charter school.
48.7 Both parties must jointly submit their intent in writing to the commissioner to mutually
48.8 terminate the contract. The authorizer that is a party to the existing contract must inform
48.9 the proposed authorizer about the fiscal and operational status and student performance
48.10 of the school. Before the commissioner determines whether to approve a change in
48.11 authorizer, the proposed authorizer must identify any outstanding issues in the proposed
48.12 charter contract that were unresolved in the previous charter contract and have the charter
48.13 school agree to resolve those issues. If no change in authorizer is approved, the school
48.14 must be dissolved according to applicable law and the terms of the contract.

48.15 (d) The commissioner, after providing reasonable notice to the board of directors of
48.16 a charter school and the existing authorizer, and after providing an opportunity for a public
48.17 hearing, may terminate the existing contract between the authorizer and the charter school
48.18 board if the charter school has a history of:

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

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

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

48.23 (e) Notwithstanding other provisions of this subdivision, the authorizer of a charter
48.24 school may terminate an existing contract between the authorizer and the charter school at
48.25 the end of the current school year, after notifying the charter school board of directors by
48.26 December 1, if in each of the previous three consecutive school years the performance of
48.27 the charter school based on federal school accountability measures and on state measures
48.28 of student performance and growth would place the school in the bottom quartile of all
48.29 public schools as determined by the commissioner. If an authorizer chooses to terminate
48.30 the contract, the school must be closed according to applicable law and the terms of
48.31 the contract. The authorizer must work with the charter school's board of directors to
48.32 ensure parents of children currently enrolled at the school are aware of school choice
48.33 options and receive assistance in selecting an appropriate choice for the next school year.
48.34 If the authorizer chooses not to terminate the existing contract under these conditions, the
48.35 authorizer must submit a public, written justification of the decision to the commissioner
48.36 by December 1. The commissioner may use this decision as a factor in reviewing the

49.1 authorizer's performance under subdivision 3, paragraph (i). The federal and state measures
 49.2 identified in this paragraph are minimum conditions and are not intended to discourage
 49.3 and do not prevent an authorizer from closing schools which do not meet these conditions.

49.4 Subd. 23a. **Related party lease costs.** (a) A charter school is prohibited from
 49.5 entering a lease of real property with a related party unless the lessor is a nonprofit
 49.6 corporation under chapter 317A or a cooperative under chapter 308A, and the lease cost is
 49.7 reasonable under section 124D.11, subdivision 4, clause (1).

49.8 (b) For purposes of this section and section 124D.11:

49.9 (1) "related party" means an affiliate or immediate relative of the other party in
 49.10 question, an affiliate of an immediate relative, or an immediate relative of an affiliate;

49.11 (2) "affiliate" means a person that directly or indirectly, through one or more
 49.12 intermediaries, controls, is controlled by, or is under common control with another person;

49.13 (3) "immediate family" means an individual whose relationship by blood, marriage,
 49.14 adoption, or partnering is no more remote than first cousin;

49.15 (4) "person" means an individual or entity of any kind; and

49.16 (5) "control" means the ability to affect the management, operations, or policy
 49.17 actions or decisions of a person, whether through ownership of voting securities, by
 49.18 contract, or otherwise.

49.19 (c) A lease of real property to be used for a charter school, not excluded in paragraph
 49.20 (a), must contain the following statement: "This lease is subject to Minnesota Statutes,
 49.21 section 124D.10, subdivision 23a."

49.22 (d) If a charter school enters into as lessee a lease with a related party and the
 49.23 charter school subsequently closes, the commissioner has the right to recover from the
 49.24 lessor any lease payments in excess of those that are reasonable under section 124D.11,
 49.25 subdivision 4, clause (1).

49.26 Subd. 24. **Pupil enrollment upon nonrenewal or termination of charter school**
 49.27 **contract.** If a contract is not renewed or is terminated according to subdivision 23, a
 49.28 pupil who attended the school, siblings of the pupil, or another pupil who resides in the
 49.29 same place as the pupil may enroll in the resident district or may submit an application
 49.30 to a nonresident district according to section 124D.03 at any time. Applications and
 49.31 notices required by section 124D.03 must be processed and provided in a prompt manner.
 49.32 The application and notice deadlines in section 124D.03 do not apply under these
 49.33 circumstances. The closed charter school must transfer the student's educational records
 49.34 within ten business days of closure to the student's school district of residence where the
 49.35 records must be retained or transferred under section 120A.22, subdivision 7.

50.1 Subd. 25. **Extent of specific legal authority.** (a) The board of directors of a charter
50.2 school may sue and be sued.

50.3 (b) The board may not levy taxes or issue bonds.

50.4 (c) The commissioner, an authorizer, members of the board of an authorizer in
50.5 their official capacity, and employees of an authorizer are immune from civil or criminal
50.6 liability with respect to all activities related to a charter school they approve or authorize.
50.7 The board of directors shall obtain at least the amount of and types of insurance up to the
50.8 applicable tort liability limits under chapter 466. The charter school board must submit
50.9 a copy of the insurance policy to its authorizer ~~and the commissioner~~ before starting
50.10 operations. The charter school board must submit changes in its insurance carrier or policy
50.11 to its authorizer ~~and the commissioner~~ within 20 business days of the change.

50.12 (d) Notwithstanding section 3.736, the charter school shall assume full liability for
50.13 its activities and indemnify and hold harmless the authorizer and its officers, agents, and
50.14 employees from any suit, claim, or liability arising from any operation of the charter school
50.15 and the commissioner and department officers, agents, and employees. A charter school
50.16 is not required to indemnify or hold harmless a state employee if the state would not be
50.17 required to indemnify and hold the employee harmless under section 3.736, subdivision 9.

50.18 Subd. 27. **Collaboration between charter school and school district.** (a) A charter
50.19 school board may voluntarily enter into a two-year, renewable agreement for collaboration
50.20 to enhance student achievement with a school district within whose geographic boundary
50.21 it operates.

50.22 (b) A school district need not be an approved authorizer to enter into a collaboration
50.23 agreement with a charter school. A charter school need not be authorized by the school
50.24 district with which it seeks to collaborate.

50.25 (c) A charter school authorizer is prohibited from requiring a collaboration agreement
50.26 as a condition of entering into or renewing a charter contract as defined in subdivision 6.

50.27 (d) Nothing in this subdivision or in the collaboration agreement may impact in any
50.28 way the authority or autonomy of the charter school.

50.29 (e) Nothing in this subdivision or in the collaboration agreement shall cause the state
50.30 to pay twice for the same student, service, or facility or otherwise impact state funding, or
50.31 the flow thereof, to the school district or the charter school.

50.32 (f) The collaboration agreement may include, but need not be limited to,
50.33 collaboration regarding facilities, transportation, training, student achievement,
50.34 assessments, mutual performance standards, and other areas of mutual agreement.

51.1 (g) The school district may include the academic performance of the students of a
 51.2 collaborative charter school site operating within the geographic boundaries of the school
 51.3 district, for purposes of student assessment and reporting to the state.

51.4 (h) Districts, authorizers, or charter schools entering into a collaborative agreement
 51.5 are equally and collectively subject to the same state and federal accountability measures
 51.6 for student achievement, school performance outcomes, and school improvement
 51.7 strategies. The collaborative agreement and all accountability measures must be posted
 51.8 on the district, charter school, and authorizer Web sites.

51.9 **EFFECTIVE DATE.** Subdivision 23 is effective July 1, 2013, and applies to federal
 51.10 school accountability measures and state measures of student performance and growth
 51.11 from the 2010-2011 school year and later.

51.12 Sec. 2. Minnesota Statutes 2012, section 260A.02, subdivision 3, is amended to read:

51.13 Subd. 3. **Continuing truant.** "Continuing truant" means a child who is subject to the
 51.14 compulsory instruction requirements of section 120A.22 and is absent from instruction in a
 51.15 school, as defined in section 120A.05, without valid excuse within a single school year for:

51.16 (1) three days if the child is in elementary school; or

51.17 (2) three or more class periods on three days if the child is in middle school, junior
 51.18 high school, or high school.

51.19 Nothing in this section shall prevent a school district or charter school from notifying
 51.20 a truant child's parent or legal guardian of the child's truancy or otherwise addressing a
 51.21 child's attendance problems prior to the child becoming a continuing truant.

51.22 Sec. 3. Minnesota Statutes 2012, section 260A.03, is amended to read:

51.23 **260A.03 NOTICE TO PARENT OR GUARDIAN WHEN CHILD IS A**
 51.24 **CONTINUING TRUANT.**

51.25 Upon a child's initial classification as a continuing truant, the school attendance
 51.26 officer or other designated school official shall notify the child's parent or legal guardian,
 51.27 by first-class mail or other reasonable means, of the following:

51.28 (1) that the child is truant;

51.29 (2) that the parent or guardian should notify the school if there is a valid excuse
 51.30 for the child's absences;

51.31 (3) that the parent or guardian is obligated to compel the attendance of the child
 51.32 at school pursuant to section 120A.22 and parents or guardians who fail to meet this
 51.33 obligation may be subject to prosecution under section 120A.34;

52.1 (4) that this notification serves as the notification required by section 120A.34;

52.2 (5) that alternative educational programs and services may be available in the child's
52.3 enrolling or resident district;

52.4 (6) that the parent or guardian has the right to meet with appropriate school personnel
52.5 to discuss solutions to the child's truancy;

52.6 (7) that if the child continues to be truant, the parent and child may be subject to
52.7 juvenile court proceedings under chapter 260C;

52.8 (8) that if the child is subject to juvenile court proceedings, the child may be subject
52.9 to suspension, restriction, or delay of the child's driving privilege pursuant to section
52.10 260C.201; and

52.11 (9) that it is recommended that the parent or guardian accompany the child to school
52.12 and attend classes with the child for one day.

52.13 Sec. 4. Minnesota Statutes 2012, section 260A.05, subdivision 1, is amended to read:

52.14 Subdivision 1. **Establishment.** A school district or charter school may establish
52.15 one or more school attendance review boards to exercise the powers and duties in this
52.16 section. The school district or charter school board shall appoint the members of the
52.17 school attendance review board and designate the schools within the board's jurisdiction.
52.18 Members of a school attendance review board may include:

52.19 (1) the superintendent of the school district or the superintendent's designee or
52.20 charter director or the director's designee;

52.21 (2) a principal and one or more other school officials from within the district or
52.22 charter school;

52.23 (3) parent representatives;

52.24 (4) representatives from community agencies that provide services for truant
52.25 students and their families;

52.26 (5) a juvenile probation officer;

52.27 (6) school counselors and attendance officers; and

52.28 (7) law enforcement officers.

52.29 Sec. 5. Minnesota Statutes 2012, section 260A.07, subdivision 1, is amended to read:

52.30 Subdivision 1. **Establishment; referrals.** A county attorney may establish a truancy
52.31 mediation program for the purpose of resolving truancy problems without court action. If
52.32 a student is in a school district or charter school that has established a school attendance
52.33 review board, the student may be referred to the county attorney under section 260A.06,
52.34 subdivision 3. If the student's school district or charter school has not established a board,

53.1 the student may be referred to the county attorney by the school district or charter school
 53.2 if the student continues to be truant after the parent or guardian has been sent or conveyed
 53.3 the notice under section 260A.03.

53.4 ARTICLE 5

53.5 SPECIAL PROGRAMS

53.6 Section 1. Minnesota Statutes 2012, section 15.059, subdivision 5b, is amended to read:

53.7 Subd. 5b. **Continuation dependent on federal law.** Notwithstanding this section,
 53.8 the following councils and committees do not expire unless federal law no longer requires
 53.9 the existence of the council or committee:

- 53.10 (1) Rehabilitation Council for the Blind, created in section 248.10;
- 53.11 (2) Juvenile Justice Advisory Committee, created in section 299A.72;
- 53.12 (3) Governor's Workforce Development Council, created in section 116L.665;
- 53.13 (4) local workforce councils, created in section 116L.666, subdivision 2;
- 53.14 (5) Rehabilitation Council, created in section 268A.02, subdivision 2; ~~and~~
- 53.15 (6) Statewide Independent Living Council, created in section 268A.02, subdivision
 53.16 2; and
- 53.17 (7) Interagency Coordinating Council, created in section 125A.28.

53.18 Sec. 2. Minnesota Statutes 2012, section 125A.0941, is amended to read:

53.19 **125A.0941 DEFINITIONS.**

53.20 (a) The following terms have the meanings given them.

53.21 (b) "Emergency" means a situation where immediate intervention is needed to
 53.22 protect a child or other individual from physical injury ~~or to prevent serious property~~
 53.23 ~~damage.~~ Emergency does not mean circumstances such as: a child who does not respond
 53.24 to a task or request and instead places his or her head on a desk or hides under a desk or
 53.25 table; a child who does not respond to a staff person's request unless failing to respond
 53.26 would result in physical injury to the child or other individual; or an emergency incident
 53.27 has already occurred and no threat of physical injury currently exists.

53.28 (c) "Physical holding" means physical intervention intended to hold a child immobile
 53.29 or limit a child's movement, where body contact is the only source of physical restraint,
 53.30 and where immobilization is used to effectively gain control of a child in order to protect
 53.31 ~~the~~ a child or other person individual from physical injury. The term physical holding does
 53.32 not mean physical contact that:

- 53.33 (1) helps a child respond or complete a task;

54.1 (2) assists a child without restricting the child's movement;

54.2 (3) is needed to administer an authorized health-related service or procedure; or

54.3 (4) is needed to physically escort a child when the child does not resist or the child's
54.4 resistance is minimal.

54.5 (d) "Positive behavioral interventions and supports" means interventions and
54.6 strategies to improve the school environment and teach children the skills to behave
54.7 appropriately.

54.8 (e) "Prone restraint" means placing a child in a face down position.

54.9 (f) "Restrictive procedures" means the use of physical holding or seclusion in an
54.10 emergency. Restrictive procedures must not be used to punish or otherwise discipline a
54.11 child.

54.12 (g) "Seclusion" means confining a child alone in a room from which egress is barred.
54.13 Egress may be barred by an adult locking or closing the door in the room or preventing the
54.14 child from leaving the room. Removing a child from an activity to a location where the
54.15 child cannot participate in or observe the activity is not seclusion.

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

54.17 Sec. 3. Minnesota Statutes 2012, section 125A.0942, is amended to read:

54.18 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

54.19 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use
54.20 restrictive procedures shall maintain and make publicly accessible a restrictive procedures
54.21 plan for children with disabilities that ~~includes~~ at least the following:

54.22 (1) lists the list of restrictive procedures the school intends to use;

54.23 (2) describes how the school will implement a range of positive behavior strategies
54.24 and provide links to mental health services;

54.25 (3) describes how the school will monitor and review the use of restrictive
54.26 procedures, including:

54.27 (i) conducting post-use debriefings, consistent with subdivision 3, paragraph (a),
54.28 clause (5); and

54.29 (ii) convening an oversight committee to undertake a quarterly review of the use
54.30 of restrictive procedures based on patterns or problems indicated by similarities in the
54.31 time of day, day of the week, duration of the use of a procedure, the individuals involved,
54.32 or other factors associated with the use of restrictive procedures; the number of times a
54.33 restrictive procedure is used schoolwide and for individual children; the number and types
54.34 of injuries, if any, resulting from the use of restrictive procedures; whether restrictive

55.1 procedures are used in nonemergency situations; the need for additional staff training; and
 55.2 proposed actions to minimize the use of restrictive procedures; and

55.3 ~~(3)~~ (4) includes a written description and documentation of the training staff
 55.4 completed under subdivision 5.

55.5 (b) Schools annually must publicly identify oversight committee members who
 55.6 must at least include:

55.7 (1) a mental health professional, school psychologist, or school social worker;

55.8 (2) an expert in positive behavior strategies;

55.9 (3) a special education administrator; and

55.10 (4) a general education administrator.

55.11 **Subd. 2. Restrictive procedures.** (a) Restrictive procedures may be used only by a
 55.12 licensed special education teacher, school social worker, school psychologist, behavior
 55.13 analyst certified by the National Behavior Analyst Certification Board, a person with a
 55.14 master's degree in behavior analysis, other licensed education professional, highly qualified
 55.15 paraprofessional under section 120B.363, or mental health professional under section
 55.16 245.4871, subdivision 27, who has completed the training program under subdivision 5.

55.17 (b) A school shall make reasonable efforts to notify the parent on the same day a
 55.18 restrictive procedure is used on the child, or if the school is unable to provide same-day
 55.19 notice, notice is sent within two days by written or electronic means or as otherwise
 55.20 indicated by the child's parent under paragraph (d).

55.21 ~~(c) When restrictive procedures are used twice in 30 days or when a pattern emerges~~
 55.22 ~~and restrictive procedures are not included in a child's individualized education program~~
 55.23 ~~or behavior intervention plan, The district must hold a meeting of the individualized~~
 55.24 ~~education program team, conduct or review a functional behavioral analysis, review data,~~
 55.25 ~~consider developing additional or revised positive behavioral interventions and supports,~~
 55.26 ~~consider actions to reduce the use of restrictive procedures, and modify the individualized~~
 55.27 ~~education program or behavior intervention plan as appropriate. The district must hold~~
 55.28 ~~the meeting: within ten calendar days after district staff use restrictive procedures on two~~
 55.29 ~~separate school days within 30 calendar days or a pattern of use emerges and the child's~~
 55.30 ~~individualized education program or behavior intervention plan does not provide for using~~
 55.31 ~~restrictive procedures in an emergency; or at the request of a parent or the district after~~
 55.32 ~~restrictive procedures are used. The district must review use of restrictive procedures at a~~
 55.33 ~~child's annual individualized education program meeting when the child's individualized~~
 55.34 ~~education program provides for using restrictive procedures in an emergency.~~

55.35 (d) If the individualized education program team under paragraph (c) determines
 55.36 that existing interventions and supports are ineffective in reducing the use of restrictive

56.1 procedures or the district uses restrictive procedures on a child on ten or more school days
 56.2 during the same school year, the team, as appropriate, either must consult with other
 56.3 professionals working with the child; consult with experts in behavior analysis, mental
 56.4 health, communication, or autism; consult with culturally competent professionals;
 56.5 review existing evaluations, resources, and successful strategies; or consider whether to
 56.6 reevaluate the child.

56.7 (e) At the individualized education program meeting under paragraph (c), the team
 56.8 must review any known medical or psychological limitations, including any medical
 56.9 information the parent provides voluntarily, that contraindicate the use of a restrictive
 56.10 procedure, consider whether to prohibit that restrictive procedure, and document any
 56.11 prohibition in the individualized education program or behavior intervention plan.

56.12 ~~(d)~~ (f) An individualized education program team may plan for using restrictive
 56.13 procedures and may include these procedures in a child's individualized education
 56.14 program or behavior intervention plan; however, the restrictive procedures may be used
 56.15 only in response to behavior that constitutes an emergency, consistent with this section.
 56.16 The individualized education program or behavior intervention plan shall indicate how the
 56.17 parent wants to be notified when a restrictive procedure is used.

56.18 Subd. 3. **Physical holding or seclusion.** (a) Physical holding or seclusion may be
 56.19 used only in an emergency. A school that uses physical holding or seclusion shall meet the
 56.20 following requirements:

56.21 (1) ~~the~~ physical holding or seclusion ~~must be~~ is the least intrusive intervention
 56.22 that effectively responds to the emergency;

56.23 (2) physical holding or seclusion is not used to discipline a noncompliant child;

56.24 (3) physical holding or seclusion ~~must end~~ ends when the threat of harm ends and
 56.25 the staff determines ~~that~~ the child can safely return to the classroom or activity;

56.26 ~~(3)~~ (4) staff ~~must~~ directly ~~observe~~ observes the child while physical holding or
 56.27 seclusion is being used;

56.28 ~~(4)~~ (5) each time physical holding or seclusion is used, the staff person who
 56.29 implements or oversees the physical holding or seclusion ~~shall document~~ documents, as
 56.30 soon as possible after the incident concludes, the following information:

56.31 (i) a description of the incident that led to the physical holding or seclusion;

56.32 (ii) why a less restrictive measure failed or was determined by staff to be
 56.33 inappropriate or impractical;

56.34 (iii) the time the physical holding or seclusion began and the time the child was
 56.35 released; and

56.36 (iv) a brief record of the child's behavioral and physical status;

- 57.1 ~~(5)~~ (6) the room used for seclusion must:
- 57.2 (i) be at least six feet by five feet;
- 57.3 (ii) be well lit, well ventilated, adequately heated, and clean;
- 57.4 (iii) have a window that allows staff to directly observe a child in seclusion;
- 57.5 (iv) have tamperproof fixtures, electrical switches located immediately outside the
- 57.6 door, and secure ceilings;
- 57.7 (v) have doors that open out and are unlocked, locked with keyless locks that
- 57.8 have immediate release mechanisms, or locked with locks that have immediate release
- 57.9 mechanisms connected with a fire and emergency system; and
- 57.10 (vi) not contain objects that a child may use to injure the child or others;
- 57.11 ~~(6)~~ (7) before using a room for seclusion, a school must:
- 57.12 (i) receive written notice from local authorities that the room and the locking
- 57.13 mechanisms comply with applicable building, fire, and safety codes; and
- 57.14 (ii) register the room with the commissioner, who may view that room; and
- 57.15 ~~(7)~~ (8) until August 1, ~~2013~~ 2015, a school district may use prone restraints with
- 57.16 children age five or older ~~under the following conditions~~ if:
- 57.17 (i) ~~a~~ the district has provided to the department a list of staff who have had specific
- 57.18 training on the use of prone restraints;
- 57.19 (ii) ~~a~~ the district provides information on the type of training that was provided
- 57.20 and by whom;
- 57.21 (iii) ~~prone restraints may only be used by~~ staff who have received specific training
- 57.22 use prone restraints;
- 57.23 (iv) each incident of the use of prone restraints is reported to the department within
- 57.24 five working days on a form provided by the department; and
- 57.25 (v) ~~a~~ the district, ~~prior to~~ before using prone restraints, must review any known
- 57.26 medical or psychological limitations that contraindicate the use of prone restraints.
- 57.27 ~~The department will report back to the chairs and ranking minority members of the~~
- 57.28 ~~legislative committees with primary jurisdiction over education policy by February~~
- 57.29 ~~1, 2013, on the use of prone restraints in the schools. Consistent with item (iv), The~~
- 57.30 ~~department must collect data on districts' use of prone restraints and publish the data in a~~
- 57.31 ~~readily accessible format on the department's Web site on a quarterly basis.~~
- 57.32 (b) ~~The department must develop a statewide plan by February 1, 2013, to reduce~~
- 57.33 ~~districts' use of restrictive procedures that includes~~ By March 1, 2014, stakeholders must
- 57.34 recommend to the commissioner specific and measurable implementation and outcome
- 57.35 goals for reducing the use of restrictive procedures and the commissioner must submit to
- 57.36 the legislature a report on districts' progress in reducing the use of restrictive procedures

58.1 that recommends how to further reduce these procedures and eliminate the use of prone
 58.2 restraints. The statewide plan includes the following components: measurable goals; the
 58.3 resources, training, technical assistance, mental health services, and collaborative efforts
 58.4 needed to significantly reduce districts' use of prone restraints; and recommendations
 58.5 to clarify and improve the law governing districts' use of restrictive procedures. The
 58.6 department must convene commissioner must consult with interested stakeholders to
 58.7 develop the statewide plan and identify the need for technical assistance when preparing
 58.8 the report, including representatives of advocacy organizations, special education
 58.9 directors, intermediate school districts, school boards, day treatment providers, county
 58.10 social services, state human services department staff, mental health professionals, and
 58.11 autism experts. To assist the department and stakeholders under this paragraph, school
 58.12 districts must report summary data to the department by July 1, 2012, on districts' use of
 58.13 restrictive procedures during the 2011-2012 school year, including data on the number
 58.14 of incidents involving restrictive procedures, the total number of students on which
 58.15 restrictive procedures were used, the number of resulting injuries, relevant demographic
 58.16 data on the students and school, and other relevant data collected by the district. By June
 58.17 30 each year, districts must report summary data on their use of restrictive procedures to
 58.18 the department, in a form and manner determined by the commissioner.

58.19 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

58.20 (1) engaging in conduct prohibited under section 121A.58;

58.21 (2) requiring a child to assume and maintain a specified physical position, activity,
 58.22 or posture that induces physical pain;

58.23 (3) totally or partially restricting a child's senses as punishment;

58.24 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,
 58.25 substance, or spray as punishment;

58.26 (5) denying or restricting a child's access to equipment and devices such as walkers,
 58.27 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,
 58.28 except when temporarily removing the equipment or device is needed to prevent injury
 58.29 to the child or others or serious damage to the equipment or device, in which case the
 58.30 equipment or device shall be returned to the child as soon as possible;

58.31 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or
 58.32 physical abuse under section 626.556;

58.33 (7) withholding regularly scheduled meals or water;

58.34 (8) denying access to bathroom facilities; and

58.35 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or
 58.36 impairs a child's ability to communicate distress, places pressure or weight on a child's

59.1 head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in
59.2 straddling a child's torso.

59.3 Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1,
59.4 staff who use restrictive procedures shall complete training in the following skills and
59.5 knowledge areas:

59.6 (1) positive behavioral interventions;

59.7 (2) communicative intent of behaviors;

59.8 (3) relationship building;

59.9 (4) alternatives to restrictive procedures, including techniques to identify events and
59.10 environmental factors that may escalate behavior;

59.11 (5) de-escalation methods;

59.12 (6) standards for using restrictive procedures only in an emergency;

59.13 (7) obtaining emergency medical assistance;

59.14 (8) the physiological and psychological impact of physical holding and seclusion;

59.15 (9) monitoring and responding to a child's physical signs of distress when physical
59.16 holding is being used; ~~and~~

59.17 (10) recognizing the symptoms of and interventions that may cause positional
59.18 asphyxia when physical holding is used;

59.19 (11) district policies and procedures for timely reporting and documentation of each
59.20 incident involving use of a restricted procedure; and

59.21 (12) schoolwide programs on positive behavior strategies.

59.22 (b) The commissioner, after consulting with the commissioner of human services,
59.23 must develop and maintain a list of training programs that satisfy the requirements of
59.24 paragraph (a). The commissioner also must develop and maintain a list of experts to
59.25 help individualized education program teams reduce the use of restrictive procedures.

59.26 The district shall maintain records of staff who have been trained and the organization
59.27 or professional that conducted the training. The district may collaborate with children's
59.28 community mental health providers to coordinate trainings.

59.29 Subd. 6. **Behavior supports.** School districts are encouraged to establish effective
59.30 schoolwide systems of positive behavior interventions and supports. Nothing in this
59.31 section or section 125A.0941 precludes the use of reasonable force under sections
59.32 121A.582; 609.06, subdivision 1; and 609.379.

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

59.34 Sec. 4. Minnesota Statutes 2012, section 125A.27, subdivision 8, is amended to read:

60.1 Subd. 8. **Eligibility for Part C.** "Eligibility for Part C" means eligibility for
 60.2 ~~early childhood special education~~ infant and toddler intervention services under section
 60.3 125A.02 and Minnesota Rules.

60.4 Sec. 5. Minnesota Statutes 2012, section 125A.27, subdivision 11, is amended to read:

60.5 Subd. 11. **Interagency child find systems.** "Interagency child find systems" means
 60.6 activities developed on an interagency basis with the involvement of interagency early
 60.7 intervention committees and other relevant community groups, including primary referral
 60.8 sources included in Code of Federal Regulations, title 34, section 303.303(c), using
 60.9 rigorous standards to actively seek out, identify, and refer infants and young children,
 60.10 with, or at risk of, disabilities, and their families, ~~including a child~~ to reduce the need for
 60.11 future services. The child find system must mandate referrals for a child under the age of
 60.12 three who: (1) is involved in the subject of a substantiated case of abuse or neglect, or
 60.13 (2) is identified as directly affected by illegal substance abuse, or withdrawal symptoms
 60.14 resulting from prenatal drug exposure, to reduce the need for future services. The referral
 60.15 procedures must specify that a referral must occur within seven calendar days from the
 60.16 date of identification.

60.17 Sec. 6. Minnesota Statutes 2012, section 125A.27, subdivision 14, is amended to read:

60.18 Subd. 14. **Parent.** "Parent" means ~~the biological parent with parental rights,~~
 60.19 ~~adoptive parent, legal guardian, or surrogate parent~~ "parent" as defined by Code of Federal
 60.20 Regulations, title 34, section 303.27, or a surrogate parent appointed in accordance with
 60.21 Code of Federal Regulations, title 34, section 303.422, or United States Code, title 20,
 60.22 section 1439(a)(5).

60.23 Sec. 7. Minnesota Statutes 2012, section 125A.28, is amended to read:

60.24 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

60.25 An Interagency Coordinating Council of at least 17, but not more than 25 members
 60.26 is established, in compliance with Public Law 108-446, section 641. The members must
 60.27 be appointed by the governor and reasonably represent the population of Minnesota.
 60.28 Council members must elect the council chair, who may not be a representative of the
 60.29 Department of Education. ~~The representative of the commissioner may not serve as the~~
 60.30 ~~chair.~~ The council must be composed of at least five parents, including persons of color,
 60.31 of children with disabilities under age 12, including at least three parents of a child
 60.32 with a disability under age seven, five representatives of public or private providers
 60.33 of services for children with disabilities under age five, including a special education

61.1 director, county social service director, local Head Start director, and a community health
61.2 services or public health nursing administrator, one member of the senate, one member of
61.3 the house of representatives, one representative of teacher preparation programs in early
61.4 childhood-special education or other preparation programs in early childhood intervention,
61.5 at least one representative of advocacy organizations for children with disabilities under
61.6 age five, one physician who cares for young children with special health care needs, one
61.7 representative each from the commissioners of commerce, education, health, human
61.8 services, a representative from the state agency responsible for child care, foster care,
61.9 mental health, homeless coordinator of education of homeless children and youth, and a
61.10 representative from Indian health services or a tribal council. Section 15.059, subdivisions
61.11 2 to 5, apply to the council. The council must meet at least quarterly.

61.12 The council must address methods of implementing the state policy of developing
61.13 and implementing comprehensive, coordinated, multidisciplinary interagency programs of
61.14 early intervention services for children with disabilities and their families.

61.15 The duties of the council include recommending policies to ensure a comprehensive
61.16 and coordinated system of all state and local agency services for children under age five
61.17 with disabilities and their families. The policies must address how to incorporate each
61.18 agency's services into a unified state and local system of multidisciplinary assessment
61.19 practices, individual intervention plans, comprehensive systems to find children in need of
61.20 services, methods to improve public awareness, and assistance in determining the role of
61.21 interagency early intervention committees.

61.22 On the date that Minnesota Part C Annual Performance Report is submitted to the
61.23 federal Office of Special Education, the council must recommend to the governor and the
61.24 commissioners of education, health, human services, commerce, and employment and
61.25 economic development policies for a comprehensive and coordinated system.

61.26 On an annual basis, the council must prepare and submit an annual report to the
61.27 governor and the secretary of the federal Department of Education on the status of early
61.28 intervention services and programs for infants and toddlers with disabilities and their
61.29 families under the Individuals with Disabilities Education Act, United States Code, title
61.30 20, sections 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The
61.31 Minnesota Part C annual performance report may serve as the report.

61.32 Notwithstanding any other law to the contrary, the State Interagency Coordinating
61.33 Council ~~expires on June 30, 2014~~ does not expire unless federal law no longer requires
61.34 the existence of the council or committee.

62.1 Sec. 8. Minnesota Statutes 2012, section 125A.29, is amended to read:

62.2 **125A.29 RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL**
 62.3 **BOARDS.**

62.4 (a) It is the joint responsibility of county boards and school boards to coordinate,
 62.5 provide, and pay for appropriate services, and to facilitate payment for services from public
 62.6 and private sources. Appropriate services for children eligible under section 125A.02 must
 62.7 be determined in consultation with parents, physicians, and other educational, medical,
 62.8 health, and human services providers. The services provided must be in conformity with:

62.9 (1) an IFSP for each eligible infant and toddler from birth through age two and
 62.10 the infant's or toddler's family including:

62.11 (i) American Indian infants and toddlers with disabilities and their families residing
 62.12 on a reservation geographically located in the state;

62.13 (ii) infants and toddlers with disabilities who are homeless children and their
 62.14 families; and

62.15 (iii) infants and toddlers with disabilities who are wards of the state; or

62.16 (2) an individualized education program (IEP) or individual service plan (ISP) for
 62.17 each eligible child ages three through four.

62.18 (b) Appropriate early intervention services include ~~family education and~~
 62.19 ~~counseling, home visits, occupational and physical therapy, speech pathology, audiology,~~
 62.20 ~~psychological services, special instruction, nursing, respite, nutrition, assistive technology,~~
 62.21 ~~transportation and related costs, social work, vision services, case management~~ services
 62.22 provided in conformity with an IFSP that are designed to meet the special developmental
 62.23 needs of an eligible child and the needs of the child's family related to enhancing the
 62.24 child's development and that are selected in collaboration with the parent. These services
 62.25 include core early intervention services and additional early intervention services listed in
 62.26 this section and infant and toddler intervention services defined under United States Code,
 62.27 title 20, sections 1431 to 1444, and Code of Federal Regulations, title 34, section 303,
 62.28 including service coordination under section 125A.33, ~~medical services for diagnostic and~~
 62.29 ~~evaluation purposes, early identification, and screening, assessment, and health services~~
 62.30 ~~necessary to enable children with disabilities to benefit from early intervention services.~~

62.31 (c) School and county boards shall coordinate early intervention services. In the
 62.32 absence of agreements established according to section 125A.39, service responsibilities
 62.33 for children birth through age two are as follows:

62.34 (1) school boards must provide, pay for, and facilitate payment for special education
 62.35 and related services required under sections 125A.03 and 125A.06;

63.1 (2) county boards must provide, pay for, and facilitate payment for noneducational
 63.2 services of social work, psychology, transportation and related costs, nursing, respite, and
 63.3 nutrition services not required under clause (1).

63.4 (d) School and county boards may develop an interagency agreement according
 63.5 to section 125A.39 to establish agency responsibility that assures early intervention
 63.6 services are coordinated, provided, paid for, and that payment is facilitated from public
 63.7 and private sources.

63.8 (e) County and school boards must jointly determine the primary agency in this
 63.9 cooperative effort and must notify the commissioner of the state lead agency of their
 63.10 decision.

63.11 Sec. 9. Minnesota Statutes 2012, section 125A.30, is amended to read:

63.12 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

63.13 (a) A school district, group of districts, or special education cooperative, in
 63.14 cooperation with the health and human service agencies located in the county or counties
 63.15 in which the district or cooperative is located, must establish an Interagency Early
 63.16 Intervention Committee for children with disabilities under age five and their families
 63.17 under this section, and for children with disabilities ages three to 22 consistent with
 63.18 the requirements under sections 125A.023 and 125A.027. Committees must include
 63.19 representatives of local health, education, and county human service agencies, county
 63.20 boards, school boards, early childhood family education programs, Head Start, parents of
 63.21 young children with disabilities under age 12, child care resource and referral agencies,
 63.22 school readiness programs, current service providers, and may also include representatives
 63.23 from other private or public agencies and school nurses. The committee must elect a chair
 63.24 from among its members and must meet at least quarterly.

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

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

63.30 (2) to reduce families' need for future services, and especially parents with premature
 63.31 infants, or infants with other physical risk factors associated with learning or development
 63.32 complications, implement interagency child find systems designed to actively seek out,
 63.33 identify, and refer infants and young children with, or at risk of, disabilities, including
 63.34 a child under the age of three who: (i) is ~~involved in~~ the subject of a substantiated case

64.1 of abuse or neglect or (ii) is identified as directly affected by illegal substance abuse, or
 64.2 withdrawal symptoms resulting from prenatal drug exposure;

64.3 (3) establish and evaluate the identification, referral, ~~child~~ screening, evaluation,
 64.4 child- and family-directed assessment systems, procedural safeguard process,
 64.5 and community learning systems to recommend, where necessary, alterations and
 64.6 improvements;

64.7 (4) assure the development of individualized family service plans for all eligible
 64.8 infants and toddlers with disabilities from birth through age two, and their families,
 64.9 and individualized education programs and individual service plans when necessary to
 64.10 appropriately serve children with disabilities, age three and older, and their families and
 64.11 recommend assignment of financial responsibilities to the appropriate agencies;

64.12 (5) implement a process for assuring that services involve cooperating agencies at all
 64.13 steps leading to individualized programs;

64.14 (6) facilitate the development of a ~~transitional~~ transition plan ~~if a service provider is~~
 64.15 ~~not recommended to continue to provide services~~ in the individual family service plan by
 64.16 the time a child is two years and nine months old;

64.17 (7) identify the current services and funding being provided within the community
 64.18 for children with disabilities under age five and their families;

64.19 (8) develop a plan for the allocation and expenditure of ~~additional state and federal~~
 64.20 early intervention funds under United States Code, title 20, section 1471 et seq. (Part C,
 64.21 Public Law 108-446) and United States Code, title 20, section 631, et seq. (Chapter I,
 64.22 Public Law 89-313); and

64.23 (9) develop a policy that is consistent with section 13.05, subdivision 9, and federal
 64.24 law to enable a member of an interagency early intervention committee to allow another
 64.25 member access to data classified as not public.

64.26 (c) The local committee shall also:

64.27 ~~(1)~~ participate in needs assessments and program planning activities conducted by
 64.28 local social service, health and education agencies for young children with disabilities
 64.29 and their families; ~~and.~~

64.30 ~~(2) review and comment on the early intervention section of the total special~~
 64.31 ~~education system for the district, the county social service plan, the section or sections of~~
 64.32 ~~the community health services plan that address needs of and service activities targeted~~
 64.33 ~~to children with special health care needs, the section on children with special needs in~~
 64.34 ~~the county child care fund plan, sections in Head Start plans on coordinated planning and~~
 64.35 ~~services for children with special needs, any relevant portions of early childhood education~~
 64.36 ~~plans, such as early childhood family education or school readiness, or other applicable~~

65.1 ~~coordinated school and community plans for early childhood programs and services, and~~
 65.2 ~~the section of the maternal and child health special project grants that address needs of and~~
 65.3 ~~service activities targeted to children with chronic illness and disabilities.~~

65.4 Sec. 10. Minnesota Statutes 2012, section 125A.32, is amended to read:

65.5 **125A.32 INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP).**

65.6 (a) A team must participate in IFSP meetings to develop the IFSP. The team shall
 65.7 include:

65.8 (1) a parent or parents of the child, as defined in Code of Federal Regulations,
 65.9 title 34, section 303.27;

65.10 (2) other family members, as requested by the parent, if feasible to do so;

65.11 (3) an advocate or person outside of the family, if the parent requests that the
 65.12 person participate;

65.13 (4) the service coordinator who has been working with the family since the
 65.14 initial referral, or who has been designated by the public agency to be responsible for
 65.15 implementation of the IFSP and coordination with other agencies including transition
 65.16 services; ~~and~~

65.17 (5) a person or persons involved in conducting evaluations and assessments; and

65.18 (6) as appropriate, persons who will be providing early intervention services under
 65.19 the plan to the child or family.

65.20 (b) The IFSP must include:

65.21 (1) information about the child's developmental status;

65.22 (2) family information, with the consent of the family;

65.23 (3) measurable results or major outcomes expected to be achieved by the child with
 65.24 the family's assistance, that include developmentally appropriate preliteracy and language
 65.25 skills for the child, and the criteria, procedures, and timelines;

65.26 (4) specific early intervention services based on peer-reviewed research, to the
 65.27 extent practicable, necessary to meet the unique needs of the child and the family to
 65.28 achieve the outcomes;

65.29 (5) payment arrangements, if any;

65.30 (6) medical and other services that the child needs, but that are not required under
 65.31 the Individual with Disabilities Education Act, United States Code, title 20, section 1471
 65.32 et seq. (Part C, Public Law 108-446) including funding sources to be used in paying for
 65.33 those services and the steps that will be taken to secure those services through public
 65.34 or private sources;

65.35 (7) dates and duration of early intervention services;

66.1 (8) name of the service coordinator;

66.2 (9) steps to be taken to support a child's transition from early infant and toddler
 66.3 intervention services to other appropriate services, including convening a transition
 66.4 conference at least 90 days or, at the discretion of all parties, not more than nine months
 66.5 before the child is eligible for preschool services; and

66.6 (10) ~~signature of the parent and~~ authorized signatures of the agencies responsible
 66.7 for providing, paying for, or facilitating payment, or any combination of these, for early
 66.8 infant and toddler intervention services.

66.9 Sec. 11. Minnesota Statutes 2012, section 125A.33, is amended to read:

66.10 **125A.33 SERVICE COORDINATION.**

66.11 (a) The team responsible for the initial evaluation and the child- and family-directed
 66.12 assessment and for developing the IFSP under section 125A.32, if appropriate, must
 66.13 select a service coordinator to carry out service coordination activities on an interagency
 66.14 basis. Service coordination must actively promote a family's capacity and competency
 66.15 to identify, obtain, coordinate, monitor, and evaluate resources and services to meet the
 66.16 family's needs. Service coordination activities include:

66.17 (1) coordinating the performance of evaluations and assessments;

66.18 (2) facilitating and participating in the development, review, and evaluation of
 66.19 individualized family service plans;

66.20 (3) assisting families in identifying available service providers;

66.21 (4) coordinating and monitoring the delivery of available services;

66.22 (5) informing families of the availability of advocacy services;

66.23 (6) coordinating with medical, health, and other service providers;

66.24 (7) facilitating the development of a transition plan to preschool, school, or if
 66.25 appropriate, to other services, at least 90 days before the time the child is no longer
 66.26 eligible for early infant and toddler intervention services or, at the discretion of all parties,
 66.27 not more than nine months prior to the child's ~~eligibility for preschool services~~ third
 66.28 birthday, if appropriate;

66.29 (8) managing the early intervention record and submitting additional information to
 66.30 the local primary agency at the time of periodic review and annual evaluations; and

66.31 (9) notifying a local primary agency when disputes between agencies impact service
 66.32 delivery required by an IFSP.

66.33 (b) A service coordinator must be knowledgeable about children and families
 66.34 receiving services under this section, requirements of state and federal law, and services
 66.35 available in the interagency early childhood intervention system. The IFSP must include

67.1 the name of the services coordinator from the profession most relevant to the child's or
 67.2 family's needs or who is otherwise qualified to carry out all applicable responsibilities
 67.3 under the Individuals with Disabilities Education Act, United States Code, title 20,
 67.4 sections 1471 to 1485 (Part C, Public Law 102-119), who will be responsible for
 67.5 implementing the early intervention services identified in the child's IFSP, including
 67.6 transition services, and coordination with other agencies and persons.

67.7 Sec. 12. Minnesota Statutes 2012, section 125A.35, subdivision 1, is amended to read:

67.8 Subdivision 1. **Lead agency; allocation of resources.** The state lead agency must
 67.9 administer the early intervention account that consists of federal allocations. The Part C
 67.10 state plan must state the amount of federal resources in the early intervention account
 67.11 available for use by local agencies. The state lead agency must distribute the funds to the
 67.12 local primary agency designated by an Interagency Early Intervention Committee based
 67.13 on a formula that includes a December 1 count of the prior year of Part C eligible children
 67.14 for the following purposes:

67.15 (1) as provided in Code of Federal Regulations, title 34, part ~~303.425~~ 303.430, to
 67.16 arrange for payment for early intervention services not elsewhere available, or to pay for
 67.17 services during the pendency of a conflict procedure, including mediation, complaints, due
 67.18 process hearings, and interagency disputes; and

67.19 (2) to support interagency child find system activities.

67.20 Sec. 13. Minnesota Statutes 2012, section 125A.36, is amended to read:

67.21 **125A.36 PAYMENT FOR SERVICES.**

67.22 Core early intervention services must be provided at public expense with no cost to
 67.23 parents. Parents must be requested to assist in the cost of additional early intervention
 67.24 services by using third-party payment sources ~~and applying for available resources.~~
 67.25 Payment structures permitted under state law must be used to pay for additional early
 67.26 intervention services. Parental financial responsibility must be clearly defined in the
 67.27 IFSP. A parent's inability to pay must not prohibit a child from receiving needed early
 67.28 intervention services.

67.29 Sec. 14. Minnesota Statutes 2012, section 125A.43, is amended to read:

67.30 **125A.43 MEDIATION PROCEDURE.**

67.31 (a) The commissioner, or the commissioner's designee, of the state lead agency must
 67.32 use federal funds to provide mediation for the activities in paragraphs (b) and (c).

68.1 (b) A parent may resolve a dispute regarding issues in section 125A.42, paragraph
 68.2 (b), clause (5), through mediation. If the parent chooses mediation, mediation must be
 68.3 voluntary on the part of the parties. The parent and the public agencies must complete the
 68.4 mediation process within 30 calendar days of the date the ~~Office of Dispute Resolution~~
 68.5 Department of Education receives a parent's written request for mediation unless a district
 68.6 declines mediation. The mediation process may not be used to delay a parent's right
 68.7 to a due process hearing. ~~The resolution of the~~ written, signed mediation agreement is
 68.8 not binding on any party both parties and is enforceable in any state court of competent
 68.9 jurisdiction or in a district court of the United States.

68.10 (c) Resolution of a dispute through mediation, or other form of alternative dispute
 68.11 resolution, is not limited to formal disputes arising from the objection of a parent or
 68.12 guardian and is not limited to the period following a request for a due process hearing.

68.13 (d) The commissioner shall provide training and resources to school districts to
 68.14 facilitate early identification of disputes and access to mediation.

68.15 (e) The local primary agency may request mediation on behalf of involved agencies
 68.16 when there are disputes between agencies regarding responsibilities to coordinate, provide,
 68.17 pay for, or facilitate payment for early intervention services.

68.18 **Sec. 15. RULEMAKING AUTHORITY.**

68.19 The commissioner of education shall amend Minnesota Rules related to the
 68.20 provision of special education under Part C of the Individuals with Disabilities Education
 68.21 Act using the expedited rulemaking process in Minnesota Statutes, section 14.389. The
 68.22 commissioner shall amend rules in response to new federal regulations in Code of
 68.23 Federal Regulations, title 34, part 303, including definitions of and procedures related to
 68.24 evaluation and assessment, including assessment of the child and family, initial evaluation
 68.25 and assessment, native language, the use of informed clinical opinion as an independent
 68.26 basis to establish eligibility, and transition of a toddler from Part C consistent with Code
 68.27 of Federal Regulations, title 34, sections 303.24, 303.25, and 303.321.

68.28 **Sec. 16. REPEALER.**

68.29 Minnesota Statutes 2012, section 125A.35, subdivisions 4 and 5, are repealed.

68.30 **ARTICLE 6**

68.31 **FACILITIES AND TECHNOLOGY**

68.32 Section 1. Minnesota Statutes 2012, section 124D.095, subdivision 10, is amended to
 68.33 read:

69.1 Subd. 10. **Online and Digital Learning Advisory Council.** (a) An Online and
 69.2 Digital Learning Advisory Council is established. The term for each council member shall
 69.3 be three years. The advisory council is composed of ~~12~~ 14 members from throughout the
 69.4 state who have demonstrated experience with or interest in online learning. Two members
 69.5 of the council must represent technology business. The remaining membership must
 69.6 represent the following interests:

- 69.7 (1) superintendents;
- 69.8 (2) special education specialists;
- 69.9 (3) technology directors;
- 69.10 (4) teachers;
- 69.11 (5) rural, urban, and suburban school districts;
- 69.12 (6) supplemental programs;
- 69.13 (7) full-time programs;
- 69.14 (8) consortia;
- 69.15 (9) charter schools;
- 69.16 (10) Board of Teaching-approved teacher preparation programs; and
- 69.17 (11) parents.

69.18 The members of the council shall be appointed by the commissioner.

69.19 (b) The advisory council shall bring to the attention of the commissioner and the
 69.20 legislature any matters related to online and digital learning and. The advisory council
 69.21 shall provide input to the department and the legislature in online learning matters related,
 69.22 but not restricted, to:

- 69.23 (1) quality assurance;
- 69.24 (2) teacher qualifications;
- 69.25 (3) program approval;
- 69.26 (4) special education;
- 69.27 (5) attendance;
- 69.28 (6) program design and requirements; and
- 69.29 (7) fair and equal access to programs.

69.30 ~~(b) By June 30, 2013,~~ (c) The Online Learning advisory council with the support of
 69.31 the Minnesota Department of Education and the Minnesota Learning Commons shall:

- 69.32 (1) oversee the development and maintenance of a catalog of publicly available
 69.33 digital learning content currently aligned to Minnesota academic standards to include:
 - 69.34 (i) indexing of Minnesota academic standards with which curriculum is aligned;
 - 69.35 (ii) a method for student and teacher users to provide evaluative feedback; and
 - 69.36 (iii) a plan for ongoing maintenance; and

70.1 (2) recommend methods for including student performance data on the digital
70.2 learning content within the catalog.

70.3 (d) The advisory council shall also consider and provide input to the department and
70.4 legislature on digital learning matters including, but not limited to:

70.5 (1) methods to maximize the effectiveness of technology and related instructional
70.6 strategies in teaching and learning to improve student outcomes and identify methods
70.7 for measuring the impact of using various forms of digital learning in and outside of
70.8 the classroom;

70.9 (2) the effective use of technology to advance a student's ability to learn 21st
70.10 century skills and knowledge and to involve parents in an education system that is more
70.11 transparent in terms of outcomes and processes by providing toolkits to help parents,
70.12 students, and schools make good decisions in the environment of choice;

70.13 (3) the use of technology for schools to personalize or differentiate learning to
70.14 the needs, abilities, and learning styles of each student and guide them towards greater
70.15 ownership of their learning, so that all students are digital learners and have access to
70.16 high-quality digital curriculum in every class and level;

70.17 (4) methods to prepare current and future educators, education leaders, and staff,
70.18 to provide professional development and collaboration around best practices to use, and
70.19 to evaluate the effectiveness of digital tools and instructional strategies to personalize or
70.20 differentiate education and focus on competency-based learning and advancement, so that
70.21 all teachers have a digital presence and use high-quality digital curriculum;

70.22 (5) methods to support collaborative efforts to leverage resources among districts or
70.23 at regional levels to provide digital resources, content, and curriculum;

70.24 (6) the barriers to improving the use of technology in the classroom, and methods
70.25 to ensure that each student has access to a digital device and high-speed Internet at
70.26 school and at home; and

70.27 (7) the current disparities in digital education across the state.

70.28 (e) The advisory council shall make policy recommendations to the commissioner
70.29 and committees of the legislature having jurisdiction over kindergarten through grade 12
70.30 education annually by December 15 of each year, including implementation plans based
70.31 on recommendations from previous councils and task forces related to online and digital
70.32 learning.

70.33 (e) (f) The Online and Digital Learning Advisory Council under this subdivision
70.34 expires June 30, ~~2013~~ 2016.

70.35 **Sec. 2. SCHOOL FACILITIES FINANCING WORK GROUP.**

71.1 The commissioner of education must convene a working group to develop
 71.2 recommendations for reforming the financing of prekindergarten through grade 12
 71.3 education facilities to create adequate, equitable, and sustainable financing of public
 71.4 school facilities throughout the state. Membership on the working group must include
 71.5 representatives of school superintendents, business managers, school facilities directors,
 71.6 and school boards. The scope of the working group recommendations must include
 71.7 funding options for facilities projects currently financed with debt service, alternative
 71.8 facilities, deferred maintenance, health and safety, building lease, and operating capital
 71.9 revenues. The commissioner, on behalf of the working group, must submit a report to the
 71.10 chairs and ranking minority members of the legislative committees and divisions with
 71.11 primary jurisdiction over kindergarten through grade 12 education finance by February 1,
 71.12 2014, recommending how best to allocate funds for school facilities.

71.13 **ARTICLE 7**

71.14 **LIBRARIES**

71.15 Section 1. Minnesota Statutes 2012, section 134.32, is amended to read:

71.16 **134.32 GRANT AUTHORIZATION; TYPES OF GRANTS AND AID.**

71.17 Subdivision 1. **Provision of grants.** The department shall provide the grants and aid
 71.18 specified in this section from any available state, federal, or other funds.

71.19 Subd. 3. **Regional library basic system support ~~grants~~ aid.** It shall provide
 71.20 regional library basic system support ~~grants~~ aid to regional public library systems which
 71.21 meet the requirements of section 134.34, to assist those systems in providing basic system
 71.22 services.

71.23 Subd. 4. **Special project grants.** It may provide special project grants to assist
 71.24 innovative and experimental library programs including, but not limited to, special
 71.25 services for American Indians and the Spanish-speaking, delivery of library materials to
 71.26 homebound persons, other extensions of library services to persons without access to
 71.27 libraries and projects to strengthen and improve library services.

71.28 Subd. 5. **Interlibrary exchange grants.** It may provide grants for interlibrary
 71.29 exchange of books, periodicals, resource material, reference information and the expenses
 71.30 incident to the sharing of library resources and materials, including planning, development
 71.31 and operating grants to multicounty, multitype library systems.

71.32 Subd. 6. **Library service grants.** It may provide grants for the improvement of
 71.33 library services at welfare and corrections institutions and for library service for the blind
 71.34 and physically disabled.

72.1 Subd. 7. **Construction or remodeling grants.** It may provide grants for
 72.2 construction or remodeling of library facilities from any state and federal funds specifically
 72.3 appropriated for this purpose.

72.4 Subd. 8. **Rulemaking.** (a) The commissioner shall promulgate rules consistent
 72.5 with sections 134.32 to 134.355 governing:

72.6 (1) applications for these grants and aid;

72.7 (2) computation formulas for determining the amounts of establishment grants and
 72.8 regional library basic system support ~~grants~~ aid; and

72.9 (3) eligibility criteria for grants and aid.

72.10 (b) To the extent allowed under federal law, a construction grant applicant, in
 72.11 addition to the points received under Minnesota Rules, part 3530.2632, shall receive an
 72.12 additional five points if the construction grant is for a project combining public library
 72.13 services and school district library services at a single location.

72.14 Sec. 2. Minnesota Statutes 2012, section 134.34, is amended to read:

72.15 **134.34 REGIONAL LIBRARY BASIC SYSTEM SUPPORT GRANTS AID;**
 72.16 **REQUIREMENTS.**

72.17 Subdivision 1. **Local support levels.** (a) ~~A~~ Regional library basic system support
 72.18 ~~grant aid~~ shall be ~~made~~ provided to any regional public library system where there are at
 72.19 least three participating counties and where each participating city and county is providing
 72.20 for public library service support the lesser of (a) an amount equivalent to .82 percent of
 72.21 the average of the adjusted net tax capacity of the taxable property of that city or county,
 72.22 as determined by the commissioner of revenue for the second, third, and fourth year
 72.23 preceding that calendar year or (b) a per capita amount calculated under the provisions of
 72.24 this subdivision. The per capita amount is established for calendar year 1993 as \$7.62.
 72.25 In succeeding calendar years, the per capita amount shall be increased by a percentage
 72.26 equal to one-half of the percentage by which the total state adjusted net tax capacity of
 72.27 property as determined by the commissioner of revenue for the second year preceding
 72.28 that calendar year increases over that total adjusted net tax capacity for the third year
 72.29 preceding that calendar year.

72.30 (b) The minimum level of support specified under this subdivision or subdivision 4
 72.31 shall be certified annually to the participating cities and counties by the Department of
 72.32 Education. If a city or county chooses to reduce its local support in accordance with
 72.33 subdivision 4, paragraph (b) or (c), it shall notify its regional public library system. The
 72.34 regional public library system shall notify the Department of Education that a revised

73.1 certification is required. The revised minimum level of support shall be certified to the
73.2 city or county by the Department of Education.

73.3 (c) A city which is a part of a regional public library system shall not be required to
73.4 provide this level of support if the property of that city is already taxable by the county for
73.5 the support of that regional public library system. In no event shall the Department of
73.6 Education require any city or county to provide a higher level of support than the level
73.7 of support specified in this section in order for a system to qualify for a regional library
73.8 basic system support ~~grant aid~~. This section shall not be construed to prohibit a city or
73.9 county from providing a higher level of support for public libraries than the level of
73.10 support specified in this section.

73.11 Subd. 3. **Regional designation.** Regional library basic system support ~~grants aid~~
73.12 shall be ~~made~~ provided only to those regional public library systems officially designated
73.13 by the commissioner of education as the appropriate agency to strengthen, improve and
73.14 promote public library services in the participating areas. The commissioner of education
73.15 shall designate no more than one such regional public library system located entirely within
73.16 any single development region existing under sections 462.381 to 462.398 or chapter 473.

73.17 Subd. 4. **Limitation.** (a) For calendar year 2010 and later, a regional library basic
73.18 system support ~~grant aid~~ shall not be ~~made~~ provided to a regional public library system
73.19 for a participating city or county which decreases the dollar amount provided for support
73.20 for operating purposes of public library service below the amount provided by it for the
73.21 second, or third preceding year, whichever is less. For purposes of this subdivision and
73.22 subdivision 1, any funds provided under section 473.757, subdivision 2, for extending
73.23 library hours of operation shall not be considered amounts provided by a city or county for
73.24 support for operating purposes of public library service. This subdivision shall not apply
73.25 to participating cities or counties where the adjusted net tax capacity of that city or county
73.26 has decreased, if the dollar amount of the reduction in support is not greater than the dollar
73.27 amount by which support would be decreased if the reduction in support were made in
73.28 direct proportion to the decrease in adjusted net tax capacity.

73.29 (b) For calendar year 2009 and later, in any calendar year in which a city's or
73.30 county's aid under sections 477A.011 to 477A.014 or credit reimbursement under section
73.31 273.1384 is reduced after the city or county has certified its levy payable in that year, it
73.32 may reduce its local support by the lesser of:

73.33 (1) ten percent; or

73.34 (2) a percent equal to the ratio of the aid and credit reimbursement reductions to the
73.35 city's or county's revenue base, based on aids certified for the current calendar year. For
73.36 calendar year 2009 only, the reduction under this paragraph shall be based on 2008 aid and

74.1 credit reimbursement reductions under the December 2008 unallotment, as well as any
 74.2 aid and credit reimbursement reductions in calendar year 2009. For pay 2009 only, the
 74.3 commissioner of revenue will calculate the reductions under this paragraph and certify
 74.4 them to the commissioner of education within 15 days of May 17, 2009.

74.5 (c) For taxes payable in 2010 and later, in any payable year in which the total
 74.6 amounts certified for city or county aids under sections 477A.011 to 477A.014 are less
 74.7 than the total amounts paid under those sections in the previous calendar year, a city or
 74.8 county may reduce its local support by the lesser of:

74.9 (1) ten percent; or

74.10 (2) a percent equal to the ratio of:

74.11 (i) the difference between (A) the sum of the aid it was paid under sections
 74.12 477A.011 to 477A.014 and the credit reimbursement it received under section 273.1384
 74.13 in the previous calendar year and (B) the sum of the aid it is certified to be paid in the
 74.14 current calendar year under sections 477A.011 to 477A.014 and the credit reimbursement
 74.15 estimated to be paid under section 273.1384; to

74.16 (ii) its revenue base for the previous year, based on aids actually paid in the previous
 74.17 calendar year. The commissioner of revenue shall calculate the percent aid cut for each
 74.18 county and city under this paragraph and certify the percentage cuts to the commissioner
 74.19 of education by August 1 of the year prior to the year in which the reduced aids and
 74.20 credit reimbursements are to be paid. The percentage of reduction related to reductions
 74.21 to credit reimbursements under section 273.1384 shall be based on the best estimation
 74.22 available as of July 30.

74.23 (d) Notwithstanding paragraph (a), (b), or (c), no city or county shall reduce its
 74.24 support for public libraries below the minimum level specified in subdivision 1.

74.25 (e) For purposes of this subdivision, "revenue base" means the sum of:

74.26 (1) its levy for taxes payable in the current calendar year, including the levy on
 74.27 the fiscal disparities distribution under section 276A.06, subdivision 3, paragraph (a),
 74.28 or 473F.08, subdivision 3, paragraph (a);

74.29 (2) its aid under sections 477A.011 to 477A.014 in the current calendar year; and

74.30 (3) its taconite aid in the current calendar year under sections 298.28 and 298.282.

74.31 **Subd. 7. Proposed budget.** In addition to the annual report required in section
 74.32 134.13, a regional public system that receives a basic system support ~~grant~~ aid under this
 74.33 section must provide each participating county and city with its proposed budget for
 74.34 the next year.

74.35 Sec. 3. Minnesota Statutes 2012, section 134.351, subdivision 3, is amended to read:

75.1 Subd. 3. **Agreement.** In order for a multicounty, multitype library system to qualify
 75.2 for a planning, development or operating ~~grant~~ aid pursuant to sections 134.353 and
 75.3 134.354, each participating library in the system shall adopt an organizational agreement
 75.4 providing for the following:

- 75.5 (a) Sharing of resources among all participating libraries;
- 75.6 (b) Long-range planning for cooperative programs;
- 75.7 (c) The development of a delivery system for services and programs;
- 75.8 (d) The development of a bibliographic database; and
- 75.9 (e) A communications system among all cooperating libraries.

75.10 Sec. 4. Minnesota Statutes 2012, section 134.351, subdivision 7, is amended to read:

75.11 Subd. 7. **Reports.** Each multicounty, multitype system receiving a ~~grant~~ aid
 75.12 pursuant to section 134.353 or 134.354 shall provide an annual progress report to the
 75.13 Department of Education.

75.14 Sec. 5. Minnesota Statutes 2012, section 134.353, is amended to read:

75.15 **134.353 MULTICOUNTY, MULTITYPE LIBRARY SYSTEM**
 75.16 **DEVELOPMENT GRANT AID.**

75.17 The commissioner of education may provide development ~~grants~~ aid to multicounty,
 75.18 multitype library systems. In awarding a development ~~grant~~ aid, the commissioner shall
 75.19 consider the extra costs incurred in systems located in sparsely populated and large
 75.20 geographic regions.

75.21 Sec. 6. Minnesota Statutes 2012, section 134.354, is amended to read:

75.22 **134.354 MULTICOUNTY, MULTITYPE LIBRARY SYSTEM OPERATING**
 75.23 **GRANT AID.**

75.24 The commissioner of education may provide operating ~~grants~~ aid to multicounty,
 75.25 multitype library systems. In awarding ~~an~~ operating ~~grant~~ aid, the commissioner shall
 75.26 consider the extra costs incurred in systems located in sparsely populated and large
 75.27 geographic areas.

75.28 Sec. 7. Minnesota Statutes 2012, section 134.355, subdivision 1, is amended to read:

75.29 Subdivision 1. **Appropriations.** Basic system support ~~grants~~ aid and regional library
 75.30 telecommunications aid provide the appropriations for the basic regional library system.

75.31 Sec. 8. Minnesota Statutes 2012, section 134.355, subdivision 2, is amended to read:

76.1 Subd. 2. **Grant application.** Any regional public library system which qualifies
76.2 according to the provisions of section 134.34 may apply for ~~an annual grant aid~~ for
76.3 regional library basic system support. Regional public library districts under section
76.4 134.201 may not compensate board members using ~~grant aid~~ funds. The amount of ~~each~~
76.5 ~~grant aid~~ for each fiscal year shall be calculated as provided in this section.

76.6 Sec. 9. Minnesota Statutes 2012, section 134.355, subdivision 3, is amended to read:

76.7 Subd. 3. **Per capita distribution.** Fifty-seven and one-half percent of the available
76.8 ~~grant aid~~ funds shall be distributed to provide all qualifying systems an equal amount
76.9 per capita. Each system's allocation pursuant to this subdivision shall be based on the
76.10 population it serves.

76.11 Sec. 10. Minnesota Statutes 2012, section 134.355, subdivision 4, is amended to read:

76.12 Subd. 4. **Per square mile distribution.** Twelve and one-half percent of the
76.13 available ~~grant aid~~ funds shall be distributed to provide all qualifying systems an equal
76.14 amount per square mile. Each system's allocation pursuant to this subdivision shall be
76.15 based on the area it serves.

76.16 Sec. 11. Minnesota Statutes 2012, section 134.355, subdivision 5, is amended to read:

76.17 Subd. 5. **Base ~~grant aid~~ distribution.** Five percent of the available ~~grant aid~~ funds
76.18 shall be paid to each system as a base ~~grant aid~~ for basic system services.

76.19 Sec. 12. Minnesota Statutes 2012, section 134.355, subdivision 6, is amended to read:

76.20 Subd. 6. **Adjusted net tax capacity per capita distribution.** Twenty-five percent
76.21 of the available ~~grant aid~~ funds shall be distributed to regional public library systems based
76.22 upon the adjusted net tax capacity per capita for each member county or participating
76.23 portion of a county as calculated for the second year preceding the fiscal year for which
76.24 ~~the grant aid is made provided.~~ Each system's entitlement shall be calculated as follows:

76.25 (a) Multiply the adjusted net tax capacity per capita for each county or participating
76.26 portion of a county by .0082.

76.27 (b) Add sufficient ~~grant aid~~ funds that are available under this subdivision to raise
76.28 the amount of the county or participating portion of a county with the lowest value
76.29 calculated according to paragraph (a) to the amount of the county or participating portion
76.30 of a county with the next highest value calculated according to paragraph (a). Multiply the
76.31 amount of the additional ~~grant aid~~ funds by the population of the county or participating
76.32 portion of a county.

77.1 (c) Continue the process described in paragraph (b) by adding sufficient grant aid
 77.2 funds that are available under this subdivision to the amount of a county or participating
 77.3 portion of a county with the next highest value calculated in paragraph (a) to raise it and
 77.4 the amount of counties and participating portions of counties with lower values calculated
 77.5 in paragraph (a) up to the amount of the county or participating portion of a county
 77.6 with the next highest value, until reaching an amount where funds available under this
 77.7 subdivision are no longer sufficient to raise the amount of a county or participating portion
 77.8 of a county and the amount of counties and participating portions of counties with lower
 77.9 values up to the amount of the next highest county or participating portion of a county.

77.10 (d) If the point is reached using the process in paragraphs (b) and (c) at which the
 77.11 remaining grant aid funds under this subdivision are not adequate for raising the amount of
 77.12 a county or participating portion of a county and all counties and participating portions of
 77.13 counties with amounts of lower value to the amount of the county or participating portion
 77.14 of a county with the next highest value, those funds are to be divided on a per capita basis
 77.15 for all counties or participating portions of counties that received grant aid funds under
 77.16 the calculation in paragraphs (b) and (c).

77.17 Sec. 13. Minnesota Statutes 2012, section 134.36, is amended to read:

77.18 **134.36 RULES.**

77.19 The commissioner of education shall promulgate rules as necessary for
 77.20 implementation of library grant and aid programs.

77.21 Sec. 14. **REVISOR'S INSTRUCTION.**

77.22 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall substitute
 77.23 the term "Division of State Library Services" for "Library Development and Services,"
 77.24 "Office of Library Development and Services," or "LDS" where "LDS" stands for "Library
 77.25 Development and Services." The revisor shall also make grammatical changes related
 77.26 to the changes in terms.

77.27 **ARTICLE 8**

77.28 **EARLY CHILDHOOD EDUCATION, SELF-SUFFICIENCY, AND**
 77.29 **LIFELONG LEARNING**

77.30 Section 1. Minnesota Statutes 2012, section 124D.52, is amended by adding a
 77.31 subdivision to read:

77.32 Subd. 8. **Standard high school diploma for adults.** (a) The commissioner shall
 77.33 adopt rules for providing a standard adult high school diploma to persons who:

78.1 (1) are not eligible for kindergarten through grade 12 services;
 78.2 (2) do not have a high school diploma; and
 78.3 (3) successfully complete an adult basic education program of instruction approved
 78.4 by the commissioner of education necessary to earn an adult high school diploma.

78.5 (b) Persons participating in an approved adult basic education program of instruction
 78.6 must demonstrate proficiency in a standard set of competencies that reflect the knowledge
 78.7 and skills sufficient to ensure that postsecondary programs and institutions and potential
 78.8 employers regard persons with a standard high school diploma and persons with a standard
 78.9 adult high school diploma as equally well prepared and qualified graduates. Approved
 78.10 adult basic education programs of instruction under this subdivision must issue a standard
 78.11 adult high school diploma to persons who successfully demonstrate proficiency in the
 78.12 competencies, knowledge, and skills required by the program.

78.13 **EFFECTIVE DATE.** This section is effective July 1, 2014.

78.14 Sec. 2. Laws 2011, First Special Session chapter 11, article 7, section 2, subdivision 8,
 78.15 as amended by Laws 2012, chapter 239, article 3, section 4, is amended to read:

78.16 Subd. 8. **Early childhood education scholarships.** For grants to early childhood
 78.17 education scholarships for public or private early childhood preschool programs for
 78.18 children ages 3 to 5:

78.19 \$ 2,000,000 2013

78.20 (a) All children whose parents or legal guardians meet the eligibility requirements
 78.21 of paragraph (b) established by the commissioner are eligible to receive early childhood
 78.22 education scholarships under this section.

78.23 (b) A parent or legal guardian is eligible for an early childhood education scholarship
 78.24 if the parent or legal guardian:

78.25 (1) has a child three or four years of age on September 1, beginning in calendar
 78.26 year 2012; and

78.27 (2)(i) has income equal to or less than 47 percent of the state median income in the
 78.28 current calendar year; or

78.29 (ii) can document their child's identification through another public funding
 78.30 eligibility process, including the Free and Reduced Price Lunch Program, National School
 78.31 Lunch Act, United States Code, title 42, section 1751, part 210; Head Start under federal
 78.32 Improving Head Start for School Readiness Act of 2007; Minnesota family investment
 78.33 program under chapter 256J; and child care assistance programs under chapter 119B.

79.1 Early childhood scholarships may not be counted as earned income for the purposes of
 79.2 medical assistance, MinnesotaCare, MFIP, child care assistance, or Head Start programs.

79.3 Each year, if this appropriation is insufficient to provide early childhood education
 79.4 scholarships to all eligible children, the Department of Education shall make scholarships
 79.5 available on a first-come, first-served basis.

79.6 The commissioner of education shall submit a written report to the education
 79.7 committees of the legislature by January 15, 2012, describing its plan for implementation
 79.8 of scholarships under this subdivision for the 2012-2013 school year.

79.9 Any balance in the first year does not cancel but is available in the second year.

79.10 The base for this program is \$3,000,000 each year.

79.11 **Sec. 3. STANDARD ADULT HIGH SCHOOL DIPLOMA ADVISORY TASK**
 79.12 **FORCE.**

79.13 Subdivision 1. **Establishment.** The commissioner of education shall appoint a
 79.14 nine-member advisory task force to recommend programmatic requirements for adult
 79.15 basic education programs of instruction leading to a standard adult high school diploma
 79.16 under Minnesota Statutes, section 124D.52, subdivision 8.

79.17 Subd. 2. **Membership.** The commissioner of education must appoint representatives
 79.18 from the following organizations to the task force by July 1, 2013:

79.19 (1) one employee of the Department of Education with expertise in adult basic
 79.20 education;

79.21 (2) five administrators and secondary teachers with expertise in development of
 79.22 education curriculum from local adult basic education programs located in rural, suburban,
 79.23 and urban areas of the state, at least one of whom represents the Literacy Action network;

79.24 (3) one employee of the Minnesota State Colleges and Universities with expertise
 79.25 in adult basic education;

79.26 (4) one employee of the Department of Employment and Economic Development
 79.27 with expertise in adult basic education and employment; and

79.28 (5) one member of the Minnesota Chamber of Commerce familiar with adult basic
 79.29 education programs under Minnesota Statutes, section 124D.52.

79.30 Subd. 3. **Duties.** The duties of the task force shall include:

79.31 (1) reviewing "Minnesota Adult Secondary Credential: a Student Strategy for
 79.32 Workforce Readiness and Individual Prosperity," a report submitted in 2012 by the
 79.33 Minnesota Adult Secondary Task Force, and other relevant materials; and

79.34 (2) developing specific criteria to be used in awarding the new adult diploma.

80.1 Subd. 4. **First meeting.** The commissioner of education must convene the first
80.2 meeting of the task force by August 1, 2013.

80.3 Subd. 5. **Chair.** The commissioner shall appoint a chair.

80.4 Subd. 6. **Compensation.** Task force members are not eligible for compensation or
80.5 reimbursement for expenses related to task force activities.

80.6 Subd. 7. **Assistance.** The commissioner, upon request, must provide technical
80.7 assistance to task force members.

80.8 Subd. 8. **Report.** By February 1, 2014, the task force must submit its
80.9 recommendations to the commissioner of education for providing a standard adult high
80.10 school diploma to persons who are not eligible for kindergarten through grade 12 services,
80.11 who do not have a high school diploma, and who successfully complete an approved adult
80.12 basic education program of instruction necessary to earn an adult high school diploma.
80.13 The commissioner must consider these recommendations when adopting rules under
80.14 Minnesota Statutes, section 124D.52, subdivision 8.

80.15 Subd. 9. **Sunset.** The task force sunsets the day after submitting its report under
80.16 subdivision 8, or February 2, 2014, whichever is earlier.

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

APPENDIX
Article locations in S0978-2

ARTICLE 1	GENERAL EDUCATION	Page.Ln 1.23
ARTICLE 2	STUDENT ACCOUNTABILITY	Page.Ln 8.5
ARTICLE 3	EDUCATION EXCELLENCE	Page.Ln 14.27
ARTICLE 4	CHARTER SCHOOLS	Page.Ln 29.1
ARTICLE 5	SPECIAL PROGRAMS	Page.Ln 53.4
ARTICLE 6	FACILITIES AND TECHNOLOGY	Page.Ln 68.30
ARTICLE 7	LIBRARIES	Page.Ln 71.13
ARTICLE 8	EARLY CHILDHOOD EDUCATION, SELF-SUFFICIENCY, AND LIFELONG LEARNING	Page.Ln 77.27

125A.35 EARLY INTERVENTION SERVICE DOLLARS.

Subd. 4. **Expenditures; early intervention services.** Each county board must continue to spend for early intervention services under section 125A.27, subdivision 6, an amount equal to the total county expenditure during the period from January 1, 1993, to December 31, 1993, for these same services. The commissioner of human services, in consultation with the commissioner of health and the association of Minnesota counties, must establish a process for determining base year 1993 expenditures.

Subd. 5. **Increased costs.** County boards that have submitted base year 1993 expenditures as required under subdivision 4 are not required to pay any increased cost over the base year 1993 for early intervention services resulting from implementing the early intervention system. Increased costs to county boards may be paid for with early intervention service dollars.

3501.0505 KINDERGARTEN STANDARDS.

Subpart 1. **Reading and literature.** The student will listen to and begin to read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness) and of the sound-symbol relationship (phonics).

B. Vocabulary expansion. The student will use a variety of strategies to develop and expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will listen to and understand the meaning of text.

D. Literature. The student will read or listen to a variety of texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. Writing is addressed in subpart 1, item A.

B. Elements of composition. Standards under this heading may be locally determined.

C. Spelling, grammar, and usage. The student will begin to recognize correct spelling and punctuation.

D. Research. Standards under this heading may be locally determined.

E. Handwriting and word processing. The student will form letters and numbers.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will communicate effectively through listening and speaking.

B. Viewing. The student will become familiar with the structure of printed material.

3501.0510 GRADE 1 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness), the sound-symbol relationship (phonics), and word recognition strategies to read grade-level materials with accuracy and emerging fluency.

B. Vocabulary expansion. The student will use a variety of strategies to develop and expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will actively engage in the reading process and use a variety of comprehension strategies to understand the meaning of texts that have been read or listened to.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to communicate effectively for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will demonstrate emerging knowledge of a writing process with attention to organization, topic, and quality of ideas.

C. Spelling, grammar, and usage. The student will demonstrate emerging knowledge of punctuation, spelling, and capitalization.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will improve the student's handwriting.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will communicate effectively through listening and speaking.

B. Viewing. The student will become familiar with the structure of printed material.

3501.0515 GRADE 2 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness), the sound-symbol relationship (phonics), and word recognition strategies to read grade-level materials with accuracy and fluency.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will actively engage in the reading process and use a variety of comprehension strategies to understand the meaning of texts that have been read.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes, demonstrating an emerging knowledge and application of skills.

A. Types of writing. The student will compose narrative and informational pieces of writing.

B. Elements of composition. The student will demonstrate increased emerging knowledge in a writing process, with attention to organization, focus, and quality of ideas.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will begin to write legibly.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Viewing. The student will become familiar with the structure of printed material.

3501.0520 GRADE 3 STANDARDS.

Subpart 1. **Word recognition, analysis, and fluency.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will apply word recognition strategies to decode unfamiliar multisyllabic words and will read grade-appropriate text with accuracy and fluency.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts using a variety of comprehension strategies and will demonstrate literal, interpretive, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to communicate effectively for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, and quality of ideas.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly.

Subp. 3. **Speaking, listening, and viewing.**

APPENDIX
Repealed Minnesota Rule: S0978-2

- A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.
- B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0525 GRADE 4 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

- A. Word recognition, analysis, and fluency. The student will decode unfamiliar words using phonetic and structural analysis and will read with fluency and expression.
- B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.
- C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.
- D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

- A. Types of writing. The student will compose various pieces of writing.
- B. Elements of composition. The student will engage in writing, with attention to organization, focus, and quality of ideas.
- C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.
- D. Research. The student will locate and use information in reference materials.
- E. Handwriting and word processing. The student will write legibly and use a keyboard.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

- A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.
- B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0530 GRADE 5 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

- A. Word recognition, analysis, and fluency. The student will decode unfamiliar words using phonetic and structural analysis and will read with fluency and expression.
- B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.
- C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.
- D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

- A. Types of writing. The student will compose various pieces of writing.
- B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, quality of ideas, audience, and a purpose.
- C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.
- D. Research. The student will locate and use information in reference materials.
- E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

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Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0535 GRADE 6 STANDARDS.

Subpart 1. **Reading and literature.** Students will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will read with accuracy and fluency.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of informational, expository, or persuasive texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will create informative, expressive, and persuasive writing.

B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0540 GRADE 7 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will read with accuracy and fluency.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently for a variety of audiences and purposes.

A. Types of writing. The student will create informative, expressive, and persuasive writing.

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- B. Elements of composition. The student will engage in a writing process, with attention to context, organization, focus, quality of ideas, and a purpose.
- C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.
- D. Research. The student will locate and use information in reference materials.
- E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0545 GRADE 8 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. Standards under this heading may be locally determined and based on the individual needs of the student.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts using a variety of strategies and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will create informative, expressive, and persuasive writing.

B. Elements of composition. The student will engage in a writing process with attention to context, organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences, and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0550 GRADES 9 THROUGH 12 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. Standards under this heading may be locally determined.

B. Vocabulary expansion. The student will apply a variety of strategies to expand vocabulary.

C. Comprehension. The student will understand the meaning of informational, expository, or persuasive texts, using a variety of strategies and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

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D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently for a variety of audiences and purposes.

A. Type of writing. The student will write in narrative, expository, descriptive, persuasive, and critical modes.

B. Elements of composition. The student will engage in a writing process with attention to audience, organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. Standards under this heading may be locally determined.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.