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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2078

02/01/2012 Authored by Dittrich, Erickson and Slocum
The bill was read for the first time and referred to the Committee on Education Finance
02/16/2012 Adoption of Report: Pass and Read Second Time
03/15/2012 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
03/26/2012 Passed by the Senate as Amended and returned to the House
03/28/2012 The House concurred in the Senate Amendments and repassed the bill as Amended

1.1 A bill for an act
1.2 relating to education finance; expanding use of nonpublic pupil textbook aid;
1.3 amending Minnesota Statutes 2010, sections 123B.41, by adding a subdivision;
1.4 123B.42; 123B.43; Minnesota Statutes 2011 Supplement, section 123B.41,
1.5 subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2011 Supplement, section 123B.41, subdivision 2, is
1.8 amended to read:

1.9 Subd. 2. **Textbook.** (a) "Textbook" means any book or book substitute, including
1.10 electronic books as well as other printed materials delivered electronically, which a pupil
1.11 uses as a text or text substitute in a particular class or program in the school regularly
1.12 attended and a copy of which is expected to be available for the individual use of each
1.13 pupil in this class or program.

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

1.19 (c) For purposes of sections 123B.40 to 123B.48, ~~the term includes~~ terms "textbook"
1.20 and "software or other educational technology" include only such secular, neutral, and
1.21 nonideological ~~textbooks~~ materials as are available, used by, or of benefit to Minnesota
1.22 public school pupils.

1.23 EFFECTIVE DATE. This section is effective July 1, 2012.

2.1 Sec. 2. Minnesota Statutes 2010, section 123B.41, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 5a. **Software or other educational technology.** For purposes of sections
2.4 123B.42 and 123B.43, "software or other educational technology" includes software,
2.5 programs, applications, hardware, and any other electronic educational technology.

2.6 **EFFECTIVE DATE.** This section is effective July 1, 2012.

2.7 Sec. 3. Minnesota Statutes 2010, section 123B.42, is amended to read:

2.8 **123B.42 TEXTBOOKS; INDIVIDUAL INSTRUCTION OR COOPERATIVE**
2.9 **LEARNING MATERIAL; STANDARD TESTS.**

2.10 Subdivision 1. **Providing education materials and tests.** The commissioner of
2.11 education shall promulgate rules under the provisions of chapter 14 requiring that in
2.12 each school year, based upon formal requests by or on behalf of nonpublic school pupils
2.13 in a nonpublic school, the local districts or intermediary service areas must purchase or
2.14 otherwise acquire textbooks, individualized instructional or cooperative learning materials,
2.15 software or other educational technology, and standardized tests and loan or provide them
2.16 for use by children enrolled in that nonpublic school. These textbooks, individualized
2.17 instructional or cooperative learning materials, software or other educational technology,
2.18 and standardized tests must be loaned or provided free to the children for the school year
2.19 for which requested. The loan or provision of the textbooks, individualized instructional or
2.20 cooperative learning materials, and standardized tests shall be subject to rules prescribed
2.21 by the commissioner of education.

2.22 Subd. 1a. **Curriculum; electronic components.** A school district that provides
2.23 curriculum to resident students that has both physical and electronic components must
2.24 make the electronic component accessible to a resident student in a home school in
2.25 compliance with sections 120A.22 and 120A.24 at the request of the student or the
2.26 student's parent or guardian, provided that the district does not incur more than an
2.27 incidental cost as a result of providing access electronically.

2.28 Subd. 2. **Title to education materials and tests.** The title to textbooks,
2.29 individualized instructional or cooperative learning materials, software or other
2.30 educational technology, and standardized testing materials must remain in the servicing
2.31 school district or intermediary service area, and possession or custody may be granted
2.32 or charged to administrators of the nonpublic school attended by the nonpublic school
2.33 pupil or pupils to whom the textbooks, individualized instructional or cooperative learning
2.34 materials, or standardized tests are loaned or provided.

3.1 Subd. 3. **Cost; limitation.** (a) The cost per pupil of the textbooks, individualized
3.2 instructional or cooperative learning materials, software or other educational technology,
3.3 and standardized tests provided for in this section for each school year must not exceed the
3.4 statewide average expenditure per pupil, adjusted pursuant to clause (b), by the Minnesota
3.5 public elementary and secondary schools for textbooks, individualized instructional
3.6 materials and standardized tests as computed and established by the department by
3.7 February 1 of the preceding school year from the most recent public school year data
3.8 then available.

3.9 (b) The cost computed in clause (a) shall be increased by an inflation adjustment
3.10 equal to the percent of increase in the formula allowance, pursuant to section 126C.10,
3.11 subdivision 2, from the second preceding school year to the current school year.

3.12 (c) The commissioner shall allot to the districts or intermediary service areas the
3.13 total cost for each school year of providing or loaning the textbooks, individualized
3.14 instructional or cooperative learning materials, software or other educational technology,
3.15 and standardized tests for the pupils in each nonpublic school. The allotment shall not
3.16 exceed the product of the statewide average expenditure per pupil, according to clause
3.17 (a), adjusted pursuant to clause (b), multiplied by the number of nonpublic school pupils
3.18 who make requests pursuant to this section and who are enrolled as of September 15 of
3.19 the current school year.

3.20 **EFFECTIVE DATE.** This section is effective July 1, 2012.

3.21 Sec. 4. Minnesota Statutes 2010, section 123B.43, is amended to read:

3.22 **123B.43 USE OF INDIVIDUALIZED INSTRUCTIONAL MATERIALS.**

3.23 (a) The commissioner shall assure that textbooks and individualized instructional
3.24 materials loaned to nonpublic school pupils are secular, neutral, nonideological and that
3.25 they are incapable of diversion for religious use.

3.26 (b) Textbooks ~~and~~ individualized instructional materials, software or other
3.27 educational technology must not be used in religious courses, devotional exercises,
3.28 religious training or any other religious activity.

3.29 (c) Textbooks and individualized instructional materials must be loaned only to
3.30 individual pupils upon the request of a parent or guardian or the pupil on a form designated
3.31 for this use by the commissioner. The request forms shall provide for verification by the
3.32 parent or guardian or pupil that the requested textbooks and individualized instructional
3.33 materials are for the use of the individual pupil in connection with a program of instruction
3.34 in the pupil's elementary or secondary school.

4.1 (d) The servicing school district or the intermediary service area must take adequate
4.2 measures to ensure an accurate and periodic inventory of all textbooks ~~and~~, individualized
4.3 instructional materials, software or other educational technology loaned to elementary
4.4 and secondary school pupils attending nonpublic schools. The commissioner of education
4.5 shall promulgate rules under the provisions of chapter 14 to terminate the eligibility of
4.6 any nonpublic school pupil if the commissioner determines, after notice and opportunity
4.7 for hearing, that the textbooks ~~or~~, individualized instructional materials, or software or
4.8 other educational technology, have been used in a manner contrary to the provisions of
4.9 section 123B.41, subdivision 5, 123B.42, or this section or any rules promulgated by
4.10 the commissioner of education.

4.11 (e) Nothing contained in section 123B.41, subdivision 5, 123B.42, or this section
4.12 shall be construed to authorize the making of any payments to a nonpublic school or its
4.13 faculty, staff or administrators for religious worship or instruction or for any other purpose.

4.14 **EFFECTIVE DATE.** This section is effective July 1, 2012.