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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 950

02/10/2021 Authored by Richardson, Vang, Keeler and Freiberg
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying provisions for prekindergarten through grade 12
1.3 including general education; education excellence; inclusive and welcoming
1.4 schools; health and well-being; teachers; charter schools; nutrition and libraries;
1.5 early childhood; post-secondary enrollment options and graduation; making
1.6 technical corrections; requiring reports; amending Minnesota Statutes 2020, sections
1.7 13.32, subdivision 3; 120A.22, subdivisions 7, 10; 120A.24, subdivision 1;
1.8 120A.40; 120B.021, subdivisions 1, 3; 120B.024, subdivision 1; 120B.11,
1.9 subdivisions 1, 2, 3; 120B.15; 120B.21; 120B.30, subdivision 1a, by adding
1.10 subdivisions; 120B.35, subdivision 3; 121A.031, subdivisions 5, 6; 121A.41,
1.11 subdivision 10, by adding subdivisions; 121A.45, subdivision 1; 121A.46,
1.12 subdivision 4, by adding subdivisions; 121A.47, subdivisions 2, 14; 121A.53,
1.13 subdivision 1; 121A.55; 121A.58; 121A.61; 122A.181, subdivision 5; 122A.183,
1.14 subdivision 2; 122A.185, subdivision 1; 122A.26, subdivision 2; 122A.40,
1.15 subdivision 8; 122A.41, subdivision 5; 123B.147, subdivision 3; 124D.09,
1.16 subdivisions 3, 7, 13; 124D.095, subdivision 2; 124D.111; 124D.128, subdivisions
1.17 1, 3; 124D.13, subdivision 2; 124D.74, subdivision 1; 124D.78, subdivisions 1,
1.18 3; 124D.79, subdivision 2; 124D.791, subdivision 4; 124D.81, subdivision 1;
1.19 124D.861, subdivision 2; 124E.02; 124E.03, subdivision 2, by adding subdivisions;
1.20 124E.05, subdivisions 4, 7; 124E.06, subdivisions 1, 4, 5; 124E.11; 124E.12,
1.21 subdivision 1; 124E.13, subdivisions 1, 3; 124E.16, subdivision 1; 124E.25,
1.22 subdivision 1a; 125A.094; 125A.0942; 134.34, subdivision 1; 290.0679, subdivision
1.23 2; 469.176, subdivision 2; 609A.03, subdivision 7a; proposing coding for new law
1.24 in Minnesota Statutes, chapters 120B; 121A; 124D; repealing Minnesota Statutes
1.25 2020, section 120B.35, subdivision 5; Minnesota Rules, part 3535.9910.

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

1.27 ARTICLE 1
1.28 GENERAL EDUCATION

1.29 Section 1. Minnesota Statutes 2020, section 120B.021, subdivision 1, is amended to read:

1.30 Subdivision 1. Required academic standards. (a) The following subject areas are
1.31 required for statewide accountability:

- 2.1 (1) language arts;
- 2.2 (2) mathematics;
- 2.3 (3) science;
- 2.4 (4) social studies, including history, geography, economics, and government and  
2.5 citizenship that includes civics consistent with section 120B.02, subdivision 3;
- 2.6 (5) physical education;
- 2.7 (6) health, for which locally developed academic standards apply; and
- 2.8 (7) the arts, ~~for which statewide or locally developed academic standards apply, as~~  
2.9 ~~determined by the school district.~~ Public elementary and middle schools must offer at least  
2.10 three and require at least two of the following ~~four~~ five arts areas: dance; media arts; music;  
2.11 theater; and visual arts. Public high schools must offer at least three and require at least one  
2.12 of the following five arts areas: media arts; dance; music; theater; and visual arts.
- 2.13 (b) For purposes of applicable federal law, the academic standards for language arts,  
2.14 mathematics, and science apply to all public school students, except the very few students  
2.15 with extreme cognitive or physical impairments for whom an individualized education  
2.16 program team has determined that the required academic standards are inappropriate. An  
2.17 individualized education program team that makes this determination must establish  
2.18 alternative standards.
- 2.19 (c) The department must adopt the most recent SHAPE America (Society of Health and  
2.20 Physical Educators) kindergarten through grade 12 standards and benchmarks for physical  
2.21 education as the required physical education academic standards. The department may  
2.22 modify and adapt the national standards to accommodate state interest. The modification  
2.23 and adaptations must maintain the purpose and integrity of the national standards. The  
2.24 department must make available sample assessments, which school districts may use as an  
2.25 alternative to local assessments, to assess students' mastery of the physical education  
2.26 standards beginning in the 2018-2019 school year.
- 2.27 (d) A school district may include child sexual abuse prevention instruction in a health  
2.28 curriculum, consistent with paragraph (a), clause (6). Child sexual abuse prevention  
2.29 instruction may include age-appropriate instruction on recognizing sexual abuse and assault,  
2.30 boundary violations, and ways offenders groom or desensitize victims, as well as strategies  
2.31 to promote disclosure, reduce self-blame, and mobilize bystanders. A school district may  
2.32 provide instruction under this paragraph in a variety of ways, including at an annual assembly

3.1 or classroom presentation. A school district may also provide parents information on the  
3.2 warning signs of child sexual abuse and available resources.

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

3.6 Sec. 2. Minnesota Statutes 2020, section 120B.021, subdivision 3, is amended to read:

3.7 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section  
3.8 and section 120B.022, must adopt statewide rules under section 14.389 for implementing  
3.9 statewide rigorous core academic standards in language arts, mathematics, science, social  
3.10 studies, physical education, and the arts. After the rules authorized under this subdivision  
3.11 are initially adopted, the commissioner may not amend or repeal these rules nor adopt new  
3.12 rules on the same topic without specific legislative authorization unless done pursuant to  
3.13 subdivision 4.

3.14 Sec. 3. Minnesota Statutes 2020, section 120B.024, subdivision 1, is amended to read:

3.15 Subdivision 1. **Graduation requirements.** (a) Students beginning 9th grade in the  
3.16 2011-2012 school year and later must successfully complete the following high school level  
3.17 credits for graduation:

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

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

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

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

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

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

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

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

4.6 (b) A school district is encouraged to offer a course for credit in government and  
 4.7 citizenship to 11th or 12th grade students who begin 9th grade in the 2020-2021 school year  
 4.8 and later, that satisfies the government and citizenship requirement in paragraph (a), clause  
 4.9 (5).

4.10 Sec. 4. Minnesota Statutes 2020, section 120B.30, subdivision 1a, is amended to read:

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

4.13 ~~(1) "Computer adaptive assessments" means fully adaptive assessments.~~

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

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

4.18 ~~(4) "Above-grade level" test items contain subject area content that is above the grade~~  
 4.19 ~~level of the student taking the assessment and is considered aligned with state academic~~  
 4.20 ~~standards to the extent it is aligned with content represented in state academic standards~~  
 4.21 ~~above the grade level of the student taking the assessment. Notwithstanding the student's~~  
 4.22 ~~grade level, administering above-grade level test items to a student does not violate the~~  
 4.23 ~~requirement that state assessments must be aligned with state standards.~~

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

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

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

5.9 (1) annual computer-adaptive reading and mathematics assessments in grades 3 through  
5.10 8, and high school reading, writing, and mathematics tests; and

5.11 (2) annual science assessments in one grade in the grades 3 through 5 span, the grades  
5.12 6 through 8 span, and a life sciences assessment in the grades 9 through 12 span, and the  
5.13 commissioner must not require students to achieve a passing score on high school science  
5.14 assessments as a condition of receiving a high school diploma.

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

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

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

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

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

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

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

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

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

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

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

6.8 ~~(h)~~ (f) A school, school district, and charter school must administer statewide assessments  
6.9 under this section, as the assessments become available, to evaluate student progress toward  
6.10 career and college readiness in the context of the state's academic standards. A school,  
6.11 school district, or charter school may use a student's performance on a statewide assessment  
6.12 as one of multiple criteria to determine grade promotion or retention. A school, school  
6.13 district, or charter school may use a high school student's performance on a statewide  
6.14 assessment as a percentage of the student's final grade in a course, or place a student's  
6.15 assessment score on the student's transcript.

6.16 Sec. 5. Minnesota Statutes 2020, section 120B.30, is amended by adding a subdivision to  
6.17 read:

6.18 Subd. 7. Remote testing. The commissioner must develop and publish security and  
6.19 privacy policies and procedures for students and educators to support remote testing.

6.20 Sec. 6. Minnesota Statutes 2020, section 124D.095, subdivision 2, is amended to read:

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

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

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

6.30 (c) "Online learning" is a form of digital learning delivered by an approved online  
6.31 learning provider under paragraph ~~(d)~~ (e).

7.1 (d) "Hybrid learning" uses blended learning in a way that combines scheduled in-person  
 7.2 instruction and distance learning.

7.3 (e) "Online learning provider" is a school district, an intermediate school district, an  
 7.4 organization of two or more school districts operating under a joint powers agreement, or  
 7.5 a charter school located in Minnesota that provides online learning to students and is approved  
 7.6 by the department to provide online learning courses.

7.7 ~~(e)~~ (f) "Student" is a Minnesota resident enrolled in a school under section 120A.22,  
 7.8 subdivision 4, in kindergarten through grade 12.

7.9 ~~(f)~~ (g) "Online learning student" is a student enrolled in an online learning course or  
 7.10 program delivered by an online learning provider under paragraph ~~(d)~~ (e).

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

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

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

7.18 ~~(j)~~ (k) "Online learning course syllabus" is a written document that an online learning  
 7.19 provider transmits to the enrolling district using a format prescribed by the commissioner  
 7.20 to identify the state academic standards embedded in an online course, the course content  
 7.21 outline, required course assessments, expectations for actual teacher contact time and other  
 7.22 student-to-teacher communications, and the academic support available to the online learning  
 7.23 student.

7.24 Sec. 7. Minnesota Statutes 2020, section 124D.79, subdivision 2, is amended to read:

7.25 Subd. 2. **Technical assistance.** The commissioner shall provide technical assistance,  
 7.26 which includes an annual report of American Indian student data using the state count, to  
 7.27 districts, schools and postsecondary institutions for preservice and in-service training for  
 7.28 teachers, American Indian education teachers and paraprofessionals specifically designed  
 7.29 to implement culturally responsive teaching methods, culturally based curriculum  
 7.30 development, testing and testing mechanisms, and the development of materials for American  
 7.31 Indian education programs.

8.1 Sec. 8. Minnesota Statutes 2020, section 124D.81, subdivision 1, is amended to read:

8.2 Subdivision 1. **Procedures.** A school district, charter school, or American  
 8.3 Indian-controlled tribal contract or grant school enrolling at least 20 American Indian  
 8.4 students identified by the state count on October 1 of the previous school year and operating  
 8.5 an American Indian education program according to section 124D.74 is eligible for Indian  
 8.6 education aid if it meets the requirements of this section. Programs may provide for contracts  
 8.7 for the provision of program components by nonsectarian nonpublic, community, tribal,  
 8.8 charter, or alternative schools. The commissioner shall prescribe the form and manner of  
 8.9 application for aids, and no aid shall be made for a program not complying with the  
 8.10 requirements of sections 124D.71 to 124D.82.

8.11 Sec. 9. **EXTENSION FOR POSTING STUDENT PROGRESS AND OTHER DATA.**

8.12 Notwithstanding Minnesota Statutes, section 120B.36, subdivision 2, for the 2020-2021  
 8.13 school year only, the commissioner shall post federal expectations and state student, learning,  
 8.14 and outcome data to the department's public website no later than October 1, 2021.

## 8.15 ARTICLE 2

### 8.16 EDUCATION EXCELLENCE

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

8.18 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision  
 8.19 5, educational data is private data on individuals and shall not be disclosed except as follows:

8.20 (a) pursuant to section 13.05;

8.21 (b) pursuant to a valid court order;

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

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

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

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



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

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

9.5 (h) to the appropriate school district officials to the extent necessary under subdivision  
9.6 6, annually to indicate the extent and content of remedial instruction, including the results  
9.7 of assessment testing and academic performance at a postsecondary institution during the  
9.8 previous academic year by a student who graduated from a Minnesota school district within  
9.9 two years before receiving the remedial instruction;

9.10 (i) to appropriate authorities as provided in United States Code, title 20, section  
9.11 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the  
9.12 system to effectively serve, prior to adjudication, the student whose records are released;  
9.13 provided that the authorities to whom the data are released submit a written request for the  
9.14 data that certifies that the data will not be disclosed to any other person except as authorized  
9.15 by law without the written consent of the parent of the student and the request and a record  
9.16 of the release are maintained in the student's file;

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

9.20 (k) to provide student recruiting information, from educational data held by colleges  
9.21 and universities, as required by and subject to Code of Federal Regulations, title 32, section  
9.22 216;

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

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

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

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

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

10.4 (2) information regarding student and employee witnesses;

10.5 (3) information regarding the alleged perpetrator; and

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

10.8 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge  
 10.9 of a crime of violence or nonforcible sex offense to the extent authorized under United  
 10.10 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title  
 10.11 34, sections 99.31 (a)(13) and (14);

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

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

10.24 (r) with tribal nations about tribally enrolled or descendant students to the extent necessary  
 10.25 for the tribal nation and school district or charter school to support the educational attainment  
 10.26 of the student.

10.27 Sec. 2. Minnesota Statutes 2020, section 120A.22, subdivision 10, is amended to read:

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

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

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

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

11.2 ~~(4)~~ (3) provide instruction in a school that is accredited by an accrediting agency,  
11.3 recognized according to section 123B.445, or recognized by the commissioner;

11.4 ~~(5)~~ (4) hold a baccalaureate degree; or

11.5 ~~(6)~~ (5) be the parent of a child who is assessed according to the procedures in subdivision  
11.6 11.

11.7 Any person providing instruction in a public school must meet the requirements of clause  
11.8 (1).

11.9 Sec. 3. Minnesota Statutes 2020, section 120A.24, subdivision 1, is amended to read:

11.10 Subdivision 1. **Reports to superintendent.** (a) The person or nonpublic school in charge  
11.11 of providing instruction to a child must submit to the superintendent of the district in which  
11.12 the child resides the name, birth date, and address of the child; the annual tests intended to  
11.13 be used under section 120A.22, subdivision 11, if required; the name of each instructor;  
11.14 and evidence of compliance with one of the requirements specified in section 120A.22,  
11.15 subdivision 10:

11.16 (1) by October 1 of the first school year the child receives instruction after reaching the  
11.17 age of seven;

11.18 (2) within 15 days of when a parent withdraws a child from public school after age seven  
11.19 to provide instruction in a nonpublic school that is not accredited by a state-recognized  
11.20 accredited agency;

11.21 (3) within 15 days of moving out of a district; and

11.22 (4) by October 1 after a new resident district is established.

11.23 (b) The person or nonpublic school in charge of providing instruction to a child between  
11.24 the ages of seven and 16 and every child ages 16 through 17 for which an initial report was  
11.25 filed pursuant to this subdivision after the child is 16 must submit, by October 1 of each  
11.26 school year, a letter of intent to continue to provide instruction under this section for all  
11.27 students under the person's or school's supervision and any changes to the information  
11.28 required in paragraph (a) for each student. A letter of intent to continue to provide instruction  
11.29 must include a report to the superintendent with proof that the testing plan for the previous  
11.30 year was fulfilled as agreed upon, a copy of the official test scores, and information required  
11.31 in paragraph (a) for each student for the upcoming school year.

12.1 (c) The superintendent may collect the required information under this section through  
 12.2 an electronic or web-based format, but must not require electronic submission of information  
 12.3 under this section from the person in charge of reporting under this subdivision.

12.4 Sec. 4. Minnesota Statutes 2020, section 120B.15, is amended to read:

12.5 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS AND SERVICES.**

12.6 (a) School districts may identify students, locally develop programs and services  
 12.7 addressing instructional and affective needs, provide staff development, and evaluate  
 12.8 programs and services to provide gifted and talented students with challenging and  
 12.9 appropriate educational programs and services.

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

12.13 (1) multiple and objective criteria; and

12.14 (2) assessments and procedures that are valid and reliable, fair, and based on current  
 12.15 theory and research. Assessments and procedures ~~should~~ must be sensitive and equitable  
 12.16 to underrepresented groups, including, but not limited to, low-income students, ~~minority~~  
 12.17 students of color and American Indian students, twice-exceptional students, students with  
 12.18 504 plans, and English learners. Assessments and procedures must be coordinated to allow  
 12.19 for optimal identification of programs or services for underrepresented groups.

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

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

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

12.26 (d) School districts must adopt procedures consistent with section 124D.02, subdivision  
 12.27 1, for early admission to kindergarten or first grade of gifted and talented learners consistent  
 12.28 with section 120B.11, subdivision 2, clause (2). The procedures must be sensitive to  
 12.29 underrepresented groups.

13.1 Sec. 5. Minnesota Statutes 2020, section 120B.30, is amended by adding a subdivision to  
13.2 read:

13.3 Subd. 8. **National and international education comparisons.** Each public district and  
13.4 school selected to participate in the national assessment of educational progress shall do so  
13.5 pursuant to United States Code, title 20, section 6312(c)(2), as in effect on December 10,  
13.6 2015, or similar national or international assessments, both for the national sample and for  
13.7 any state-by-state comparison programs that may be initiated, as directed by the  
13.8 commissioner. The assessments must be conducted using the data collection procedures,  
13.9 student surveys, educator surveys, and other instruments included in the National Assessment  
13.10 of Educational Progress or similar national or international assessments being administered  
13.11 in Minnesota. The administration of such assessments shall be in addition to and separate  
13.12 from the administration of the statewide, standardized assessments.

13.13 Sec. 6. Minnesota Statutes 2020, section 120B.35, subdivision 3, is amended to read:

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

13.19 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and  
13.20 report, as soon as practicable, separate categories of information using the student categories  
13.21 identified under the federal Elementary and Secondary Education Act, as most recently  
13.22 reauthorized, and, in addition to "other" for each race and ethnicity, and the Karen  
13.23 community, seven of the most populous Asian ~~and Pacific Islander~~ groups, three of the most  
13.24 populous Native groups, seven of the most populous Hispanic/Latino groups, and five of  
13.25 the most populous Black and African Heritage groups ~~as determined by the total Minnesota~~  
13.26 ~~population based on the most recent American Community Survey~~; These groups must be  
13.27 determined by a ten-year cycle using the American Community Survey of the total Minnesota  
13.28 population. The determination must be based on the most recent five-year dataset starting  
13.29 with the 2021-2025 dataset. Additional categories must include English learners under  
13.30 section 124D.59; home language; free or reduced-price lunch; and all students enrolled in  
13.31 a Minnesota public school who are currently or were previously in foster care, except that  
13.32 such disaggregation and cross tabulation is not required if the number of students in a  
13.33 category is insufficient to yield statistically reliable information or the results would reveal  
13.34 personally identifiable information about an individual student.

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

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

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

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

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

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

14.31 (2) a rigorous coursework measure indicating the number and percentage of high school  
14.32 graduates in the most recent school year who successfully completed one or more  
14.33 college-level advanced placement, international baccalaureate, postsecondary enrollment

15.1 options including concurrent enrollment, other rigorous courses of study under section  
15.2 120B.021, subdivision 1a, or industry certification courses or programs.

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

15.7 (d) When reporting student performance under section 120B.36, subdivision 1, the  
15.8 commissioner annually, beginning July 1, 2014, must report summary data on school safety  
15.9 and students' engagement and connection at school, consistent with the student categories  
15.10 identified under paragraph (a), clause (2). The summary data under this paragraph are  
15.11 separate from and must not be used for any purpose related to measuring or evaluating the  
15.12 performance of classroom teachers. The commissioner, in consultation with qualified experts  
15.13 on student engagement and connection and classroom teachers, must identify highly reliable  
15.14 variables that generate summary data under this paragraph. The summary data may be used  
15.15 at school, district, and state levels only. Any data on individuals received, collected, or  
15.16 created that are used to generate the summary data under this paragraph are nonpublic data  
15.17 under section 13.02, subdivision 9.

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

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

15.24 (2) the percent of students under this paragraph whose progress and performance levels  
15.25 are meeting career and college readiness benchmarks under section 120B.30, subdivision  
15.26 1; and

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

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

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

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

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

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

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

16.10 (g) When reporting four- and six-year graduation rates, the commissioner or school  
16.11 district must disaggregate the data by student categories according to paragraph (a), clause  
16.12 (2).

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

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

16.21 Sec. 7. Minnesota Statutes 2020, section 124D.74, subdivision 1, is amended to read:

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

16.25 (1) support postsecondary preparation for pupils;

16.26 (2) support the academic achievement of American Indian students;

16.27 (3) make the curriculum relevant to the needs, interests, and cultural heritage of American  
16.28 Indian pupils;

16.29 (4) provide positive reinforcement of the self-image of American Indian pupils;

16.30 (5) develop intercultural awareness among pupils, parents, and staff; and

16.31 (6) supplement, not supplant, state and federal educational and cocurricular programs.



17.1 Program services designed to increase completion and graduation rates of American Indian  
 17.2 students must emphasize academic achievement, retention, and attendance; development  
 17.3 of support services for staff, including in-service training and technical assistance in methods  
 17.4 of teaching American Indian pupils; research projects, including innovative teaching  
 17.5 approaches and evaluation of methods of relating to American Indian pupils; provision of  
 17.6 career counseling to American Indian pupils; modification of curriculum, instructional  
 17.7 methods, and administrative procedures to meet the needs of American Indian pupils; and  
 17.8 ~~supplemental~~ instruction in American Indian language, literature, history, and culture.  
 17.9 Districts offering programs may make contracts for the provision of program services by  
 17.10 establishing cooperative liaisons with tribal programs and American Indian social service  
 17.11 agencies. These programs may also be provided as components of early childhood and  
 17.12 family education programs.

### 17.13 ARTICLE 3

### 17.14 INCLUSIVE AND WELCOMING SCHOOLS

17.15 Section 1. Minnesota Statutes 2020, section 120A.22, subdivision 7, is amended to read:

17.16 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that  
 17.17 receives services or aid under sections 123B.40 to 123B.48 from which a student is  
 17.18 transferring must transmit the student's educational records, within ten business days of a  
 17.19 request, to the district, the charter school, or the nonpublic school in which the student is  
 17.20 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under  
 17.21 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the  
 17.22 charter school, or the nonpublic school in which a transferring student is next enrolling in  
 17.23 order to comply with this subdivision.

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

17.27 (c) A school district, a charter school, or a nonpublic school that receives services or aid  
 17.28 under sections 123B.40 to 123B.48 that transmits a student's educational records to another  
 17.29 school district or other educational entity, charter school, or nonpublic school to which the  
 17.30 student is transferring must include in the transmitted records information about any formal  
 17.31 suspension, expulsion, and exclusion disciplinary action, as well as pupil withdrawals, under  
 17.32 sections 121A.40 to 121A.56. The transmitted records must include services a pupil needs  
 17.33 to prevent the inappropriate behavior from recurring. The district, the charter school, or the  
 17.34 nonpublic school that receives services or aid under sections 123B.40 to 123B.48 must

18.1 provide notice to a student and the student's parent or guardian that formal disciplinary  
 18.2 records will be transferred as part of the student's educational record, in accordance with  
 18.3 data practices under chapter 13 and the Family Educational Rights and Privacy Act of 1974,  
 18.4 United States Code, title 20, section 1232(g).

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

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

18.15 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

18.16 Sec. 2. Minnesota Statutes 2020, section 120A.40, is amended to read:

18.17 **120A.40 SCHOOL CALENDAR.**

18.18 (a) Except for learning programs during summer, flexible learning year programs  
 18.19 authorized under sections 124D.12 to 124D.127, and learning year programs under section  
 18.20 124D.128, a district must not commence an elementary or secondary school year before  
 18.21 Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops  
 18.22 may be held before Labor Day. Districts that enter into cooperative agreements are  
 18.23 encouraged to adopt similar school calendars.

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

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

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

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

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

19.1 **Sec. 3. [121A.041] AMERICAN INDIAN MASCOTS PROHIBITED.**

19.2 Subdivision 1. **Prohibition.** (a) A school district may not have or adopt a name, symbol,  
19.3 or image that depicts or refers to an American Indian tribe, individual, custom, or tradition  
19.4 to be used as a mascot, nickname, logo, letterhead, or team name of the district or school  
19.5 within the district.

19.6 (b) A school district may seek an exemption to paragraph (a) by submitting a request in  
19.7 writing to the Tribal Nations Education Committee and the Indian Affairs Council, which  
19.8 jointly shall have discretion to grant such an exemption.

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

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

19.12 (1) a member of an Indian tribe or band, as membership is defined by the tribe or band,  
19.13 including:

19.14 (i) any tribe or band terminated since 1940; and

19.15 (ii) any tribe or band recognized by the state in which the tribe or band resides;

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

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

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

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

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

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

19.24 (e) "Public school" or "school" means a public school under section 120A.05, subdivisions  
19.25 9, 11, 13, and 17, and a charter school under chapter 124E.

19.26 **Sec. 4. [121A.20] SCHOOL MENTAL HEALTH SYSTEMS.**

19.27 Mental health is defined as the social, emotional, and behavioral well-being of students.  
19.28 Comprehensive school mental health systems provide an array of supports and services that  
19.29 promote positive school climate, social-emotional learning, and mental health and well-being,  
19.30 while reducing the prevalence and severity of mental illness. School mental health systems

20.1 are built on a strong foundation of district and school professionals, including administrators,  
20.2 educators, and specialized instructional support personnel (including school psychologists,  
20.3 school social workers, school counselors, school nurses, and other school health  
20.4 professionals), all in strategic partnership with students and families, as well as community  
20.5 health and mental health partners. School mental health systems also assess and address the  
20.6 social and environmental factors that impact mental health, including public policies and  
20.7 social norms that shape mental health outcomes.

20.8 **Sec. 5. [121A.201] MULTI-TIERED SYSTEM OF SUPPORT.**

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

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

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

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

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

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

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

21.1 Sec. 6. Minnesota Statutes 2020, section 121A.41, subdivision 10, is amended to read:

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

21.7 (b) "Out-of-school suspension" means an action by the school administration, under  
 21.8 rules promulgated by the school board, prohibiting a pupil from attending school for a period  
 21.9 of no more than ten school days. If a suspension is longer than five days, the suspending  
 21.10 administrator must provide the superintendent with a reason for the longer suspension. This  
 21.11 definition does not apply to dismissal from school for ~~one school day or less~~ than one school  
 21.12 day, except as provided in federal law for a student with a disability. Each suspension action  
 21.13 ~~may~~ must include a readmission plan. The readmission plan shall include, where appropriate,  
 21.14 a provision for implementing alternative educational services upon readmission and may  
 21.15 not be used to extend the current suspension. Consistent with section 125A.091, subdivision  
 21.16 5, the readmission plan must not obligate a parent to provide a sympathomimetic medication  
 21.17 for the parent's child as a condition of readmission. The school administration may not  
 21.18 impose consecutive suspensions against the same pupil for the same course of conduct, or  
 21.19 incident of misconduct, except where the pupil will create an immediate and substantial  
 21.20 danger to self or to surrounding persons or property, or where the district is in the process  
 21.21 of initiating an expulsion, in which case the school administration may extend the suspension  
 21.22 to a total of 15 school days.

21.23 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

21.24 Sec. 7. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision to  
 21.25 read:

21.26 Subd. 12. **Nonexclusionary disciplinary policies and practices; alternatives to pupil**  
 21.27 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means  
 21.28 policies and practices that are alternatives to removing a pupil from class or dismissing a  
 21.29 pupil from school, including evidence-based positive behavior interventions and supports,  
 21.30 social and emotional services, school-linked mental health services, counseling services,  
 21.31 social work services, referrals for special education or 504 evaluations, academic screening  
 21.32 for title one services or reading interventions, and alternative education services.  
 21.33 Nonexclusionary disciplinary policies and practices require school officials to intervene in,  
 21.34 redirect, and support a pupil's behavior before removing a pupil from class or beginning

22.1 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are  
 22.2 not limited to the policies and practices under sections 120B.12; 121A.575, clauses (1) and  
 22.3 (2); 121A.031, subdivision 4, paragraph (a), clause (1); 121A.61, subdivision 3, paragraph  
 22.4 (q); 122A.627, clause (3); and 123A.56.

22.5 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

22.6 Sec. 8. Minnesota Statutes 2020, section 121A.41, is amended by adding a subdivision to  
 22.7 read:

22.8 Subd. 13. **Pupil withdrawal agreement.** "Pupil withdrawal agreement" means a verbal  
 22.9 or written agreement between a school or district administrator and a pupil's parent to  
 22.10 withdraw a student from the school district to avoid expulsion or exclusion dismissal  
 22.11 proceedings. A pupil withdrawal agreement expires at the end of a 12-month period.

22.12 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

22.13 Sec. 9. Minnesota Statutes 2020, section 121A.45, subdivision 1, is amended to read:

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

22.19 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

22.20 Sec. 10. Minnesota Statutes 2020, section 121A.46, subdivision 4, is amended to read:

22.21 Subd. 4. **Suspension pending expulsion or exclusion hearing.** Notwithstanding the  
 22.22 provisions of subdivisions 1 and 3, the pupil may be suspended pending the school board's  
 22.23 decision in the expulsion or exclusion hearing; provided that alternative educational services  
 22.24 are implemented to the extent that suspension exceeds five consecutive school days.

22.25 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

22.26 Sec. 11. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision  
 22.27 to read:

22.28 Subd. 5. **Student suspensions exceeding five consecutive school days.** The school  
 22.29 administrator must ensure that when a pupil is suspended for more than five consecutive  
 22.30 school days, alternative educational services are provided.

23.1 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

23.2 Sec. 12. Minnesota Statutes 2020, section 121A.46, is amended by adding a subdivision  
23.3 to read:

23.4 Subd. 6. **Minimum education services.** School officials must give a suspended pupil  
23.5 the opportunity to complete all school work assigned during the period of the pupil's  
23.6 suspension and to receive full credit for satisfactorily completing the assignments. The  
23.7 school principal or other person having administrative control of the school building or  
23.8 program is encouraged to designate a district or school employee as a liaison to work with  
23.9 the pupil's teachers to allow the suspended pupil to (1) receive timely course materials and  
23.10 other information and (2) complete all school work assignments and receive teachers'  
23.11 feedback.

23.12 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

23.13 Sec. 13. Minnesota Statutes 2020, section 121A.47, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

23.28 (3) present evidence; and

23.29 (4) confront and cross-examine witnesses.

23.30 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

24.1 Sec. 14. Minnesota Statutes 2020, section 121A.47, subdivision 14, is amended to read:

24.2 Subd. 14. **Admission or readmission plan.** (a) A school administrator ~~shall~~ must prepare  
 24.3 and enforce an admission or readmission plan for any pupil who is excluded or expelled  
 24.4 from school. The plan ~~may~~ must include measures to improve the pupil's behavior, ~~including~~  
 24.5 which may include completing a character education program; consistent with section  
 24.6 120B.232, subdivision 1, ~~and~~ social and emotional learning, counseling, social work services,  
 24.7 mental health services, referrals for special education or 504 evaluation, and evidence-based  
 24.8 academic interventions. The plan must require parental involvement in the admission or  
 24.9 readmission process, and may indicate the consequences to the pupil of not improving the  
 24.10 pupil's behavior.

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

24.23 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

24.24 Sec. 15. Minnesota Statutes 2020, section 121A.53, subdivision 1, is amended to read:

24.25 Subdivision 1. **Exclusions and expulsions; student withdrawals; and physical**  
 24.26 **assaults.** Consistent with subdivision 2, the school board must report through the department  
 24.27 electronic reporting system each exclusion or expulsion ~~and~~ , each physical assault of a  
 24.28 district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30 days  
 24.29 of the effective date of the dismissal action, pupil withdrawal, or assault to the commissioner  
 24.30 of education. This report must include a statement of ~~alternative educational services~~  
 24.31 nonexclusionary disciplinary practices, or other sanction, intervention, or resolution in  
 24.32 response to the assault given the pupil and the reason for, the effective date, and the duration  
 24.33 of the exclusion or expulsion or other sanction, intervention, or resolution. The report must  
 24.34 also include the ~~student's~~ pupil's age, grade, gender, race, and special education status.



25.1 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

25.2 Sec. 16. Minnesota Statutes 2020, section 121A.55, is amended to read:

25.3 **121A.55 POLICIES TO BE ESTABLISHED.**

25.4 (a) The commissioner of education shall promulgate guidelines including guidance on  
 25.5 how to appropriately and equitably engage stakeholders to review and revise discipline  
 25.6 policies that are restorative and responsive to assist each school board. Each school board  
 25.7 ~~shall~~ must establish uniform criteria for dismissal and adopt written policies and rules to  
 25.8 effectuate the purposes of sections 121A.40 to 121A.56. The policies ~~shall~~ must include  
 25.9 nonexclusionary disciplinary policies and practices consistent with section 121A.41,  
 25.10 subdivision 12, and emphasize preventing dismissals through early and individual detection  
 25.11 of ~~problems and~~ ~~shall~~ needs and providing the necessary multitiered supports to meet  
 25.12 students' needs. The policies must be designed to ~~address~~ prevent students' inappropriate  
 25.13 behavior from recurring.

25.14 (b) The policies ~~shall~~ must recognize the school's continuing responsibility ~~of the school~~  
 25.15 for the education of the pupil during the dismissal period.

25.16 (1) A school is responsible for ensuring that the alternative educational services, ~~if the~~  
 25.17 pupil wishes to take advantage of them, ~~provided to a pupil~~ must be adequate to allow the  
 25.18 pupil to make progress ~~towards~~ toward meeting the graduation standards adopted under  
 25.19 section 120B.02 and help prepare the pupil for readmission, ~~and are in accordance with~~  
 25.20 section 121A.46, subdivision 5.

25.21 (2) For expulsions and exclusionary dismissals, as well as for pupil withdrawal  
 25.22 agreements as defined in section 121A.41, subdivision 14:

25.23 (i) A school district's continuing responsibility includes reviewing the pupil's school  
 25.24 work and grades on a quarterly basis to ensure the pupil is on track for readmission with  
 25.25 the pupil's peers. A school district must communicate on a regular basis with the pupil's  
 25.26 parent to ensure the pupil is completing the work assigned through the alternative educational  
 25.27 services.

25.28 (ii) A pupil remains eligible for school-based or school-linked mental health services  
 25.29 that are provided in the school district under section 245.4889 until the pupil is enrolled in  
 25.30 a new school district.

25.31 (iii) A school district must provide to the pupil's parent or guardian information on how  
 25.32 to access mental health services, including a list of any free or sliding fee providers in the  
 25.33 community. The information must also be posted on the district or charter school website.

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

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

26.8 **EFFECTIVE DATE.** This section is effective for the 2021-2022 school year and later.

26.9 Sec. 17. Minnesota Statutes 2020, section 121A.58, is amended to read:

26.10 **121A.58 CORPORAL PUNISHMENT.**

26.11 Subdivision 1. **Definition.** (a) For the purpose of this section, "corporal punishment"  
 26.12 means conduct involving:

26.13 (1) hitting or spanking a person with or without an object; or

26.14 (2) unreasonable physical force that causes bodily harm or substantial emotional harm.

26.15 (b) For the purpose of this section, "prone restraint" means placing a pupil in a face  
 26.16 down position.

26.17 Subd. 2. **Corporal punishment not allowed.** An employee or agent of a district shall  
 26.18 not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil  
 26.19 to reform unacceptable conduct or as a penalty for unacceptable conduct.

26.20 Subd. 2a. **Prone restraint not allowed.** An employee or agent of a district, including a  
 26.21 school resource officer or police officer contracted with the district, shall not inflict prone  
 26.22 restraint or cause prone restraint to be inflicted upon a pupil to reform unacceptable conduct  
 26.23 or as a penalty for unacceptable conduct. Further, an employee or agent of a district, including  
 26.24 a school resource officer or police officer contracted with the district, shall not inflict any  
 26.25 form of physical holding that restricts or impairs a pupil's ability to breathe, restricts or  
 26.26 impairs a pupil's ability to communicate distress, places pressure or weight on a pupil's  
 26.27 head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in  
 26.28 straddling a pupil's torso.

26.29 Subd. 3. **Violation.** Conduct that violates ~~subdivision~~ subdivisions 2 or 2a is not a crime  
 26.30 under section 645.241, but may be a crime under chapter 609 if the conduct violates a  
 26.31 provision of chapter 609.

27.1 Sec. 18. Minnesota Statutes 2020, section 121A.61, is amended to read:

27.2 **121A.61 DISCIPLINE AND REMOVAL OF STUDENTS FROM CLASS.**

27.3 Subdivision 1. **Required policy.** Each school board must adopt, and annually review  
 27.4 and revise, a written districtwide school discipline policy which includes ~~written rules a~~  
 27.5 student code of conduct for students, ~~minimum consequences for violations of the rules,~~  
 27.6 ~~and grounds and procedures for removal of a student from class~~ and parameters for when  
 27.7 input into discipline decisions by all those involved in an incident is allowed. The policy  
 27.8 must be developed in consultation with administrators, teachers, employees, pupils, parents,  
 27.9 community members, law enforcement agencies, county attorney offices, social service  
 27.10 agencies, and such other individuals or organizations as the board determines appropriate.  
 27.11 A school site council may adopt additional provisions to the policy subject to the approval  
 27.12 of the school board.

27.13 Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds  
 27.14 for which a student may be removed from a class in the district for a period of time under  
 27.15 the procedures specified in the policy. The policy must include a procedure for notifying  
 27.16 and meeting with a student's parent or guardian to discuss the problem that is causing the  
 27.17 student to be removed from class after the student has been removed from class more than  
 27.18 ten times in one school year. The grounds in the policy must ~~include at least the following~~  
 27.19 ~~provisions as well as other grounds determined appropriate by the board:~~ at least include  
 27.20 provisions pertaining to addressing

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

27.24 ~~(b) willful conduct that endangers surrounding persons, including school district~~  
 27.25 ~~employees, the student or other students, or the property of the school;~~ and

27.26 ~~(c) willful violation of any rule of conduct specified in the discipline policy adopted by~~  
 27.27 ~~the board.~~

27.28 Subd. 3. **Policy components.** The policy must include at least the following components:

27.29 (a) rules governing student conduct and procedures for informing students of the rules;

27.30 (b) the grounds for removal of a student from a class;

27.31 (c) the authority of the classroom teacher to remove students from the classroom pursuant  
 27.32 to procedures and rules established in the district's policy;

28.1 (d) the procedures for removal of a student from a class by a teacher, school administrator,  
28.2 or other school district employee;

28.3 (e) the period of time for which a student may be removed from a class, which may not  
28.4 exceed five class periods for a violation of a rule of conduct;

28.5 (f) provisions relating to the responsibility for and custody of a student removed from  
28.6 a class;

28.7 (g) the procedures for return of a student to the specified class from which the student  
28.8 has been removed;

28.9 (h) the procedures for notifying a student and the student's parents or guardian of  
28.10 violations of the rules of conduct and of resulting disciplinary actions;

28.11 (i) any procedures determined appropriate for encouraging early involvement of parents  
28.12 or guardians in attempts to improve a student's behavior;

28.13 (j) any procedures determined appropriate for encouraging early detection of behavioral  
28.14 problems;

28.15 (k) any procedures determined appropriate for referring a student in need of special  
28.16 education services to those services;

28.17 (l) the procedures for consideration of whether there is a need for a further assessment  
28.18 or of whether there is a need for a review of the adequacy of a current individualized  
28.19 education program of a student with a disability who is removed from class;

28.20 (m) procedures for detecting and addressing chemical abuse problems of a student while  
28.21 on the school premises;

28.22 ~~(n) the minimum consequences for violations of the code of conduct;~~

28.23 ~~(n)~~ (n) procedures for ~~immediate~~ timely and appropriate interventions tied to violations  
28.24 of the code;

28.25 ~~(o)~~ (o) a provision that states that a teacher, school employee, school bus driver, or other  
28.26 agent of a district may use reasonable force in compliance with section 121A.582 and other  
28.27 laws;

28.28 ~~(p)~~ (p) an agreement regarding procedures to coordinate crisis services to the extent  
28.29 funds are available with the county board responsible for implementing sections 245.487  
28.30 to 245.4889 for students with a serious emotional disturbance or other students who have  
28.31 an individualized education program whose behavior may be addressed by crisis intervention;  
28.32 ~~and~~

29.1 ~~(q)~~ (q) a provision that states a student must be removed from class immediately if the  
 29.2 student engages in assault or violent behavior. For purposes of this paragraph, "assault" has  
 29.3 the meaning given it in section 609.02, subdivision 10. The removal shall be for a period  
 29.4 of time deemed appropriate by the principal, in consultation with the teacher; and

29.5 (r) a prohibition on the use of exclusionary practices to address attendance and truancy  
 29.6 issues.

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

29.8 Sec. 19. Minnesota Statutes 2020, section 124D.78, subdivision 1, is amended to read:

29.9 Subdivision 1. **Parent committee.** School boards and American Indian schools must  
 29.10 provide for the maximum involvement of parents of children enrolled in education programs,  
 29.11 programs for elementary and secondary grades, special education programs, and support  
 29.12 services. Accordingly, the board of a school district in which there are ten or more American  
 29.13 Indian students enrolled and each American Indian school must establish an American  
 29.14 Indian education parent advisory committee. For purposes of this section, American Indian  
 29.15 students are defined as persons having origins in any of the original peoples of North America  
 29.16 who maintain cultural identification through tribal affiliation or community recognition. If  
 29.17 a committee whose membership consists of a majority of parents of American Indian children  
 29.18 has been or is established according to federal, tribal, or other state law, that committee may  
 29.19 serve as the committee required by this section and is subject to, at least, the requirements  
 29.20 of this subdivision and subdivision 2.

29.21 The American Indian education parent advisory committee must develop its  
 29.22 recommendations in consultation with the curriculum advisory committee required by  
 29.23 section 120B.11, subdivision 3. This committee must afford parents the necessary information  
 29.24 and the opportunity effectively to express their views concerning all aspects of American  
 29.25 Indian education and the educational needs of the American Indian children enrolled in the  
 29.26 school or program. The school board or American Indian school must ensure that programs  
 29.27 are planned, operated, and evaluated with the involvement of and in consultation with parents  
 29.28 of students served by the programs.

29.29 Sec. 20. Minnesota Statutes 2020, section 124D.78, subdivision 3, is amended to read:

29.30 Subd. 3. **Membership.** The American Indian education parent advisory committee must  
 29.31 be composed of parents of children eligible to be enrolled in American Indian education  
 29.32 programs; secondary students eligible to be served; American Indian language and culture  
 29.33 education teachers and paraprofessionals; American Indian teachers; counselors; adult

30.1 American Indian people enrolled in educational programs; and representatives from  
 30.2 community groups. A majority of each committee must be parents of American Indian  
 30.3 children enrolled or eligible to be enrolled in the programs. ~~The number of parents of~~  
 30.4 ~~American Indian and non-American Indian children shall reflect approximately the proportion~~  
 30.5 ~~of children of those groups enrolled in the programs.~~

30.6 Sec. 21. Minnesota Statutes 2020, section 124D.791, subdivision 4, is amended to read:

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

30.8 (1) ~~serve as the liaison for the~~ department relations with the Tribal Nations Education  
 30.9 Committee, the 11 tribal communities in Minnesota, the Minnesota Chippewa tribe, and  
 30.10 the Minnesota Indian Affairs Council;

30.11 (2) ~~evaluate~~ the evaluation of the state of American Indian education in Minnesota;

30.12 (3) ~~engage~~ the engagement of tribal bodies, community groups, parents of children  
 30.13 eligible to be served by American Indian education programs, American Indian administrators  
 30.14 and teachers, persons experienced in the training of teachers for American Indian education  
 30.15 programs, the tribally controlled schools, and other persons knowledgeable in the field of  
 30.16 American Indian education and seek their advice on policies that can improve the quality  
 30.17 of American Indian education;

30.18 (4) ~~advise~~ advice to the commissioner on American Indian education issues, including:

30.19 (i) issues facing American Indian students;

30.20 (ii) policies for American Indian education;

30.21 (iii) awarding scholarships to eligible American Indian students and in administering  
 30.22 the commissioner's duties regarding awarding of American Indian education grants to school  
 30.23 districts; and

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

30.26 (5) ~~propose~~ proposals to the commissioner on legislative changes that will improve the  
 30.27 quality of American Indian education;

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

- 31.1 (i) increase American Indian student achievement, including increased levels of  
 31.2 proficiency and growth on statewide accountability assessments;
- 31.3 (ii) increase the number of American Indian teachers in public schools;
- 31.4 (iii) close the achievement gap between American Indian students and their more  
 31.5 advantaged peers;
- 31.6 (iv) increase the statewide graduation rate for American Indian students; and
- 31.7 (v) increase American Indian student placement in postsecondary programs and the  
 31.8 workforce; and
- 31.9 (7) ~~keep~~ keeping the American Indian community informed about the work of the  
 31.10 department by reporting to the Tribal Nations Education Committee at each committee  
 31.11 meeting.

31.12 **Sec. 22. [124D.792] GRADUATION CEREMONIES; TRIBAL REGALIA AND**  
 31.13 **OBJECTS OF CULTURAL SIGNIFICANCE.**

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

31.17 Sec. 23. Minnesota Statutes 2020, section 125A.094, is amended to read:

31.18 **125A.094 RESTRICTIVE PROCEDURES FOR CHILDREN WITH**  
 31.19 **~~DISABILITIES.~~**

31.20 The use of restrictive procedures ~~for children with disabilities~~ for all pupils attending  
 31.21 public school is governed by sections 125A.0941 and 125A.0942.

31.22 Sec. 24. Minnesota Statutes 2020, section 125A.0942, is amended to read:

31.23 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

31.24 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use restrictive  
 31.25 procedures shall maintain and make publicly accessible in an electronic format on a school  
 31.26 or district website or make a paper copy available upon request describing a restrictive  
 31.27 procedures plan for children with disabilities that at least:

- 31.28 (1) lists the restrictive procedures the school intends to use;
- 31.29 (2) describes how the school will implement a range of positive behavior strategies and  
 31.30 provide links to mental health services;

32.1 (3) describes how the school will provide training on de-escalation techniques, consistent  
32.2 with section 122A.187, subdivision 4;

32.3 (4) describes how the school will monitor and review the use of restrictive procedures,  
32.4 including:

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

32.7 (ii) convening an oversight committee to undertake a quarterly review of the use of  
32.8 restrictive procedures based on patterns or problems indicated by similarities in the time of  
32.9 day, day of the week, duration of the use of a procedure, the individuals involved, or other  
32.10 factors associated with the use of restrictive procedures; the number of times a restrictive  
32.11 procedure is used schoolwide and for individual children; the number and types of injuries,  
32.12 if any, resulting from the use of restrictive procedures; whether restrictive procedures are  
32.13 used in nonemergency situations; the need for additional staff training; the use of restrictive  
32.14 procedures for disproportionality, racial disparities, in the usage of restrictive procedures;  
32.15 the usage of school resource officer's handling of the behaviors; student documentation to  
32.16 determine if the staff followed the standards for using restrictive procedures and if there is  
32.17 updated information about whether the restrictive procedures are contraindicated for the  
32.18 particular student; and proposed actions to minimize the use of restrictive procedures; and

32.19 (5) includes a written description and documentation of the training staff completed  
32.20 under subdivision 5.

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

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

32.24 (2) an expert in positive behavior strategies;

32.25 (3) a special education administrator; and

32.26 (4) a general education administrator.

32.27 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a  
32.28 licensed special education teacher, school social worker, school psychologist, behavior  
32.29 analyst certified by the National Behavior Analyst Certification Board, a person with a  
32.30 master's degree in behavior analysis, other licensed education professional, paraprofessional  
32.31 under section 120B.363, or mental health professional under section 245.4871, subdivision  
32.32 27, who has completed the training program under subdivision 5.



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

33.5 (c) The district must hold a meeting of the individualized education program team, if  
33.6 the student is a student with a disability, or a meeting of relevant members of the student's  
33.7 team, including the parent, if the student is not a student with a disability, conduct or review  
33.8 a functional behavioral analysis, review data, consider developing additional or revised  
33.9 positive behavioral interventions and supports, consider actions to reduce the use of restrictive  
33.10 procedures, and modify the individualized education program or behavior intervention plan  
33.11 as appropriate. The district must hold the meeting: within ten calendar days after district  
33.12 staff use restrictive procedures on two separate school days within 30 calendar days or a  
33.13 pattern of use emerges and the child's individualized education program or behavior  
33.14 intervention plan does not provide for using restrictive procedures in an emergency; or at  
33.15 the request of a parent or the district after restrictive procedures are used. The district must  
33.16 review use of restrictive procedures at a child's annual individualized education program  
33.17 meeting when the child's individualized education program provides for using restrictive  
33.18 procedures in an emergency.

33.19 (d) If the ~~individualized education program~~ meeting team under paragraph (c) determines  
33.20 that existing interventions and supports are ineffective in reducing the use of restrictive  
33.21 procedures or the district uses restrictive procedures on a child on ten or more school days  
33.22 during the same school year, the team, as appropriate, either must consult with other  
33.23 professionals working with the child; consult with experts in behavior analysis, mental  
33.24 health, communication, or autism; consult with culturally competent professionals; review  
33.25 existing evaluations, resources, and successful strategies; or consider whether to reevaluate  
33.26 the child.

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

33.32 (f) An individualized education program team may plan for using restrictive procedures  
33.33 and may include these procedures in a child's individualized education program or behavior  
33.34 intervention plan; however, the restrictive procedures may be used only in response to  
33.35 behavior that constitutes an emergency, consistent with this section. The individualized

34.1 education program or behavior intervention plan shall indicate how the parent wants to be  
34.2 notified when a restrictive procedure is used.

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

34.6 (1) physical holding or seclusion is the least intrusive intervention that effectively  
34.7 responds to the emergency;

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

34.9 (3) physical holding or seclusion ends when the threat of harm ends and the staff  
34.10 determines the child can safely return to the classroom or activity;

34.11 (4) staff directly observes the child while physical holding or seclusion is being used;

34.12 (5) each time physical holding or seclusion is used, the staff person who implements or  
34.13 oversees the physical holding or seclusion documents, as soon as possible after the incident  
34.14 concludes, the following information:

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

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

34.18 (iii) the time the physical holding or seclusion began and the time the child was released;  
34.19 ~~and~~

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

34.21 (v) a brief description of the post-use debriefing process that occurred following the use  
34.22 of the restrictive procedure;

34.23 (6) the room used for seclusion must:

34.24 (i) be at least six feet by five feet;

34.25 (ii) be well lit, well ventilated, adequately heated, and clean;

34.26 (iii) have a window that allows staff to directly observe a child in seclusion;

34.27 (iv) have tamperproof fixtures, electrical switches located immediately outside the door,  
34.28 and secure ceilings;

35.1 (v) have doors that open out and are unlocked, locked with keyless locks that have  
35.2 immediate release mechanisms, or locked with locks that have immediate release mechanisms  
35.3 connected with a fire and emergency system; and

35.4 (vi) not contain objects that a child may use to injure the child or others; and

35.5 (7) before using a room for seclusion, a school must:

35.6 (i) receive written notice from local authorities that the room and the locking mechanisms  
35.7 comply with applicable building, fire, and safety codes; and

35.8 (ii) register the room with the commissioner, who may view that room.

35.9 (b) By February 1, 2015, and annually thereafter, stakeholders may, as necessary,  
35.10 recommend to the commissioner specific and measurable implementation and outcome  
35.11 goals for reducing the use of restrictive procedures and the commissioner must submit to  
35.12 the legislature a report on districts' progress in reducing the use of restrictive procedures  
35.13 that recommends how to further reduce these procedures and eliminate the use of seclusion.  
35.14 The statewide plan includes the following components: measurable goals; the resources,  
35.15 training, technical assistance, mental health services, and collaborative efforts needed to  
35.16 significantly reduce districts' use of seclusion; and recommendations to clarify and improve  
35.17 the law governing districts' use of restrictive procedures. The commissioner must consult  
35.18 with interested stakeholders when preparing the report, including representatives of advocacy  
35.19 organizations, special education directors, teachers, paraprofessionals, intermediate school  
35.20 districts, school boards, day treatment providers, county social services, state human services  
35.21 department staff, mental health professionals, and autism experts. Beginning with the  
35.22 2016-2017 school year, in a form and manner determined by the commissioner, districts  
35.23 must report data quarterly to the department by January 15, April 15, July 15, and October  
35.24 15 about individual students who have been secluded. By July 15 each year, districts must  
35.25 report summary data on their use of restrictive procedures to the department for the prior  
35.26 school year, July 1 through June 30, in a form and manner determined by the commissioner.  
35.27 The summary data must include information about the use of restrictive procedures, including  
35.28 use of reasonable force under section 121A.582.

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

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

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

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

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

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

36.8 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical  
36.9 abuse under chapter 260E;

36.10 (7) withholding regularly scheduled meals or water;

36.11 (8) denying access to bathroom facilities;

36.12 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs  
36.13 a child's ability to communicate distress, places pressure or weight on a child's head, throat,  
36.14 neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's  
36.15 torso; ~~and~~

36.16 (10) prone restraint; and

36.17 (11) utilizing a restrictive procedure on any child under the age of 5.

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

36.21 (1) positive behavioral interventions;

36.22 (2) communicative intent of behaviors;

36.23 (3) relationship building;

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

36.26 (5) de-escalation methods;

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

36.28 (7) obtaining emergency medical assistance;

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

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

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

37.5 (11) district policies and procedures for timely reporting and documenting each incident  
37.6 involving use of a restricted procedure; and

37.7 (12) schoolwide programs on positive behavior strategies.

37.8 (b) The commissioner, after consulting with the commissioner of human services, must  
37.9 develop and maintain a list of training programs that satisfy the requirements of paragraph  
37.10 (a). The commissioner also must develop and maintain a list of experts to help individualized  
37.11 education program teams reduce the use of restrictive procedures. The district shall maintain  
37.12 records of staff who have been trained and the organization or professional that conducted  
37.13 the training. The district may collaborate with children's community mental health providers  
37.14 to coordinate trainings.

37.15 **Subd. 6. Behavior supports; reasonable force.** (a) School districts are encouraged to  
37.16 establish effective schoolwide systems of positive behavior interventions and supports.

37.17 (b) Nothing in this section or section 125A.0941 precludes the use of reasonable force  
37.18 under sections 121A.582; 609.06, subdivision 1; and 609.379. For the 2014-2015 school  
37.19 year and later, districts must collect and submit to the commissioner summary data, consistent  
37.20 with subdivision 3, paragraph (b), on district use of reasonable force that is consistent with  
37.21 the definition of physical holding or seclusion for a child with a disability under this section.

## 37.22 ARTICLE 4

### 37.23 HEALTH AND WELLNESS

37.24 Section 1. Minnesota Statutes 2020, section 120B.21, is amended to read:

#### 37.25 **120B.21 MENTAL HEALTH EDUCATION.**

37.26 School districts and charter schools ~~are encouraged to~~ must provide mental health  
37.27 instruction for students in grades 4 through 12 aligned with local health education standards  
37.28 and integrated into existing programs, curriculum, or the general school environment  
37.29 activities of a district or charter school. The commissioner, in consultation with the  
37.30 commissioner of human services, commissioner of health, and mental health organizations,  
37.31 ~~must, by July 1, 2020, and July 1 of each even-numbered year thereafter,~~ provide districts  
37.32 and charter schools with resources gathered by Minnesota mental health advocates, including:

38.1 (1) age-appropriate model learning activities for grades 4 through 12 that encompass  
 38.2 the mental health components of the National Health Education Standards and the  
 38.3 benchmarks developed by the department's quality teaching network in health and best  
 38.4 practices in mental health education; and

38.5 (2) a directory of resources for planning and implementing age-appropriate mental health  
 38.6 curriculum and instruction in grades 4 through 12 that includes resources on suicide and  
 38.7 self-harm prevention.

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

38.9 Sec. 2. Minnesota Statutes 2020, section 121A.031, subdivision 5, is amended to read:

38.10 Subd. 5. **Safe and supportive schools programming.** (a) Districts and schools ~~are~~  
 38.11 ~~encouraged to~~ must provide developmentally appropriate programmatic instruction to help  
 38.12 students identify, prevent, and reduce prohibited conduct; ~~value diversity in school and~~  
 38.13 ~~society; develop and improve students' knowledge and skills for solving problems, managing~~  
 38.14 ~~conflict, engaging in civil discourse, and recognizing, responding to, and reporting prohibited~~  
 38.15 ~~conduct; and make effective prevention and intervention programs available to students.~~  
 38.16 ~~Upon request, the school safety technical assistance center under section 127A.052 must~~  
 38.17 ~~assist a district or school in helping students understand social media and cyberbullying.~~  
 38.18 ~~Districts and schools must establish~~ by establishing strategies for creating a positive school  
 38.19 climate and use evidence-based social-emotional learning to prevent and reduce  
 38.20 discrimination and other improper conduct.

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

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

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

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

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

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

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

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

39.1 Sec. 3. Minnesota Statutes 2020, section 121A.031, subdivision 6, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

40.1 (e) The commissioner shall develop and adopt state-level social-emotional learning  
40.2 standards.

40.3 **ARTICLE 5**

40.4 **TEACHERS**

40.5 Section 1. Minnesota Statutes 2020, section 120B.11, subdivision 1, is amended to read:

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

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

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

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

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

40.23 (e) "Ethnic studies curriculum" means the critical and interdisciplinary study of race,  
40.24 ethnicity, and indigeneity with a focus on the experiences and perspectives of people of  
40.25 color within and beyond the United States. The ethnic studies curriculum may be integrated  
40.26 in existing curricular opportunities or provided through additional curricular offerings.

40.27 (f) "Rigorous" means meeting state K-12 academic standards.

40.28 (g) "Anti-racist" means the active process of identifying and eliminating racism by  
40.29 changing systems, organizational structures, policies, practices, attitudes, and dispositions  
40.30 so that power and resources are redistributed and shared equitably.



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

41.4 (i) "Institutional racism" means policies and practices within and across institutions that  
 41.5 produce outcomes that chronically favor white people and predictably disadvantage those  
 41.6 who are Black, Indigenous, and People of Color.

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

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

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

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

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

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

41.31 (5) a process to examine the equitable distribution of teachers and strategies to ensure  
 41.32 children from low-income and minority children families, families of color, and American

42.1 Indian families are not taught at higher rates than other children by inexperienced, ineffective,  
42.2 or out-of-field teachers;

42.3 (6) education effectiveness practices that:

42.4 (i) integrate high-quality instruction, ~~rigorous curriculum~~, technology, and curriculum  
42.5 that is rigorous, accurate, anti-racist, and culturally sustaining;

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

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

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

42.12 **EFFECTIVE DATE.** This section is effective for all strategic plans reviewed and  
42.13 updated after the day following final enactment.

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

42.15 Subd. 3. **District advisory committee.** Each school board ~~shall~~ must establish an advisory  
42.16 committee to ensure active community participation in all phases of planning and improving  
42.17 the instruction and curriculum affecting state and district academic standards, consistent  
42.18 with subdivision 2. A district advisory committee, to the extent possible, ~~shall~~ must reflect  
42.19 the diversity of the district and its school sites, include teachers, parents, support staff,  
42.20 students, and other community residents, and provide translation to the extent appropriate  
42.21 and practicable. The district advisory committee ~~shall~~ must pursue community support to  
42.22 accelerate the academic and native literacy and achievement of English learners with varied  
42.23 needs, from young children to adults, consistent with section 124D.59, subdivisions 2 and  
42.24 2a. The district may establish site teams as subcommittees of the district advisory committee  
42.25 under subdivision 4. The district advisory committee ~~shall~~ must recommend to the school  
42.26 board: rigorous academic standards; student achievement goals and measures consistent  
42.27 with subdivision 1a and sections 120B.022, subdivisions 1a and 1b, and 120B.35; district  
42.28 assessments; means to improve students' equitable access to effective and more diverse  
42.29 teachers; strategies to ensure the curriculum is rigorous, accurate, anti-racist, and culturally  
42.30 sustaining; strategies to ensure that curriculum and learning and work environments validate,  
42.31 affirm, embrace, and integrate the cultural and community strengths of all racial and ethnic  
42.32 groups; and program evaluations. School sites may expand upon district evaluations of

43.1 instruction, curriculum, assessments, or programs. Whenever possible, parents and other  
 43.2 community residents ~~shall~~ must comprise at least two-thirds of advisory committee members.

43.3 **Sec. 4. [120B.117] INCREASING PERCENTAGE OF TEACHERS OF COLOR**  
 43.4 **AND AMERICAN INDIAN TEACHERS IN MINNESOTA.**

43.5 **Subdivision 1. Purpose.** This section sets short-term and long-term state goals for  
 43.6 increasing the percentage of teachers of color and American Indian teachers in Minnesota  
 43.7 and for ensuring all students have equitable access to effective and racially and ethnically  
 43.8 diverse teachers who reflect the diversity of students. The goals and report required under  
 43.9 this section are also important for meeting state goals for the world's best workforce under  
 43.10 section 120B.11, achievement and integration under section 124D.861, and higher education  
 43.11 attainment under section 135A.012, all of which have been established to close persistent  
 43.12 opportunity and achievement gaps that limit students' success in school and life and impede  
 43.13 the state's economic growth.

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

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

43.21 **Subd. 4. Reporting.** Beginning in 2022 and every even-numbered year thereafter, the  
 43.22 Professional Educator Licensing and Standards Board must collaborate with the Department  
 43.23 of Education and the Office of Higher Education to publish a summary report of each of  
 43.24 the programs they administer and any other programs receiving state appropriations that  
 43.25 have or include an explicit purpose of increasing the racial and ethnic diversity of the state's  
 43.26 teacher workforce to more closely reflect the diversity of students. The report must include  
 43.27 programs under sections 122A.2451, 122A.63, 122A.635, 122A.70, 124D.09, 124D.861,  
 43.28 136A.1275, and 136A.1791, along with any other programs or initiatives that receive state  
 43.29 appropriations to address the shortage of teachers of color and American Indian teachers.  
 43.30 The board must, in coordination with the Office of Higher Education and Department of  
 43.31 Education, provide policy and funding recommendations related to state-funded programs  
 43.32 to increase the recruitment, preparation, licensing, hiring, and retention of racially and  
 43.33 ethnically diverse teachers and the state's progress toward meeting or exceeding the goals  
 43.34 of this section. The report must also include recommendations for state policy and funding

44.1 needed to achieve the goals of this section, as well as plans for sharing the report and  
 44.2 activities of grant recipients, and opportunities among grant recipients of various programs  
 44.3 to share effective practices with each other. The 2022 report must include a recommendation  
 44.4 of whether a state advisory council should be established to address the shortage of racially  
 44.5 and ethnically diverse teachers and what the composition and charge of such an advisory  
 44.6 council would be if established. The board must consult with the state Indian Affairs Council  
 44.7 and other ethnic councils along with other community partners, including students of color  
 44.8 and American Indian students, in developing the report. By November 1 of each  
 44.9 even-numbered year, the board must submit the report to the chairs and ranking minority  
 44.10 members of the legislative committees with jurisdiction over education and higher education  
 44.11 policy and finance. The report must be available to the public on the board's website.

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

44.13 **Sec. 5. [120B.25] CURRICULUM POLICY.**

44.14 A school board must adopt a written policy that prohibits discrimination or discipline  
 44.15 for a teacher or principal on the basis of incorporating into curriculum contributions by  
 44.16 persons in a federally protected class or protected class under sections 121A.031 and  
 44.17 363A.13, consistent with local collective bargaining agreements and sections 121A.41 to  
 44.18 121A.56.

44.19 Sec. 6. Minnesota Statutes 2020, section 122A.181, subdivision 5, is amended to read:

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

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

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

44.27 Sec. 7. Minnesota Statutes 2020, section 122A.183, subdivision 2, is amended to read:

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

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

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

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

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

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

45.12 Sec. 8. Minnesota Statutes 2020, section 122A.185, subdivision 1, is amended to read:

45.13 Subdivision 1. **Tests.** ~~(a) The Professional Educator Licensing and Standards Board~~  
 45.14 ~~must adopt rules requiring a candidate to demonstrate a passing score on a board-adopted~~  
 45.15 ~~examination of skills in reading, writing, and mathematics before being granted a Tier 4~~  
 45.16 ~~teaching license under section 122A.184 to provide direct instruction to pupils in elementary,~~  
 45.17 ~~secondary, or special education programs. Candidates may obtain a Tier 1, Tier 2, or Tier~~  
 45.18 ~~3 license to provide direct instruction to pupils in elementary, secondary, or special education~~  
 45.19 ~~programs if candidates meet the other requirements in section 122A.181, 122A.182, or~~  
 45.20 ~~122A.183, respectively.~~

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

45.25 ~~(c)~~ (b) Candidates for initial Tier 3 and Tier 4 licenses to teach elementary students must  
 45.26 pass test items assessing the candidates' knowledge, skill, and ability in comprehensive,  
 45.27 scientifically based reading instruction under section 122A.06, subdivision 4, knowledge  
 45.28 and understanding of the foundations of reading development, development of reading  
 45.29 comprehension and reading assessment and instruction, and the ability to integrate that  
 45.30 knowledge and understanding into instruction strategies under section 122A.06, subdivision  
 45.31 4.

45.32 ~~(d)~~ (c) The requirement to pass a board-adopted reading, writing, and mathematics skills  
 45.33 examination does not apply to nonnative English speakers, as verified by qualified Minnesota

46.1 school district personnel or Minnesota higher education faculty, who, after meeting the  
46.2 content and pedagogy requirements under this subdivision, apply for a teaching license to  
46.3 provide direct instruction in their native language or world language instruction under section  
46.4 120B.022, subdivision 1.

46.5 Sec. 9. Minnesota Statutes 2020, section 122A.26, subdivision 2, is amended to read:

46.6 Subd. 2. **Exceptions.** (a) A person who teaches in a community education program  
46.7 ~~which that~~ qualifies for aid pursuant to section 124D.52 shall continue to meet licensure  
46.8 requirements as a teacher. A person who teaches in an early childhood and family education  
46.9 program ~~which that~~ is offered through a community education program and ~~which that~~  
46.10 qualifies for community education aid pursuant to section 124D.20 or early childhood and  
46.11 family education aid pursuant to section 124D.135 shall continue to meet licensure  
46.12 requirements as a teacher. A person who teaches in a community education course ~~which~~  
46.13 that is offered for credit for graduation to persons under 18 years of age shall continue to  
46.14 meet licensure requirements as a teacher.

46.15 (b) A person who teaches a driver training course ~~which that~~ is offered through a  
46.16 community education program to persons under 18 years of age shall be licensed by the  
46.17 Professional Educator Licensing and Standards Board or be subject to section 171.35. A  
46.18 license which is required for an instructor in a community education program pursuant to  
46.19 ~~this subdivision~~ paragraph shall not be construed to bring an individual within the definition  
46.20 of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1,  
46.21 ~~clause~~ paragraph (a).

46.22 Sec. 10. Minnesota Statutes 2020, section 122A.40, subdivision 8, is amended to read:

46.23 Subd. 8. **Development, evaluation, and peer coaching for continuing contract**  
46.24 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
46.25 representative of the teachers in the district, consistent with paragraph (b), may develop a  
46.26 teacher evaluation and peer review process for probationary and continuing contract teachers  
46.27 through joint agreement. If a school board and the exclusive representative of the teachers  
46.28 do not agree to an annual teacher evaluation and peer review process, then the school board  
46.29 and the exclusive representative of the teachers must implement the state teacher evaluation  
46.30 plan under paragraph (c). The process must include having trained observers serve as peer  
46.31 coaches or having teachers participate in professional learning communities, consistent with  
46.32 paragraph (b).

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

47.5 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
47.6 5;

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

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

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

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

47.20 (6) may include job-embedded learning opportunities such as professional learning  
47.21 communities;

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

47.26 (8) must include an option for teachers to develop and present a portfolio demonstrating  
47.27 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
47.28 3, and include teachers' own performance assessment based on student work samples and  
47.29 examples of teachers' work, which may include video among other activities for the  
47.30 summative evaluation;

47.31 (9) must use data from valid and reliable assessments aligned to state and local academic  
47.32 standards and must use state and local measures of student growth and literacy that may

48.1 include value-added models or student learning goals to determine 35 percent of teacher  
48.2 evaluation results;

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

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

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

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

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

48.20 (c) The department, in consultation with parents who may represent parent organizations  
48.21 and teacher and administrator representatives appointed by their respective organizations,  
48.22 representing the Professional Educator Licensing and Standards Board, the Minnesota  
48.23 Association of School Administrators, the Minnesota School Boards Association, the  
48.24 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
48.25 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
48.26 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
48.27 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
48.28 that complies with the requirements in paragraph (b) and applies to all teachers under this  
48.29 section and section 122A.41 for whom no agreement exists under paragraph (a) for an annual  
48.30 teacher evaluation and peer review process. The teacher evaluation process created under  
48.31 this subdivision does not create additional due process rights for probationary teachers under  
48.32 subdivision 5.

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



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

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

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

49.14 **EFFECTIVE DATE.** This section is effective July 1, 2023.

49.15 Sec. 11. Minnesota Statutes 2020, section 122A.41, subdivision 5, is amended to read:

49.16 Subd. 5. **Development, evaluation, and peer coaching for continuing contract**  
49.17 **teachers.** (a) To improve student learning and success, a school board and an exclusive  
49.18 representative of the teachers in the district, consistent with paragraph (b), may develop an  
49.19 annual teacher evaluation and peer review process for probationary and nonprobationary  
49.20 teachers through joint agreement. If a school board and the exclusive representative of the  
49.21 teachers in the district do not agree to an annual teacher evaluation and peer review process,  
49.22 then the school board and the exclusive representative of the teachers must implement the  
49.23 state teacher evaluation plan developed under paragraph (c). The process must include  
49.24 having trained observers serve as peer coaches or having teachers participate in professional  
49.25 learning communities, consistent with paragraph (b).

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

49.30 (1) must, for probationary teachers, provide for all evaluations required under subdivision  
49.31 2;

49.32 (2) must establish a three-year professional review cycle for each teacher that includes  
49.33 an individual growth and development plan, a peer review process, and at least one

50.1 summative evaluation performed by a qualified and trained evaluator such as a school  
50.2 administrator;

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

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

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

50.11 (6) may include job-embedded learning opportunities such as professional learning  
50.12 communities;

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

50.17 (8) must include an option for teachers to develop and present a portfolio demonstrating  
50.18 evidence of reflection and professional growth, consistent with section 122A.187, subdivision  
50.19 3, and include teachers' own performance assessment based on student work samples and  
50.20 examples of teachers' work, which may include video among other activities for the  
50.21 summative evaluation;

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

50.26 (10) must use longitudinal data on student engagement and connection and other student  
50.27 outcome measures explicitly aligned with the elements of curriculum for which teachers  
50.28 are responsible, including academic literacy, oral academic language, and achievement of  
50.29 English learners;

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

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

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

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

51.11 (c) The department, in consultation with parents who may represent parent organizations  
51.12 and teacher and administrator representatives appointed by their respective organizations,  
51.13 representing the Professional Educator Licensing and Standards Board, the Minnesota  
51.14 Association of School Administrators, the Minnesota School Boards Association, the  
51.15 Minnesota Elementary and Secondary Principals Associations, Education Minnesota, and  
51.16 representatives of the Minnesota Assessment Group, the Minnesota Business Partnership,  
51.17 the Minnesota Chamber of Commerce, and Minnesota postsecondary institutions with  
51.18 research expertise in teacher evaluation, must create and publish a teacher evaluation process  
51.19 that complies with the requirements in paragraph (b) and applies to all teachers under this  
51.20 section and section 122A.40 for whom no agreement exists under paragraph (a) for an annual  
51.21 teacher evaluation and peer review process. The teacher evaluation process created under  
51.22 this subdivision does not create additional due process rights for probationary teachers under  
51.23 subdivision 2.

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

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

51.31 (2) for students in grades 5 through 12, a school administrator must not place or approve  
51.32 the placement of a student in the classroom of a teacher who is in the improvement process  
51.33 referenced in paragraph (b), clause (12), or has not had a summative evaluation if, in the  
51.34 prior year, that student was in the classroom of a teacher who received discipline pursuant

52.1 to paragraph (b), clause (13), unless no other teacher at the school teaches that subject area  
52.2 and grade.

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

52.4 **EFFECTIVE DATE.** This section is effective July 1, 2023.

52.5 Sec. 12. Minnesota Statutes 2020, section 123B.147, subdivision 3, is amended to read:

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

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

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

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

52.25 ~~(2)~~ (3) include formative and summative evaluations based on multiple measures of  
52.26 student progress toward career and college readiness;

52.27 ~~(3)~~ (4) be consistent with a principal's job description, a district's long-term plans and  
52.28 goals, and the principal's own professional multiyear growth plans and goals, all of which  
52.29 must support the principal's leadership behaviors and practices, rigorous curriculum, school  
52.30 performance, and high-quality instruction;

52.31 ~~(4)~~ (5) include on-the-job observations and previous evaluations;

53.1 ~~(5)~~ (6) allow surveys to help identify a principal's effectiveness, leadership skills and  
53.2 processes, and strengths and weaknesses in exercising leadership in pursuit of school success;

53.3 ~~(6)~~ (7) use longitudinal data on student academic growth as 35 percent of the evaluation  
53.4 and incorporate district achievement goals and targets;

53.5 ~~(7)~~ (8) be linked to professional development that emphasizes improved teaching and  
53.6 learning, curriculum and instruction, student learning, culturally responsive leadership  
53.7 practices, and a collaborative professional culture; and

53.8 ~~(8)~~ (9) for principals not meeting standards of professional practice or other criteria  
53.9 under this subdivision, implement a plan to improve the principal's performance and specify  
53.10 the procedure and consequence if the principal's performance is not improved.

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

53.14 **EFFECTIVE DATE.** This section is effective July 1, 2023.

53.15 Sec. 13. Minnesota Statutes 2020, section 124D.861, subdivision 2, is amended to read:

53.16 Subd. 2. **Plan implementation; components.** (a) The school board of each eligible  
53.17 district must formally develop and implement a long-term plan under this section. The plan  
53.18 must be incorporated into the district's comprehensive strategic plan under section 120B.11.  
53.19 ~~Plan components may include: innovative and integrated prekindergarten through grade 12~~  
53.20 ~~learning environments that offer students school enrollment choices; family engagement~~  
53.21 ~~initiatives that involve families in their students' academic life and success; professional~~  
53.22 ~~development opportunities for teachers and administrators focused on improving the academic~~  
53.23 ~~achievement of all students, including teachers and administrators who are members of~~  
53.24 ~~populations underrepresented among the licensed teachers or administrators in the district~~  
53.25 ~~or school and who reflect the diversity of students under section 120B.35, subdivision 3,~~  
53.26 ~~paragraph (b), clause (2), who are enrolled in the district or school; increased programmatic~~  
53.27 ~~opportunities and effective and more diverse instructors focused on rigor and college and~~  
53.28 ~~career readiness for underserved students, including students enrolled in alternative learning~~  
53.29 ~~centers under section 123A.05, public alternative programs under section 126C.05,~~  
53.30 ~~subdivision 15, and contract alternative programs under section 124D.69, among other~~  
53.31 ~~underserved students; or recruitment and retention of teachers and administrators with~~  
53.32 ~~diverse racial and ethnic backgrounds.~~

53.33 (b) The plan must contain goals for:

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

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

54.6 (c) The plan must include strategies to validate, affirm, embrace, and integrate cultural  
54.7 and community strengths of all students, families, and employees in the district's curriculum  
54.8 as well as learning and work environments, and to address issues of institutional racism as  
54.9 defined in section 120B.11, subdivision 1, in schools that create opportunity and achievement  
54.10 gaps for students, families, and staff who are of color or American Indian. Examples of  
54.11 institutional racism experienced by students who are of color or American Indian include  
54.12 policies and practices that intentionally or unintentionally result in disparate discipline  
54.13 referrals and suspension, inequitable access to advanced coursework, overrepresentation in  
54.14 lower-level coursework, inequitable participation in cocurricular activities, inequitable  
54.15 parent involvement, and lack of equitable access to racially and ethnically diverse teachers  
54.16 who reflect the racial or ethnic diversity of students because it has not been a priority to  
54.17 hire or retain such teachers.

54.18 (d) School districts must use local data, to the extent practicable, to develop plan  
54.19 components and strategies. Plans may include:

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

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

54.24 (3) opportunities for students, families, staff, and community members who are of color  
54.25 or American Indian to share their experiences in the school setting with school staff and  
54.26 administration and to inform development of specific proposals for making school  
54.27 environments more validating, affirming, embracing, and integrating of their cultural and  
54.28 community strengths;

54.29 (4) professional development opportunities for teachers and administrators focused on  
54.30 improving the academic achievement of all students, including knowledge, skills, and  
54.31 dispositions needed to be anti-racist and culturally sustaining as defined in section 120B.11,  
54.32 subdivision 1, for serving students who are from racially and ethnically diverse backgrounds;

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

55.5 (6) collection, examination, and evaluation of academic and discipline data for  
 55.6 institutional racism as defined in section 120B.11, subdivision 1, in structures, policies, and  
 55.7 practices that result in the education disparities, in order to propose anti-racist changes as  
 55.8 defined in section 120B.11, subdivision 1, that increase access, meaningful participation,  
 55.9 representation, and positive outcomes for students of color and American Indian students;

55.10 (7) increased programmatic opportunities and effective and more diverse instructors  
 55.11 focused on rigor and college and career readiness for students who are impacted by racial,  
 55.12 gender, linguistic, and economic disparities, including students enrolled in area learning  
 55.13 centers or alternative learning programs under section 123A.05, state-approved alternative  
 55.14 programs under section 126C.05, subdivision 15, and contract alternative programs under  
 55.15 section 124D.69, among other underserved students;

55.16 (8) ethnic studies curriculum as defined in section 120B.11, subdivision 1, to provide  
 55.17 all students with opportunities to learn about their own and others' cultures and historical  
 55.18 experiences; or

55.19 (9) examination and revision of district curricula in all subjects to be inclusive of diverse  
 55.20 racial and ethnic groups while meeting state academic standards and being culturally  
 55.21 sustaining as defined in section 120B.11, subdivision 1, ensuring content being studied  
 55.22 about any group is accurate and based in knowledge from that group.

55.23 ~~(b)~~ (e) Among other requirements, an eligible district must implement effective,  
 55.24 research-based interventions that include ~~formative~~ multiple measures of assessment practices  
 55.25 and engagement in order to reduce the eliminate academic disparities in student academic  
 55.26 performance among the specific categories of students as measured by student progress and  
 55.27 growth on state reading and math assessments and for students impacted by racial, gender,  
 55.28 linguistic, and economic inequities as aligned with section 120B.11.

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

55.32 **EFFECTIVE DATE.** This section is effective for all plans reviewed and updated after  
 55.33 the day following final enactment.

## ARTICLE 6

## CHARTER SCHOOLS

Section 1. Minnesota Statutes 2020, section 124E.02, is amended to read:

**124E.02 DEFINITIONS.**

(a) For purposes of this chapter, the terms defined in this section have the meanings given them.

(b) "Affidavit" means a written statement the authorizer submits to the commissioner for approval to establish a charter school under section 124E.06, subdivision 4, attesting to its review and approval process before chartering a school.

(c) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.

(d) "Charter management organization" means any nonprofit entity that contracts with a charter school board of directors to provide, manage, or oversee all or substantially all of a charter school's educational design or implementation, or a charter school's administrative, financial, business, or operational functions.

~~(d)~~ (e) "Control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether by owning voting securities, by contract, or otherwise.

(f) "Education management organization" means any for-profit entity that provides, manages, or oversees all or substantially all of the educational design or implementation for a charter school, or a charter school's administrative, financial, business, or operational functions.

~~(e)~~ (g) "Immediate family" means an individual whose relationship by blood, marriage, adoption, or partnership is no more remote than first cousin.

(h) "Online education service provider" means an organization that provides an online learning management system, virtual learning environment, or online student management system for a charter school and services for the implementation and operation of an online education program for the charter school.

~~(f)~~ (i) "Person" means an individual or entity of any kind.

~~(g)~~ (j) "Related party" means an affiliate or immediate relative of the other interested party, an affiliate of an immediate relative who is the other interested party, or an immediate relative of an affiliate who is the other interested party.



57.1 ~~(h)~~ (k) For purposes of this chapter, the terms defined in section 120A.05 have the same  
57.2 meanings.

57.3 Sec. 2. Minnesota Statutes 2020, section 124E.03, subdivision 2, is amended to read:

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

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

57.8 (c) A charter school must comply with the Minnesota Public School Fee Law, sections  
57.9 123B.34 to 123B.39.

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

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

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

57.15 (g) A charter school must comply with continuing truant notification under section  
57.16 260A.03.

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

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

57.25 (j) A charter school is subject to and must comply with section 121A.575 and the Pupil  
57.26 Fair Dismissal Act, sections 121A.40 to 121A.56.

57.27 (k) A charter school is subject to and must comply with the uniform municipal contracting  
57.28 law according to section 471.345 in the same manner as school districts.

58.1 Sec. 3. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to  
58.2 read:

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

58.6 Sec. 4. Minnesota Statutes 2020, section 124E.03, is amended by adding a subdivision to  
58.7 read:

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

58.10 Sec. 5. Minnesota Statutes 2020, section 124E.05, subdivision 4, is amended to read:

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

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

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

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

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

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

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

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

58.30 (8) an assurance specifying that the organization is committed to serving as an authorizer  
58.31 for the full five-year term until the commissioner terminates the organization's ability to

59.1 authorize charter schools under subdivision 6 or the organization formally withdraws as an  
 59.2 approved authorizer under subdivision 7.

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

59.8 Sec. 6. Minnesota Statutes 2020, section 124E.05, subdivision 7, is amended to read:

59.9 Subd. 7. **Withdrawal.** If the governing board of an approved authorizer votes to withdraw  
 59.10 as an approved authorizer for a reason unrelated to any cause under section ~~124E.10,~~  
 59.11 ~~subdivision 4~~ 124E.07, subdivision 6, the authorizer must notify all its chartered schools  
 59.12 and the commissioner in writing by March 1 of its intent to withdraw as an authorizer on  
 59.13 June 30 in the next calendar year, ~~regardless of when the authorizer's five-year term of~~  
 59.14 ~~approval ends.~~ Upon notification of the schools and commissioner, the authorizer must  
 59.15 provide a letter to the school for distribution to families of students enrolled in the school  
 59.16 that explains the decision to withdraw as an authorizer. The commissioner may approve the  
 59.17 transfer of a charter school to a new authorizer under section 124E.10, subdivision 5.

59.18 Sec. 7. Minnesota Statutes 2020, section 124E.06, subdivision 1, is amended to read:

59.19 Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an  
 59.20 application from a charter school developer, may charter either a licensed teacher under  
 59.21 section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed  
 59.22 teachers under section 122A.18, subdivision 1, to operate a school subject to the  
 59.23 commissioner's approval of the authorizer's affidavit under subdivision 4.

59.24 (b) "Application" under this section means the charter school business plan a charter  
 59.25 school developer submits to an authorizer for approval to establish a charter school. This  
 59.26 application must include:

59.27 (1) the school developer's:

59.28 (i) mission statement;

59.29 (ii) school purposes;

59.30 (iii) program design;

59.31 (iv) financial plan;

- 60.1 (v) market need and demand study;
- 60.2 ~~(v)~~ (vi) governance and management structure; and
- 60.3 ~~(vi)~~ (vii) background and experience;
- 60.4 (2) any other information the authorizer requests; and
- 60.5 (3) a "statement of assurances" of legal compliance prescribed by the commissioner.
- 60.6 (c) "Market need and demand study" means a study that includes the following for any
- 60.7 proposed location of a new school, grade or site expansion, or preschool program:
- 60.8 (1) current and projected demographic information;
- 60.9 (2) student enrollment patterns;
- 60.10 (3) information on existing schools and types of educational programs currently available;
- 60.11 (4) characteristics of proposed students and families;
- 60.12 (5) availability of properly zoned and classified facilities; and
- 60.13 (6) quantification of existing demand for the new school, grade or site expansion, or
- 60.14 preschool program.
- 60.15 ~~(e)~~ (d) An authorizer shall not approve an application submitted by a charter school
- 60.16 developer under paragraph (a) if the application does not comply with subdivision 3,
- 60.17 paragraph (e), and section 124E.01, subdivision 1. The commissioner shall not approve an
- 60.18 affidavit submitted by an authorizer under subdivision 4 if the affidavit does not comply
- 60.19 with subdivision 3, paragraph (e), and section 124E.01, subdivision 1.
- 60.20 Sec. 8. Minnesota Statutes 2020, section 124E.06, subdivision 4, is amended to read:
- 60.21 **Subd. 4. Authorizer's affidavit; approval process.** (a) Before an operator may establish
- 60.22 and operate a school, the authorizer must file an affidavit with the commissioner stating its
- 60.23 intent to charter a school. An authorizer must file a separate affidavit for each school it
- 60.24 intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of
- 60.25 the year the new charter school plans to serve students. The affidavit must state:
- 60.26 (1) the terms and conditions under which the authorizer would charter a school, including
- 60.27 market research that addresses the need, demand, and potential market for the proposed
- 60.28 charter school in the community where the school intends to locate; and
- 60.29 (2) how the authorizer intends to oversee:
- 60.30 (i) the fiscal and student performance of the charter school; and

61.1 (ii) compliance with the terms of the written contract between the authorizer and the  
61.2 charter school board of directors under section 124E.10, subdivision 1.

61.3 (b) The commissioner must approve or disapprove the authorizer's affidavit within 60  
61.4 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the  
61.5 commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer  
61.6 then has 20 business days to address the deficiencies. The commissioner must notify the  
61.7 authorizer of the commissioner's final approval or final disapproval within 15 business days  
61.8 after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer  
61.9 does not address deficiencies to the commissioner's satisfaction, the commissioner's  
61.10 disapproval is final. An authorizer who fails to obtain the commissioner's approval is  
61.11 precluded from chartering the school that is the subject of this affidavit.

61.12 Sec. 9. Minnesota Statutes 2020, section 124E.06, subdivision 5, is amended to read:

61.13 Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to  
61.14 amend the school charter to add grades or primary enrollment sites beyond those defined  
61.15 in the original affidavit approved by the commissioner. After approving the school's  
61.16 application, the authorizer shall submit a supplemental affidavit in the form and manner  
61.17 prescribed by the commissioner. The authorizer must file a supplemental affidavit to the  
61.18 commissioner by October 1 to be eligible to add grades or sites in the next school year. The  
61.19 supplemental affidavit must document to the authorizer's satisfaction:

61.20 (1) the need for the additional grades or sites with supporting long-range enrollment  
61.21 projections;

61.22 (2) a longitudinal record of student academic performance and growth on statewide  
61.23 assessments under chapter 120B or on other academic assessments that measure longitudinal  
61.24 student performance and growth approved by the charter school's board of directors and  
61.25 agreed upon with the authorizer;

61.26 (3) a history of sound school finances and a plan to add grades or sites that sustains the  
61.27 school's finances; ~~and~~

61.28 (4) board capacity to administer and manage the additional grades or sites; and

61.29 (5) market need and demand study.

61.30 (b) The commissioner shall have 30 business days to review and comment on the  
61.31 supplemental affidavit. The commissioner shall notify the authorizer in writing of any  
61.32 deficiencies in the supplemental affidavit and the authorizer then has 20 business days to  
61.33 address any deficiencies in the supplemental affidavit to the commissioner's satisfaction.

62.1 The commissioner must notify the authorizer of final approval or final disapproval within  
 62.2 15 business days after receiving the authorizer's response to the deficiencies in the affidavit.  
 62.3 The school may not add grades or sites until the commissioner has approved the supplemental  
 62.4 affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

62.5 Sec. 10. Minnesota Statutes 2020, section 124E.11, is amended to read:

62.6 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

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

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

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

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

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

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

62.29 (d) Admission to a charter school is free to any person who resides within the state of  
 62.30 Minnesota and Minnesota students have preference over out-of-state residents. A person  
 62.31 shall not be admitted to a charter school (1) as a kindergarten pupil, unless the pupil is at  
 62.32 least five years of age on September 1 of the calendar year in which the school year for  
 62.33 which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil

63.1 is at least six years of age on September 1 of the calendar year in which the school year for  
 63.2 which the pupil seeks admission commences or has completed kindergarten; except that a  
 63.3 charter school may establish and publish on its website a policy for admission of selected  
 63.4 pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).

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

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

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

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

63.22 Sec. 11. Minnesota Statutes 2020, section 124E.12, subdivision 1, is amended to read:

63.23 Subdivision 1. **Teachers.** A charter school must employ necessary teachers or contract  
 63.24 with a cooperative formed under chapter 308A to provide necessary teachers, as defined  
 63.25 by section ~~122A.15, subdivision 1~~ 122A.06, subdivision 2, who hold valid licenses to  
 63.26 perform the particular service for which they are employed in the school. The commissioner  
 63.27 may reduce the charter school's state aid under section 127A.43 if the school employs a  
 63.28 teacher who is not appropriately licensed or approved by the Professional Educator Licensing  
 63.29 and Standards Board. The school may employ necessary employees who are not required  
 63.30 to hold teaching licenses to perform duties other than teaching and may contract for other  
 63.31 services. The school may discharge teachers and nonlicensed employees. The charter school  
 63.32 board is subject to section 181.932 governing whistle-blowers. When offering employment  
 63.33 to a prospective employee, a charter school must give that employee a written description  
 63.34 of the terms and conditions of employment and the school's personnel policies.

64.1 Sec. 12. Minnesota Statutes 2020, section 124E.13, subdivision 1, is amended to read:

64.2 Subdivision 1. **Leased space.** A charter school may lease space from: an independent  
64.3 or special school board; other public organization; private, nonprofit, nonsectarian  
64.4 organization; private property owner; or a sectarian organization; and if the leased space is  
64.5 owned by the lessor and is constructed as a school facility. The commissioner must review  
64.6 and approve or disapprove leases in a timely manner to determine eligibility for lease aid  
64.7 under section 124E.22.

64.8 Sec. 13. Minnesota Statutes 2020, section 124E.13, subdivision 3, is amended to read:

64.9 Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building  
64.10 corporation may purchase, expand, or renovate an existing facility to serve as a school or  
64.11 may construct a new school facility. ~~A~~ One charter school may organize an affiliated  
64.12 nonprofit building corporation that serves only that charter school if the charter school:

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

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

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

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

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

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

64.22 (1) be incorporated under section 317A;

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

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

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

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



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

65.6 (d) The board of directors of the charter school must ensure the affiliated nonprofit  
65.7 building corporation complies with all applicable legal requirements. The charter school's  
65.8 authorizer must oversee the efforts of the board of directors of the charter school to ensure  
65.9 legal compliance of the affiliated building corporation. A school's board of directors that  
65.10 fails to ensure the affiliated nonprofit building corporation's compliance violates its  
65.11 responsibilities and an authorizer must consider that failure when evaluating the charter  
65.12 school.

65.13 Sec. 14. Minnesota Statutes 2020, section 124E.16, subdivision 1, is amended to read:

65.14 Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits,  
65.15 audit procedures, and audit requirements as a district, except as required under this  
65.16 subdivision. Audits must be conducted in compliance with generally accepted governmental  
65.17 auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing  
65.18 auditing procedures. A charter school is subject to and must comply with sections 15.054;  
65.19 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property  
65.20 and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing  
65.21 municipal contracting. The audit must comply with the requirements of sections 123B.75  
65.22 to 123B.83 governing school district finance, except when the commissioner and authorizer  
65.23 approve a deviation made necessary because of school program finances. The commissioner,  
65.24 state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance  
65.25 audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must  
65.26 submit a plan under section 123B.81, subdivision 4.

65.27 (b) The charter school must submit an audit report to the commissioner and its authorizer  
65.28 annually by December 31. The charter school's charter management organization or  
65.29 educational management organization must submit an audit report to the commissioner  
65.30 annually by December 31.

65.31 (c) The charter school, with the assistance of the auditor conducting the audit, must  
65.32 include with the report, as supplemental information: (1) a copy of management agreements  
65.33 with a charter management organization or an educational management organization and  
65.34 (2) service agreements or contracts over the lesser of \$100,000 or ten percent of the school's

66.1 most recent annual audited expenditures. The agreements must detail the terms of the  
66.2 agreement, including the services provided and the annual costs for those services. If the  
66.3 entity that provides the professional services to the charter school is exempt from taxation  
66.4 under section 501 of the Internal Revenue Code of 1986, that entity must file with the  
66.5 commissioner by February 15 a copy of the annual return required under section 6033 of  
66.6 the Internal Revenue Code of 1986.

66.7 (d) A charter school independent audit report shall include audited financial data of an  
66.8 affiliated building corporation under section 124E.13, subdivision 3, or other component  
66.9 unit.

66.10 (e) If the audit report finds that a material weakness exists in the financial reporting  
66.11 systems of a charter school, the charter school must submit a written report to the  
66.12 commissioner explaining how the charter school will resolve that material weakness. An  
66.13 auditor, as a condition of providing financial services to a charter school, must agree to  
66.14 make available information about a charter school's financial audit to the commissioner and  
66.15 authorizer upon request.

66.16 Sec. 15. Minnesota Statutes 2020, section 124E.25, subdivision 1a, is amended to read:

66.17 Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section  
66.18 127A.45, for a charter school ceasing operation on or before June 30, for the payment periods  
66.19 occurring after the school ceases serving students, the commissioner shall withhold the  
66.20 estimated state aid owed the school. The charter school board of directors and authorizer  
66.21 must submit to the commissioner a closure plan under chapter ~~308A~~ or 317A; and financial  
66.22 information about the school's liabilities and assets. After receiving the closure plan, financial  
66.23 information, an audit of pupil counts, and documented lease expenditures from the charter  
66.24 school and monitoring special education expenditures, the commissioner may release cash  
66.25 withheld and may continue regular payments up to the current year payment percentages  
66.26 if further amounts are owed. If, based on audits and monitoring, the school received state  
66.27 aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to  
66.28 eliminate the aid overpayment.

66.29 (b) For a charter school ceasing operations before or at the end of a school year,  
66.30 notwithstanding section 127A.45, subdivision 3, the commissioner may make preliminary  
66.31 final payments after the school submits the closure plan, an audit of pupil counts, documented  
66.32 lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS)  
66.33 financial data and the commissioner monitors special education expenditures for the final

67.1 year of operation. The commissioner may make the final payment after receiving audited  
67.2 financial statements under section 123B.77, subdivision 3.

67.3 (c) Notwithstanding sections 317A.701 to 317A.791, after closing a charter school and  
67.4 satisfying creditors, remaining cash and investment balances shall be returned by the  
67.5 commissioner to the state general fund.

## 67.6 ARTICLE 7

### 67.7 NUTRITION AND LIBRARIES

67.8 Section 1. Minnesota Statutes 2020, section 124D.111, is amended to read:

#### 67.9 **124D.111 SCHOOL MEAL POLICY; LUNCH AID; FOOD SERVICE** 67.10 **ACCOUNTING.**

67.11 Subdivision 1. ~~School lunch aid computation meal policy.~~ (a) Each Minnesota sponsor  
67.12 of the national school lunch program or school breakfast program must adopt and post to  
67.13 its website, or the website of the organization where the meal is served, a school meal policy.

67.14 The policy must:

67.15 (1) be in writing, accessible in multiple languages, and clearly communicate student  
67.16 meal charges when payment cannot be collected at the point of service;

67.17 (2) be reasonable and well-defined and maintain the dignity of students by prohibiting  
67.18 lunch shaming or otherwise ostracizing any student;

67.19 (3) address whether the sponsor uses a collection agency to collect unpaid school meal  
67.20 debt;

67.21 (4) require any communication to collect unpaid school meal debt be done by school  
67.22 staff trained on the school district's policy on collecting student meal debt;

67.23 (5) require that all communication relating to school meal debt be delivered only to a  
67.24 student's parent or guardian and not directly to the student;

67.25 (6) ensure that once a sponsor has placed a meal on a tray or otherwise served a  
67.26 reimbursable meal to a student, the meal may not be subsequently withdrawn from the  
67.27 student by the cashier or other school official, because the student has outstanding meal  
67.28 debt;

67.29 (7) ensure that a student who has been determined eligible for free and reduced-price  
67.30 lunch must always be served a reimbursable meal even if the student has outstanding debt;

68.1 (8) provide the third-party provider with its school meal policy if the school contracts  
 68.2 with a third-party provider for its meal services; and

68.3 (9) require school nutrition staff be trained on the policy.

68.4 (b) Any contract between a school and a third-party provider of meal services entered  
 68.5 into or modified on or after July 1, 2021, must ensure that the third-party provider adheres  
 68.6 to the sponsor's school meal policy.

68.7 Subd. 1a. **School lunch aid amounts.** Each school year, the state must pay ~~participants~~  
 68.8 sponsors in the national school lunch program the amount of 12.5 cents for each full paid  
 68.9 and free student lunch and 52.5 cents for each reduced-price lunch served to students.

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

68.13 Subd. 2a. **Federal Child and Adult Care Food Program; criteria and notice.** The  
 68.14 commissioner must post on the department's website eligibility criteria and application  
 68.15 information for nonprofit organizations interested in applying to the commissioner for  
 68.16 approval as a multisite sponsoring organization under the federal Child and Adult Care  
 68.17 Food Program. The posted criteria and information must inform interested nonprofit  
 68.18 organizations about:

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

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

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

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

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

69.1 (c) Revenues and expenditures for food service activities must be recorded in the food  
69.2 service fund. The costs of processing applications, accounting for meals, preparing and  
69.3 serving food, providing kitchen custodial services, and other expenses involving the preparing  
69.4 of meals or the kitchen section of the lunchroom may be charged to the food service fund  
69.5 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial  
69.6 services, lunchroom utilities, and other administrative costs of the food service program  
69.7 must be charged to the general fund.

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

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

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

69.21 (f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit  
69.22 is not eliminated by revenues from food service operations in the next fiscal year, then the  
69.23 deficit must be eliminated by a permanent fund transfer from the general fund at the end of  
69.24 that second fiscal year. However, if a district contracts with a food service management  
69.25 company during the period in which the deficit has accrued, the deficit must be eliminated  
69.26 by a payment from the food service management company.

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

69.31 (h) If a surplus in the food service fund exists at the end of a fiscal year for three  
69.32 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,  
69.33 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food  
69.34 service program charged to the general fund according to paragraph (c) and charge those

70.1 costs to the food service fund in a total amount not to exceed the amount of surplus in the  
70.2 food service fund.

70.3 Subd. 4. **No fees.** A participant sponsor that receives school lunch aid under this section  
70.4 must make lunch meals available without charge and must not deny a school lunch or  
70.5 breakfast to all participating students who qualify for free or reduced-price meals, whether  
70.6 or not that student has an outstanding balance in the student's meal account attributable to  
70.7 a la carte purchases or for any other reason. The participant sponsor must also ensure that  
70.8 any reminders for payment of outstanding student meal balances do not demean or stigmatize  
70.9 any child participating in the school lunch program or school breakfast program.

70.10 Subd. 5. **Respectful treatment.** (a) The sponsor must also provide meals to students in  
70.11 a respectful manner according to the policy adopted under subdivision 1. The sponsor must  
70.12 not impose any other restriction prohibited under section 123B.37 due to unpaid student  
70.13 meal debt. The sponsor must not limit a student's participation in any school activities,  
70.14 graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities  
70.15 or access to materials, technology, or other items provided to students due to an unpaid  
70.16 student meal debt.

70.17 (b) If the commissioner or the commissioner's designee determines a sponsor has violated  
70.18 the requirement to provide meals to participating students in a respectful manner, the  
70.19 commissioner or the commissioner's designee must send a letter of noncompliance to the  
70.20 sponsor. The sponsor is required to respond and, if applicable, remedy the practice within  
70.21 60 days.

70.22 Subd. 6. **Definitions.** (a) For the purposes of this section, the terms defined in this  
70.23 subdivision have the meanings given.

70.24 (b) "A la carte" means a food item ordered separately from the school meal.

70.25 (c) "School meal" means a meal provided to students during the school day.

70.26 **EFFECTIVE DATE.** This section is effective July 1, 2021.

70.27 Sec. 2. **[124D.901] SCHOOL LIBRARIES AND MEDIA CENTERS.**

70.28 Subdivision 1. **Definition.** A school district or charter school library or school library  
70.29 media center provides equitable and free access to students, teachers, and administrators  
70.30 and must:

70.31 (1) ensure every student has equitable access to resources and is able to locate, access,  
70.32 and use on-site resources that are organized and cataloged;

71.1 (2) have a collection development policy that includes but is not limited to materials  
 71.2 selection and de-selection, a challenged materials procedure, and an intellectual and academic  
 71.3 freedom statement;

71.4 (3) be housed in a central location that provides an environment for expanded learning  
 71.5 to meet the unique needs and interests of individual students; and

71.6 (4) have technology tools and broadband access.

71.7 Subd. 2. Services. The school district or charter school library or school library media  
 71.8 center must employ a licensed school library media specialist or licensed school librarian  
 71.9 who:

71.10 (1) provides instruction for students;

71.11 (2) provides staff training on the use of new resources and equipment;

71.12 (3) provides instructional support for and collaboration with teachers of all disciplines;

71.13 (4) participates in school-wide technology and communications planning and promotes  
 71.14 its integration into all instructional programs; and

71.15 (5) models and supports the ethical use of information, adherence to copyright laws, and  
 71.16 respect for intellectual property.

71.17 Sec. 3. Minnesota Statutes 2020, section 134.34, subdivision 1, is amended to read:

71.18 Subdivision 1. **Local support levels.** (a) Regional library basic system support aid shall  
 71.19 be provided to any regional public library system where there are at least three participating  
 71.20 counties and where each participating city and county is providing for public library service  
 71.21 support the lesser of (a) an amount equivalent to .82 percent of the average of the adjusted  
 71.22 net tax capacity of the taxable property of that city or county, as determined by the  
 71.23 commissioner of revenue for the second, third, and fourth year preceding that calendar year  
 71.24 or (b) a per capita amount calculated under the provisions of this subdivision. The per capita  
 71.25 amount is established for calendar year 1993 as \$7.62. In succeeding calendar years, the  
 71.26 per capita amount shall be increased by a percentage equal to one-half of the percentage by  
 71.27 which the total state adjusted net tax capacity of property as determined by the commissioner  
 71.28 of revenue for the second year preceding that calendar year increases over that total adjusted  
 71.29 net tax capacity for the third year preceding that calendar year.

71.30 (b) The minimum level of support specified under this subdivision or subdivision 4 shall  
 71.31 be certified annually to the participating cities and counties by the Department of Education.  
 71.32 If a city or county chooses to reduce its local support in accordance with subdivision 4,

72.1 paragraph (b) or (c), it shall notify its regional public library system. The regional public  
 72.2 library system shall notify the Department of Education that a revised certification is required.  
 72.3 The revised minimum level of support shall be certified to the city or county by the  
 72.4 Department of Education.

72.5 (c) A city which is a part of a regional public library system shall not be required to  
 72.6 provide this level of support if the property of that city is already taxable by the county for  
 72.7 the support of that regional public library system. In no event shall the Department of  
 72.8 Education require any city or county to provide a higher level of support than the level of  
 72.9 support specified in this section in order for a system to qualify for regional library basic  
 72.10 system support aid. This section shall not be construed to prohibit a city or county from  
 72.11 providing a higher level of support for public libraries than the level of support specified  
 72.12 in this section.

72.13 (d) The amounts required to be expended under this section are subject to the reduced  
 72.14 maintenance of effort requirements in section 275.761.

## 72.15 ARTICLE 8

### 72.16 EARLY CHILDHOOD

72.17 Section 1. Minnesota Statutes 2020, section 124D.13, subdivision 2, is amended to read:

72.18 Subd. 2. **Program requirements.** (a) Early childhood family education programs are  
 72.19 programs for children in the period of life from birth to kindergarten, for the parents and  
 72.20 other relatives of these children, ~~and~~ and for expectant parents, and for noncustodial providers  
 72.21 of child care. To the extent that funds are insufficient to provide programs for all children,  
 72.22 early childhood family education programs should emphasize programming for a child from  
 72.23 birth to age three and encourage parents and other relatives to involve four- and five-year-old  
 72.24 children in school readiness programs, and other public and nonpublic early learning  
 72.25 programs. A district may not limit participation to school district residents. Early childhood  
 72.26 family education programs must provide:

72.27 (1) programs to educate parents and other relatives about the physical, cognitive, social,  
 72.28 and emotional development of children and to enhance the skills of parents and other relatives  
 72.29 in providing for their children's learning and development;

72.30 (2) structured learning activities requiring interaction between children and their parents  
 72.31 or relatives;



73.1 (3) structured learning activities for children that promote children's development and  
73.2 positive interaction with peers, which are held while parents or relatives attend parent  
73.3 education classes;

73.4 (4) information on related community resources;

73.5 (5) information, materials, and activities that support the safety of children, including  
73.6 prevention of child abuse and neglect;

73.7 (6) a community needs assessment that identifies new and underserved populations,  
73.8 identifies child and family risk factors, particularly those that impact children's learning and  
73.9 development, and assesses family and parenting education needs in the community;

73.10 (7) programming and services that are tailored to the needs of families and parents  
73.11 prioritized in the community needs assessment; and

73.12 (8) information about and, if needed, assist in making arrangements for an early childhood  
73.13 health and developmental screening under sections 121A.16 and 121A.17, when the child  
73.14 nears the third birthday.

73.15 Early childhood family education programs should prioritize programming and services  
73.16 for families and parents identified in the community needs assessment, particularly those  
73.17 families and parents with children with the most risk factors birth to age three.

73.18 Early childhood family education programs are encouraged to provide parents of English  
73.19 learners with translated oral and written information to monitor the program's impact on  
73.20 their children's English language development, to know whether their children are progressing  
73.21 in developing their English and native language proficiency, and to actively engage with  
73.22 and support their children in developing their English and native language proficiency.

73.23 The programs must include learning experiences for children, parents, and other relatives  
73.24 that promote children's early literacy and, where practicable, their native language skills  
73.25 and activities for children that require substantial involvement of the children's parents or  
73.26 other relatives. The program may provide parenting education programming or services to  
73.27 anyone identified in the community needs assessment. Providers must review the program  
73.28 periodically to assure the instruction and materials are not racially, culturally, or sexually  
73.29 biased. The programs must encourage parents to be aware of practices that may affect  
73.30 equitable development of children.

73.31 (b) For the purposes of this section, "relative" or "relatives" means noncustodial  
73.32 grandparents or other persons related to a child by blood, marriage, adoption, or foster  
73.33 placement, excluding parents.

## ARTICLE 9

## POSTSECONDARY ENROLLMENT OPTIONS AND GRADUATION

Section 1. Minnesota Statutes 2020, section 124D.09, subdivision 3, is amended to read:

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

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

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

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

Sec. 2. Minnesota Statutes 2020, section 124D.09, subdivision 7, is amended to read:

Subd. 7. ~~**Dissemination of information; Notification of intent to enroll.** By the earlier of (1) three weeks prior to the date by which a student must register for district courses for the following school year, or (2) March 1 of each year, a district must provide up-to-date information on the district's website and in materials that are distributed to parents and students about the program, including information about enrollment requirements and the ability to earn postsecondary credit to all pupils in grades 8, 9, 10, and 11. To assist the district in planning, a pupil must inform the district by May 30 of each year of the pupil's intent to enroll in postsecondary courses during the following school year. A pupil is bound by notifying or not notifying the district by May 30.~~ term. A pupil who does not notify the district of their intent to enroll by May 30 for the fall term or October 30 for the spring term will not be able to enroll in postsecondary courses under this section.

75.1 Sec. 3. Minnesota Statutes 2020, section 124D.09, subdivision 13, is amended to read:

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

75.5 The department must not make payments to a school district or postsecondary institution  
75.6 for a course taken for postsecondary credit only. The department must not make payments  
75.7 to a postsecondary institution for a course from which a student officially withdraws during  
75.8 the first ~~14~~ ten business days of the postsecondary institution's quarter or semester or who  
75.9 has been absent from the postsecondary institution for the first ~~15 consecutive school~~ ten  
75.10 business days of the postsecondary institution's quarter or semester and is not receiving  
75.11 instruction in the home or hospital.

75.12 A postsecondary institution shall receive the following:

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

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

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

75.26 Sec. 4. Minnesota Statutes 2020, section 124D.128, subdivision 1, is amended to read:

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

76.1 Sec. 5. Minnesota Statutes 2020, section 124D.128, subdivision 3, is amended to read:

76.2 Subd. 3. **Student planning.** A district,~~charter school~~, or state-approved alternative  
 76.3 program must inform all pupils and their parents about the learning year program and that  
 76.4 participation in the program is optional. A continual learning plan must be developed at  
 76.5 least annually for each pupil with the participation of the pupil, parent or guardian, teachers,  
 76.6 and other staff; each participant must sign and date the plan. The plan must specify the  
 76.7 learning experiences that must occur during the entire fiscal year and are necessary for grade  
 76.8 progression or, for secondary students, graduation. The plan must include:

76.9 (1) the pupil's learning objectives and experiences, including courses or credits the pupil  
 76.10 plans to complete each year and, for a secondary pupil, the graduation requirements the  
 76.11 student must complete;

76.12 (2) the assessment measurements used to evaluate a pupil's objectives;

76.13 (3) requirements for grade level or other appropriate progression; and

76.14 (4) for pupils generating more than one average daily membership in a given grade, an  
 76.15 indication of which objectives were unmet.

76.16 The plan may be modified to conform to district schedule changes. The district may not  
 76.17 modify the plan if the modification would result in delaying the student's time of graduation.

76.18 Sec. 6. **REPEALER.**

76.19 Minnesota Statutes 2020, section 120B.35, subdivision 5, is repealed.

## 76.20 **ARTICLE 10**

### 76.21 **TECHNICAL CORRECTIONS**

76.22 Section 1. Minnesota Statutes 2020, section 290.0679, subdivision 2, is amended to read:

76.23 Subd. 2. **Conditions for assignment.** A qualifying taxpayer may assign all or part of  
 76.24 an anticipated refund for the current and future taxable years to a financial institution or a  
 76.25 qualifying organization. A financial institution or qualifying organization accepting  
 76.26 assignment must pay the amount secured by the assignment to a third-party vendor. The  
 76.27 commissioner of education shall, upon request from a third-party vendor, certify that the  
 76.28 vendor's products and services qualify for the education credit. A denial of a certification  
 76.29 ~~is subject to the contested case procedure under~~ may be appealed to the commissioner of  
 76.30 education notwithstanding chapter 14. A financial institution or qualifying organization that  
 76.31 accepts assignments under this section must verify as part of the assignment documentation

77.1 that the product or service to be provided by the third-party vendor has been certified by  
77.2 the commissioner of education as qualifying for the education credit. The amount assigned  
77.3 for the current and future taxable years may not exceed the maximum allowable education  
77.4 credit for the current taxable year. Both the taxpayer and spouse must consent to the  
77.5 assignment of a refund from a joint return.

77.6 Sec. 2. Minnesota Statutes 2020, section 469.176, subdivision 2, is amended to read:

77.7 Subd. 2. **Excess increments.** (a) The authority shall annually determine the amount of  
77.8 excess increments for a district, if any. This determination must be based on the tax increment  
77.9 financing plan in effect on December 31 of the year and the increments and other revenues  
77.10 received as of December 31 of the year. The authority must spend or return the excess  
77.11 increments under paragraph (c) within nine months after the end of the year.

77.12 (b) For purposes of this subdivision, "excess increments" equals the excess of:

77.13 (1) total increments collected from the district since its certification, reduced by any  
77.14 excess increments paid under paragraph (c), clause (4), for a prior year, over

77.15 (2) the total costs authorized by the tax increment financing plan to be paid with  
77.16 increments from the district, reduced, but not below zero, by the sum of:

77.17 (i) the amounts of those authorized costs that have been paid from sources other than  
77.18 tax increments from the district;

77.19 (ii) revenues, other than tax increments from the district, that are dedicated for or  
77.20 otherwise required to be used to pay those authorized costs and that the authority has received  
77.21 and that are not included in item (i);

77.22 (iii) the amount of principal and interest obligations due on outstanding bonds after  
77.23 December 31 of the year and not prepaid under paragraph (c) in a prior year; and

77.24 (iv) increased by the sum of the transfers of increments made under section 469.1763,  
77.25 subdivision 6, to reduce deficits in other districts made by December 31 of the year.

77.26 (c) The authority shall use excess increment only to do one or more of the following:

77.27 (1) prepay any outstanding bonds;

77.28 (2) discharge the pledge of tax increment for any outstanding bonds;

77.29 (3) pay into an escrow account dedicated to the payment of any outstanding bonds; or

78.1 (4) return the excess amount to the county auditor who shall distribute the excess amount  
 78.2 to the city or town, county, and school district in which the tax increment financing district  
 78.3 is located in direct proportion to their respective local tax rates.

78.4 (d) For purposes of a district for which the request for certification was made prior to  
 78.5 August 1, 1979, excess increments equal the amount of increments on hand on December  
 78.6 31, less the principal and interest obligations due on outstanding bonds or advances,  
 78.7 qualifying under subdivision 1c, clauses (1), (2), (4), and (5), after December 31 of the year  
 78.8 and not prepaid under paragraph (c).

78.9 (e) The county auditor must, prior to February 1 of each year, report to the commissioner  
 78.10 of education the amount of any excess tax increment distributed to a school district ~~within~~  
 78.11 ~~30 days of the distribution~~ for the preceding taxable year.

78.12 (f) For purposes of this subdivision, "outstanding bonds" means bonds which are secured  
 78.13 by increments from the district.

78.14 (g) The state auditor may exempt an authority from reporting the amounts calculated  
 78.15 under this subdivision for a calendar year, if the authority certifies to the auditor in its report  
 78.16 that the total amount authorized by the tax increment plan to be paid with increments from  
 78.17 the district exceeds the sum of the total increments collected for the district for all years by  
 78.18 20 percent.

78.19 Sec. 3. Minnesota Statutes 2020, section 609A.03, subdivision 7a, is amended to read:

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

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

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

78.30 (2) when a criminal justice agency seeks access to a record that was sealed under section  
 78.31 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing  
 78.32 for lack of probable cause, for purposes of a criminal investigation, prosecution, or

79.1 sentencing, the requesting agency must obtain an ex parte court order after stating a  
79.2 good-faith basis to believe that opening the record may lead to relevant information;

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

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

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

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

79.16 (c) An agency or jurisdiction subject to an expungement order shall maintain the record  
79.17 in a manner that provides access to the record by a criminal justice agency under paragraph  
79.18 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau  
79.19 of Criminal Apprehension shall notify the commissioner of human services, or the  
79.20 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~  
79.21 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access  
79.22 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to  
79.23 the expungement order shall provide access to the record to the commissioner of human  
79.24 services, or the Professional Educator Licensing and Standards Board, ~~or the licensing~~  
79.25 ~~division of the Department of Education~~ under paragraph (b), clause (4) or (5).

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

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

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

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

80.3 Sec. 4. **REVISOR INSTRUCTION.**

80.4 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column  
80.5 A with the number listed in column B. The revisor shall also make necessary cross-reference  
80.6 changes consistent with the renumbering. The revisor shall also make any technical language  
80.7 and other changes necessitated by the renumbering and cross-reference changes in this act.

<u>Column A</u>	<u>Column B</u>
<u>General Requirements Statewide Assessments</u>	
<u>120B.30, subdivision 1a, paragraph (h)</u>	<u>120B.30, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (q)</u>	<u>120B.30, subdivision 2</u>
<u>120B.30, subdivision 1a, paragraph (g)</u>	<u>120B.30, subdivision 3</u>
<u>120B.30, subdivision 1b</u>	<u>120B.30, subdivision 4</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.30, subdivision 5, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.30, subdivision 5, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (e)</u>	<u>120B.30, subdivision 6, paragraph (a)</u>
<u>120B.30, subdivision 2, paragraph (a)</u>	<u>120B.30, subdivision 6, paragraph (b)</u>
<u>120B.30, subdivision 2, paragraph (b),</u> <u>clauses (1) and (2)</u>	<u>120B.30, subdivision 6, paragraph (c)</u>
<u>120B.30, subdivision 2</u>	<u>120B.30, subdivision 6, paragraph (d)</u>
<u>120B.30, subdivision 4</u>	<u>120B.30, subdivision 7</u>
<u>120B.30, subdivision 5</u>	<u>120B.30, subdivision 8</u>
<u>120B.30, subdivision 6</u>	<u>120B.30, subdivision 9</u>
<u>120B.30, subdivision 1, paragraph (e)</u>	<u>120B.30, subdivision 10</u>
<u>General Requirements Test Design</u>	
<u>120B.30, subdivision 1a, paragraph (a),</u> <u>clauses (1) to (5)</u>	<u>120B.301, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (a)</u>	<u>120B.301, subdivision 2</u>
<u>120B.30, subdivision 1, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (a)</u>
<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.301, subdivision 3, paragraph (b)</u>
<u>120B.30, subdivision 1a, paragraph (b)</u>	<u>120B.301, subdivision 3, paragraph (c)</u>
<u>120B.30, subdivision 1a, paragraph (c),</u> <u>clauses (1) and (2)</u>	<u>120B.301, subdivision 3, paragraph (d)</u>
<u>Assessment Graduation Requirements</u>	
<u>120B.30, subdivision 1, paragraph (c),</u> <u>clauses (1) and (2)</u>	<u>120B.304, subdivision 1</u>
<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.304, subdivision 2</u>



81.1	<u>120B.30, subdivision 1, paragraph (i)</u>	<u>120B.304, subdivision 3</u>
81.2	<u>Assessment Reporting Requirements</u>	
81.3	<u>120B.30, subdivision 1a, paragraph (f),</u>	<u>120B.305, subdivision 1</u>
81.4	<u>clauses (1) to (3)</u>	
81.5	<u>120B.30, subdivision 1a, paragraph (d),</u>	<u>120B.305, subdivision 2, paragraph (a)</u>
81.6	<u>clauses (1) to (4)</u>	
81.7	<u>120B.30, subdivision 1, paragraph (m)</u>	<u>120B.305, subdivision 2, paragraph (b)</u>
81.8	<u>120B.30, subdivision 1, paragraph (n)</u>	<u>120B.305, subdivision 2, paragraph (c)</u>
81.9	<u>120B.30, subdivision 1, paragraph (o),</u>	<u>120B.305, subdivision 3, paragraph (a)</u>
81.10	<u>clauses (1) to (4)</u>	
81.11	<u>120B.30, subdivision 3</u>	<u>120B.305, subdivision 3, paragraph (b)</u>
81.12	<u>District Assessment Requirements</u>	
81.13	<u>120B.301, paragraphs (a) to (c)</u>	<u>120B.306, subdivision 1</u>
81.14	<u>120B.304, paragraphs (a) and (b)</u>	<u>120B.306, subdivision 2</u>
81.15	<u>College and Career Readiness</u>	
81.16	<u>120B.30, subdivision 1, paragraph (p)</u>	<u>120B.307, subdivision 1</u>
81.17	<u>120B.30, subdivision 1, paragraph (d)</u>	<u>120B.307, subdivision 2</u>
81.18	<u>120B.30, subdivision 1, paragraph (f)</u>	<u>120B.307, subdivision 3</u>
81.19	<u>120B.30, subdivision 1, paragraph (g)</u>	<u>120B.307, subdivision 4, paragraph (a)</u>
81.20	<u>120B.30, subdivision 1, paragraph (h)</u>	<u>120B.307, subdivision 4, paragraph (b)</u>
81.21	<u>120B.30, subdivision 1, paragraph (j)</u>	<u>120B.307, subdivision 4, paragraph (c)</u>
81.22	<u>120B.30, subdivision 1, paragraph (k)</u>	<u>120B.307, subdivision 4, paragraph (d)</u>
81.23	<u>120B.30, subdivision 1, paragraph (l)</u>	<u>120B.307, subdivision 4, paragraph (e)</u>

81.24 **Sec. 5. REPEALER.**

81.25 Minnesota Rules, part 3535.9910, is repealed.

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

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

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

**3535.9910 STATEMENT OF COMPLIANCE.**

Assurance of Compliance with State and Federal Law

Prohibiting Discrimination

Name of School District

The undersigned hereby affirm that the above named school district is in compliance with the following state and federal laws prohibiting discrimination:

1. Minnesota Statutes, section 363A.13, Minnesota Human Rights Act, which prohibits discrimination in education programs and activities on grounds of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability.

2. Title VI of the Civil Rights Act of 1964 (Public Law 88-352), which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the district receives federal financial assistance.

3. Title VII of the Civil Rights Act of 1964 (Public Law 88-352), as amended by the Equal Employment Opportunity Act of 1972 (Public Law 92-261), which prohibits discrimination in employment because of an individual's race, color, religion, sex, or national origin.

4. Title IX of the Education Amendments of 1972 (Public Law 92-318), which prohibits discrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance.

5. The Age Discrimination in Employment Act of 1967 (Public Law 90-202), which prohibits discrimination on the basis of age (40 through 64).

6. Minnesota Statutes, section 121A.04, which prohibits sex discrimination in athletic programs.

7. Part 3500.0500, curriculum, which provides that "No school shall provide any course or activity on the basis of sex. This includes health, physical education, home economics, and industrial education."

8. Parts 3535.0200 to 3535.2200, relating to equality of educational opportunity and school desegregation.

This assurance is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discount, or other federal and state financial assistance extended after the date hereof to the district by the Department of Health, Education, and Welfare and the Department of Education including installment payments after such date on applications for federal financial assistance and state aid allotments which were approved before such date. The district recognizes and agrees that such federal and state financial assistance will be extended in reliance on the representations, supporting information required by Minnesota Statutes, section 127A.42, subdivision 3, and agreements made in this assurance. This assurance is binding on the district and the person or persons whose signatures appear below and who are authorized to sign this assurance on behalf of the district.

The attached form, Information Needed to Evidence Compliance, with this assurance statement is made a part thereof.

Dated \_\_\_\_\_ By \_\_\_\_\_

(School Superintendent)

By \_\_\_\_\_

(President or Chair of School Board)

APPENDIX  
Repealed Minnesota Rules: 21-00038

By \_\_\_\_\_  
(Clerk of School Board)