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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1151

03/04/2013 Authored by Mariani, Bly, Sawatzky, Yarusso, Isaacson and others
The bill was read for the first time and referred to the Committee on Education Policy
03/18/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education; modifying policies for early childhood through grade 12
1.3 and adult education, including student accountability, educators, school programs
1.4 and operations, charter schools, special education, and early childhood education;
1.5 authorizing rulemaking; requiring reports; appropriating money; amending
1.6 Minnesota Statutes 2012, sections 15.059, subdivision 5b; 120A.40; 120A.41;
1.7 120B.02; 120B.021, subdivision 1; 120B.023; 120B.024; 120B.125; 120B.128;
1.8 120B.15; 120B.30, subdivisions 1, 1a; 120B.31, subdivision 1; 120B.35,
1.9 subdivision 3; 120B.36, subdivision 1; 121A.22, subdivision 2; 121A.2205;
1.10 122A.09, subdivision 4; 122A.14, subdivision 1; 122A.18, subdivision 2;
1.11 122A.23, subdivision 2; 122A.28, subdivision 1; 122A.33, subdivision 3;
1.12 123B.88, subdivision 22; 123B.92, subdivision 1; 124D.10; 124D.122; 124D.52,
1.13 by adding a subdivision; 124D.59, subdivision 2; 124D.61; 124D.79, subdivision
1.14 1, by adding a subdivision; 125A.0941; 125A.0942; 125A.27, subdivisions 8, 11,
1.15 14; 125A.28; 125A.29; 125A.30; 125A.32; 125A.33; 125A.35, subdivision 1;
1.16 125A.36; 125A.43; 126C.10, subdivision 14; 260A.02, subdivision 3; 260A.03;
1.17 260A.05, subdivision 1; 260A.07, subdivision 1; Laws 2011, First Special
1.18 Session chapter 11, article 7, section 2, subdivision 8, as amended; proposing
1.19 coding for new law in Minnesota Statutes, chapters 120B; 121A; 124D; repealing
1.20 Minnesota Statutes 2012, section 125A.35, subdivisions 4, 5; Minnesota Rules,
1.21 parts 3501.0010; 3501.0020; 3501.0030, subparts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11,
1.22 12, 13, 14, 15, 16; 3501.0040; 3501.0050; 3501.0060; 3501.0090; 3501.0100;
1.23 3501.0110; 3501.0120; 3501.0130; 3501.0140; 3501.0150; 3501.0160;
1.24 3501.0170; 3501.0180; 3501.0200; 3501.0210; 3501.0220; 3501.0230;
1.25 3501.0240; 3501.0250; 3501.0270; 3501.0280, subparts 1, 2; 3501.0290;
1.26 3501.0505; 3501.0510; 3501.0515; 3501.0520; 3501.0525; 3501.0530;
1.27 3501.0535; 3501.0540; 3501.0545; 3501.0550; 3501.1000; 3501.1020;
1.28 3501.1030; 3501.1040; 3501.1050; 3501.1110; 3501.1120; 3501.1130;
1.29 3501.1140; 3501.1150; 3501.1160; 3501.1170; 3501.1180; 3501.1190.

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

1.31 **ARTICLE 1**

1.32 **STUDENT ACCOUNTABILITY**

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

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

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

2.5 Subd. 3. **Career and college ready benchmark.** "Career and college ready
 2.6 benchmark" means specific knowledge or skill that a student must attain to complete part
 2.7 of an academic standard.

2.8 Subd. 4. **Credit.** "Credit" means the determination by the local school district that a
 2.9 student successfully completed an academic year of study or demonstrated attainment of
 2.10 applicable subject matter.

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

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

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

2.19 Sec. 2. Minnesota Statutes 2012, section 120B.02, is amended to read:

2.20 **120B.02 EDUCATIONAL EXPECTATIONS AND GRADUATION**
 2.21 **REQUIREMENTS FOR MINNESOTA'S STUDENTS.**

2.22 Subdivision 1. **Educational expectations.** (a) The legislature is committed to
 2.23 establishing rigorous academic standards for Minnesota's public school students. To
 2.24 that end, the commissioner shall adopt in rule statewide academic standards. The
 2.25 commissioner shall not prescribe in rule or otherwise the delivery system, classroom
 2.26 assessments, or form of instruction that school sites must use. ~~For purposes of this chapter,~~
 2.27 ~~a school site is a separate facility, or a separate program within a facility that a local school~~
 2.28 ~~board recognizes as a school site for funding purposes.~~

2.29 (b) All commissioner actions regarding the rule must be premised on the following:

2.30 (1) the rule is intended to raise academic expectations for students, teachers, and
 2.31 schools;

2.32 (2) any state action regarding the rule must evidence consideration of school district
 2.33 autonomy; and

2.34 (3) the Department of Education, with the assistance of school districts, must make
 2.35 available information about all state initiatives related to the rule to students and parents,

3.1 teachers, and the general public in a timely format that is appropriate, comprehensive, and
3.2 readily understandable.

3.3 ~~(e) When fully implemented, the requirements for high school graduation in~~
3.4 ~~Minnesota must require students to satisfactorily complete, as determined by the school~~
3.5 ~~district, the course credit requirements under section 120B.024, all state academic~~
3.6 ~~standards or local academic standards where state standards do not apply, and successfully~~
3.7 ~~pass graduation examinations as required under section 120B.30.~~

3.8 ~~(d)~~ (c) The commissioner shall periodically review and report on the state's
3.9 assessment process.

3.10 ~~(e)~~ (d) School districts are not required to adopt specific provisions of the federal
3.11 School-to-Work programs.

3.12 Subd. 2. Graduation requirements. The state minimum requirements for high
3.13 school graduation are satisfactorily completing the credit requirements under section
3.14 120B.024, as determined by the school district, and demonstrating attainment of required
3.15 academic standards and career and college readiness benchmarks on a nationally normed
3.16 college entrance exam under section 120B.30. A school district must adopt graduation
3.17 requirements that meet or exceed state graduation requirements established in law or rule.

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

3.20 Sec. 3. Minnesota Statutes 2012, section 120B.021, subdivision 1, is amended to read:

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

3.23 (1) language arts;

3.24 (2) mathematics;

3.25 (3) science;

3.26 (4) social studies, ~~including history, geography, economics, and government and~~
3.27 ~~citizenship;~~

3.28 (5) physical education;

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

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

4.1 ~~The commissioner must submit proposed standards in science and social studies to~~
4.2 ~~the legislature by February 1, 2004.~~

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

4.9 ~~A school district, no later than the 2007-2008 school year, must adopt graduation~~
4.10 ~~requirements that meet or exceed state graduation requirements established in law or rule.~~
4.11 ~~A school district that incorporates these state graduation requirements before the 2007-2008~~
4.12 ~~school year must provide students who enter the 9th grade in or before the 2003-2004~~
4.13 ~~school year the opportunity to earn a diploma based on existing locally established~~
4.14 ~~graduation requirements in effect when the students entered the 9th grade. (c) District~~
4.15 ~~efforts to develop, implement, or improve instruction or curriculum as a result of the~~
4.16 ~~provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.~~

4.17 ~~The commissioner must include the contributions of Minnesota American Indian~~
4.18 ~~tribes and communities as they relate to the academic standards during the review and~~
4.19 ~~revision of the required academic standards.~~

4.20 Sec. 4. Minnesota Statutes 2012, section 120B.023, is amended to read:

4.21 **120B.023 BENCHMARKS.**

4.22 Subdivision 1. **Benchmarks implement, supplement statewide academic**
4.23 **standards.** (a) The commissioner must supplement required state academic standards with
4.24 grade-level benchmarks. High school benchmarks may cover more than one grade. ~~The~~
4.25 ~~benchmarks must implement statewide academic standards by specifying the academic~~
4.26 ~~knowledge and skills that Schools must offer and students must achieve all benchmarks for~~
4.27 ~~an academic standard to satisfactorily complete a that state standard. ~~The commissioner~~~~
4.28 ~~must publish benchmarks to inform and guide parents, teachers, school districts, and other~~
4.29 ~~interested persons and to use in developing tests consistent with the benchmarks.~~

4.30 (b) The commissioner shall publish benchmarks in the State Register and transmit
4.31 the benchmarks in any other manner that informs and guides parents, teachers, school
4.32 districts, and other interested persons and makes them accessible to the general public. The
4.33 commissioner must use benchmarks in developing career and college readiness assessments
4.34 under section 120B.30. The commissioner may charge a reasonable fee for publications.

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

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

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

5.8 Subd. 2. **Revisions and reviews required.** (a) The commissioner of education must
5.9 revise and appropriately embed technology and information literacy standards consistent
5.10 with recommendations from school media specialists into the state's academic standards
5.11 and graduation requirements and implement a review cycle for state academic standards
5.12 and related benchmarks, consistent with this subdivision. During each review cycle, the
5.13 commissioner also must examine the alignment of each required academic standard and
5.14 related benchmark with the knowledge and skills students need for college readiness
5.15 and advanced work in the particular subject area. The commissioner must include the
5.16 contributions of Minnesota American Indian tribes and communities as related to the
5.17 academic standards during the review and revision of the required academic standards.

5.18 ~~(b) The commissioner in the 2006-2007 school year must revise and align the state's~~
5.19 ~~academic standards and high school graduation requirements in mathematics to require~~
5.20 ~~that students satisfactorily complete the revised mathematics standards, beginning in the~~
5.21 ~~2010-2011 school year. Under the revised standards:~~

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

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

5.26 (b) The commissioner also must ensure that the statewide mathematics assessments
5.27 administered to students in grades 3 through 8 and 11 are aligned with the state academic
5.28 standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph
5.29 (b). The commissioner must implement a review of the academic standards and related
5.30 benchmarks in mathematics beginning in the 2015-2016 school year.

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

6.1 (d) ~~The commissioner in the 2008-2009 school year must revise and align the state's~~
6.2 ~~academic standards and high school graduation requirements in science to require that~~
6.3 ~~students satisfactorily complete the revised science standards, beginning in the 2011-2012~~
6.4 ~~school year. Under the revised standards, students scheduled to graduate in the 2014-2015~~
6.5 ~~school year or later must satisfactorily complete a chemistry or physics credit or a career~~
6.6 ~~and technical education credit that meets standards underlying the chemistry, physics,~~
6.7 ~~or biology credit or a combination of those standards approved by the district. The~~
6.8 commissioner must implement a review of the academic standards and related benchmarks
6.9 in science beginning in the 2017-2018 school year.

6.10 (e) ~~The commissioner in the 2009-2010 school year must revise and align the state's~~
6.11 ~~academic standards and high school graduation requirements in language arts to require~~
6.12 ~~that students satisfactorily complete the revised language arts standards beginning in the~~
6.13 ~~2012-2013 school year. The commissioner must implement a review of the academic~~
6.14 standards and related benchmarks in language arts beginning in the 2018-2019 school year.

6.15 (f) The commissioner in the 2010-2011 school year must revise and align the state's
6.16 academic standards and high school graduation requirements in social studies to require
6.17 that students satisfactorily complete the revised social studies standards beginning in the
6.18 2013-2014 school year. The commissioner must implement a review of the academic
6.19 standards and related benchmarks in social studies beginning in the 2019-2020 school year.

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

6.26 Sec. 5. Minnesota Statutes 2012, section 120B.024, is amended to read:

6.27 **120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS.**

6.28 Subdivision 1. Graduation requirements. (a) Students beginning 9th grade in the
6.29 2011-2012 school year and later must successfully complete the following high school
6.30 level ~~course~~ credits for graduation:

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

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

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

7.3 ~~(3)~~ (4) three credits of science, including at least: (i) one credit in biology; and (ii)
 7.4 one chemistry or physics credit or a career and technical education credit that meets
 7.5 standards underlying the chemistry, physics, or biology credit or a combination of those
 7.6 standards approved by the district, but meeting biology standards under this item does not
 7.7 meet the biology requirement under item (i);

7.8 ~~(4)~~ (5) three and one-half credits of social studies, encompassing at least United
 7.9 States history, geography, government and citizenship, world history, and economics or
 7.10 three credits of social studies encompassing at least United States history, geography,
 7.11 government and citizenship, and world history, and one-half credit of economics taught in
 7.12 a school's social studies, agriculture education, or business department sufficient to satisfy
 7.13 all of the academic standards in social studies;

7.14 ~~(5)~~ (6) one credit ~~in~~ of the arts sufficient to satisfy all of the state or local academic
 7.15 standards in the arts; and

7.16 ~~(6)~~ (7) a minimum of seven elective ~~course~~ credits.

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

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

7.24 (b) An agriculture science course may fulfill a science credit requirement other than
 7.25 the specified science credit in biology under ~~paragraph (a)~~ subdivision 1, clause ~~(3)~~ (4).

7.26 (c) A career and technical education course may fulfill a mathematics or arts credit
 7.27 requirement or a science credit requirement other than the specified science credit in
 7.28 biology under ~~paragraph (a)~~ subdivision 1, clause (2), ~~(3)~~, or ~~(5)~~ (4), or (6).

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

7.31 Sec. 6. Minnesota Statutes 2012, section 120B.125, is amended to read:

7.32 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION**
 7.33 **TO POSTSECONDARY EDUCATION AND EMPLOYMENT; INVOLUNTARY**
 7.34 **CAREER TRACKING PROHIBITED.**

8.1 (a) Consistent with sections 120B.128, 120B.13, 120B.131, 120B.132, 120B.14,
8.2 120B.15, 120B.30, subdivision 1, paragraph (c), 125A.08, and other related sections,
8.3 school districts ~~are strongly encouraged to~~, beginning in the 2013-2014 school year, must
8.4 assist all students by no later than grade 9 to explore their college and career interests and
8.5 aspirations and develop a plan for a smooth and successful transition to postsecondary
8.6 education or employment. All students' plans must be designed to:

8.7 (1) provide a comprehensive academic plan for completing a college and
8.8 career-ready curriculum premised on meeting state and local academic standards and
8.9 developing 21st century skills such as team work, collaboration, and good work habits;

8.10 (2) emphasize academic rigor and high expectations;

8.11 (3) help students identify personal learning styles that may affect their postsecondary
8.12 education and employment choices;

8.13 (4) help students ~~succeed at~~ gaining gain access to postsecondary education and
8.14 career options;

8.15 (5) integrate strong academic content into career-focused courses and integrate
8.16 relevant career-focused courses into strong academic content;

8.17 (6) help students and families identify and gain access to appropriate counseling
8.18 and other supports and assistance that enable students to complete required coursework,
8.19 prepare for postsecondary education and careers, and obtain information about
8.20 postsecondary education costs and eligibility for financial aid and scholarship;

8.21 (7) help students and families identify collaborative partnerships of kindergarten
8.22 through grade 12 schools, postsecondary institutions, economic development agencies, and
8.23 employers that support students' transition to postsecondary education and employment
8.24 and provide students with experiential learning opportunities; and

8.25 (8) be reviewed and revised at least annually by the student, the student's parent or
8.26 guardian, and the school or district to ensure that the student's course-taking schedule
8.27 keeps the student ~~"on track"~~ making adequate progress to meet state and local high school
8.28 graduation requirements and with a reasonable chance to succeed with employment or
8.29 postsecondary education without the need to first complete remedial course work.

8.30 (b) A school district may develop grade-level curricula or provide instruction that
8.31 introduces students to various careers, but must not require any curriculum, instruction,
8.32 or employment-related activity that obligates an elementary or secondary student to
8.33 involuntarily select a career, career interest, employment goals, or related job training.

8.34 ~~(c) School districts are encouraged to seek and use revenue and in-kind contributions~~
8.35 ~~from nonstate sources and to seek administrative cost savings through innovative local~~
8.36 ~~funding arrangements, such as the Collaboration Among Rochester Educators (CARE)~~

9.1 ~~model for funding postsecondary enrollment options, among other sources, for purposes~~
9.2 ~~of implementing this section.~~

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

9.4 Sec. 7. Minnesota Statutes 2012, section 120B.128, is amended to read:

9.5 **120B.128 EDUCATIONAL PLANNING AND ASSESSMENT SYSTEM**
9.6 **(EPAS) PROGRAM.**

9.7 (a) School districts and charter schools may elect to participate in the Educational
9.8 Planning and Assessment System (EPAS) program offered by ACT, Inc. to provide a
9.9 longitudinal, systematic approach to student educational and career planning, assessment,
9.10 instructional support, and evaluation. The EPAS achievement tests include English,
9.11 reading, mathematics, science, and components on planning for high school and
9.12 postsecondary education, interest inventory, needs assessments, and student education
9.13 plans. These tests are linked to the ACT assessment for college admission and allow
9.14 students, parents, teachers, and schools to determine the student's college readiness before
9.15 grades 11 and 12.

9.16 (b) The commissioner of education shall provide ACT Explore tests for students
9.17 in grade 8 and the ACT Plan test for students in grade 10 to assess individual student
9.18 academic strengths and weaknesses, academic achievement and progress, higher order
9.19 thinking skills, and college readiness.

9.20 (c) Students entering grade 9 before the 2013-2014 school year who have not
9.21 yet demonstrated proficiency on the Minnesota comprehensive assessments, the
9.22 graduation-required assessments for diploma, or the basic skills testing requirements may
9.23 satisfy state high school graduation requirements for assessments in reading, mathematics,
9.24 and writing by taking the ACT assessment for college admission prior to high school
9.25 graduation.

9.26 (d) The state shall pay the test costs for school districts and charter schools that
9.27 choose to participate in the EPAS program to participate in the assessments under this
9.28 section. The commissioner shall establish an application procedure and a process for
9.29 state payment of costs.

9.30 **EFFECTIVE DATE.** This section is effective the day following final enactment
9.31 and applies through the 2015-2016 school year.

9.32 Sec. 8. Minnesota Statutes 2012, section 120B.15, is amended to read:

9.33 **120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS.**

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

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

10.6 (1) multiple and objective criteria; and

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

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

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

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

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

10.19 (1) assess a child's readiness and motivation for accelerations;

10.20 (2) assess a child's cognitive abilities, achievement, and performance; and

10.21 (3) monitor the child's adjustment postacceleration.

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

10.26 Sec. 9. **[120B.21] MENTAL HEALTH EDUCATION.**

10.27 School districts and charter schools are encouraged to provide mental health
10.28 instruction for students in grades 6 through 12 aligned with local health standards and
10.29 integrated into existing programs, curriculum, or the general school environment of a
10.30 district or charter school. The commissioner, in consultation with the commissioner of
10.31 human services and mental health organizations, is encouraged to provide districts and
10.32 charter schools with:

10.33 (1) age-appropriate model learning activities for grades 6 through 12 that encompass
10.34 the mental health components of the National Health Education Standards and the

11.1 benchmarks developed by the department's quality teaching network in health and best
11.2 practices in mental health education; and

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

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

11.6 Sec. 10. Minnesota Statutes 2012, section 120B.30, subdivision 1, is amended to read:

11.7 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts
11.8 with appropriate technical qualifications and experience and stakeholders, consistent
11.9 with subdivision 1a, shall include in the comprehensive assessment system, for each
11.10 grade level to be tested, state-constructed tests developed ~~from and~~ as computer-adaptive
11.11 reading and mathematics assessments for students that are aligned with the state's required
11.12 academic standards under section 120B.021, include multiple choice questions, and be
11.13 are administered annually to all students in grades 3 through 8 ~~7~~. State-developed high
11.14 school tests aligned with the state's required academic standards under section 120B.021
11.15 and administered to all high school students in a subject other than writing must include
11.16 multiple choice questions. The commissioner shall establish one or more months during
11.17 which schools shall administer the tests to students each school year. ~~For students enrolled~~
11.18 ~~in grade 8 before the 2005-2006 school year, Minnesota basic skills tests in reading,~~
11.19 ~~mathematics, and writing shall fulfill students' basic skills testing requirements for a~~
11.20 ~~passing state notation. The passing scores of basic skills tests in reading and mathematics~~
11.21 ~~are the equivalent of 75 percent correct for students entering grade 9 based on the first~~
11.22 ~~uniform test administered in February 1998. Students who have not successfully passed a~~
11.23 ~~Minnesota basic skills test by the end of the 2011-2012 school year must pass and students~~
11.24 in their senior year who have not yet demonstrated proficiency on the graduation-required
11.25 assessments for diploma under paragraph (e), except that for the 2012-2013 and 2013-2014
11.26 school years only, these students may satisfy the state's graduation test requirement for
11.27 math by complying with paragraph (d), clauses (1) and (3) by the end of the 2012-2013
11.28 school year must take a college admission assessment under paragraph (c) and consistent
11.29 with section 120B.128, paragraph (c), that supports career and college readiness for all
11.30 students, or the student may choose to instead take a nationally recognized armed services
11.31 vocational aptitude test.

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

11.34 (1) mathematics;

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

- 12.1 (ii) high school level beginning in the 2013-2014 school year;
- 12.2 (2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012
- 12.3 school year; and
- 12.4 (3) language arts and reading; grades 3 through 8 and high school level beginning in
- 12.5 the 2012-2013 school year.
- 12.6 (c) For students enrolled in grade 8 in the ~~2005-2006~~ 2012-2013 school year and
- 12.7 later, ~~only the following options shall fulfill~~ students' state graduation test requirements,₂
- 12.8 based on a longitudinal, systematic approach to student education and career planning,
- 12.9 assessment, instructional support, and evaluation, include the following:
- 12.10 (1) for reading and mathematics:
- 12.11 (i) ~~obtaining an achievement level equivalent to or greater than proficient as~~
- 12.12 ~~determined through a standard setting process on the Minnesota comprehensive~~
- 12.13 ~~assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing~~
- 12.14 ~~score as determined through a standard setting process on the graduation-required~~
- 12.15 ~~assessment for diploma in grade 10 for reading and grade 11 for mathematics or~~
- 12.16 ~~subsequent retests;~~
- 12.17 (ii) ~~achieving a passing score as determined through a standard setting process~~
- 12.18 ~~on the state-identified language proficiency test in reading and the mathematics test for~~
- 12.19 ~~English learners or the graduation-required assessment for diploma equivalent of those~~
- 12.20 ~~assessments for students designated as English learners;~~
- 12.21 (iii) ~~achieving an individual passing score on the graduation-required assessment for~~
- 12.22 ~~diploma as determined by appropriate state guidelines for students with an individualized~~
- 12.23 ~~education program or 504 plan;~~
- 12.24 (iv) ~~obtaining achievement level equivalent to or greater than proficient as~~
- 12.25 ~~determined through a standard setting process on the state-identified alternate assessment~~
- 12.26 ~~or assessments in grade 10 for reading and grade 11 for mathematics for students with~~
- 12.27 ~~an individualized education program; or~~
- 12.28 (v) ~~achieving an individual passing score on the state-identified alternate assessment~~
- 12.29 ~~or assessments as determined by appropriate state guidelines for students with an~~
- 12.30 ~~individualized education program; and~~
- 12.31 (2) for writing:
- 12.32 (i) ~~achieving a passing score on the graduation-required assessment for diploma;~~
- 12.33 (ii) ~~achieving a passing score as determined through a standard setting process on~~
- 12.34 ~~the state-identified language proficiency test in writing for students designated as English~~
- 12.35 ~~learners;~~

13.1 ~~(iii) achieving an individual passing score on the graduation-required assessment for~~
13.2 ~~diploma as determined by appropriate state guidelines for students with an individualized~~
13.3 ~~education program or 504 plan; or~~

13.4 ~~(iv) achieving an individual passing score on the state-identified alternate assessment~~
13.5 ~~or assessments as determined by appropriate state guidelines for students with an~~
13.6 ~~individualized education program.~~

13.7 (1) attainment of required academic standards and career and college readiness
13.8 benchmarks under section 120B.023 as demonstrated on a nationally normed college
13.9 entrance exam, or taking a nationally recognized armed services vocational aptitude
13.10 test at the election of the student;

13.11 (2) achievement and career and college readiness tests in mathematics, reading, and
13.12 writing, consistent with paragraph (e), to monitor students' continuous development of
13.13 and growth in requisite knowledge and skills; analyze students' progress and performance
13.14 levels, identifying students' academic strengths and diagnosing areas where students
13.15 require curriculum or instructional adjustments, targeted interventions, or remediation;
13.16 and based on analysis of students' progress and performance data, determine students'
13.17 learning and instructional needs and the instructional tools and best practices that support
13.18 academic rigor for the student; and

13.19 (3) consistent with this paragraph and section 120B.125, age-appropriate exploration
13.20 and planning activities and career assessments to encourage students to identify personally
13.21 relevant career interests and aptitudes and help students and their families develop a
13.22 regularly reexamined transition plan for postsecondary education or employment without
13.23 need for postsecondary remediation.

13.24 Expectations of schools, districts, and the state for career or college readiness under
13.25 this subdivision must be comparable in rigor, clarity of purpose, and rates of student
13.26 completion. A student under clause (2) must receive targeted, relevant, academically
13.27 rigorous, and resourced instruction, which may include a targeted instruction and
13.28 intervention plan focused on improving the student's knowledge and skills in core subjects
13.29 so that the student has a reasonable chance to succeed in a career or college without need
13.30 for postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091,
13.31 124D.49, and related sections, an enrolling school or district must actively encourage a
13.32 student in grade 11 or 12 who is identified as academically ready for a career or college
13.33 to participate in courses and programs awarding college credit to high school students.
13.34 Students are not required to achieve a specified score or level of proficiency on an
13.35 assessment under this subdivision to graduate from high school.

14.1 (d) ~~Students enrolled in grade 8 in any school year from the 2005-2006 school~~
14.2 ~~year to the 2009-2010 school year who do not pass the mathematics graduation-required~~
14.3 ~~assessment for diploma under paragraph (c) are eligible to receive a high school diploma~~
14.4 ~~if they:~~

14.5 ~~(1) complete with a passing score or grade all state and local coursework and credits~~
14.6 ~~required for graduation by the school board granting the students their diploma;~~

14.7 ~~(2) participate in district-prescribed academic remediation in mathematics; and~~

14.8 ~~(3) fully participate in at least two retests of the mathematics GRAD test or until~~
14.9 ~~they pass the mathematics GRAD test, whichever comes first. To improve the secondary~~

14.10 ~~and postsecondary outcomes of all students, the alignment between secondary and~~

14.11 ~~postsecondary education programs and Minnesota's workforce needs, and the efficiency~~

14.12 ~~and cost-effectiveness of secondary and postsecondary programs, the commissioner, after~~

14.13 ~~consulting with the Minnesota State Colleges and Universities chancellor and using a~~

14.14 ~~request for proposal process, shall contract for a series of assessments that are consistent~~

14.15 ~~with this subdivision, aligned with state academic standards, and include career and~~

14.16 ~~college readiness benchmarks. Mathematics, reading, and writing assessments for students~~

14.17 ~~in grades 8 and 10 must be predictive of and aligned with a nationally normed assessment~~

14.18 ~~for career and college readiness. This nationally recognized assessment must be a college~~

14.19 ~~entrance exam and given to students in grade 11 or 12. This series of assessments must~~

14.20 ~~include a college placement diagnostic exam and contain career exploration elements.~~

14.21 ~~Students in grade 11 or 12 may choose to take a nationally recognized armed services~~

14.22 ~~vocational aptitude test as an alternative to the college and career readiness entrance~~

14.23 ~~exam under this paragraph. The commissioner and the Minnesota State Colleges and~~

14.24 ~~Universities chancellor must collaborate in aligning instruction and assessments for~~

14.25 ~~adult basic education students to provide the students with diagnostic information about~~

14.26 ~~any targeted interventions they need so that they may seek postsecondary education or~~

14.27 ~~employment without need for postsecondary remediation.~~

14.28 ~~(1) Districts and schools, on an annual basis, must use the career exploration~~

14.29 ~~elements in these assessments to help students, beginning no later than grade 9, and their~~

14.30 ~~families explore and plan for postsecondary education or careers based on the students'~~

14.31 ~~interests, aptitudes, and aspirations. Districts and schools must use timely regional labor~~

14.32 ~~market information and partnerships, among other resources, to help students and their~~

14.33 ~~families successfully develop, pursue, review, and revise an individualized plan for~~

14.34 ~~postsecondary education or a career. This process must help increase students' engagement~~

14.35 ~~in and connection to school, improve students' knowledge and skills, and deepen students'~~

14.36 ~~understanding of career pathways as a sequence of academic and career courses that lead~~

15.1 to an industry-recognized credential, an associate's degree, or a bachelor's degree and are
15.2 available to all students, whatever their interests and career goals.

15.3 (2) Students who, based on their growth in academic achievement between grades 8
15.4 and 10, show adequate progress toward meeting state career and college readiness must
15.5 be given the college entrance exam part of these assessments in grade 11 or a nationally
15.6 recognized armed services vocational aptitude test. A student under this clause who
15.7 demonstrates attainment of required state academic standards, which include career and
15.8 college readiness benchmarks, on these assessments is academically ready for a career or
15.9 college and is encouraged to participate in courses and programs awarding college credit to
15.10 high school students. Such courses and programs may include sequential courses of study
15.11 within broad career areas and technical skill assessments that extend beyond course grades.

15.12 (3) All students in grade 11 not subject to clause (2) must be given the college
15.13 placement diagnostic exam so that the students, their families, the school, and the district
15.14 can use the results to diagnose areas for targeted instruction, intervention, or remediation
15.15 and improve students' knowledge and skills in core subjects sufficient for the student
15.16 to graduate and have a reasonable chance to succeed in a career or college without
15.17 remediation. These students must be given the college entrance exam part of these
15.18 assessments in grade 12 or a nationally recognized armed services vocational aptitude test.

15.19 (4) A student in clause (3) who demonstrates (i) attainment of required state
15.20 academic standards, which include career and college readiness benchmarks, on these
15.21 assessments, (ii) attainment of career and college readiness benchmarks on the college
15.22 placement diagnostic part of these assessments, and, where applicable, (iii) successfully
15.23 completes targeted instruction, intervention, or remediation approved by the commissioner
15.24 and the Minnesota State Colleges and Universities chancellor after consulting with local
15.25 school officials and educators, is academically ready for a career or college and is
15.26 encouraged to participate in courses and programs awarding college credit to high school
15.27 students. Such courses and programs may include sequential courses of study within
15.28 broad career areas and technical skill assessments that extend beyond course grades.

15.29 (5) A study to determine the alignment between these assessments and state
15.30 academic standards under this chapter must be conducted. Where alignment exists, the
15.31 commissioner must seek federal approval to, and immediately upon receiving approval
15.32 replace the federally required assessments referenced under subdivision 1a and section
15.33 120B.35, subdivision 2, with assessments under this paragraph.

15.34 (e) In developing, supporting, and improving students' academic readiness for a
15.35 career or college, schools, districts, and the state must have a continuum of empirically
15.36 derived, clearly defined benchmarks focused on students' attainment of knowledge and

16.1 skills so that students, their parents, and teachers know how well students must perform to
16.2 have a reasonable chance to succeed in a career or college without need for postsecondary
16.3 remediation. The commissioner and Minnesota's public postsecondary institutions must
16.4 ensure that the foundational knowledge and skills for students' successful performance
16.5 in postsecondary employment or education and an articulated series of possible targeted
16.6 interventions are clearly identified and satisfy Minnesota's postsecondary admissions
16.7 requirements.

16.8 (f) A school, district, or charter school must place record on the high school
16.9 transcript a student's current pass status for each subject that has a required graduation
16.10 assessment progress toward career and college readiness.

16.11 ~~In addition,~~ (g) The school board granting the students their diplomas may formally
16.12 decide to include a notation of high achievement on the high school diplomas of those
16.13 graduating seniors who, according to established school board criteria, demonstrate
16.14 exemplary academic achievement during high school.

16.15 ~~(e)~~ (h) The 3rd through 8th 7th grade computer-adaptive assessment results and
16.16 high school test results shall be available to districts for diagnostic purposes affecting
16.17 student learning and district instruction and curriculum, and for establishing educational
16.18 accountability. The commissioner must establish empirically derived benchmarks on
16.19 adaptive assessments in grades 3 through 7 that reveal a trajectory toward career and
16.20 college readiness. The commissioner must disseminate to the public the computer-adaptive
16.21 assessments and high school test results upon receiving those results.

16.22 ~~(f)~~ (i) The 3rd through 8th 7th grade computer-adaptive assessments and high school
16.23 tests must be aligned with state academic standards. The commissioner shall determine the
16.24 testing process and the order of administration. The statewide results shall be aggregated
16.25 at the site and district level, consistent with subdivision 1a.

16.26 ~~(g)~~ ~~In addition to the testing and reporting requirements under this section,~~ (j) The
16.27 commissioner shall include the following components in the statewide public reporting
16.28 system:

16.29 (1) uniform statewide testing computer-adaptive assessments of all students in
16.30 grades 3 through 8 7 and testing at the high school level that provides appropriate,
16.31 technically sound accommodations ~~or alternate assessments~~;

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

16.35 (3) state results on the American College Test; and

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

17.5 **EFFECTIVE DATE.** This section is effective the day following final enactment
17.6 and applies to the 2013-2014 school year and later except that paragraph (a) applies
17.7 the day following final enactment and the requirements for using computer-adaptive
17.8 mathematics and reading assessments for grades 3 through 7 apply in the 2015-2016
17.9 school year and later.

17.10 Sec. 11. Minnesota Statutes 2012, section 120B.30, subdivision 1a, is amended to read:

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

17.13 (1) "Computer-adaptive assessments" means fully adaptive assessments.

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

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

17.18 (4) "Above-grade level" test items contain subject area content that is above the
17.19 grade level of the student taking the assessment and is considered aligned with state
17.20 academic standards to the extent it is aligned with content represented in state academic
17.21 standards above the grade level of the student taking the assessment. Notwithstanding
17.22 the student's grade level, administering above-grade level test items to a student does not
17.23 violate the requirement that state assessments must be aligned with state standards.

17.24 (5) "Below-grade level" test items contain subject area content that is below the
17.25 grade level of the student taking the test and is considered aligned with state academic
17.26 standards to the extent it is aligned with content represented in state academic standards
17.27 below the student's current grade level. Notwithstanding the student's grade level,
17.28 administering below-grade level test items to a student does not violate the requirement
17.29 that state assessments must be aligned with state standards.

17.30 (b) The commissioner must use fully adaptive mathematics and reading assessments
17.31 for grades 3 through 7 beginning in the 2015-2016 school year and later.

17.32 (c) For purposes of conforming with existing federal educational accountability
17.33 requirements, the commissioner must develop and implement computer-adaptive reading
17.34 and mathematics assessments for grades 3 through 8 7, state-developed high school
17.35 reading and mathematics tests aligned with state academic standards, and science

18.1 assessments under clause (2) that districts and sites must use to monitor student growth
18.2 toward achieving those standards. The commissioner must not develop statewide
18.3 assessments for academic standards in social studies, health and physical education, and
18.4 the arts. The commissioner must require:

18.5 (1) annual computer-adaptive reading and mathematics assessments in grades 3
18.6 through & 7, and high school reading and mathematics tests; and

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

18.11 (d) The commissioner must ensure that for annual computer-adaptive assessments:

18.12 (1) individual student performance data and achievement reports are available within
18.13 three school days of when students take an assessment;

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

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

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

18.24 ~~(b)~~ (e) The commissioner must ensure that all statewide tests administered to
18.25 elementary and secondary students measure students' academic knowledge and skills and
18.26 not students' values, attitudes, and beliefs.

18.27 ~~(e)~~ (f) Reporting of assessment results must:

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

18.30 (2) include a ~~value-added~~ growth indicator of student achievement under section
18.31 120B.35, subdivision 3, paragraph (b); and

18.32 ~~(3)(i) for students enrolled in grade 8 before the 2005-2006 school year, determine~~
18.33 ~~whether students have met the state's basic skills requirements; and~~

18.34 ~~(ii) for students enrolled in grade 8 in the 2005-2006 school year and later, determine~~
18.35 ~~whether students have met the state's academic standards.~~

19.1 ~~(d)~~ (g) Consistent with applicable federal law ~~and subdivision 1, paragraph (d);~~
19.2 ~~clause (1)~~, the commissioner must include appropriate, technically sound accommodations
19.3 or alternative assessments for the very few students with disabilities for whom statewide
19.4 assessments are inappropriate and for English learners.

19.5 ~~(e)~~ (h) A school, school district, and charter school must administer statewide
19.6 assessments under this section, as the assessments become available, to evaluate student
19.7 ~~proficiency~~ progress toward career and college readiness in the context of the state's ~~grade~~
19.8 ~~level~~ academic standards. ~~If a state assessment is not available, a school, school district,~~
19.9 ~~and charter school must determine locally if a student has met the required academic~~
19.10 ~~standards.~~ A school, school district, or charter school may use a student's performance
19.11 on a statewide assessment as one of multiple criteria to determine grade promotion or
19.12 retention. A school, school district, or charter school may use a high school student's
19.13 performance on a statewide assessment as a percentage of the student's final grade in a
19.14 course, or place a student's assessment score on the student's transcript.

19.15 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
19.16 later except the requirements for using computer-adaptive mathematics and reading
19.17 assessments for grades 3 through 7 apply in the 2015-2016 school year and later.

19.18 Sec. 12. Minnesota Statutes 2012, section 120B.31, subdivision 1, is amended to read:

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

19.26 Sec. 13. Minnesota Statutes 2012, section 120B.35, subdivision 3, is amended to read:

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

19.32 (b) The commissioner, in consultation with a stakeholder group that includes
19.33 assessment and evaluation directors and staff and researchers must implement a model
19.34 that uses a value-added growth indicator and includes criteria for identifying schools

20.1 and school districts that demonstrate medium and high growth under section 120B.299,
20.2 subdivisions 8 and 9, and may recommend other value-added measures under section
20.3 120B.299, subdivision 3. The model may be used to advance educators' professional
20.4 development and replicate programs that succeed in meeting students' diverse learning
20.5 needs. Data on individual teachers generated under the model are personnel data under
20.6 section 13.43. The model must allow users to:

- 20.7 (1) report student growth consistent with this paragraph; and
20.8 (2) for all student categories, report and compare aggregated and disaggregated state
20.9 growth data using the nine student categories identified under the federal 2001 No Child
20.10 Left Behind Act and two student gender categories of male and female, respectively,
20.11 following appropriate reporting practices to protect nonpublic student data.

20.12 The commissioner must report separate measures of student growth and proficiency,
20.13 consistent with this paragraph.

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

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

20.23 (2) a rigorous coursework measure indicating the number and percentage of high
20.24 school graduates in the most recent school year who successfully completed one or more
20.25 college-level advanced placement, international baccalaureate, postsecondary enrollment
20.26 options including concurrent enrollment, other rigorous courses of study under section
20.27 120B.021, subdivision 1a, or industry certification courses or programs.

20.28 When reporting the core measures under clauses (1) and (2), the commissioner must also
20.29 analyze and report separate categories of information using the nine student categories
20.30 identified under the federal 2001 No Child Left Behind Act and two student gender
20.31 categories of male and female, respectively, following appropriate reporting practices to
20.32 protect nonpublic student data.

20.33 (d) When reporting student performance under section 120B.36, subdivision 1, the
20.34 commissioner annually, beginning July 1, 2014, must report summary data on school
20.35 safety and students' engagement and connection at school. The summary data under this
20.36 paragraph are separate from and must not be used for any purpose related to measuring

21.1 or evaluating the performance of classroom teachers. The commissioner, in consultation
21.2 with qualified experts on student engagement and connection and classroom teachers,
21.3 must identify highly reliable variables that generate summary data under this paragraph.
21.4 The summary data may be used at school, district, and state levels only. Any data on
21.5 individuals received, collected, or created that are used to generate the summary data
21.6 under this paragraph are nonpublic data under section 13.02, subdivision 9.

21.7 (e) For purposes of statewide educational accountability, the commissioner must
21.8 identify and report measures that demonstrate the success of school districts, school sites,
21.9 charter schools, and alternative program providers in improving the graduation outcomes
21.10 of students under this paragraph. When reporting student performance under section
21.11 120B.36, subdivision 1, the commissioner, beginning July 1, 2015, must annually report
21.12 summary data on:

21.13 (1) the four- and six-year graduation rates of students throughout the state who
21.14 are identified as at risk of not graduating or off track to graduate, including students
21.15 who are eligible to participate in a program under section 123A.05 or 124D.68, among
21.16 other students; and

21.17 (2) the success that school districts, school sites, charter schools, and alternative
21.18 program providers experience in:

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

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

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

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

21.24 For purposes of this paragraph, a student who is at risk of not graduating is a student
21.25 in eighth or ninth grade who meets one or more of the following criteria: first enrolled in
21.26 an English language learners program in eighth or ninth grade and may be older than other
21.27 students enrolled in the same grade; as an eighth grader, is absent from school for at least
21.28 20 percent of the days of instruction during the school year, is two or more years older
21.29 than other students enrolled in the same grade, or fails multiple core academic courses; or
21.30 as a ninth grader, fails multiple ninth grade core academic courses in English language
21.31 arts, mathematics, science, or social studies.

21.32 For purposes of this paragraph, a student who is off track to graduate is a student
21.33 who meets one or more of the following criteria: first enrolled in an English language
21.34 learners program in high school and is older than other students enrolled in the same grade;
21.35 is a returning dropout; is 16 or 17 years old and two or more academic years off track to

22.1 graduate; is 18 years or older and two or more academic years off track to graduate; or is
22.2 18 years or older and may graduate within one school year.

22.3 **EFFECTIVE DATE.** Paragraph (e) applies to data that are collected in the
22.4 2014-2015 school year and later and reported annually beginning July 1, 2015, consistent
22.5 with the recommendations the commissioner receives from recognized and qualified
22.6 experts on improving differentiated graduation rates, and establishing alternative routes to
22.7 a standard high school diploma for at-risk and off-track students.

22.8 Sec. 14. Minnesota Statutes 2012, section 120B.36, subdivision 1, is amended to read:

22.9 Subdivision 1. **School performance ~~report cards~~ reports.** (a) The commissioner
22.10 shall report student academic performance under section 120B.35, subdivision 2; the
22.11 percentages of students showing low, medium, and high growth under section 120B.35,
22.12 subdivision 3, paragraph (b); school safety and student engagement and connection
22.13 under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section
22.14 120B.35, subdivision 3, paragraph (c); the percentage of students whose progress and
22.15 performance levels are meeting career and college readiness benchmarks under section
22.16 120B.30, subdivision 1; longitudinal data on district and school progress in reducing
22.17 disparities in students' academic achievement under section 124D.861, subdivision 3; two
22.18 separate student-to-teacher ratios that clearly indicate the definition of teacher consistent
22.19 with sections 122A.06 and 122A.15 for purposes of determining these ratios; staff
22.20 characteristics excluding salaries; student enrollment demographics; district mobility; and
22.21 extracurricular activities. The report also must indicate a school's adequate yearly progress
22.22 status under applicable federal law, and must not set any designations applicable to high-
22.23 and low-performing schools due solely to adequate yearly progress status.

22.24 (b) The commissioner shall develop, annually update, and post on the department
22.25 Web site school performance ~~report cards~~ reports.

22.26 (c) The commissioner must make available performance ~~report cards~~ reports by the
22.27 beginning of each school year.

22.28 (d) A school or district may appeal its adequate yearly progress status in writing to
22.29 the commissioner within 30 days of receiving the notice of its status. The commissioner's
22.30 decision to uphold or deny an appeal is final.

22.31 (e) School performance ~~report card~~ reports data are nonpublic data under section
22.32 13.02, subdivision 9, until the commissioner publicly releases the data. The commissioner
22.33 shall annually post school performance ~~report cards~~ reports to the department's public Web
22.34 site no later than September 1, except that in years when the ~~report card~~ reflects reports

23.1 reflect new performance standards, the commissioner shall post the school performance
23.2 report cards reports no later than October 1.

23.3 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
23.4 later.

23.5 Sec. 15. Minnesota Statutes 2012, section 124D.52, is amended by adding a
23.6 subdivision to read:

23.7 Subd. 8. **Standard high school diploma for adults.** (a) The commissioner shall
23.8 adopt rules for providing a standard high school diploma to adults who:

23.9 (1) are not eligible for kindergarten through grade 12 services;

23.10 (2) do not have a high school diploma; and

23.11 (3) successfully complete an adult basic education program of instruction approved
23.12 by the commissioner necessary to earn an adult high school diploma.

23.13 (b) Persons participating in an approved adult basic education program of instruction
23.14 must demonstrate proficiency in a standard set of competencies that reflect the knowledge
23.15 and skills sufficient to ensure that postsecondary programs and institutions and potential
23.16 employers regard persons with a standard high school diploma and persons with a
23.17 standard high school diploma for adults as equally well prepared and qualified graduates.
23.18 Approved adult basic education programs of instruction under this subdivision must issue
23.19 a standard high school diploma for adults who successfully demonstrate the competencies,
23.20 knowledge, and skills required by the program.

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

23.22 Sec. 16. **STATEWIDE ASSESSMENT AND ACCOUNTABILITY; TRANSITION.**

23.23 Notwithstanding other law to the contrary, students enrolled in grade 8 before the
23.24 2012-2013 school year are eligible to be assessed under the amended provisions of
23.25 Minnesota Statutes, section 120B.30, subdivision 1, to the extent such assessments are
23.26 available, or under Minnesota Statutes, section 120B.128. Other measures of statewide
23.27 accountability, including student performance, preparation, rigorous course taking,
23.28 engagement and connection, and transition into postsecondary education or the workforce
23.29 remain in effect.

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

23.31 Sec. 17. **CAREER PATHWAYS AND TECHNICAL EDUCATION ADVISORY**
23.32 **TASK FORCE.**

24.1 Subdivision 1. **Recommendations.** (a) A career pathways and technical education
24.2 advisory task force is established to recommend to the Minnesota legislature, consistent
24.3 with Minnesota Statutes, sections 120B.30, subdivision 1, and 120B.35, subdivision 3,
24.4 how to structurally redesign secondary and postsecondary education to:

24.5 (1) improve secondary and postsecondary outcomes for students and adult learners;

24.6 (2) align secondary and postsecondary education programs serving students and
24.7 adult learners;

24.8 (3) align secondary and postsecondary education programs and Minnesota's
24.9 workforce needs; and

24.10 (4) measure and evaluate the combined efficacy of Minnesota's public kindergarten
24.11 through grade 12 and postsecondary education programs.

24.12 (b) Advisory task force members, in preparing these recommendations, must
24.13 seek the advice of education providers, employers, policy makers, and other interested
24.14 stakeholders and must at least consider how to:

24.15 (1) better inform students about career options, occupational trends, and educational
24.16 paths leading to viable and rewarding careers and reduce the gap between the demand for
24.17 and preparation of a skilled Minnesota workforce;

24.18 (2) in consultation with a student's family, develop and periodically adapt as needed
24.19 an education and work plan for each student aligned with the student's personal and
24.20 professional interests, abilities, skills, and aspirations;

24.21 (3) improve monitoring of high school students' progress with targeted interventions
24.22 and support and remove the need for remedial instruction;

24.23 (4) increase and accelerate opportunities for secondary school students to earn
24.24 postsecondary credits leading to a certificate, industry license, or degree;

24.25 (5) better align high school courses and expectations and postsecondary
24.26 credit-bearing courses;

24.27 (6) better align high school standards and assessments, postsecondary readiness
24.28 measures and entrance requirements, and the expectations of Minnesota employers;

24.29 (7) increase the rates at which students complete a postsecondary certificate,
24.30 industry license, or degree; and

24.31 (8) provide graduates of two-year and four-year postsecondary institutions with the
24.32 foundational skills needed for civic engagement, ongoing employment, and continuous
24.33 learning.

24.34 Subd. 2. **Task force membership and operation.** (a) Advisory task force members
24.35 must include representatives of the following: the Minnesota Association of Career and
24.36 Technical Administrators; the Minnesota Association for Career and Technical Education;

25.1 University of Minnesota and Minnesota State Colleges and Universities faculty working
 25.2 to develop career and technical educators in Minnesota; the National Research Center
 25.3 for Career and Technical Education; the Department of Education; the Department of
 25.4 Employment and Economic Development; the Minnesota Chamber of Commerce; the
 25.5 Minnesota Business Partnership; the Minnesota Board of Teaching; the Minnesota
 25.6 Association of Colleges for Teacher Education; Minnesota State Colleges and Universities
 25.7 foundational skills and general education faculty; and any other representatives selected
 25.8 by the task force members. The education commissioner or the commissioner's designee
 25.9 must convene the task force. Task force members are not eligible for compensation or
 25.10 reimbursement for expenses related to task force activities.

25.11 (b) The commissioner, upon request, must provide technical assistance to the task
 25.12 force.

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

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

25.17 Sec. 18. **STANDARD ADULT HIGH SCHOOL DIPLOMA ADVISORY TASK**
 25.18 **FORCE.**

25.19 (a) The commissioner of education shall appoint a nine-member advisory task
 25.20 force to recommend programmatic requirements for adult basic education programs of
 25.21 instruction leading to a standard adult high school diploma under Minnesota Statutes,
 25.22 section 124D.52, subdivision 8.

25.23 (b) The commissioner of education must appoint representatives from the following
 25.24 organizations to the task force by July 1, 2013:

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

25.27 (2) five adult basic education administrators and teachers from local adult basic
 25.28 education programs located in rural, suburban, and urban areas of the state, at least one of
 25.29 whom represents the Literacy Action network;

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

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

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

26.1 (c) The commissioner of education must convene the task force. Task force
26.2 members are not eligible for compensation or reimbursement for expenses related to task
26.3 force activities. The commissioner, upon request, must provide technical assistance to
26.4 task force members.

26.5 (d) By February 1, 2014, the task force must submit its recommendations to the
26.6 commissioner of education for providing a standard adult high school diploma to persons
26.7 who are not eligible for kindergarten through grade 12 services, who do not have a
26.8 high school diploma, and who successfully complete an approved adult basic education
26.9 program of instruction necessary to earn an adult high school diploma. The commissioner
26.10 must consider these recommendations when adopting rules under Minnesota Statutes,
26.11 section 124D.52, subdivision 8.

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

26.13 **Sec. 19. IMPLEMENTING DIFFERENTIATED GRADUATION RATE**
26.14 **MEASURES AND EXPLORING ALTERNATIVE ROUTES TO A STANDARD**
26.15 **DIPLOMA FOR AT-RISK AND OFF-TRACK STUDENTS.**

26.16 (a) To implement the requirements of Minnesota Statutes, section 120B.35,
26.17 subdivision 3, paragraph (e), the commissioner of education must consult with recognized
26.18 and qualified experts and the stakeholders listed in paragraph (b) on improving
26.19 differentiated graduation rates and establishing alternative routes to a standard high school
26.20 diploma for at-risk and off-track students throughout the state. The commissioner must
26.21 consider and recommend to the legislature:

26.22 (1) research-based measures that demonstrate the relative success of school
26.23 districts, school sites, charter schools, and alternative program providers in improving the
26.24 graduation outcomes of at-risk and off-track students; and

26.25 (2) state options for establishing alternative routes to a standard diploma consistent
26.26 with the educational accountability system under Minnesota Statutes, chapter 120B.

26.27 When proposing alternative routes to a standard diploma, the commissioner also must
26.28 identify highly reliable variables that generate summary data to comply with Minnesota
26.29 Statutes, section 120B.35, subdivision 3, paragraph (e), including: who initiates the
26.30 request for an alternative route; who approves the request for an alternative route; the
26.31 parameters of the alternative route process, including whether a student first must fail a
26.32 regular, state-mandated exam; and the comparability of the academic and achievement
26.33 criteria reflected in the alternative route and the standard route for a standard diploma.
26.34 The commissioner is also encouraged to identify the data, timelines, and methods needed

27.1 to evaluate and report on the alternative routes to a standard diploma once they are
27.2 implemented and the student outcomes that result from those routes.

27.3 (b) Stakeholders to be consulted include persons from: state-approved alternative
27.4 programs; online programs; charter schools; school boards; teachers; metropolitan school
27.5 districts; rural educators; university and college faculty with expertise in serving and
27.6 assessing at-risk and off-track students; superintendents; high school principals; and
27.7 the public. The commissioner may seek input from other interested stakeholders and
27.8 organizations with expertise to help inform the commissioner.

27.9 (c) The commissioner, by February 15, 2014, must develop and submit to the
27.10 education policy and finance committees of the legislature recommendations and
27.11 legislation, consistent with this section and Minnesota Statutes, section 120B.35,
27.12 subdivision 3, paragraph (e), for:

27.13 (1) measuring and reporting differentiated graduation rates for at-risk and off-track
27.14 students throughout the state and the success and costs that school districts, school sites,
27.15 charter schools, and alternative program providers experience in identifying and serving
27.16 at-risk or off-track student populations; and

27.17 (2) establishing alternative routes to a standard diploma.

27.18 **EFFECTIVE DATE.** This section is effective the day following final enactment
27.19 and applies to school report cards beginning July 1, 2015.

27.20 Sec. 20. **APPROPRIATIONS.**

27.21 **Subdivision 1. Minnesota Department of Education.** The sums indicated in this
27.22 section are appropriated from the general fund to the Department of Education for the
27.23 fiscal years designated.

27.24 **Subd. 2. College and career ready assessments.** For the costs necessary for
27.25 school district and charter school students to participate in the required assessments under
27.26 section 10:

27.27 \$ 2014

27.28 \$ 2015

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

27.30 **Subd. 3. Computer-adapted tests.** For the development costs associated with
27.31 state-developed, computer-adapted tests under section 11:

27.32 \$ 2014

27.33 \$ 2015

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

28.2 Subd. 4. **Request for proposals.** For the costs associated with developing the
 28.3 request for proposals for the assessments required under section 11, paragraph (d):

28.4 \$ 2014

28.5 \$ 2015

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

28.7 Subd. 5. **Career Pathways and Technical Advisory Task Force.** For the costs of
 28.8 the Career Pathways Advisory Task Force under section 17:

28.9 \$ 2014

28.10 Any balance in the fiscal year 2014 does not cancel but is available in the fiscal
 28.11 year 2015.

28.12 **Sec. 21. REVISOR'S INSTRUCTION.**

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

28.16 **Sec. 22. REPEALER.**

28.17 (a) Minnesota Rules, parts 3501.0505; 3501.0510; 3501.0515; 3501.0520;
 28.18 3501.0525; 3501.0530; 3501.0535; 3501.0540; 3501.0545; and 3501.0550, are repealed.

28.19 (b) Minnesota Rules, parts 3501.0010; 3501.0020; 3501.0030, subparts 1, 2, 3, 4,
 28.20 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, and 16; 3501.0040; 3501.0050; 3501.0060; 3501.0090;
 28.21 3501.0100; 3501.0110; 3501.0120; 3501.0130; 3501.0140; 3501.0150; 3501.0160;
 28.22 3501.0170; 3501.0180; 3501.0200; 3501.0210; 3501.0220; 3501.0230; 3501.0240;
 28.23 3501.0250; 3501.0270; 3501.0280, subparts 1 and 2; 3501.0290; 3501.1000; 3501.1020;
 28.24 3501.1030; 3501.1040; 3501.1050; 3501.1110; 3501.1120; 3501.1130; 3501.1140;
 28.25 3501.1150; 3501.1160; 3501.1170; 3501.1180; and 3501.1190, are repealed.

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

28.27 **ARTICLE 2**

28.28 **EDUCATORS**

28.29 Section 1. Minnesota Statutes 2012, section 122A.09, subdivision 4, is amended to read:

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

29.1 (b) The board must adopt rules requiring a person until September 1, 2014, to pass
29.2 a skills examination in reading, writing, and mathematics as a requirement for initial
29.3 teacher licensure, except that the board may issue up to three temporary, one-year teaching
29.4 licenses to an otherwise qualified candidate who has not passed the skills exam at the time
29.5 the candidate successfully completes an approved teacher preparation program. Such
29.6 rules must require college and universities offering a board-approved teacher preparation
29.7 program to provide remedial assistance to persons who did not achieve a qualifying score
29.8 on the skills examination, including those for whom English is a second language.

29.9 (c) The board must adopt rules to approve teacher preparation programs. The board,
29.10 upon the request of a postsecondary student preparing for teacher licensure or a licensed
29.11 graduate of a teacher preparation program, shall assist in resolving a dispute between the
29.12 person and a postsecondary institution providing a teacher preparation program when the
29.13 dispute involves an institution's recommendation for licensure affecting the person or the
29.14 person's credentials. At the board's discretion, assistance may include the application
29.15 of chapter 14.

29.16 (d) The board must provide the leadership and adopt rules for the redesign of teacher
29.17 education programs to implement a research based, results-oriented curriculum that
29.18 focuses on the skills teachers need in order to be effective. The board shall implement new
29.19 systems of teacher preparation program evaluation to assure program effectiveness based
29.20 on proficiency of graduates in demonstrating attainment of program outcomes. Teacher
29.21 preparation programs including alternative teacher preparation programs under section
29.22 122A.245, among other programs, must include a content-specific, board-approved,
29.23 performance-based assessment that measures teacher candidates in three areas: planning
29.24 for instruction and assessment; engaging students and supporting learning; and assessing
29.25 student learning.

29.26 (e) The board must adopt rules requiring candidates for initial licenses to pass an
29.27 examination of general pedagogical knowledge and examinations of licensure-specific
29.28 teaching skills. The rules shall be effective by September 1, 2001. The rules under this
29.29 paragraph also must require candidates for initial licenses to teach prekindergarten or
29.30 elementary students to pass, as part of the examination of licensure-specific teaching
29.31 skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive,
29.32 scientifically based reading instruction under section 122A.06, subdivision 4, and their
29.33 knowledge and understanding of the foundations of reading development, the development
29.34 of reading comprehension, and reading assessment and instruction, and their ability to
29.35 integrate that knowledge and understanding.

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

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

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

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

30.16 (j) The board must grant life licenses to those who qualify according to requirements
30.17 established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and
30.18 214.10. The board must not establish any expiration date for application for life licenses.

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

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

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

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

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

31.6 **EFFECTIVE DATE.** Paragraph (b) is effective the day following final enactment.
31.7 Paragraph (n) is effective August 1, 2014.

31.8 Sec. 2. Minnesota Statutes 2012, section 122A.14, subdivision 1, is amended to read:

31.9 Subdivision 1. **Licensing.** (a) The board shall license school administrators. The
31.10 board shall adopt rules to license school administrators under chapter 14. Other than the
31.11 rules transferred to the board under section 122A.18, subdivision 4, the board may not
31.12 adopt or amend rules under this section until the rules are approved by law. The rules shall
31.13 include the licensing of persons who have successfully completed alternative preparation
31.14 programs under section 122A.27 or other alternative competency-based preparation
31.15 programs. The board may enter into agreements with the Board of Teaching regarding
31.16 multiple license matters.

31.17 (b) The board must issue a special education director's license to a qualified
31.18 candidate licensed as a school psychologist, school speech and language pathologist, or
31.19 school social worker who has experience in public schools working with eligible children
31.20 with disabilities, their parents and families, and licensed special education teachers,
31.21 regardless of whether or not the candidate has teaching experience or a teaching license.

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

31.23 Sec. 3. Minnesota Statutes 2012, section 122A.18, subdivision 2, is amended to read:

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

31.27 (b) The board, until September 1, 2014, must require a person to pass an examination
31.28 of skills in reading, writing, and mathematics before being granted an initial teaching
31.29 license to provide direct instruction to pupils in prekindergarten, elementary, secondary,
31.30 or special education programs, except that the board may issue up to three temporary,
31.31 one-year teaching licenses to an otherwise qualified candidate who has not passed the skills
31.32 exam at the time the candidate successfully completes an approved teacher preparation
31.33 program. The board must require colleges and universities offering a board approved

32.1 teacher preparation program to ~~provide~~ make available upon request remedial assistance
32.2 that includes a formal diagnostic component to persons enrolled in their institution who
32.3 did not achieve a qualifying score on the skills examination, including those for whom
32.4 English is a second language. The colleges and universities must ~~provide~~ make available
32.5 assistance in the specific academic areas of deficiency in which the person did not achieve
32.6 a qualifying score. School districts may make available upon request similar, appropriate,
32.7 and timely remedial assistance that includes a formal diagnostic component to those
32.8 persons employed by the district who completed their teacher education program, who did
32.9 not achieve a qualifying score on the skills examination, including those persons for whom
32.10 English is a second language and persons under section 122A.23, subdivision 2, paragraph
32.11 (h), who completed their teacher's education program outside the state of Minnesota,
32.12 and who received a temporary license to teach in Minnesota. The Board of Teaching
32.13 shall report annually to the education committees of the legislature on the total number
32.14 of teacher candidates during the most recent school year taking the skills examination,
32.15 the number who achieve a qualifying score on the examination, the number who do not
32.16 achieve a qualifying score on the examination, the distribution of all candidates' scores,
32.17 the number of candidates who have taken the examination at least once before, and the
32.18 number of candidates who have taken the examination at least once before and achieve
32.19 a qualifying score.

32.20 (c) A person who has completed an approved teacher preparation program and has
32.21 been issued three temporary, one-year teaching licenses, but has not passed the skills exam,
32.22 may have the board renew the temporary license if the school district employing the licensee
32.23 requests that the licensee continue to teach for that district under a temporary license.

32.24 (d) The Board of Teaching must grant continuing licenses only to those persons who
32.25 have met board criteria for granting a continuing license, which includes passing the skills
32.26 examination in reading, writing, and mathematics.

32.27 ~~(d)~~ (e) All colleges and universities approved by the board of teaching to prepare
32.28 persons for teacher licensure must include in their teacher preparation programs a common
32.29 core of teaching knowledge and skills to be acquired by all persons recommended
32.30 for teacher licensure. This common core shall meet the standards developed by the
32.31 interstate new teacher assessment and support consortium in its 1992 "model standards for
32.32 beginning teacher licensing and development." Amendments to standards adopted under
32.33 this paragraph are covered by chapter 14. The board of teaching shall report annually to
32.34 the education committees of the legislature on the performance of teacher candidates
32.35 on common core assessments of knowledge and skills under this paragraph during the
32.36 most recent school year.

33.1 (f) Notwithstanding this subdivision or other law to the contrary, beginning
33.2 September 1, 2014, a teacher is not required to pass an examination of skills in reading,
33.3 writing, and mathematics before the board grants the teacher an initial teaching license to
33.4 provide direct instruction to pupils in prekindergarten, elementary, secondary, or special
33.5 education programs.

33.6 **EFFECTIVE DATE.** This section, except paragraph (f), is effective the day
33.7 following final enactment. Paragraph (f) is effective beginning September 1, 2014.

33.8 Sec. 4. Minnesota Statutes 2012, section 122A.23, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34.17 (h) ~~The Board of Teaching must require~~ Until September 1, 2014, an applicant
 34.18 for a teaching license or a temporary teaching license under this subdivision ~~to~~ must
 34.19 pass a skills examination in reading, writing, and mathematics before the board issues
 34.20 the applicant a continuing teaching license. Consistent with section 122A.18, subdivision
 34.21 2, paragraph (c), and notwithstanding other provisions of this subdivision, the board
 34.22 may issue up to three temporary, one-year teaching licenses to an otherwise qualified
 34.23 applicant who has not passed the skills exam and the board may renew this temporary
 34.24 license if the school district employing the applicant requests that the applicant continue
 34.25 to teach for that district under a temporary license. Notwithstanding this subdivision or
 34.26 other law to the contrary, beginning September 1, 2014, a teacher is not required to pass
 34.27 an examination of skills in reading, writing, and mathematics before the board grants the
 34.28 teacher a continuing license to provide direct instruction to pupils in prekindergarten,
 34.29 elementary, secondary, or special education programs.

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

34.31 Sec. 5. Minnesota Statutes 2012, section 122A.28, subdivision 1, is amended to read:

34.32 Subdivision 1. **K-12 license to teach deaf and hard-of-hearing students;**
 34.33 **relicensure.** (a) The Board of Teaching must review and determine appropriate licensure
 34.34 requirements for a candidate for a license or an applicant for a continuing license to teach
 34.35 deaf and hard-of-hearing students in prekindergarten through grade 12. In addition to

35.1 other requirements, a candidate must demonstrate the minimum level of proficiency in
 35.2 American sign language as determined by the board.

35.3 (b) Among other relicensure requirements, each teacher under this section must
 35.4 complete 30 continuing education clock hours on hearing loss topics, including American
 35.5 Sign Language, American Sign Language linguistics, or deaf culture, in each licensure
 35.6 renewal period.

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

35.8 Sec. 6. Minnesota Statutes 2012, section 122A.33, subdivision 3, is amended to read:

35.9 Subd. 3. **Notice of nonrenewal; opportunity to respond.** A school board that
 35.10 declines to renew the coaching contract of a licensed or nonlicensed head varsity coach
 35.11 must notify the coach within 14 days of that decision. If the coach requests reasons for not
 35.12 renewing the coaching contract, the board must give the coach its reasons in writing within
 35.13 ten days of receiving the request. The existence of parent complaints must not be the sole
 35.14 reason for a board to not renew a coaching contract. Upon request, the board must provide
 35.15 the coach with a reasonable opportunity to respond to the reasons at a board meeting. The
 35.16 hearing may be opened or closed at the election of the coach unless the board closes the
 35.17 meeting under section 13D.05, subdivision 2, to discuss private data.

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

35.19 Sec. 7. **TEACHER LICENSURE ADVISORY TASK FORCE.**

35.20 (a) A Teacher Licensure Advisory Task Force is established to make
 35.21 recommendations to the Board of Teaching, the education commissioner, and the education
 35.22 committees of the legislature on requirements for: teacher applicants to demonstrate
 35.23 mastery of basic reading, writing, and mathematics skills through nationally normed
 35.24 assessments, a basic skills portfolio, or accredited college coursework, among other
 35.25 methods of demonstrating basic skills mastery; and an alternative licensure pathway for
 35.26 nonnative English speakers seeking licensure to teach in a language immersion program.

35.27 (b) Task force recommendations on how teacher candidates demonstrate basic skills
 35.28 mastery must encompass the following criteria:

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

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

36.1 (3) the scope of assessment content must be publicly available and readily accessible
36.2 on the Web site of the Board of Teaching and all Minnesota public teacher preparation
36.3 programs and institutions;

36.4 (4) the Board of Teaching and all Minnesota public teacher preparation programs
36.5 and institutions, upon request, must make available to the public at cost a written review
36.6 of the scope of assessment content;

36.7 (5) if applicable, the Board of Teaching and all Minnesota public teacher preparation
36.8 programs and institutions annually must post on their Web site up-to-date longitudinal
36.9 summary data showing teacher candidates' overall passing rate and the passing rate for
36.10 each demographic group of teacher candidates taking a basic skills assessment in that
36.11 school year and in previous school years;

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

36.13 (7) the Board of Teaching and all Minnesota public teacher preparation programs
36.14 and institutions must appropriately accommodate teacher candidates with documented
36.15 learning disabilities; and

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

36.19 (c) The Teacher Licensure Advisory Task Force shall be composed of the following
36.20 members:

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

36.23 (2) two representatives from the Department of Education appointed by the
36.24 commissioner of education;

36.25 (3) two house members appointed by the speaker of the house, one from the minority
36.26 party and one from the majority party;

36.27 (4) two state senators appointed by the senate rules committee, one from the
36.28 minority party and one from the majority party;

36.29 (5) one elementary school principal from rural Minnesota appointed by the
36.30 Minnesota Elementary School Principals Association and one secondary school principal
36.31 from the seven-county metropolitan area appointed by the Minnesota Secondary School
36.32 Principals Association;

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

36.35 (7) one teacher preparation faculty member each from the University of Minnesota
36.36 system appointed by the system president, the Minnesota State Colleges and Universities

37.1 system appointed by the system chancellor, and the Minnesota Private Colleges and
37.2 Universities system appointed by the Minnesota Private Colleges Council;

37.3 (8) one member of the Nonpublic Education Council appointed by the council; and

37.4 (9) one representative of Minnesota charter schools appointed by the Minnesota
37.5 Charter Schools Association.

37.6 (d) The executive director of the Board of Teaching and the commissioner of
37.7 education jointly must convene the task force by August 1, 2013. Task force members
37.8 are not eligible for compensation or reimbursement for expenses related to task force
37.9 activities. The executive director of the board and the commissioner of education must
37.10 provide technical assistance to task force members upon request.

37.11 (e) By February 1, 2014, task force members must submit to the Board of Teaching,
37.12 the education commissioner, and the education committees of the legislature their written
37.13 recommendations on requirements for teacher applicants to demonstrate mastery of basic
37.14 reading, writing, and mathematics skills and for an alternative licensure pathway for
37.15 nonnative English speakers seeking licensure to teach in a language immersion program.

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

37.17 **Sec. 8. STUDENT SERVICES PERSONNEL TEAM STAFFING GRANTS.**

37.18 Subdivision 1. **Grant program established.** A grant program is established to assist
37.19 school districts with caseloads above the established and recognized recommendations
37.20 or guidelines of the student service personnel professions in licensed school counseling,
37.21 school psychology, school nursing, school social work, and chemical dependency
37.22 counseling. Grants must be used to create or maintain student service personnel teams
37.23 to address the academic, career, personal, social, and early-onset mental health needs of
37.24 the students within that district.

37.25 Subd. 2. **Definitions.** "Student services personnel team" means a licensed school
37.26 counselor, school psychologist, school nurse, school social worker, and chemical
37.27 dependency counselor licensed by the Board of Teaching to provide such services.

37.28 Subd. 3. **Application.** The commissioner of education shall develop the form
37.29 and method for applying for the grants. The commissioner shall develop criteria for
37.30 determining the allocation of the grants. This criteria must include priority funding
37.31 directed to school districts in which student service personnel teams either (1) do not exist,
37.32 (2) need missing or additional positions of a specific student service personnel team to
37.33 complete the team, (3) are not normally funded or reimbursed by other sources, or (4) have
37.34 caseloads among specific team members in excess of 50 percent of the established and
37.35 recognized recommendations or guidelines of the profession.

38.1 Subd. 4. **Grant awards.** To qualify for a grant, each student services personnel
 38.2 team member must serve within the scope and practice of the established and recognized
 38.3 capacity of their respective professions and as defined by the Board of Teaching. Grants
 38.4 for the student services personnel team shall be used to lower the caseloads for specific
 38.5 team member areas in order to more effectively provide direct services to kindergarten
 38.6 through grade 12 students. Grant funding under this section must be matched by new
 38.7 funding for the student services personnel team from the school district. The school
 38.8 district must provide the additional funding for a two-year period or repay the grant to the
 38.9 Department of Education.

38.10 Subd. 5. **Reports.** School districts that receive grant funds shall report to the
 38.11 commissioner of education no later than July 31 of each year regarding the impact of the
 38.12 student services personnel team on the academic, career, personal, social, and early-onset
 38.13 mental health needs of the students served by the team during the previous academic year.
 38.14 The Department of Education shall develop the criteria necessary for the reports.

38.15 **Sec. 9. APPROPRIATION.**

38.16 Subdivision 1. **Department of Education.** The sums indicated in this section are
 38.17 appropriated from the general fund to the Department of Education for the fiscal years
 38.18 designated.

38.19 Subd. 2. **Student services grants.** For student services personnel team staffing
 38.20 grants under section 8:

38.21 \$ 20,000,000 2014

38.22 \$ 20,000,000 2015

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

38.24 **ARTICLE 3**

38.25 **SCHOOL PROGRAMS AND OPERATIONS**

38.26 Section 1. Minnesota Statutes 2012, section 120A.40, is amended to read:

38.27 **120A.40 SCHOOL CALENDAR.**

38.28 ~~(a) Except for learning programs during summer, flexible learning year programs~~
 38.29 ~~authorized under sections 124D.12 to 124D.127, and learning year programs under section~~
 38.30 ~~124D.128, A district must not may commence an elementary or secondary school year~~
 38.31 ~~before Labor Day, except as provided under paragraph (b) it shall not hold a school day on~~
 38.32 ~~the Thursday and Friday immediately preceding Labor Day. Days devoted to teachers'~~

39.1 workshops may be held before Labor Day. Districts that enter into cooperative agreements
39.2 are encouraged to adopt similar school calendars.

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

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

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

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

39.10 **EFFECTIVE DATE.** This section is effective for the 2013-2014 school year and
39.11 later.

39.12 Sec. 2. Minnesota Statutes 2012, section 120A.41, is amended to read:

39.13 **120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

39.14 A school board's annual school calendar must include at least 425 hours of
39.15 instruction for a kindergarten student without a disability, 935 hours of instruction for a
39.16 student in grades 1 through 6, and 1,020 hours of instruction for a student in grades 7
39.17 through 12, not including summer school. ~~Nothing in this section permits a school district~~
39.18 ~~to adopt~~ A school board's annual calendar must include at least 165 days of instruction
39.19 for a student in grades 1 through 11 unless a four-day week schedule unless has been
39.20 approved by the commissioner under section 124D.126.

39.21 Sec. 3. Minnesota Statutes 2012, section 121A.22, subdivision 2, is amended to read:

39.22 Subd. 2. **Exclusions.** In addition, this section does not apply to drugs or medicine
39.23 that are:

39.24 (1) purchased without a prescription;

39.25 (2) used by a pupil who is 18 years old or older;

39.26 (3) used in connection with services for which a minor may give effective consent,
39.27 including section 144.343, subdivision 1, and any other law;

39.28 (4) used in situations in which, in the judgment of the school personnel who are
39.29 present or available, the risk to the pupil's life or health is of such a nature that drugs or
39.30 medicine should be given without delay;

39.31 (5) used off the school grounds;

39.32 (6) used in connection with athletics or extra curricular activities;

39.33 (7) used in connection with activities that occur before or after the regular school day;

40.1 (8) provided or administered by a public health agency to prevent or control an
40.2 illness or a disease outbreak as provided for in sections 144.05 and 144.12;

40.3 (9) prescription asthma or reactive airway disease medications self-administered by
40.4 a pupil with an asthma inhaler if the district has received a written authorization from the
40.5 pupil's parent permitting the pupil to self-administer the medication, the inhaler is properly
40.6 labeled for that student, and the parent has not requested school personnel to administer
40.7 the medication to the pupil. The parent must submit written authorization for the pupil to
40.8 self-administer the medication each school year; or

40.9 (10) ~~prescription nonsyringe injectors of epinephrine~~ auto-injectors, consistent with
40.10 section 121A.2205, if the parent and prescribing medical professional annually inform the
40.11 pupil's school in writing that (i) the pupil may possess the epinephrine or (ii) the pupil is
40.12 unable to possess the epinephrine and requires immediate access to ~~nonsyringe injectors~~
40.13 ~~of epinephrine~~ auto-injectors that the parent provides properly labeled to the school for
40.14 the pupil as needed, or consistent with section 121A.2207.

40.15 Sec. 4. Minnesota Statutes 2012, section 121A.2205, is amended to read:

40.16 **121A.2205 POSSESSION AND USE OF ~~NONSYRINGE INJECTORS OF~~**
40.17 **EPINEPHRINE AUTO-INJECTORS; MODEL POLICY.**

40.18 Subdivision 1. Definitions. As used in this section:

40.19 (1) "administer" means the direct application of an epinephrine auto-injector to
40.20 the body of an individual;

40.21 (2) "epinephrine auto-injector" means a device that automatically injects a
40.22 premeasured dose of epinephrine; and

40.23 (3) "school" means a public school under section 120A.22, subdivision 4, or a
40.24 nonpublic school, excluding a home school, under section 120A.22, subdivision 4, that
40.25 is subject to the federal Americans with Disabilities Act.

40.26 Subd. 2. Plan for use of epinephrine auto-injectors. (a) At the start of each school
40.27 year or at the time a student enrolls in school, whichever is first, a student's parent, school
40.28 staff, including those responsible for student health care, and the prescribing medical
40.29 professional must develop and implement an individualized written health plan for a
40.30 student who is prescribed ~~nonsyringe injectors of epinephrine~~ auto-injectors that enables
40.31 the student to:

40.32 (1) possess ~~nonsyringe injectors of epinephrine~~ auto-injectors; or

40.33 (2) if the parent and prescribing medical professional determine the student is unable
40.34 to possess the epinephrine, have immediate access to ~~nonsyringe injectors of epinephrine~~
40.35 auto-injectors in close proximity to the student at all times during the instructional day.

41.1 The plan must designate the school staff responsible for implementing the student's
 41.2 health plan, including recognizing anaphylaxis and administering ~~nonsyringe injectors of~~
 41.3 epinephrine auto-injectors when required, consistent with section 121A.22, subdivision 2,
 41.4 clause (10). This health plan may be included in a student's 504 plan.

41.5 (b) ~~A school under this section is a public school under section 120A.22, subdivision~~
 41.6 ~~4, or a nonpublic school, excluding a home school, under section 120A.22, subdivision 4,~~
 41.7 ~~that is subject to the federal Americans with Disabilities Act.~~ Other nonpublic schools are
 41.8 encouraged to develop and implement an individualized written health plan for students
 41.9 requiring ~~nonsyringe injectors of~~ epinephrine auto-injectors, consistent with this section
 41.10 and section 121A.22, subdivision 2, clause (10).

41.11 (c) A school district and its agents and employees are immune from liability for any
 41.12 act or failure to act, made in good faith, in implementing this section.

41.13 (d) The education commissioner may develop and transmit to interested schools a
 41.14 model policy and individualized health plan form consistent with this section and federal
 41.15 504 plan requirements. The policy and form may:

41.16 (1) assess a student's ability to safely possess ~~nonsyringe injectors of~~ epinephrine
 41.17 auto-injectors;

41.18 (2) identify staff training needs related to recognizing anaphylaxis and administering
 41.19 epinephrine when needed;

41.20 (3) accommodate a student's need to possess or have immediate access to ~~nonsyringe~~
 41.21 ~~injectors of~~ epinephrine auto-injectors in close proximity to the student at all times during
 41.22 the instructional day; and

41.23 (4) ensure that the student's parent provides properly labeled ~~nonsyringe injectors of~~
 41.24 epinephrine auto-injectors to the school for the student as needed.

41.25 (e) Additional ~~nonsyringe injectors of~~ epinephrine auto-injectors may be available in
 41.26 school first aid kits.

41.27 (f) The school board of the school district must define instructional day for the
 41.28 purposes of this section.

41.29 **Sec. 5. [121A.2207] LIFE-THREATENING ALLERGIES IN SCHOOLS;**
 41.30 **GUIDELINES; STOCK SUPPLY OF EPINEPHRINE AUTO-INJECTORS;**
 41.31 **EMERGENCY ADMINISTRATION.**

41.32 **Subdivision 1. Districts and schools permitted to maintain supply.** (a)
 41.33 Notwithstanding section 151.37, districts and schools may obtain and possess epinephrine
 41.34 auto-injectors to be maintained and administered according to this section. A district or
 41.35 school may maintain a stock supply of epinephrine auto-injectors.

42.1 (b) For purposes of this section, "district" means a district as defined under section
42.2 121A.41, subdivision 3, or a school site or facility within the district, and "school" means
42.3 a charter school as defined under section 124D.10.

42.4 Subd. 2. **Use of supply.** (a) A district or school may authorize school nurses and
42.5 other designated school personnel trained under this section to administer an epinephrine
42.6 auto-injector to any student or other individual based on guidelines under subdivision 4,
42.7 regardless of whether the student or other individual has a prescription for an epinephrine
42.8 auto-injector if:

42.9 (1) the school nurse or designated person believes in good faith that an individual
42.10 is experiencing anaphylaxis; and

42.11 (2) the person experiencing anaphylaxis is on school premises or off school premises
42.12 at a school-sponsored event.

42.13 (b) The administration of an epinephrine auto-injector in accordance with this
42.14 section is not the practice of medicine.

42.15 Subd. 3. **Arrangements with manufacturers.** A district or school may enter into
42.16 arrangements with manufacturers of epinephrine auto-injectors to obtain epinephrine
42.17 auto-injectors at fair-market, free, or reduced prices. A third party, other than a
42.18 manufacturer or supplier, may pay for a school's supply of epinephrine auto-injectors.

42.19 Subd. 4. **District and school policies required for use of epinephrine**
42.20 **auto-injector.** A district or school permitting administration of epinephrine auto-injectors
42.21 pursuant to subdivision 2 shall develop guidelines in a manner consistent with section
42.22 121A.22, subdivision 4, and plan for implementation of the guidelines, which shall
42.23 include: (1) annual education and training for designated school personnel on the
42.24 management of students with life-threatening allergies, including training related to
42.25 the administration of an epinephrine auto-injector; (2) procedures for identification of
42.26 anaphylaxis and responding to life-threatening allergic reactions; and (3) a plan to ensure
42.27 that epinephrine auto-injectors maintained at the school are not expired. In developing the
42.28 guidelines, the district or school must consider applicable model rules and include input
42.29 from interested community stakeholders. The guidelines must include a requirement to call
42.30 emergency medical services and inform the individual's parent, guardian, or emergency
42.31 contact when an epinephrine auto-injector is administered. Each district and school shall
42.32 make the guidelines and plan available on its Web site, or if such Web sites do not exist,
42.33 make the plan publicly available through other practicable means as determined by the
42.34 district or school. Upon request, a printed copy of the guidelines and plan must be made
42.35 available at no charge. Each district and school shall maintain a log of each incident at a
42.36 school or related school event involving the administration of an epinephrine auto-injector.

43.1 Sec. 6. Minnesota Statutes 2012, section 123B.88, subdivision 22, is amended to read:

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

43.11 Sec. 7. Minnesota Statutes 2012, section 123B.92, subdivision 1, is amended to read:

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

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

43.16 (1) the sum of:

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

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

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

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

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

43.31 (1) Regular transportation is:

43.32 (i) transportation to and from school during the regular school year for resident
43.33 elementary pupils residing one mile or more from the public or nonpublic school they
43.34 attend, and resident secondary pupils residing two miles or more from the public
43.35 or nonpublic school they attend, excluding desegregation transportation and noon

44.1 kindergarten transportation; but with respect to transportation of pupils to and from
44.2 nonpublic schools, only to the extent permitted by sections 123B.84 to 123B.87;

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

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

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

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

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

44.20 (2) Excess transportation is:

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

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

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

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

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

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

45.8 (iii) necessary transportation for resident pupils with disabilities required by sections
45.9 125A.12, and 125A.26 to 125A.48;

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

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

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

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

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

45.28 For purposes of computing special education initial aid under section 125A.76,
45.29 subdivision 2, the cost of providing transportation for children with disabilities includes
45.30 (A) the additional cost of transporting a homeless student from a temporary nonshelter
45.31 home in another district to the school of origin, or a formerly homeless student from a
45.32 permanent home in another district to the school of origin but only through the end of
45.33 the academic year; and (B) depreciation on district-owned school buses purchased after
45.34 July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated
45.35 according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the
45.36 disabled transportation category must be excluded in calculating the actual expenditure

46.1 per pupil transported in the regular and excess transportation categories according to
 46.2 paragraph (a). For purposes of subitem (A), a school district may transport a child who
 46.3 does not have a school of origin to the same school attended by that child's sibling, if
 46.4 the siblings are homeless.

46.5 (5) "Nonpublic nonregular transportation" is:

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

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

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

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

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

46.19 Sec. 8. Minnesota Statutes 2012, section 124D.122, is amended to read:

46.20 **124D.122 ESTABLISHMENT OF FLEXIBLE LEARNING YEAR PROGRAM.**

46.21 The board of any district or a consortium of districts, with the approval of the
 46.22 commissioner, may establish and operate a flexible learning year program in one or
 46.23 more of the day or residential facilities for children with a disability within the district.

46.24 Consortiums may use a single application and evaluation process, though results, public
 46.25 hearings, and board approvals must be obtained for each district.

46.26 Sec. 9. Minnesota Statutes 2012, section 124D.59, subdivision 2, is amended to read:

46.27 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten
 46.28 through grade 12 who meets the following requirements:

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

46.32 (2) the pupil is determined by developmentally appropriate measures, which might
 46.33 include observations, teacher judgment, parent recommendations, or developmentally

47.1 appropriate assessment instruments that measure the pupil's emerging academic English
47.2 and are aligned to state standards for English language development defined in rule, to
47.3 lack the necessary English skills to participate fully in classes taught in English.

47.4 (b) Notwithstanding paragraph (a), a pupil in grades 4 through 12 who was enrolled
47.5 in a Minnesota public school on the dates during the previous school year when a
47.6 commissioner provided assessment that measures the pupil's emerging academic English
47.7 was administered, shall not be counted as an English learner in calculating English learner
47.8 pupil units under section 126C.05, subdivision 17, and shall not generate state English
47.9 learner aid under section 124D.65, subdivision 5, unless the pupil scored below the state
47.10 cutoff score or is otherwise counted as a nonproficient participant on an assessment
47.11 measuring emerging academic English provided by the commissioner during the previous
47.12 school year.

47.13 (c) Notwithstanding paragraphs (a) and (b), a pupil in kindergarten through grade
47.14 12 shall not be counted as an English learner in calculating English learner pupil units
47.15 under section 126C.05, subdivision 17, and shall not generate state English learner aid
47.16 under section 124D.65, subdivision 5, if:

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

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

47.21 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014
47.22 and later.

47.23 Sec. 10. Minnesota Statutes 2012, section 124D.61, is amended to read:

47.24 **124D.61 GENERAL REQUIREMENTS FOR PROGRAMS.**

47.25 A district that enrolls one or more English learners must implement an educational
47.26 program that includes at a minimum the following requirements:

47.27 (1) identification, program entrance, and reclassification criteria for English learners
47.28 and program entrance and exit criteria for English learners must be documented by the
47.29 district, applied uniformly to English learners, and made available to parents and other
47.30 stakeholders upon request;

47.31 (2) a written plan of services that describes programming by English proficiency level
47.32 made available to parents upon request. The plan must articulate the amount and scope of
47.33 service offered to English learners through an educational program for English learners;

48.1 (3) professional development opportunities for ESL, bilingual education,
48.2 mainstream, and all staff working with English learners which are: (i) coordinated with
48.3 the district's professional development activities; (ii) related to the needs of English
48.4 learners; and (iii) ongoing;

48.5 (4) to the extent possible, avoid isolating English learners for a substantial part of
48.6 the school day; and

48.7 (5) in predominantly nonverbal subjects, such as art, music, and physical education,
48.8 permit English learners to participate fully and on an equal basis with their contemporaries
48.9 in public school classes provided for these subjects. To the extent possible, the district
48.10 must assure to pupils enrolled in a program for English learners an equal and meaningful
48.11 opportunity to participate fully with other pupils in all extracurricular activities.

48.12 The exit criteria under clause (1) must be equivalent to the emerging academic English
48.13 measures on state assessments for English language development.

48.14 Sec. 11. Minnesota Statutes 2012, section 124D.79, subdivision 1, is amended to read:

48.15 Subdivision 1. **Community involvement.** The commissioner must provide for the
48.16 maximum involvement of the state committees on American Indian education, parents
48.17 of American Indian children, secondary students eligible to be served, American Indian
48.18 language and culture education teachers, American Indian teachers, teachers' aides,
48.19 representatives of community groups, and persons knowledgeable in the field of American
48.20 Indian education, in the formulation of policy and procedures relating to the administration
48.21 of sections 124D.71 to 124D.82. The commissioner must annually hold a field hearing on
48.22 American Indian education to gather input from American Indian educators, parents, and
48.23 students on the state of American Indian education in Minnesota. Results of the hearing
48.24 must be made available to all 11 tribal nations for review and comment.

48.25 Sec. 12. Minnesota Statutes 2012, section 124D.79, is amended by adding a
48.26 subdivision to read:

48.27 Subd. 4. **Consultation with the Tribal Nations Education Committee.** (a) The
48.28 commissioner shall seek consultation with the Tribal Nations Education Committee on all
48.29 issues relating to American Indian education including:

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

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

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

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

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

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

49.7 Sec. 13. **[124D.791] INDIAN EDUCATION DIRECTOR.**

49.8 Subdivision 1. **Appointment.** An Indian education director shall be appointed by
 49.9 the commissioner.

49.10 Subd. 2. **Qualifications.** The commissioner shall select the Indian education
 49.11 director on the basis of outstanding professional qualifications and knowledge of
 49.12 American Indian education, culture, practices, and beliefs. The Indian education director
 49.13 serves in the unclassified service. The commissioner may remove the Indian education
 49.14 director for cause. The commissioner is encouraged to seek qualified applicants who
 49.15 are enrolled members of a tribe.

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

49.18 Subd. 4. **Duties; powers.** (a) The Indian education director shall:

49.19 (1) serve as the liaison for the department with the Tribal Nations Education
 49.20 Committee, the 11 reservations, the Minnesota Chippewa tribe, the Minnesota Indian
 49.21 Affairs Council, and the Urban Indian Advisory Council;

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

49.23 (3) engage the tribal bodies, community groups, parents of children eligible to
 49.24 be served by Indian education programs, American Indian administrators and teachers,
 49.25 persons experienced in the training of teachers for American Indian education programs,
 49.26 the tribally controlled schools, and other persons knowledgeable in the field of American
 49.27 Indian education and seek their advice on policies that can improve the quality of
 49.28 American Indian education;

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

49.30 (i) issues facing American Indian students;

49.31 (ii) policies for American Indian education;

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

- 50.1 (iv) administration of the commissioner's duties under sections 124D.71 to 124D.82
50.2 and other programs for the education of American Indian people;
- 50.3 (5) propose to the commissioner legislative changes that will improve the quality
50.4 of American Indian education;
- 50.5 (6) develop a strategic plan and a long-term framework for American Indian
50.6 education, in conjunction with the Minnesota Indian Affairs Council, that is updated every
50.7 five years and implemented by the commissioner, with goals to:
- 50.8 (i) increase American Indian student achievement, including increased levels of
50.9 proficiency and growth on statewide accountability assessments;
- 50.10 (ii) increase the number of American Indian teachers in public schools;
- 50.11 (iii) close the achievement gap between American Indian students and their more
50.12 advantaged peers;
- 50.13 (iv) increase the statewide graduation rate for American Indian students; and
- 50.14 (v) increase American Indian student placement in postsecondary programs and
50.15 the workforce; and
- 50.16 (7) keep the American Indian community informed about the work of the department
50.17 by reporting to the Tribal Nations Education Committee at each committee meeting.

50.18 **Sec. 14. [124D.861] ACHIEVEMENT AND INTEGRATION FOR MINNESOTA.**

50.19 **Subdivision 1. Program to close the academic achievement and opportunity**
50.20 **gap.** The "Achievement and Integration for Minnesota" program is established to
50.21 promote diversity, pursue racial and economic integration, and increase student academic
50.22 achievement and equitable educational opportunities in Minnesota public schools. The
50.23 program must serve students of varying racial, ethnic, and economic backgrounds, taking
50.24 into account unique geographic and demographic particularities affecting students,
50.25 schools, and districts including race, neighborhood locations and characteristics, grades,
50.26 socioeconomic status, academic performance, and language barriers. Eligible districts
50.27 must use the revenue under section 124D.862 to pursue racial and economic integration in
50.28 schools through: (1) in-school educational practices and integrated learning environments
50.29 created to prepare all students to be effective citizens, enhance social cohesion, and
50.30 reinforce democratic values; and (2) corresponding and meaningful policies and curricula
50.31 and trained instructors, administrators, school counselors, and other advocates who
50.32 support and enhance in-school practices and integrated learning environments under this
50.33 section. In-school practices and integrated learning environments must promote increased
50.34 student academic achievement, cultural fluency, graduation and educational attainment
50.35 rates, and parent involvement.

51.1 Subd. 2. **Plan components.** (a) The school board of each eligible district must
51.2 formally develop and implement a long-term comprehensive plan that identifies the
51.3 collaborative structures and systems, in-school strategies, inclusive best educational
51.4 practices, and partnerships with higher education institutions and industries required
51.5 to effect this section and increase the academic achievement of all students. Plan
51.6 components may include: innovative and integrated prekindergarten through grade 12
51.7 learning environments that offer students school enrollment choices; family engagement
51.8 initiatives that involve families in their students' academic life and success; professional
51.9 development opportunities for teachers and administrators focused on improving the
51.10 academic achievement of all students; increased programmatic opportunities focused
51.11 on rigor and college and career readiness for underserved students, including students
51.12 enrolled in alternative learning centers under section 123A.05, public alternative programs
51.13 under section 126C.05, subdivision 15, or contract alternative programs under section
51.14 124D.69, among other underserved students; or recruitment and retention of teachers and
51.15 administrators with diverse backgrounds. The plan must specify district and school goals
51.16 for reducing the disparity in academic achievement among all racial and ethnic categories of
51.17 students and promoting racial and economic integration in schools and districts over time.

51.18 (b) Among other requirements, an eligible district must implement a cost-effective,
51.19 research-based intervention that includes formative assessment practices to reduce the
51.20 disparity in student academic achievement between the highest and lowest performing
51.21 racial and ethnic categories of students as measured by student demonstration of
51.22 proficiency on state reading and math assessments.

51.23 (c) Eligible districts must collaborate in creating efficiencies and eliminating the
51.24 duplication of programs and services under this section, which may include forming a
51.25 single, seven-county metropolitan areawide partnership of eligible districts for this purpose.

51.26 Subd. 3. **Biennial progress; budget process.** (a) To receive revenue under section
51.27 124D.862, the school board of an eligible district must hold at least one formal hearing by
51.28 March 1 in the year preceding the current biennium to report to the public its progress in
51.29 realizing the goals identified in its plan. At the hearing, the board must provide the public
51.30 with longitudinal data demonstrating district and school progress in reducing the disparity
51.31 in student academic achievement among all racial and ethnic categories of students and
51.32 realizing racial and economic integration, consistent with its plan and the measures in
51.33 paragraph (b). At least 30 days before the formal hearing under this paragraph, the
51.34 board must post on the district Web site, in an understandable, readily accessible format,
51.35 up-to-date longitudinal data on district and school progress in reducing disparities in
51.36 students' academic achievement, consistent with this subdivision. The district also must

52.1 submit to the commissioner by March 1 in the year preceding the current biennium a
 52.2 detailed biennial budget for continuing to implement its plan and the commissioner must
 52.3 review and approve or disapprove the budget by June 1 of that year.

52.4 (b) The longitudinal data required under paragraph (a) must be based on one or
 52.5 more of the following measures:

52.6 (1) the number of world language proficiency or high achievement certificates
 52.7 awarded under section 120B.022, subdivision 1, paragraphs (b) and (c);

52.8 (2) student growth and progress toward proficiency in reading or mathematics as
 52.9 defined under section 120B.299;

52.10 (3) adequate yearly progress under section 120B.35, subdivision 2;

52.11 (4) preparation for postsecondary academic and career opportunities under section
 52.12 120B.35, subdivision 3, paragraph (c), clause (1);

52.13 (5) rigorous coursework completed under section 120B.35, subdivision 3, paragraph
 52.14 (c), clause (2); or

52.15 (6) school safety and students' engagement and connection at school under section
 52.16 120B.35, subdivision 3, paragraph (d).

52.17 Subd. 4. **Evaluation.** The commissioner must evaluate the efficacy of district
 52.18 plans in reducing the disparity in student academic achievement among all racial and
 52.19 ethnic categories of students and realizing racial and economic integration and report the
 52.20 commissioner's findings to the K-12 education committees of the legislature by February 1
 52.21 every fourth year beginning February 1, 2017.

52.22 **EFFECTIVE DATE.** This section is effective for fiscal year 2014 and later.

52.23 Sec. 15. **[124D.862] ACHIEVEMENT AND INTEGRATION REVENUE.**

52.24 Subdivision 1. **Eligibility.** A school district is eligible for achievement and
 52.25 integration revenue under this section if the district has a biennial achievement and
 52.26 integration plan approved by the department under section 124D.861.

52.27 Subd. 2. **Achievement and integration revenue.** (a) An eligible district's initial
 52.28 achievement and integration revenue equals the sum of (1) \$..... per pupil unit plus (2)
 52.29 \$..... times district's pupil units for that year times the ratio of the district's enrollment of
 52.30 protected students to total enrollment for the previous school year.

52.31 (b) In each year, .02 percent of each district's initial achievement and integration
 52.32 revenue is transferred to the Department of Education for the oversight and accountability
 52.33 activities required under this section and section 124D.861.

53.1 (c) A district that did not meet its achievement goals established in section 124D.861
53.2 for the previous biennium must have its initial achievement and integration revenue
53.3 reduced by percent for the current year.

53.4 (d) Any revenue saved by the reductions in paragraph (c) must be proportionately
53.5 reallocated on a per pupil basis to all districts that met their achievement goals in the
53.6 previous biennium.

53.7 Subd. 3. **Achievement and integration aid.** A district's achievement and
53.8 integration aid equals 70 percent of its achievement and integration revenue.

53.9 Subd. 4. **Achievement and integration levy.** A district's achievement and
53.10 integration levy equals the difference between its achievement and integration revenue
53.11 and its achievement and integration aid.

53.12 Subd. 5. **Incentive revenue.** An eligible school district's maximum incentive
53.13 revenue equals \$..... per pupil unit. In order to receive this revenue, a district must be
53.14 implementing a voluntary plan to reduce racial enrollment disparities through intradistrict
53.15 and interdistrict activities that have been approved as a part of the district's achievement
53.16 and integration plan.

53.17 Subd. 6. **Revenue reserved.** Integration revenue received under this section must
53.18 be reserved and used only for the programs authorized in subdivision 7.

53.19 Subd. 7. **Revenue uses.** At least 80 percent of a district's achievement and
53.20 integration revenue received under this section must be used for innovative and integrated
53.21 learning environments, family engagement activities, and other approved programs
53.22 providing direct services to students. Up to 20 percent of the revenue may be used for
53.23 professional development and staff development activities and not more than ten percent
53.24 of this share of the revenue may be used for administrative expenditures.

53.25 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014
53.26 and later.

53.27 Sec. 16. Minnesota Statutes 2012, section 126C.10, subdivision 14, is amended to read:

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

53.30 (1) to acquire land for school purposes;

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

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

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

- 54.1 (5) for a surplus school building that is used substantially for a public nonschool
54.2 purpose;
- 54.3 (6) to eliminate barriers or increase access to school buildings by individuals with a
54.4 disability;
- 54.5 (7) to bring school buildings into compliance with the State Fire Code adopted
54.6 according to chapter 299F;
- 54.7 (8) to remove asbestos from school buildings, encapsulate asbestos, or make
54.8 asbestos-related repairs;
- 54.9 (9) to clean up and dispose of polychlorinated biphenyls found in school buildings;
- 54.10 (10) to clean up, remove, dispose of, and make repairs related to storing heating fuel
54.11 or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined
54.12 in section 296A.01;
- 54.13 (11) for energy audits for school buildings and to modify buildings if the audit
54.14 indicates the cost of the modification can be recovered within ten years;
- 54.15 (12) to improve buildings that are leased according to section 123B.51, subdivision 4;
- 54.16 (13) to pay special assessments levied against school property but not to pay
54.17 assessments for service charges;
- 54.18 (14) to pay principal and interest on state loans for energy conservation according to
54.19 section 216C.37 or loans made under the Douglas J. Johnson Economic Protection Trust
54.20 Fund Act according to sections 298.292 to 298.298;
- 54.21 (15) to purchase or lease interactive telecommunications equipment;
- 54.22 (16) by board resolution, to transfer money into the debt redemption fund to: (i)
54.23 pay the amounts needed to meet, when due, principal and interest payments on certain
54.24 obligations issued according to chapter 475; or (ii) pay principal and interest on debt
54.25 service loans or capital loans according to section 126C.70;
- 54.26 (17) to pay operating capital-related assessments of any entity formed under a
54.27 cooperative agreement between two or more districts;
- 54.28 (18) to purchase or lease computers and related ~~materials~~ hardware, initial purchase
54.29 of related software, but not annual licensing fees, copying machines, telecommunications
54.30 equipment, and other noninstructional equipment;
- 54.31 (19) to purchase or lease assistive technology or equipment for instructional
54.32 programs;
- 54.33 (20) to purchase textbooks as defined in section 123B.41, subdivision 2;
- 54.34 (21) to purchase new and replacement library media resources or technology;
- 54.35 (22) to lease or purchase vehicles;

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

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

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

55.7 (iii) other classroom information management needs;

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

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

55.13 **Sec. 17. TRANSFER OF LANDS; RED LAKE SCHOOL DISTRICT.**

55.14 **Subdivision 1. Conveyance.** A conveyance of right, title, and interest in Parcels A,
55.15 B, and C, described in subdivision 2, and all improvements thereon, from Independent
55.16 School District No. 38, Red Lake, to the Red Lake Band of Chippewa Indians is not a sale
55.17 within the meaning of Minnesota Statutes, section 16A.695, provided:

55.18 (1) the tax-exempt status of any bonds previously issued is not compromised by
55.19 the conveyance;

55.20 (2) the Red Lake Band of Chippewa Indians leases Parcels A, B, and C, and all
55.21 buildings thereon to Independent School District No. 38, Red Lake, for a term that is at
55.22 least 125 percent of the useful life of the bond-financed improvements; and

55.23 (3) the conveyance is approved by Independent School District No. 38, Red Lake.

55.24 **Subd. 2. Land descriptions.** (a) Parcel A is described as follows:

55.25 Located in Lots 1 and 2, Section 21, Township 151 North, Range 34 West,
55.26 Minnesota, and described as follows: commencing at a point which is the intersection of a
55.27 projection of the center line of B Street and the north edge of Minnesota State Highway
55.28 No. 1; thence North 78 degrees East along the north edge of Highway No. 1 750 feet to
55.29 point of beginning; thence North 78 degrees East a distance of 675 feet; thence North 12
55.30 degrees West 1,160 feet; thence South 78 degrees West a distance of 675 feet; thence South
55.31 12 degrees East 1,160 feet to point of beginning, containing 17.98 acres, more or less.

55.32 Reserving, however, to the United States, all mineral deposits in the above-described
55.33 land, together with the right to prospect for and remove such deposits under rules and
55.34 regulations prescribed by the Secretary of the Interior.

55.35 (b) Parcel B is described as follows:

56.1 That part of Government Lot 3, Section 5, Township 152 North, Range 33 West,
56.2 described as follows:

56.3 Beginning at the closing section corner common to Sections 5 and 6, located on the
56.4 13th Standard Parallel and a distance of 1,108.8 feet West of the south quarter corner of
56.5 Section 32, which is a 3/4" pipe 24" long; thence on a bearing of South 0 degrees 33
56.6 minutes East along existing fence line a distance of 116.0 feet to top of bank on shore line
56.7 of Red Lake and approximately 50 feet from shore of said lake where a 3/4" pipe 24"
56.8 long was placed by a fence post at top of bank; thence meander along top of said bank
56.9 on a bearing of North 73 degrees 45 minutes East, a distance of 1,040 feet, more or less,
56.10 approximately 50 feet from shore line of said Red Lake, with all riparian rights reserved
56.11 between these two corners; thence on a bearing of North 1 degree 15 minutes East a
56.12 distance of 160 feet; thence North 89 degrees 8 minutes West, a distance of 210 feet;
56.13 thence North 1 degree 15 minutes East a distance of 320 feet; thence due West a distance
56.14 of 369.0 feet to a 3/4" pipe 24" long; thence on a bearing of North 0 degrees 33 minutes
56.15 West a distance of 330.0 feet to a 3/4" pipe 24" long and set at west corner post of entrance
56.16 and on fence line running westerly; thence due West a distance of 435.8 feet to point of
56.17 beginning, containing 17.62 acres, more or less.

56.18 Subject to road right-of-way from a point on west line of above-described property
56.19 and 450.0 feet South of section corner common to Sections 5 and 6, which is the point of
56.20 beginning. A tract of land 30.0 feet wide, 20.0 feet on the North and 10.0 feet on the South
56.21 of a center line described as: on a bearing South 88 degrees 49 minutes East, a distance of
56.22 455.0 feet East, a tract of land 20 feet wide, 10 feet on the West and 10.0 feet on the East
56.23 of a center line on a bearing of North 0 degrees 33 minutes West, a distance of 130.0 feet
56.24 North at which point said right-of-way leaves the property.

56.25 Excepting the following:

56.26 (1) one lot described as follows: commencing at the closing section corner common
56.27 to Sections 5 and 6 on the 13th Standard Parallel, which is a 3/4" pipe 24" long; thence on
56.28 a bearing of South 0 degrees 33 minutes East, a distance of 430.0 feet to a 3/4" pipe 24"
56.29 long, which is the point of beginning; thence on a bearing of South 88 degrees 49 minutes
56.30 East, a distance of 200 feet; thence on a bearing of North 0 degrees 33 minutes West, 115
56.31 feet; thence on a bearing of North 88 degrees 49 minutes West, a distance of 200 feet;
56.32 thence on a bearing of South 0 degrees 33 minutes East a distance of 115 feet to the point
56.33 of beginning, containing 0.528 acres, more or less; and

56.34 (2) one lot described as follows: commencing at the closing section corner common
56.35 to Sections 5 and 6 on the 13th Standard parallel, which is a 3/4" pipe 24" long; thence on
56.36 a bearing of South 0 degrees 33 minutes East, a distance of 430.0 feet to a 3/4" pipe 24"

57.1 long; thence on a bearing of South 88 degrees 49 minutes East, a distance of 270.0 feet to
 57.2 a point of beginning, and which is a 3/4" pipe 24" long set on property line 1 foot back of
 57.3 sidewalk line with an (X) chiselled at edge of sidewalk opposite the corner; thence on a
 57.4 bearing of North 1 degree 11 minutes East, a distance of 115.0 feet to a 3/4" pipe 24" long;
 57.5 thence on a bearing of South 88 degrees 49 minutes East, a distance 90.0 feet to a 3/4"
 57.6 pipe 24" long; thence on a bearing of South 1 degree 11 minutes West, a distance of 115.0
 57.7 feet to a 3/4" pipe 24" long set 1 foot back of sidewalk line with an (X) chiselled at edge of
 57.8 sidewalk opposite the corner; thence on a bearing of North 88 degrees 49 minutes West, a
 57.9 distance of 90.0 feet to point of beginning, containing 0.24 acres, more or less.

57.10 There are reserved to the United States in trust for the Red Lake Band of Chippewa
 57.11 Indians all minerals, including oil and gas, in the above-described land together with the
 57.12 right to prospect for and remove such deposits under rules and regulations prescribed
 57.13 by the Secretary of the Interior.

57.14 (c) Parcel C is located in Lots 3 and 4 of Section 21, Township 151 North, Range 34
 57.15 West, Minnesota, and described as follows:

57.16 Beginning at a point which is the intersection of a projection of the center line of
 57.17 B Street and the north edge of Minnesota State Highway No. 1, North 78 degrees East
 57.18 along the north edge of Highway No. 1 750 feet; thence North 12 degrees West 1,160
 57.19 feet; thence South 78 degrees West 750 feet to the center line of B Street; thence South 12
 57.20 degrees East along the center line of B Street and its projection, to the point of beginning.

57.21 The area described above not to exceed twenty acres.

57.22 Reserving however, to the United States, all mineral deposits in the above-described
 57.23 land together with the right to prospect for and remove such deposits under rules and
 57.24 regulations prescribed by the Secretary of the Interior.

57.25 **Sec. 18. APPROPRIATIONS.**

57.26 Subdivision 1. **Department.** The sums indicated in this section are appropriated
 57.27 from the general fund to the Department of Education for the fiscal years designated.

57.28 Subd. 2. **Achievement and integration aid.** For achievement and integration aid
 57.29 under Minnesota Statutes, section 124D.861:

57.30 \$ 2014

57.31 \$ 2015

57.32 The 2014 appropriation includes \$..... for 2013 and \$..... for 2014.

57.33 The 2015 appropriation includes \$..... for 2014 and \$..... for 2015.

58.1 Sec. 19. **REVISOR'S INSTRUCTION.**

58.2 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall substitute
 58.3 the term "Division of State Library Services" for "Library Development and Services,"
 58.4 "Office of Library Development and Services," or "LDS" where "LDS" stands for "Library
 58.5 Development and Services." The revisor shall also make grammatical changes related
 58.6 to the changes in terms.

58.7 **ARTICLE 4**58.8 **CHARTER SCHOOLS**

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

58.10 **124D.10 CHARTER SCHOOLS.**

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

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

58.13 ~~(2)~~ (1) increase learning opportunities for pupils;

58.14 ~~(3)~~ (2) encourage the use of different and innovative teaching methods;

58.15 ~~(4)~~ (3) measure learning outcomes and create different and innovative forms of
 58.16 measuring outcomes;

58.17 ~~(5)~~ (4) establish new forms of accountability for schools; ~~and~~ or

58.18 ~~(6)~~ (5) create new professional opportunities for teachers, including the opportunity
 58.19 to be responsible for the learning program at the school site.

58.20 (b) This section does not provide a means to keep open a school that a school board
 58.21 decides to close. However, a school board may endorse or authorize the establishing of
 58.22 a charter school to replace the school the board decided to close. Applicants seeking a
 58.23 charter under this circumstance must demonstrate to the authorizer that the charter sought
 58.24 is substantially different in purpose and program from the school the board closed and
 58.25 that the proposed charter satisfies the requirements of this subdivision. If the school
 58.26 board that closed the school authorizes the charter, it must document in its affidavit to the
 58.27 commissioner that the charter is substantially different in program and purpose from
 58.28 the school it closed.

58.29 An authorizer shall not approve an application submitted by a charter school
 58.30 developer under subdivision 4, paragraph (a), if the application does not comply with this
 58.31 subdivision. The commissioner shall not approve an affidavit submitted by an authorizer
 58.32 under subdivision 4, paragraph (b), if the affidavit does not comply with this subdivision.

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

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

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

59.6 "Application" under subdivision 4 means the charter school business plan a
59.7 school developer submits to an authorizer for approval to establish a charter school that
59.8 documents the school developer's mission statement, school purposes, program design,
59.9 financial plan, governance and management structure, and background and experience,
59.10 plus any other information the authorizer requests. The application also shall include a
59.11 "statement of assurances" of legal compliance prescribed by the commissioner.

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

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

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

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

59.24 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on
59.25 Foundations;

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

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

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

59.34 (4) a nonprofit corporation subject to chapter 317A, described in section 317A.905,
59.35 and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code
59.36 of 1986, may authorize one or more charter schools if the charter school has operated

60.1 for at least three years under a different authorizer and if the nonprofit corporation has
60.2 existed for at least 25 years; or

60.3 (5) single-purpose authorizers that are charitable, nonsectarian organizations formed
60.4 under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state
60.5 of Minnesota whose sole purpose is to charter schools. Eligible organizations interested
60.6 in being approved as an authorizer under this paragraph must submit a proposal to the
60.7 commissioner that includes the provisions of paragraph (c) and a five-year financial plan.
60.8 Such authorizers shall consider and approve charter school applications using the criteria
60.9 provided in subdivision 4 and shall not limit the applications it solicits, considers, or
60.10 approves to any single curriculum, learning program, or method.

60.11 (c) An eligible authorizer under this subdivision must apply to the commissioner for
60.12 approval as an authorizer before submitting any affidavit to the commissioner to charter
60.13 a school. The application for approval as a charter school authorizer must demonstrate
60.14 the applicant's ability to implement the procedures and satisfy the criteria for chartering a
60.15 school under this section. The commissioner must approve or disapprove an application
60.16 within 45 business days of the application deadline. If the commissioner disapproves
60.17 the application, the commissioner must notify the applicant of the specific deficiencies
60.18 in writing and the applicant then has 20 business days to address the deficiencies to the
60.19 commissioner's satisfaction. After the 20 business days expire, the commissioner has 15
60.20 business days to make a final decision to approve or disapprove the application. Failing to
60.21 address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to
60.22 be an authorizer. The commissioner, in establishing criteria for approval, must consider
60.23 the applicant's:

- 60.24 (1) capacity and infrastructure;
60.25 (2) application criteria and process;
60.26 (3) contracting process;
60.27 (4) ongoing oversight and evaluation processes; and
60.28 (5) renewal criteria and processes.

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

- 60.31 (1) how chartering schools is a way for the organization to carry out its mission;
60.32 (2) a description of the capacity of the organization to serve as an authorizer,
60.33 including the personnel who will perform the authorizing duties, their qualifications, the
60.34 amount of time they will be assigned to this responsibility, and the financial resources
60.35 allocated by the organization to this responsibility;

61.1 (3) a description of the application and review process the authorizer will use to
61.2 make decisions regarding the granting of charters;

61.3 (4) a description of the type of contract it will arrange with the schools it charters
61.4 that meets the provisions of subdivision 6;

61.5 (5) the process to be used for providing ongoing oversight of the school consistent
61.6 with the contract expectations specified in clause (4) that assures that the schools chartered
61.7 are complying with both the provisions of applicable law and rules, and with the contract;

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

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

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

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

61.18 (f) If the governing board of an approved authorizer votes to withdraw as an
61.19 approved authorizer for a reason unrelated to any cause under subdivision 23, the
61.20 authorizer must notify all its chartered schools and the commissioner in writing by July
61.21 15 of its intent to withdraw as an authorizer on June 30 in the next calendar year. The
61.22 commissioner may approve the transfer of a charter school to a new authorizer under this
61.23 paragraph after the new authorizer submits an affidavit to the commissioner.

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

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

61.29 ~~(i)~~ (h) The commissioner shall review an authorizer's performance every five years
61.30 in a manner and form determined by the commissioner and may review an authorizer's
61.31 performance more frequently at the commissioner's own initiative or at the request of a
61.32 charter school operator, charter school board member, or other interested party. The
61.33 commissioner, after completing the review, shall transmit a report with findings to the
61.34 authorizer. If, consistent with this section, the commissioner finds that an authorizer has
61.35 not fulfilled the requirements of this section, the commissioner may subject the authorizer
61.36 to corrective action, which may include terminating the contract with the charter school

62.1 board of directors of a school it chartered. The commissioner must notify the authorizer
62.2 in writing of any findings that may subject the authorizer to corrective action and
62.3 the authorizer then has 15 business days to request an informal hearing before the
62.4 commissioner takes corrective action. If the commissioner terminates a contract between
62.5 an authorizer and a charter school under this paragraph, the commissioner may assist the
62.6 charter school in acquiring a new authorizer.

62.7 ~~(j)~~ (i) The commissioner may at any time take corrective action against an authorizer,
62.8 including terminating an authorizer's ability to charter a school for:

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

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

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

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

62.16 **Subd. 4. Formation of school.** (a) An authorizer, after receiving an application from
62.17 a school developer, may charter a licensed teacher under section 122A.18, subdivision
62.18 1, or a group of individuals that includes one or more licensed teachers under section
62.19 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the
62.20 authorizer's affidavit under paragraph (b). The school must be organized and operated as a
62.21 nonprofit corporation under chapter 317A and the provisions under the applicable chapter
62.22 shall apply to the school except as provided in this section.

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

62.26 (b) Before the operators may establish and operate a school, the authorizer must file
62.27 an affidavit with the commissioner stating its intent to charter a school. An authorizer
62.28 must file a separate affidavit for each school it intends to charter. The affidavit must state
62.29 the terms and conditions under which the authorizer would charter a school and how the
62.30 authorizer intends to oversee the fiscal and student performance of the charter school and to
62.31 comply with the terms of the written contract between the authorizer and the charter school
62.32 board of directors under subdivision 6. The commissioner must approve or disapprove the
62.33 authorizer's affidavit within 60 business days of receipt of the affidavit. If the commissioner
62.34 disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies
62.35 in the affidavit and the authorizer then has 20 business days to address the deficiencies.
62.36 If the authorizer does not address deficiencies to the commissioner's satisfaction, the

63.1 commissioner's disapproval is final. Failure to obtain commissioner approval precludes an
63.2 authorizer from chartering the school that is the subject of this affidavit.

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

63.7 (d) The operators authorized to organize and operate a school, before entering into a
63.8 contract or other agreement for professional or other services, goods, or facilities, must
63.9 incorporate as a nonprofit corporation under chapter 317A and must establish a board of
63.10 directors composed of at least five members who are not related parties until a timely
63.11 election for members of the ongoing charter school board of directors is held according to
63.12 the school's articles and bylaws under paragraph (f). A charter school board of directors
63.13 must be composed of at least five members who are not related parties. Staff members
63.14 employed at the school, including teachers providing instruction under a contract with a
63.15 cooperative, members of the board of directors, and all parents or legal guardians of
63.16 children enrolled in the school are the voters eligible to elect the members of the school's
63.17 board of directors. A charter school must notify eligible voters of the school board election
63.18 dates at least 30 days before the election. Board of director meetings and board committee
63.19 meetings must comply with chapter 13D.

63.20 (e) A charter school shall publish and maintain on the school's official Web site: (1)
63.21 the minutes of meetings of the board of directors, and of members and committees having
63.22 any board-delegated authority, for at least one calendar year from the date of publication;
63.23 (2) directory information for members of the board of directors and committees having
63.24 board-delegated authority; and (3) identifying and contact information for the school's
63.25 authorizer. Identifying and contact information for the school's authorizer must be
63.26 included in other school materials made available to the public. Upon request of an
63.27 individual, the charter school must also make available in a timely fashion financial
63.28 statements showing all operations and transactions affecting income, surplus, and deficit
63.29 during the school's last annual accounting period; and a balance sheet summarizing assets
63.30 and liabilities on the closing date of the accounting period. A charter school also must ~~post~~
63.31 ~~on its official Web site information identifying its authorizer and indicate how to contact~~
63.32 ~~that authorizer~~ and include that same information about its authorizer in other school
63.33 materials that it makes available to the public.

63.34 (f) Every charter school board member shall attend ongoing annual training
63.35 throughout the member's term on the board governance, including. All new board
63.36 members shall attend initial training on the board's role and responsibilities, employment

64.1 policies and practices, and financial management. A new board member who does not
 64.2 begin the required initial training within six months after being seated and complete that
 64.3 training within 12 months of being seated on the board is automatically ineligible to
 64.4 continue to serve as a board member. The school shall include in its annual report the
 64.5 training attended by each board member during the previous year.

64.6 (g) The ongoing board must be elected before the school completes its third year of
 64.7 operation. Board elections must be held during the school year but may not be conducted
 64.8 on days when the school is closed for holidays, breaks, or vacations. The charter school
 64.9 board of directors shall be composed of at least five nonrelated members and include: (i)
 64.10 at least one licensed teacher employed as a teacher at the school or ~~a licensed teacher~~
 64.11 providing instruction under contract between the charter school and a cooperative; (ii) the
 64.12 at least one parent or legal guardian of a student enrolled in the charter school who is not an
 64.13 employee of the charter school; and (iii) ~~an~~ at least one interested community member who
 64.14 resides in Minnesota and is not employed by the charter school and does not have a child
 64.15 enrolled in the school. The board ~~may be a teacher majority board composed~~ may include
 64.16 a majority of teachers, parents, or community members as described in this paragraph or it
 64.17 may have no clear majority. The chief financial officer and the chief administrator may only
 64.18 serve as ex-officio nonvoting board members ~~and may not serve as a voting member of the~~
 64.19 ~~board~~. No charter school employees shall ~~not~~ serve on the board unless other than teachers
 64.20 under item (i) applies. Contractors providing facilities, goods, or services to a charter
 64.21 school shall not serve on the board of directors of the charter school. Board bylaws shall
 64.22 outline the process and procedures for changing the board's governance ~~model~~ structure,
 64.23 consistent with chapter 317A. A board may change its governance ~~model~~ structure only:

64.24 (1) by a majority vote of the board of directors and a majority vote of the licensed
 64.25 teachers employed by the school as teachers, including licensed teachers providing
 64.26 instruction under a contract between the school and a cooperative; and

64.27 (2) with the authorizer's approval.

64.28 Any change in board governance structure must conform with the composition of
 64.29 the board structure established under this paragraph.

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

64.32 (i) The granting or renewal of a charter school by an authorizer must not be
 64.33 contingent on the charter school being required to contract, lease, or purchase services
 64.34 or facilities from the authorizer or to enter into a contract with a corporation, contractor,
 64.35 or individual with which the authorizer has a financial relationship or arrangement. Any
 64.36 potential contract, ~~lease~~, or purchase of service from an authorizer must be disclosed to

65.1 the commissioner, accepted through an open bidding process, and be a separate contract
 65.2 from the charter contract. The school must document the open bidding process it used in
 65.3 awarding the contract. The authorizer must document that the bid terms were competitive
 65.4 in relation to the market and that the authorizer makes the same terms available to
 65.5 schools that it does not authorize. An authorizer must not enter into a contract to provide
 65.6 management and financial services for a school that it authorizes, unless the school
 65.7 documents that it received at least two competitive bids.

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

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

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

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

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

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

65.28 Subd. 4a. **Conflict of interest.** (a) An individual is prohibited from serving as a
 65.29 member of the charter school board of directors if the individual, an immediate family
 65.30 member, or the individual's partner is an a full or part owner, employee or agent of, or
 65.31 a contractor principal with a for-profit or nonprofit entity or individual independent
 65.32 contractor with whom the charter school contracts, directly or indirectly, for professional
 65.33 services, goods, or facilities. An individual is prohibited from serving as a board member
 65.34 if an immediate family member is an employee of the school or is an individual with
 65.35 whom the school contracts, directly or indirectly, through full or part ownership, for
 65.36 professional services, goods, or facilities. A violation of this prohibition renders a contract

66.1 voidable at the option of the commissioner or the charter school board of directors. A
 66.2 member of a charter school board of directors who violates this prohibition is individually
 66.3 liable to the charter school for any damage caused by the violation.

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

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

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

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

66.10 (4) an organization that employs, or is about to employ any individual in clauses
 66.11 (1) to (3),

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

66.13 A violation of this prohibition renders the contract void.

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

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

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

66.25 ~~(f) The conflict of interest provisions under this subdivision do not apply to a teacher~~
 66.26 ~~who provides services to a charter school through a cooperative formed under chapter~~
 66.27 ~~308A when the teacher also serves on the charter school board of directors.~~

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

66.32 Subd. 6. **Charter contract.** The authorization for a charter school must be in the
 66.33 form of a written contract signed by the authorizer and the board of directors of the charter
 66.34 school. The contract must be completed within 45 business days of the commissioner's
 66.35 approval of the authorizer's affidavit. The authorizer shall submit to the commissioner a

67.1 copy of the signed charter contract within ten business days of its execution. The contract
 67.2 for a charter school must be in writing and contain at least the following:

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

67.5 ~~(1)~~ (2) a declaration of the any additional purposes in subdivision 1 that the school
 67.6 intends to carry out and how the school will report its implementation of those purposes;

67.7 ~~(2)~~ (3) a description of the school program and the specific academic and
 67.8 nonacademic outcomes that pupils must achieve;

67.9 ~~(3)~~ (4) a statement of admission policies and procedures;

67.10 ~~(4)~~ (5) a governance, management, and administration plan for the school;

67.11 ~~(5)~~ (6) signed agreements from charter school board members to comply with all
 67.12 federal and state laws governing organizational, programmatic, and financial requirements
 67.13 applicable to charter schools;

67.14 ~~(6)~~ (7) the criteria, processes, and procedures that the authorizer will use for
 67.15 ongoing oversight of operational, financial, and academic performance to monitor and
 67.16 evaluate the fiscal, operational, and academic performance consistent with subdivision
 67.17 15, paragraphs (a) and (b);

67.18 ~~(7)~~ (8) for contract renewal, the formal written performance evaluation of the school
 67.19 that is a prerequisite for reviewing a charter contract under subdivision 15;

67.20 ~~(8)~~ (9) types and amounts of insurance liability coverage to be obtained by the
 67.21 charter school, consistent with subdivision 8, paragraph (k);

67.22 ~~(9)~~ (10) consistent with subdivision 25, paragraph (d), a provision to indemnify and
 67.23 hold harmless the authorizer and its officers, agents, and employees from any suit, claim,
 67.24 or liability arising from any operation of the charter school, and the commissioner and
 67.25 department officers, agents, and employees notwithstanding section 3.736;

67.26 ~~(10)~~ (11) the term of the initial contract, which may be up to five years plus an
 67.27 additional preoperational planning year, and up to five years for a renewed contract or a
 67.28 contract with a new authorizer after a transfer of authorizers, if warranted by the school's
 67.29 academic, financial, and operational performance;

67.30 ~~(11)~~ (12) how the board of directors or the operators of the charter school will
 67.31 provide special instruction and services for children with a disability under sections
 67.32 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within
 67.33 which the charter school will operate to provide the special instruction and services to
 67.34 children with a disability;

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

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

68.4 ~~(13)~~ (14) the plan for an orderly closing of the school under chapter 317A, if
68.5 whether the closure is a termination for cause, a voluntary termination, or a nonrenewal
68.6 of the contract, and that includes establishing the responsibilities of the school board of
68.7 directors and the authorizer and notifying the commissioner, authorizer, school district in
68.8 which the charter school is located, and parents of enrolled students about the closure,
68.9 the transfer of student records to students' resident districts, and procedures for closing
68.10 financial operations.

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

68.13 (b) The charter school, with the assistance of the auditor conducting the audit,
68.14 must include with the report, as supplemental information, a copy of all charter school
68.15 agreements for corporate management services, including parent company or other
68.16 administrative, financial, and staffing services. If the entity that provides the professional
68.17 services to the charter school is exempt from taxation under section 501 of the Internal
68.18 Revenue Code of 1986, that entity must file with the commissioner by February 15 a copy
68.19 of the annual return required under section 6033 of the Internal Revenue Code of 1986.

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

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

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

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

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

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

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

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

69.11 (f) The primary focus of a charter school must be to provide a comprehensive
69.12 program of instruction for at least one grade or age group from five through 18 years
69.13 of age. Instruction may be provided to people younger than five years and older than
69.14 18 years of age.

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

69.16 (h) A charter school is subject to and must comply with chapter 363A and section
69.17 121A.04.

69.18 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal
69.19 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections
69.20 123B.34 to 123B.39.

69.21 (j) A charter school is subject to the same financial audits, audit procedures, and
69.22 audit requirements as a district, except as required under subdivision 6a. Audits must be
69.23 conducted in compliance with generally accepted governmental auditing standards, the
69.24 federal Single Audit Act, if applicable, and section 6.65. A charter school is subject
69.25 to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04;
69.26 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with
69.27 the requirements of sections 123B.75 to 123B.83, except to the extent deviations are
69.28 necessary because of the program at the school. Deviations must be approved by the
69.29 commissioner and authorizer. The Department of Education, state auditor, legislative
69.30 auditor, or authorizer may conduct financial, program, or compliance audits. A charter
69.31 school determined to be in statutory operating debt under sections 123B.81 to 123B.83
69.32 must submit a plan under section 123B.81, subdivision 4.

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

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

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

70.3 (n) A charter school offering online courses or programs must comply with section
70.4 124D.095.

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

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

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

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

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

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

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

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

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

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

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

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

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

70.35 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil,
70.36 unless the pupil is at least five years of age on September 1 of the calendar year in which

71.1 the school year for which the pupil seeks admission commences; or (2) as a first grade
71.2 student, unless the pupil is at least six years of age on September 1 of the calendar year in
71.3 which the school year for which the pupil seeks admission commences or has completed
71.4 kindergarten; except that a charter school may establish and publish on its Web site a
71.5 policy for admission of selected pupils at an earlier age, consistent with the enrollment
71.6 process in paragraphs (b) and (c).

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

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

71.14 Subd. 10. **Pupil performance.** A charter school must design its programs to at
71.15 least meet the outcomes adopted by the commissioner for public school students. In
71.16 the absence of the commissioner's requirements, the school must meet the outcomes
71.17 contained in the contract with the authorizer. The achievement levels of the outcomes
71.18 contained in the contract may exceed the achievement levels of any outcomes adopted by
71.19 the commissioner for public school students.

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

71.31 (b) A person, without holding a valid administrator's license, may perform
71.32 administrative, supervisory, or instructional leadership duties. The board of directors shall
71.33 establish qualifications for persons that hold administrative, supervisory, or instructional
71.34 leadership roles. The qualifications shall include at least the following areas: instruction
71.35 and assessment; human resource and personnel management; financial management;
71.36 legal and compliance management; effective communication; and board, authorizer, and

72.1 community relationships. The board of directors shall use those qualifications as the basis
 72.2 for job descriptions, hiring, and performance evaluations of those who hold administrative,
 72.3 supervisory, or instructional leadership roles. The board of directors and an individual
 72.4 who does not hold a valid administrative license and who serves in an administrative,
 72.5 supervisory, or instructional leadership position shall develop a professional development
 72.6 plan. Documentation of the implementation of the professional development plan of these
 72.7 persons shall be included in the school's annual report.

72.8 (c) The board of directors also shall decide and be responsible for policy matters
 72.9 related to the operation of the school, including budgeting, curriculum programming,
 72.10 personnel, and operating procedures. The board shall adopt a policy on nepotism in
 72.11 employment. The board shall adopt personnel evaluation policies and practices that,
 72.12 at a minimum:

72.13 (1) carry out the school's mission and goals;

72.14 (2) evaluate the execution of charter contract goals and commitments;

72.15 (3) evaluate student achievement, postsecondary and workforce readiness, and
 72.16 engagement goals; and

72.17 (4) provide professional development related to the individual's job responsibilities.

72.18 Subd. 12. **Pupils with a disability.** A charter school must comply with sections
 72.19 125A.02, 125A.03 to 125A.24, and 125A.65 and rules relating to the education of pupils
 72.20 with a disability as though it were a district.

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

72.24 Subd. 14. **Annual public reports.** A charter school must publish an annual report
 72.25 approved by the board of directors. The annual report must at least include information
 72.26 on school enrollment, student attrition, governance and management, staffing, finances,
 72.27 academic performance, ~~operational performance,~~ innovative practices and implementation,
 72.28 and future plans. A charter school must post the annual report on the school's official Web
 72.29 site. The charter school must also distribute the annual report by publication, mail, or
 72.30 electronic means to the commissioner, its authorizer, school employees, and parents and
 72.31 legal guardians of students enrolled in the charter school and must also post the report on
 72.32 the charter school's official Web site. The reports are public data under chapter 13.

72.33 Subd. 15. **Review and comment.** (a) The authorizer shall provide a formal written
 72.34 evaluation of the school's performance before the authorizer renews the charter contract.
 72.35 The department must review and comment on the authorizer's evaluation process at the

73.1 time the authorizer submits its application for approval and each time the authorizer
73.2 undergoes its five-year review under subdivision 3, paragraph (i).

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

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

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

73.10 (2) the lesser of:

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

73.12 (ii) the fee factor times the basic formula allowance for that year times the charter
73.13 school's adjusted marginal cost pupil units for that year. The fee factor equals ~~.005 in fiscal~~
73.14 ~~year 2010, .01 in fiscal year 2011, .013 in fiscal year 2012, and .015 in fiscal years 2013~~
73.15 ~~and later~~. The maximum fee factor equals ~~1.5 in fiscal year 2010, 2.0 in fiscal year 2011,~~
73.16 ~~3.0 in fiscal year 2012, and 4.0 in fiscal years 2013 and later~~.

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

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

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

73.25 Subd. 16. **Transportation.** (a) A charter school after its first fiscal year of operation
73.26 by March 1 of each fiscal year and a charter school by July 1 of its first fiscal year of
73.27 operation must notify the district in which the school is located and the Department of
73.28 Education if it will provide its own transportation or use the transportation services of the
73.29 district in which it is located for the fiscal year.

73.30 (b) If a charter school elects to provide transportation for pupils, the transportation
73.31 must be provided by the charter school within the district in which the charter school is
73.32 located. The state must pay transportation aid to the charter school according to section
73.33 124D.11, subdivision 2.

73.34 For pupils who reside outside the district in which the charter school is located, the
73.35 charter school is not required to provide or pay for transportation between the pupil's
73.36 residence and the border of the district in which the charter school is located. A parent

74.1 may be reimbursed by the charter school for costs of transportation from the pupil's
 74.2 residence to the border of the district in which the charter school is located if the pupil is
 74.3 from a family whose income is at or below the poverty level, as determined by the federal
 74.4 government. The reimbursement may not exceed the pupil's actual cost of transportation
 74.5 or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for
 74.6 more than 250 miles per week.

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

74.9 (c) If a charter school does not elect to provide transportation, transportation for
 74.10 pupils enrolled at the school must be provided by the district in which the school is
 74.11 located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a
 74.12 pupil residing in the same district in which the charter school is located. Transportation
 74.13 may be provided by the district in which the school is located, according to sections
 74.14 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in a different
 74.15 district. If the district provides the transportation, the scheduling of routes, manner and
 74.16 method of transportation, control and discipline of the pupils, and any other matter relating
 74.17 to the transportation of pupils under this paragraph shall be within the sole discretion,
 74.18 control, and management of the district.

74.19 Subd. 17. **Leased space.** A charter school may lease space from an independent
 74.20 or special school board ~~eligible to be an authorizer~~, other public organization, private,
 74.21 nonprofit nonsectarian organization, private property owner, or a sectarian organization
 74.22 if the leased space is constructed as a school facility. The department must review and
 74.23 approve or disapprove leases in a timely manner.

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

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

74.31 (1) be incorporated under section 317A;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

75.35 **Subd. 19. Disseminate information.** (a) ~~The authorizer, the operators,~~ Authorizers
 75.36 and the department must disseminate information to the public on how to form and

76.1 operate a charter school. Charter schools must disseminate information about how to
76.2 use the offerings of a charter school. Targeted groups include low-income families and
76.3 communities, students of color, and students who are at risk of academic failure.

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

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

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

76.20 Subd. 21. **Collective bargaining.** Employees of the board of directors of a charter
76.21 school may, if otherwise eligible, organize under chapter 179A and comply with its
76.22 provisions. The board of directors of a charter school is a public employer, for the
76.23 purposes of chapter 179A, upon formation of one or more bargaining units at the school.
76.24 Bargaining units at the school must be separate from any other units within an authorizing
76.25 district, except that bargaining units may remain part of the appropriate unit within an
76.26 authorizing district, if the employees of the school, the board of directors of the school,
76.27 the exclusive representative of the appropriate unit in the authorizing district, and the
76.28 board of the authorizing district agree to include the employees in the appropriate unit of
76.29 the authorizing district.

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

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

76.34 Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a)
76.35 The duration of the contract with an authorizer must be for the term contained in the
76.36 contract according to subdivision 6. The authorizer may or may not renew a contract at

77.1 the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally
77.2 terminate a contract during the term of the contract for any ground listed in paragraph (b).
77.3 At least 60 business days before not renewing or terminating a contract, the authorizer
77.4 shall notify the board of directors of the charter school of the proposed action in writing.
77.5 The notice shall state the grounds for the proposed action in reasonable detail and that the
77.6 charter school's board of directors may request in writing an informal hearing before the
77.7 authorizer within 15 business days of receiving notice of nonrenewal or termination of
77.8 the contract. Failure by the board of directors to make a written request for an informal
77.9 hearing within the 15-business-day period shall be treated as acquiescence to the proposed
77.10 action. Upon receiving a timely written request for a hearing, the authorizer shall give ten
77.11 business days' notice to the charter school's board of directors of the hearing date. The
77.12 authorizer shall conduct an informal hearing before taking final action. The authorizer
77.13 shall take final action to renew or not renew a contract no later than 20 business days
77.14 before the proposed date for terminating the contract or the end date of the contract.

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

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

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

77.19 (3) violations of law; or

77.20 (4) other good cause shown.

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

77.23 ~~(e) If the authorizer and the charter school board of directors mutually agree to~~
77.24 ~~terminate or not renew the contract, a change in authorizers is allowed if the commissioner~~
77.25 ~~approves the change to a different eligible authorizer to authorize the charter school.~~

77.26 ~~Both parties must jointly submit their intent in writing to the commissioner to mutually~~
77.27 ~~terminate the contract. The authorizer that is a party to the existing contract must inform~~
77.28 ~~the proposed authorizer about the fiscal and operational status and student performance~~
77.29 ~~of the school. Before the commissioner determines whether to approve a change in~~
77.30 ~~authorizer, the proposed authorizer must identify any outstanding issues in the proposed~~
77.31 ~~charter contract that were unresolved in the previous charter contract and have the charter~~
77.32 ~~school agree to resolve those issues. If no change in authorizer is approved, the school~~
77.33 ~~must be dissolved according to applicable law and the terms of the contract.~~

77.34 (c) If the authorizer and the charter school board of directors mutually agree not to
77.35 renew the contract, a change in authorizers is allowed. The authorizer and the school
77.36 board must jointly submit a written and signed letter of their intent to the commissioner

78.1 to mutually not renew the contract. The authorizer that is a party to the existing contract
78.2 must inform the proposed authorizer about the fiscal, operational, and student performance
78.3 status of the school, as well as any outstanding contractual obligations that exist. The
78.4 charter contract between the proposed authorizer and the school must identify and provide
78.5 a plan to address any outstanding obligations from the previous contract. The proposed
78.6 contract must be submitted at least 90 business days before the end of the existing
78.7 charter contract. The commissioner shall have 30 business days to review and make a
78.8 determination. The proposed authorizer and the school shall have 15 business days to
78.9 respond to the determination and address any issues identified by the commissioner. A
78.10 final determination by the commissioner shall be made no later than 45 business days
78.11 before the end of the current charter contract. If no change in authorizer is approved, the
78.12 school and the current authorizer may withdraw their letter of nonrenewal and enter into a
78.13 new contract. If the transfer of authorizers is not approved and the current authorizer and
78.14 the school do not withdraw their letter and enter into a new contract, the school must be
78.15 dissolved according to applicable law and the terms of the contract.

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

- 78.20 (1) failure to meet pupil performance requirements consistent with state law;
78.21 (2) financial mismanagement or failure to meet generally accepted standards of
78.22 fiscal management; or
78.23 (3) repeated or major violations of the law.

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

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

- 78.29 (1) "related party" means an affiliate or immediate relative of the other party in
78.30 question, an affiliate of an immediate relative, or an immediate relative of an affiliate;
78.31 (2) "affiliate" means a person that directly or indirectly, through one or more
78.32 intermediaries, controls, is controlled by, or is under common control with another person;
78.33 (3) "immediate family" means an individual whose relationship by blood, marriage,
78.34 adoption, or partnering is no more remote than first cousin;
78.35 (4) "person" means an individual or entity of any kind; and

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

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

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

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

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

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

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

79.32 (d) Notwithstanding section 3.736, the charter school shall assume full liability for
79.33 its activities and indemnify and hold harmless the authorizer and its officers, agents, and
79.34 employees from any suit, claim, or liability arising from any operation of the charter school
79.35 and the commissioner and department officers, agents, and employees. A charter school

80.1 is not required to indemnify or hold harmless a state employee if the state would not be
80.2 required to indemnify and hold the employee harmless under section 3.736, subdivision 9.

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

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

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

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

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

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

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

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

80.28 **EFFECTIVE DATE.** This section is effective the day following final enactment,
80.29 except subdivision 23 is effective July 1, 2013, and applies to multiple measurements
80.30 ratings and focus ratings from the 2010-2011 school year and later.

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

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

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

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

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

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

81.7 **260A.03 NOTICE TO PARENT OR GUARDIAN WHEN CHILD IS A**
81.8 **CONTINUING TRUANT.**

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

81.12 (1) that the child is truant;

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

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

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

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

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

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

81.25 (8) that if the child is subject to juvenile court proceedings, the child may be subject
81.26 to suspension, restriction, or delay of the child's driving privilege pursuant to section
81.27 260C.201; and

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

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

81.31 Subdivision 1. **Establishment.** A school district or charter school may establish
81.32 one or more school attendance review boards to exercise the powers and duties in this
81.33 section. The school district or charter school board shall appoint the members of the

82.1 school attendance review board and designate the schools within the board's jurisdiction.

82.2 Members of a school attendance review board may include:

82.3 (1) the superintendent of the school district or the superintendent's designee or
82.4 charter school director or the director's designee;

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

82.7 (3) parent representatives;

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

82.10 (5) a juvenile probation officer;

82.11 (6) school counselors and attendance officers; and

82.12 (7) law enforcement officers.

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

82.14 Subdivision 1. **Establishment; referrals.** A county attorney may establish a truancy
82.15 mediation program for the purpose of resolving truancy problems without court action. If
82.16 a student is in a school district or charter school that has established a school attendance
82.17 review board, the student may be referred to the county attorney under section 260A.06,
82.18 subdivision 3. If the student's school district or charter school has not established a board,
82.19 the student may be referred to the county attorney by the school district or charter school
82.20 if the student continues to be truant after the parent or guardian has been sent or conveyed
82.21 the notice under section 260A.03.

82.22 ARTICLE 5

82.23 SPECIAL EDUCATION

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

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

82.28 (1) Rehabilitation Council for the Blind, created in section 248.10;

82.29 (2) Juvenile Justice Advisory Committee, created in section 299A.72;

82.30 (3) Governor's Workforce Development Council, created in section 116L.665;

82.31 (4) local workforce councils, created in section 116L.666, subdivision 2;

82.32 (5) Rehabilitation Council, created in section 268A.02, subdivision 2; ~~and~~

82.33 (6) Statewide Independent Living Council, created in section 268A.02, subdivision
82.34 2; and

83.1 (7) Interagency Coordinating Council, created in section 125A.28.

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

83.3 **125A.0941 DEFINITIONS.**

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

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

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

83.17 (1) helps a child respond or complete a task;

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

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

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

83.22 (d) "Positive behavioral interventions and supports" means interventions and
83.23 strategies to improve the school environment and teach children the skills to behave
83.24 appropriately.

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

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

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

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

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

84.2 **125A.0942 STANDARDS FOR RESTRICTIVE PROCEDURES.**

84.3 Subdivision 1. **Restrictive procedures plan.** (a) Schools that intend to use
84.4 restrictive procedures shall maintain and make publicly accessible in an electronic format
84.5 on a school or district Web site or make a paper copy available upon request describing a
84.6 restrictive procedures plan for children with disabilities that includes at least the following:

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

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

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

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

84.14 (ii) convening an oversight committee to undertake a quarterly review of the use
84.15 of restrictive procedures based on patterns or problems indicated by similarities in the
84.16 time of day, day of the week, duration of the use of a procedure, the individuals involved,
84.17 or other factors associated with the use of restrictive procedures; the number of times a
84.18 restrictive procedure is used schoolwide and for individual children; the number and types
84.19 of injuries, if any, resulting from the use of restrictive procedures; whether restrictive
84.20 procedures are used in nonemergency situations; the need for additional staff training; and
84.21 proposed actions to minimize the use of restrictive procedures; and

84.22 ~~(3)~~ (4) includes a written description and documentation of the training staff
84.23 completed under subdivision 5.

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

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

84.27 (2) an expert in positive behavior strategies;

84.28 (3) a special education administrator; and

84.29 (4) a general education administrator.

84.30 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only by a
84.31 licensed special education teacher, school social worker, school psychologist, behavior
84.32 analyst certified by the National Behavior Analyst Certification Board, a person with a
84.33 master's degree in behavior analysis, other licensed education professional, highly qualified
84.34 paraprofessional under section 120B.363, or mental health professional under section
84.35 245.4871, subdivision 27, who has completed the training program under subdivision 5.

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

85.5 ~~(c) When restrictive procedures are used twice in 30 days or when a pattern emerges~~
85.6 ~~and restrictive procedures are not included in a child's individualized education program~~
85.7 ~~or behavior intervention plan;~~ The district must hold a meeting of the individualized
85.8 education program team, conduct or review a functional behavioral analysis, review data,
85.9 consider developing additional or revised positive behavioral interventions and supports,
85.10 consider actions to reduce the use of restrictive procedures, and modify the individualized
85.11 education program or behavior intervention plan as appropriate. The district must hold
85.12 the meeting: within ten calendar days after district staff use restrictive procedures on two
85.13 separate school days within 30 calendar days or a pattern of use emerges and the child's
85.14 individualized education program or behavior intervention plan does not provide for using
85.15 restrictive procedures in an emergency; or at the request of a parent or the district after
85.16 restrictive procedures are used. The district must review use of restrictive procedures at a
85.17 child's annual individualized education program meeting when the child's individualized
85.18 education program provides for using restrictive procedures in an emergency.

85.19 (d) If the individualized education program team under paragraph (c) determines
85.20 that existing interventions and supports are ineffective in reducing the use of restrictive
85.21 procedures or the district uses restrictive procedures on a child on ten or more school days
85.22 during the same school year, the team, as appropriate, either must consult with other
85.23 professionals working with the child; consult with experts in behavior analysis, mental
85.24 health, communication, or autism; consult with culturally competent professionals;
85.25 review existing evaluations, resources, and successful strategies; or consider whether to
85.26 reevaluate the child.

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

85.32 ~~(d)~~ (f) An individualized education program team may plan for using restrictive
85.33 procedures and may include these procedures in a child's individualized education
85.34 program or behavior intervention plan; however, the restrictive procedures may be used
85.35 only in response to behavior that constitutes an emergency, consistent with this section.

86.1 The individualized education program or behavior intervention plan shall indicate how the
 86.2 parent wants to be notified when a restrictive procedure is used.

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

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

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

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

86.11 ~~(3)~~ (4) staff ~~must~~ directly ~~observe~~ observes the child while physical holding or
 86.12 seclusion is being used;

86.13 ~~(4)~~ (5) each time physical holding or seclusion is used, the staff person who
 86.14 implements or oversees the physical holding or seclusion ~~shall document~~ documents, as
 86.15 soon as possible after the incident concludes, the following information:

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

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

86.19 (iii) the time the physical holding or seclusion began and the time the child was
 86.20 released; and

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

86.22 ~~(5)~~ (6) the room used for seclusion must:

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

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

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

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

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

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

86.32 ~~(6)~~ (7) before using a room for seclusion, a school must:

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

86.35 (ii) register the room with the commissioner, who may view that room; and

87.1 ~~(7)~~ (8) until August 1, 2013 2015, a school district may use prone restraints with
87.2 children age five or older ~~under the following conditions~~ if:

87.3 (i) ~~a~~ the district has provided to the department a list of staff who have had specific
87.4 training on the use of prone restraints;

87.5 (ii) ~~a~~ the district provides information on the type of training that was provided
87.6 and by whom;

87.7 (iii) ~~prone restraints may only be used by~~ staff who have received specific training
87.8 use prone restraints;

87.9 (iv) each incident of the use of prone restraints is reported to the department within
87.10 five working days on a form provided by the department; and

87.11 (v) ~~a~~ the district, ~~prior to~~ before using prone restraints, must review any known
87.12 medical or psychological limitations that contraindicate the use of prone restraints.

87.13 ~~The department will report back to the chairs and ranking minority members of the~~
87.14 ~~legislative committees with primary jurisdiction over education policy by February~~
87.15 ~~1, 2013, on the use of prone restraints in the schools. Consistent with item (iv), The~~
87.16 ~~department must collect data on districts' use of prone restraints and publish the data in a~~
87.17 ~~readily accessible format on the department's Web site on a quarterly basis.~~

87.18 (b) ~~The department must develop a statewide plan by February 1, 2013, to reduce~~
87.19 ~~districts' use of restrictive procedures that includes~~ By March 1, 2014, stakeholders must
87.20 recommend to the commissioner specific and measurable implementation and outcome
87.21 goals for reducing the use of restrictive procedures and the commissioner must submit to
87.22 the legislature a report on districts' progress in reducing the use of restrictive procedures
87.23 that recommends how to further reduce these procedures and eliminate the use of prone
87.24 restraints. The statewide plan includes the following components: measurable goals; the
87.25 resources, training, technical assistance, mental health services, and collaborative efforts
87.26 needed to significantly reduce districts' use of prone restraints; and recommendations
87.27 to clarify and improve the law governing districts' use of restrictive procedures. The
87.28 ~~department must convene~~ commissioner must consult with interested stakeholders ~~to~~
87.29 ~~develop the statewide plan and identify the need for technical assistance~~ when preparing
87.30 the report, including representatives of advocacy organizations, special education
87.31 directors, intermediate school districts, school boards, day treatment providers, county
87.32 social services, state human services department staff, mental health professionals, and
87.33 autism experts. ~~To assist the department and stakeholders under this paragraph, school~~
87.34 ~~districts must report summary data to the department by July 1, 2012, on districts' use of~~
87.35 ~~restrictive procedures during the 2011-2012 school year, including data on the number~~
87.36 ~~of incidents involving restrictive procedures, the total number of students on which~~

88.1 ~~restrictive procedures were used, the number of resulting injuries, relevant demographic~~
88.2 ~~data on the students and school, and other relevant data collected by the district. By June~~
88.3 ~~30 each year, districts must report summary data on their use of restrictive procedures to~~
88.4 ~~the department, in a form and manner determined by the commissioner.~~

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

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

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

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

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

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

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

88.19 (7) withholding regularly scheduled meals or water;

88.20 (8) denying access to bathroom facilities; and

88.21 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or
88.22 impairs a child's ability to communicate distress, places pressure or weight on a child's
88.23 head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in
88.24 straddling a child's torso.

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

88.28 (1) positive behavioral interventions;

88.29 (2) communicative intent of behaviors;

88.30 (3) relationship building;

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

88.33 (5) de-escalation methods;

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

88.35 (7) obtaining emergency medical assistance;

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

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

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

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

89.7 (12) schoolwide programs on positive behavior strategies.

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

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

89.15 Subd. 6. **Behavior supports.** School districts are encouraged to establish effective
89.16 schoolwide systems of positive behavior interventions and supports. Nothing in this
89.17 section or section 125A.0941 precludes the use of reasonable force under sections
89.18 121A.582; 609.06, subdivision 1; and 609.379.

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

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

89.21 Subd. 8. **Eligibility for Part C.** "Eligibility for Part C" means eligibility for
89.22 ~~early childhood special education~~ infant and toddler intervention services under section
89.23 125A.02 and Minnesota Rules.

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

89.25 Subd. 11. **Interagency child find systems.** "Interagency child find systems" means
89.26 activities developed on an interagency basis with the involvement of interagency early
89.27 intervention committees and other relevant community groups, including primary referral
89.28 sources included in Code of Federal Regulations, title 34, section 303.303(c), using
89.29 rigorous standards to actively seek out, identify, and refer infants and young children,
89.30 with, or at risk of, disabilities, and their families, ~~including a child~~ to reduce the need for
89.31 future services. The child find system must mandate referrals for a child under the age of
89.32 three who: (1) is ~~involved in the subject of~~ involved in the subject of a substantiated case of abuse or neglect, or
89.33 (2) is identified as directly affected by illegal substance abuse, or withdrawal symptoms
89.34 resulting from prenatal drug exposure, to reduce the need for future services. The referral

90.1 procedures must specify that a referral must occur within seven calendar days from the
90.2 date of identification.

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

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

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

90.10 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

90.11 An Interagency Coordinating Council of at least 17, but not more than 25 members
90.12 is established, in compliance with Public Law 108-446, section 641. The members must
90.13 be appointed by the governor and reasonably represent the population of Minnesota.
90.14 Council members must elect the council chair, who may not be a representative of the
90.15 Department of Education. ~~The representative of the commissioner may not serve as the~~
90.16 ~~chair.~~ The council must be composed of at least five parents, including persons of color,
90.17 of children with disabilities under age 12, including at least three parents of a child
90.18 with a disability under age seven, five representatives of public or private providers
90.19 of services for children with disabilities under age five, including a special education
90.20 director, county social service director, local Head Start director, and a community health
90.21 services or public health nursing administrator, one member of the senate, one member of
90.22 the house of representatives, one representative of teacher preparation programs in early
90.23 childhood-special education or other preparation programs in early childhood intervention,
90.24 at least one representative of advocacy organizations for children with disabilities under
90.25 age five, one physician who cares for young children with special health care needs, one
90.26 representative each from the commissioners of commerce, education, health, human
90.27 services, a representative from the state agency responsible for child care, foster care,
90.28 mental health, homeless coordinator of education of homeless children and youth, and a
90.29 representative from Indian health services or a tribal council. Section 15.059, subdivisions
90.30 2 to 5, apply to the council. The council must meet at least quarterly.

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

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

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

91.12 On an annual basis, the council must prepare and submit an annual report to the
 91.13 governor and the secretary of the federal Department of Education on the status of early
 91.14 intervention services and programs for infants and toddlers with disabilities and their
 91.15 families under the Individuals with Disabilities Education Act, United States Code, title
 91.16 20, sections 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The
 91.17 Minnesota Part C annual performance report may serve as the report.

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

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

91.22 **125A.29 RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL**
 91.23 **BOARDS.**

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

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

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

91.33 (ii) infants and toddlers with disabilities who are homeless children and their
 91.34 families; and

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

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

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

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

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

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

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

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

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

92.32 **125A.30 INTERAGENCY EARLY INTERVENTION COMMITTEES.**

92.33 (a) A school district, group of districts, or special education cooperative, in
92.34 cooperation with the health and human service agencies located in the county or counties
92.35 in which the district or cooperative is located, must establish an Interagency Early

93.1 Intervention Committee for children with disabilities under age five and their families
93.2 under this section, and for children with disabilities ages three to 22 consistent with
93.3 the requirements under sections 125A.023 and 125A.027. Committees must include
93.4 representatives of local health, education, and county human service agencies, county
93.5 boards, school boards, early childhood family education programs, Head Start, parents of
93.6 young children with disabilities under age 12, child care resource and referral agencies,
93.7 school readiness programs, current service providers, and may also include representatives
93.8 from other private or public agencies and school nurses. The committee must elect a chair
93.9 from among its members and must meet at least quarterly.

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

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

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

93.22 (3) establish and evaluate the identification, referral, ~~child~~ screening, evaluation,
93.23 child- and family-directed assessment systems, procedural safeguard process,
93.24 and community learning systems to recommend, where necessary, alterations and
93.25 improvements;

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

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

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

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

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

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

94.10 (c) The local committee shall also:

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

94.14 ~~(2) review and comment on the early intervention section of the total special~~
 94.15 ~~education system for the district, the county social service plan, the section or sections of~~
 94.16 ~~the community health services plan that address needs of and service activities targeted~~
 94.17 ~~to children with special health care needs, the section on children with special needs in~~
 94.18 ~~the county child care fund plan, sections in Head Start plans on coordinated planning and~~
 94.19 ~~services for children with special needs, any relevant portions of early childhood education~~
 94.20 ~~plans, such as early childhood family education or school readiness, or other applicable~~
 94.21 ~~coordinated school and community plans for early childhood programs and services, and~~
 94.22 ~~the section of the maternal and child health special project grants that address needs of and~~
 94.23 ~~service activities targeted to children with chronic illness and disabilities.~~

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

94.25 **125A.32 INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP).**

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

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

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

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

94.33 (4) the service coordinator who has been working with the family since the
 94.34 initial referral, or who has been designated by the public agency to be responsible for

95.1 implementation of the IFSP and coordination with other agencies including transition
95.2 services; ~~and~~

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

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

95.6 (b) The IFSP must include:

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

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

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

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

95.15 (5) payment arrangements, if any;

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

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

95.22 (8) name of the service coordinator;

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

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

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

95.31 **125A.33 SERVICE COORDINATION.**

95.32 (a) The team responsible for the initial evaluation and the child- and family-directed
95.33 assessment and for developing the IFSP under section 125A.32, if appropriate, must
95.34 select a service coordinator to carry out service coordination activities on an interagency
95.35 basis. Service coordination must actively promote a family's capacity and competency

96.1 to identify, obtain, coordinate, monitor, and evaluate resources and services to meet the
96.2 family's needs. Service coordination activities include:

- 96.3 (1) coordinating the performance of evaluations and assessments;
- 96.4 (2) facilitating and participating in the development, review, and evaluation of
96.5 individualized family service plans;
- 96.6 (3) assisting families in identifying available service providers;
- 96.7 (4) coordinating and monitoring the delivery of available services;
- 96.8 (5) informing families of the availability of advocacy services;
- 96.9 (6) coordinating with medical, health, and other service providers;
- 96.10 (7) facilitating the development of a transition plan to preschool, school, or if
96.11 appropriate, to other services, at least 90 days before the time the child is no longer
96.12 eligible for early infant and toddler intervention services or, at the discretion of all parties,
96.13 not more than nine months prior to the child's ~~eligibility for preschool services~~ third
96.14 birthday, if appropriate;
- 96.15 (8) managing the early intervention record and submitting additional information to
96.16 the local primary agency at the time of periodic review and annual evaluations; and
- 96.17 (9) notifying a local primary agency when disputes between agencies impact service
96.18 delivery required by an IFSP.

96.19 (b) A service coordinator must be knowledgeable about children and families
96.20 receiving services under this section, requirements of state and federal law, and services
96.21 available in the interagency early childhood intervention system. The IFSP must include
96.22 the name of the services coordinator from the profession most relevant to the child's or
96.23 family's needs or who is otherwise qualified to carry out all applicable responsibilities
96.24 under the Individuals with Disabilities Education Act, United States Code, title 20,
96.25 sections 1471 to 1485 (Part C, Public Law 102-119), who will be responsible for
96.26 implementing the early intervention services identified in the child's IFSP, including
96.27 transition services, and coordination with other agencies and persons.

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

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

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

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

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

97.7 **125A.36 PAYMENT FOR SERVICES.**

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

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

97.16 **125A.43 MEDIATION PROCEDURE.**

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

97.19 (b) A parent may resolve a dispute regarding issues in section 125A.42, paragraph
 97.20 (b), clause (5), through mediation. If the parent chooses mediation, mediation must be
 97.21 voluntary on the part of the parties. The parent and the public agencies must complete the
 97.22 mediation process within 30 calendar days of the date the ~~Office of Dispute Resolution~~
 97.23 Department of Education receives a parent's written request for mediation signed by
 97.24 the parent and the district. The mediation process may not be used to delay a parent's
 97.25 right to a due process hearing. The resolution of the mediation is ~~not~~ binding on ~~any~~
 97.26 party both parties.

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

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

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

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

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

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

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

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

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

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

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

APPENDIX
Article locations in H1151-1

ARTICLE 1	STUDENT ACCOUNTABILITY	Page.Ln 1.31
ARTICLE 2	EDUCATORS	Page.Ln 28.27
ARTICLE 3	SCHOOL PROGRAMS AND OPERATIONS	Page.Ln 38.24
ARTICLE 4	CHARTER SCHOOLS	Page.Ln 58.7
ARTICLE 5	SPECIAL EDUCATION	Page.Ln 82.22
ARTICLE 6	EARLY CHILDHOOD	Page.Ln 98.20

APPENDIX
Repealed Minnesota Statutes: H1151-1

125A.35 EARLY INTERVENTION SERVICE DOLLARS.

Subd. 4. **Expenditures; early intervention services.** Each county board must continue to spend for early intervention services under section 125A.27, subdivision 6, an amount equal to the total county expenditure during the period from January 1, 1993, to December 31, 1993, for these same services. The commissioner of human services, in consultation with the commissioner of health and the association of Minnesota counties, must establish a process for determining base year 1993 expenditures.

Subd. 5. **Increased costs.** County boards that have submitted base year 1993 expenditures as required under subdivision 4 are not required to pay any increased cost over the base year 1993 for early intervention services resulting from implementing the early intervention system. Increased costs to county boards may be paid for with early intervention service dollars.

3501.0010 PURPOSE.

The purpose of parts 3501.0010 to 3501.0180 is to establish statewide standards that define what a Minnesota public high school graduate should know and be able to do to function effectively as a purposeful thinker, effective communicator, self-directed learner, productive group participant, and responsible citizen.

3501.0020 SCOPE.

Parts 3501.0010 to 3501.0180 govern the graduation standards that Minnesota public schools must require for a high school diploma for all students who enter ninth grade in 1996 or a subsequent year.

3501.0030 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 3501.0010 to 3501.0180 have the meanings given them in this part.

3501.0030 DEFINITIONS.

Subp. 2. **Accommodation.** "Accommodation" means an adjustment in a testing condition, such as the setting for or scheduling of the test, or a change in the method of administering a test. An accommodation does not compromise the security or the confidentiality of the test, does not alter the meaning of the score, or render the student's score incomparable to the scores of those students who took the test under standard conditions. Among accommodations is providing a student with the same test in a large-print version.

3501.0030 DEFINITIONS.

Subp. 3. **Degrees of Reading Power Index of Readability or DRP.** The "Degrees of Reading Power Index of Readability" or "DRP" means the Degrees of Reading Power Index of Readability described in the DRP Teacher's Manual: Primary and Standard Test Forms issued by Touchstone Applied Science Associates (TASA), Inc. (Brewster, New York, 1989). This document is incorporated by reference and is available through the Minitex interlibrary loan system. This index is not subject to frequent change.

3501.0030 DEFINITIONS.

Subp. 4. **Department.** "Department" means the Department of Education.

3501.0030 DEFINITIONS.

Subp. 5. **District.** "District" means a school district.

3501.0030 DEFINITIONS.

Subp. 6. **Exemption.** "Exemption" means a temporary or permanent waiver of the requirement that a student take a test in the basic requirements.

3501.0030 DEFINITIONS.

Subp. 7. **Individualized education program or IEP.** "Individualized education program" or "IEP" means a written statement developed for a student eligible for special education and services pursuant to Minnesota Statutes, sections 125A.03 to 125A.24, and Public Law 101-476, the Individuals with Disabilities Education Act.

3501.0030 DEFINITIONS.

Subp. 9. **Modification.** "Modification" means an adjustment of a test that results in changing the standard for a particular student. Among adjustments are: a modification of only part of a test, a change in test questions, and a change in the performance standard.

3501.0030 DEFINITIONS.

Subp. 10. **Parent.** "Parent" means, for a student under age 18, the mother, father, guardian, person acting as the parent of the child, conservator, or surrogate parent who has been appointed in accordance with parts 3525.2435 to 3525.2455. For a pupil age 18 or over, parent or parents also includes the pupil unless a guardian or conservator has been appointed, in which case it means the guardian or conservator. When the parents are separated or divorced, it means the

APPENDIX
Repealed Minnesota Rule: H1151-1

parent who has the legal right, by court decree or agreement, to determine the pupil's education, even though the pupil may be living with the other parent.

3501.0030 DEFINITIONS.

Subp. 11. **Public schools.** "Public schools" means all public schools as defined in Minnesota Statutes, section 120A.05, and includes, but is not limited to, public school districts, charter schools, the state academies for the deaf and the blind, and the Center for Arts Education.

3501.0030 DEFINITIONS.

Subp. 12. **Section 504 accommodation plan.** "Section 504 accommodation plan" means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities. This section of the federal Rehabilitation Act of 1973, Public Law 91-230 as amended in Public Law 101-476, extends protection to a much broader student population than just those students with IEPs.

3501.0030 DEFINITIONS.

Subp. 13. **State test.** "State test" means a test of a basic requirement that has been developed using the specifications created for a statewide standard in reading or mathematics. The test shall be designated by the department as the official state test.

3501.0030 DEFINITIONS.

Subp. 14. **Statewide standards.** "Statewide standards" means statements of what a student should know and be able to do. Statewide standards are concerned with the knowledge that a student should acquire, the concepts and processes a student should master, and the minimum level of competency a student should develop in the course of the student's prekindergarten through grade 12 experience.

3501.0030 DEFINITIONS.

Subp. 15. **Student.** "Student" means a person admitted to a public school as defined in Minnesota Statutes, section 120A.05, in accordance with Minnesota Statutes, section 120A.20.

3501.0030 DEFINITIONS.

Subp. 16. **Test specifications.** "Test specifications" means statements of the basic requirements that tests must include and how tests are designed. The specifications define the required content, format, level of difficulty, types of items, and length of the tests.

3501.0040 STATEWIDE GRADUATION STANDARDS.

Subpart 1. **Basic requirements.** The basic requirements for mathematics and reading are established in this chapter. The statewide standards for mathematics are specified in subpart 2 and the statewide standards for reading are specified in subpart 3.

To qualify for a high school diploma, a student shall demonstrate competency in the statewide standards for mathematics and reading through a state test except for decisions consistent with parts 3501.0090 and 3501.0100. School districts may require higher standards in mathematics and reading than the statewide standards.

Subp. 2. **Statewide standard in mathematics.** To meet the basic requirement in mathematics, a student shall demonstrate the ability to solve mathematical problems derived from situations commonly encountered in adult life. Among common situations is the estimation of distance traveled when the elapsed time and average rate are known.

Subp. 3. **Statewide standard in reading.** To meet the basic requirement in reading, a student shall demonstrate the ability to read and comprehend English passages representative of widely circulated material commonly encountered in adult life. Among widely circulated material is a newspaper feature article.

3501.0050 TESTING FOR STATEWIDE STANDARDS IN BASIC REQUIREMENTS.

Subpart 1. **School district testing.** A school district shall test for competency in the statewide standards in basic requirements by using the state basic skills tests:

- A. a state test;
- B. one of the state-approved nationally normed, commercially published tests; or
- C. a local test.

APPENDIX
Repealed Minnesota Rule: H1151-1

Subp. 2. **Offering tests in basic requirements.** A district shall not offer the test of a basic requirement before grade 8. Once the test has first been offered to a group of students, the district shall continue to offer the test of that basic requirement to that group of students at least once a year.

Subp. 3. **Additional testing opportunities.** A district shall establish a process for additional testing of students, who by April 1 of their anticipated graduation year have not passed one or more of the basic requirement tests.

The process shall include:

- A. how a parent, student, or both can request:
 - (1) an additional opportunity to take basic requirement tests; and
 - (2) testing accommodations;
- B. the procedure that a district shall use to act on a request in item A; and
- C. how a parent, student, or both can appeal the district's action under item B.

In addition to the regularly scheduled annual availability of the state tests, the state tests shall also be made available by the department at a district's request for one additional retesting of seniors.

Subp. 4. **Transfer students.** A student transferring into a district shall not be required to take a test of a basic requirement if the student's former school record verifies that the student has already passed a test of that basic requirement consistent with this part. This subpart applies even if the student transfers into a district that has higher standards than the statewide standard in the basic requirement.

3501.0060 STATE TEST.

Subpart 1. District use of state test.

- A. The department shall establish and maintain state tests in the basic requirements.
- B. When a district uses a state test, it shall:
 - (1) accept as final and conclusive the department's determination on the content of the test, the scoring of the answers, and the determination of the minimum passing score;
 - (2) administer the state test according to the standard conditions for administration that shall be provided to the district with each state test of basic requirements;
 - (3) return the administered state test to the state for scoring; and
 - (4) adopt a passing score no lower than the passing score given in part 3501.0180 for that basic requirement test.

Subp. 2. **Specifications for state test of mathematics.** The state test of mathematics shall assess the statewide standard in mathematics by including the topics described in items A to H:

- A. problems involving whole numbers, fractions, decimals, and integers; for example, finding the change from a \$20 bill after purchasing two items of known cost;
- B. problems involving percents, rate, ratios, and proportions; for example, determining which size of a grocery item represents the best buy;
- C. problems using concepts of number sense, place value, and number relationships to compare, order, and determine equivalence of whole numbers, fractions, decimals, percents, and integers; for example, determining which of two numbers is larger if one is in fraction form and one in decimal form;
- D. problems using estimation; for example, estimating the approximate distance traveled when the elapsed time and average rate are known;
- E. problems applying measurement concepts; for example, using a ruler to determine the length of the side of a figure;
- F. problems in reading, interpreting, and using one- and two-dimensional graphic forms to analyze data, identify patterns, and make predictions; for example, using a table to determine in which month a show had the highest attendance;
- G. problems using elementary concepts of probability and statistics; for example, finding the average of five bowling scores; and
- H. problems applying geometric and spatial relationships; for example, finding the total number of boxes stacked in a display.

A student shall be permitted to use a calculator on the state test of mathematics.

APPENDIX
Repealed Minnesota Rule: H1151-1

Subp. 3. **Specifications for state test of reading.** The state test shall assess the statewide standard in reading. The test shall be written according to items A to D.

A. Test questions shall test reading comprehension as an integrated skill, with no testing of subskills or strategies.

B. The test shall be composed of passages of English nonfiction prose that are either narrative or expository.

C. Passages shall be selected from published readings commonly used by adults as sources of information.

D. Passages shall have a level of difficulty measured by the Degrees of Reading Power Index of Readability. The total test shall have an average difficulty of at least 64 DRP units.

3501.0090 STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS OR SECTION 504 ACCOMMODATION PLANS.

Subpart 1. **Considerations for students with IEPs or section 504 accommodation plans.**

A. The IEP or section 504 accommodation plan for a student with a disability shall identify one of the following decisions for each of the basic requirements:

(1) the student is expected to achieve the statewide standard with or without testing accommodations;

(2) the student is expected to achieve the statewide standard at an individually modified level of difficulty; or

(3) the student is exempt from the statewide standard.

An exemption from the statewide standard shall be granted to a special needs student when the student cannot demonstrate the required degree of learning with appropriate accommodations or modifications if:

(a) the student's IEP or section 504 accommodation plan does not and never has included the requirements on which the tests are based; or

(b) the student is enrolled in special education classes for the subject matter included in the test, but the student's IEP or section 504 accommodation plan does not include a majority of concepts tested.

B. Adoption of modifications or exemptions for a student as stated in item A, shall occur concurrently with the adoption of transition goals and objectives as required in Minnesota Statutes, section 125A.08, paragraph (a), clause (1).

Subp. 2. **Testing students with IEPs or section 504 accommodation plans.**

A. All students shall be tested under standard conditions as specified by the developer of the test except those students whose IEPs specify other decisions consistent with subpart 1, item A.

B. Decisions regarding appropriate testing conditions including a decision to provide accommodations for a student with special needs shall be made by the local school district through the IEP process or the section 504 accommodation plan process and shall be reviewed annually.

C. Where subpart 1, item A, subitem (2), applies, the student's IEP or section 504 accommodation plan shall define an appropriate assessment of the statewide standard at a modified level of difficulty. Achievement of the individually modified standard shall be certified only through documented student performance of the defined assessment.

3501.0100 TESTING CONSIDERATIONS FOR ENGLISH LEARNERS (EL).

Subpart 1. **Scope.** This part applies to individuals whose first language is not English and whose test performance may be negatively impacted by lack of English language proficiency.

Subp. 2. **District process.** Each district shall establish a process for determining whether individual students whose first language is not English shall take basic requirements tests under standard test conditions, with language accommodations, with language translation of the mathematics test, or be temporarily exempted from testing. Parents of English learners, teachers of English learners, and district personnel responsible for testing shall be involved in establishing this process.

Subp. 3. **Temporary exemption.** A student may be temporarily exempted from participation in testing if the student has been enrolled for three or fewer years in a school in which the primary language of instruction is English. If the student is temporarily exempted, the exemption shall be reviewed annually according to the process in subpart 2.

APPENDIX
Repealed Minnesota Rule: H1151-1

Subp. 4. **Test of reading.** Language accommodations and language translations to basic requirements tests shall not be applied to the testing of reading. Students shall demonstrate English language competence in the testing of reading.

Subp. 5. **Language translations.** A district may translate the mathematics test into a language other than English.

Subp. 6. **Learning opportunities.** Part 3501.0110 applies to students granted considerations under this part.

3501.0110 OPPORTUNITIES TO LEARN AND REMEDIATION.

A school district's curriculum shall include opportunities for all students to learn the basic requirements. At least two years before the anticipated date of the student's graduation, the district shall develop a plan for remediation for students who have not passed one or more basic requirements tests except for exempt students under part 3501.0090, subpart 1, item A, subitem (3).

3501.0120 REQUIRED NOTIFICATION TO PARENTS AND STUDENTS.

Subpart 1. **Written notice.** A school district shall establish and maintain a system to provide written notice to parents and students about graduation requirements.

Subp. 2. **Notice of graduation requirements.** No later than 30 working days after the date of the entrance into the 9th grade or transfer of a student into the district during or after 9th grade, the school district shall provide to the parents and the student written notice of:

- A. the graduation requirements; and
- B. the grade in which the student shall have the first opportunity to take a test in basic requirements.

Subp. 3. **Notice of test results and remediation opportunities.** The school district shall provide no later than 90 days after a student takes a test of basic requirements, written notice to parents and the student of:

- A. basic requirement test results; and
- B. consistent with part 3501.0050, subpart 3, if the student is in the graduating year:
 - (1) the process by which a parent or student can request additional testing and testing accommodations after April 1; and
 - (2) how a parent or student can appeal the district's decision in subitem (1).

3501.0130 STUDENT RECORD KEEPING.

Subpart 1. **Test results.** The district shall keep a record on each student that includes:

- A. the basic requirement tests taken; and
- B. the results of the most recent basic requirement tests given.

Subp. 2. **Student progress.** Individual student progress shall be reported on a student record as described in items A to D.

A. "Pass-state level" shall be noted on the record of a student who passes a basic requirement test under standard conditions or with an accommodation. The records for students passing with an accommodation shall not be different from the records of students passing the test under standard conditions.

B. "Pass-individual level" shall be noted on the record of a student who passes a basic requirement test with a modification established in the IEP or section 504 accommodation plan in accordance with part 3501.0090.

C. "Pass-translation" shall be noted on the record of a student who passes a basic requirement test that has been translated into a language other than English and has not been validated by the state as a state test with a set passing score.

D. "Exempt" shall be noted on the record of a student who has been exempted from a basic requirement test.

3501.0140 TEST ADMINISTRATION.

Subpart 1. **Testing conditions.** The school district shall administer the test of a basic requirement under standard testing conditions defined by the developer of the particular test using the directions provided with the test. Test administration with accommodations or modifications

APPENDIX

Repealed Minnesota Rule: H1151-1

to standard testing conditions shall occur only in accordance with part 3501.0050, subpart 3, or 3501.0090.

Subp. 2. **District testing plan.** The district board shall annually adopt and publish a basic requirement test administration plan. The plan shall be filed with the department and delivered to all households in the district by October 15 of each year. At a minimum, the plan shall include:

- A. the graduation requirements;
- B. how many opportunities a student shall have to retake tests of basic requirements during each year;
- C. the opportunities for remediation for a student who has not passed tests of the basic requirements;
- D. the process for requesting an additional testing opportunity and accommodations for a senior who has met all other graduation requirements but has not passed one or more basic requirements;
- E. the process for appealing the district's response to requests in item D; and
- F. how to report breaches in test security procedures to the district and the department.

3501.0150 TEST SECURITY.

Subpart 1. **Security requirements.** When administering tests for the basic requirements, the district shall observe the following test security measures:

- A. all test booklets, answer sheets, and test materials shall be placed in locked storage before and after the test administration;
- B. the tests, testing materials, and answer sheets are nonpublic data under Minnesota Statutes, section 13.34;
- C. no copies of test booklets or answer sheets shall be made; and
- D. school districts shall report any known violations of test security to the department. The department shall receive reports of violations of test security from anyone with knowledge of such an incident.

Subp. 2. **Security violations.** The department shall investigate any reported incidents of breaches in test security. The consequences of a violation in test security may include:

- A. the invalidation of test scores if a violation is found to justify serious questions about the integrity of the results of the test administration; or
- B. other reasonable sanctions that are necessary to preserve the security and confidentiality of future tests and test administrations.

3501.0160 DISTRICT REPORTING REQUIREMENTS.

A. The district shall report the information in item C to the department annually by October 15 in a format to be determined by the department.

B. The district shall prepare and disseminate annually by October 15 a public report of the information in item C, through the newspaper officially designated for school district notices or through publication sent to all households in the district.

C. The reports required in items A and B shall include:

- (1) the number of students enrolled at each grade level 9 through 12 according to the end of the year Minnesota Automated Reporting Student System (MARSS) report;
- (2) the number of students at each grade level 9 through 12 passing each basic requirement at the state standard level;
- (3) the number of students at each grade level 9 through 12 passing each basic requirement at an individualized level under an IEP and a section 504 accommodation plan;
- (4) the number of students at each grade level 9 through 12 passing tests in each basic requirement that has been translated into a language other than English;
- (5) the number of students at each grade level 9 through 12 exempt from testing in each basic requirement; and
- (6) for grade 12 of the previous year only, the number of students currently denied a high school diploma because of not passing the state standard for a basic requirement when all other graduation requirements have been met.

3501.0170 REQUIRED DOCUMENTATION FOR PROGRAM AUDIT.

APPENDIX
Repealed Minnesota Rule: H1151-1

The school district shall maintain records necessary for program audits conducted by the department. The records must include documentation that:

- A. required notifications to parents and students meet the requirements of part 3501.0120;
- B. required student records meet the requirements of part 3501.0130;
- C. the district's process for additional testing of students meets the requirements of part 3501.0050;
- D. test security procedures comply with part 3501.0150;
- E. local district decisions regarding testing accommodations, modifications, and granting exemptions are in compliance with parts 3501.0090 and 3501.0100;
- F. the school district's curriculum and instruction provides appropriate learning opportunities in the basic requirements in compliance with part 3501.0110;
- G. remediation plans for students are on file consistent with part 3501.0110;
- H. the basic requirement test administration plan complies with part 3501.0140, subpart 2;
- I. the documentation for students granted accommodations or exempted from testing complies with part 3501.0090;
- J. the assessments and documentation of performance for students granted modifications of statewide standards comply with part 3501.0090, subpart 2, item C; and
- K. the district's process for testing considerations for English learners complies with part 3501.0100.

3501.0180 PASSING SCORES FOR STATE TESTS OF BASIC REQUIREMENTS.

Subpart 1. **Setting scores.** The scores in this part are established for each grade 9 class beginning with the class entering in 1996. Once set, the basic requirements passing scores shall not change for a particular group of entering grade 9 students.

Subp. 2. **Mathematics.** The passing score for the state test of mathematics is 70 percent for students entering grade 9 in 1996; and is 75 percent for students entering grade 9 in 1997 and thereafter.

Subp. 3. **Reading.** The passing score for the state test of reading is 70 percent for students entering grade 9 in 1996; and is 75 percent for students entering grade 9 in 1997 and thereafter.

3501.0200 PURPOSE.

The purpose of parts 3501.0200 to 3501.0290 is to establish a statewide standard that describes what a Minnesota public high school student must demonstrate in written composition to be eligible for a high school diploma.

3501.0210 SCOPE.

Parts 3501.0200 to 3501.0290 govern the written composition standard for a high school diploma that Minnesota public schools must require of all students who enter ninth grade in 1997 or a subsequent year.

3501.0220 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 3501.0200 to 3501.0290, the terms defined in part 3501.0030 have the same meaning unless otherwise clearly indicated.

Subp. 2. **Definitions for basic requirement in written composition testing.** For the purposes of parts 3501.0200 to 3501.0290, the following terms have the meanings given them.

A. "Prompt" means a statement of a writing task for which the student is to create a written composition for a specified adult reader.

B. "Scoring criteria" means the five writing characteristics in part 3501.0230, subpart 2, to be used by trained raters in determining to what degree a written response to a prompt does or does not meet the statewide standard for written composition.

C. "Written composition" or "composition" means the composite acts of formulating and preparing, in English, a clearly focused, organized, developed, coherent, and clearly expressed message to be communicated to an adult reader in a written format.

3501.0230 STATEWIDE GRADUATION STANDARD FOR WRITTEN COMPOSITION.

APPENDIX
Repealed Minnesota Rule: H1151-1

Subpart 1. **Basic requirements.** The basic graduation requirement for written composition is established in parts 3501.0210 to 3501.0290. The statewide standard for written composition is specified in subpart 2.

Except for decisions consistent with parts 3501.0090 and 3501.0100, to qualify for a high school diploma, a student shall demonstrate competency in the statewide standard for written composition through one of the testing options in part 3501.0250, subpart 1. Districts may require higher standards, additional demonstrations, or both of competency in written composition beyond the statewide standards.

Subp. 2. **Statewide standard in written composition.** A student shall demonstrate the ability to create, in English, a written composition. An adequate written composition must show:

A. clarity of central ideas such that the composition responds directly and specifically to the task presented in the prompt;

B. coherent focus such that the supporting ideas expressed in the composition relate clearly to the central idea and that there is a clear connection among ideas. Coherent focus may be accomplished through transitions, parallel structure, or other unifying devices;

C. organization such that the ideas are expressed in an order which is logical and clear and the composition contains a beginning, middle, and end. The student may choose one of a variety of organizational strategies such as cause/effect, problem/solution, chronological sequence, topical order, or spatial organization;

D. detailed support or elaboration of ideas. The composition must include any or all of the following: information; verbal illustrations; explanations; and examples, which sufficiently clarify and expand the student's central idea for the reader. These details must be logically connected to the central idea; and

E. language conventions such that the composition includes features of language that are acceptable in standard written discourse. Language conventions are important to ensure that the meaning of the written composition is not impaired. The writer shall apply rules of sentence formation, language choice and order, and language mechanics including punctuation, capitalization, and spelling, of standard written English.

Subp. 3. **Scoring.** When scoring written compositions, there shall be a no minimum length requirement. Ratings shall be based on the overall quality of the written response relative to the scoring criteria. The general guidelines for score scale points in part 3501.0240 shall be used to evaluate adequate demonstration of the characteristics in subpart 2.

Handwriting must be decipherable. While students should be encouraged to write as neatly as they can, there shall be no penalty for poor handwriting, except that only compositions that are legible shall be scored.

3501.0240 GENERAL GUIDELINES FOR SCORE SCALE POINTS.

Subpart 1. **Scoring criteria.** Trained raters shall apply the scoring criteria under part 3501.0230, subpart 2, for the basic requirement in written composition to assign score scale points according to subparts 2 to 6.

Subp. 2. **Four-point rating.** A more than adequate student response in composition shall receive four points. A student response is more than adequate if the composition:

A. is related to the prompt;

B. has a central idea that is clearly expressed;

C. is well developed with supporting details;

D. has a beginning, middle, and end; and

E. demonstrates excellent control of the language that enhances the overall quality of the response.

Subp. 3. **Three-point rating.** An adequate student response in composition shall receive three points. A student response is adequate if the composition:

A. is related to the prompt;

B. has a central idea that is clearly expressed;

C. is developed with supporting details but may present minor obstacles to the reader in moving from one idea to another;

D. has a beginning, middle, and end; and

APPENDIX
Repealed Minnesota Rule: H1151-1

E. demonstrates adequate control of the language in that the composition may have minor errors in sentence formation, usage, or mechanics, but these do not substantially detract from the overall quality of the composition.

Subp. 4. **Two-point rating.** A less than adequate student response in composition shall receive two points. A student response is less than adequate if the composition:

- A. is related to the prompt; but
- B. is not well focused;
- C. presents obstacles to the reader in moving from idea to idea;
- D. lacks a beginning, middle, or end; or
- E. contains errors in sentence formation, word usage, and mechanics that are frequent enough to detract from the overall quality of the composition.

Subp. 5. **One-point rating.** A very inadequate student response shall receive one point. A student response is very inadequate if the composition:

- A. is related to the prompt; but
- B. lacks a central idea or coherent focus;
- C. is difficult to follow;
- D. is not clearly organized; or
- E. contains errors in sentence formation, word usage, and mechanics that are frequent enough to detract from the overall quality of the composition.

Subp. 6. **Not scorable (N).** A student response that cannot be evaluated shall receive an N. A student response shall be designated not scorable when a rater and the scoring leader agree that the composition:

- A. is not related to the prompt;
- B. is not readable because it is illegible or incoherent;
- C. is written in a language other than English;
- D. contains an insufficient amount of writing to evaluate; or
- E. is blank in that no response is given.

3501.0250 TESTING FOR STATEWIDE STANDARDS IN THE BASIC REQUIREMENT OF WRITTEN COMPOSITION.

Subpart 1. **District testing.** A school district shall test for competency in the statewide standard in the basic requirement of written composition by using the state basic skills test of written composition.

Subp. 2. **Offering tests in basic requirements.** A district shall first offer the test of the basic requirement in written composition to students in grade 10. Nonpassing students shall be given the opportunity to retake the test of the basic requirement in written composition at least annually.

Subp. 3. **Additional testing opportunities.** A district shall establish a process for additional testing of students who by April 1 of their anticipated graduation year have not passed a test in the basic requirement in written composition.

The process shall include:

- A. how the parent, student, or both can request:
 - (1) an additional testing opportunity to take the basic requirement in written composition test; and
 - (2) testing accommodations;
- B. the procedure that the district shall use to act on a request in item A; and
- C. how a parent, student, or both can appeal the district's action under item B.

In addition to the regularly scheduled annual availability of a new form of the state test, an additional statewide administration of the state test shall be made available by the department for one additional retesting of seniors.

Subp. 4. **Transfer students.** A student transferring into a district shall not be required to take a test of the basic requirement for written composition if the student's record from the former school verifies that the student has already passed a test of that basic requirement consistent with this part. This subpart applies even if the student transfers into a district that has higher standards than the statewide standard for the basic requirement in written composition.

APPENDIX
Repealed Minnesota Rule: H1151-1

Subp. 5. **Specifications for state test in written composition.** The state test shall assess the statewide standard for the basic requirement in written composition. The state test shall be written, administered, and scored according to subparts 6 to 8.

Subp. 6. **Test contents.** The state test shall require a student to compose a single composition in response to one prompt. The prompt shall:

- A. require no prior preparation for response;
- B. indicate that the response should be written for a specific adult reader;
- C. accommodate a variety of writing strategies and instruction;
- D. contain a topic that is unknown to students, their parents, teachers, or test proctors before the actual testing session; and
- E. elicit demonstration of the general scoring criteria of the statewide standard for the basic requirement in written composition.

Subp. 7. **Test administration.** The state test shall be administered according to standard conditions for administration that shall be provided to the district with the test.

A. The state test shall be untimed but must be completed in an unbroken block of time. Once the student is excused for lunch, another class, activity, or to go home, the testing session has been concluded.

B. The state test shall require that the student's response be written directly in the test booklets without the use of word processors or writing tools other than pencils and pens, except when the district determines that a student has a physical condition that prevents the student writing by hand or as provided for under part 3501.0090.

C. A student shall not use a dictionary, thesaurus, or other published or prepared reference or preparation material of any type during testing.

Subp. 8. **Test scoring.** Tests shall be scored independently by members of a state-approved, trained scoring panel using the scoring criteria and the scoring process specified by the state. The state scoring process for the test of the basic requirement in written composition shall be according to items A to E.

A. The state shall contract with an independent vendor chosen for its experience and reliability in training and conducting the scoring of tests of written composition.

B. The contracted vendor shall train each rater on the prompt to be scored and each rater shall satisfactorily complete a qualifying assessment prior to scoring actual student responses. The contractor shall provide periodic reports of interrater agreement as scoring progresses and summary data on interrater agreement when scoring has been completed. The contractor shall also periodically recheck the accuracy of each rater. To qualify for scoring student responses, an individual rater shall demonstrate at least a 90 percent rate of agreement with scores assigned by scoring leaders.

C. A rubric, which is the scoring criteria applied to example compositions unique to a specific prompt, shall be developed as part of the rater training process for rating a specific prompt.

D. Each composition shall be rated independently by two raters. Raters shall assign ratings on a scale of one to four (1-4) or assign a designation of not scorable according to the general scoring criteria in part 3501.0240 and the rubric developed for the specific prompt being scored. When a rater assigns N, the scoring leader shall either determine that the final score is N or declare the test scorable. A test, declared scorable through this procedure, shall be returned to begin the rating process again. Raters may assign only whole number ratings. Except as provided in item E, the written composition score for each student shall be the average of the two assigned ratings. An average score of at least 3.0 shall be required to pass the written composition test.

E. A student composition shall be evaluated by a third rater who is a scoring leader when the composition receives two ratings that:

- (1) differ by more than one point; or
- (2) consist of one 2 and one 3 rating.

The scoring leader shall independently assign a third rating to the composition. The final score shall be calculated by averaging the two ratings that are on the same side of the pass/not pass line. Final scores that are possible under this item are: 1, 1.5, 2, 3, 3.5, and 4. An assigned score of at least 3.0 shall be required to pass the written composition test.

Subp. 9. **Test review.** All written compositions shall be returned to districts after scoring is completed so that schools, teachers, and students have the opportunity to review them for diagnosis of student writing proficiency and identification of needs for further instruction.

APPENDIX
Repealed Minnesota Rule: H1151-1

Districts may request, in advance of scoring, that compositions with failing scores be returned with analytic scoring to provide additional assistance in preparing the student for retesting.

3501.0270 SCHOOL DISTRICT RESPONSIBILITIES.

For the purposes of parts 3501.0200 to 3501.0290, parts 3501.0090 to 3501.0170 apply.

3501.0280 TEST OF WRITTEN COMPOSITION; ENGLISH LEARNERS (EL).

Subpart 1. **Testing considerations.** For the purposes of parts 3501.0200 to 3501.0290, part 3501.0100 applies when testing English learners (EL).

3501.0280 TEST OF WRITTEN COMPOSITION; ENGLISH LEARNERS (EL).

Subp. 2. **Test prompts.** A district may translate into another language test prompts for tests of written composition.

3501.0290 PASSING SCORE FOR STATE TESTS OF WRITTEN COMPOSITION.

The passing score for the state test of written composition is a rating of 3, consistent with part 3501.0250, subpart 8, items D and E.

3501.0505 KINDERGARTEN STANDARDS.

Subpart 1. **Reading and literature.** The student will listen to and begin to read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness) and of the sound-symbol relationship (phonics).

B. Vocabulary expansion. The student will use a variety of strategies to develop and expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will listen to and understand the meaning of text.

D. Literature. The student will read or listen to a variety of texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. Writing is addressed in subpart 1, item A.

B. Elements of composition. Standards under this heading may be locally determined.

C. Spelling, grammar, and usage. The student will begin to recognize correct spelling and punctuation.

D. Research. Standards under this heading may be locally determined.

E. Handwriting and word processing. The student will form letters and numbers.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will communicate effectively through listening and speaking.

B. Viewing. The student will become familiar with the structure of printed material.

3501.0510 GRADE 1 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness), the sound-symbol relationship (phonics), and word recognition strategies to read grade-level materials with accuracy and emerging fluency.

B. Vocabulary expansion. The student will use a variety of strategies to develop and expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will actively engage in the reading process and use a variety of comprehension strategies to understand the meaning of texts that have been read or listened to.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

APPENDIX
Repealed Minnesota Rule: H1151-1

Subp. 2. **Writing.** The student will write clearly and coherently to communicate effectively for a variety of audiences and purposes.

- A. Types of writing. The student will compose various pieces of writing.
- B. Elements of composition. The student will demonstrate emerging knowledge of a writing process with attention to organization, topic, and quality of ideas.
- C. Spelling, grammar, and usage. The student will demonstrate emerging knowledge of punctuation, spelling, and capitalization.
- D. Research. The student will locate and use information in reference materials.
- E. Handwriting and word processing. The student will improve the student's handwriting.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

- A. Speaking and listening. The student will communicate effectively through listening and speaking.
- B. Viewing. The student will become familiar with the structure of printed material.

3501.0515 GRADE 2 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

- A. Word recognition, analysis, and fluency. The student will understand and apply knowledge of the sounds of the English language (phonemic awareness), the sound-symbol relationship (phonics), and word recognition strategies to read grade-level materials with accuracy and fluency.
- B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.
- C. Comprehension. The student will actively engage in the reading process and use a variety of comprehension strategies to understand the meaning of texts that have been read.
- D. Literature. The student will actively engage in the reading process and read, understand, respond to, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes, demonstrating an emerging knowledge and application of skills.

- A. Types of writing. The student will compose narrative and informational pieces of writing.
- B. Elements of composition. The student will demonstrate increased emerging knowledge in a writing process, with attention to organization, focus, and quality of ideas.
- C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.
- D. Research. The student will locate and use information in reference materials.
- E. Handwriting and word processing. The student will begin to write legibly.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

- A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.
- B. Viewing. The student will become familiar with the structure of printed material.

3501.0520 GRADE 3 STANDARDS.

Subpart 1. **Word recognition, analysis, and fluency.** The student will read and understand grade-appropriate English language text.

- A. Word recognition, analysis, and fluency. The student will apply word recognition strategies to decode unfamiliar multisyllabic words and will read grade-appropriate text with accuracy and fluency.
- B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

APPENDIX
Repealed Minnesota Rule: H1151-1

C. Comprehension. The student will understand the meaning of texts using a variety of comprehension strategies and will demonstrate literal, interpretive, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to communicate effectively for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, and quality of ideas.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly.

Subp. 3. **Speaking, listening, and viewing.**

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0525 GRADE 4 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will decode unfamiliar words using phonetic and structural analysis and will read with fluency and expression.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will engage in writing, with attention to organization, focus, and quality of ideas.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and use a keyboard.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0530 GRADE 5 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will decode unfamiliar words using phonetic and structural analysis and will read with fluency and expression.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

APPENDIX

Repealed Minnesota Rule: H1151-1

C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will compose various pieces of writing.

B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, quality of ideas, audience, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0535 GRADE 6 STANDARDS.

Subpart 1. **Reading and literature.** Students will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. The student will read with accuracy and fluency.

B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.

C. Comprehension. The student will understand the meaning of informational, expository, or persuasive texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

A. Types of writing. The student will create informative, expressive, and persuasive writing.

B. Elements of composition. The student will engage in a writing process, with attention to organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0540 GRADE 7 STANDARDS.

APPENDIX
Repealed Minnesota Rule: H1151-1

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

- A. Word recognition, analysis, and fluency. The student will read with accuracy and fluency.
- B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.
- C. Comprehension. The student will understand the meaning of texts, using a variety of strategies, and will demonstrate literal, interpretive, inferential, and evaluative comprehension.
- D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently for a variety of audiences and purposes.

- A. Types of writing. The student will create informative, expressive, and persuasive writing.
- B. Elements of composition. The student will engage in a writing process, with attention to context, organization, focus, quality of ideas, and a purpose.
- C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.
- D. Research. The student will locate and use information in reference materials.
- E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

- A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.
- B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0545 GRADE 8 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

- A. Word recognition, analysis, and fluency. Standards under this heading may be locally determined and based on the individual needs of the student.
- B. Vocabulary expansion. The student will use a variety of strategies to expand reading, listening, and speaking vocabularies.
- C. Comprehension. The student will understand the meaning of texts using a variety of strategies and will demonstrate literal, interpretive, inferential, and evaluative comprehension.
- D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently to effectively communicate for a variety of audiences and purposes.

- A. Types of writing. The student will create informative, expressive, and persuasive writing.
- B. Elements of composition. The student will engage in a writing process with attention to context, organization, focus, quality of ideas, and a purpose.
- C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.
- D. Research. The student will locate and use information in reference materials.
- E. Handwriting and word processing. The student will write legibly and demonstrate effective keyboarding skills.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences, and actively listen to, view, and evaluate oral communication and media.

APPENDIX
Repealed Minnesota Rule: H1151-1

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.0550 GRADES 9 THROUGH 12 STANDARDS.

Subpart 1. **Reading and literature.** The student will read and understand grade-appropriate English language text.

A. Word recognition, analysis, and fluency. Standards under this heading may be locally determined.

B. Vocabulary expansion. The student will apply a variety of strategies to expand vocabulary.

C. Comprehension. The student will understand the meaning of informational, expository, or persuasive texts, using a variety of strategies and will demonstrate literal, interpretive, inferential, and evaluative comprehension.

D. Literature. The student will actively engage in the reading process and read, understand, respond to, analyze, interpret, evaluate, and appreciate a wide variety of fiction, poetic, and nonfiction texts.

Subp. 2. **Writing.** The student will write clearly and coherently for a variety of audiences and purposes.

A. Type of writing. The student will write in narrative, expository, descriptive, persuasive, and critical modes.

B. Elements of composition. The student will engage in a writing process with attention to audience, organization, focus, quality of ideas, and a purpose.

C. Spelling, grammar, and usage. The student will apply standard English conventions when writing.

D. Research. The student will locate and use information in reference materials.

E. Handwriting and word processing. Standards under this heading may be locally determined.

Subp. 3. **Speaking, listening, and viewing.** The student will speak clearly and effectively for a variety of purposes and audiences and actively listen to, view, and evaluate oral communication and media.

A. Speaking and listening. The student will demonstrate understanding and communicate effectively through listening and speaking.

B. Media literacy. The student will critically analyze information found in electronic and print media, and will use a variety of these sources to learn about a topic and represent ideas.

3501.1000 PURPOSE.

The purpose of parts 3501.1000 to 3501.1190 is to establish statewide graduation test standards and rules for administration and implementation of the graduation-required assessment for diploma (GRAD).

3501.1020 SCOPE.

Parts 3501.1000 to 3501.1190 govern the graduation standards that Minnesota public schools must require for a high school diploma for all students enrolled in grade 8 in the 2005-2006 school year and later.

3501.1030 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 3501.1000 to 3501.1190 have the meanings given them in this part.

Subp. 2. **Accommodation.** "Accommodation" means an adjustment in a testing condition, such as the setting for or scheduling of the test, or a change in the method of administering a test. An accommodation does not compromise the security or the confidentiality of the test, does not alter the meaning of the score, or render the student's score incomparable to the scores of those students who took the test under standard conditions.

Subp. 3. **Department.** "Department" means the Department of Education.

Subp. 4. **District.** "District" means a school district.

APPENDIX

Repealed Minnesota Rule: H1151-1

Subp. 5. **Graduation-required assessment for diploma (GRAD).** "Graduation-required assessment for diploma" or "GRAD" means the assessment that measures the reading, writing, and mathematics proficiency of high school students.

Subp. 6. **Individualized education program or IEP.** "Individualized education program" or "IEP" means a written statement developed for a student eligible for special education and services pursuant to Minnesota Statutes, sections 125A.03 to 125A.24, and the Individuals with Disabilities Education Act, as amended in 2004, Public Law 108-446.

Subp. 7. **Modification.** "Modification" means an adjustment of a test that results in changing the standard for a particular student.

Subp. 8. **Parent.** "Parent" means, for a student under age 18, the mother, father, guardian, person acting as the parent of the student, conservator, or surrogate parent who has been appointed according to parts 3525.2435 to 3525.2455. For a student age 18 or over, parent also includes the student unless a guardian or conservator has been appointed, in which case it means the guardian or conservator. When the parents are separated or divorced, it means the parent who has the legal right, by court decree or agreement, to determine the student's education, even though the student may be living with the other parent.

Subp. 9. **Public schools.** "Public schools" means all public schools as defined in Minnesota Statutes, section 120A.05, and includes, but is not limited to, public school districts, charter schools, the state academies for the deaf and the blind, and the Center for Arts Education.

Subp. 10. **Section 504 accommodation plan.** "Section 504 accommodation plan" means the defined appropriate accommodations or modifications that must be made in the school environment to address the needs of an individual student with disabilities. This section of the federal Rehabilitation Act of 1973, Public Law 91-230, as amended in Public Law 101-476, extends protection to a much broader student population than just those students with IEPs.

Subp. 11. **Statewide graduation standards.** "Statewide graduation standards" means statements of what a student should know and be able to do as described by Minnesota Statutes, sections 120B.02 and 120B.021.

Subp. 12. **Student.** "Student" means a person admitted to a public school as defined in Minnesota Statutes, section 120A.05, in accordance with Minnesota Statutes, section 120A.20.

Subp. 13. **Test design.** "Test design" means statements of the requirements that tests must include and how tests are designed. These design documents define the required content, format, level of difficulty, types of items, and length of the tests.

3501.1040 GRAD REQUIREMENTS.

The GRAD requirements for reading, mathematics, and writing are established in this chapter.

To qualify for a high school diploma, a student must demonstrate competency in the statewide standards for reading, mathematics, and writing by fulfilling the graduation test requirements established by Minnesota Statutes, sections 120B.02 and 120B.30.

3501.1050 TESTING FOR STATEWIDE GRAD STANDARDS.

Subpart 1. **District testing.** A district must test for proficiency in statewide graduation standards by using the graduation-required assessment for diploma.

Subp. 2. **Offering GRAD.** A district must not offer the GRAD before the grade of its first census administration. Once the test has first been offered to a group of students, the district must continue to offer the GRAD to that group of students at least once a year.

3501.1110 OPPORTUNITIES TO LEARN AND REMEDIATION.

A district's curriculum must include opportunities for all students to learn the GRAD requirements and subject matter. The district must develop a plan for remediation for a student who, after two retest opportunities, has not passed a specific GRAD.

3501.1120 REQUIRED NOTIFICATION TO PARENTS AND STUDENTS.

Subpart 1. **Written notice.** A district must establish and maintain a system to provide written notice to parents and students about graduation requirements.

Subp. 2. **Notice of graduation requirements.** Beginning in the 2008-2009 school year and each subsequent year the district must provide to parents and students written notice of:

- A. the graduation requirements; and
- B. the grade in which the student will have the first opportunity to take a GRAD.

APPENDIX
Repealed Minnesota Rule: H1151-1

Subp. 3. **Notice of test results and remediation opportunities.** The district must provide written notice to parents and the student of GRAD results no later than 60 days after the district receives the results of a GRAD. After the date of receiving test results, students must have a minimum of six weeks for remediation before the next testing opportunity.

3501.1130 STUDENT RECORD KEEPING.

Subpart 1. **Test results.** The district must keep a record on each student that includes:

- A. the GRAD taken; and
- B. the results of the most recent GRAD given.

Subp. 2. **Student progress.** Individual student progress must be reported on a student record as described in this part.

"Pass" or "p" must be noted on the record of a student who passes a GRAD under standard conditions or with an accommodation.

"Pass" or "p" must also be noted on the record of a student who passes a GRAD with a modification established in the IEP or section 504 accommodation plan in accordance with part 3501.1190. This notation is also used as a GRAD notation for any other modified or alternate assessment used for accountability purposes for students with disabilities. The records for students passing with an accommodation or a modification or who pass an alternate assessment must not differ from the records of students passing the test under standard conditions.

3501.1140 TEST ADMINISTRATION.

The district must administer the GRAD under standard testing conditions defined by the developer of the particular test. The district must use the directions provided with the test. Test administration with accommodations or modifications to standard testing conditions must occur only in accordance with part 3501.1190.

3501.1150 TEST SECURITY.

Subpart 1. **Security requirements.** When administering GRAD, the district must observe the following test security measures:

- A. all test materials must be secured, either physically or electronically, before and after the test administration;
- B. all testing materials are nonpublic data under Minnesota Statutes, section 13.34;
- C. a student is required to present a valid photo ID before being admitted to the testing site if:
 - (1) the student is not enrolled in the testing district; or
 - (2) the student is unknown to the test proctor when testing in the enrolled district; and
- D. districts must report any known violations of test security to the department. The department must accept reports of violations of test security from anyone with knowledge of such an incident.

Subp. 2. **Security violations.** The department must investigate any reported incidents of breaches in test security. The consequences of a violation in test security may include:

- A. the invalidation of test scores if a violation is found to justify serious questions about the integrity of the results of the test administration; or
- B. other reasonable sanctions that are necessary to preserve the security and confidentiality of future tests and test administrations.

3501.1160 REQUIRED DOCUMENTATION FOR PROGRAM AUDIT.

The district must maintain records necessary for program audits conducted by the department. The records must include documentation that:

- A. remediation plans for students are developed consistent with part 3501.1110;
- B. the district's curriculum and instruction provides appropriate learning opportunities in the state graduation requirements in compliance with part 3501.1110;
- C. notifications to parents and students meet the requirements of part 3501.1120;
- D. student records meet the requirements of part 3501.1130;
- E. the GRAD administration plan complies with part 3501.1140;
- F. test security procedures comply with part 3501.1150;

APPENDIX
Repealed Minnesota Rule: H1151-1

G. the district's process for testing considerations for English learners complies with part 3501.1180;

H. the documentation for students granted accommodations for testing complies with part 3501.1190; and

I. the assessments and documentation of performance for students granted modifications of statewide standards comply with part 3501.1190.

3501.1170 PASSING SCORES FOR GRAD.

Subpart 1. **Passing scores.** Passing scores for purposes of this part reflect an achievement level equivalent to or greater than the level determined through a standard setting process.

Subp. 2. **Reading and mathematics.** The passing scores for the GRAD in reading and mathematics are as provided by Minnesota Statutes, section 120B.30, subdivision 1, for students enrolled in grade 8 in the 2005-2006 school year and later.

Subp. 3. **Writing.** The passing score for the GRAD in writing is as provided by Minnesota Statutes, section 120B.30, subdivision 2, for students enrolled in grade 8 in the 2005-2006 school year and later.

3501.1180 STUDENTS IN UNIQUE SITUATIONS.

Subpart 1. **Dual enrolled students.** Dual enrolled students are public school students. To graduate from a Minnesota public high school, a dual enrolled student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 2. **English learners (EL).** English learners (EL) who are public school students and are designated in the Minnesota Automated Reporting Student System (MARSS) as English learners (EL) are required to pass the GRAD if they have been enrolled in any Minnesota school for at least four consecutive years. An EL student who first enrolls in a Minnesota school in grade 9 or above and who completes the course work and any other state and district requirements to graduate within a four-year period is not required to pass the GRAD.

Subp. 3. **Foreign exchange students.** To graduate from a Minnesota public high school, a foreign exchange student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30. If a foreign exchange student will not receive a diploma from a Minnesota public high school, the student is not required to fulfill the graduation test requirements.

Subp. 4. **Home school students.** Home school students are not public school students and passing the GRAD is not required. To graduate from a Minnesota public high school, a home school student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 5. **Open enrollment students.** Open enrollment students are public school students. To graduate from a Minnesota public high school, an open enrollment student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 6. **Postsecondary enrollment option (PSEO) students.** Postsecondary enrollment option (PSEO) students are public school students. To graduate from a Minnesota public high school, a PSEO student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

A PSEO student who is present on the day of testing should participate in the current series Minnesota Comprehensive Assessments (MCA). A PSEO student who is not present for the current series MCA must take the GRAD at a later date.

Subp. 7. **Shared-time students.** Shared-time students are private school students attending a public school class; these students are not public school students and passing the GRAD is not required. To graduate from a Minnesota public high school, a shared-time student must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 8. **Transfer students who passed a graduation examination in another state.** A district may submit a passing score report for a transfer student and the department will request test design documents from the other state for review. As graduation examinations from other states are received, the department will maintain a list of states with acceptable substitute graduation examinations. The department will seek reciprocity for the GRAD in other states when it accepts their assessments.

APPENDIX

Repealed Minnesota Rule: H1151-1

Subp. 9. **District-placed students and students attending school under a tuition agreement.** District-placed students and students attending school under a tuition agreement are public school students. To graduate from a Minnesota public high school, district-placed students and students attending school under a tuition agreement must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30.

Subp. 10. **Care and treatment; correctional facility students.** To graduate from a Minnesota public high school, a student placed for care and treatment or a student in a correctional facility must fulfill the graduation test requirements in reading, mathematics, and writing established by Minnesota Statutes, sections 120B.02 and 120B.30, unless the student has an IEP or a section 504 accommodation plan, in which case part 3501.1190 applies.

3501.1190 STUDENTS WITH IEP PLANS OR SECTION 504 ACCOMMODATION PLANS.

Subpart 1. **Considerations for students with IEPs or section 504 accommodation plans.** The individualized education program or section 504 accommodation plan for a student with a disability must identify one of the following decisions for each subject area of the GRAD:

A. the student is expected to achieve the statewide standard with or without testing accommodations, resulting in a "pass" or "p" notation on the record when achieving a passing score; or

B. the student is expected to achieve the statewide standard at an individually modified level of difficulty, resulting in a "pass" or "p" notation on the record when achieving the modified level. A Minnesota alternate assessment must be used when an IEP team chooses to replace the GRAD. Adoption of modifications for a student must occur concurrently with the adoption of transition goals and objectives as required by Minnesota Statutes, section 125A.08, paragraph (a), clause (1).

Subp. 2. **Testing students with IEPs or section 504 accommodation plans.** All students must be tested under standard conditions as specified by the developer of the test except those students whose IEPs or section 504 accommodation plans specify other decisions consistent with subpart 1.

A. Decisions regarding appropriate testing conditions, including a decision to provide accommodations for a student, must be made by the IEP team or through the section 504 accommodation plan process and must be reviewed annually.

B. Where subpart 1, item B, applies, the student's IEP or section 504 accommodation plan must define an appropriate assessment of the statewide standard at a modified level of difficulty. Achievement of the individually modified standard shall be certified only through documented student performance of the defined assessment.