

**SENATE**  
**STATE OF MINNESOTA**  
**NINETIETH SESSION**

**S.F. No. 3086**

**(SENATE AUTHORS: PRATT)**

DATE	D-PG	OFFICIAL STATUS
03/08/2018	6359	Introduction and first reading Referred to E-12 Policy
04/09/2018	7153a	Comm report: To pass as amended
	7252	Second reading
05/01/2018		Special Order: Amended Third reading Passed

1.1 A bill for an act

1.2 relating to education; providing for prekindergarten through grade 12 education,

1.3 including general education, education excellence, teachers, special education,

1.4 facilities and technology, nutrition, early childhood and family support, and

1.5 self-sufficiency and lifelong learning, and state agencies; amending Minnesota

1.6 Statutes 2016, sections 13.321, by adding a subdivision; 120A.20, subdivision 2;

1.7 120A.22, subdivisions 7, 12; 120B.36, subdivision 2; 121A.22, subdivision 1, by

1.8 adding a subdivision; 121A.39; 121A.41, by adding subdivisions; 121A.42;

1.9 121A.45; 121A.46, subdivisions 2, 3, by adding subdivisions; 121A.47, subdivision

1.10 2; 121A.53, subdivision 1; 121A.55; 121A.61; 121A.67, by adding a subdivision;

1.11 123B.14, subdivision 7; 123B.41, subdivision 5; 123B.42, subdivision 3; 124D.111;

1.12 124D.78, subdivision 2; 125B.07, subdivision 6; 126C.15, subdivision 5; 127A.45,

1.13 subdivisions 11, 16; 128C.03; 128C.20; 299F.30, subdivisions 1, 2; 626.556,

1.14 subdivision 10a; Minnesota Statutes 2017 Supplement, sections 120B.021,

1.15 subdivision 1; 120B.12, subdivision 2; 120B.125; 120B.35, subdivision 3; 120B.36,

1.16 subdivision 1; 122A.07, by adding a subdivision; 122A.09, by adding a subdivision;

1.17 122A.187, subdivision 5; 122A.20, subdivision 1; 122A.40, subdivision 13;

1.18 122A.41, subdivision 6; 123B.41, subdivision 2; 123B.52, subdivision 7; 124D.165,

1.19 subdivisions 2, 3, 4; 124D.549; 124D.99, subdivisions 3, 5; 136A.246, subdivision

1.20 4; 155A.30, subdivision 12; 609A.03, subdivision 7a; 626.556, subdivisions 2, 3,

1.21 10e; Laws 2017, First Special Session chapter 5, article 2, sections 56; 57,

1.22 subdivision 23; proposing coding for new law in Minnesota Statutes, chapters

1.23 120B; 125B; repealing Minnesota Statutes 2016, sections 120B.35, subdivisions

1.24 4, 5; 123A.26, subdivision 3; 125A.75, subdivision 9; 128C.02, subdivision 6.

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

1.26 style="text-align:center">**ARTICLE 1**

1.27 style="text-align:center">**GENERAL EDUCATION**

1.28 Section 1. Minnesota Statutes 2017 Supplement, section 123B.41, subdivision 2, is amended

1.29 to read:

1.30 Subd. 2. **Textbook.** (a) "Textbook" means any book or book substitute, including

1.31 electronic books as well as other printed materials delivered electronically, which a pupil

2.1 uses as a text or text substitute in a particular class or program in the school regularly  
 2.2 attended and a copy of which is expected to be available for the individual use of each pupil  
 2.3 in this class or program. Textbook includes an online book with an annual subscription cost.  
 2.4 Textbook includes teacher materials that accompany materials that a pupil uses.

2.5 (b) For purposes of calculating the annual nonpublic pupil aid entitlement for textbooks,  
 2.6 the term shall be limited to books, workbooks, or manuals, whether bound or in loose-leaf  
 2.7 form, as well as electronic books and other printed materials delivered electronically,  
 2.8 intended for use as a principal source of study material for a given class or a group of students  
 2.9 and must not include teacher materials that accompany materials that a pupil uses.

2.10 (c) For purposes of sections 123B.40 to 123B.48, the terms "textbook" and "software  
 2.11 or other educational technology" include only such secular, neutral, and nonideological  
 2.12 materials as are available, used by, or of benefit to Minnesota public school pupils.

2.13 Sec. 2. Minnesota Statutes 2016, section 123B.41, subdivision 5, is amended to read:

2.14 Subd. 5. **Individualized instructional or cooperative learning materials.** (a)  
 2.15 "Individualized instructional or cooperative learning materials" means educational materials  
 2.16 which:

2.17 ~~(a)~~ (1) are designed primarily for individual pupil use or use by pupils in a cooperative  
 2.18 learning group in a particular class or program in the school the pupil regularly attends,  
 2.19 including teacher materials that accompany materials that a pupil uses;

2.20 ~~(b)~~ (2) are secular, neutral, nonideological and not capable of diversion for religious  
 2.21 use; and

2.22 ~~(c)~~ (3) are available, used by, or of benefit to Minnesota public school pupils.

2.23 (b) Subject to the requirements in paragraph (a), clauses ~~(a)~~ (1), ~~(b)~~ (2), and ~~(c)~~ (3),  
 2.24 "individualized instructional or cooperative learning materials" include, but are not limited  
 2.25 to, the following if they do not fall within the definition of "textbook" in subdivision 2:  
 2.26 published materials; periodicals; documents; pamphlets; photographs; reproductions; pictorial  
 2.27 or graphic works; prerecorded video programs; prerecorded tapes, cassettes and other sound  
 2.28 recordings; manipulative materials; desk charts; games; study prints and pictures; desk  
 2.29 maps; models; learning kits; blocks or cubes; flash cards; individualized multimedia systems;  
 2.30 prepared instructional computer software programs; choral and band sheet music; electronic  
 2.31 books and other printed materials delivered electronically; and CD-Rom.

3.1 (c) "Individualized instructional or cooperative learning materials" do not include  
 3.2 instructional equipment, instructional hardware, or ordinary daily consumable classroom  
 3.3 supplies.

3.4 (d) For purposes of calculating the annual nonpublic aid entitlement for individualized  
 3.5 instructional or cooperative learning materials, the term must not include teacher materials  
 3.6 that accompany materials that a pupil uses.

3.7 Sec. 3. Minnesota Statutes 2016, section 123B.42, subdivision 3, is amended to read:

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

3.15 (b) The cost computed in clause (a) shall be increased by an inflation adjustment equal  
 3.16 to the percent of increase in the formula allowance, pursuant to section 126C.10, subdivision  
 3.17 2, from the second preceding school year to the current school year. ~~Notwithstanding the~~  
 3.18 ~~amount of the formula allowance for fiscal years 2015 and 2016 in section 126C.10,~~  
 3.19 ~~subdivision 2, the commissioner shall use the amount of the formula allowance for the~~  
 3.20 ~~current year minus \$414 in determining the inflation adjustment for fiscal years 2015 and~~  
 3.21 ~~2016.~~

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

3.29 Sec. 4. Minnesota Statutes 2016, section 127A.45, subdivision 11, is amended to read:

3.30 Subd. 11. **Payment percentage for reimbursement aids.** One hundred percent of the  
 3.31 aid for the previous fiscal year must be paid in the current year for the following aids:  
 3.32 telecommunications/Internet access equity and according to section 125B.26, special  
 3.33 education special pupil aid according to section 125A.75, subdivision 3, ~~aid for litigation~~

4.1 ~~costs according to section 125A.75, subdivision 9,~~ aid for court-placed special education  
 4.2 expenses according to section 125A.79, subdivision 4, and aid for special education  
 4.3 out-of-state tuition according to section 125A.79, subdivision 8, and shared time aid  
 4.4 according to section 126C.01, subdivision 7.

4.5 Sec. 5. Minnesota Statutes 2016, section 127A.45, subdivision 16, is amended to read:

4.6 Subd. 16. **Payments to third parties.** Notwithstanding subdivision 3, the current year  
 4.7 aid payment percentage of the ~~amounts~~ amount under ~~sections 123A.26, subdivision 3, and~~  
 4.8 section 124D.041; shall be paid in equal installments on August 30, December 30, and  
 4.9 March 30, with a final adjustment payment on October 30 of the next fiscal year of the  
 4.10 remaining amount.

4.11 Sec. 6. **REPEALER.**

4.12 Minnesota Statutes 2016, sections 123A.26, subdivision 3; and 125A.75, subdivision 9,  
 4.13 are repealed.

## 4.14 ARTICLE 2

### 4.15 EDUCATION EXCELLENCE

4.16 Section 1. Minnesota Statutes 2016, section 120A.22, subdivision 7, is amended to read:

4.17 Subd. 7. **Education records.** (a) A district, a charter school, or a nonpublic school that  
 4.18 receives services or aid under sections 123B.40 to 123B.48 from which a student is  
 4.19 transferring must transmit the student's educational records, within ten business days of a  
 4.20 request, to the district, the charter school, or the nonpublic school in which the student is  
 4.21 enrolling. Districts, charter schools, and nonpublic schools that receive services or aid under  
 4.22 sections 123B.40 to 123B.48 must make reasonable efforts to determine the district, the  
 4.23 charter school, or the nonpublic school in which a transferring student is next enrolling in  
 4.24 order to comply with this subdivision.

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

4.28 (c) A school district, a charter school, or a nonpublic school that receives services or aid  
 4.29 under sections 123B.40 to 123B.48 that transmits a student's educational records to another  
 4.30 school district or other educational entity, charter school, or nonpublic school to which the  
 4.31 student is transferring must include in the transmitted records information about any formal

5.1 suspension, expulsion, and exclusion disciplinary action or pupil withdrawal under sections  
 5.2 121A.40 to 121A.56. The transmitted records must include services a pupil needs to prevent  
 5.3 the inappropriate behavior from recurring. The district, the charter school, or the nonpublic  
 5.4 school that receives services or aid under sections 123B.40 to 123B.48 must provide notice  
 5.5 to a student and the student's parent or guardian that formal disciplinary records will be  
 5.6 transferred as part of the student's educational record, in accordance with data practices  
 5.7 under chapter 13 and the Family Educational Rights and Privacy Act of 1974, United States  
 5.8 Code, title 20, section 1232(g).

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

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

5.19 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

5.20 Sec. 2. Minnesota Statutes 2016, section 120A.22, subdivision 12, is amended to read:

5.21 Subd. 12. **Legitimate exemptions.** (a) A parent, guardian, or other person having control  
 5.22 of a child may apply to a school district to have the child excused from attendance for the  
 5.23 whole or any part of the time school is in session during any school year. Application may  
 5.24 be made to any member of the board, a truant officer, a principal, or the superintendent.  
 5.25 The school district may state in its school attendance policy that it may ask the student's  
 5.26 parent or legal guardian to verify in writing the reason for the child's absence from school.  
 5.27 A note from a physician or a licensed mental health professional stating that the child cannot  
 5.28 attend school is a valid excuse. The board of the district in which the child resides may  
 5.29 approve the application upon the following being demonstrated to the satisfaction of that  
 5.30 board:

5.31 (1) that the child's physical or mental health is such as to prevent attendance at school  
 5.32 or application to study for the period required, which includes:

5.33 (i) child illness, medical, dental, orthodontic, or counseling appointments;

6.1 (ii) family emergencies;

6.2 (iii) the death or serious illness or funeral of an immediate family member;

6.3 ~~(iv) active duty in any military branch of the United States;~~

6.4 ~~(v)~~ (iv) the child has a condition that requires ongoing treatment for a mental health  
6.5 diagnosis; or

6.6 ~~(vi)~~ (v) other exemptions included in the district's school attendance policy;

6.7 (2) that the child is in active duty in any branch of the United States armed forces;

6.8 (3) that the child is participating in any activity necessary for the child to join any branch  
6.9 of the United States armed forces and may be excused for up to three days for such purpose;

6.10 ~~(2)~~ (4) that the child has already completed state and district standards required for  
6.11 graduation from high school; or

6.12 ~~(3)~~ (5) that it is the wish of the parent, guardian, or other person having control of the  
6.13 child, that the child attend for a period or periods not exceeding in the aggregate three hours  
6.14 in any week, a school for religious instruction conducted and maintained by some church,  
6.15 or association of churches, or any Sunday school association incorporated under the laws  
6.16 of this state, or any auxiliary thereof. This school for religious instruction must be conducted  
6.17 and maintained in a place other than a public school building, and it must not, in whole or  
6.18 in part, be conducted and maintained at public expense. However, a child may be absent  
6.19 from school on such days as the child attends upon instruction according to the ordinances  
6.20 of some church.

6.21 (b) Notwithstanding subdivision 6, paragraph (a), a parent may withdraw a child from  
6.22 an all-day, every day kindergarten program and put their child in a half-day program, if  
6.23 offered, or an alternate-day program without being truant. A school board must excuse a  
6.24 kindergarten child from a part of a school day at the request of the child's parent.

6.25 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

6.26 Sec. 3. Minnesota Statutes 2017 Supplement, section 120B.021, subdivision 1, is amended  
6.27 to read:

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

6.30 (1) language arts;

6.31 (2) mathematics;

7.1 (3) science;

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

7.4 (5) physical education;

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

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

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

7.17 (c) The department must adopt the most recent SHAPE America (Society of Health and  
7.18 Physical Educators) kindergarten through grade 12 standards and benchmarks for physical  
7.19 education as the required physical education academic standards. The department may  
7.20 modify and adapt the national standards to accommodate state interest. The modification  
7.21 and adaptations must maintain the purpose and integrity of the national standards. The  
7.22 department must make available sample assessments, which school districts may use as an  
7.23 alternative to local assessments, to assess students' mastery of the physical education  
7.24 standards beginning in the 2018-2019 school year.

7.25 (d) A school district may include child sexual abuse and sexual exploitation prevention  
7.26 instruction and consent instruction to prevent and reduce the incidence of sexual assault in  
7.27 a health curriculum, consistent with paragraph (a), clause (6). Child sexual abuse, sexual  
7.28 exploitation prevention, and consent instruction may include age-appropriate instruction  
7.29 on recognizing sexual abuse and, assault, and sexual exploitation; boundary violations; and  
7.30 ways offenders identify, groom, or desensitize victims, as well as strategies to promote  
7.31 disclosure, reduce self-blame, and mobilize bystanders. A school district may consult with  
7.32 other federal, state, or local agencies and community-based organizations to identify  
7.33 research-based tools, curricula, and programs to prevent child sexual abuse and sexual  
7.34 exploitation and develop consent instruction to prevent and reduce the incidence of sexual

8.1 assault. A school district may provide instruction under this paragraph in a variety of ways,  
8.2 including at an annual assembly or classroom presentation. A school district may also  
8.3 provide parents information on the warning signs of child sexual abuse and sexual  
8.4 exploitation and available resources. Child sexual exploitation prevention instruction must  
8.5 be consistent with the definition of sexually exploited youth under section 260C.007,  
8.6 subdivision 31.

8.7 (e) A school district may include instruction in a health curriculum for students in grades  
8.8 5, 6, 8, 10, and 12 on substance misuse prevention, including opioids, controlled substances  
8.9 as defined in section 152.01, subdivision 4, prescription and nonprescription medications,  
8.10 and illegal drugs. A school district is not required to use a specific methodology or  
8.11 curriculum.

8.12 (f) District efforts to develop, implement, or improve instruction or curriculum as a result  
8.13 of the provisions of this section must be consistent with sections 120B.10, 120B.11, and  
8.14 120B.20.

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

8.16 Sec. 4. Minnesota Statutes 2017 Supplement, section 120B.12, subdivision 2, is amended  
8.17 to read:

8.18 Subd. 2. **Identification; report.** (a) Each school district ~~shall~~ must identify before the  
8.19 end of kindergarten, grade 1, and grade 2 students who are not reading at grade level before  
8.20 the end of the current school year and ~~shall~~ must identify students in grade 3 or higher who  
8.21 demonstrate a reading difficulty to a classroom teacher. A school district must screen for  
8.22 dyslexia: (1) all students between the beginning of kindergarten and the beginning of grade  
8.23 2; and (2) any student in grade 2 or higher who is identified as not reading at grade level.

8.24 (b) Reading assessments in English, and in the predominant languages of district students  
8.25 where practicable, must identify and evaluate students' areas of academic need related to  
8.26 literacy. The district also must monitor the progress and provide reading instruction  
8.27 appropriate to the specific needs of English learners. The district must use a locally adopted,  
8.28 developmentally appropriate, and culturally responsive assessment and annually report  
8.29 summary assessment results to the commissioner by July 1.

8.30 (c) The district ~~also~~ must annually report to the commissioner by July 1 a summary of  
8.31 the district's efforts to screen and identify students with:

8.32 (1) dyslexia, using screening tools such as those recommended by the department's  
8.33 dyslexia and literacy specialist; or

9.1 (2) convergence insufficiency disorder.

9.2 ~~(b)~~ (d) A student identified under this subdivision must be provided with alternate  
9.3 instruction under section 125A.56, subdivision 1.

9.4 **EFFECTIVE DATE.** This section is effective July 1, 2019.

9.5 Sec. 5. Minnesota Statutes 2017 Supplement, section 120B.125, is amended to read:

9.6 **120B.125 PLANNING FOR STUDENTS' SUCCESSFUL TRANSITION TO**  
9.7 **POSTSECONDARY EDUCATION AND EMPLOYMENT; PERSONAL LEARNING**  
9.8 **PLANS.**

9.9 (a) Consistent with sections 120B.13, 120B.131, 120B.132, 120B.14, 120B.15, 120B.30,  
9.10 subdivision 1, paragraph (c), 125A.08, and other related sections, school districts, beginning  
9.11 in the 2013-2014 school year, must assist all students by no later than grade 9 to explore  
9.12 their educational, college, and career interests, aptitudes, and aspirations and develop a plan  
9.13 for a smooth and successful transition to postsecondary education or employment. All  
9.14 students' plans must:

9.15 (1) provide a comprehensive plan to prepare for and complete a career and college ready  
9.16 curriculum by meeting state and local academic standards and developing career and  
9.17 employment-related skills such as team work, collaboration, creativity, communication,  
9.18 critical thinking, and good work habits;

9.19 (2) emphasize academic rigor and high expectations and inform the student, and the  
9.20 student's parent or guardian if the student is a minor, of the student's achievement level  
9.21 score on the Minnesota Comprehensive Assessments that are administered during high  
9.22 school;

9.23 (3) help students identify interests, aptitudes, aspirations, and personal learning styles  
9.24 that may affect their career and college ready goals and postsecondary education and  
9.25 employment choices;

9.26 (4) set appropriate career and college ready goals with timelines that identify effective  
9.27 means for achieving those goals;

9.28 (5) help students access education and career options, including armed forces career  
9.29 options;

9.30 (6) integrate strong academic content into career-focused courses and applied and  
9.31 experiential learning opportunities and integrate relevant career-focused courses and applied  
9.32 and experiential learning opportunities into strong academic content;

10.1 (7) help identify and access appropriate counseling and other supports and assistance  
10.2 that enable students to complete required coursework, prepare for postsecondary education  
10.3 and careers, and obtain information about postsecondary education costs and eligibility for  
10.4 financial aid and scholarship;

10.5 (8) help identify collaborative partnerships among prekindergarten through grade 12  
10.6 schools, postsecondary institutions, economic development agencies, and local and regional  
10.7 employers that support students' transition to postsecondary education and employment and  
10.8 provide students with applied and experiential learning opportunities; and

10.9 (9) be reviewed and revised at least annually by the student, the student's parent or  
10.10 guardian, and the school or district to ensure that the student's course-taking schedule keeps  
10.11 the student making adequate progress to meet state and local academic standards and high  
10.12 school graduation requirements and with a reasonable chance to succeed with employment  
10.13 or postsecondary education without the need to first complete remedial course work.

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

10.18 (c) Educators must possess the knowledge and skills to effectively teach all English  
10.19 learners in their classrooms. School districts must provide appropriate curriculum, targeted  
10.20 materials, professional development opportunities for educators, and sufficient resources  
10.21 to enable English learners to become career and college ready.

10.22 (d) When assisting students in developing a plan for a smooth and successful transition  
10.23 to postsecondary education and employment, districts must recognize the unique possibilities  
10.24 of each student and ensure that the contents of each student's plan reflect the student's unique  
10.25 talents, skills, and abilities as the student grows, develops, and learns.

10.26 (e) If a student with a disability has an individualized education program (IEP) or  
10.27 standardized written plan that meets the plan components of this section, the IEP satisfies  
10.28 the requirement and no additional transition plan is needed.

10.29 (f) Students who do not meet or exceed Minnesota academic standards, as measured by  
10.30 the Minnesota Comprehensive Assessments that are administered during high school, shall  
10.31 be informed that admission to a public school is free and available to any resident under 21  
10.32 years of age or who meets the requirements of section 120A.20, subdivision 1, paragraph  
10.33 (c). A student's plan under this section shall continue while the student is enrolled.

11.1 (g) A school district must provide military recruiters the same access to secondary school  
 11.2 students as the district provides to institutions of higher education or to prospective employers  
 11.3 of students.

11.4 (h) School districts are encouraged to sponsor an armed forces career opportunity day  
 11.5 each school year prior to the third Thursday of November. A school district that sponsors  
 11.6 an armed forces career opportunity day shall extend invitations to recruiters from each  
 11.7 branch of the United States armed forces and allow the recruiters to make presentations to  
 11.8 all interested secondary school students.

11.9 Sec. 6. Minnesota Statutes 2017 Supplement, section 120B.35, subdivision 3, is amended  
 11.10 to read:

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

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

11.29 (b) ~~The commissioner, in consultation with a stakeholder group that includes assessment~~  
 11.30 ~~and evaluation directors, district staff, experts in culturally responsive teaching, and~~  
 11.31 ~~researchers, must implement a model that uses a value-added growth indicator and includes~~  
 11.32 ~~criteria for identifying schools and school districts that demonstrate medium and high growth~~  
 11.33 ~~under section 120B.299, subdivisions 8 and 9, and may recommend other value-added~~  
 11.34 ~~measures under section 120B.299, subdivision 3. The model may be used to advance~~

12.1 ~~educators' professional development and replicate programs that succeed in meeting students'~~  
 12.2 ~~diverse learning needs. Data on individual teachers generated under the model are personnel~~  
 12.3 ~~data under section 13.43. The model must allow users to:~~

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

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

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

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

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

12.26 (2) a rigorous coursework measure indicating the number and percentage of high school  
 12.27 graduates in the most recent school year who successfully completed one or more  
 12.28 college-level advanced placement, international baccalaureate, postsecondary enrollment  
 12.29 options including concurrent enrollment, other rigorous courses of study under section  
 12.30 120B.021, subdivision 1a, or industry certification courses or programs.

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

13.1 (d) When reporting student performance under section 120B.36, subdivision 1, the  
13.2 commissioner annually, beginning July 1, 2014, must report summary data on school safety  
13.3 and students' engagement and connection at school, consistent with the student categories  
13.4 identified under paragraph (a), clause (2). The summary data under this paragraph are  
13.5 separate from and must not be used for any purpose related to measuring or evaluating the  
13.6 performance of classroom teachers. The commissioner, in consultation with qualified experts  
13.7 on student engagement and connection and classroom teachers, must identify highly reliable  
13.8 variables that generate summary data under this paragraph. The summary data may be used  
13.9 at school, district, and state levels only. Any data on individuals received, collected, or  
13.10 created that are used to generate the summary data under this paragraph are nonpublic data  
13.11 under section 13.02, subdivision 9.

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

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

13.18 (2) the percent of students under this paragraph whose progress and performance levels  
13.19 are meeting career and college readiness benchmarks under section 120B.30, subdivision  
13.20 1; and

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

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

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

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

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

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

13.29 (f) The commissioner, in consultation with recognized experts with knowledge and  
13.30 experience in assessing the language proficiency and academic performance of all English  
13.31 learners enrolled in a Minnesota public school course or program who are currently or were  
13.32 previously counted as an English learner under section 124D.59, must identify and report  
13.33 appropriate and effective measures to improve current categories of language difficulty and

14.1 assessments, and monitor and report data on students' English proficiency levels, program  
14.2 placement, and academic language development, including oral academic language.

14.3 (g) When reporting ~~four- and six-year~~ graduation rates, including four-year graduation  
14.4 rates, the commissioner or school district must disaggregate the data by student categories  
14.5 according to paragraph (a), clause (2).

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

14.11 **Sec. 7. [120B.355] ACADEMIC ACHIEVEMENT RATING SYSTEM.**

14.12 Subdivision 1. Commissioner duties. (a) The commissioner of education must develop  
14.13 an academic achievement rating system consistent with this section to provide parents and  
14.14 students with a brief overview of student performance and growth in schools and districts  
14.15 across the state.

14.16 (b) Each school and district must be assigned a star rating based on the criteria provided  
14.17 in this section. Star ratings must range from one star for the lowest performing schools and  
14.18 districts to five stars for the highest performing schools and districts.

14.19 (c) Each school and district must be assigned an academic achievement score on a scale  
14.20 of zero to 100 that equals the average of the equally weighted factors used to determine a  
14.21 school's or district's star rating under subdivisions 3 to 5.

14.22 (d) The star rating and academic achievement score of each school and district must be  
14.23 reported annually on the Department of Education's Web site as part of the commissioner's  
14.24 school performance reports pursuant to section 120B.36.

14.25 (e) The commissioner must examine how revisions to statewide assessments under  
14.26 section 120B.30 impact school and district ratings under this section. The commissioner  
14.27 may adjust school and district ratings accordingly to maintain consistency in reporting.

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

14.30 (b) "Academic growth rate" means the average level of improvement in statewide test  
14.31 results for the current year over the previous year across all student groups in a school.  
14.32 Student improvement shall be quantified in a form and manner prescribed by the

15.1 commissioner consistent with the approved state Every Student Succeeds Act plan to  
15.2 standardize this measurement across all schools and districts. The commissioner must  
15.3 convert a school's academic growth rate to a score on a scale of zero to 100 for purposes of  
15.4 determining a school's star rating under subdivision 3.

15.5 (c) "Low-income student achievement gap score" means 100 minus the average of: (1)  
15.6 the statewide percentage of non-low-income students who are rated proficient on the  
15.7 statewide reading test minus a school's percentage of low-income students who are rated  
15.8 proficient on the statewide reading test; and (2) the statewide percentage of non-low-income  
15.9 students who are rated proficient on the statewide math test minus a school's percentage of  
15.10 low-income students who are rated proficient on the statewide math test.

15.11 (d) "Students of color achievement gap score" means 100 minus the average of: (1) the  
15.12 statewide percentage of white students who are rated proficient on the statewide reading  
15.13 test minus a school's percentage of students of color who are rated proficient on the statewide  
15.14 reading test; and (2) the statewide percentage of white students who are rated proficient on  
15.15 the statewide math test minus a school's percentage of students of color who are rated  
15.16 proficient on the statewide math test.

15.17 (e) "Four-year graduation rate gap score" means 100 minus the difference between the  
15.18 statewide four-year high school graduation rate for non-low-income students and a school's  
15.19 four-year high school graduation rate for low-income students.

15.20 (f) "Low-income students" means students who qualify for free or reduced-price school  
15.21 lunch.

15.22 (g) "Proficient" means a student meets or exceeds federal accountability standards on  
15.23 statewide assessments in reading and math consistent with the approved state Every Student  
15.24 Succeeds Act plan.

15.25 (h) "Statewide reading test" and "statewide math test" mean the statewide reading and  
15.26 mathematics assessments developed and administered pursuant to section 120B.30.

15.27 (i) "Students of color" means students who identify themselves as American Indian,  
15.28 Asian, Hispanic, Black, or two or more races consistent with section 120B.35, subdivision  
15.29 3, paragraph (a), clause (2).

15.30 Subd. 3. **Primary school rating components.** The commissioner must assign all  
15.31 elementary and middle schools a star rating based on the following equally weighted factors  
15.32 unique to each school:

15.33 (1) the percentage of students rated proficient on the statewide reading test;

- 16.1 (2) the percentage of students rated proficient on the statewide math test;
- 16.2 (3) the academic growth rate for the statewide reading test;
- 16.3 (4) the academic growth rate for the statewide math test;
- 16.4 (5) the low-income student achievement gap score;
- 16.5 (6) the students of color achievement gap score;
- 16.6 (7) the English learner proficiency rate, as defined in the approved state Every Student
- 16.7 Succeeds Act plan; and
- 16.8 (8) the consistent attendance rate, as defined in the approved state Every Student Succeeds
- 16.9 Act plan.
- 16.10 Subd. 4. **Secondary school rating components.** The commissioner must assign all high
- 16.11 schools a star rating based on the following equally weighted factors unique to each school:
- 16.12 (1) the percentage of students rated proficient on the statewide reading test;
- 16.13 (2) the percentage of students rated proficient on the statewide math test;
- 16.14 (3) the four-year graduation rate gap score;
- 16.15 (4) the low-income student achievement gap score;
- 16.16 (5) the students of color achievement gap score;
- 16.17 (6) the English learner proficiency rate, as defined in the approved state Every Student
- 16.18 Succeeds Act plan; and
- 16.19 (7) the consistent attendance rate, as defined in the approved state Every Student Succeeds
- 16.20 Act plan.
- 16.21 Subd. 5. **District rating components.** The commissioner must assign all districts a star
- 16.22 rating based on the following equally weighted factors unique to each district:
- 16.23 (1) the percentage of third grade students rated proficient on the statewide reading test;
- 16.24 (2) the low-income student achievement gap score, as applied at the district level;
- 16.25 (3) the students of color achievement gap score, as applied at the district level;
- 16.26 (4) the percentage of high school students rated proficient on the statewide reading test;
- 16.27 (5) the percentage of high school students rated proficient on the statewide math test;
- 16.28 and
- 16.29 (6) the district's four-year high school graduation rate.

17.1 Sec. 8. Minnesota Statutes 2017 Supplement, section 120B.36, subdivision 1, is amended  
17.2 to read:

17.3 Subdivision 1. **School performance reports and public reporting.** (a) The commissioner  
17.4 shall report: student academic performance data under section 120B.35, subdivisions 2 and  
17.5 3; school and district academic achievement ratings under section 120B.355; the percentages  
17.6 of students showing low, medium, and high growth under section 120B.35, subdivision 3,  
17.7 paragraph (b); school safety and student engagement and connection under section 120B.35,  
17.8 subdivision 3, paragraph (d); rigorous coursework under section 120B.35, subdivision 3,  
17.9 paragraph (c); the percentage of students under section 120B.35, subdivision 3, paragraph  
17.10 (b), clause (2), whose progress and performance levels are meeting career and college  
17.11 readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35, subdivision 3,  
17.12 paragraph (e); longitudinal data on the progress of eligible districts in reducing disparities  
17.13 in students' academic achievement and realizing racial and economic integration under  
17.14 section 124D.861; the acquisition of English, and where practicable, native language  
17.15 academic literacy, including oral academic language, and the academic progress of all  
17.16 English learners enrolled in a Minnesota public school course or program who are currently  
17.17 or were previously counted as English learners under section 124D.59; two separate  
17.18 student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections  
17.19 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding  
17.20 salaries; student enrollment demographics; foster care status, including all students enrolled  
17.21 in a Minnesota public school course or program who are currently or were previously in  
17.22 foster care, student homelessness, and district mobility; and extracurricular activities.

17.23 (b) The school performance report for a school site and a school district must include  
17.24 school performance reporting information, including a prominent display of both the school's  
17.25 or district's star rating and academic achievement score assigned by the commissioner under  
17.26 section 120B.355 and must calculate proficiency and growth rates as required by the most  
17.27 recently reauthorized Elementary and Secondary Education Act.

17.28 (c) The commissioner shall develop, annually update, and post on the department Web  
17.29 site school performance reports consistent with paragraph (a) and section 120B.11.

17.30 (d) The commissioner must make available performance reports by the beginning of  
17.31 each school year.

17.32 (e) A school or district may appeal its results in a form and manner determined by the  
17.33 commissioner and consistent with federal law. The commissioner's decision to uphold or  
17.34 deny an appeal is final.

18.1 (f) School performance data are nonpublic data under section 13.02, subdivision 9, until  
18.2 the commissioner publicly releases the data. The commissioner shall annually post school  
18.3 performance reports to the department's public Web site no later than September 1, except  
18.4 that in years when the reports reflect new performance standards, the commissioner shall  
18.5 post the school performance reports no later than October 1.

18.6 Sec. 9. Minnesota Statutes 2016, section 120B.36, subdivision 2, is amended to read:

18.7 Subd. 2. **Student progress and other data.** (a) All data the department receives, collects,  
18.8 or creates under section 120B.11, governing the world's best workforce, or uses to determine  
18.9 and set goals for federal expectations under the most recently reauthorized Elementary and  
18.10 Secondary Education Act, set state growth targets, and determine student growth, learning,  
18.11 and outcomes under section 120B.35 are nonpublic data under section 13.02, subdivision  
18.12 9, until the commissioner publicly releases the data.

18.13 (b) Districts must provide parents sufficiently detailed summary data to permit parents  
18.14 to appeal under the most recently reauthorized federal Elementary and Secondary Education  
18.15 Act. The commissioner shall annually post federal expectations and state student growth,  
18.16 learning, and outcome data to the department's public Web site no later than September 1,  
18.17 except that in years when data or federal expectations reflect new performance standards,  
18.18 the commissioner shall post data on federal expectations and state student growth data no  
18.19 later than October 1.

18.20 Sec. 10. Minnesota Statutes 2016, section 121A.22, subdivision 1, is amended to read:

18.21 Subdivision 1. **Applicability.** (a) This section applies only:

18.22 (1) when the parent of a pupil requests school personnel to administer drugs or medicine  
18.23 to the pupil; or

18.24 (2) when administration is allowed by the individualized education program of a child  
18.25 with a disability.

18.26 The request of a parent may be oral or in writing. An oral request must be reduced to  
18.27 writing within two school days, provided that the district may rely on an oral request until  
18.28 a written request is received.

18.29 (b) If the administration of a drug or medication described in paragraph (a) requires the  
18.30 school to store the drugs or medication, the parent or legal guardian must inform the school  
18.31 if the drug or medication is a controlled substance. For drugs or medications that are not  
18.32 controlled substances, the request must include a provision designating the school district

19.1 as an authorized entity to transport the drug or medication for the purpose of destruction if  
 19.2 any unused drug or medication is left in the possession of school personnel. For drugs or  
 19.3 medications that are controlled substances, the request must specify that the parent or legal  
 19.4 guardian is required to retrieve the drug when requested by the school.

19.5 Sec. 11. Minnesota Statutes 2016, section 121A.22, is amended by adding a subdivision  
 19.6 to read:

19.7 Subd. 4a. **Unclaimed drugs or medications.** (a) Each school district shall adopt a  
 19.8 procedure for the collection and transport of any unclaimed or abandoned prescription drugs  
 19.9 or over-the-counter medications left in the possession of school personnel in accordance  
 19.10 with this subdivision. The procedure must ensure that before the transportation of any  
 19.11 prescription drug under this subdivision, the school district shall make a reasonable attempt  
 19.12 to return the unused prescription drug to the student's parent or legal guardian. The procedure  
 19.13 must provide that transportation of unclaimed or unused prescription drugs or  
 19.14 over-the-counter medications occur at least annually, or more frequently as determined by  
 19.15 the school district.

19.16 (b) If the unclaimed or abandoned prescription drug is not a controlled substance as  
 19.17 defined under section 152.01, subdivision 4, or is an over-the-counter medication, the school  
 19.18 district may designate an individual who shall be responsible for transporting these drugs  
 19.19 or medications to a designated drop-off box or collection bin or may request a law  
 19.20 enforcement agency to transport the drugs or medications to a drop-off box or collection  
 19.21 bin on behalf of the school district.

19.22 (c) If the unclaimed or abandoned prescription drug is a controlled substance as defined  
 19.23 in section 152.01, subdivision 4, a school district or school personnel is prohibited from  
 19.24 transporting the prescription drug to a drop-off box or collection site for prescription drugs  
 19.25 identified under this paragraph. The school district must request a law enforcement agency  
 19.26 to transport the prescription drug or medication to a collection bin that complies with Drug  
 19.27 Enforcement Agency regulations, or if a bin is not available, under the agency's procedure  
 19.28 for transporting drugs.

19.29 Sec. 12. Minnesota Statutes 2016, section 121A.39, is amended to read:

19.30 **121A.39 SCHOOL COUNSELORS.**

19.31 (a) A school district is strongly encouraged to have an adequate student-to-counselor  
 19.32 ratio for its students beginning in the 2015-2016 school year and later.

20.1 (b) A school counselor shall assist a student in meeting the requirements for high school  
 20.2 graduation, college and career exploration, and selection, college affordability planning,  
 20.3 and successful transitions into postsecondary education or training. As part of college and  
 20.4 career exploration, a counselor is encouraged to present and explain the career opportunities  
 20.5 and benefits offered by the United States armed forces and share information provided to  
 20.6 the counselor by armed forces recruiters. In discussing military service with a student or a  
 20.7 student's parent, a school counselor is encouraged to provide the student or parent information  
 20.8 concerning the military enlistment test.

20.9 Sec. 13. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision  
 20.10 to read:

20.11 **Subd. 12. Nonexclusionary disciplinary policies and practices; alternatives to pupil**  
 20.12 **removal and dismissal.** "Nonexclusionary disciplinary policies and practices" means  
 20.13 policies and practices that are alternatives to removing a pupil from class or dismissing a  
 20.14 pupil from school, including, but not limited to, positive behavioral interventions and  
 20.15 supports and alternative education services, that require school officials to intervene in,  
 20.16 redirect, and support a pupil's behavior before removing a pupil from class or beginning  
 20.17 dismissal proceedings. Nonexclusionary disciplinary policies and practices include but are  
 20.18 not limited to the policies and practices under sections 121A.031, subdivision 4, paragraph  
 20.19 (a), clause (1); 121A.575, clauses (1) and (2); and 121A.61, subdivision 3, paragraph (q).

20.20 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

20.21 Sec. 14. Minnesota Statutes 2016, section 121A.41, is amended by adding a subdivision  
 20.22 to read:

20.23 **Subd. 13. Pupil withdrawal agreements.** "Pupil withdrawal agreements" means a verbal  
 20.24 or written agreement between a school or district administrator and a pupil's parent or  
 20.25 guardian to withdraw a student from the school district to avoid expulsion or exclusion  
 20.26 dismissal proceedings. The duration of the withdrawal agreement may be no longer than  
 20.27 12 months.

20.28 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

20.29 Sec. 15. Minnesota Statutes 2016, section 121A.42, is amended to read:

20.30 **121A.42 POLICY.**

21.1 (a) No public school shall deny due process or equal protection of the law to any public  
 21.2 school pupil involved in a dismissal proceeding which may result in suspension, exclusion,  
 21.3 or expulsion.

21.4 (b) School officials are encouraged to use nonexclusionary disciplinary policies and  
 21.5 practices before beginning dismissal proceedings.

21.6 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

21.7 Sec. 16. Minnesota Statutes 2016, section 121A.45, is amended to read:

21.8 **121A.45 GROUNDS FOR DISMISSAL.**

21.9 Subdivision 1. **Provision of alternative programs.** No school shall dismiss any pupil  
 21.10 without attempting to provide alternative educational services or use nonexclusionary  
 21.11 disciplinary policies and practices before dismissal proceedings, except where it appears  
 21.12 that the pupil will create an immediate and substantial danger to self or to surrounding  
 21.13 persons or property.

21.14 Subd. 2. **Grounds for dismissal.** A pupil may be dismissed ~~on any of the following~~  
 21.15 ~~grounds~~ for:

21.16 ~~(a) (1)~~ (1) willful violation of any reasonable school board regulation. ~~Such regulation must~~  
 21.17 ~~be~~ that is specific and sufficiently clear and definite to provide notice to pupils that they  
 21.18 must conform their conduct to its requirements;

21.19 ~~(b) (2)~~ (2) willful conduct that significantly disrupts the rights of others to an education, or  
 21.20 the ability of school personnel to perform their duties, or school sponsored extracurricular  
 21.21 activities; or

21.22 ~~(c) (3)~~ (3) willful conduct that endangers the pupil or other pupils, or surrounding persons,  
 21.23 including school district employees, or property of the school.

21.24 ~~Subd. 3. **Parent notification and meeting.** If a pupil's total days of removal from school~~  
 21.25 ~~exceeds ten cumulative days in a school year, the school district shall make reasonable~~  
 21.26 ~~attempts to convene a meeting with the pupil and the pupil's parent or guardian before~~  
 21.27 ~~subsequently removing the pupil from school and, with the permission of the parent or~~  
 21.28 ~~guardian, arrange for a mental health screening for the pupil. The district is not required to~~  
 21.29 ~~pay for the mental health screening. The purpose of this meeting is to attempt to determine~~  
 21.30 ~~the pupil's need for assessment or other services or whether the parent or guardian should~~  
 21.31 ~~have the pupil assessed or diagnosed to determine whether the pupil needs treatment for a~~  
 21.32 ~~mental health disorder.~~

22.1 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

22.2 Sec. 17. Minnesota Statutes 2016, section 121A.46, subdivision 2, is amended to read:

22.3 Subd. 2. **Administrator notifies pupil of grounds for suspension.** At the informal  
 22.4 administrative conference, a school administrator shall notify the pupil of the grounds for  
 22.5 the suspension, ~~provide an explanation of~~ and explain the evidence the authorities have,  
 22.6 ~~and the pupil may present the pupil's version of the facts.~~ The pupil may present the pupil's  
 22.7 version of the facts and ask questions but is not required to do so.

22.8 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

22.9 Sec. 18. Minnesota Statutes 2016, section 121A.46, subdivision 3, is amended to read:

22.10 Subd. 3. **Written notice of grounds for suspension.** A written notice ~~containing~~ of  
 22.11 grounds for suspension shall be personally served upon the pupil at or before the time the  
 22.12 suspension is to take effect and served upon the pupil's parent or guardian electronically or  
 22.13 by mail within 48 hours of the conference. A written notice required under this section must  
 22.14 contain:

22.15 (1) the grounds for suspension;

22.16 (2) a brief statement of the facts;

22.17 (3) a description of the testimony;

22.18 (4) documents indicating the nonexclusionary disciplinary policies and practices initially  
 22.19 used with the pupil, if applicable;

22.20 (5) the length of the suspension;

22.21 (6) a readmission plan; that includes the pupil's date of return to school;

22.22 (7) a request for a meeting with the pupil's parent or guardian consistent with subdivision  
 22.23 3a; and

22.24 (8) a copy of sections 121A.40 to 121A.56, shall be personally served upon the pupil at  
 22.25 or before the time the suspension is to take effect, and upon the pupil's parent or guardian  
 22.26 by mail within 48 hours of the conference.

22.27 The district shall make reasonable efforts to notify the parents of the suspension by telephone  
 22.28 or electronically as soon as possible following the suspension. In the event a pupil is  
 22.29 suspended without an informal administrative conference on the grounds that the pupil will  
 22.30 create an immediate and substantial danger to surrounding persons or property, the written

23.1 notice shall be served upon the pupil and the pupil's parent or guardian within 48 hours of  
 23.2 the suspension. Service by mail is complete upon mailing.

23.3 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

23.4 Sec. 19. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision  
 23.5 to read:

23.6 Subd. 3a. **Parent notification and meeting; suspension; mental health screening.** (a)  
 23.7 After suspending a pupil from school, a school official must make reasonable attempts to  
 23.8 convene a meeting with the pupil and the pupil's parent or guardian within 30 calendar days  
 23.9 of the dismissal. The purpose of the meeting is to engage the pupil's parent or guardian in  
 23.10 developing a plan to help the pupil succeed in school by addressing the behavior that led  
 23.11 to the dismissal.

23.12 (b) If a pupil's total days of removal from school exceeds ten cumulative days in a school  
 23.13 year, the school district shall make reasonable attempts to convene a meeting with the pupil  
 23.14 and the pupil's parent or guardian before subsequently removing the pupil from school and,  
 23.15 with the permission of the parent or guardian, arrange for a mental health screening for the  
 23.16 pupil. The district is not required to pay for the mental health screening. The purpose of  
 23.17 this meeting is to attempt to determine the pupil's need for assessment or other services or  
 23.18 whether the parent or guardian should have the pupil assessed or diagnosed to determine  
 23.19 whether the pupil needs treatment for a mental health disorder.

23.20 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

23.21 Sec. 20. Minnesota Statutes 2016, section 121A.46, is amended by adding a subdivision  
 23.22 to read:

23.23 Subd. 5. **Minimum education services.** School officials must give a suspended pupil  
 23.24 a reasonable opportunity to complete all school work assigned during the pupil's suspension  
 23.25 and to receive full credit for satisfactorily completing the assignments. The school principal  
 23.26 or other person having administrative control of the school building or program is encouraged  
 23.27 to designate a district or school employee as a liaison to work with the pupil's teachers to  
 23.28 allow the suspended pupil to (1) receive timely course materials and other information, and  
 23.29 (2) complete daily and weekly assignments and receive teachers' feedback.

23.30 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

24.1 Sec. 21. Minnesota Statutes 2016, section 121A.47, subdivision 2, is amended to read:

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

24.3 ~~(a)~~ (1) be served upon the pupil and the pupil's parent or guardian personally or by mail;

24.4 ~~(b)~~ (2) contain a complete statement of the facts, a list of the witnesses and a description  
24.5 of their testimony;

24.6 ~~(c)~~ (3) explain the grounds for expelling the pupil instead of imposing nonexclusionary  
24.7 disciplinary policies and practices under section 121A.41, subdivision 12;

24.8 (4) state the date, time, and place of the hearing;

24.9 ~~(d)~~ (5) be accompanied by a copy of sections 121A.40 to 121A.56;

24.10 ~~(e)~~ (6) describe alternative educational services accorded the pupil in an attempt to avoid  
24.11 the exclusion or expulsion proceedings; and

24.12 ~~(f)~~ (7) inform the pupil and parent or guardian of the right to:

24.13 ~~(1)~~ (i) have a representative of the pupil's own choosing, including legal counsel, at the  
24.14 hearing. The district ~~shall~~ must advise the pupil's parent or guardian that free or low-cost  
24.15 legal assistance may be available and that a legal assistance resource list is available from  
24.16 the Department of Education;

24.17 ~~(2)~~ (ii) examine the pupil's records before the hearing;

24.18 ~~(3)~~ (iii) present evidence; and

24.19 ~~(4)~~ (iv) confront and cross-examine witnesses.

24.20 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

24.21 Sec. 22. Minnesota Statutes 2016, section 121A.53, subdivision 1, is amended to read:

24.22 Subdivision 1. **Exclusions and expulsions; physical assaults.** Consistent with  
24.23 subdivision 2, the school board must ~~report through~~ use the department electronic reporting  
24.24 system to report to the commissioner each exclusion or expulsion ~~and,~~ each physical assault  
24.25 of a district employee by a ~~student~~ pupil, and each pupil withdrawal agreement within 30  
24.26 days of the effective date of the dismissal action or assault ~~to the commissioner of education.~~  
24.27 This report must ~~include a statement of alternative educational services, or other sanction,~~  
24.28 ~~intervention, or resolution in response to the assault given the pupil and the reason for,~~  
24.29 identify:

24.30 (1) the pupil's behavior leading to the discipline;

25.1 (2) the nonexclusionary disciplinary policies and practices used, if applicable;

25.2 (3) any attempts to provide the pupil with alternative education services before excluding  
 25.3 or expelling the pupil;

25.4 (4) the effective date, and of the disciplinary action; and

25.5 (5) the duration of the exclusion or expulsion or other sanction, intervention, or resolution.

25.6 The report must also include the ~~student's~~ pupil's age, grade, gender, race, and special  
 25.7 education status.

25.8 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

25.9 Sec. 23. Minnesota Statutes 2016, section 121A.55, is amended to read:

25.10 **121A.55 POLICIES TO BE ESTABLISHED.**

25.11 (a) The commissioner of education shall promulgate guidelines to assist each school  
 25.12 board. Each school board shall establish uniform criteria for dismissal and adopt written  
 25.13 policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies  
 25.14 shall emphasize preventing dismissals through early detection of problems and shall be  
 25.15 designed to address ~~students'~~ pupils' inappropriate behavior from recurring.

25.16 (b) The policies shall recognize the continuing responsibility of the school for the  
 25.17 education of the pupil during the dismissal period. The alternative educational services, if  
 25.18 the pupil wishes to take advantage of them, must be adequate to allow the pupil to make  
 25.19 progress towards meeting the graduation standards adopted under section 120B.02 and help  
 25.20 prepare the pupil for readmission, and are consistent with section 121A.46, subdivision 5.

25.21 (c) For expulsion and exclusion dismissals, as well as pupil withdrawal agreements as  
 25.22 defined in section 121A.41, subdivision 13:

25.23 (1) if school-linked mental health services are provided in the district under section  
 25.24 245.4889, pupils continue to be eligible for those services until they are enrolled in a new  
 25.25 district; and

25.26 (2) the district must provide to the pupil's parent or guardian a list of mental health and  
 25.27 counseling services available to the pupil after expulsion. The list must also be posted on  
 25.28 the district's Web site.

25.29 ~~(b)~~ (d) An area learning center under section 123A.05 may not prohibit an expelled or  
 25.30 excluded pupil from enrolling solely because a district expelled or excluded the pupil. The

26.1 board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to  
 26.2 exclude a pupil or to require an admission plan.

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

26.6 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

26.7 Sec. 24. Minnesota Statutes 2016, section 121A.61, is amended to read:

26.8 **121A.61 DISCIPLINE AND REMOVAL OF ~~STUDENTS~~ PUPILS FROM CLASS.**

26.9 Subdivision 1. **Required policy.** Each school board must adopt a written districtwide  
 26.10 school discipline policy which includes written rules of conduct for ~~students~~ pupils, ~~minimum~~  
 26.11 potential consequences for violations of the rules, parental notification requirements, and  
 26.12 grounds and procedures for removal of a ~~student~~ pupil from class. The board must develop  
 26.13 the policy ~~must be developed~~ in consultation with administrators, teachers, employees,  
 26.14 pupils, parents, community members, law enforcement agencies, county attorney offices,  
 26.15 social service agencies, and such other individuals or organizations as the board determines  
 26.16 appropriate. A school site council may adopt additional provisions to the policy subject to  
 26.17 the approval of the school board.

26.18 Subd. 2. **Grounds for removal from class.** The policy must establish the various grounds  
 26.19 for which a ~~student~~ pupil may be removed from a class in the district for a period of time  
 26.20 under the procedures specified in the policy. The policy must include a procedure for  
 26.21 notifying and meeting with a ~~student's~~ pupil's parent or guardian to discuss the problem that  
 26.22 is causing the ~~student~~ pupil to be removed from class after the ~~student~~ pupil has been removed  
 26.23 from class more than ~~ten~~ five times in one school year. The grounds in the policy must  
 26.24 include at least the following provisions as well as other grounds determined appropriate  
 26.25 by the board:

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

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

26.31 (c) willful violation of any rule of conduct specified in the discipline policy adopted by  
 26.32 the board.

- 27.1 Subd. 3. **Policy components.** The policy must include at least the following components:
- 27.2 (a) rules governing ~~student~~ pupil conduct and procedures for informing ~~students~~ pupils
- 27.3 of the rules;
- 27.4 (b) the grounds for removal of a ~~student~~ pupil from a class;
- 27.5 (c) the authority of the classroom teacher to remove ~~students~~ pupils from the classroom
- 27.6 pursuant to procedures and rules established in the district's policy;
- 27.7 (d) the procedures for removal of a ~~student~~ pupil from a class by a teacher, school
- 27.8 administrator, or other school district employee;
- 27.9 (e) the period of time for which a ~~student~~ pupil may be removed from a class, which
- 27.10 may not exceed five class periods for a violation of a rule of conduct;
- 27.11 (f) provisions relating to the responsibility for and custody of a ~~student~~ pupil removed
- 27.12 from a class;
- 27.13 (g) the procedures for return of a ~~student~~ pupil to the specified class from which the
- 27.14 ~~student~~ pupil has been removed;
- 27.15 (h) the procedures for notifying a ~~student~~ pupil and the ~~student's~~ pupil's parents or
- 27.16 guardian of violations of the rules of conduct and of resulting disciplinary actions;
- 27.17 (i) any procedures determined appropriate for encouraging early involvement of parents
- 27.18 or guardians in attempts to improve a ~~student's~~ pupil's behavior;
- 27.19 (j) any procedures determined appropriate for encouraging early detection of behavioral
- 27.20 problems;
- 27.21 (k) any procedures determined appropriate for referring a ~~student~~ pupil in need of special
- 27.22 education services to those services;
- 27.23 (l) the procedures for consideration of whether there is a need for a further assessment
- 27.24 or of whether there is a need for a review of the adequacy of a current individualized
- 27.25 education program of a ~~student~~ pupil with a disability who is removed from class;
- 27.26 (m) procedures for detecting and addressing chemical abuse problems of a ~~student~~ pupil
- 27.27 while on the school premises;
- 27.28 (n) the ~~minimum~~ potential consequences for violations of the code of conduct;
- 27.29 (o) procedures for immediate and appropriate interventions tied to violations of ~~the code~~;

28.1 (p) a provision that states that a teacher, school employee, school bus driver, or other  
 28.2 agent of a district may use reasonable force in compliance with section 121A.582 and other  
 28.3 laws;

28.4 (q) an agreement regarding procedures to coordinate crisis services to the extent funds  
 28.5 are available with the county board responsible for implementing sections 245.487 to  
 28.6 245.4889 for ~~students~~ pupils with a serious emotional disturbance or other ~~students~~ pupils  
 28.7 who have an individualized education program whose behavior may be addressed by crisis  
 28.8 intervention; and

28.9 (r) a provision that states a ~~student~~ pupil must be removed from class immediately if the  
 28.10 ~~student~~ pupil engages in assault or violent behavior. For purposes of this paragraph, "assault"  
 28.11 has the meaning given it in section 609.02, subdivision 10. The removal shall be for a period  
 28.12 of time deemed appropriate by the principal, in consultation with the teacher.

28.13 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

28.14 Sec. 25. Minnesota Statutes 2016, section 121A.67, is amended by adding a subdivision  
 28.15 to read:

28.16 **Subd. 3. Parent notification.** A school administrator must make and document efforts  
 28.17 to immediately contact the parent or guardian of a pupil removed from a school building  
 28.18 or school grounds by a peace or school resource officer unless such notice is specifically  
 28.19 prohibited by law. If a pupil is secluded, a school administrator must make reasonable efforts  
 28.20 to notify the pupil's parent or guardian of the seclusion by the end of the same school day.

28.21 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

28.22 Sec. 26. Minnesota Statutes 2017 Supplement, section 122A.09, is amended by adding a  
 28.23 subdivision to read:

28.24 **Subd. 4b. Essential data.** The Professional Educator Licensing and Standards Board  
 28.25 shall maintain a list of essential data elements which must be recorded and stored about  
 28.26 each licensed and nonlicensed staff member. Each school district must provide the essential  
 28.27 data to the board in the form and manner prescribed by the board.

28.28 Sec. 27. Minnesota Statutes 2016, section 123B.14, subdivision 7, is amended to read:

28.29 **Subd. 7. Clerk records.** The clerk shall keep a record of all meetings of the district and  
 28.30 the board in books provided by the district for that purpose. The clerk shall, within three  
 28.31 days after an election, notify all persons elected of their election. By September 15 of each

29.1 year the clerk shall file with the board a report of the revenues, expenditures and balances  
 29.2 in each fund for the preceding fiscal year. The report together with vouchers and supporting  
 29.3 documents shall subsequently be examined by a public accountant or the state auditor, either  
 29.4 of whom shall be paid by the district, as provided in section 123B.77, subdivision 3. The  
 29.5 board shall by resolution approve the report or require a further or amended report. ~~By~~  
 29.6 ~~September 15 of each year, the clerk shall make and transmit to the commissioner certified~~  
 29.7 ~~reports, showing:~~

29.8 ~~(1) the revenues and expenditures in detail, and such other financial information required~~  
 29.9 ~~by law, rule, or as may be called for by the commissioner;~~

29.10 ~~(2) the length of school term and the enrollment and attendance by grades; and~~

29.11 ~~(3) such other items of information as may be called for by the commissioner.~~

29.12 The clerk shall enter in the clerk's record book copies of all reports and of the teachers'  
 29.13 term reports, as they appear in the registers, and of the proceedings of any meeting as  
 29.14 furnished by the clerk pro tem, and keep an itemized account of all the expenses of the  
 29.15 district. The clerk shall furnish to the auditor of the proper county, by September 30 of each  
 29.16 year, an attested copy of the clerk's record, showing the amount of proposed property tax  
 29.17 voted by the district or the board for school purposes; draw and sign all orders upon the  
 29.18 treasurer for the payment of money for bills allowed by the board for salaries of officers  
 29.19 and for teachers' wages and all claims, to be countersigned by the chair. Such orders must  
 29.20 state the consideration, payee, and the fund and the clerk shall take a receipt therefor.  
 29.21 Teachers' wages shall have preference in the order in which they become due, and no money  
 29.22 applicable for teachers' wages shall be used for any other purpose, nor shall teachers' wages  
 29.23 be paid from any fund except that raised or apportioned for that purpose.

29.24 Sec. 28. Minnesota Statutes 2016, section 124D.78, subdivision 2, is amended to read:

29.25 Subd. 2. **Resolution of concurrence.** Prior to March 1, the school board or American  
 29.26 Indian school must submit to the department a copy of a resolution adopted by the American  
 29.27 Indian education parent advisory committee. The copy must be signed by the chair of the  
 29.28 committee and must state whether the committee concurs with the educational programs  
 29.29 for American Indian students offered by the school board or American Indian school. If the  
 29.30 committee does not concur with the educational programs, the reasons for nonconcurrence  
 29.31 and recommendations shall be submitted directly to the school board with the resolution.  
 29.32 By resolution, the board must respond in writing within 60 days, in cases of nonconcurrence,  
 29.33 to each recommendation made by the committee and state its reasons for not implementing  
 29.34 the recommendations.

30.1 Sec. 29. Minnesota Statutes 2016, section 125B.07, subdivision 6, is amended to read:

30.2 Subd. 6. **Essential data.** The department shall maintain a list of essential data elements  
 30.3 which must be recorded and stored about each pupil, ~~licensed and nonlicensed staff member,~~  
 30.4 and educational program. Each school district must provide the essential data to the  
 30.5 department in the form and format prescribed by the department.

30.6 Sec. 30. Minnesota Statutes 2016, section 126C.15, subdivision 5, is amended to read:

30.7 Subd. 5. **Annual expenditure report.** Each year a district that receives basic skills  
 30.8 revenue must submit a report identifying the expenditures it incurred to meet the needs of  
 30.9 eligible learners under subdivision 1. The report must conform to uniform financial and  
 30.10 reporting standards established for this purpose. Using valid and reliable data and  
 30.11 measurement criteria, ~~the a report also must determine~~ that determines whether increased  
 30.12 expenditures raised student achievement levels must be reported under section 120B.11.

30.13 Sec. 31. Minnesota Statutes 2017 Supplement, section 609A.03, subdivision 7a, is amended  
 30.14 to read:

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

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

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

30.25 (2) when a criminal justice agency seeks access to a record that was sealed under section  
 30.26 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing  
 30.27 for lack of probable cause, for purposes of a criminal investigation, prosecution, or  
 30.28 sentencing, the requesting agency must obtain an ex parte court order after stating a  
 30.29 good-faith basis to believe that opening the record may lead to relevant information;

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

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

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

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

31.12 (c) An agency or jurisdiction subject to an expungement order shall maintain the record  
31.13 in a manner that provides access to the record by a criminal justice agency under paragraph  
31.14 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau  
31.15 of Criminal Apprehension shall notify the commissioner of human services, and the  
31.16 Professional Educator Licensing and Standards Board, ~~or the licensing division of the~~  
31.17 ~~Department of Education~~ of the existence of a sealed record and of the right to obtain access  
31.18 under paragraph (b), clause (4) or (5). Upon request, the agency or jurisdiction subject to  
31.19 the expungement order shall provide access to the record to the commissioner of human  
31.20 services, the Professional Educator Licensing and Standards Board, or the licensing division  
31.21 of the Department of Education under paragraph (b), clause (4) or (5).

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

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

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

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

32.1 Sec. 32. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 2, is amended  
32.2 to read:

32.3 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings  
32.4 given them unless the specific content indicates otherwise:

32.5 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence  
32.6 or event which:

32.7 (1) is not likely to occur and could not have been prevented by exercise of due care; and

32.8 (2) if occurring while a child is receiving services from a facility, happens when the  
32.9 facility and the employee or person providing services in the facility are in compliance with  
32.10 the laws and rules relevant to the occurrence or event.

32.11 (b) "Commissioner" means the commissioner of human services.

32.12 (c) "Facility" means:

32.13 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,  
32.14 residential facility, agency, hospital, sanitarium, or other facility or institution required to  
32.15 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter  
32.16 144H, 245D, or 245H;

32.17 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E;  
32.18 or

32.19 (3) a nonlicensed personal care provider organization as defined in section 256B.0625,  
32.20 subdivision 19a.

32.21 (d) "Family assessment" means a comprehensive assessment of child safety, risk of  
32.22 subsequent child maltreatment, and family strengths and needs that is applied to a child  
32.23 maltreatment report that does not allege sexual abuse or substantial child endangerment.  
32.24 Family assessment does not include a determination as to whether child maltreatment  
32.25 occurred but does determine the need for services to address the safety of family members  
32.26 and the risk of subsequent maltreatment.

32.27 (e) "Investigation" means fact gathering related to the current safety of a child and the  
32.28 risk of subsequent maltreatment that determines whether child maltreatment occurred and  
32.29 whether child protective services are needed. An investigation must be used when reports  
32.30 involve sexual abuse or substantial child endangerment, and for reports of maltreatment in  
32.31 facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under  
32.32 sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05,

33.1 subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider  
33.2 association as defined in section 256B.0625, subdivision 19a.

33.3 (f) "Mental injury" means an injury to the psychological capacity or emotional stability  
33.4 of a child as evidenced by an observable or substantial impairment in the child's ability to  
33.5 function within a normal range of performance and behavior with due regard to the child's  
33.6 culture.

33.7 (g) "Neglect" means the commission or omission of any of the acts specified under  
33.8 clauses (1) to (9), other than by accidental means:

33.9 (1) failure by a person responsible for a child's care to supply a child with necessary  
33.10 food, clothing, shelter, health, medical, or other care required for the child's physical or  
33.11 mental health when reasonably able to do so;

33.12 (2) failure to protect a child from conditions or actions that seriously endanger the child's  
33.13 physical or mental health when reasonably able to do so, including a growth delay, which  
33.14 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due  
33.15 to parental neglect;

33.16 (3) failure to provide for necessary supervision or child care arrangements appropriate  
33.17 for a child after considering factors as the child's age, mental ability, physical condition,  
33.18 length of absence, or environment, when the child is unable to care for the child's own basic  
33.19 needs or safety, or the basic needs or safety of another child in their care;

33.20 (4) failure to ensure that the child is educated as defined in sections 120A.22 and  
33.21 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's  
33.22 child with sympathomimetic medications, consistent with section 125A.091, subdivision  
33.23 5;

33.24 (5) nothing in this section shall be construed to mean that a child is neglected solely  
33.25 because the child's parent, guardian, or other person responsible for the child's care in good  
33.26 faith selects and depends upon spiritual means or prayer for treatment or care of disease or  
33.27 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,  
33.28 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of  
33.29 medical care may cause serious danger to the child's health. This section does not impose  
33.30 upon persons, not otherwise legally responsible for providing a child with necessary food,  
33.31 clothing, shelter, education, or medical care, a duty to provide that care;

33.32 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision  
33.33 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in

34.1 the child at birth, results of a toxicology test performed on the mother at delivery or the  
34.2 child at birth, medical effects or developmental delays during the child's first year of life  
34.3 that medically indicate prenatal exposure to a controlled substance, or the presence of a  
34.4 fetal alcohol spectrum disorder;

34.5 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

34.6 (8) chronic and severe use of alcohol or a controlled substance by a parent or person  
34.7 responsible for the care of the child that adversely affects the child's basic needs and safety;  
34.8 or

34.9 (9) emotional harm from a pattern of behavior which contributes to impaired emotional  
34.10 functioning of the child which may be demonstrated by a substantial and observable effect  
34.11 in the child's behavior, emotional response, or cognition that is not within the normal range  
34.12 for the child's age and stage of development, with due regard to the child's culture.

34.13 (h) "Nonmaltreatment mistake" means:

34.14 (1) at the time of the incident, the individual was performing duties identified in the  
34.15 center's child care program plan required under Minnesota Rules, part 9503.0045;

34.16 (2) the individual has not been determined responsible for a similar incident that resulted  
34.17 in a finding of maltreatment for at least seven years;

34.18 (3) the individual has not been determined to have committed a similar nonmaltreatment  
34.19 mistake under this paragraph for at least four years;

34.20 (4) any injury to a child resulting from the incident, if treated, is treated only with  
34.21 remedies that are available over the counter, whether ordered by a medical professional or  
34.22 not; and

34.23 (5) except for the period when the incident occurred, the facility and the individual  
34.24 providing services were both in compliance with all licensing requirements relevant to the  
34.25 incident.

34.26 This definition only applies to child care centers licensed under Minnesota Rules, chapter  
34.27 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated  
34.28 maltreatment by the individual, the commissioner of human services shall determine that a  
34.29 nonmaltreatment mistake was made by the individual.

34.30 (i) "Operator" means an operator or agency as defined in section 245A.02.

34.31 (j) "Person responsible for the child's care" means (1) an individual functioning within  
34.32 the family unit and having responsibilities for the care of the child such as a parent, guardian,

35.1 or other person having similar care responsibilities, or (2) an individual functioning outside  
35.2 the family unit and having responsibilities for the care of the child such as a teacher, school  
35.3 administrator, other school employees or agents, or other lawful custodian of a child having  
35.4 either full-time or short-term care responsibilities including, but not limited to, day care,  
35.5 babysitting whether paid or unpaid, counseling, teaching, and coaching.

35.6 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,  
35.7 inflicted by a person responsible for the child's care on a child other than by accidental  
35.8 means, or any physical or mental injury that cannot reasonably be explained by the child's  
35.9 history of injuries, or any aversive or deprivation procedures, or regulated interventions,  
35.10 that have not been authorized under section 125A.0942 or 245.825.

35.11 Abuse does not include reasonable and moderate physical discipline of a child  
35.12 administered by a parent or legal guardian which does not result in an injury. Abuse does  
35.13 not include the use of reasonable force by a teacher, principal, or school employee as allowed  
35.14 by section 121A.582. Actions which are not reasonable and moderate include, but are not  
35.15 limited to, any of the following:

35.16 (1) throwing, kicking, burning, biting, or cutting a child;

35.17 (2) striking a child with a closed fist;

35.18 (3) shaking a child under age three;

35.19 (4) striking or other actions which result in any nonaccidental injury to a child under 18  
35.20 months of age;

35.21 (5) unreasonable interference with a child's breathing;

35.22 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

35.23 (7) striking a child under age one on the face or head;

35.24 (8) striking a child who is at least age one but under age four on the face or head, which  
35.25 results in an injury;

35.26 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled  
35.27 substances which were not prescribed for the child by a practitioner, in order to control or  
35.28 punish the child; or other substances that substantially affect the child's behavior, motor  
35.29 coordination, or judgment or that results in sickness or internal injury, or subjects the child  
35.30 to medical procedures that would be unnecessary if the child were not exposed to the  
35.31 substances;

36.1 (10) unreasonable physical confinement or restraint not permitted under section 609.379,  
36.2 including but not limited to tying, caging, or chaining; or

36.3 (11) in a school facility or school zone, an act by a person responsible for the child's  
36.4 care that is a violation under section 121A.58.

36.5 (l) "Practice of social services," for the purposes of subdivision 3, includes but is not  
36.6 limited to employee assistance counseling and the provision of guardian ad litem and  
36.7 parenting time expeditor services.

36.8 (m) "Report" means any communication received by the local welfare agency, police  
36.9 department, county sheriff, or agency responsible for child protection pursuant to this section  
36.10 that describes neglect or physical or sexual abuse of a child and contains sufficient content  
36.11 to identify the child and any person believed to be responsible for the neglect or abuse, if  
36.12 known.

36.13 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's  
36.14 care, by a person who has a significant relationship to the child, as defined in section 609.341,  
36.15 or by a person in a position of authority, as defined in section 609.341, subdivision 10, to  
36.16 any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first  
36.17 degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual  
36.18 conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), ~~or~~  
36.19 609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children  
36.20 to engage in sexual conduct; communication of sexually explicit materials to children).

36.21 Sexual abuse also includes any act which involves a minor which constitutes a violation of  
36.22 prostitution offenses under sections 609.321 to 609.324 or 617.246. Effective May 29, 2017,  
36.23 sexual abuse includes all reports of known or suspected child sex trafficking involving a  
36.24 child who is identified as a victim of sex trafficking. Sexual abuse includes child sex  
36.25 trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes  
36.26 threatened sexual abuse which includes the status of a parent or household member who  
36.27 has committed a violation which requires registration as an offender under section 243.166,  
36.28 subdivision 1b, paragraph (a) or (b), or required registration under section 243.166,  
36.29 subdivision 1b, paragraph (a) or (b).

36.30 (o) "Substantial child endangerment" means a person responsible for a child's care, by  
36.31 act or omission, commits or attempts to commit an act against a child under their care that  
36.32 constitutes any of the following:

36.33 (1) egregious harm as defined in section 260C.007, subdivision 14;

36.34 (2) abandonment under section 260C.301, subdivision 2;

- 37.1 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's  
37.2 physical or mental health, including a growth delay, which may be referred to as failure to  
37.3 thrive, that has been diagnosed by a physician and is due to parental neglect;
- 37.4 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;
- 37.5 (5) manslaughter in the first or second degree under section 609.20 or 609.205;
- 37.6 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- 37.7 (7) solicitation, inducement, and promotion of prostitution under section 609.322;
- 37.8 (8) criminal sexual conduct under sections 609.342 to 609.3451;
- 37.9 (9) solicitation of children to engage in sexual conduct under section 609.352;
- 37.10 (10) malicious punishment or neglect or endangerment of a child under section 609.377  
37.11 or 609.378;
- 37.12 (11) use of a minor in sexual performance under section 617.246; or
- 37.13 (12) parental behavior, status, or condition which mandates that the county attorney file  
37.14 a termination of parental rights petition under section 260C.503, subdivision 2.
- 37.15 (p) "Threatened injury" means a statement, overt act, condition, or status that represents  
37.16 a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes,  
37.17 but is not limited to, exposing a child to a person responsible for the child's care, as defined  
37.18 in paragraph (j), clause (1), who has:
- 37.19 (1) subjected a child to, or failed to protect a child from, an overt act or condition that  
37.20 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law  
37.21 of another jurisdiction;
- 37.22 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph  
37.23 (b), clause (4), or a similar law of another jurisdiction;
- 37.24 (3) committed an act that has resulted in an involuntary termination of parental rights  
37.25 under section 260C.301, or a similar law of another jurisdiction; or
- 37.26 (4) committed an act that has resulted in the involuntary transfer of permanent legal and  
37.27 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,  
37.28 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law  
37.29 of another jurisdiction.

38.1 A child is the subject of a report of threatened injury when the responsible social services  
38.2 agency receives birth match data under paragraph (q) from the Department of Human  
38.3 Services.

38.4 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth  
38.5 record or recognition of parentage identifying a child who is subject to threatened injury  
38.6 under paragraph (p), the Department of Human Services shall send the data to the responsible  
38.7 social services agency. The data is known as "birth match" data. Unless the responsible  
38.8 social services agency has already begun an investigation or assessment of the report due  
38.9 to the birth of the child or execution of the recognition of parentage and the parent's previous  
38.10 history with child protection, the agency shall accept the birth match data as a report under  
38.11 this section. The agency may use either a family assessment or investigation to determine  
38.12 whether the child is safe. All of the provisions of this section apply. If the child is determined  
38.13 to be safe, the agency shall consult with the county attorney to determine the appropriateness  
38.14 of filing a petition alleging the child is in need of protection or services under section  
38.15 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is  
38.16 determined not to be safe, the agency and the county attorney shall take appropriate action  
38.17 as required under section 260C.503, subdivision 2.

38.18 (r) Persons who conduct assessments or investigations under this section shall take into  
38.19 account accepted child-rearing practices of the culture in which a child participates and  
38.20 accepted teacher discipline practices, which are not injurious to the child's health, welfare,  
38.21 and safety.

38.22 Sec. 33. Laws 2017, First Special Session chapter 5, article 2, section 56, is amended to  
38.23 read:

38.24 **Sec. 56. INTERMEDIATE SCHOOL DISTRICT MENTAL HEALTH**  
38.25 **INNOVATION GRANT PROGRAM; APPROPRIATION.**

38.26 (a) \$2,450,000 in fiscal year 2018 and \$2,450,000 in fiscal year 2019 are appropriated  
38.27 from the general fund to the commissioner of human services for a grant program to fund  
38.28 innovative projects to improve mental health outcomes for youth attending a qualifying  
38.29 school unit.

38.30 (b) A "qualifying school unit" means an intermediate district organized under Minnesota  
38.31 Statutes, section 136D.01, or a service cooperative organized under Minnesota Statutes,  
38.32 section 123A.21, subdivision 1, paragraph (a), clause (2), that provides instruction to students  
38.33 in a setting of federal instructional level 4 or higher. Grants under paragraph (a) must be  
38.34 awarded to eligible applicants such that the services are proportionately provided among

39.1 qualifying school units. The commissioner shall calculate the share of the appropriation to  
39.2 be used in each qualifying school unit by dividing the qualifying school unit's average daily  
39.3 membership in a setting of federal instructional level 4 or higher for fiscal year 2016 by the  
39.4 total average daily membership in a setting of federal instructional level 4 or higher for the  
39.5 same year for all qualifying school units.

39.6 (c) An eligible applicant is an entity that has demonstrated capacity to serve the youth  
39.7 identified in paragraph (a) and that is:

39.8 (1) certified under Minnesota Rules, parts 9520.0750 to 9520.0870;

39.9 (2) a community mental health center under Minnesota Statutes, section 256B.0625,  
39.10 subdivision 5;

39.11 (3) an Indian health service facility or facility owned and operated by a tribe or tribal  
39.12 organization operating under United States Code, title 25, section 5321; ~~or~~

39.13 (4) a provider of children's therapeutic services and supports as defined in Minnesota  
39.14 Statutes, section 256B.0943~~;~~ or

39.15 (5) enrolled in medical assistance as a mental health or substance use disorder provider  
39.16 agency and must employ at least two full-time equivalent mental health professionals as  
39.17 defined in section 245.4871, subdivision 27, clauses (1) to (6), or alcohol and drug counselors  
39.18 licensed or exempt from licensure under chapter 148F who are qualified to provide clinical  
39.19 services to children and families.

39.20 (d) An eligible applicant must employ or contract with at least two licensed mental health  
39.21 professionals as defined in Minnesota Statutes, section 245.4871, subdivision 27, clauses  
39.22 (1) to (6), who have formal training in evidence-based practices.

39.23 (e) A qualifying school unit must submit an application to the commissioner in the form  
39.24 and manner specified by the commissioner. The commissioner may approve an application  
39.25 that describes models for innovative projects to serve the needs of the schools and students.  
39.26 The commissioner may provide technical assistance to the qualifying school unit. The  
39.27 commissioner shall then solicit grant project proposals and award grant funding to the  
39.28 eligible applicants whose project proposals best meet the requirements of this section and  
39.29 most closely adhere to the models created by the intermediate districts and service  
39.30 cooperatives.

39.31 (f) To receive grant funding, an eligible applicant must obtain a letter of support for the  
39.32 applicant's grant project proposal from each qualifying school unit the eligible applicant is  
39.33 proposing to serve. An eligible applicant must also demonstrate the following:

40.1 (1) the ability to seek third-party reimbursement for services;

40.2 (2) the ability to report data and outcomes as required by the commissioner; and

40.3 (3) the existence of partnerships with counties, tribes, substance use disorder providers,  
40.4 and mental health service providers, including providers of mobile crisis services.

40.5 (g) Grantees shall obtain all available third-party reimbursement sources as a condition  
40.6 of receiving grant funds. For purposes of this grant program, a third-party reimbursement  
40.7 source does not include a public school as defined in Minnesota Statutes, section 120A.20,  
40.8 subdivision 1.

40.9 (h) The base budget for this program is \$0. This appropriation is available until June 30,  
40.10 2020.

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

40.12 Sec. 34. Laws 2017, First Special Session chapter 5, article 2, section 57, subdivision 23,  
40.13 is amended to read:

40.14 Subd. 23. **Paraprofessional pathway to teacher licensure.** (a) For grants to school  
40.15 districts for Grow Your Own new teacher programs:

40.16 \$ 1,500,000 ..... 2018

40.17 \$ 1,500,000 ..... 2019

40.18 (b) The grants are for school districts and charter schools with more than 30 percent  
40.19 minority students for a ~~Board of Teaching-approved~~ Professional Educator Licensing and  
40.20 Standards Board-approved nonconventional teacher residency pilot program. The program  
40.21 must provide tuition scholarships or stipends to enable school district and charter school  
40.22 employees or community members affiliated with a school district or charter school who  
40.23 seek an education license to participate in a nonconventional teacher preparation program.  
40.24 School districts and charter schools that receive funds under this subdivision are strongly  
40.25 encouraged to recruit candidates of color and American Indian candidates to participate in  
40.26 the Grow Your Own new teacher programs. Districts or schools providing financial support  
40.27 may require a commitment as determined by the district to teach in the district or school  
40.28 for a reasonable amount of time that does not exceed five years.

40.29 (c) School districts and charter schools may also apply for grants to develop innovative  
40.30 expanded Grow Your Own programs that encourage secondary school students to pursue  
40.31 teaching, including developing and offering dual-credit postsecondary course options in

41.1 schools for "Introduction to Teaching" or "Introduction to Education" courses consistent  
41.2 with Minnesota Statutes, section 124D.09, subdivision 10.

41.3 (d) Programs must annually report to the commissioner by the date determined by the  
41.4 commissioner on their activities under this section, including the number of participants,  
41.5 the percentage of participants who are of color or who are American Indian, and an  
41.6 assessment of program effectiveness, including participant feedback, areas for improvement,  
41.7 the percentage of participants continuing to pursue teacher licensure, and the number of  
41.8 participants hired in the school or district as teachers after completing preparation programs.

41.9 (e) The department may retain up to three percent of the appropriation amount to monitor  
41.10 and administer the grant program.

41.11 (f) Any balance in the first year does not cancel but is available in the second year.

41.12 Sec. 35. **REPEALER.**

41.13 Minnesota Statutes 2016, section 120B.35, subdivisions 4 and 5, are repealed.

41.14 **ARTICLE 3**

41.15 **TEACHERS**

41.16 Section 1. Minnesota Statutes 2017 Supplement, section 122A.07, is amended by adding  
41.17 a subdivision to read:

41.18 Subd. 6. **Public employer compensation reduction prohibited.** The public employer  
41.19 of a member shall not reduce the member's compensation or benefits for the member's  
41.20 absence from employment when engaging in the business of the board.

41.21 Sec. 2. Minnesota Statutes 2017 Supplement, section 122A.187, subdivision 5, is amended  
41.22 to read:

41.23 Subd. 5. **Reading preparation.** (a) The Professional Educator Licensing and Standards  
41.24 Board must adopt rules that require all licensed teachers who are renewing a Tier 3 or Tier  
41.25 4 teaching license under sections 122A.183 and 122A.184, respectively, to include in the  
41.26 renewal requirements further reading preparation, consistent with section 122A.06,  
41.27 subdivision 4.

41.28 (b) The reading preparation under this subdivision must include at least two clock hours  
41.29 of training to enable a teacher to:

42.1 (1) understand dyslexia as defined in section 125A.01, subdivision 2, and recognize  
 42.2 dyslexia characteristics in students; and

42.3 (2) identify and access Department of Education personnel and professional resources  
 42.4 using evidence-based dyslexia best practices in each license renewal period.

42.5 (c) The Department of Education must provide guidance on evidence-based approaches  
 42.6 and best practices for trainings.

42.7 (d) The rules adopted under this subdivision do not take effect until they are approved  
 42.8 by law. Teachers who do not provide direct instruction including, at least, counselors, school  
 42.9 psychologists, school nurses, school social workers, audiovisual directors and coordinators,  
 42.10 and recreation personnel are exempt from this section.

42.11 **EFFECTIVE DATE.** This section is effective for teachers who are renewing their Tier  
 42.12 3 or Tier 4 license on or after July 1, 2019.

42.13 Sec. 3. Minnesota Statutes 2017 Supplement, section 122A.20, subdivision 1, is amended  
 42.14 to read:

42.15 Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Professional  
 42.16 Educator Licensing and Standards Board or Board of School Administrators, whichever  
 42.17 has jurisdiction over a teacher's licensure, may, on the written complaint of the school board  
 42.18 employing a teacher, a teacher organization, or any other interested person, refuse to issue,  
 42.19 refuse to renew, suspend, or revoke a teacher's license to teach for any of the following  
 42.20 causes:

42.21 (1) immoral character or conduct;

42.22 (2) failure, without justifiable cause, to teach for the term of the teacher's contract;

42.23 (3) gross inefficiency or willful neglect of duty;

42.24 (4) failure to meet licensure requirements; ~~or~~

42.25 (5) fraud or misrepresentation in obtaining a license; or

42.26 (6) intentional and inappropriate patting, touching, pinching, or other physical contact  
 42.27 with a student that is unwelcome and sexually motivated.

42.28 The written complaint must specify the nature and character of the charges.

42.29 (b) The Professional Educator Licensing and Standards Board or Board of School  
 42.30 Administrators, whichever has jurisdiction over a teacher's licensure, ~~shall~~ must refuse to  
 42.31 issue, refuse to renew, or automatically revoke a teacher's license to teach without the right

43.1 to a hearing upon receiving a certified copy of a conviction showing that the teacher has  
43.2 been convicted of:

43.3 (1) child abuse, as defined in section 609.185;

43.4 (2) sex trafficking in the first degree under section 609.322, subdivision 1;

43.5 (3) sex trafficking in the second degree under section 609.322, subdivision 1a;

43.6 (4) engaging in hiring, or agreeing to hire a minor to engage in prostitution under section  
43.7 609.324, subdivision 1, ~~sexual abuse~~;

43.8 (5) criminal sexual conduct under section 609.342, 609.343, 609.344, 609.345, or  
43.9 609.3451, subdivision 3, ~~or 617.23, subdivision 3~~;

43.10 (6) indecent exposure under section 617.23, subdivision 3;

43.11 (7) solicitation of children to engage in sexual conduct or communication of sexually  
43.12 explicit materials to children under section 609.352;

43.13 (8) interference with privacy under section 609.746 or stalking under section 609.749  
43.14 and the victim was a minor;

43.15 (9) using minors in a sexual performance under section 617.246;

43.16 (10) possessing pornographic works involving a minor under section 617.247; or

43.17 (11) any other offense not listed in this paragraph that requires the person to register as  
43.18 a predatory offender under section 243.166, or a crime under a similar law of another state  
43.19 or the United States.

43.20 The board ~~shall~~ must send notice of this licensing action to the district in which the teacher  
43.21 is currently employed.

43.22 (c) A person whose license to teach has been revoked, not issued, or not renewed under  
43.23 paragraph (b), may petition the board to reconsider the licensing action if the person's  
43.24 conviction ~~for child abuse or sexual abuse~~ is reversed by a final decision of the Court of  
43.25 Appeals or the Supreme Court or if the person has received a pardon for the offense. The  
43.26 petitioner ~~shall~~ must attach a certified copy of the appellate court's final decision or the  
43.27 pardon to the petition. Upon receiving the petition and its attachment, the board ~~shall~~ must  
43.28 schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2,  
43.29 unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding  
43.30 the reversal of the petitioner's criminal conviction or the issuance of a pardon, the petitioner  
43.31 is disqualified from teaching under paragraph (a), clause (1), the board ~~shall~~ must affirm

44.1 its previous licensing action. If the board finds that the petitioner is not disqualified from  
 44.2 teaching under paragraph (a), clause (1), it ~~shall~~ must reverse its previous licensing action.

44.3 (d) The Professional Educator Licensing and Standards Board or Board of School  
 44.4 Administrators, whichever has jurisdiction over a teacher's licensure, must refuse to issue,  
 44.5 refuse to renew, or revoke a teacher's license to teach if the teacher has engaged in sexual  
 44.6 penetration as defined in section 609.321, subdivision 11, with a student enrolled in a school  
 44.7 where the teacher works or volunteers. The board may suspend a teacher's license pending  
 44.8 an investigation into a report of conduct that would be grounds for revocation under this  
 44.9 paragraph. Section 122A.188 does not apply to a decision by the board to refuse to issue,  
 44.10 refuse to renew, or revoke a license under this paragraph. A person whose license has been  
 44.11 revoked, not issued, or not renewed may appeal the decision by filing a written request with  
 44.12 the Professional Educator Licensing and Standards Board or the Board of School  
 44.13 Administrators, as appropriate, within 30 days of notice of the licensing action. The board  
 44.14 must then initiate a contested case under the Administrative Procedure Act, sections 14.001  
 44.15 to 14.69.

44.16 (e) The Professional Educator Licensing and Standards Board or Board of School  
 44.17 Administrators, whichever has jurisdiction over a teacher's licensure, must review and may  
 44.18 refuse to issue, refuse to renew, or revoke a teacher's license to teach upon receiving a  
 44.19 certified copy of a conviction showing that the teacher has been convicted of:

44.20 (1) a qualified domestic violence-related offense as defined in section 609.02, subdivision  
 44.21 16;

44.22 (2) embezzlement of public funds under section 609.54; or

44.23 (3) a felony involving a minor as the victim.

44.24 If an offense included in clauses (1) to (3) is already included in paragraph (b), the provisions  
 44.25 of paragraph (b) apply to the conduct. Section 122A.188 does not apply to a decision by  
 44.26 the board to refuse to issue, refuse to renew, or revoke a license under this paragraph. A  
 44.27 person whose license has been revoked, not issued, or not renewed may appeal the decision  
 44.28 by filing a written request with the Professional Educator Licensing and Standards Board  
 44.29 or the Board of School Administrators, as appropriate, within 30 days of notice of the  
 44.30 licensing action. The board must then initiate a contested case under the Administrative  
 44.31 Procedure Act, sections 14.001 to 14.69.

44.32 (f) The Professional Educator Licensing and Standards Board may suspend a teacher's  
 44.33 license to teach during the board's disciplinary investigation of a report of teacher misconduct  
 44.34 if the teacher has been charged with a violation of a crime listed in paragraph (b). The

45.1 teacher's license is suspended until the licensing board completes their disciplinary  
 45.2 investigation and makes a determination whether or not disciplinary action is necessary.

45.3 ~~(d)~~ (g) For purposes of this subdivision, the Professional Educator Licensing and  
 45.4 Standards Board is delegated the authority to suspend or revoke coaching licenses.

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

45.6 Sec. 4. Minnesota Statutes 2017 Supplement, section 122A.40, subdivision 13, is amended  
 45.7 to read:

45.8 Subd. 13. **Immediate discharge.** (a) Except as otherwise provided in paragraph (b), a  
 45.9 board may discharge a continuing-contract teacher, effective immediately, upon any of the  
 45.10 following grounds:

45.11 (1) immoral conduct, insubordination, or conviction of a felony;

45.12 (2) conduct unbecoming a teacher which requires the immediate removal of the teacher  
 45.13 from classroom or other duties;

45.14 (3) failure without justifiable cause to teach without first securing the written release of  
 45.15 the school board;

45.16 (4) gross inefficiency which the teacher has failed to correct after reasonable written  
 45.17 notice;

45.18 (5) willful neglect of duty; or

45.19 (6) continuing physical or mental disability subsequent to a 12 months leave of absence  
 45.20 and inability to qualify for reinstatement in accordance with subdivision 12.

45.21 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair  
 45.22 discriminatory practice described in section 363A.13.

45.23 Prior to discharging a teacher under this paragraph, the board must notify the teacher in  
 45.24 writing and state its ground for the proposed discharge in reasonable detail. Within ten days  
 45.25 after receipt of this notification the teacher may make a written request for a hearing before  
 45.26 the board and it ~~shall~~ must be granted before final action is taken. The board may suspend  
 45.27 a teacher with pay pending the conclusion of the hearing and determination of the issues  
 45.28 raised in the hearing after charges have been filed which constitute ground for discharge.  
 45.29 If a teacher has been charged with a felony and the underlying conduct that is the subject  
 45.30 of the felony charge is a ground for a proposed immediate discharge, the suspension pending  
 45.31 the conclusion of the hearing and determination of the issues may be without pay. If a  
 45.32 hearing under this paragraph is held, the board must reimburse the teacher for any salary

46.1 or compensation withheld if the final decision of the board or the arbitrator does not result  
46.2 in a penalty to or suspension, termination, or discharge of the teacher.

46.3 (b) A board must discharge a continuing-contract teacher, effective immediately, upon  
46.4 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's  
46.5 license has been revoked due to a conviction for:

46.6 (1) child abuse, as defined in section 609.185;

46.7 (2) sex trafficking in the first degree under section 609.322, subdivision 1;

46.8 (3) sex trafficking in the second degree under section 609.322, subdivision 1a;

46.9 (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section  
46.10 609.324, subdivision 1;

46.11 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,  
46.12 609.3451, subdivision 3, ~~or 617.23, subdivision 3;~~

46.13 (6) indecent exposure under section 617.23, subdivision 3;

46.14 (7) solicitation of children to engage in sexual conduct or communication of sexually  
46.15 explicit materials to children under section 609.352;

46.16 (8) interference with privacy under section 609.746 or stalking under section 609.749  
46.17 and the victim was a minor;

46.18 (9) using minors in a sexual performance under section 617.246;

46.19 (10) possessing pornographic works involving a minor under section 617.247; ~~or~~

46.20 (11) any other offense not listed in this paragraph that requires the person to register as  
46.21 a predatory offender under section 243.166, or a crime under a similar law of another state  
46.22 or the United States; or

46.23 (12) any other offense not listed in this paragraph that requires notice of a licensing  
46.24 action to the district in accordance with section 122A.20, subdivision 1, paragraph (d).

46.25 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes  
46.26 a final determination of child maltreatment involving a teacher under section 626.556,  
46.27 subdivision 11, the school principal or other person having administrative control of the  
46.28 school must include in the teacher's employment record the information contained in the  
46.29 record of the disciplinary action or the final maltreatment determination, consistent with  
46.30 the definition of public data under section 13.41, subdivision 5, and must provide the  
46.31 Professional Educator Licensing and Standards Board and the licensing division at the

47.1 department with the necessary and relevant information to enable the Professional Educator  
 47.2 Licensing and Standards Board and the department's licensing division to fulfill their statutory  
 47.3 and administrative duties related to issuing, renewing, suspending, or revoking a teacher's  
 47.4 license. Information received by the Professional Educator Licensing and Standards Board  
 47.5 or the licensing division at the department under this paragraph is governed by section 13.41  
 47.6 or other applicable law governing data of the receiving entity. In addition to the background  
 47.7 check required under section 123B.03, a school board or other school hiring authority must  
 47.8 contact the Professional Educator Licensing and Standards Board and the department to  
 47.9 determine whether the teacher's license has been suspended or revoked, consistent with the  
 47.10 discharge and final maltreatment determinations identified in this paragraph. Unless restricted  
 47.11 by federal or state data practices law or by the terms of a collective bargaining agreement,  
 47.12 the responsible authority for a school district must disseminate to another school district  
 47.13 private personnel data on a current or former teacher employee or contractor of the district,  
 47.14 including the results of background investigations, if the requesting school district seeks  
 47.15 the information because the subject of the data has applied for employment with the  
 47.16 requesting school district.

47.17 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

47.18 Sec. 5. Minnesota Statutes 2017 Supplement, section 122A.41, subdivision 6, is amended  
 47.19 to read:

47.20 Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided in  
 47.21 paragraph (b), causes for the discharge or demotion of a teacher either during or after the  
 47.22 probationary period must be:

47.23 (1) immoral character, conduct unbecoming a teacher, or insubordination;

47.24 (2) failure without justifiable cause to teach without first securing the written release of  
 47.25 the school board having the care, management, or control of the school in which the teacher  
 47.26 is employed;

47.27 (3) inefficiency in teaching or in the management of a school, consistent with subdivision  
 47.28 5, paragraph (b);

47.29 (4) affliction with a communicable disease must be considered as cause for removal or  
 47.30 suspension while the teacher is suffering from such disability; or

47.31 (5) discontinuance of position or lack of pupils.

47.32 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair  
 47.33 discriminatory practice described in section 363A.13.

48.1 (b) A probationary or continuing-contract teacher must be discharged immediately upon  
 48.2 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's  
 48.3 license has been revoked due to a conviction for:

48.4 (1) child abuse, as defined in section 609.185;

48.5 (2) sex trafficking in the first degree under section 609.322, subdivision 1;

48.6 (3) sex trafficking in the second degree under section 609.322, subdivision 1a;

48.7 (4) engaging in hiring or agreeing to hire a minor to engage in prostitution under section  
 48.8 609.324, subdivision 1;

48.9 (5) criminal sexual abuse conduct under section 609.342, 609.343, 609.344, 609.345,  
 48.10 609.3451, subdivision 3, or 617.23, subdivision 3;

48.11 (6) indecent exposure under section 617.23, subdivision 3;

48.12 (7) solicitation of children to engage in sexual conduct or communication of sexually  
 48.13 explicit materials to children under section 609.352;

48.14 (8) interference with privacy under section 609.746 or stalking under section 609.749  
 48.15 and the victim was a minor;

48.16 (9) using minors in a sexual performance under section 617.246;

48.17 (10) possessing pornographic works involving a minor under section 617.247; or

48.18 (11) any other offense not listed in this paragraph that requires the person to register as  
 48.19 a predatory offender under section 243.166, or a crime under a similar law of another state  
 48.20 or the United States; or

48.21 (12) any other offense not listed in this paragraph that requires notice of a licensing  
 48.22 action to the district in accordance with section 122A.20, subdivision 1, paragraph (d).

48.23 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes  
 48.24 a final determination of child maltreatment involving a teacher under section 626.556,  
 48.25 subdivision 11, the school principal or other person having administrative control of the  
 48.26 school must include in the teacher's employment record the information contained in the  
 48.27 record of the disciplinary action or the final maltreatment determination, consistent with  
 48.28 the definition of public data under section 13.41, subdivision 5, and must provide the  
 48.29 Professional Educator Licensing and Standards Board and the licensing division at the  
 48.30 department with the necessary and relevant information to enable the Professional Educator  
 48.31 Licensing and Standards Board and the department's licensing division to fulfill their statutory  
 48.32 and administrative duties related to issuing, renewing, suspending, or revoking a teacher's

49.1 license. Information received by the Professional Educator Licensing and Standards Board  
 49.2 or the licensing division at the department under this paragraph is governed by section 13.41  
 49.3 or other applicable law governing data of the receiving entity. In addition to the background  
 49.4 check required under section 123B.03, a school board or other school hiring authority must  
 49.5 contact the Professional Educator Licensing and Standards Board and the department to  
 49.6 determine whether the teacher's license has been suspended or revoked, consistent with the  
 49.7 discharge and final maltreatment determinations identified in this paragraph. Unless restricted  
 49.8 by federal or state data practices law or by the terms of a collective bargaining agreement,  
 49.9 the responsible authority for a school district must disseminate to another school district  
 49.10 private personnel data on a current or former teacher employee or contractor of the district,  
 49.11 including the results of background investigations, if the requesting school district seeks  
 49.12 the information because the subject of the data has applied for employment with the  
 49.13 requesting school district.

49.14 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later.

49.15 Sec. 6. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 3, is amended  
 49.16 to read:

49.17 Subd. 3. **Persons mandated to report; persons voluntarily reporting.** (a) A person  
 49.18 who knows or has reason to believe a child is being neglected or physically or sexually  
 49.19 abused, as defined in subdivision 2, or has been neglected or physically or sexually abused  
 49.20 within the preceding three years, shall immediately report the information to the local welfare  
 49.21 agency, agency responsible for assessing or investigating the report, police department,  
 49.22 county sheriff, tribal social services agency, or tribal police department if the person is:

49.23 (1) a professional or professional's delegate who is engaged in the practice of the healing  
 49.24 arts, social services, hospital administration, psychological or psychiatric treatment, child  
 49.25 care, education, correctional supervision, probation and correctional services, or law  
 49.26 enforcement; ~~or~~

49.27 (2) employed as a member of the clergy and received the information while engaged in  
 49.28 ministerial duties, provided that a member of the clergy is not required by this subdivision  
 49.29 to report information that is otherwise privileged under section 595.02, subdivision 1,  
 49.30 paragraph (c); or

49.31 (3) a member of the Professional Educator Licensing and Standards Board or the Board  
 49.32 of School Administrators.

50.1 (b) Any person may voluntarily report to the local welfare agency, agency responsible  
 50.2 for assessing or investigating the report, police department, county sheriff, tribal social  
 50.3 services agency, or tribal police department if the person knows, has reason to believe, or  
 50.4 suspects a child is being or has been neglected or subjected to physical or sexual abuse.

50.5 (c) A person mandated to report physical or sexual child abuse or neglect occurring  
 50.6 within a licensed facility shall report the information to the agency responsible for licensing  
 50.7 or certifying the facility under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16;  
 50.8 or chapter 144H, 245D, or 245H; or a nonlicensed personal care provider organization as  
 50.9 defined in section 256B.0625, subdivision 19a. A health or corrections agency receiving a  
 50.10 report may request the local welfare agency to provide assistance pursuant to subdivisions  
 50.11 10, 10a, and 10b. A board or other entity whose licensees perform work within a school  
 50.12 facility, upon receiving a complaint of alleged maltreatment, shall provide information about  
 50.13 the circumstances of the alleged maltreatment to the commissioner of education. Section  
 50.14 13.03, subdivision 4, applies to data received by the commissioner of education from a  
 50.15 licensing entity.

50.16 (d) Notification requirements under subdivision 10 apply to all reports received under  
 50.17 this section.

50.18 (e) For purposes of this section, "immediately" means as soon as possible but in no event  
 50.19 longer than 24 hours.

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

50.21 Sec. 7. Minnesota Statutes 2016, section 626.556, subdivision 10a, is amended to read:

50.22 Subd. 10a. **Law enforcement agency responsibility for investigation; welfare agency**  
 50.23 **reliance on law enforcement fact-finding; welfare agency offer of services.** (a) If the  
 50.24 report alleges neglect, physical abuse, or sexual abuse by a person who is not a parent,  
 50.25 guardian, sibling, person responsible for the child's care functioning within the family unit,  
 50.26 or a person who lives in the child's household and who has a significant relationship to the  
 50.27 child, in a setting other than a facility as defined in subdivision 2, the local welfare agency  
 50.28 shall immediately notify the appropriate law enforcement agency, which shall conduct an  
 50.29 investigation of the alleged abuse or neglect if a violation of a criminal statute is alleged.

50.30 (b) The local agency may rely on the fact-finding efforts of the law enforcement  
 50.31 investigation conducted under this subdivision to make a determination whether or not  
 50.32 threatened injury or other maltreatment has occurred under subdivision 2 if an alleged  
 50.33 offender has minor children or lives with minors.

51.1 (c) If a child is the victim of an alleged crime under paragraph (a), the law enforcement  
51.2 agency shall immediately notify the local welfare agency, which shall offer appropriate  
51.3 social services for the purpose of safeguarding and enhancing the welfare of the abused or  
51.4 neglected minor.

51.5 (d) The law enforcement agency must report to the Professional Educator Licensing and  
51.6 Standards Board an investigation under paragraph (a), involving a person licensed by the  
51.7 board.

51.8 Sec. 8. Minnesota Statutes 2017 Supplement, section 626.556, subdivision 10e, is amended  
51.9 to read:

51.10 Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family  
51.11 assessment or the investigation within 45 days of the receipt of a report. The conclusion of  
51.12 the assessment or investigation may be extended to permit the completion of a criminal  
51.13 investigation or the receipt of expert information requested within 45 days of the receipt of  
51.14 the report.

51.15 (b) After conducting a family assessment, the local welfare agency shall determine  
51.16 whether services are needed to address the safety of the child and other family members  
51.17 and the risk of subsequent maltreatment.

51.18 (c) After conducting an investigation, the local welfare agency shall make two  
51.19 determinations: first, whether maltreatment has occurred; and second, whether child  
51.20 protective services are needed. No determination of maltreatment shall be made when the  
51.21 alleged perpetrator is a child under the age of ten.

51.22 (d) If the commissioner of education conducts an assessment or investigation, the  
51.23 commissioner shall determine whether maltreatment occurred and what corrective or  
51.24 protective action was taken by the school facility. If a determination is made that  
51.25 maltreatment has occurred, the commissioner shall report to the employer, the school board,  
51.26 and any appropriate licensing entity the determination that maltreatment occurred and what  
51.27 corrective or protective action was taken by the school facility. In all other cases, the  
51.28 commissioner shall inform the school board or employer and any appropriate licensing  
51.29 entity that a report was received, the subject of the report, the date of the initial report, the  
51.30 category of maltreatment alleged as defined in paragraph (f), the fact that maltreatment was  
51.31 not determined, and a summary of the specific reasons for the determination.

51.32 (e) When maltreatment is determined in an investigation involving a facility, the  
51.33 investigating agency shall also determine whether the facility or individual was responsible,

52.1 or whether both the facility and the individual were responsible for the maltreatment using  
52.2 the mitigating factors in paragraph (i). Determinations under this subdivision must be made  
52.3 based on a preponderance of the evidence and are private data on individuals or nonpublic  
52.4 data as maintained by the commissioner of education.

52.5 (f) For the purposes of this subdivision, "maltreatment" means any of the following acts  
52.6 or omissions:

52.7 (1) physical abuse as defined in subdivision 2, paragraph (k);

52.8 (2) neglect as defined in subdivision 2, paragraph (g);

52.9 (3) sexual abuse as defined in subdivision 2, paragraph (n);

52.10 (4) mental injury as defined in subdivision 2, paragraph (f); or

52.11 (5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (c).

52.12 (g) For the purposes of this subdivision, a determination that child protective services  
52.13 are needed means that the local welfare agency has documented conditions during the  
52.14 assessment or investigation sufficient to cause a child protection worker, as defined in  
52.15 section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment  
52.16 if protective intervention is not provided and that the individuals responsible for the child's  
52.17 care have not taken or are not likely to take actions to protect the child from maltreatment  
52.18 or risk of maltreatment.

52.19 (h) This subdivision does not mean that maltreatment has occurred solely because the  
52.20 child's parent, guardian, or other person responsible for the child's care in good faith selects  
52.21 and depends upon spiritual means or prayer for treatment or care of disease or remedial care  
52.22 of the child, in lieu of medical care. However, if lack of medical care may result in serious  
52.23 danger to the child's health, the local welfare agency may ensure that necessary medical  
52.24 services are provided to the child.

52.25 (i) When determining whether the facility or individual is the responsible party, or  
52.26 whether both the facility and the individual are responsible for determined maltreatment in  
52.27 a facility, the investigating agency shall consider at least the following mitigating factors:

52.28 (1) whether the actions of the facility or the individual caregivers were according to,  
52.29 and followed the terms of, an erroneous physician order, prescription, individual care plan,  
52.30 or directive; however, this is not a mitigating factor when the facility or caregiver was  
52.31 responsible for the issuance of the erroneous order, prescription, individual care plan, or  
52.32 directive or knew or should have known of the errors and took no reasonable measures to  
52.33 correct the defect before administering care;

53.1 (2) comparative responsibility between the facility, other caregivers, and requirements  
 53.2 placed upon an employee, including the facility's compliance with related regulatory standards  
 53.3 and the adequacy of facility policies and procedures, facility training, an individual's  
 53.4 participation in the training, the caregiver's supervision, and facility staffing levels and the  
 53.5 scope of the individual employee's authority and discretion; and

53.6 (3) whether the facility or individual followed professional standards in exercising  
 53.7 professional judgment.

53.8 The evaluation of the facility's responsibility under clause (2) must not be based on the  
 53.9 completeness of the risk assessment or risk reduction plan required under section 245A.66,  
 53.10 but must be based on the facility's compliance with the regulatory standards for policies  
 53.11 and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota  
 53.12 Rules.

53.13 (j) Notwithstanding paragraph (i), when maltreatment is determined to have been  
 53.14 committed by an individual who is also the facility license or certification holder, both the  
 53.15 individual and the facility must be determined responsible for the maltreatment, and both  
 53.16 the background study disqualification standards under section 245C.15, subdivision 4, and  
 53.17 the licensing or certification actions under section 245A.06, 245A.07, 245H.06, or 245H.07  
 53.18 apply.

#### 53.19 ARTICLE 4

#### 53.20 SPECIAL EDUCATION

53.21 Section 1. Minnesota Statutes 2016, section 120A.20, subdivision 2, is amended to read:

53.22 Subd. 2. **Education, residence, and transportation of homeless.** (a) Notwithstanding  
 53.23 subdivision 1, a district must not deny free admission to a homeless pupil solely because  
 53.24 the district cannot determine that the pupil is a resident of the district.

53.25 (b) The school district of residence for a homeless pupil shall be the school district in  
 53.26 which the parent or legal guardian resides, unless: (1) parental rights have been terminated  
 53.27 by court order; (2) the parent or guardian is not living within the state; or (3) the parent or  
 53.28 guardian having legal custody of the child is an inmate of a Minnesota correctional facility  
 53.29 or is a resident of a halfway house under the supervision of the commissioner of corrections.  
 53.30 If any of clauses (1) to (3) apply, the school district of residence shall be the school district  
 53.31 in which the pupil resided when the qualifying event occurred. If no other district of residence  
 53.32 can be established, the school district of residence shall be the school district in which the

54.1 pupil currently resides. If there is a dispute between school districts regarding residency,  
54.2 the district of residence is the district designated by the commissioner of education.

54.3 (c) Except as provided in paragraph (d), the serving district is responsible for transporting  
54.4 a homeless pupil to and from the pupil's district of residence. The district may transport  
54.5 from a permanent home in another district but only through the end of the academic school  
54.6 year. When a pupil is enrolled in a charter school, the district or school that provides  
54.7 transportation for other pupils enrolled in the charter school is responsible for providing  
54.8 transportation. When a homeless student with or without an individualized education program  
54.9 attends a public school other than an independent or special school district or charter school,  
54.10 the district of residence is responsible for transportation.

54.11 (d) For a homeless pupil with an individualized education plan enrolled in a program  
54.12 authorized by an intermediate school district, special education cooperative, service  
54.13 cooperative, or education district, the serving district at the time of the pupil's enrollment  
54.14 in the program remains responsible for transporting that pupil for the remainder of the school  
54.15 year, unless the initial serving district and the current serving district mutually agree that  
54.16 the current serving district is responsible for transporting the homeless pupil.

54.17 **EFFECTIVE DATE.** This section is effective July 1, 2018.

54.18 **Sec. 2. SPECIAL EDUCATION LEGISLATIVE WORKING GROUP.**

54.19 Subdivision 1. **Duties.** (a) A legislative working group on special education is created  
54.20 to review special education delivery and cost containment in Minnesota, to consult with  
54.21 stakeholders, and to submit a written report to the legislature recommending policy changes  
54.22 to reduce costs. The special education legislative working group must examine and consider:

54.23 (1) how school districts, charter schools, intermediate school districts, special education  
54.24 cooperatives, education districts, and service cooperatives deliver special education services  
54.25 and the costs associated with each model;

54.26 (2) relevant state and federal special education laws and regulations and where state  
54.27 mandates exceed federal requirements;

54.28 (3) trends in special education enrollment, the reasons for the increased proportion of  
54.29 Minnesota students receiving special education, and the role that reading instruction  
54.30 effectiveness plays;

54.31 (4) strategies or programs that would be effective in reducing the need for special  
54.32 education services;

55.1 (5) funding for nonresident children in accordance with Minnesota Statutes, sections  
55.2 125A.11 and 127A.47, and tuition billing reports for the most recent five-year period;

55.3 (6) the effect of the 2013 statutory changes to the state special education funding formulas,  
55.4 including interactions and conformity with federal funding formulas;

55.5 (7) how school districts and charter schools use section 504 plans, including criteria  
55.6 used to determine when a section 504 plan is appropriate and the prevalence of section 504  
55.7 plans in school districts and charter schools; and

55.8 (8) the 2013 evaluation report by the Office of the Legislative Auditor on special  
55.9 education and the status of implementing its recommendations.

55.10 (b) In making its recommendations, the special education legislative working group  
55.11 must consider a ten-year strategic plan informed by the policy findings in paragraph (a) to  
55.12 help reduce the costs contributing to the special education cross-subsidy and overall special  
55.13 education funding.

55.14 Subd. 2. **Membership.** (a) The legislative working group on special education consists  
55.15 of:

55.16 (1) six duly elected and currently serving members of the house of representatives, three  
55.17 appointed by the speaker of the house and three appointed by the house minority leader,  
55.18 one of whom must be the current chair of the house of representatives Education Innovation  
55.19 Policy Committee; and

55.20 (2) six duly elected and currently serving senators, three appointed by the senate majority  
55.21 leader and three appointed by the senate minority leader, one of whom must be the current  
55.22 chair of the senate Education Policy Committee.

55.23 (b) Only duly elected and currently serving members of the house of representatives or  
55.24 senate may be members of the special education legislative working group.

55.25 Subd. 3. **Organization; process; administrative and technical support.** The special  
55.26 education legislative working group appointments must be made by July 1, 2018. If a vacancy  
55.27 occurs, the leader of the caucus in the house of representatives or senate to which the vacating  
55.28 working group member belonged must fill the vacancy. The chair of the house of  
55.29 representatives Education Innovation Policy Committee shall serve as a cochair of the  
55.30 working group and shall convene the first meeting. The chair of the senate Education Policy  
55.31 Committee shall serve as a cochair of the working group. The working group must meet  
55.32 periodically. Meetings of the working group must be open to the public. The Legislative

56.1 Coordinating Commission shall provide administrative assistance upon request. The  
 56.2 Minnesota Department of Education must provide technical assistance upon request.

56.3 Subd. 4. **Consultation with stakeholders.** In developing its recommendations, the  
 56.4 special education legislative working group must consult with interested and affected  
 56.5 stakeholders.

56.6 Subd. 5. **Report.** The special education legislative working group must submit a report  
 56.7 providing its findings and policy recommendations to the legislature by January 15, 2019.

56.8 Subd. 6. **Expiration.** The special education legislative working group expires on January  
 56.9 16, 2019, unless extended by law.

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

## 56.11 **ARTICLE 5**

### 56.12 **FACILITIES AND TECHNOLOGY**

56.13 Section 1. Minnesota Statutes 2016, section 13.321, is amended by adding a subdivision  
 56.14 to read:

56.15 Subd. 12. **Student online privacy.** Section 125B.27 governs student privacy and  
 56.16 information practices of operators of online services for school purposes.

56.17 Sec. 2. **[125B.27] STUDENT ONLINE PRIVACY.**

56.18 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

56.19 (b) "Covered information" means personally identifiable information or material, or  
 56.20 information that is linked to personally identifiable information or material, in any media  
 56.21 or format that is not publicly available and is any of the following:

56.22 (1) created by or provided to an operator by a student, or the student's parent or legal  
 56.23 guardian, in the course of the student's, parent's, or legal guardian's use of the operator's  
 56.24 site, service, or application for school purposes;

56.25 (2) created by or provided to an operator by an employee or agent of a school or school  
 56.26 district for school purposes; or

56.27 (3) gathered by an operator through the operation of its site, service, or application for  
 56.28 school purposes and personally identifies a student including but not limited to information  
 56.29 in the student's educational record or e-mail, first and last name, home address, telephone  
 56.30 number, e-mail address, other information that allows physical or online contact, discipline  
 56.31 records, test results, special education data, juvenile dependency records, grades, evaluations,

57.1 criminal records, medical records, health records, Social Security number, biometric  
57.2 information, disabilities, socioeconomic information, food purchases, political affiliations,  
57.3 religious information, text messages, documents, student identifiers, search activity, photos,  
57.4 voice recordings, or geolocation information.

57.5 (c) "Interactive computer service" has the meaning given in United States Code, title  
57.6 47, section 230.

57.7 (d) "Operator" means, to the extent that it is operating in this capacity, the operator of  
57.8 an Internet Web site, online service, online application, or mobile application with actual  
57.9 knowledge that the site, service, or application is used primarily for school purposes and  
57.10 was designed and marketed for school purposes. Operator includes:

57.11 (1) an agent or assignee of the operator or a person acting under the supervision or control  
57.12 of the operator; or

57.13 (2) a vendor.

57.14 (e) "School purposes" means purposes that are directed by or that customarily take place  
57.15 at the direction of a school, teacher, or school district; aid in the administration of school  
57.16 activities including but not limited to instruction in the classroom or at home, administrative  
57.17 activities, and collaboration between students, school personnel, or parents or legal guardians  
57.18 or are otherwise for the use and benefit of the school.

57.19 (f) "Student" means a student in prekindergarten through grade 12.

57.20 (g) "Targeted advertising" means presenting advertisements to a student where the  
57.21 advertisement is selected based on information obtained or inferred over time from that  
57.22 student's online behavior, usage of applications, or covered information. It does not include  
57.23 advertising to a student at an online location based upon that student's current visit to that  
57.24 location, or in response to that student's request for information or feedback, without the  
57.25 retention of that student's online activities or requests over time for the purpose of targeting  
57.26 subsequent advertisements.

57.27 (h) "Vendor" means a person who contracts with a school or school district to provide  
57.28 access to an Internet Web site, online service, online application, or mobile application for  
57.29 school purposes.

57.30 Subd. 2. **Prohibited activities.** (a) An operator must not do any of the following:

57.31 (1) engage in targeted advertising on the operator's site, service, or application or target  
57.32 advertising on any other site, service, or application, or by any other means, if the targeting  
57.33 of the advertising is based on any information, including covered information and persistent

58.1 unique identifiers, that the operator has acquired because of the use of that operator's site,  
58.2 service, or application for school purposes;

58.3 (2) use information, including persistent unique identifiers, created or gathered by the  
58.4 operator's site, service, or application to amass a profile about a student except in furtherance  
58.5 of school purposes. "Amass a profile" does not include the collection and retention of account  
58.6 information that remains under the control of the student, the student's parent or legal  
58.7 guardian, or the school;

58.8 (3) sell or rent a student's information, including covered information. This clause does  
58.9 not apply to the purchase, merger, or other type of acquisition of an operator by another  
58.10 entity if the operator or successor entity complies with this section regarding previously  
58.11 acquired student information; or

58.12 (4) except as otherwise provided under subdivision 4, disclose covered information  
58.13 unless the disclosure is:

58.14 (i) in furtherance of the school purpose of the site, service, or application if the recipient  
58.15 of the covered information disclosed under this item does not further disclose the information  
58.16 unless done to allow or improve operability and functionality of the operator's site, service,  
58.17 or application;

58.18 (ii) to ensure legal and regulatory compliance or protect against liability;

58.19 (iii) to respond to or participate in the judicial process;

58.20 (iv) to protect the safety or integrity of users of the site or others or the security of the  
58.21 site, service, or application;

58.22 (v) for a school, educational, or employment purpose requested by the student or the  
58.23 student's parent or guardian, provided that the information is not used or further disclosed  
58.24 for any other purpose;

58.25 (vi) to a national assessment provider if the provider secures the express written consent  
58.26 of the student, parent, or legal guardian given in response to clear and conspicuous notice,  
58.27 solely for the purpose of providing access to employment, educational scholarships or  
58.28 financial aid, or postsecondary educational opportunities; or

58.29 (vii) to a third party, if the operator contractually prohibits the third party from using  
58.30 any covered information for any purpose other than providing the contracted service to or  
58.31 on behalf of the operator, prohibits the third party from disclosing any covered information  
58.32 provided by the operator with subsequent third parties, and requires the third party to  
58.33 implement and maintain reasonable security procedures and practices.

59.1 (b) Nothing in this subdivision prohibits the operator's use of information for maintaining,  
 59.2 developing, supporting, improving, or diagnosing the operator's site, service, or application.

59.3 **Subd. 3. Security procedures and practices; return or destruction of information.**

59.4 (a) An operator must implement and maintain security procedures and practices in writing  
 59.5 that are appropriate to the nature of the covered information and designed to ensure protection  
 59.6 of covered information from unauthorized access, destruction, use, modification, or  
 59.7 disclosure.

59.8 (b) Within 30 days of a request from a student, parent, or legal guardian, an operator  
 59.9 that is not a vendor shall destroy or return the covered information to the student, parent,  
 59.10 or legal guardian. A vendor shall comply with the provisions of subdivision 7 governing  
 59.11 destruction or return of data to the school.

59.12 **Subd. 4. Permissible disclosures.** An operator may use or disclose covered information  
 59.13 of a student under the following circumstances:

59.14 (1) if other provisions of federal or state law require the operator to disclose the  
 59.15 information and the operator complies with the requirements of federal and state law in  
 59.16 protecting and disclosing that information;

59.17 (2) for legitimate research purposes as required by state or federal law and subject to  
 59.18 the restrictions under applicable state and federal law or as allowed by state or federal law  
 59.19 and under the direction of a school, school district, or the Department of Education if covered  
 59.20 information is not used for advertising or to amass a profile on the student for purposes  
 59.21 other than school purposes; or

59.22 (3) to a state or local educational agency, including schools and school districts, for  
 59.23 school purposes as permitted by state or federal law.

59.24 **Subd. 5. Use of information by operator.** This section does not prohibit an operator  
 59.25 from doing any of the following:

59.26 (1) using covered information to improve educational products if that information is not  
 59.27 associated with an identified student within the operator's site, service, or application or  
 59.28 other sites, services, or applications owned by the operator;

59.29 (2) using covered information that is not associated with an identified student to  
 59.30 demonstrate the effectiveness of the operator's products or services, including in their  
 59.31 marketing;

59.32 (3) sharing covered information that is not associated with an identified student for the  
 59.33 development and improvement of educational sites, services, or applications; or

60.1 (4) responding to a student's request for information or for feedback without the  
 60.2 information or response being determined in whole or in part by payment or other  
 60.3 consideration from a third party.

60.4 Subd. 6. **Certain activities not affected.** This section does not:

60.5 (1) limit the authority of a law enforcement agency to obtain any content or information  
 60.6 from an operator as authorized by law or under a court order;

60.7 (2) limit the ability of an operator to use student data, including covered information,  
 60.8 for adaptive learning or customized student learning purposes;

60.9 (3) apply to general audience Internet Web sites, general audience online services, general  
 60.10 audience online applications, or general audience mobile applications even if the login  
 60.11 credentials created for an operator's site, service, or application may be used to access those  
 60.12 general audience sites, services, or applications;

60.13 (4) limit service providers from providing Internet connectivity to schools or students  
 60.14 and their families;

60.15 (5) prohibit an operator of an Internet Web site, online service, online application, or  
 60.16 mobile application from marketing educational products directly to parents or legal guardians  
 60.17 if the marketing did not result from the use of covered information obtained by the operator  
 60.18 through the provision of services covered under this section;

60.19 (6) impose a duty upon a provider of an electronic store, gateway, marketplace, or other  
 60.20 means of purchasing or downloading software or applications to review or enforce  
 60.21 compliance with this section on those applications or software;

60.22 (7) impose a duty upon a provider of an interactive computer service to review or enforce  
 60.23 compliance with this section by third-party content providers; or

60.24 (8) prohibit students from downloading, exporting, transferring, saving, or maintaining  
 60.25 their own student data or documents.

60.26 Subd. 7. **Special requirements applicable to vendors.** (a) In addition to the requirements  
 60.27 of subdivisions 2 to 6, a vendor must comply with this subdivision.

60.28 (b) A vendor is subject to the provisions of section 13.05, subdivision 11. Covered  
 60.29 information created, received, or maintained by a vendor pursuant or incidental to the  
 60.30 contract are the property of the school and are not the property of the vendor. Unless renewal  
 60.31 of the contract is reasonably anticipated, within 30 days of expiration of the contract, or

61.1 within 30 days of a request from the school, the vendor must destroy or return the covered  
 61.2 information to the school.

61.3 Sec. 3. Minnesota Statutes 2016, section 299F.30, subdivision 1, is amended to read:

61.4 Subdivision 1. **Duties of fire marshal.** Consistent with sections 121A.035, 121A.037,  
 61.5 and this section, it shall be the duty of the state fire marshal, deputies and assistants, to  
 61.6 require public and private schools and educational institutions to have at least five fire drills  
 61.7 each school year, including at least three drills as provided under subdivision 2, paragraph  
 61.8 (a), and to keep all doors and exits unlocked from the inside of the building during school  
 61.9 hours.

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

61.11 Sec. 4. Minnesota Statutes 2016, section 299F.30, subdivision 2, is amended to read:

61.12 Subd. 2. **Fire drill.** (a) Each superintendent, principal, or other person in charge of a  
 61.13 public or private school, educational institution, children's home or orphanage housing 20  
 61.14 or more students or other persons, shall instruct and train such students or other persons to  
 61.15 quickly and expeditiously quit the premises in case of fire or other emergency by means of  
 61.16 drills or rapid dismissals while such school, institution, home, or orphanage is in operation.

61.17 (b) In addition to the drills required under paragraph (a), a public or private school or  
 61.18 educational institution may implement an alternative fire drill that does not require students  
 61.19 or other persons to quit the premises. A school or educational institution choosing to develop  
 61.20 and implement nonevacuating fire drill protocols must work in partnership with the local  
 61.21 fire chief or the fire chief's designee and chief law enforcement officers or their designee.

61.22 (c) Records of such fire drills shall be posted so that such records are available for review  
 61.23 by the state fire marshal at all times and shall include the type of drill conducted,  
 61.24 nonevacuation or evacuation, and drill date and the time required to evacuate the building,  
 61.25 if the drill required an evacuation.

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

## 61.27 **ARTICLE 6**

## 61.28 **NUTRITION**

61.29 Section 1. Minnesota Statutes 2017 Supplement, section 123B.52, subdivision 7, is amended  
 61.30 to read:

62.1 Subd. 7. **Food service contracts.** A contract between a school board and a food service  
 62.2 management company that complies with Code of Federal Regulations, title 7, section  
 62.3 210.16, 225.15, paragraph (m), or 226.21 may be renewed annually after its initial term for  
 62.4 not more than four additional years.

62.5 Sec. 2. Minnesota Statutes 2016, section 124D.111, is amended to read:

62.6 **124D.111 SCHOOL MEALS POLICIES; LUNCH AID; FOOD SERVICE**  
 62.7 **ACCOUNTING.**

62.8 Subdivision 1. **School ~~lunch aid computation~~ meals policies.** (a) Each Minnesota  
 62.9 participant in the national school lunch program must adopt and post to its Web site, or the  
 62.10 Web site of the organization where the meal is served, a school meals policy.

62.11 (b) The policy must be in writing and clearly communicate student meal charges when  
 62.12 payment cannot be collected at the point of service. The policy must be reasonable and  
 62.13 well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise  
 62.14 ostracizing the student.

62.15 (c) The policy must address whether the participant uses a collections agency to collect  
 62.16 unpaid school meals debt.

62.17 (d) The policy must ensure that once a participant has placed a meal on a tray or otherwise  
 62.18 served the meal to a student, the meal may not be subsequently withdrawn from the student  
 62.19 by the cashier or other school official, whether or not the student has an outstanding meals  
 62.20 balance.

62.21 (e) The policy must ensure that a student who has been determined eligible for free and  
 62.22 reduced-price lunch must always be served a reimbursable meal even if the student has an  
 62.23 outstanding debt.

62.24 (f) If a school contracts with a third party for its meal services, it must provide the vendor  
 62.25 with its school meals policy. Any contract between the school and a third-party provider  
 62.26 entered into or modified after the July 1, 2018, effective date of this act, must ensure that  
 62.27 the third-party provider adheres to the participant's school meals policy.

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

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

63.4 Subd. 2a. **Federal child and adult care food program; criteria and notice.** The  
63.5 commissioner must post on the department's Web site eligibility criteria and application  
63.6 information for nonprofit organizations interested in applying to the commissioner for  
63.7 approval as a multisite sponsoring organization under the federal child and adult care food  
63.8 program. The posted criteria and information must inform interested nonprofit organizations  
63.9 about:

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

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

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

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

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

63.23 (c) Revenues and expenditures for food service activities must be recorded in the food  
63.24 service fund. The costs of processing applications, accounting for meals, preparing and  
63.25 serving food, providing kitchen custodial services, and other expenses involving the preparing  
63.26 of meals or the kitchen section of the lunchroom may be charged to the food service fund  
63.27 or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial  
63.28 services, lunchroom utilities, and other administrative costs of the food service program  
63.29 must be charged to the general fund.

63.30 That portion of superintendent and fiscal manager costs that can be documented as  
63.31 attributable to the food service program may be charged to the food service fund provided  
63.32 that the school district does not employ or contract with a food service director or other  
63.33 individual who manages the food service program, or food service management company.

64.1 If the cost of the superintendent or fiscal manager is charged to the food service fund, the  
64.2 charge must be at a wage rate not to exceed the statewide average for food service directors  
64.3 as determined by the department.

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

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

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

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

64.20 (h) If a surplus in the food service fund exists at the end of a fiscal year for three  
64.21 successive years, a district may recode for that fiscal year the costs of lunchroom supervision,  
64.22 lunchroom custodial services, lunchroom utilities, and other administrative costs of the food  
64.23 service program charged to the general fund according to paragraph (c) and charge those  
64.24 costs to the food service fund in a total amount not to exceed the amount of surplus in the  
64.25 food service fund.

64.26 Subd. 4. **No fees.** A participant that receives school lunch aid under this section must  
64.27 make lunch available without charge to all participating students who qualify for free or  
64.28 reduced-price meals.

64.29 Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students  
64.30 in a respectful manner according to the policy adopted under subdivision 1. The participant  
64.31 must ensure that any reminders for payment of outstanding student meal balances do not  
64.32 demean or stigmatize any child participating in the school lunch program-, including, but  
64.33 not limited to, dumping meals, withdrawing a meal that has been served, announcing or  
64.34 listing students names publicly, or affixing stickers, stamps, or pins. The participant must

65.1 not impose any other restriction prohibited under section 123B.37 due to unpaid student  
 65.2 meal balances. The participant must not limit a student's participation in graduation  
 65.3 ceremonies due to an unpaid student meal balance.

65.4 (b) If the commissioner or the commissioner's designee determines a participant has  
 65.5 violated the requirement to provide meals to participating students in a respectful manner,  
 65.6 the commissioner or the commissioner's designee must send a letter of noncompliance to  
 65.7 the participant. The participant is required to respond and, if applicable, remedy the practice  
 65.8 within 60 days.

65.9 **EFFECTIVE DATE.** This section is effective July 1, 2018.

## 65.10 **ARTICLE 7**

### 65.11 **EARLY CHILDHOOD AND FAMILY SUPPORT**

65.12 Section 1. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 2, is  
 65.13 amended to read:

65.14 Subd. 2. **Family eligibility.** (a) For a family to receive an early learning scholarship,  
 65.15 parents or guardians must meet the following eligibility requirements:

65.16 (1) have an eligible child; and

65.17 (2) have income equal to or less than 185 percent of federal poverty level income in the  
 65.18 current calendar year, or be able to document their child's current participation in the free  
 65.19 and reduced-price lunch program or Child and Adult Care Food Program, National School  
 65.20 Lunch Act, United States Code, title 42, sections 1751 and 1766; the Food Distribution  
 65.21 Program on Indian Reservations, Food and Nutrition Act, United States Code, title 7, sections  
 65.22 2011-2036; Head Start under the federal Improving Head Start for School Readiness Act  
 65.23 of 2007; Minnesota family investment program under chapter 256J; child care assistance  
 65.24 programs under chapter 119B; the supplemental nutrition assistance program; or placement  
 65.25 in foster care under section 260C.212. Parents or guardians are not required to provide  
 65.26 income verification under this clause if the child is an eligible child under paragraph (b),  
 65.27 clause (4) or (5).

65.28 (b) An "eligible child" means a child who has not yet enrolled in kindergarten and is:

65.29 (1) at least three but not yet five years of age on September 1 of the current school year;

65.30 (2) a sibling from birth to age five of a child who has been awarded a scholarship under  
 65.31 this section provided the sibling attends the same program as long as funds are available;

66.1 (3) the child of a parent under age 21 who is pursuing a high school degree or a course  
66.2 of study for a high school equivalency test; or

66.3 ~~(4) homeless, in foster care, or in need of child protective services.~~

66.4 (4) designated as a child in need of protection or services as defined under section  
66.5 260C.007; or

66.6 (5) designated as homeless under the federal McKinney-Vento Homeless Assistance  
66.7 Act, United States Code, title 42, section 11434a.

66.8 (c) A child who has received a scholarship under this section must continue to receive  
66.9 a scholarship each year until that child is eligible for kindergarten under section 120A.20  
66.10 and as long as funds are available.

66.11 (d) Early learning scholarships may not be counted as earned income for the purposes  
66.12 of medical assistance under chapter 256B, MinnesotaCare under chapter 256L, Minnesota  
66.13 family investment program under chapter 256J, child care assistance programs under chapter  
66.14 119B, or Head Start under the federal Improving Head Start for School Readiness Act of  
66.15 2007.

66.16 (e) A child from an adjoining state whose family resides at a Minnesota address as  
66.17 assigned by the United States Postal Service, who has received developmental screening  
66.18 under sections 121A.16 to 121A.19, who intends to enroll in a Minnesota school district,  
66.19 and whose family meets the criteria of paragraph (a) is eligible for an early learning  
66.20 scholarship under this section.

66.21 Sec. 2. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 3, is amended  
66.22 to read:

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

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

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

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

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

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

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

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

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

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

68.1 Sec. 3. Minnesota Statutes 2017 Supplement, section 124D.165, subdivision 4, is amended  
68.2 to read:

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

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

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

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

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

68.13 Sec. 4. Minnesota Statutes 2017 Supplement, section 124D.99, subdivision 3, is amended  
68.14 to read:

68.15 Subd. 3. **Administration; design.** (a) The commissioner shall establish program  
68.16 requirements, an application process and timeline for each tier of grants specified in  
68.17 subdivision 4, criteria for evaluation of applications, and a grant awards process. The  
68.18 commissioner's process must minimize administrative costs, minimize burdens for applicants  
68.19 and grant recipients, and provide a framework that permits flexibility in program design  
68.20 and implementation among grant recipients.

68.21 (b) To the extent practicable, the commissioner shall design the program to align with  
68.22 programs implemented or proposed by organizations in Minnesota that:

68.23 (1) identify and increase the capacity of organizations that are focused on achieving  
68.24 data-driven, locally controlled positive outcomes for children and youth throughout an entire  
68.25 neighborhood or geographic area through programs such as Strive Together, Promise  
68.26 Neighborhood, and the Education Partnerships Coalition members;

68.27 (2) build a continuum of educational family and community supports with academically  
68.28 rigorous schools at the center;

68.29 (3) maximize program efficiencies by integrating programmatic activities and eliminating  
68.30 administrative barriers;

68.31 (4) develop local infrastructure needed to sustain and scale up proven and effective  
68.32 solutions beyond the initial neighborhood or geographic area; ~~and~~

69.1 (5) utilize appropriate outcome measures based on unique community needs and interests  
 69.2 and apply rigorous evaluation on a periodic basis to be used to both monitor outcomes and  
 69.3 allow for continuous improvements to systems;

69.4 (6) collect and utilize data to improve student outcomes;

69.5 (7) share disaggregated performance data with the community to set community-level  
 69.6 outcomes;

69.7 (8) employ continuous improvement processes;

69.8 (9) have an anchor entity to manage the partnership;

69.9 (10) convene a cross-sector leadership group and have a documented accountability  
 69.10 structure; and

69.11 (11) demonstrate use of nonstate funds, from multiple sources, including in-kind  
 69.12 contributions.

69.13 (c) A grant recipient's supportive services programming must address:

69.14 (1) kindergarten readiness and youth development;

69.15 (2) grade 3 reading proficiency;

69.16 (3) middle school mathematics;

69.17 ~~(3)~~ (4) high school graduation;

69.18 ~~(4)~~ (5) postsecondary educational attainment enrollment;

69.19 (6) postsecondary education completion;

69.20 ~~(5)~~ (7) physical and mental health;

69.21 ~~(6)~~ (8) development of career skills and readiness;

69.22 ~~(7)~~ (9) parental engagement and development;

69.23 ~~(8)~~ (10) community engagement and programmatic alignment; and

69.24 ~~(9)~~ (11) reduction of remedial education.

69.25 (d) The commissioner, in consultation with grant recipients, must:

69.26 (1) develop and revise core indicators of progress toward outcomes specifying impacts  
 69.27 for each tier identified under subdivision 4;

69.28 (2) establish a reporting system for grant recipients to measure program outcomes using  
 69.29 data sources and program goals; and

70.1 (3) evaluate effectiveness based on the core indicators established by each partnership  
70.2 for each tier.

70.3 Sec. 5. Minnesota Statutes 2017 Supplement, section 124D.99, subdivision 5, is amended  
70.4 to read:

70.5 Subd. 5. **Grants.** (a) The commissioner shall award Tier 1 and Tier 2 grants to qualifying  
70.6 recipients that can demonstrate a nonstate source of funds, including in-kind contributions.

70.7 (b) For Tier 2 grants authorized for fiscal year 2020 and later, the commissioner must  
70.8 give priority to otherwise qualified past grant recipients that have made progress toward  
70.9 identified program outcomes under subdivision 3, paragraph (d).

## 70.10 ARTICLE 8

### 70.11 SELF-SUFFICIENCY AND LIFELONG LEARNING

70.12 Section 1. Minnesota Statutes 2017 Supplement, section 124D.549, is amended to read:

#### 70.13 **124D.549 COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY** 70.14 **TEST TESTS.**

70.15 The commissioner, in consultation with adult basic education stakeholders, must select  
70.16 ~~a~~ at least one high school equivalency test. The commissioner may issue a high school  
70.17 equivalency diploma to a Minnesota resident 19 years of age or older who has not earned  
70.18 a high school diploma, who has not previously been issued a general education development  
70.19 (GED) certification, and who has exceeded or achieved a minimum passing score on ~~the~~  
70.20 an approved equivalency test established by the publisher. The commissioner of education  
70.21 may waive the minimum age requirement if supportive evidence is provided by an employer  
70.22 or a recognized education or rehabilitation provider.

70.23 Sec. 2. Minnesota Statutes 2017 Supplement, section 136A.246, subdivision 4, is amended  
70.24 to read:

70.25 Subd. 4. **Application.** Applications must be made to the commissioner on a form provided  
70.26 by the commissioner. The commissioner must, to the extent possible, make the application  
70.27 form as short and simple to complete as is reasonably possible. The commissioner shall  
70.28 establish a schedule for applications and grants. The application must include, without  
70.29 limitation:

70.30 (1) the projected number of employee trainees;

71.1 (2) the number of projected employee trainees who graduated from high school or passed  
 71.2 ~~the~~ a commissioner of education-selected high school equivalency test in the current or  
 71.3 immediately preceding calendar year;

71.4 (3) the competency standard for which training will be provided;

71.5 (4) the credential the employee will receive upon completion of training;

71.6 (5) the name and address of the training institution or program and a signed statement  
 71.7 by the institution or program that it is able and agrees to provide the training;

71.8 (6) the period of the training; and

71.9 (7) the cost of the training charged by the training institution or program and certified  
 71.10 by the institution or program. The cost of training includes tuition, fees, and required books  
 71.11 and materials.

71.12 An application may be made for training of employees of multiple employers either by  
 71.13 the employers or by an organization on their behalf.

71.14 Sec. 3. Minnesota Statutes 2017 Supplement, section 155A.30, subdivision 12, is amended  
 71.15 to read:

71.16 Subd. 12. **Minnesota state authorization.** A cosmetology school licensed or applying  
 71.17 for licensure under this section shall maintain recognition as an institution of postsecondary  
 71.18 study by meeting the following conditions, in addition to the provisions of Minnesota Rules,  
 71.19 ~~parts~~ part 2110.0310 ~~and 2110.0370~~:

71.20 (1) the school must admit as regular students only those individuals who have a high  
 71.21 school diploma or a diploma based on passing a commissioner of education-selected high  
 71.22 school equivalency ~~tests or their equivalent~~ test, or who are beyond the age of compulsory  
 71.23 education as prescribed by section 120A.22; and

71.24 (2) the school must be licensed by name and authorized by the Office of Higher Education  
 71.25 and the board to offer one or more training programs beyond the secondary level.

## 71.26 ARTICLE 9

### 71.27 STATE AGENCIES

71.28 Section 1. Minnesota Statutes 2016, section 128C.03, is amended to read:

71.29 **128C.03 ELIGIBILITY BYLAWS, POLICIES, AND PROCEDURES.**

72.1 Subdivision 1. Public input and access to proposed eligibility bylaws, policies, and  
 72.2 procedures. (a) The league shall adopt procedures to ensure public notice of all eligibility  
 72.3 ~~rules and~~ bylaws, policies, and procedures that will afford the opportunity for public hearings  
 72.4 on proposed eligibility ~~rules~~ bylaws, policies, and procedures. If requested by ~~100~~ 25 or  
 72.5 more parents or guardians of students, the public hearing must be conducted by an  
 72.6 administrative law judge from the Office of Administrative Hearings, or by a person hired  
 72.7 under contract by the Office of Administrative Hearings, ~~or by an independent hearing~~  
 72.8 ~~officer appointed by the commissioner of education from a list maintained for that purpose.~~  
 72.9 At the conclusion of a public hearing requested by 100 or more parents or guardians of  
 72.10 ~~students~~, the person conducting the hearing shall write a report evaluating the extent to  
 72.11 which the league has shown that the proposed ~~rule is~~ bylaws, policies, and procedures are  
 72.12 needed and reasonable and the legality of the proposed ~~rule~~ bylaws, policies, and procedures.  
 72.13 The league shall pay for hearings under this section.

72.14 (b) The league shall:

72.15 (1) maintain a public docket on the league's Web site that includes historical and proposed  
 72.16 changes in eligibility bylaws, policies, and procedures;

72.17 (2) post notice and final versions of all proposed changes to eligibility policies,  
 72.18 procedures, and definitions to the league Web site for at least 30 days prior to board meetings;

72.19 (3) include publication dates on all versions of the league's official handbook or other  
 72.20 advisory documents regarding league eligibility bylaws, policies, procedures, and definitions;  
 72.21 and

72.22 (4) reconcile and remove duplicate eligibility policies and procedures.

72.23 Subd. 2. Eligibility review process. (a) The league must establish a process for student  
 72.24 eligibility review that provides students and parents with a reasonable opportunity to present  
 72.25 information regarding the student's eligibility. The league must:

72.26 (1) publish general criteria by which a request for review may qualify for a review by  
 72.27 the league's eligibility committee;

72.28 (2) publish general criteria by which a review may qualify for further review by an  
 72.29 independent hearing officer;

72.30 (3) indicate the conditions, timelines, and procedures for administering any review under  
 72.31 clause (1) or (2); and

72.32 (4) provide specific reasons for denying the request for reviews for which the league  
 72.33 denies a request.

73.1 (b) The eligibility review process contained in this section does not create a property  
 73.2 right or liberty interest in extracurricular varsity athletic competition.

73.3 Sec. 2. Minnesota Statutes 2016, section 128C.20, is amended to read:

73.4 **128C.20 LEAGUE INFORMATION REVIEW AND REPORT; COMMISSIONER**  
 73.5 **REVIEW OF LEAGUE RECOMMENDATIONS.**

73.6 Subdivision 1. **Annually.** (a) Each year the ~~commissioner of education~~ league shall  
 73.7 ~~obtain and~~ review the following information ~~about the league~~:

73.8 (1) an accurate and concise summary of the annual financial and compliance audit  
 73.9 prepared by the state auditor that includes information about the compensation of and the  
 73.10 expenditures by the executive director of the league and league staff;

73.11 (2) a list of all complaints filed with the league and all lawsuits filed against the league  
 73.12 and the disposition of those complaints and lawsuits;

73.13 (3) an explanation of the executive director's performance review;

73.14 (4) information about the extent to which the league has implemented its affirmative  
 73.15 action policy, its comparable worth plan, and its sexual harassment and violence policy and  
 73.16 rules; ~~and~~

73.17 (5) an evaluation of ~~any proposed changes in league policy~~ bylaws, policies, procedures,  
 73.18 and definitions, including those that have been proposed, for compliance with Department  
 73.19 of Education programs and applicable state and federal law; and

73.20 (6) an explanation of recent and proposed changes to eligibility bylaws, policies, and  
 73.21 procedures, including the eligibility review process under section 128C.03, subdivision 2.

73.22 The league shall post the review on the league's Web site and present written copies of  
 73.23 the review to the commissioner of education and the chairs and ranking minority members  
 73.24 of the legislative committees with jurisdiction over kindergarten through grade 12 education.

73.25 (b) The commissioner may examine any league activities or league-related issues when  
 73.26 the commissioner believes this review is warranted.

73.27 Subd. 2. **Recommend laws.** The commissioner may recommend to the legislature  
 73.28 whether any legislation is made necessary by league activities.

73.29 Sec. 3. **REPEALER.**

73.30 Minnesota Statutes 2016, section 128C.02, subdivision 6, is repealed.

APPENDIX  
Article locations in SF3086-1

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

Subd. 4. **Improving schools.** Consistent with the requirements of this section, beginning June 20, 2012, the commissioner of education must annually report to the public and the legislature best practices implemented in those schools that are identified as high performing under federal expectations.

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

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

**123A.26 COOPERATIVE UNITS; PROHIBITED AID AND LEVIES.**

Subd. 3. **Allocation from members.** By July 15 of each year, a school district may, by board resolution, request the department to make a payment to a third party. The total sum of the payments for the year may not exceed the lesser of (a) the district's general education aid for the fiscal year beginning July 1, according to sections 127A.47, subdivision 7, and 126C.13, subdivision 4, or (b) an amount equal to \$100 times the adjusted pupil units for the fiscal year beginning July 1. By July 30 of each year, the school district must report to the commissioner the amount allocated. The amount shall be paid to the third party according to section 127A.45, subdivision 16. Amounts paid to third parties under this subdivision shall be recognized and reported as revenues and expenditures on the school district's books of account under sections 123B.75 and 123B.76.

**125A.75 SPECIAL EDUCATION PROGRAMS; APPROVAL; AID PAYMENTS; TRAVEL AID; LITIGATION COSTS.**

Subd. 9. **Litigation costs; annual report.** (a) By November 30 of each year, a school district must annually report the district's special education litigation costs, including attorney fees and costs of due process hearings, to the commissioner of education, consistent with the Uniform Financial Accounting and Reporting Standards.

(b) By February 1 of each year, the commissioner shall report school district special education litigation costs to the house of representatives and the senate committees having jurisdiction over kindergarten through grade 12 education finance.

**128C.02 DUTIES, POLICIES, CRITERIA, RULES OF BOARD.**

Subd. 6. **Annual report.** The board annually shall prepare a written report containing the information about the league that the commissioner is required to obtain and review under section 128C.20. The board shall present copies of the report in a timely manner to the education committees of the legislature.