

This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **1376**

02/16/2017 Authored by Erickson
The bill was read for the first time and referred to the Committee on Education Innovation Policy
03/13/2017 Adoption of Report: Amended and re-referred to the Committee on Education Finance

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 nutrition, and libraries; amending Minnesota Statutes 2016, sections 120A.22,

1.5 subdivision 9; 120A.41; 120B.021, subdivisions 1, 3; 120B.022, subdivision 1b;

1.6 120B.232, subdivision 1; 120B.30, subdivision 1; 120B.31, subdivision 4, by

1.7 adding a subdivision; 120B.35, subdivision 3; 120B.36, subdivision 1; 121A.22,

1.8 subdivision 2; 121A.221; 122A.09, subdivision 4a; 122A.415, subdivision 4;

1.9 123B.52, subdivision 1, by adding a subdivision; 123B.92, subdivision 1; 124D.03,

1.10 subdivision 5a; 124D.09, subdivisions 3, 5, 13, by adding a subdivision; 124D.095,

1.11 subdivision 3; 124D.549; 124D.55; 124E.03, subdivision 2; 124E.11; 125A.08;

1.12 125A.0941; 125A.515; 126C.05, subdivision 8; 127A.45, subdivision 10; 134.31,

1.13 subdivision 2; 256J.08, subdivisions 38, 39; proposing coding for new law in

1.14 Minnesota Statutes, chapters 120A; 122A; 124D; repealing Minnesota Statutes

1.15 2016, section 124D.73, subdivision 2; Minnesota Rules, part 3500.3100, subpart

1.16 4.

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

1.18 **ARTICLE 1**

1.19 **GENERAL EDUCATION**

1.20 Section 1. Minnesota Statutes 2016, section 121A.22, subdivision 2, is amended to read:

1.21 Subd. 2. **Exclusions.** In addition, this section does not apply to drugs or medicine that

1.22 are:

1.23 (1) purchased without a prescription;

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

1.25 (3) used in connection with services for which a minor may give effective consent,

1.26 including section 144.343, subdivision 1, and any other law;

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

2.4 (5) used off the school grounds;

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

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

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

2.9 (9) prescription asthma or reactive airway disease medications self-administered by a
2.10 pupil with an asthma inhaler, consistent with section 121A.221, if the district has received
2.11 a written authorization from the pupil's parent permitting the pupil to self-administer the
2.12 medication, the inhaler is properly labeled for that student, and the parent has not requested
2.13 school personnel to administer the medication to the pupil. The parent must submit written
2.14 authorization for the pupil to self-administer the medication each school year; or

2.15 (10) epinephrine auto-injectors, consistent with section 121A.2205, if the parent and
2.16 prescribing medical professional annually inform the pupil's school in writing that (i) the
2.17 pupil may possess the epinephrine or (ii) the pupil is unable to possess the epinephrine and
2.18 requires immediate access to epinephrine auto-injectors that the parent provides properly
2.19 labeled to the school for the pupil as needed.

2.20 Sec. 2. Minnesota Statutes 2016, section 121A.221, is amended to read:

2.21 **121A.221 POSSESSION AND USE OF ASTHMA INHALERS BY ASTHMATIC**
2.22 **STUDENTS.**

2.23 (a) Consistent with section 121A.22, subdivision 2, clause (9), in a school district that
2.24 employs a school nurse or provides school nursing services under another arrangement, the
2.25 school nurse or other appropriate party must assess the student's knowledge and skills to
2.26 safely possess and use an asthma inhaler in a school setting and enter into the student's
2.27 school health record a plan to implement safe possession and use of asthma inhalers.

2.28 (b) Consistent with section 121A.22, subdivision 2, clause (9), in a school that does not
2.29 have a school nurse or school nursing services, the student's parent or guardian must submit
2.30 written verification from the prescribing professional that documents an assessment of the
2.31 student's knowledge and skills to safely possess and use an asthma inhaler in a school setting
2.32 has been completed.

3.1 Sec. 3. Minnesota Statutes 2016, section 123B.92, subdivision 1, is amended to read:

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

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

3.6 (1) the sum of:

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

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

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

3.17 (2) the number of pupils eligible for transportation in the regular category, as defined
3.18 in paragraph (b), clause (1), and the excess category, as defined in paragraph (b), clause
3.19 (2).

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

3.22 (1) Regular transportation is:

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

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

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

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

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

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

4.14 (2) Excess transportation is:

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

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

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

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

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

4.32 (ii) necessary transportation of pupils with disabilities from home or from school to
4.33 other buildings, including centers such as developmental achievement centers, hospitals,

5.1 and treatment centers where special instruction or services required by sections 125A.03 to
5.2 125A.24, 125A.26 to 125A.48, and 125A.65 are provided, within or outside the district
5.3 where services are provided;

5.4 (iii) necessary transportation for resident pupils with disabilities required by sections
5.5 125A.12, and 125A.26 to 125A.48;

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

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

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

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

5.19 (viii) services described in clauses (i) to (vii), when provided for pupils with disabilities
5.20 in conjunction with a summer instructional program that relates to the pupil's individualized
5.21 education program or in conjunction with a learning year program established under section
5.22 124D.128.

5.23 For purposes of computing special education initial aid under section 125A.76, the cost
5.24 of providing transportation for children with disabilities includes (A) the additional cost of
5.25 transporting a student in a shelter care facility as defined in section 260C.007, subdivision
5.26 30, a homeless student ~~from a temporary nonshelter home~~ in another district to the school
5.27 of origin, or a formerly homeless student from a permanent home in another district to the
5.28 school of origin but only through the end of the academic year; and (B) depreciation on
5.29 district-owned school buses purchased after July 1, 2005, and used primarily for
5.30 transportation of pupils with disabilities, calculated according to paragraph (a), clauses (ii)
5.31 and (iii). Depreciation costs included in the disabled transportation category must be excluded
5.32 in calculating the actual expenditure per pupil transported in the regular and excess
5.33 transportation categories according to paragraph (a). For purposes of subitem (A), a school

6.1 district may transport a child who does not have a school of origin to the same school
6.2 attended by that child's sibling, if the siblings are homeless or in a shelter care facility.

6.3 (5) "Nonpublic nonregular transportation" is:

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

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

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

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

6.16 **EFFECTIVE DATE.** This section is effective retroactively from December 10, 2016.

6.17 Sec. 4. Minnesota Statutes 2016, section 127A.45, subdivision 10, is amended to read:

6.18 Subd. 10. **Payments to school nonoperating funds.** Each fiscal year state general fund
6.19 payments for a district nonoperating fund must be made at the current year aid payment
6.20 percentage of the estimated entitlement during the fiscal year of the entitlement. This amount
6.21 shall be paid in ~~12~~ six equal monthly installments from July through December. The amount
6.22 of the actual entitlement, after adjustment for actual data, minus the payments made during
6.23 the fiscal year of the entitlement must be paid prior to October 31 of the following school
6.24 year. The commissioner may make advance payments of debt service equalization aid and
6.25 state-paid tax credits for a district's debt service fund earlier than would occur under the
6.26 preceding schedule if the district submits evidence showing a serious cash flow problem in
6.27 the fund. The commissioner may make earlier payments during the year and, if necessary,
6.28 increase the percent of the entitlement paid to reduce the cash flow problem.

6.29 Sec. 5. **REPEALER.**

6.30 Minnesota Statutes 2016, section 124D.73, subdivision 2, is repealed.

7.1

ARTICLE 2

7.2

EDUCATION EXCELLENCE

7.3 Section 1. Minnesota Statutes 2016, section 120A.22, subdivision 9, is amended to read:

7.4 Subd. 9. ~~Curriculum~~ **Knowledge and skills**. Instruction must be provided in at least
7.5 the following subject areas:

7.6 (1) basic communication skills including reading and writing, literature, and fine arts;

7.7 (2) mathematics and science;

7.8 (3) social studies including history, geography, ~~and~~ economics, government, and
7.9 citizenship; and

7.10 (4) health and physical education.

7.11 Instruction, textbooks, and materials must be in the English language. Another language
7.12 may be used pursuant to sections 124D.59 to 124D.61.

7.13 Sec. 2. Minnesota Statutes 2016, section 120A.41, is amended to read:

7.14 **120A.41 LENGTH OF SCHOOL YEAR; HOURS OF INSTRUCTION.**

7.15 (a) A school board's annual school calendar must include at least 425 hours of instruction
7.16 for a kindergarten student without a disability, 935 hours of instruction for a student in
7.17 grades 1 through 6, and 1,020 hours of instruction for a student in grades 7 through 12, not
7.18 including summer school. The school calendar for all-day kindergarten must include at least
7.19 850 hours of instruction for the school year. The school calendar for a prekindergarten
7.20 student under section 124D.151, if offered by the district, must include at least 350 hours
7.21 of instruction for the school year. A school board's annual calendar must include at least
7.22 165 days of instruction for a student in grades 1 through 11 unless a four-day week schedule
7.23 has been approved by the commissioner under section 124D.126.

7.24 (b) A school board's annual school calendar may include plans for up to five days of
7.25 instruction provided through online instruction due to inclement weather. The inclement
7.26 weather plans must be developed according to section 120A.414.

7.27 **Sec. 3. [120A.414] E-LEARNING DAYS.**

7.28 Subdivision 1. Days. "E-learning day" means a school day where a school offers full
7.29 access to online instruction provided by students' individual teachers due to inclement
7.30 weather. A school district or charter school that chooses to have e-learning days may have

8.1 up to five e-learning days in one school year. An e-learning day is counted as a day of
8.2 instruction and included in the hours of instruction under section 120A.41.

8.3 Subd. 2. **Plan.** A school board may adopt an e-learning day plan after consulting with
8.4 the exclusive representative of the teachers. A charter school may adopt an e-learning day
8.5 plan after consulting with its teachers. The plan must include accommodations for students
8.6 without Internet access at home and for digital device access for families without the
8.7 technology or an insufficient amount of technology for the number of children in the
8.8 household. A school's e-learning day plan must provide accessible options for students with
8.9 disabilities in accordance with chapter 125A.

8.10 Subd. 3. **Annual notice.** A school district or charter school must notify parents and
8.11 students of the e-learning day plan at the beginning of the school year.

8.12 Subd. 4. **Daily notice.** On an e-learning day declared by the school, a school district or
8.13 charter school must notify parents and students at least two hours prior to the normal school
8.14 start time that students need to follow the e-learning day plan for that day.

8.15 Subd. 5. **Teacher access.** Each student's teacher must be accessible both online and by
8.16 telephone during normal school hours on an e-learning day to assist students and parents.

8.17 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

8.18 Sec. 4. Minnesota Statutes 2016, section 120B.021, subdivision 1, is amended to read:

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

8.21 (1) language arts;

8.22 (2) mathematics;

8.23 (3) science;

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

8.26 (5) physical education;

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

8.28 (7) the arts, for which statewide or locally developed academic standards apply, as
8.29 determined by the school district. Public elementary and middle schools must offer at least
8.30 three and require at least two of the following four arts areas: dance; music; theater; and

9.1 visual arts. Public high schools must offer at least three and require at least one of the
 9.2 following five arts areas: media arts; dance; music; theater; and visual arts.

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

9.9 (c) Beginning in the 2016-2017 school year, the department must adopt the most recent
 9.10 ~~National Association of Sport and Physical Education~~ SHAPE America (Society of Health
 9.11 and Physical Educators) kindergarten through grade 12 standards and benchmarks for
 9.12 physical education as the required physical education academic standards. The department
 9.13 may modify and adapt the national standards to accommodate state interest. The modification
 9.14 and adaptations must maintain the purpose and integrity of the national standards. The
 9.15 department must make available sample assessments, which school districts may use as an
 9.16 alternative to local assessments, to assess students' mastery of the physical education
 9.17 standards beginning in the 2018-2019 school year.

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

9.21 Sec. 5. Minnesota Statutes 2016, section 120B.021, subdivision 3, is amended to read:

9.22 Subd. 3. **Rulemaking.** The commissioner, consistent with the requirements of this section
 9.23 and section 120B.022, must adopt statewide rules under section 14.389 for implementing
 9.24 statewide rigorous core academic standards in language arts, mathematics, science, social
 9.25 studies, physical education, and the arts. After the rules authorized under this subdivision
 9.26 are initially adopted, the commissioner may not amend or repeal these rules nor adopt new
 9.27 rules on the same topic without specific legislative authorization. ~~The academic standards~~
 9.28 ~~for language arts, mathematics, and the arts must be implemented for all students beginning~~
 9.29 ~~in the 2003-2004 school year. The academic standards for science and social studies must~~
 9.30 ~~be implemented for all students beginning in the 2005-2006 school year.~~

9.31 Sec. 6. Minnesota Statutes 2016, section 120B.022, subdivision 1b, is amended to read:

9.32 Subd. 1b. **State bilingual and multilingual seals.** (a) Consistent with efforts to strive
 9.33 for the world's best workforce under sections 120B.11 and 124E.03, subdivision 2, paragraph

10.1 (i), and close the academic achievement and opportunity gap under sections 124D.861 and
10.2 124D.862, voluntary state bilingual and multilingual seals are established to recognize high
10.3 school students in any school district, charter school, or nonpublic school who demonstrate
10.4 an advanced-low level or an intermediate high level of functional proficiency in listening,
10.5 speaking, reading, and writing on either assessments aligned with American Council on the
10.6 Teaching of Foreign Languages' (ACTFL) proficiency guidelines or on equivalent valid
10.7 and reliable assessments in one or more languages in addition to English. American Sign
10.8 Language is a language other than English for purposes of this subdivision and a world
10.9 language for purposes of subdivision 1a.

10.10 (b) In addition to paragraph (a), to be eligible to receive a seal:

10.11 (1) students must satisfactorily complete all required English language arts credits; and

10.12 (2) students must demonstrate mastery of Minnesota's English language proficiency
10.13 standards.

10.14 (c) Consistent with this subdivision, a high school student who demonstrates an
10.15 intermediate high ACTFL level of functional proficiency in one language in addition to
10.16 English is eligible to receive the state bilingual gold seal. A high school student who
10.17 demonstrates an intermediate high ACTFL level of functional native proficiency in more
10.18 than one language in addition to English is eligible to receive the state multilingual gold
10.19 seal. A high school student who demonstrates an advanced-low ACTFL level of functional
10.20 proficiency in one language in addition to English is eligible to receive the state bilingual
10.21 platinum seal. A high school student who demonstrates an advanced-low ACTFL level of
10.22 functional proficiency in more than one language in addition to English is eligible to receive
10.23 the state multilingual platinum seal.

10.24 (d) School districts and charter schools may give students periodic opportunities to
10.25 demonstrate their level of proficiency in listening, speaking, reading, and writing in a
10.26 language in addition to English. Where valid and reliable assessments are unavailable, a
10.27 school district or charter school may rely on evaluators trained in assessing under ACTFL
10.28 proficiency guidelines to assess a student's level of foreign, heritage, or indigenous language
10.29 proficiency under this section. School districts and charter schools must maintain appropriate
10.30 records to identify high school students eligible to receive the state bilingual or multilingual
10.31 gold and platinum seals. The school district or charter school must affix the appropriate seal
10.32 to the transcript of each high school student who meets the requirements of this subdivision
10.33 and may affix the seal to the student's diploma. A school district or charter school must not
10.34 charge the high school student a fee for this seal.

11.1 (e) A school district or charter school may award elective course credits in world
11.2 languages to a student who demonstrates the requisite proficiency in a language other than
11.3 English under this section.

11.4 (f) A school district or charter school may award community service credit to a student
11.5 who demonstrates an intermediate high or advanced-low ACTFL level of functional
11.6 proficiency in listening, speaking, reading, and writing in a language other than English
11.7 and who participates in community service activities that are integrated into the curriculum,
11.8 involve the participation of teachers, and support biliteracy in the school or local community.

11.9 (g) The commissioner must list on the Web page those assessments that are aligned to
11.10 ACTFL proficiency guidelines.

11.11 (h) By August 1, 2015, the colleges and universities of the Minnesota State Colleges
11.12 and Universities system must establish criteria to translate the seals into college credits
11.13 based on the world language course equivalencies identified by the Minnesota State Colleges
11.14 and Universities faculty and staff and, upon request from an enrolled student, the Minnesota
11.15 State Colleges and Universities may award foreign language credits to a student who receives
11.16 a Minnesota World Language Proficiency Certificate under subdivision 1a. A student who
11.17 demonstrated the requisite level of language proficiency in grade 10, 11, or 12 to receive a
11.18 seal or certificate and is enrolled in a Minnesota State Colleges and Universities institution
11.19 must request college credits for the student's seal or proficiency certificate within three
11.20 academic years after graduating from high school. The University of Minnesota is encouraged
11.21 to award students foreign language academic credits consistent with this paragraph.

11.22 Sec. 7. Minnesota Statutes 2016, section 120B.232, subdivision 1, is amended to read:

11.23 Subdivision 1. **Character development education.** (a) Character education is the shared
11.24 responsibility of parents, teachers, and members of the community. The legislature
11.25 encourages districts to integrate or offer instruction on character education including, but
11.26 not limited to, character qualities such as attentiveness, truthfulness, respect for authority,
11.27 diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking,
11.28 and resourcefulness. Instruction should be integrated into a district's existing programs,
11.29 curriculum, or the general school environment. To the extent practicable, instruction should
11.30 be integrated into positive behavioral intervention strategies, in accordance with section
11.31 122A.627. The commissioner shall provide assistance at the request of a district to develop
11.32 character education curriculum and programs.

11.33 (b) Character development education under paragraph (a) may include a voluntary
11.34 elementary, middle, and high school program that incorporates the history and values of

12.1 Congressional Medal of Honor recipients and may be offered as part of the social studies,
12.2 English language arts, or other curriculum, as a schoolwide character building and veteran
12.3 awareness initiative, or as an after-school program, among other possibilities.

12.4 Sec. 8. Minnesota Statutes 2016, section 120B.30, subdivision 1, is amended to read:

12.5 Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with
12.6 appropriate technical qualifications and experience and stakeholders, consistent with
12.7 subdivision 1a, shall include in the comprehensive assessment system, for each grade level
12.8 to be tested, state-constructed tests developed as computer-adaptive reading and mathematics
12.9 assessments for students that are aligned with the state's required academic standards under
12.10 section 120B.021, include multiple choice questions, and are administered annually to all
12.11 students in grades 3 through 8. State-developed high school tests aligned with the state's
12.12 required academic standards under section 120B.021 and administered to all high school
12.13 students in a subject other than writing must include multiple choice questions. The
12.14 commissioner shall establish one or more months during which schools shall administer
12.15 the tests to students each school year.

12.16 (1) Students enrolled in grade 8 through the 2009-2010 school year are eligible to be
12.17 assessed under (i) the graduation-required assessment for diploma in reading, mathematics,
12.18 or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1, paragraphs (c),
12.19 clauses (1) and (2), and (d), (ii) the WorkKeys job skills assessment, (iii) the Compass
12.20 college placement test, (iv) the ACT assessment for college admission, (v) a nationally
12.21 recognized armed services vocational aptitude test.

12.22 (2) Students enrolled in grade 8 in the 2010-2011 or 2011-2012 school year are eligible
12.23 to be assessed under (i) the graduation-required assessment for diploma in reading,
12.24 mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1,
12.25 paragraph (c), clauses (1) and (2), (ii) the WorkKeys job skills assessment, (iii) the Compass
12.26 college placement test, (iv) the ACT assessment for college admission, (v) a nationally
12.27 recognized armed services vocational aptitude test.

12.28 (3) For students under clause (1) or (2), a school district may substitute a score from an
12.29 alternative, equivalent assessment to satisfy the requirements of this paragraph.

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

12.32 (1) mathematics;

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

13.1 (ii) high school level beginning in the 2013-2014 school year;

13.2 (2) science; grades 5 and 8 and at the high school level beginning in the 2011-2012
13.3 school year; and

13.4 (3) language arts and reading; grades 3 through 8 and high school level beginning in the
13.5 2012-2013 school year.

13.6 (c) For students enrolled in grade 8 in the 2012-2013 school year and later, students'
13.7 state graduation requirements, based on a longitudinal, systematic approach to student
13.8 education and career planning, assessment, instructional support, and evaluation, include
13.9 the following:

13.10 (1) an opportunity to participate on a nationally normed college entrance exam, in grade
13.11 11 or grade 12;

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

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

13.25 Based on appropriate state guidelines, students with an individualized education program
13.26 may satisfy state graduation requirements by achieving an individual score on the
13.27 state-identified alternative assessments.

13.28 (d) Expectations of schools, districts, and the state for career or college readiness under
13.29 this subdivision must be comparable in rigor, clarity of purpose, and rates of student
13.30 completion.

13.31 A student under paragraph (c), clause (2), must receive targeted, relevant, academically
13.32 rigorous, and resourced instruction, which may include a targeted instruction and intervention
13.33 plan focused on improving the student's knowledge and skills in core subjects so that the

14.1 student has a reasonable chance to succeed in a career or college without need for
14.2 postsecondary remediation. Consistent with sections 120B.13, 124D.09, 124D.091, 124D.49,
14.3 and related sections, an enrolling school or district must actively encourage a student in
14.4 grade 11 or 12 who is identified as academically ready for a career or college to participate
14.5 in courses and programs awarding college credit to high school students. Students are not
14.6 required to achieve a specified score or level of proficiency on an assessment under this
14.7 subdivision to graduate from high school.

14.8 (e) Though not a high school graduation requirement, students are encouraged to
14.9 participate in a nationally recognized college entrance exam. To the extent state funding
14.10 for college entrance exam fees is available, a district must pay the cost, one time, for an
14.11 interested student in grade 11 or 12 to take a nationally recognized college entrance exam
14.12 before graduating. A student must be able to take the exam under this paragraph at the
14.13 student's high school during the school day and at any one of the multiple exam
14.14 administrations available to students in the district. A district may administer the ACT or
14.15 SAT or both the ACT and SAT to comply with this paragraph. If the district administers
14.16 only one of these two tests and a student opts not to take that test and chooses instead to
14.17 take the other of the two tests, the student may take the other test at a different time or
14.18 location and remains eligible for the examination fee reimbursement.

14.19 (f) The commissioner and the chancellor of the Minnesota State Colleges and Universities
14.20 must collaborate in aligning instruction and assessments for adult basic education students
14.21 and English learners to provide the students with diagnostic information about any targeted
14.22 interventions, accommodations, modifications, and supports they need so that assessments
14.23 and other performance measures are accessible to them and they may seek postsecondary
14.24 education or employment without need for postsecondary remediation. When administering
14.25 formative or summative assessments used to measure the academic progress, including the
14.26 oral academic development, of English learners and inform their instruction, schools must
14.27 ensure that the assessments are accessible to the students and students have the modifications
14.28 and supports they need to sufficiently understand the assessments.

14.29 (g) Districts and schools, on an annual basis, must use career exploration elements to
14.30 help students, beginning no later than grade 9, and their families explore and plan for
14.31 postsecondary education or careers based on the students' interests, aptitudes, and aspirations.
14.32 Districts and schools must use timely regional labor market information and partnerships,
14.33 among other resources, to help students and their families successfully develop, pursue,
14.34 review, and revise an individualized plan for postsecondary education or a career. This
14.35 process must help increase students' engagement in and connection to school, improve

15.1 students' knowledge and skills, and deepen students' understanding of career pathways as
15.2 a sequence of academic and career courses that lead to an industry-recognized credential,
15.3 an associate's degree, or a bachelor's degree and are available to all students, whatever their
15.4 interests and career goals.

15.5 (h) A student who demonstrates attainment of required state academic standards, which
15.6 include career and college readiness benchmarks, on high school assessments under
15.7 subdivision 1a is academically ready for a career or college and is encouraged to participate
15.8 in courses awarding college credit to high school students. Such courses and programs may
15.9 include sequential courses of study within broad career areas and technical skill assessments
15.10 that extend beyond course grades.

15.11 (i) As appropriate, students through grade 12 must continue to participate in targeted
15.12 instruction, intervention, or remediation and be encouraged to participate in courses awarding
15.13 college credit to high school students.

15.14 (j) In developing, supporting, and improving students' academic readiness for a career
15.15 or college, schools, districts, and the state must have a continuum of empirically derived,
15.16 clearly defined benchmarks focused on students' attainment of knowledge and skills so that
15.17 students, their parents, and teachers know how well students must perform to have a
15.18 reasonable chance to succeed in a career or college without need for postsecondary
15.19 remediation. The commissioner, in consultation with local school officials and educators,
15.20 and Minnesota's public postsecondary institutions must ensure that the foundational
15.21 knowledge and skills for students' successful performance in postsecondary employment
15.22 or education and an articulated series of possible targeted interventions are clearly identified
15.23 and satisfy Minnesota's postsecondary admissions requirements.

15.24 (k) For students in grade 8 in the 2012-2013 school year and later, a school, district, or
15.25 charter school must record on the high school transcript a student's progress toward career
15.26 and college readiness, and for other students as soon as practicable.

15.27 (l) The school board granting students their diplomas may formally decide to include a
15.28 notation of high achievement on the high school diplomas of those graduating seniors who,
15.29 according to established school board criteria, demonstrate exemplary academic achievement
15.30 during high school.

15.31 (m) The 3rd through 8th grade computer-adaptive assessment results and high school
15.32 test results shall be available to districts for diagnostic purposes affecting student learning
15.33 and district instruction and curriculum, and for establishing educational accountability. The
15.34 commissioner must establish empirically derived benchmarks on adaptive assessments in

16.1 grades 3 through 8. The commissioner, in consultation with the chancellor of the Minnesota
16.2 State Colleges and Universities, must establish empirically derived benchmarks on the high
16.3 school tests that reveal a trajectory toward career and college readiness consistent with
16.4 section 136F.302, subdivision 1a. The commissioner must disseminate to the public the
16.5 computer-adaptive assessments and high school test results upon receiving those results.

16.6 (n) The grades 3 through 8 computer-adaptive assessments and high school tests must
16.7 be aligned with state academic standards. The commissioner shall determine the testing
16.8 process and the order of administration. The statewide results shall be aggregated at the site
16.9 and district level, consistent with subdivision 1a.

16.10 (o) The commissioner shall include the following components in the statewide public
16.11 reporting system:

16.12 (1) uniform statewide computer-adaptive assessments of all students in grades 3 through
16.13 8 and testing at the high school levels that provides appropriate, technically sound
16.14 accommodations or alternate assessments;

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

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

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

16.23 (p) For purposes of statewide accountability, "career and college ready" means a high
16.24 school graduate has the knowledge, skills, and competencies to successfully pursue a career
16.25 pathway, including postsecondary credit leading to a degree, diploma, certificate, or
16.26 industry-recognized credential and employment. Students who are career and college ready
16.27 are able to successfully complete credit-bearing coursework at a two- or four-year college
16.28 or university or other credit-bearing postsecondary program without need for remediation.

16.29 (q) For purposes of statewide accountability, "cultural competence," "cultural
16.30 competency," or "culturally competent" means the ability and will of families and educators
16.31 to interact effectively with people of different cultures, native languages, and socioeconomic
16.32 backgrounds.

17.1 Sec. 9. Minnesota Statutes 2016, section 120B.31, is amended by adding a subdivision to
17.2 read:

17.3 Subd. 3a. **Rollout sites; report.** The commissioner of education shall designate up to
17.4 six school districts or charter schools as rollout sites.

17.5 (a) The rollout sites should represent urban school districts, suburban school districts,
17.6 nonurban school districts, and charter schools. The commissioner shall designate rollout
17.7 sites and notify the schools by August 1, 2017, and the designated school districts or charter
17.8 schools will have the right to opt-out or opt-in as rollout sites by September 1, 2017.

17.9 (b) The commissioner must consult stakeholders and review the American Community
17.10 Survey to develop recommendations for best practices for disaggregated data. Stakeholders
17.11 consulted under this paragraph include at least:

17.12 (1) the rollout sites;

17.13 (2) parent groups; and

17.14 (3) community representatives.

17.15 (c) The commissioner shall report to the legislative committees having jurisdiction over
17.16 kindergarten through grade 12 education policy and finance by February 1, 2018. The
17.17 commissioner may research best practices from other states that have disaggregated data
17.18 beyond the requirements of the most recent reauthorization of the Elementary and Secondary
17.19 Education Act. The recommendations may address:

17.20 (1) the most meaningful use of disaggregated data, including but not limited to which
17.21 reports should include further disaggregated data;

17.22 (2) collection of additional student characteristics, including but not limited to ensuring
17.23 enhanced enrollment forms:

17.24 (i) provide context and the objective of additional data;

17.25 (ii) are designed to convey respect and acknowledgment of the sensitive nature of the
17.26 additional data; and

17.27 (iii) are designed to collect data consistent with user feedback;

17.28 (3) efficient data-reporting approaches when reporting additional information to the
17.29 department;

17.30 (4) the frequency by which districts and schools must update enrollment forms to meet
17.31 the needs of the state's changing racial and ethnic demographics; and

18.1 (5) the criteria for determining additional data. This recommendation should include a
18.2 recommendation for frequency of reviews and updates of the additional data and should
18.3 also identify the approach of updating any additional census data and data on new enrollees.
18.4 This recommendation must consider additional student groups that may face education
18.5 disparities and must take into account maintaining student privacy and providing
18.6 nonidentifiable student level data.

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

18.8 Sec. 10. Minnesota Statutes 2016, section 120B.31, subdivision 4, is amended to read:

18.9 Subd. 4. **Student performance data.** In developing policies and assessment processes
18.10 to hold schools and districts accountable for high levels of academic standards under section
18.11 120B.021, the commissioner shall aggregate and disaggregate student data over time to
18.12 report summary student performance and growth levels and, under section 120B.11,
18.13 subdivision 2, clause (2), student learning and outcome data measured at the school, school
18.14 district, and statewide level. The commissioner shall use the student categories identified
18.15 under the federal Elementary and Secondary Education Act, as most recently reauthorized,
18.16 and student categories of:

18.17 (1) homelessness;

18.18 (2) ethnicity; under section 120B.35, subdivision 3, paragraph (a), clause (2);

18.19 (3) race; under section 120B.35, subdivision 3, paragraph (a), clause (2);

18.20 (4) home language, ~~immigrant, refugee status;~~

18.21 (5) English learners under section 124D.59;

18.22 (6) free or reduced-price lunch; and

18.23 (7) other categories designated by federal law to organize and report the data so that
18.24 state and local policy makers can understand the educational implications of changes in
18.25 districts' demographic profiles over time as data are available.

18.26 Any report the commissioner disseminates containing summary data on student performance
18.27 must integrate student performance and the demographic factors that strongly correlate with
18.28 that performance.

18.29 **EFFECTIVE DATE.** This section is effective for the 2019-2020 school year and later.

19.1 Sec. 11. Minnesota Statutes 2016, section 120B.35, subdivision 3, is amended to read:

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

19.7 (2) For purposes of paragraphs (b), (c), and (d), the commissioner must analyze and
19.8 report separate categories of information using the student categories identified under the
19.9 federal Elementary and Secondary Education Act, as most recently reauthorized, and, in
19.10 addition to "other" for each race and ethnicity, and the Karen community, other student
19.11 categories as determined by the total Minnesota population at or above the 1,000-person
19.12 threshold based on the most recent decennial census, including ethnicity; race; refugee status
19.13 seven of the most populous Asian and Pacific Islander groups, three of the most populous
19.14 Native groups, seven of the most populous Hispanic/Latino groups, and five of the most
19.15 populous Black and African Heritage groups as determined by the total Minnesota population
19.16 based on the most recent state demographer's report; English learners under section 124D.59;
19.17 home language; free or reduced-price lunch; immigrant; and all students enrolled in a
19.18 Minnesota public school who are currently or were previously in foster care, except that
19.19 such disaggregation and cross tabulation is not required if the number of students in a
19.20 category is insufficient to yield statistically reliable information or the results would reveal
19.21 personally identifiable information about an individual student.

19.22 (b) The commissioner, in consultation with a stakeholder group that includes assessment
19.23 and evaluation directors, district staff, experts in culturally responsive teaching, and
19.24 researchers, must implement a model that uses a value-added growth indicator and includes
19.25 criteria for identifying schools and school districts that demonstrate medium and high growth
19.26 under section 120B.299, subdivisions 8 and 9, and may recommend other value-added
19.27 measures under section 120B.299, subdivision 3. The model may be used to advance
19.28 educators' professional development and replicate programs that succeed in meeting students'
19.29 diverse learning needs. Data on individual teachers generated under the model are personnel
19.30 data under section 13.43. The model must allow users to:

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

19.32 (2) for all student categories, report and compare aggregated and disaggregated state
19.33 student growth and, under section 120B.11, subdivision 2, clause (2), student learning and
19.34 outcome data using the student categories identified under the federal Elementary and

20.1 Secondary Education Act, as most recently reauthorized, and other student categories under
20.2 paragraph (a), clause (2).

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

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

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

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

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

20.28 (d) When reporting student performance under section 120B.36, subdivision 1, the
20.29 commissioner annually, beginning July 1, 2014, must report summary data on school safety
20.30 and students' engagement and connection at school, consistent with the student categories
20.31 identified under paragraph (a), clause (2). The summary data under this paragraph are
20.32 separate from and must not be used for any purpose related to measuring or evaluating the
20.33 performance of classroom teachers. The commissioner, in consultation with qualified experts
20.34 on student engagement and connection and classroom teachers, must identify highly reliable

21.1 variables that generate summary data under this paragraph. The summary data may be used
21.2 at school, district, and state levels only. Any data on individuals received, collected, or
21.3 created that are used to generate the summary data under this paragraph are nonpublic data
21.4 under section 13.02, subdivision 9.

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

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

21.11 (2) the percent of students under this paragraph whose progress and performance levels
21.12 are meeting career and college readiness benchmarks under section 120B.30, subdivision
21.13 1; and

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

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

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

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

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

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

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

21.29 (g) When reporting four- and six-year graduation rates, the commissioner or school
21.30 district must disaggregate the data by student categories according to paragraph (a), clause
21.31 (2).

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

22.6 **EFFECTIVE DATE.** This section is effective for the 2018-2019 school year and later
22.7 for rollout sites under Minnesota Statutes, section 120B.31, subdivision 3a. This section is
22.8 effective for the 2019-2020 school year and later for all other schools.

22.9 Sec. 12. Minnesota Statutes 2016, section 120B.36, subdivision 1, is amended to read:

22.10 Subdivision 1. **School performance reports and public reporting.** (a) The commissioner
22.11 shall report student academic performance data under section 120B.35, subdivisions 2 and
22.12 3; the percentages of students showing low, medium, and high growth under section 120B.35,
22.13 subdivision 3, paragraph (b); school safety and student engagement and connection under
22.14 section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35,
22.15 subdivision 3, paragraph (c); the percentage of students under section 120B.35, subdivision
22.16 3, paragraph (b), clause (2), whose progress and performance levels are meeting career and
22.17 college readiness benchmarks under sections 120B.30, subdivision 1, and 120B.35,
22.18 subdivision 3, paragraph (e); longitudinal data on the progress of eligible districts in reducing
22.19 disparities in students' academic achievement and realizing racial and economic integration
22.20 under section 124D.861; the acquisition of English, and where practicable, native language
22.21 academic literacy, including oral academic language, and the academic progress of all
22.22 English learners enrolled in a Minnesota public school course or program who are currently
22.23 or were previously counted as English learners under section 124D.59; two separate
22.24 student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections
22.25 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding
22.26 salaries; student enrollment demographics; foster care status, including all students enrolled
22.27 in a Minnesota public school course or program who are currently or were previously in
22.28 foster care, student homelessness, and district mobility; and extracurricular activities. ~~The~~
22.29 ~~report also must indicate a school's status under applicable federal law.~~

22.30 (b) The school performance report for a school site and a school district must include
22.31 school performance reporting information and calculate proficiency rates as required by the
22.32 most recently reauthorized Elementary and Secondary Education Act.

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

23.1 ~~(e)~~ (d) The commissioner must make available performance reports by the beginning of
 23.2 each school year.

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

23.6 ~~(e)~~ (f) School performance data are nonpublic data under section 13.02, subdivision 9,
 23.7 until the commissioner publicly releases the data. The commissioner shall annually post
 23.8 school performance reports to the department's public Web site no later than September 1,
 23.9 except that in years when the reports reflect new performance standards, the commissioner
 23.10 shall post the school performance reports no later than October 1.

23.11 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

23.12 Sec. 13. Minnesota Statutes 2016, section 124D.03, subdivision 5a, is amended to read:

23.13 Subd. 5a. **Lotteries.** If a school district has more applications than available seats at a
 23.14 specific grade level, it must hold an impartial lottery following the January 15 deadline to
 23.15 determine which students will receive seats. The district must give priority to enrolling:

23.16 (1) siblings of currently enrolled students;

23.17 (2) students whose applications are related to an approved integration and achievement
 23.18 plan; and;

23.19 (3) children of the school district's staff must receive priority in the lottery; and

23.20 (4) students residing in that part of a municipality, defined under section 469.1812,
 23.21 subdivision 3, where:

23.22 (i) the student's resident district does not operate a school building;

23.23 (ii) the nonresident district in which the student seeks to enroll operates one or more
 23.24 school buildings within the municipality; and

23.25 (iii) no other nonresident district operates a school building within the municipality.

23.26 The process for the school district lottery must be established in school district policy,
 23.27 approved by the school board, and posted on the school district's Web site.

23.28 **EFFECTIVE DATE.** This section is effective for lotteries conducted beginning July
 23.29 1, 2017.

24.1 Sec. 14. Minnesota Statutes 2016, section 124D.09, subdivision 3, is amended to read:

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

24.4 (a) "Eligible institution" means a Minnesota public postsecondary institution, a private,
24.5 nonprofit two-year trade and technical school granting associate degrees, an opportunities
24.6 industrialization center accredited by the North Central Association of Colleges and Schools,
24.7 or a private, residential, two-year or four-year, liberal arts, degree-granting college or
24.8 university located in Minnesota.

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

24.10 (c) "Concurrent enrollment" means nonsectarian courses in which an eligible pupil under
24.11 subdivision 5 or 5b enrolls to earn both secondary and postsecondary credits, are taught by
24.12 a secondary teacher or a postsecondary faculty member, and are offered at a high school
24.13 for which the district is eligible to receive concurrent enrollment program aid under section
24.14 124D.091.

24.15 Sec. 15. Minnesota Statutes 2016, section 124D.09, subdivision 5, is amended to read:

24.16 Subd. 5. **Authorization; notification.** Notwithstanding any other law to the contrary,
24.17 an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal
24.18 contract or grant school eligible for aid under section 124D.83, except a foreign exchange
24.19 pupil enrolled in a district under a cultural exchange program, may apply to an eligible
24.20 institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that
24.21 postsecondary institution. ~~Notwithstanding any other law to the contrary, a 9th or 10th grade~~
24.22 ~~pupil enrolled in a district or an American Indian-controlled tribal contract or grant school~~
24.23 ~~eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district~~
24.24 ~~under a cultural exchange program, may apply to enroll in nonsectarian courses offered~~
24.25 ~~under subdivision 10, if (1) the school district and the eligible postsecondary institution~~
24.26 ~~providing the course agree to the student's enrollment or (2) the course is a world language~~
24.27 ~~course currently available to 11th and 12th grade students, and consistent with section~~
24.28 ~~120B.022 governing world language standards, certificates, and seals.~~ If an institution
24.29 accepts a secondary pupil for enrollment under this section, the institution shall send written
24.30 notice to the pupil, the pupil's school or school district, and the commissioner ~~within ten~~
24.31 ~~days of acceptance.~~ The notice must indicate the course and hours of enrollment of that
24.32 pupil. If the pupil enrolls in a course for postsecondary credit, the institution must notify
24.33 the pupil about payment in the customary manner used by the institution.

25.1 Sec. 16. Minnesota Statutes 2016, section 124D.09, is amended by adding a subdivision
25.2 to read:

25.3 Subd. 5b. **Authorization; 9th or 10th grade pupil.** Notwithstanding any other law to
25.4 the contrary, a 9th or 10th grade pupil enrolled in a district or an American Indian-controlled
25.5 tribal contract or grant school eligible for aid under section 124D.83, except a foreign
25.6 exchange pupil enrolled in a district under a cultural exchange program, may apply to enroll
25.7 in nonsectarian courses offered under subdivision 10, if:

25.8 (1) the school district and the eligible postsecondary institution providing the course
25.9 agree to the student's enrollment; or

25.10 (2) the course is a world language course currently available to 11th and 12th grade
25.11 students, and consistent with section 120B.022 governing world language standards,
25.12 certificates, and seals.

25.13 Sec. 17. Minnesota Statutes 2016, section 124D.09, subdivision 13, is amended to read:

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

25.17 The department must not make payments to a school district or postsecondary institution
25.18 for a course taken for postsecondary credit only. The department must not make payments
25.19 to a postsecondary institution for a course from which a student officially withdraws during
25.20 the first 14 days of the quarter or semester or who has been absent from the postsecondary
25.21 institution for the first 15 consecutive school days of the quarter or semester and is not
25.22 receiving instruction in the home or hospital.

25.23 A postsecondary institution shall receive the following:

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

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

25.30 The department must pay to each postsecondary institution 100 percent of the amount
25.31 in clause (1) or (2) within ~~30~~ 45 days of receiving initial enrollment information each quarter
25.32 or semester. If changes in enrollment occur during a quarter or semester, the change shall

26.1 be reported by the postsecondary institution at the time the enrollment information for the
26.2 succeeding quarter or semester is submitted. At any time the department notifies a
26.3 postsecondary institution that an overpayment has been made, the institution shall promptly
26.4 remit the amount due.

26.5 Sec. 18. Minnesota Statutes 2016, section 124D.095, subdivision 3, is amended to read:

26.6 Subd. 3. **Authorization; notice; limitations on enrollment.** (a) A student may apply
26.7 for full-time enrollment in an approved online learning program under section 124D.03 or
26.8 124D.08 or chapter 124E. Notwithstanding sections 124D.03 and 124D.08 and chapter
26.9 124E, procedures for enrolling in supplemental online learning are as provided in this
26.10 subdivision. A student age 17 or younger must have the written consent of a parent or
26.11 guardian to apply. No school district or charter school may prohibit a student from applying
26.12 to enroll in online learning. In order to enroll in online learning, the student and the student's
26.13 parents must submit an application to the online learning provider and identify the student's
26.14 reason for enrolling. An online learning provider that accepts a student under this section
26.15 must notify the student and the enrolling district in writing within ten days if the enrolling
26.16 district is not the online learning provider. The student and the student's parent must notify
26.17 the online learning provider of the student's intent to enroll in online learning within ten
26.18 days of being accepted, at which time the student and the student's parent must sign a
26.19 statement indicating that they have reviewed the online course or program and understand
26.20 the expectations of enrolling in online learning. The online learning provider must use a
26.21 form provided by the department to notify the enrolling district of the student's application
26.22 to enroll in online learning.

26.23 (b) The supplemental online learning notice to the enrolling district when a student
26.24 applies to the online learning provider will include the courses or program, credits to be
26.25 awarded, and the start date of the online course or program. An online learning provider
26.26 must make available the supplemental online course syllabus to the enrolling district. Within
26.27 15 days after the online learning provider makes information in this paragraph available to
26.28 the enrolling district, the enrolling district must notify the online provider whether the
26.29 student, the student's parent, and the enrolling district agree or disagree that the course meets
26.30 the enrolling district's graduation requirements. A student may enroll in a supplemental
26.31 online learning course up to the midpoint of the enrolling district's term. The enrolling
26.32 district may waive this requirement for special circumstances and with the agreement of
26.33 the online provider. An online learning course or program that meets or exceeds a graduation
26.34 standard or the grade progression requirement of the enrolling district as described in the
26.35 provider's online course syllabus meets the corresponding graduation requirements applicable

27.1 to the student in the enrolling district. If the enrolling district does not agree that the course
27.2 or program meets its graduation requirements, then:

27.3 (1) the enrolling district must make available an explanation of its decision to the student,
27.4 the student's parent, and the online provider; and

27.5 (2) the online provider may make available a response to the enrolling district, showing
27.6 how the course or program meets the graduation requirements of the enrolling district.

27.7 (c) An online learning provider must notify the commissioner that it is delivering online
27.8 learning and report the number of online learning students it accepts and the online learning
27.9 courses and programs it delivers.

27.10 (d) An online learning provider may limit enrollment if the provider's school board or
27.11 board of directors adopts by resolution specific standards for accepting and rejecting students'
27.12 applications. Limits to enrollment must not discriminate against any group under chapter
27.13 363A.

27.14 (e) An enrolling district may reduce an online learning student's regular classroom
27.15 instructional membership in proportion to the student's membership in online learning
27.16 courses.

27.17 (f) The online provider must report or make available information on an individual
27.18 student's progress and accumulated credit to the student, the student's parent, and the enrolling
27.19 district in a manner specified by the commissioner unless the enrolling district and the online
27.20 provider agree to a different form of notice and notify the commissioner. The enrolling
27.21 district must designate a contact person to help facilitate and monitor the student's academic
27.22 progress and accumulated credits towards graduation.

27.23 Sec. 19. **[124D.4535] INNOVATIVE DELIVERY OF CAREER AND TECHNICAL**
27.24 **EDUCATION PROGRAMS; SHARING OF DISTRICT RESOURCES.**

27.25 Subdivision 1. Establishment; requirements for participation. (a) A program is
27.26 established to improve student, career and college readiness, and school outcomes by
27.27 allowing groups of school districts to work together in partnership with local and regional
27.28 postsecondary institutions and programs, community institutions, and other private, public,
27.29 for-profit, and nonprofit workplace partners, to:

27.30 (1) provide innovative education programs and activities that integrate core academic
27.31 and career and technical subjects in students' programs of study through coordinated
27.32 secondary and postsecondary career and technical programs leading to an industry
27.33 certification or other credential;

- 28.1 (2) provide embedded professional development for program participants;
- 28.2 (3) use performance assessments in authentic settings to measure students' technical
- 28.3 skills and progress toward attaining an industry certification or other credential; and
- 28.4 (4) efficiently share district, institution, and workplace resources.
- 28.5 (b) To participate in this program to improve student, career and college readiness, and
- 28.6 school outcomes, a group of two or more school districts must collaborate with school staff
- 28.7 and project partners and receive formal school board approval to form a partnership. The
- 28.8 partnership must develop a plan to provide challenging programmatic options for students
- 28.9 under paragraph (a); create professional development opportunities for educators and other
- 28.10 program participants; increase student engagement and connection and challenging learning
- 28.11 opportunities for diverse populations of students that are focused on employability skills
- 28.12 and technical, job-specific skills related to a specific career pathway; or demonstrate
- 28.13 efficiencies in delivering financial and other services needed to realize plan goals and
- 28.14 objectives. The plan must include:
- 28.15 (1) collaborative education goals and objectives;
- 28.16 (2) strategies and processes to implement those goals and objectives, including a budget
- 28.17 process with periodic expenditure reviews;
- 28.18 (3) valid and reliable measures including performance assessments in authentic settings
- 28.19 and progress toward attaining an industry certification or other credential, among other
- 28.20 measures, to evaluate progress in realizing plan goals and objectives;
- 28.21 (4) an implementation timeline; and
- 28.22 (5) other applicable conditions, regulations, responsibilities, duties, provisions, fee
- 28.23 schedules, and legal considerations needed to fully implement the plan.
- 28.24 A partnership may invite additional districts or other participants under paragraph (a) to
- 28.25 join the partnership after notifying the commissioner.
- 28.26 (c) A partnership of interested districts must submit an application to the commissioner
- 28.27 of education in the form and manner the commissioner determines, consistent with the
- 28.28 requirements of this section. The application must contain the formal approval adopted by
- 28.29 the school board in each district to participate in the plan.
- 28.30 (d) Notwithstanding any other law to the contrary, a participating school district under
- 28.31 this section continues to: receive revenue and maintain its taxation authority; be organized
- 28.32 and governed by an elected school board with general powers under section 123B.02; and

29.1 be subject to employment agreements under chapter 122A, and section 179A.20; and district
29.2 employees continue to remain employees of the employing school district.

29.3 (e) Participating districts must submit a biennial report by February 1 in each
29.4 odd-numbered year to the education committees of the legislature and the commissioner of
29.5 education that includes performance assessment, high school graduation, and career and
29.6 technical certification data to show the success of the partnership in preparing diverse
29.7 populations of students for careers and jobs.

29.8 Subd. 2. **Commissioner's role.** The commissioner of education must convene an advisory
29.9 panel to advise the commissioner on applicants' qualifications to participate in this program.
29.10 The commissioner must ensure an equitable geographical distribution of program participants
29.11 to the extent practicable. The commissioner must select only those applicants that fully
29.12 comply with the requirements in subdivision 1. The commissioner may terminate a program
29.13 participant that fails to effectively implement the goals and objectives contained in its
29.14 application and according to its stated timeline.

29.15 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment
29.16 and applies to those applications submitted after that date.

29.17 (b) Districts already approved for an innovation zone pilot project under Laws 2012,
29.18 chapter 263, section 1, as amended by Laws 2014, chapter 312, article 15, section 24, may
29.19 continue to operate.

29.20 Sec. 20. Minnesota Statutes 2016, section 124D.549, is amended to read:

29.21 **124D.549 GENERAL EDUCATION DEVELOPMENT (GED) TESTS RULES;**
29.22 **COMMISSIONER COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY**
29.23 **TEST.**

29.24 The commissioner may amend rules to reflect changes in the national minimum standard
29.25 score for passing the general education development (GED) tests, in consultation with adult
29.26 basic education stakeholders, must select a high school equivalency test. The commissioner
29.27 may issue a high school equivalency diploma to a Minnesota resident 19 years of age or
29.28 older who has not earned a high school diploma, who has not previously been issued a
29.29 general education development (GED) test, and who has exceeded or achieved a minimum
29.30 passing score on the equivalency test established by the publisher. The commissioner of
29.31 education may waive the minimum age requirement if supportive evidence is provided by
29.32 an employer or a recognized education or rehabilitation provider.

30.1 Sec. 21. Minnesota Statutes 2016, section 124D.55, is amended to read:

30.2 **~~124D.55 GENERAL EDUCATION DEVELOPMENT (GED)~~**

30.3 **COMMISSIONER-SELECTED HIGH SCHOOL EQUIVALENCY TEST FEES.**

30.4 The commissioner shall pay 60 percent of the fee that is charged to an eligible individual
30.5 for the full battery of ~~general education development (GED)~~ the commissioner-selected
30.6 high school equivalency tests, but not more than \$40 for an eligible individual.

30.7 For fiscal year 2017 only, the commissioner shall pay 100 percent of the fee charged to
30.8 an eligible individual for the full battery of ~~general education development (GED)~~ the
30.9 commissioner-selected high school equivalency tests, but not more than the cost of one full
30.10 battery of tests per year for any individual.

30.11 Sec. 22. Minnesota Statutes 2016, section 124E.03, subdivision 2, is amended to read:

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

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

30.16 (c) A charter school must comply with the Minnesota Public School Fee Law, sections
30.17 123B.34 to 123B.39.

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

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

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

30.23 (g) A charter school must comply with continuing truant notification under section
30.24 260A.03.

30.25 (h) A charter school must develop and implement a teacher evaluation and peer review
30.26 process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place
30.27 students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d).

30.28 The teacher evaluation process in this paragraph does not create any additional employment
30.29 rights for teachers.

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

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

31.6 Sec. 23. Minnesota Statutes 2016, section 124E.11, is amended to read:

31.7 **124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.**

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

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

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

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

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

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

31.30 (d) A person shall not be admitted to a charter school (1) as a kindergarten pupil, unless
31.31 the pupil is at least five years of age on September 1 of the calendar year in which the school
31.32 year for which the pupil seeks admission commences; or (2) as a first grade student, unless

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

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

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

32.14 (g) Once a student is enrolled in the school, the student is considered enrolled in the
 32.15 school until the student formally withdraws or is expelled under the Pupil Fair Dismissal
 32.16 Act in sections 121A.40 to 121A.56. ~~A charter school is subject to and must comply with~~
 32.17 ~~the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56.~~

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

32.24 Sec. 24. Minnesota Statutes 2016, section 125A.08, is amended to read:

32.25 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

32.26 (a) At the beginning of each school year, each school district shall have in effect, for
 32.27 each child with a disability, an individualized education program.

32.28 (b) As defined in this section, every district must ensure the following:

32.29 (1) all students with disabilities are provided the special instruction and services which
 32.30 are appropriate to their needs. Where the individualized education program team has
 32.31 determined appropriate goals and objectives based on the student's needs, including the
 32.32 extent to which the student can be included in the least restrictive environment, and where
 32.33 there are essentially equivalent and effective instruction, related services, or assistive

33.1 technology devices available to meet the student's needs, cost to the district may be among
33.2 the factors considered by the team in choosing how to provide the appropriate services,
33.3 instruction, or devices that are to be made part of the student's individualized education
33.4 program. The individualized education program team shall consider and may authorize
33.5 services covered by medical assistance according to section 256B.0625, subdivision 26.
33.6 Before a school district evaluation team makes a determination of other health disability
33.7 under Minnesota Rules, part 3525.1335, subparts 1 and 2, item A, subitem (1), the evaluation
33.8 team must seek written documentation of the student's medically diagnosed chronic or acute
33.9 health condition signed by a licensed physician or a licensed health care provider acting
33.10 within the scope of the provider's practice. The student's needs and the special education
33.11 instruction and services to be provided must be agreed upon through the development of
33.12 an individualized education program. The program must address the student's need to develop
33.13 skills to live and work as independently as possible within the community. The individualized
33.14 education program team must consider positive behavioral interventions, strategies, and
33.15 supports that address behavior needs for children. During grade 9, the program must address
33.16 the student's needs for transition from secondary services to postsecondary education and
33.17 training, employment, community participation, recreation, and leisure and home living. In
33.18 developing the program, districts must inform parents of the full range of transitional goals
33.19 and related services that should be considered. The program must include a statement of
33.20 the needed transition services, including a statement of the interagency responsibilities or
33.21 linkages or both before secondary services are concluded. If the individualized education
33.22 program meets the plan components in section 120B.125, the individualized education
33.23 program satisfies the requirement and no additional transition plan is needed;

33.24 (2) children with a disability under age five and their families are provided special
33.25 instruction and services appropriate to the child's level of functioning and needs;

33.26 (3) children with a disability and their parents or guardians are guaranteed procedural
33.27 safeguards and the right to participate in decisions involving identification, assessment
33.28 including assistive technology assessment, and educational placement of children with a
33.29 disability;

33.30 (4) eligibility and needs of children with a disability are determined by an initial
33.31 evaluation or reevaluation, which may be completed using existing data under United States
33.32 Code, title 20, section 33, et seq.;

33.33 (5) to the maximum extent appropriate, children with a disability, including those in
33.34 public or private institutions or other care facilities, are educated with children who are not
33.35 disabled, and that special classes, separate schooling, or other removal of children with a

34.1 disability from the regular educational environment occurs only when and to the extent that
34.2 the nature or severity of the disability is such that education in regular classes with the use
34.3 of supplementary services cannot be achieved satisfactorily;

34.4 (6) in accordance with recognized professional standards, testing and evaluation materials,
34.5 and procedures used for the purposes of classification and placement of children with a
34.6 disability are selected and administered so as not to be racially or culturally discriminatory;
34.7 and

34.8 (7) the rights of the child are protected when the parents or guardians are not known or
34.9 not available, or the child is a ward of the state.

34.10 (c) For all paraprofessionals employed to work in programs whose role in part is to
34.11 provide direct support to students with disabilities, the school board in each district shall
34.12 ensure that:

34.13 (1) before or beginning at the time of employment, each paraprofessional must develop
34.14 sufficient knowledge and skills in emergency procedures, building orientation, roles and
34.15 responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin
34.16 meeting the needs, especially disability-specific and behavioral needs, of the students with
34.17 whom the paraprofessional works;

34.18 (2) annual training opportunities are required to enable the paraprofessional to continue
34.19 to further develop the knowledge ~~and~~, skills, and cultural competency, consistent with
34.20 section 120B.30, subdivision 1, paragraph (q), that are specific to the students with whom
34.21 the paraprofessional works, including understanding disabilities, the unique and individual
34.22 needs of each student according to the student's disability and how the disability affects the
34.23 student's education and behavior, following lesson plans, and implementing follow-up
34.24 instructional procedures and activities; and

34.25 (3) a districtwide process obligates each paraprofessional to work under the ongoing
34.26 direction of a licensed teacher and, where appropriate and possible, the supervision of a
34.27 school nurse.

34.28 (d) The school board must make available annual training opportunities to enable a
34.29 special education teacher serving on an individualized education program team to further
34.30 develop the knowledge, skills, and cultural competency necessary to appropriately serve
34.31 students. For purposes of this section "cultural competency," means the ability and will to
34.32 interact effectively with people of different cultures, native languages, and socioeconomic
34.33 backgrounds.

35.1 **EFFECTIVE DATE.** This section is effective for the 2017-2018 school year and later.

35.2 Sec. 25. Minnesota Statutes 2016, section 126C.05, subdivision 8, is amended to read:

35.3 Subd. 8. **Average daily membership.** (a) Membership for pupils in grades kindergarten
35.4 through 12 and for prekindergarten pupils with disabilities shall mean the number of pupils
35.5 on the current roll of the school, counted from the date of entry until withdrawal. The date
35.6 of withdrawal shall mean the day the pupil permanently leaves the school or the date it is
35.7 officially known that the pupil has left or has been legally excused. However, a pupil,
35.8 regardless of age, who has been absent from school for 15 consecutive school days during
35.9 the regular school year or for five consecutive school days during summer school or
35.10 intersession classes of flexible school year programs without receiving instruction in the
35.11 home or hospital shall be dropped from the roll and classified as withdrawn. Nothing in this
35.12 section shall be construed as waiving the compulsory attendance provisions cited in section
35.13 120A.22. Average daily membership equals the sum for all pupils of the number of days
35.14 of the school year each pupil is enrolled in the district's schools divided by the number of
35.15 days the schools are in session or are providing e-learning days due to inclement weather.
35.16 Days of summer school or intersession classes of flexible school year programs are only
35.17 included in the computation of membership for pupils with a disability not appropriately
35.18 served primarily in the regular classroom. A student must not be counted as more than 1.2
35.19 pupils in average daily membership under this section. When the initial total average daily
35.20 membership exceeds 1.2 for a pupil enrolled in more than one school district during the
35.21 fiscal year, each district's average daily membership must be reduced proportionately.

35.22 (b) A student must not be counted as more than one pupil in average daily membership
35.23 except for purposes of section 126C.10, subdivision 2a.

35.24 Sec. 26. Minnesota Statutes 2016, section 256J.08, subdivision 38, is amended to read:

35.25 Subd. 38. **Full-time student.** "Full-time student" means a person who is enrolled in a
35.26 graded or ungraded primary, intermediate, secondary, ~~GED~~ commissioner of
35.27 education-selected high school equivalency preparatory, trade, technical, vocational, or
35.28 postsecondary school, and who meets the school's standard for full-time attendance.

35.29 Sec. 27. Minnesota Statutes 2016, section 256J.08, subdivision 39, is amended to read:

35.30 Subd. 39. ~~General educational development or GED~~ Commissioner of
35.31 education-selected high school equivalency. "~~General educational development~~" or "~~GED~~"
35.32 "Commissioner of education-selected high school equivalency" means the ~~general educational~~

36.1 ~~development~~ high school equivalency certification issued by the commissioner of education
36.2 as an equivalent to a secondary school diploma under Minnesota Rules, part 3500.3100,
36.3 subpart 4 section 124D.549.

36.4 Sec. 28. **COMMISSIONER REPORT ON DYSLEXIA.**

36.5 (a) The commissioner of education must submit a report to the legislature on resources
36.6 and administrative changes that would assist schools in addressing the needs of students
36.7 with dyslexia and convergence insufficiency disorder. The report must identify the following:

36.8 (1) resources for school districts including screening tools and best practices for
36.9 identifying students with dyslexia and convergence insufficiency disorder;

36.10 (2) intervention strategies and teaching approaches to help students with dyslexia to
36.11 develop language skills, including reading and writing; and

36.12 (3) changes to Minnesota Rules, part 3525.1341, and other rules adopted by the
36.13 Department of Education that would assist schools in identifying students with dyslexia
36.14 and implement intervention strategies to meet the needs of students with dyslexia and
36.15 convergence insufficiency disorder.

36.16 (b) The commissioner must submit the report to the education policy and finance
36.17 committees of the legislature by February 15, 2018.

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

36.19 Sec. 29. **REVISOR'S INSTRUCTION.**

36.20 In Minnesota Statutes and Minnesota Rules, the revisor of statutes shall substitute the
36.21 term "commissioner-selected high school equivalency" or similar term for "general education
36.22 development," "GED," or similar terms for wherever the term refers to the tests or programs
36.23 leading to a certification issued by the commissioner of education as an equivalency to a
36.24 secondary diploma.

36.25 Sec. 30. **REPEALER.**

36.26 Minnesota Rules, part 3500.3100, subpart 4, is repealed.

36.27 **ARTICLE 3**

36.28 **TEACHERS**

36.29 Section 1. Minnesota Statutes 2016, section 122A.09, subdivision 4a, is amended to read:

37.1 Subd. 4a. **Teacher and administrator preparation and performance data; report.**

37.2 (a) The Board of Teaching and the Board of School Administrators, in cooperation with the
37.3 Minnesota Association of Colleges of Teacher Education and Minnesota colleges and
37.4 universities offering board-adopted teacher or administrator preparation programs, annually
37.5 must collect and report summary data on teacher and administrator preparation and
37.6 performance outcomes, consistent with this subdivision. The Board of Teaching and the
37.7 Board of School Administrators annually by June 1 must update and post the reported
37.8 summary preparation and performance data on teachers and administrators from the preceding
37.9 school years on a Web site hosted jointly by the boards.

37.10 (b) Publicly reported summary data on teacher preparation programs must include:
37.11 student entrance requirements for each Board of Teaching-approved program, including
37.12 grade point average for enrolling students in the preceding year; the average board-adopted
37.13 skills examination or ACT or SAT scores of students entering the program in the preceding
37.14 year; summary data on faculty qualifications, including at least the content areas of faculty
37.15 undergraduate and graduate degrees and their years of experience either as kindergarten
37.16 through grade 12 classroom teachers or school administrators; the average time resident
37.17 and nonresident program graduates in the preceding year needed to complete the program;
37.18 the current number and percent of students by program who graduated, received a standard
37.19 Minnesota teaching license, and were hired to teach full time in their licensure field in a
37.20 Minnesota district or school in the preceding year, disaggregated by race, except when such
37.21 disaggregation would not yield statistically reliable results or would reveal personally
37.22 identifiable information about an individual; the number of content area credits and other
37.23 credits by undergraduate program that students in the preceding school year needed to
37.24 complete to graduate; students' pass rates on skills and subject matter exams required for
37.25 graduation in each program and licensure area in the preceding school year; survey results
37.26 measuring student and graduate satisfaction with the program in the preceding school year,
37.27 disaggregated by race, except when such disaggregation would not yield statistically reliable
37.28 results or would reveal personally identifiable information about an individual; a standard
37.29 measure of the satisfaction of school principals or supervising teachers with the student
37.30 teachers assigned to a school or supervising teacher; and information under paragraphs (d)
37.31 and (e). Program reporting must be consistent with subdivision 11.

37.32 (c) Publicly reported summary data on administrator preparation programs approved by
37.33 the Board of School Administrators must include: summary data on faculty qualifications,
37.34 including at least the content areas of faculty undergraduate and graduate degrees and their
37.35 years of experience either as kindergarten through grade 12 classroom teachers or school

38.1 administrators; the average time program graduates in the preceding year needed to complete
38.2 the program; the current number and percent of students who graduated, received a standard
38.3 Minnesota administrator license, and were employed as an administrator in a Minnesota
38.4 school district or school in the preceding year, disaggregated by race, except when such
38.5 disaggregation would not yield statistically reliable results or would reveal personally
38.6 identifiable information about an individual; the number of credits by graduate program
38.7 that students in the preceding school year needed to complete to graduate; survey results
38.8 measuring student, graduate, and employer satisfaction with the program in the preceding
38.9 school year, disaggregated by race, except when such disaggregation would not yield
38.10 statistically reliable results or would reveal personally identifiable information about an
38.11 individual; and information under paragraphs (f) and (g). Program reporting must be
38.12 consistent with section 122A.14, subdivision 10.

38.13 (d) School districts annually by October 1 must report to the Board of Teaching the
38.14 following information for all teachers who finished the probationary period and accepted
38.15 a continuing contract position with the district from September 1 of the previous year through
38.16 August 31 of the current year: the effectiveness category or rating of the teacher on the
38.17 summative evaluation under section 122A.40, subdivision 8, or 122A.41, subdivision 5;
38.18 the licensure area in which the teacher primarily taught during the three-year evaluation
38.19 cycle; and the teacher preparation program preparing the teacher in the teacher's primary
38.20 areas of instruction and licensure.

38.21 (e) School districts annually by October 1 must report to the Board of Teaching the
38.22 following information for all probationary teachers in the district who were released or
38.23 whose contracts were not renewed from September 1 of the previous year through August
38.24 31 of the current year: the licensure areas in which the probationary teacher taught; and the
38.25 teacher preparation program preparing the teacher in the teacher's primary areas of instruction
38.26 and licensure.

38.27 (f) School districts annually by October 1 must report to the Board of School
38.28 Administrators the following information for all school principals and assistant principals
38.29 who finished the probationary period and accepted a continuing contract position with the
38.30 district from September 1 of the previous year through August 31 of the current year: the
38.31 effectiveness category or rating of the principal or assistant principal on the summative
38.32 evaluation under section 123B.147, subdivision 3; and the principal preparation program
38.33 providing instruction to the principal or assistant principal.

38.34 (g) School districts annually by October 1 must report to the Board of School
38.35 Administrators all probationary school principals and assistant principals in the district who

39.1 were released or whose contracts were not renewed from September 1 of the previous year
39.2 through August 31 of the current year.

39.3 (h) Data that must be disaggregated by race under this section must be reported in the
39.4 following categories:

39.5 (1) American Indian or Alaskan Native;

39.6 (2) Asian;

39.7 (3) Black or African American;

39.8 (4) Hispanic or Latino;

39.9 (5) Native Hawaiian or Other Pacific Islander;

39.10 (6) White; and

39.11 (7) two or more races.

39.12 Sec. 2. Minnesota Statutes 2016, section 122A.415, subdivision 4, is amended to read:

39.13 Subd. 4. **Basic alternative teacher compensation aid.** (a) The basic alternative teacher
39.14 compensation aid for a school with a plan approved under section 122A.414, subdivision
39.15 2b, equals 65 percent of the alternative teacher compensation revenue under subdivision 1.
39.16 The basic alternative teacher compensation aid for a charter school with a plan approved
39.17 under section 122A.414, subdivisions 2a and 2b, equals \$260 times the number of pupils
39.18 enrolled in the school on October 1 of the previous year, or on October 1 of the current year
39.19 for a charter school in the first year of operation, times the ratio of the sum of the alternative
39.20 teacher compensation aid and alternative teacher compensation levy for all participating
39.21 school districts to the maximum alternative teacher compensation revenue for those districts
39.22 under subdivision 1.

39.23 (b) Notwithstanding paragraph (a) and subdivision 1, the state total basic alternative
39.24 teacher compensation aid entitlement must not exceed \$75,840,000 for fiscal year 2016 and
39.25 \$88,118,000 for fiscal year 2017 and later. The commissioner must limit the amount of
39.26 alternative teacher compensation aid approved under this section so as not to exceed these
39.27 limits by not approving new participants or by prorating the aid among participating districts,
39.28 intermediate school districts, school sites, and charter schools. The commissioner may also
39.29 reallocate a portion of the allowable aid for the biennium from the second year to the first
39.30 year to meet the needs of approved participants.

40.1 (c) Basic alternative teacher compensation aid for an intermediate district or other
40.2 cooperative unit equals \$3,000 times the number of licensed teachers employed by the
40.3 intermediate district or cooperative unit on October 1 of the previous school year.

40.4 **Sec. 3. [122A.417] ALTERNATIVE TEACHER COMPENSATION REVENUE**
40.5 **FOR ST. CROIX RIVER EDUCATION DISTRICT.**

40.6 Notwithstanding section 122A.415, subdivision 4, paragraph (c), the St. Croix River
40.7 Education District, No. 6009-61, is eligible to receive alternative teacher compensation
40.8 revenue based on its staffing as of October 1 of the previous fiscal year as reported to the
40.9 department in a manner determined by the commissioner. To qualify for alternative teacher
40.10 compensation revenue, the St. Croix River Education District must meet all of the
40.11 requirements of sections 122A.414 and 122A.415 that apply to cooperative units, must
40.12 report its staffing as of October 1 of each year to the department in a manner determined
40.13 by the commissioner, and must annually report to the department by November 30 its
40.14 expenditures for the alternative teacher professional pay system consistent with the uniform
40.15 financial accounting and reporting standards.

40.16 **Sec. 4. [122A.627] POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.**

40.17 "Positive behavioral interventions and supports" or "PBIS" means an evidence-based
40.18 framework for preventing problem behavior, providing instruction and support for positive
40.19 and prosocial behaviors, and supporting social, emotional, and behavioral needs for all
40.20 students. Schoolwide implementation of PBIS requires training, coaching, and evaluation
40.21 for school staff to consistently implement the key components that make PBIS effective for
40.22 all students, including:

40.23 (1) establishing, defining, teaching, and practicing three to five positively stated
40.24 schoolwide behavioral expectations that are representative of the local community and
40.25 cultures;

40.26 (2) developing and implementing a consistent system used by all staff to provide positive
40.27 feedback and acknowledgment for students who display schoolwide behavioral expectations;

40.28 (3) developing and implementing a consistent and specialized support system for students
40.29 who do not display behaviors representative of schoolwide positive expectations;

40.30 (4) developing a system to support decisions based on data related to student progress,
40.31 effective implementation of behavioral practices, and screening for students requiring
40.32 additional behavior supports;

41.1 (5) using a continuum of evidence-based interventions that is integrated and aligned to
41.2 support academic and behavioral success for all students; and

41.3 (6) using a team-based approach to support effective implementation, monitor progress,
41.4 and evaluate outcomes.

41.5 Consistent with section 120B.232, subdivision 1, character education curriculum and
41.6 programs may be used to support implementation of the key components of PBIS.

41.7 **ARTICLE 4**

41.8 **SPECIAL EDUCATION**

41.9 Section 1. Minnesota Statutes 2016, section 125A.0941, is amended to read:

41.10 **125A.0941 DEFINITIONS.**

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

41.12 (b) "Emergency" means a situation where immediate intervention is needed to protect
41.13 a child or other individual from physical injury. Emergency does not mean circumstances
41.14 such as: a child who does not respond to a task or request and instead places his or her head
41.15 on a desk or hides under a desk or table; a child who does not respond to a staff person's
41.16 request unless failing to respond would result in physical injury to the child or other
41.17 individual; or an emergency incident has already occurred and no threat of physical injury
41.18 currently exists.

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

41.24 (1) helps a child respond or complete a task;

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

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

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

41.29 (d) "Positive behavioral interventions and supports" means interventions and strategies
41.30 to improve the school environment and teach children the skills to behave appropriately,
41.31 including the key components under section 122A.627.

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

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

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

42.9 Sec. 2. Minnesota Statutes 2016, section 125A.515, is amended to read:

42.10 **125A.515 PLACEMENT OF STUDENTS; APPROVAL OF EDUCATION**
42.11 **PROGRAM.**

42.12 Subdivision 1. **Approval of on-site education programs.** The commissioner shall
42.13 approve on-site education programs for placement of children and youth in residential
42.14 facilities including detention centers, before being licensed by the Department of Human
42.15 Services or the Department of Corrections. Education programs in these facilities shall
42.16 conform to state and federal education laws including the Individuals with Disabilities
42.17 Education Act (IDEA). This section applies only to placements in children's residential
42.18 facilities licensed by the Department of Human Services or the Department of Corrections.
42.19 For purposes of this section, "on-site education program" means the educational services
42.20 provided directly on the grounds of the ~~care and treatment~~ children's residential facility to
42.21 children and youth placed for care and treatment.

42.22 Subd. 3. **Responsibilities for providing education.** (a) The district in which the children's
42.23 residential facility is located must provide education services, including special education
42.24 if eligible, to all students placed in a facility.

42.25 (b) For education programs operated by the Department of Corrections, the providing
42.26 district shall be the Department of Corrections. For students remanded to the commissioner
42.27 of corrections, the providing and resident district shall be the Department of Corrections.

42.28 Subd. 3a. **Students without a disability from other states.** A school district is not
42.29 required to provide education services under this section to a student who:

42.30 (1) is not a resident of Minnesota;

42.31 (2) does not have an individualized education program; and

43.1 (3) does not have a tuition arrangement or agreement to pay the cost of education from
43.2 the placing authority.

43.3 Subd. 4. **Education services required.** (a) Education services must be provided to a
43.4 student beginning within three business days after the student enters the ~~care and treatment~~
43.5 children's residential facility. The first four days of the student's placement may be used to
43.6 screen the student for educational and safety issues.

43.7 (b) If the student does not meet the eligibility criteria for special education, regular
43.8 education services must be provided to that student.

43.9 Subd. 5. **Education programs for students placed in children's residential facilities.**

43.10 (a) When a student is placed in a children's residential facility ~~approved~~ under this section
43.11 that has an on-site education program, the providing district, upon notice from the ~~care and~~
43.12 ~~treatment~~ children's residential facility, must contact the resident district within one business
43.13 day to determine if a student has been identified as having a disability, and to request at
43.14 least the student's transcript, and for students with disabilities, the most recent individualized
43.15 education program (IEP) and evaluation report, ~~and to determine if the student has been~~
43.16 ~~identified as a student with a disability~~. The resident district must send a facsimile copy to
43.17 the providing district within two business days of receiving the request.

43.18 (b) If a student placed under this section has been identified as having a disability and
43.19 has an individualized education program in the resident district:

43.20 (1) the providing agency must conduct an individualized education program meeting to
43.21 reach an agreement about continuing or modifying special education services in accordance
43.22 with the current individualized education program goals and objectives and to determine if
43.23 additional evaluations are necessary; and

43.24 (2) at least the following people shall receive written notice or documented phone call
43.25 to be followed with written notice to attend the individualized education program meeting:

43.26 (i) the person or agency placing the student;

43.27 (ii) the resident district;

43.28 (iii) the appropriate teachers and related services staff from the providing district;

43.29 (iv) appropriate staff from the children's residential facility;

43.30 (v) the parents or legal guardians of the student; and

43.31 (vi) when appropriate, the student.

44.1 (c) For a student who has not been identified as a student with a disability, a screening
44.2 must be conducted by the providing districts as soon as possible to determine the student's
44.3 educational and behavioral needs and must include a review of the student's educational
44.4 records.

44.5 Subd. 6. **Exit report summarizing educational progress.** If a student has been placed
44.6 in a facility under this section for 15 or more business days, the providing district must
44.7 prepare an exit report summarizing the regular education, special education, evaluation,
44.8 educational progress, and service information and must send the report to the resident district
44.9 and the next providing district if different, the parent or legal guardian, and any appropriate
44.10 social service agency. For students with disabilities, this report must include the student's
44.11 IEP.

44.12 Subd. 7. **Minimum educational services required.** When a student is placed in a
44.13 children's residential facility ~~approved~~ under this section, at a minimum, the providing
44.14 district is responsible for:

44.15 (1) the education necessary, including summer school services, for a student who is not
44.16 performing at grade level as indicated in the education record or IEP; and

44.17 (2) a school day, of the same length as the school day of the providing district, unless
44.18 the unique needs of the student, as documented through the IEP or education record in
44.19 consultation with treatment providers, requires an alteration in the length of the school day.

44.20 Subd. 8. **Placement, services, and due process.** When a student's treatment and
44.21 educational needs allow, education shall be provided in a regular educational setting. The
44.22 determination of the amount and site of integrated services must be a joint decision between
44.23 the student's parents or legal guardians and the treatment and education staff. When
44.24 applicable, educational placement decisions must be made by the IEP team of the providing
44.25 district. Educational services shall be provided in conformance with the least restrictive
44.26 environment principle of the Individuals with Disabilities Education Act. The providing
44.27 district and ~~care and treatment~~ children's residential facility shall cooperatively develop
44.28 discipline and behavior management procedures to be used in emergency situations that
44.29 comply with the Minnesota Pupil Fair Dismissal Act and other relevant state and federal
44.30 laws and regulations.

44.31 Subd. 9. **Reimbursement for education services.** (a) Education services provided to
44.32 students who have been placed under this section are reimbursable in accordance with
44.33 special education and general education statutes.

45.1 (b) Indirect or consultative services provided in conjunction with regular education
45.2 prereferral interventions and assessment provided to regular education students suspected
45.3 of being disabled and who have demonstrated learning or behavioral problems in a screening
45.4 are reimbursable with special education categorical aids.

45.5 (c) Regular education, including screening, provided to students with or without
45.6 disabilities is not reimbursable with special education categorical aids.

45.7 **Subd. 10. Students unable to attend school but not covered under this section.**
45.8 Students who are absent from, or predicted to be absent from, school for 15 consecutive or
45.9 intermittent days, and placed at home or in facilities not licensed by the Departments of
45.10 Corrections or Human Services are entitled to regular and special education services
45.11 consistent with this section or Minnesota Rules, part 3525.2325. These students include
45.12 students with and without disabilities who are home due to accident or illness, in a hospital
45.13 or other medical facility, or in a day treatment center.

45.14 **Sec. 3. SPECIAL EDUCATION ASSISTIVE TECHNOLOGY STUDY.**

45.15 Subdivision 1. **Study.** The commissioner of education must examine the use of assistive
45.16 technology in Minnesota school districts. The commissioner may examine financial data,
45.17 survey school officials, and use other methods to collect data on the use of assistive
45.18 technology by Minnesota's students. The commissioner must consult with the Minnesota
45.19 Assistive Technology Advisory Council and other interested organizations to determine the
45.20 scope and focus of the study.

45.21 Subd. 2. **Data reporting.** The commissioner must examine the federally required uniform
45.22 financial accounting and reporting standards object codes, and if necessary, recommend
45.23 changes to better capture school district spending on assistive technology. The commissioner
45.24 must examine approaches to collecting additional student level assistive technology data
45.25 through the electronic data reporting system.

45.26 Subd. 3. **Assistive technology manual.** The commissioner must examine the department's
45.27 assistive technology manual, and determine whether to prepare a revised manual.

45.28 Subd. 4. **Report.** The commissioner of education must report to the education committees
45.29 of the legislature by February 15, 2018, on the use of assistive technology by Minnesota's
45.30 students and recommend statutory changes to encourage individualized education programs
45.31 and individualized family services plans to incorporate a child-centered assistive technology
45.32 plan.

46.1 **ARTICLE 5**46.2 **NUTRITION**

46.3 Section 1. Minnesota Statutes 2016, section 123B.52, subdivision 1, is amended to read:

46.4 Subdivision 1. **Contracts.** A contract for work or labor, or for the purchase of furniture,
46.5 fixtures, or other property, except books registered under the copyright laws and information
46.6 systems software, or for the construction or repair of school houses, the estimated cost or
46.7 value of which shall exceed that specified in section 471.345, subdivision 3, must not be
46.8 made by the school board without first advertising for bids or proposals by two weeks'
46.9 published notice in the official newspaper. This notice must state the time and place of
46.10 receiving bids and contain a brief description of the subject matter.

46.11 Additional publication in the official newspaper or elsewhere may be made as the board
46.12 shall deem necessary.

46.13 After taking into consideration conformity with the specifications, terms of delivery,
46.14 and other conditions imposed in the call for bids, every such contract for which a call for
46.15 bids has been issued must be awarded to the lowest responsible bidder, be duly executed
46.16 in writing, and be otherwise conditioned as required by law. The person to whom the contract
46.17 is awarded shall give a sufficient bond to the board for its faithful performance.

46.18 Notwithstanding section 574.26 or any other law to the contrary, on a contract limited to
46.19 the purchase of a finished tangible product, a board may require, at its discretion, a
46.20 performance bond of a contractor in the amount the board considers necessary. A record
46.21 must be kept of all bids, with names of bidders and amount of bids, and with the successful
46.22 bid indicated thereon. A bid containing an alteration or erasure of any price contained in
46.23 the bid which is used in determining the lowest responsible bid must be rejected unless the
46.24 alteration or erasure is corrected as provided in this section. An alteration or erasure may
46.25 be crossed out and the correction thereof printed in ink or typewritten adjacent thereto and
46.26 initialed in ink by the person signing the bid. In the case of identical low bids from two or
46.27 more bidders, the board may, at its discretion, utilize negotiated procurement methods with
46.28 the tied low bidders for that particular transaction, so long as the price paid does not exceed
46.29 the low tied bid price. In the case where only a single bid is received, the board may, at its
46.30 discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid
46.31 does not exceed the original bid. If no satisfactory bid is received, the board may readvertise.
46.32 Standard requirement price contracts established for supplies or services to be purchased
46.33 by the district must be established by competitive bids. Such standard requirement price
46.34 contracts may contain escalation clauses and may provide for a negotiated price increase

47.1 or decrease based upon a demonstrable industrywide or regional increase or decrease in the
47.2 vendor's costs. Either party to the contract may request that the other party demonstrate
47.3 such increase or decrease. The term of such contracts must not exceed two years with an
47.4 option on the part of the district to renew for an additional two years, except as provided in
47.5 subdivision 7. Contracts for the purchase of perishable food items, except milk for school
47.6 lunches and vocational training programs, in any amount may be made by direct negotiation
47.7 by obtaining two or more written quotations for the purchase or sale, when possible, without
47.8 advertising for bids or otherwise complying with the requirements of this section or section
47.9 471.345, subdivision 3. All quotations obtained shall be kept on file for a period of at least
47.10 one year after receipt.

47.11 Every contract made without compliance with the provisions of this section shall be
47.12 void. Except in the case of the destruction of buildings or injury thereto, where the public
47.13 interest would suffer by delay, contracts for repairs may be made without advertising for
47.14 bids.

47.15 **EFFECTIVE DATE.** This section is effective for contracts entered into on or after July
47.16 1, 2017.

47.17 Sec. 2. Minnesota Statutes 2016, section 123B.52, is amended by adding a subdivision to
47.18 read:

47.19 Subd. 7. **Food service contracts.** A contract between a school board and a food service
47.20 management company that complies with Code of Federal Regulations, title 7, section
47.21 210.16, may be renewed annually after its initial term for not more than four additional
47.22 years.

47.23 **EFFECTIVE DATE.** This section is effective for contracts entered into on or after July
47.24 1, 2017.

47.25 **ARTICLE 6**

47.26 **LIBRARIES**

47.27 Section 1. Minnesota Statutes 2016, section 134.31, subdivision 2, is amended to read:

47.28 Subd. 2. **Advice and instruction.** The Department of Education shall give advice and
47.29 instruction to the managers of any public library or to any governing body maintaining a
47.30 library or empowered to do so by law upon any matter pertaining to the organization,
47.31 maintenance, or administration of libraries. The department may also give advice and
47.32 instruction, as requested, to postsecondary educational institutions, school districts or charter

48.1 schools, state agencies, governmental units, nonprofit organizations, or private entities. It
48.2 shall assist, to the extent possible, in the establishment and organization of library service
48.3 in those areas where adequate services do not exist, and may aid in improving previously
48.4 established library services. The department shall also provide assistance to school districts,
48.5 regional library systems, and member libraries interested in offering joint library services
48.6 at a single location.

APPENDIX
Article locations in H1376-1

ARTICLE 1	GENERAL EDUCATION	Page.Ln 1.18
ARTICLE 2	EDUCATION EXCELLENCE	Page.Ln 7.1
ARTICLE 3	TEACHERS	Page.Ln 36.27
ARTICLE 4	SPECIAL EDUCATION	Page.Ln 41.7
ARTICLE 5	NUTRITION	Page.Ln 46.1
ARTICLE 6	LIBRARIES	Page.Ln 47.25

APPENDIX
Repealed Minnesota Statutes: H1376-1

124D.73 DEFINITIONS.

Subd. 2. **American Indian child.** "American Indian child" means any child, living on or off a reservation, who is enrolled or eligible for enrollment in a federally recognized tribe.

3500.3100 ISSUANCE OF GENERAL EDUCATIONAL DEVELOPMENT (GED) DIPLOMA.

Subp. 4. **General Educational Development (GED) diploma.** The commissioner of education may issue a General Educational Development (GED) diploma to a Minnesota resident 19 years of age or over who has not earned a high school diploma and who has not previously been issued a GED if:

A. the person makes written application through any of the approved GED testing centers located in Minnesota; and

B. the person obtains a minimum standard score of 410 on each of the five GED tests and an average standard score of at least 450 on all five tests or the minimum standard scores required by the GED testing service, whichever is greater.

GED tests must be administered only by official agencies established by the American Council on Education and approved by the commissioner of education.

The commissioner of education may waive the minimum age requirement if supportive evidence is provided by an employer or a recognized education or rehabilitation provider.