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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2743

03/08/2012 Authored by Mariani
The bill was read for the first time and referred to the Committee on Education Reform

1.1 A bill for an act
1.2 relating to education; improving the academic achievement of all students;
1.3 amending Minnesota Statutes 2010, sections 120A.22, subdivision 5; 120B.35,
1.4 by adding a subdivision; 121A.03; 121A.17, subdivisions 3, 5; 122A.50;
1.5 122A.60, subdivision 1a; 123B.41, subdivision 7; 124D.02, subdivision 1, by
1.6 adding a subdivision; 126C.05, subdivision 15; 126C.12, subdivisions 1, 5;
1.7 145A.17, subdivision 1; Minnesota Statutes 2011 Supplement, sections 121A.55;
1.8 123B.92, subdivision 1; 124D.10, subdivision 8; 126C.05, subdivision 1;
1.9 126C.126; proposing coding for new law in Minnesota Statutes, chapter 120B;
1.10 repealing Minnesota Statutes 2010, section 121A.0695.

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

1.12 Section 1. Minnesota Statutes 2010, section 120A.22, subdivision 5, is amended to
1.13 read:

1.14 Subd. 5. **Ages and terms.** (a) Every child between seven and 16 years of age must
1.15 receive instruction. Every child under the age of seven who is enrolled in a ~~half-day~~
1.16 ~~kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten~~
1.17 ~~programs~~ shall receive instruction. Except as provided in subdivision 6, a parent may
1.18 withdraw a child under the age of seven from enrollment at any time.

1.19 (b) A school district by annual board action may require children subject to this
1.20 subdivision to receive instruction in summer school. A district that acts to require children
1.21 to receive instruction in summer school shall establish at the time of its action the criteria
1.22 for determining which children must receive instruction.

1.23 Sec. 2. **[120B.06] EFFECTING ACADEMIC STANDARDS AND GRADUATION**
1.24 **REQUIREMENTS.**

2.1 To effect the academic standards and graduation requirements of this chapter, and
 2.2 notwithstanding other law to the contrary, the commissioner must ensure that every school
 2.3 district maintain the following staffing ratios:

2.4 (1) a class size ratio of one licensed classroom teacher for every 18 students;

2.5 (2) a school counselor ratio of one licensed school counselor for every 250 students,
 2.6 which includes providing students in each school building with access to a licensed school
 2.7 counselor;

2.8 (3) a school social worker ratio of one licensed school social worker for every
 2.9 400 students, which includes providing students in each school building with access to
 2.10 a licensed school social worker;

2.11 (4) a school nurse ratio of one licensed school nurse for every 750 students, which
 2.12 includes providing students in each school building with access to a licensed school
 2.13 nurse; and

2.14 (5) a school psychologist ratio of one licensed school psychologist for every 1,000
 2.15 students, which includes providing students in each school building with access to a
 2.16 licensed school psychologist.

2.17 Sec. 3. Minnesota Statutes 2010, section 120B.35, is amended by adding a subdivision
 2.18 to read:

2.19 Subd. 3a. **Local data analysis and interpretation.** Each school district and charter
 2.20 school must convene a data analysis team composed of prekindergarten through grade
 2.21 12 licensed school staff to analyze and interpret student performance data on school
 2.22 performance report cards under section 120B.36, subdivision 1, and other local student
 2.23 performance data in order to enable all licensed school staff to use the data most effectively
 2.24 to inform classroom instruction and improve student learning. At least one-half of the
 2.25 members of the data analysis team must be licensed school staff selected by the exclusive
 2.26 representative of the teachers, where available, or otherwise selected by the teachers of
 2.27 the school. At least one school administrator must also be a data analysis team member.
 2.28 Licensed teachers and counselors working to improve students' learning outcomes must
 2.29 have available one hour each week to review the data and implement the contents of the
 2.30 strategic plan to improve student learning outcomes under section 120B.361. Data review
 2.31 under this subdivision is a staff professional development activity under section 122A.60,
 2.32 and must be provided consistent with section 122A.50, paragraph (c).

2.33 Sec. 4. **[120B.361] STATE PERFORMANCE MEASURES; IMPROVING**
 2.34 **STUDENT LEARNING OUTCOMES.**

3.1 Subdivision 1. **Strategic planning.** Each school board and charter school must
3.2 engage in a formal strategic planning process that, among other things, targets at-risk
3.3 student populations between prekindergarten and grade 12. Consistent with school
3.4 performance report card data under section 120B.36, subdivision 1, the strategic plan must:

3.5 (1) establish concrete goals for improving learning outcomes for all students
3.6 including at-risk students;

3.7 (2) determine a timeline for achieving those goals and outcomes; and

3.8 (3) identify valid and reliable instruments the district or charter school will use to
3.9 measure its success in realizing its goals and outcomes according to its stated timeline.

3.10 School boards and charter schools annually must formally review and, where
3.11 appropriate, revise the contents of the plan, consistent with this section and section
3.12 120B.35, subdivision 3a.

3.13 Subd. 2. **Parent and community participation.** Each school board and charter
3.14 school must develop a strategic plan to promote parent education and parent and
3.15 community involvement for the purpose of improving student learning, consistent with
3.16 this section, sections 124D.895 and 124D.8955, and the school performance report card
3.17 data under section 120B.36, subdivision 1. A school board must develop the plan in
3.18 collaboration with the exclusive representative of the teachers in the district and members
3.19 of the community. The plan must include:

3.20 (1) consistent with section 145A.17, home visits to resident families experiencing
3.21 risk factors under section 121A.17, subdivision 5, that may affect a child's learning;

3.22 (2) education programs provided in multiple formats and at multiple times that give
3.23 families of enrolled students ready access to specific information about goals, timelines,
3.24 and measures related to improving student learning outcomes, inform families about
3.25 available curricular programs and cocurricular and extracurricular activities, and afford
3.26 families opportunities to advise the district and school on how best to improve student
3.27 learning outcomes from the families' standpoint;

3.28 (3) means to facilitate a parent's involvement in a child's learning including the
3.29 parent's access to translations and transportation, and, where appropriate, the child's
3.30 access to health-related services;

3.31 (4) strategies for engaging community-based partners to better understand and
3.32 support community interests related to student learning and to communicate to the
3.33 community about district and school efforts to improve student learning; and

3.34 (5) to the extent possible, and notwithstanding other law to the contrary, coordination
3.35 among local providers to colocate in a school facility the resources and services available

4.1 to at-risk families, including medical and dental care, GED resources, and career
 4.2 counseling, among other available resources and services.

4.3 Subd. 3. **Notice.** Each school year, school boards and charter schools must:

4.4 (1) present the strategic plan under subdivision 1 at the first formal meeting of the
 4.5 school board or board of directors of the charter school;

4.6 (2) post an electronic copy of the current plan on the official Web site of the district
 4.7 or charter school;

4.8 (3) transmit the plan, including any revisions, to the department by October 1 of the
 4.9 current school year; and

4.10 (4) transmit a current progress report on realizing goals and outcomes to the
 4.11 department by June 15 following the most recent school year.

4.12 Sec. 5. Minnesota Statutes 2010, section 121A.03, is amended to read:

4.13 **121A.03 ~~MODEL~~ SCHOOL BOARD POLICY; PROHIBITING**
 4.14 **HARASSMENT, BULLYING, INTIMIDATION, AND VIOLENCE.**

4.15 Subdivision 1. **Model policy.** The commissioner shall maintain and make available
 4.16 to school boards a model ~~sexual, religious, and racial~~ harassment, bullying, intimidation,
 4.17 and violence policy. The model policy shall address the requirements of subdivision 2,
 4.18 and may encourage violence prevention and character development education programs,
 4.19 consistent with section 120B.232, subdivision 1, to prevent and reduce policy violations.

4.20 Subd. 2. ~~Sexual, religious, and racial~~ **Harassment, bullying, intimidation,**
 4.21 **and violence policy.** ~~A school board must adopt a written sexual, religious, and racial~~
 4.22 ~~harassment and sexual, religious, and racial violence policy that conforms with chapter~~
 4.23 ~~363A.~~ By January 1, 2013, a school board must adopt a written policy that prohibits
 4.24 harassment, bullying, intimidation, and violence based on, among other things, actual
 4.25 or perceived race, color, creed, religion, national origin, sex, marital status, disability,
 4.26 socioeconomic status, sexual orientation, gender identity or expression, age, physical
 4.27 characteristics, and association with a person or group with one or more of these actual
 4.28 or perceived characteristics. The policy shall address harassment, bullying, intimidation,
 4.29 and violence in all forms, including electronic forms and forms requiring Internet use,
 4.30 among other forms. The policy shall apply to pupils, teachers, administrators, and
 4.31 other school personnel, include reporting procedures, and set forth disciplinary actions
 4.32 that will be taken for violation of the policy. Disciplinary actions must conform with
 4.33 collective bargaining agreements and sections 121A.41 to 121A.56. The policy must
 4.34 be conspicuously posted throughout each school building, posted on the district's Web
 4.35 site, given to each district employee and independent contractor at the time of entering

5.1 into the person's employment contract, and included in each school's student handbook
 5.2 on school policies. Each school must develop a process for discussing the school's
 5.3 ~~sexual, religious, and racial~~ harassment, bullying, intimidation, and violence policy with
 5.4 students and school employees. School employees shall receive training on preventing
 5.5 and responding to harassment, bullying, intimidation, and violence. The person having
 5.6 administrative control of a school shall develop and maintain a system to collect data on
 5.7 all incidents of harassment, bullying, intimidation, and violence.

5.8 Subd. 3. **Submission to commissioner.** Each school board must submit to the
 5.9 commissioner a copy of the ~~sexual, religious, and racial~~ harassment, bullying, intimidation,
 5.10 and ~~sexual, religious, and racial~~ violence policy the board has adopted. The commissioner
 5.11 shall review the policies for compliance with this section and make the policies available
 5.12 to the public upon request.

5.13 Sec. 6. Minnesota Statutes 2010, section 121A.17, subdivision 3, is amended to read:

5.14 Subd. 3. **Screening program.** (a) A screening program must include at least the
 5.15 following components: developmental assessments, hearing and vision screening or
 5.16 referral, immunization review and referral, the child's height and weight, identification
 5.17 of risk factors that may influence learning, an interview with the parent about the child,
 5.18 and referral for assessment, diagnosis, and treatment when potential needs are identified.
 5.19 To better understand a young child's ability to learn, the screening program also may
 5.20 include an assessment and evaluation of the child's social and emotional development,
 5.21 the child's approaches to learning, language, and literacy development, and the child's
 5.22 familiarity with math, science, and creative arts. The district and the person performing
 5.23 or supervising the screening must provide a parent or guardian with clear written notice
 5.24 that the parent or guardian may decline to answer questions or provide information about
 5.25 family circumstances that might affect development and identification of risk factors that
 5.26 may influence learning. The notice must clearly state that declining to answer questions or
 5.27 provide information does not prevent the child from being enrolled in kindergarten or first
 5.28 grade if all other screening components are met. If a parent or guardian is not able to read
 5.29 and comprehend the written notice, the district and the person performing or supervising
 5.30 the screening must convey the information in another manner. The notice must also inform
 5.31 the parent or guardian that a child need not submit to the district screening program if
 5.32 the child's health records indicate to the school that the child has received comparable
 5.33 developmental screening performed within the preceding 365 days by a public or private
 5.34 health care organization or individual health care provider. The notice must be given to a

6.1 parent or guardian at the time the district initially provides information to the parent or
6.2 guardian about screening and must be given again at the screening location.

6.3 (b) All screening components shall be consistent with the standards of the state
6.4 commissioner of health for early developmental screening programs. A developmental
6.5 screening program must not provide laboratory tests or a physical examination to any
6.6 child. The district must request from the public or private health care organization or the
6.7 individual health care provider the results of any laboratory test or physical examination
6.8 within the 12 months preceding a child's scheduled screening.

6.9 (c) If a child is without health coverage, the school district must refer the child to an
6.10 appropriate health care provider.

6.11 (d) A board may offer additional components such as nutritional, physical and
6.12 dental assessments, review of family circumstances that might affect development, blood
6.13 pressure, laboratory tests, and health history.

6.14 (e) If a statement signed by the child's parent or guardian is submitted to the
6.15 administrator or other person having general control and supervision of the school that
6.16 the child has not been screened because of conscientiously held beliefs of the parent
6.17 or guardian, the screening is not required.

6.18 Sec. 7. Minnesota Statutes 2010, section 121A.17, subdivision 5, is amended to read:

6.19 Subd. 5. **Developmental screening program information.** The board must inform
6.20 each resident family with a child eligible to participate in the developmental screening
6.21 program, and a charter school that provides screening must inform families that apply
6.22 for admission to the charter school, about the availability of the program and the state's
6.23 requirement that a child receive a developmental screening or provide health records
6.24 indicating that the child received a comparable developmental screening from a public
6.25 or private health care organization or individual health care provider not later than 30
6.26 days after the first day of attending kindergarten in a public school. The board must
6.27 encourage resident families of young children experiencing risk factors that may affect a
6.28 child's learning to consider additional screening for assessing and evaluating the child's
6.29 ability to learn to the extent such screening is available. A school district must inform all
6.30 resident families with eligible children under age seven, and a charter school that provides
6.31 screening must inform families that apply for admission to the charter school, that their
6.32 children may receive a developmental screening conducted either by the school district
6.33 or by a public or private health care organization or individual health care provider and
6.34 that the screening is not required if a statement signed by the child's parent or guardian is

7.1 submitted to the administrator or other person having general control and supervision of
7.2 the school that the child has not been screened.

7.3 Sec. 8. Minnesota Statutes 2011 Supplement, section 121A.55, is amended to read:

7.4 **121A.55 POLICIES TO BE ESTABLISHED.**

7.5 (a) The commissioner of education shall promulgate guidelines to assist each
7.6 school board. Each school board shall establish uniform criteria for dismissal and adopt
7.7 written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56.
7.8 The policies shall emphasize preventing dismissals through early detection of problems
7.9 and shall be designed to address students' inappropriate behavior from recurring. The
7.10 policies shall recognize the continuing responsibility of the school for the education of
7.11 the pupil during the dismissal period. The alternative educational services, if the pupil
7.12 wishes to take advantage of them, must be adequate to allow the pupil to make progress
7.13 towards meeting the graduation standards adopted under section 120B.02 and help prepare
7.14 the pupil for readmission.

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

7.19 (c) Each school district shall develop a policy and report it to the commissioner on
7.20 the appropriate use of peace officers and crisis teams to remove students who have an
7.21 individualized education program from school grounds.

7.22 (d) Each school district must ensure that district and school discipline policies
7.23 fairly account for the cultural and socioeconomic circumstances of students and that
7.24 school officials do not dismiss a disproportionate number of minority or economically
7.25 disadvantaged students. Each district annually must report to the commissioner the
7.26 total number of minority and economically disadvantaged students dismissed in the
7.27 district in comparison to the total number of all students dismissed in the district. If the
7.28 commissioner determines that a disproportionate number of minority or economically
7.29 disadvantaged students have been dismissed in a district, the school board of that district
7.30 must formally adopt a plan to remedy the disparity in dismissals and submit the plan to the
7.31 commissioner for review. The plan must provide for periodic, up-to-date reports to school
7.32 staff of summary data on student dismissals that show the disparity in student dismissals
7.33 on a school and district-wide basis, strategies for reducing and eliminating the disparity
7.34 in student dismissals, and ongoing training and support for school staff that result in fair

8.1 and effective discipline appropriate to the needs of all enrolled students, consistent with
 8.2 sections 121A.40 to 121A.575.

8.3 Sec. 9. Minnesota Statutes 2010, section 122A.50, is amended to read:

8.4 **122A.50 PREPARATION TIME.**

8.5 (a) Beginning with agreements effective July 1, 1995, and thereafter, all collective
 8.6 bargaining agreements for teachers provided for under chapter 179A, must include
 8.7 provisions for preparation time or a provision indicating that the parties to the agreement
 8.8 chose not to include preparation time in the contract.

8.9 (b) If the parties cannot agree on preparation time the following provision shall apply
 8.10 and be incorporated as part of the agreement: "Within the student day for every 25 minutes
 8.11 of classroom instructional time, a minimum of five additional minutes of preparation time
 8.12 shall be provided to each licensed teacher. Preparation time shall be provided in one or
 8.13 two uninterrupted blocks during the student day. Exceptions to this may be made by
 8.14 mutual agreement between the district and the exclusive representative of the teachers."

8.15 (c) In addition to preparation time under paragraphs (a) and (b), for each 25 minutes
 8.16 of classroom instruction, school districts and charter schools must provide each licensed
 8.17 teacher with at least five additional minutes within the student contact day for coordinated
 8.18 planning time with other licensed teachers that enables the teachers to use data under
 8.19 section 120B.35, subdivision 3a, and other student performance information to plan,
 8.20 analyze, and evaluate student instruction to improve student learning for all students.
 8.21 Planning time under this paragraph must be provided in one uninterrupted block of time
 8.22 during the student contact day.

8.23 Sec. 10. Minnesota Statutes 2010, section 122A.60, subdivision 1a, is amended to read:

8.24 Subd. 1a. **Effective staff development activities.** (a) Staff development activities
 8.25 must:

8.26 (1) focus on the school classroom and research-based strategies that improve student
 8.27 learning, including efforts to inform classroom instruction and improve student learning
 8.28 resulting from data analysis and interpretation under section 120B.35, subdivision 3a;

8.29 (2) provide opportunities for teachers to practice and improve their instructional
 8.30 skills over time;

8.31 (3) provide opportunities for teachers to use student data as part of their daily work
 8.32 to increase student achievement;

8.33 (4) enhance teacher content knowledge and instructional skills;

8.34 (5) align with state and local academic standards;

9.1 (6) provide opportunities to build professional relationships, foster collaboration
 9.2 among principals and staff who provide instruction, and provide opportunities for
 9.3 teacher-to-teacher mentoring; ~~and~~

9.4 (7) align with the plan of the district or site for an alternative teacher professional
 9.5 pay system;

9.6 (8) provide opportunities to address student need for interventions that include time
 9.7 for professional collaboration to improve student and family outcomes; and

9.8 (9) direct resources toward improving cultural competencies, parent and family
 9.9 outreach and support, and student learning consistent with section 120B.361.

9.10 Staff development activities may include curriculum development and curriculum training
 9.11 programs, and activities that provide teachers and other members of site-based teams
 9.12 training to enhance team performance. The school district also may implement other
 9.13 staff development activities required by law and activities associated with professional
 9.14 teacher compensation models.

9.15 (b) Release time provided for teachers to supervise students on field trips and school
 9.16 activities, or independent tasks not associated with enhancing the teacher's knowledge
 9.17 and instructional skills, such as preparing report cards, calculating grades, or organizing
 9.18 classroom materials, may not be counted as staff development time that is financed with
 9.19 staff development reserved revenue under section 122A.61.

9.20 Sec. 11. Minnesota Statutes 2010, section 123B.41, subdivision 7, is amended to read:

9.21 Subd. 7. **Elementary pupils.** "Elementary pupils" means pupils in grades
 9.22 kindergarten through 6; ~~provided, each kindergarten pupil shall be counted as one-half~~
 9.23 ~~pupil for all computations pursuant to sections 123B.40 to 123B.42, and 123B.44 to~~
 9.24 ~~123B.48.~~

9.25 Sec. 12. Minnesota Statutes 2011 Supplement, section 123B.92, subdivision 1, is
 9.26 amended to read:

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

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

9.31 (1) the sum of:

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

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

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

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

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

10.13 (1) Regular transportation is:

10.14 (i) transportation to and from school during the regular school year for resident
 10.15 elementary pupils residing one mile or more from the public or nonpublic school they
 10.16 attend, and resident secondary pupils residing two miles or more from the public
 10.17 or nonpublic school they attend, excluding desegregation transportation ~~and noon~~
 10.18 ~~kindergarten transportation~~; but with respect to transportation of pupils to and from
 10.19 nonpublic schools, only to the extent permitted by sections 123B.84 to 123B.87;

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

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

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

10.26 (v) transportation to and from school during the regular school year required under
 10.27 subdivision 3 for nonresident elementary pupils when the distance from the attendance
 10.28 area border to the public school is one mile or more, and for nonresident secondary pupils
 10.29 when the distance from the attendance area border to the public school is two miles or
 10.30 more, excluding desegregation transportation ~~and noon kindergarten transportation~~.

10.31 For the purposes of this paragraph, a district may designate a licensed day care
 10.32 facility, school day care facility, respite care facility, the residence of a relative, or the
 10.33 residence of a person or other location chosen by the pupil's parent or guardian, or an
 10.34 after-school program for children operated by a political subdivision of the state, as the
 10.35 home of a pupil for part or all of the day, if requested by the pupil's parent or guardian,

11.1 and if that facility, residence, or program is within the attendance area of the school the
11.2 pupil attends.

11.3 (2) Excess transportation is:

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

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

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

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

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

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

11.27 (iii) necessary transportation for resident pupils with disabilities required by sections
11.28 125A.12, and 125A.26 to 125A.48;

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

11.31 (v) transportation from one educational facility to another within the district for
11.32 resident pupils enrolled on a shared-time basis in educational programs, and necessary
11.33 transportation required by sections 125A.18, and 125A.26 to 125A.48, for resident pupils
11.34 with disabilities who are provided special instruction and services on a shared-time basis
11.35 or if resident pupils are not transported, the costs of necessary travel between public

12.1 and private schools or neutral instructional sites by essential personnel employed by the
12.2 district's program for children with a disability;

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

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

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

12.12 For purposes of computing special education initial aid under section 125A.76,
12.13 subdivision 2, the cost of providing transportation for children with disabilities includes
12.14 (A) the additional cost of transporting a homeless student from a temporary nonshelter
12.15 home in another district to the school of origin, or a formerly homeless student from a
12.16 permanent home in another district to the school of origin but only through the end of the
12.17 academic year; and (B) depreciation on district-owned school buses purchased after July 1,
12.18 2005, and used primarily for transportation of pupils with disabilities, calculated according
12.19 to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled
12.20 transportation category must be excluded in calculating the actual expenditure per pupil
12.21 transported in the regular and excess transportation categories according to paragraph (a).

12.22 (5) "Nonpublic nonregular transportation" is:

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

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

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

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

12.35 Sec. 13. Minnesota Statutes 2010, section 124D.02, subdivision 1, is amended to read:

13.1 Subdivision 1. **Kindergarten instruction.** The board may establish and maintain
 13.2 one or more kindergartens for the instruction of children and after July 1, 1974, shall
 13.3 provide kindergarten instruction for all eligible children, either in the district or in
 13.4 another district. Beginning July 1, 2012, the board must make available all-day, everyday
 13.5 kindergarten to all eligible children. All children to be eligible for kindergarten must
 13.6 be at least five years of age on September 1 of the calendar year in which the school
 13.7 year commences. In addition all children selected under an early admissions policy
 13.8 established by the school board may be admitted. Nothing in this section shall prohibit a
 13.9 school district from establishing Head Start, prekindergarten, or nursery school classes
 13.10 for children below kindergarten age. Any school board with evidence that providing
 13.11 kindergarten will cause an extraordinary hardship on the school district may apply to the
 13.12 commissioner of education for an exception.

13.13 Sec. 14. Minnesota Statutes 2010, section 124D.02, is amended by adding a
 13.14 subdivision to read:

13.15 Subd. 1a. **Early childhood instruction.** The board must establish or provide access
 13.16 to high-quality early learning programs for young children birth to age five residing in
 13.17 the district. These programs must include:

13.18 (1) early childhood services for young children birth to age three;

13.19 (2) early childhood education for young children ages three to five or until the
 13.20 children enter kindergarten, whichever is later; and

13.21 (3) parent education.

13.22 Sec. 15. Minnesota Statutes 2011 Supplement, section 124D.10, subdivision 8, is
 13.23 amended to read:

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

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

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

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

- 14.1 (e) Charter schools must not be used as a method of providing education or
14.2 generating revenue for students who are being home-schooled.
- 14.3 (f) The primary focus of a charter school must be to provide a comprehensive
14.4 program of instruction for at least one grade or age group from five through 18 years
14.5 of age. Instruction may be provided to people younger than five years and older than
14.6 18 years of age.
- 14.7 (g) A charter school may not charge tuition.
- 14.8 (h) A charter school is subject to and must comply with chapter 363A and ~~section~~
14.9 sections 121A.03 and 121A.04.
- 14.10 (i) A charter school is subject to and must comply with the Pupil Fair Dismissal
14.11 Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections
14.12 123B.34 to 123B.39.
- 14.13 (j) A charter school is subject to the same financial audits, audit procedures, and
14.14 audit requirements as a district. Audits must be conducted in compliance with generally
14.15 accepted governmental auditing standards, the federal Single Audit Act, if applicable,
14.16 and section 6.65. A charter school is subject to and must comply with sections 15.054;
14.17 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 471.38; 471.391; 471.392; and
14.18 471.425. The audit must comply with the requirements of sections 123B.75 to 123B.83,
14.19 except to the extent deviations are necessary because of the program at the school.
14.20 Deviations must be approved by the commissioner and authorizer. The Department of
14.21 Education, state auditor, legislative auditor, or authorizer may conduct financial, program,
14.22 or compliance audits. A charter school determined to be in statutory operating debt under
14.23 sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.
- 14.24 (k) A charter school is a district for the purposes of tort liability under chapter 466.
- 14.25 (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22,
14.26 subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.
- 14.27 (m) A charter school is subject to the Pledge of Allegiance requirement under
14.28 section 121A.11, subdivision 3.
- 14.29 (n) A charter school offering online courses or programs must comply with section
14.30 124D.095.
- 14.31 (o) A charter school and charter school board of directors are subject to chapter 181.
- 14.32 (p) A charter school must comply with section 120A.22, subdivision 7, governing
14.33 the transfer of students' educational records and sections 138.163 and 138.17 governing
14.34 the management of local records.
- 14.35 (q) A charter school that provides early childhood health and developmental
14.36 screening must comply with sections 121A.16 to 121A.19.

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

15.3 Sec. 16. Minnesota Statutes 2011 Supplement, section 126C.05, subdivision 1, is
15.4 amended to read:

15.5 Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the
15.6 age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c),
15.7 in average daily membership enrolled in the district of residence, in another district under
15.8 sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under
15.9 section 124D.10; or for whom the resident district pays tuition under section 123A.18,
15.10 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04,
15.11 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be counted according to this
15.12 subdivision.

15.13 (a) A prekindergarten pupil with a disability who is enrolled in a program approved
15.14 by the commissioner and has an individualized education program is counted as the ratio
15.15 of the number of hours of assessment and education service to 825 times 1.25 with a
15.16 minimum average daily membership of 0.28, but not more than 1.25 pupil units.

15.17 (b) A prekindergarten pupil who is assessed but determined not to be disabled is
15.18 counted as the ratio of the number of hours of assessment service to 825 times 1.25.

15.19 (c) A kindergarten pupil with a disability who is enrolled in a program approved
15.20 by the commissioner is counted as the ratio of the number of hours of assessment and
15.21 education services required in the fiscal year by the pupil's individualized education
15.22 program to 875, but not more than one.

15.23 (d) A kindergarten pupil who is not included in paragraph (c) is counted as .612 and
15.24 as 1.115 pupil units for fiscal year 2013 and thereafter.

15.25 (e) A pupil who is in any of grades 1 to 3 is counted as 1.115 pupil units for fiscal
15.26 year 2000 and thereafter.

15.27 (f) A pupil who is any of grades 4 to 6 is counted as 1.06 pupil units for fiscal
15.28 year 1995 and thereafter.

15.29 (g) A pupil who is in any of grades 7 to 12 is counted as 1.3 pupil units.

15.30 (h) A pupil who is in the postsecondary enrollment options program is counted
15.31 as 1.3 pupil units.

15.32 Sec. 17. Minnesota Statutes 2010, section 126C.05, subdivision 15, is amended to read:

15.33 Subd. 15. **Learning year pupil units.** (a) When a pupil is enrolled in a learning
15.34 year program under section 124D.128, an area learning center or an alternative learning

16.1 program approved by the commissioner under sections 123A.05 and 123A.06, or a
 16.2 contract alternative program under section 124D.68, subdivision 3, paragraph (d), or
 16.3 subdivision 3a, for more than 1,020 hours in a school year for a secondary student, more
 16.4 than 935 hours in a school year for an elementary student, ~~or more than 425 hours in a~~
 16.5 ~~school year for a kindergarten student without a disability~~, that pupil may be counted
 16.6 as more than one pupil in average daily membership for purposes of section 126C.10,
 16.7 subdivision 2a. The amount in excess of one pupil must be determined by the ratio of
 16.8 the number of hours of instruction provided to that pupil in excess of: (i) the greater of
 16.9 1,020 hours or the number of hours required for a full-time secondary pupil in the district
 16.10 to 1,020 for a secondary pupil; and (ii) the greater of 935 hours or the number of hours
 16.11 required for a full-time elementary pupil in the district to 935 for an elementary pupil in
 16.12 grades 1 through 6; ~~and (iii) the greater of 425 hours or the number of hours required for a~~
 16.13 ~~full-time kindergarten student without a disability in the district to 425 for a kindergarten~~
 16.14 ~~student without a disability~~. Hours that occur after the close of the instructional year in
 16.15 June shall be attributable to the following fiscal year. ~~A kindergarten student must not~~
 16.16 ~~be counted as more than 1.2 pupils in average daily membership under this subdivision.~~
 16.17 A student in kindergarten or grades 1 through 12 must not be counted as more than 1.2
 16.18 pupils in average daily membership under this subdivision.

16.19 (b)(i) To receive general education revenue for a pupil in an area learning center
 16.20 or alternative learning program that has an independent study component, a district
 16.21 must meet the requirements in this paragraph. The district must develop, for the pupil,
 16.22 a continual learning plan consistent with section 124D.128, subdivision 3. Each school
 16.23 district that has an area learning center or alternative learning program must reserve
 16.24 revenue in an amount equal to at least 90 percent of the district average general education
 16.25 revenue per pupil unit, minus an amount equal to the product of the formula allowance
 16.26 according to section 126C.10, subdivision 2, times .0485, calculated without basic skills
 16.27 and transportation sparsity revenue, times the number of pupil units generated by students
 16.28 attending an area learning center or alternative learning program. The amount of reserved
 16.29 revenue available under this subdivision may only be spent for program costs associated
 16.30 with the area learning center or alternative learning program. Basic skills revenue
 16.31 generated according to section 126C.10, subdivision 4, by pupils attending the eligible
 16.32 program must be allocated to the program.

16.33 (ii) General education revenue for a pupil in a state-approved alternative program
 16.34 without an independent study component must be prorated for a pupil participating for less
 16.35 than a full year, or its equivalent. The district must develop a continual learning plan for
 16.36 the pupil, consistent with section 124D.128, subdivision 3. Each school district that has an

17.1 area learning center or alternative learning program must reserve revenue in an amount
 17.2 equal to at least 90 percent of the district average general education revenue per pupil unit,
 17.3 minus an amount equal to the product of the formula allowance according to section
 17.4 126C.10, subdivision 2, times .0485, calculated without basic skills and transportation
 17.5 sparsity revenue, times the number of pupil units generated by students attending an
 17.6 area learning center or alternative learning program. The amount of reserved revenue
 17.7 available under this subdivision may only be spent for program costs associated with
 17.8 the area learning center or alternative learning program. Basic skills revenue generated
 17.9 according to section 126C.10, subdivision 4, by pupils attending the eligible program
 17.10 must be allocated to the program.

17.11 (iii) General education revenue for a pupil in a state-approved alternative program
 17.12 that has an independent study component must be paid for each hour of teacher contact
 17.13 time and each hour of independent study time completed toward a credit or graduation
 17.14 standards necessary for graduation. Average daily membership for a pupil shall equal the
 17.15 number of hours of teacher contact time and independent study time divided by 1,020.

17.16 (iv) For a state-approved alternative program having an independent study
 17.17 component, the commissioner shall require a description of the courses in the program, the
 17.18 kinds of independent study involved, the expected learning outcomes of the courses, and
 17.19 the means of measuring student performance against the expected outcomes.

17.20 Sec. 18. Minnesota Statutes 2010, section 126C.12, subdivision 1, is amended to read:

17.21 Subdivision 1. **Revenue.** Of a district's general education revenue for fiscal year
 17.22 ~~2000~~ 2013 and thereafter each school district shall reserve an amount equal to the formula
 17.23 allowance multiplied by the following calculation:

17.24 (1) the sum of adjusted marginal cost pupils in average daily membership, according
 17.25 to section 126C.05, subdivision 5, in kindergarten times ~~.057~~ .115; plus

17.26 (2) the sum of adjusted marginal cost pupils in average daily membership, according
 17.27 to section 126C.05, subdivision 5, in grades 1 to 3 times .115; plus

17.28 (3) the sum of adjusted marginal cost pupils in average daily membership, according
 17.29 to section 126C.05, subdivision 5, in grades 4 to 6 times .06.

17.30 Sec. 19. Minnesota Statutes 2010, section 126C.12, subdivision 5, is amended to read:

17.31 Subd. 5. **Additional revenue use.** If the board of a district determines that the
 17.32 district has achieved and is maintaining the class sizes specified in subdivision 4, the board
 17.33 may use the revenue to reduce class size in grades 4, 5, and 6, ~~provide all-day, everyday~~
 17.34 ~~kindergarten~~, prepare and use individualized learning plans, improve program offerings,

18.1 purchase instructional material, services, or technology, or provide staff development
 18.2 needed for reduced class sizes.

18.3 Sec. 20. Minnesota Statutes 2011 Supplement, section 126C.126, is amended to read:

18.4 **126C.126 REALLOCATING GENERAL EDUCATION REVENUE FOR**
 18.5 **~~ALL-DAY~~ KINDERGARTEN AND PREKINDERGARTEN.**

18.6 (a) In order to provide additional revenue for ~~an optional all-day~~ a kindergarten
 18.7 program, a district may reallocate general education revenue attributable to 12th grade
 18.8 students who have graduated early under section 120B.07 and who do not participate in
 18.9 the early graduation achievement scholarship program under section 120B.08 or the early
 18.10 graduation military service award program under section 120B.09.

18.11 (b) A school district may spend general education revenue on extended time
 18.12 kindergarten and prekindergarten programs.

18.13 Sec. 21. Minnesota Statutes 2010, section 145A.17, subdivision 1, is amended to read:

18.14 Subdivision 1. **Establishment; goals.** The commissioner shall establish a program
 18.15 to fund family home visiting programs designed to foster healthy beginnings, improve
 18.16 pregnancy outcomes, promote school readiness consistent with sections 120B.361
 18.17 and 121A.17, subdivisions 3 and 5, prevent child abuse and neglect, reduce juvenile
 18.18 delinquency, promote positive parenting and resiliency in children, and promote family
 18.19 health and economic self-sufficiency for children and families. The commissioner shall
 18.20 promote partnerships, collaboration, and multidisciplinary visiting done by teams of
 18.21 professionals and paraprofessionals from the fields of public health nursing, social work,
 18.22 and early childhood education. A program funded under this section must serve families
 18.23 at or below 200 percent of the federal poverty guidelines, and other families determined
 18.24 to be at risk, including but not limited to being at risk for child abuse, child neglect, or
 18.25 juvenile delinquency. Programs must begin prenatally whenever possible and must be
 18.26 targeted to families with:

- 18.27 (1) adolescent parents;
- 18.28 (2) a history of alcohol or other drug abuse;
- 18.29 (3) a history of child abuse, domestic abuse, or other types of violence;
- 18.30 (4) a history of domestic abuse, rape, or other forms of victimization;
- 18.31 (5) reduced cognitive functioning;
- 18.32 (6) a lack of knowledge of child growth and development stages;
- 18.33 (7) low resiliency to adversities and environmental stresses;
- 18.34 (8) insufficient financial resources to meet family needs;

- 19.1 (9) a history of homelessness;
- 19.2 (10) a risk of long-term welfare dependence or family instability due to employment
- 19.3 barriers; or
- 19.4 (11) other risk factors as determined by the commissioner.

19.5 Sec. 22. **STATEWIDE SURVEY OF EARLY LEARNING SERVICES; ACCESS**

19.6 **TO SERVICES.**

19.7 The Department of Education must conduct a survey of all Minnesota school

19.8 districts to identify the early learning services that are available in each district and the

19.9 extent of the need for additional services for young children birth to age five in that district

19.10 based on data assessing young children's ability to learn under Minnesota Statutes, section

19.11 121A.17, subdivisions 3 and 5, and other related data and, notwithstanding other law to

19.12 the contrary, coordinate available early learning services and related services for young

19.13 children among schools, school districts, and local and state government agencies to

19.14 maximize children's access to such services.

19.15 Sec. 23. **REPEALER.**

19.16 Minnesota Statutes 2010, section 121A.0695, is repealed.

19.17 Sec. 24. **EFFECTIVE DATE.**

19.18 Sections 1 to 10, 14, 21, and 22 are effective for the 2012-2013 school year and later.

19.19 Sections 11 to 13 and 15 to 20 are effective for revenue for fiscal years 2013 and later.