

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 1829

| (SENATE AUTHORS: CHAMBERLAIN) | | |
|-------------------------------|------|---|
| DATE | D-PG | OFFICIAL STATUS |
| 03/08/2021 | 720 | Introduction and first reading Referred to Education Finance and Policy |
| 03/15/2021 | 893 | Comm report: To pass and re-referred to State Government Finance and Policy and Elections |
| 03/25/2021 | 1162 | Comm report: To pass and re-referred to Education Finance and Policy Joint rule 2.03, referred to Rules and Administration |
| | 4796 | Joint rule 3.02, returned to State Government Finance and Policy and Elections |

1.1

A bill for an act

1.2

relating to education; abolishing the Perpich Center for Arts Education; creating

1.3

a position within the Department of Education; planning for the conveyance of

1.4

the Perpich Center for Arts Education; appropriating money; amending Minnesota

1.5

Statutes 2020, sections 43A.08, subdivisions 1, 1a; 122A.416; 123A.30, subdivision

1.6

6; 124D.05, subdivision 3; 297A.70, subdivision 2; 352.01, subdivision 2a; 354.05,

1.7

subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 127A;

1.8

repealing Minnesota Statutes 2020, sections 124D.8957, subdivision 30; 129C.10,

1.9

subdivisions 1, 2, 3, 3a, 3b, 4, 4a, 6, 7, 8; 129C.105; 129C.15; 129C.20; 129C.25;

1.10

129C.26; 129C.27; Minnesota Rules, parts 3600.0010, subparts 1, 2, 2a, 2b, 3, 6;

1.11

3600.0020; 3600.0030, subparts 1, 2, 4, 6; 3600.0045, subparts 1, 2; 3600.0055;

1.12

3600.0065; 3600.0075; 3600.0085.

1.13

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

1.14

Section 1. Minnesota Statutes 2020, section 43A.08, subdivision 1, is amended to read:

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Subdivision 1. **Unclassified positions.** Unclassified positions are held by employees

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who are:

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(1) chosen by election or appointed to fill an elective office;

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(2) heads of agencies required by law to be appointed by the governor or other elective

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officers, and the executive or administrative heads of departments, bureaus, divisions, and

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institutions specifically established by law in the unclassified service;

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(3) deputy and assistant agency heads and one confidential secretary in the agencies

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listed in subdivision 1a and in the Office of Strategic and Long-Range Planning;

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(4) the confidential secretary to each of the elective officers of this state and, for the

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secretary of state and state auditor, an additional deputy, clerk, or employee;

(5) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(6) employees in the offices of the governor and of the lieutenant governor and one confidential employee for the governor in the Office of the Adjutant General;

(7) employees of the Washington, D.C., office of the state of Minnesota;

(8) employees of the legislature and of legislative committees or commissions; provided that employees of the Legislative Audit Commission, except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(9) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal Economic Opportunity Act work study program in the ~~Perpich Center for Arts Education and the Minnesota State Colleges and Universities~~, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;

(10) officers and enlisted persons in the National Guard;

(11) attorneys, legal assistants, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

(12) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the Department of Labor and Industry;

(13) members of the State Patrol; provided that selection and appointment of State Patrol troopers must be made in accordance with applicable laws governing the classified service;

(14) examination monitors and intermittent training instructors employed by the Departments of Management and Budget and Commerce and by professional examining boards and intermittent staff employed by the technical colleges for the administration of practical skills tests and for the staging of instructional demonstrations;

(15) student workers;

(16) executive directors or executive secretaries appointed by and reporting to any policy-making board or commission established by statute;

(17) employees unclassified pursuant to other statutory authority;

(18) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation;

(19) the administrators and the deputy administrators at the State Academies for the Deaf and the Blind; and

(20) chief executive officers in the Department of Human Services.

EFFECTIVE DATE. This section is effective June 30, 2022.

Sec. 2. Minnesota Statutes 2020, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. **Additional unclassified positions.** Appointing authorities for the following agencies may designate additional unclassified positions according to this subdivision: the Departments of Administration; Agriculture; Commerce; Corrections; Education; Employment and Economic Development; Explore Minnesota Tourism; Management and Budget; Health; Human Rights; Labor and Industry; Natural Resources; Public Safety; Human Services; Revenue; Transportation; and Veterans Affairs; the Housing Finance and Pollution Control Agencies; the State Lottery; the State Board of Investment; the Office of Administrative Hearings; the Office of MN.IT Services; the Offices of the Attorney General, Secretary of State, and State Auditor; the Minnesota State Colleges and Universities; the Minnesota Office of Higher Education; ~~the Perpich Center for Arts Education;~~ and the Minnesota Zoological Board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(1) the designation of the position would not be contrary to other law relating specifically to that agency;

(2) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(3) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(4) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(5) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with, the governor and the agency head, the employing statutory board or commission, or the employing constitutional officer;

(6) the position would be at the level of division or bureau director or assistant to the agency head; and

(7) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

EFFECTIVE DATE. This section is effective June 30, 2022.

Sec. 3. Minnesota Statutes 2020, section 122A.416, is amended to read:

**122A.416 ALTERNATIVE TEACHER COMPENSATION REVENUE FOR
~~PERPICH CENTER FOR ARTS EDUCATION AND~~ MULTIDISTRICT
INTEGRATION COLLABORATIVES.**

Notwithstanding sections 122A.414, 122A.415, and 126C.10, multidistrict integration collaboratives ~~and the Perpich Center for Arts Education~~ are eligible to receive alternative teacher compensation revenue as if they were intermediate school districts. To qualify for alternative teacher compensation revenue, a multidistrict integration collaborative ~~or the Perpich Center for Arts Education~~ must meet all of the requirements of sections 122A.414 and 122A.415 that apply to intermediate school districts, must report its enrollment as of October 1 of each year to the department, and must annually report its expenditures for the alternative teacher professional pay system consistent with the uniform financial accounting and reporting standards to the department by November 30 of each year.

EFFECTIVE DATE. This section is effective June 30, 2022.

Sec. 4. Minnesota Statutes 2020, section 123A.30, subdivision 6, is amended to read:

Subd. 6. **Severance pay.** A district must pay severance pay to a teacher who is placed on unrequested leave of absence by the district as a result of the agreement. A teacher is eligible under this subdivision if the teacher:

(1) is a teacher, but not a superintendent;

(2) has a continuing contract with the district according to section 122A.40, subdivision 7.

The amount of severance pay must be equal to the teacher's salary for the school year during which the teacher was placed on unrequested leave of absence minus the gross amount the teacher was paid during the 12 months following the teacher's termination of salary, by an entity whose teachers by statute or rule must possess a valid Minnesota teaching license, and minus the amount a teacher receives as severance or other similar pay according

to a contract with the district or district policy. These entities requiring a valid Minnesota teaching license include, but are not limited to, the district that placed the teacher on unrequested leave of absence, another district in Minnesota, an education district, an intermediate school district, a service cooperative, a board formed under section 471.59, a state residential academy, ~~the Perpich Center for Arts Education~~, a vocational center, or a special education cooperative. These entities do not include a district in another state, a Minnesota public postsecondary institution, or a state agency. Only amounts earned by the teacher as a substitute teacher or in a position requiring a valid Minnesota teaching license shall be subtracted. A teacher may decline any offer of employment as a teacher without loss of rights to severance pay.

To determine the amount of severance pay that is due for the first six months following termination of the teacher's salary, the district may require the teacher to provide documented evidence of the teacher's employers and gross earnings during that period. The district must pay the teacher the amount of severance pay it determines to be due from the proceeds of the levy for this purpose. To determine the amount of severance pay that is due for the second six months of the 12 months following the termination of the teacher's salary, the district may require the teacher to provide documented evidence of the teacher's employers and gross earnings during that period. The district must pay the teacher the amount of severance pay it determines to be due from the proceeds of the levy for this purpose.

A teacher who receives severance pay under this subdivision waives all further reinstatement rights under section 122A.40, subdivision 10 or 11. If the teacher receives severance pay, the teacher shall not receive credit for any years of service in the district paying severance pay prior to the year in which the teacher becomes eligible to receive severance pay.

The severance pay is subject to section 465.72. The district may levy annually according to section 126C.43, for the severance pay.

EFFECTIVE DATE. This section is effective June 30, 2022.

Sec. 5. Minnesota Statutes 2020, section 124D.05, subdivision 3, is amended to read:

Subd. 3. **Severance pay.** A district must pay severance pay to a teacher who is placed on unrequested leave of absence by the district as a result of an agreement under this section. A teacher is eligible under this subdivision if the teacher:

(1) is a teacher, as defined in section 122A.40, subdivision 1, but not a superintendent;

(2) has a continuing contract with the district according to section 122A.40, subdivision 7.

The amount of severance pay must be equal to the teacher's salary for the school year during which the teacher was placed on unrequested leave of absence minus the gross amount the teacher was paid during the 12 months following the teacher's termination of salary, by an entity whose teachers by statute or rule must possess a valid Minnesota teaching license, and minus the amount a teacher receives as severance or other similar pay according to a contract with the district or district policy. These entities include, but are not limited to, the district that placed the teacher on unrequested leave of absence, another district in Minnesota, an education district, an intermediate school district, a service cooperative, a board formed under section 471.59, a state residential academy, ~~the Perpich Center for Arts Education~~, a vocational center, or a special education cooperative. These entities do not include a district in another state, a Minnesota public postsecondary institution, or a state agency. Only amounts earned by the teacher as a substitute teacher or in a position requiring a valid Minnesota teaching license shall be subtracted. A teacher may decline any offer of employment as a teacher without loss of rights to severance pay.

To determine the amount of severance pay that is due for the first six months following termination of the teacher's salary, the district may require the teacher to provide documented evidence of the teacher's employers and gross earnings during that period. The district must pay the teacher the amount of severance pay it determines to be due from the proceeds of the levy for this purpose. To determine the amount of severance pay that is due for the second six months of the 12 months following the termination of the teacher's salary, the district may require the teacher to provide documented evidence of the teacher's employers and gross earnings during that period. The district must pay the teacher the amount of severance pay it determines to be due from the proceeds of the levy for this purpose.

A teacher who receives severance pay under this subdivision waives all further reinstatement rights under section 122A.40, subdivision 10 or 11. If the teacher receives severance pay, the teacher must not receive credit for any years of service in the district paying severance pay prior to the year in which the teacher becomes eligible to receive severance pay.

The severance pay is subject to section 465.72. The district may levy annually according to section 126C.43 for the severance pay.

EFFECTIVE DATE. This section is effective June 30, 2022.

7.1 Sec. 6. **[127A.155] LOLA AND RUDY PERPICH ARTS EDUCATION SPECIALIST.**

7.2 Subdivision 1. **Establishment of arts education specialist position.** The department
7.3 must provide arts support services to school districts throughout Minnesota through the
7.4 establishment of the Lola and Rudy Perpich arts education specialist position in the
7.5 unclassified service.

7.6 Subd. 2. **Specialist duties.** (a) The arts education specialist must offer resources and
7.7 outreach services statewide to enhance arts education opportunities for pupils in elementary
7.8 and secondary school. The arts education specialist must work with school districts across
7.9 Minnesota to:

7.10 (1) gather and conduct research in arts education;

7.11 (2) develop exemplary curriculum, instructional practices, and assessment;

7.12 (3) disseminate information regarding arts education opportunities; and

7.13 (4) provide materials, training, and assistance to the arts education committees in school
7.14 districts.

7.15 (b) The arts education specialist must collaborate with the commissioner of education
7.16 to develop arts standards and strengthen state policies related to arts education.

7.17 (c) The arts education specialist must serve as liaison for the Department of Education
7.18 to national organizations for arts education.

7.19 (d) The arts education specialist must collaborate with the MacPhail Center for Music
7.20 to provide online learning instruction to students.

7.21 **EFFECTIVE DATE.** This section is effective June 30, 2022.

7.22 Sec. 7. Minnesota Statutes 2020, section 297A.70, subdivision 2, is amended to read:

7.23 Subd. 2. **Sales to government.** (a) All sales, except those listed in paragraph (b), to the
7.24 following governments and political subdivisions, or to the listed agencies or instrumentalities
7.25 of governments and political subdivisions, are exempt:

7.26 (1) the United States and its agencies and instrumentalities;

7.27 (2) school districts, local governments, the University of Minnesota, state universities,
7.28 community colleges, technical colleges, state academies, ~~the Perpich Minnesota Center for~~
7.29 ~~Arts Education~~, and an instrumentality of a political subdivision that is accredited as an
7.30 optional/special function school by the North Central Association of Colleges and Schools;

(3) hospitals and nursing homes owned and operated by political subdivisions of the state of tangible personal property and taxable services used at or by hospitals and nursing homes;

(4) notwithstanding paragraph (d), the sales and purchases by the Metropolitan Council of vehicles and repair parts to equip operations provided for in section 473.4051 are exempt through December 31, 2016;

(5) other states or political subdivisions of other states, if the sale would be exempt from taxation if it occurred in that state; and

(6) public libraries, public library systems, multicounty, multitype library systems as defined in section 134.001, county law libraries under chapter 134A, state agency libraries, the state library under section 480.09, and the Legislative Reference Library.

(b) This exemption does not apply to the sales of the following products and services:

(1) building, construction, or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration, or repair of a building or facility;

(2) construction materials purchased by tax exempt entities or their contractors to be used in constructing buildings or facilities which will not be used principally by the tax exempt entities;

(3) the leasing of a motor vehicle as defined in section 297B.01, subdivision 11, except for leases entered into by the United States or its agencies or instrumentalities;

(4) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2), and prepared food, candy, soft drinks, and alcoholic beverages as defined in section 297A.67, subdivision 2, except for lodging, prepared food, candy, soft drinks, and alcoholic beverages purchased directly by the United States or its agencies or instrumentalities; or

(5) goods or services purchased by a local government as inputs to a liquor store, gas or electric utility, solid waste hauling service, solid waste recycling service, landfill, golf course, marina, campground, cafe, or laundromat.

(c) As used in this subdivision, "school districts" means public school entities and districts of every kind and nature organized under the laws of the state of Minnesota, and any instrumentality of a school district, as defined in section 471.59.

(d) For purposes of the exemption granted under this subdivision, "local governments" has the following meaning:

(1) for the period prior to January 1, 2017, local governments means statutory or home rule charter cities, counties, and townships; and

(2) beginning January 1, 2017, local governments means statutory or home rule charter cities, counties, and townships; special districts as defined under section 6.465; any instrumentality of a statutory or home rule charter city, county, or township as defined in section 471.59; and any joint powers board or organization created under section 471.59.

EFFECTIVE DATE. This section is effective June 30, 2022.

Sec. 8. Minnesota Statutes 2020, section 352.01, subdivision 2a, is amended to read:

Subd. 2a. **Included employees.** (a) "State employee" includes:

(1) employees of the Minnesota Historical Society;

(2) employees of the State Horticultural Society;

(3) employees of the Minnesota Crop Improvement Association;

(4) employees of the adjutant general whose salaries are paid from federal funds and who are not covered by any federal civilian employees retirement system;

(5) employees of the Minnesota State Colleges and Universities who are employed under the university or college activities program;

(6) currently contributing employees covered by the system who are temporarily employed by the legislature during a legislative session or any currently contributing employee employed for any special service as defined in subdivision 2b, clause (6);

(7) employees of the legislature who are appointed without a limit on the duration of their employment;

(8) trainees who are employed on a full-time established training program performing the duties of the classified position for which they will be eligible to receive immediate appointment at the completion of the training period;

(9) employees of the Minnesota Safety Council;

(10) any employees who are on authorized leave of absence from the Transit Operating Division of the former Metropolitan Transit Commission and who are employed by the labor organization which is the exclusive bargaining agent representing employees of the Transit Operating Division;

10.1 (11) employees of the Metropolitan Council, Metropolitan Parks and Open Space
10.2 Commission, Metropolitan Sports Facilities Commission, or Metropolitan Mosquito Control
10.3 Commission unless excluded under subdivision 2b or are covered by another public pension
10.4 fund or plan under section 473.415, subdivision 3;

10.5 (12) judges of the Tax Court;

10.6 (13) personnel who were employed on June 30, 1992, by the University of Minnesota
10.7 in the management, operation, or maintenance of its heating plant facilities, whose
10.8 employment transfers to an employer assuming operation of the heating plant facilities, so
10.9 long as the person is employed at the University of Minnesota heating plant by that employer
10.10 or by its successor organization;

10.11 (14) personnel who are employed as seasonal employees in the classified or unclassified
10.12 service;

10.13 (15) persons who are employed by the Department of Commerce as a peace officer in
10.14 the Commerce Fraud Bureau under section 45.0135 who have attained the mandatory
10.15 retirement age specified in section 43A.34, subdivision 4;

10.16 (16) employees of the University of Minnesota unless excluded under subdivision 2b,
10.17 clause (3);

10.18 (17) employees of the Middle Management Association whose employment began after
10.19 July 1, 2007, and to whom section 352.029 does not apply;

10.20 (18) employees of the Minnesota Government Engineers Council to whom section
10.21 352.029 does not apply;

10.22 (19) employees of the Minnesota Sports Facilities Authority;

10.23 (20) employees of the Minnesota Association of Professional Employees;

10.24 (21) employees of the Minnesota State Retirement System;

10.25 (22) employees of the State Agricultural Society;

10.26 (23) employees of the Gillette Children's Hospital Board who were employed in the
10.27 state unclassified service at the former Gillette Children's Hospital on March 28, 1974; and

10.28 (24) if approved for coverage by the Board of Directors of Conservation Corps Minnesota,
10.29 employees of Conservation Corps Minnesota so employed on June 30, 2003; ~~and~~

~~(25) employees of the Perpich Center for Arts Education who are covered by the general state employees retirement plan of the Minnesota State Retirement System as of July 1, 2016.~~

(b) Employees specified in paragraph (a), clause (13), are included employees under paragraph (a) if employer and employee contributions are made in a timely manner in the amounts required by section 352.04. Employee contributions must be deducted from salary. Employer contributions are the sole obligation of the employer assuming operation of the University of Minnesota heating plant facilities or any successor organizations to that employer.

EFFECTIVE DATE. This section is effective June 30, 2022.

Sec. 9. Minnesota Statutes 2020, section 354.05, subdivision 2, is amended to read:

Subd. 2. **Teacher.** (a) "Teacher" means:

(1) a person who renders service as a teacher, supervisor, principal, superintendent, librarian, nurse, counselor, social worker, therapist, or psychologist in:

(i) a public school of the state other than in Independent School District No. 625; or

(ii) a charter school; ~~or~~

~~(iii) the Perpich Center for Arts Education, except that any employee of the Perpich Center for Arts Education who was covered by the Minnesota State Retirement System general state employees retirement plan as of July 1, 2018, shall continue to be covered by that plan and not by the Teachers Retirement Association;~~

(2) a person who is engaged in educational administration in connection with the state public school system, whether the position be a public office or as employment;

(3) a person who renders service as a charter school director or chief administrative officer; provided, however, that if the charter school director or chief administrative officer is covered by the Public Employees Retirement Association general employees retirement plan on July 1, 2018, the charter school director or chief administrative officer shall continue to be covered by that plan and not by the Teachers Retirement Association;

(4) an employee of the Teachers Retirement Association;

(5) a person who renders teaching service on a part-time basis and who also renders other services for a single employing unit where the teaching service comprises at least 50 percent of the combined employment salary is a member of the association for all services with the single employing unit or, if less than 50 percent of the combined employment

12.1 salary, the executive director determines all of the combined service is covered by the
12.2 association; or

12.3 (6) a person who is not covered by the plans established under chapter 352D, 354A, or
12.4 354B and who is employed by the Board of Trustees of the Minnesota State Colleges and
12.5 Universities system in an unclassified position as:

12.6 (i) a president, vice-president, or dean;

12.7 (ii) a manager or a professional in an academic or an academic support program other
12.8 than specified in item (i);

12.9 (iii) an administrative or a service support faculty position; or

12.10 (iv) a teacher or a research assistant.

12.11 (b) "Teacher" does not mean:

12.12 (1) a person who works for a school or institution as an independent contractor as defined
12.13 by the Internal Revenue Service;

12.14 (2) annuitants of the teachers retirement plan who are employed after retirement by an
12.15 employing unit that participates in the teachers retirement plan during the course of that
12.16 reemployment;

12.17 (3) a person who is employed by the University of Minnesota;

12.18 (4) a member or an officer of any general governing or managing board or body of an
12.19 employing unit that participates in the teachers retirement plan; or

12.20 (5) a person employed by Independent School District No. 625 as a teacher as defined
12.21 in section 354A.011, subdivision 27.

12.22 **EFFECTIVE DATE.** This section is effective June 30, 2022.

12.23 Sec. 10. **PERPICH CENTER FOR ARTS EDUCATION CLOSURE.**

12.24 **Subdivision 1. Perpich Center for Arts Education abolished.** (a) The Perpich Center
12.25 for Arts Education (Perpich Center) is abolished effective June 30, 2022. Abolishment under
12.26 this section does not reduce or otherwise limit the powers and authority of the Perpich Center
12.27 during the concluding duration of its existence.

12.28 (b) Notwithstanding any other law, any unexpended and unencumbered appropriations
12.29 to the Perpich Center lapse to the fund or account from which they were appropriated on
12.30 June 30, 2022. All money in a dedicated fund or account of the Perpich Center on June 30,
12.31 2022, must be transferred to the general fund.

Subd. 2. **Library.** All property in the Perpich Arts Library is transferred to the State Library Services Division of the Department of Education, in accordance with Minnesota Statutes, section 15.039, subdivisions 5 and 8, effective June 1, 2022.

Subd. 3. **Student enrollment.** Students enrolled in the Perpich Arts High School during the 2020-2021 school year may continue to enroll in the school for the 2021-2022 school year. No student may enroll in the Perpich Arts High School after the 2021-2022 school year.

Subd. 4. **Perpich Center property conveyance.** The Perpich Center must submit to the legislature by January 15, 2022, a proposal to convey the real and personal property of the Perpich Arts High School to a school district or nonprofit institution organized under Minnesota Statutes, chapter 317A. If the Perpich Center does not submit a proposal to the legislature, all property of the Perpich Arts High School shall be transferred to the Department of Administration in accordance with Minnesota Statutes, section 15.039, subdivisions 5 and 8, effective June 30, 2022.

Subd. 5. **Education records.** The Perpich Center must transfer the education records of each student of the Perpich Arts High School according to Minnesota Statutes, section 120A.22, subdivision 7.

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

Sec. 11. **APPROPRIATIONS; DEPARTMENT OF EDUCATION.**

Subdivision 1. **Commissioner of education.** The sums indicated in this section are appropriated from the general fund to the commissioner of education for the fiscal years designated.

Subd. 2. **Online access to music education.** (a) For a grant to the MacPhail Center for Music to broaden access to music education in Minnesota:

§ 2022

§ 2023

(b) The MacPhail Center must use the grants received under paragraph (a) to broaden access to music education in Minnesota. The program must supplement and enhance an existing program and may provide individual instruction, sectional ensembles, and other group activities, workshops, and early childhood music activities. The MacPhail Center must design its program in consultation with the Department of Education arts education specialist under Minnesota Statutes, section 127A.155. The grants may be used by the MacPhail Center for employee costs and for any related travel costs.

(c) Upon request from a school's music educator, the MacPhail Center may enter into an agreement with the school to provide a program according to paragraph (b). In an early childhood setting, the MacPhail Center may provide a program upon a request initiated by an early childhood educator.

(d) By January 15 of each year, the MacPhail Center shall prepare and submit a report to the legislative committees with jurisdiction over education finance describing the online programs offered, program outcomes, the students served, an estimate of the unmet need for music education, and for calendar years 2023 and later, a detailed list of expenditures for the previous year.

Subd. 3. **Arts education specialist.** \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the general fund to the Department of Education for an arts education specialist under Minnesota Statutes, section 127A.155.

Sec. 12. **APPROPRIATIONS; PERPICH CENTER FOR ARTS EDUCATION.**

(a) The sums in this section are appropriated from the general fund to the Perpich Center for Arts Education for the fiscal years designated:

\$ 2022

\$ 0 2023

(b) The base for fiscal year 2024 and later is \$0.

Sec. 13. **REPEALER.**

(a) Minnesota Statutes 2020, sections 124D.8957, subdivision 30; 129C.10, subdivisions 1, 2, 3, 3a, 3b, 4, 4a, 6, 7, and 8; 129C.105; 129C.15; 129C.20; 129C.25; 129C.26; and 129C.27, are repealed.

(b) Minnesota Rules, parts 3600.0010, subparts 1, 2, 2a, 2b, 3, and 6; 3600.0020; 3600.0030, subparts 1, 2, 4, and 6; 3600.0045, subparts 1 and 2; 3600.0055; 3600.0065; 3600.0075; and 3600.0085, are repealed.

EFFECTIVE DATE. This section is effective June 30, 2022.

124D.8957 PREKINDERGARTEN THROUGH GRADE 12 PARENTAL RIGHTS CODED ELSEWHERE.

Subd. 30. **Appeal adverse school board decision.** The parental right to appeal a school board decision adversely affecting an academic program of an enrolled student is governed by section 129C.10, subdivision 3b.

129C.10 PERPICH CENTER FOR ARTS EDUCATION.

Subdivision 1. **Governance.** (a) The board of the Perpich Center for Arts Education shall consist of 16 persons, including the commissioner of education or a person designated by the commissioner of education who must serve as an ex officio member. The remaining 15 members of the board shall be appointed by the governor with the advice and consent of the senate. At least one member must be appointed from each congressional district.

(b) All board members must complete board training requirements consistent with section 127A.19.

Subd. 2. **Terms, compensation, and other.** The membership terms, compensation, removal of members, and filling of vacancies shall be as provided for in section 15.0575. A member may serve not more than two consecutive terms.

Subd. 3. **Powers and duties of board.** (a) The board has the powers necessary for the care, management, and control of the Perpich Center for Arts Education and any other school authorized in this chapter, and all their real and personal property. The powers shall include, but are not limited to, those listed in this subdivision.

(b) The board may employ and discharge necessary employees, and contract for other services to ensure the efficient operation of the Center for Arts Education and any other school authorized in this chapter.

(c) The board may receive and award grants. The board may establish a charitable foundation and accept, in trust or otherwise, any gift, grant, bequest, or devise for educational purposes and hold, manage, invest, and dispose of them and the proceeds and income of them according to the terms and conditions of the gift, grant, bequest, or devise and its acceptance. The board must adopt internal procedures to administer and monitor aids and grants.

(d) The board may establish or coordinate evening, continuing education, extension, and summer programs for teachers and pupils.

(e) The board may identify pupils who have artistic talent, either demonstrated or potential, in dance, literary arts, media arts, music, theater, and visual arts, or in more than one art form.

(f) The board must educate pupils with artistic talent by providing:

(1) an interdisciplinary academic and arts program for pupils in the 11th and 12th grades. The total number of pupils accepted under this clause and clause (2) shall not exceed 310;

(2) additional instruction to pupils for a 13th grade. Pupils eligible for this instruction are those enrolled in 12th grade who need extra instruction and who apply to the board, or pupils enrolled in the 12th grade who do not meet learner outcomes established by the board;

(3) intensive arts seminars for one or two weeks for pupils in grades 9 to 12;

(4) summer arts institutes for pupils in grades 9 to 12;

(5) artist mentor and extension programs in regional sites; and

(6) teacher education programs for indirect curriculum delivery.

(g) The board may determine the location for the Perpich Center for Arts Education and any additional facilities related to the center, including the authority to lease a temporary facility.

(h) The board must plan for the enrollment of pupils on an equal basis from each congressional district.

(i) The board may establish task forces as needed to advise the board on policies and issues. The task forces expire as provided in section 15.059, subdivision 6.

(j) The board may request the commissioner of education for assistance and services.

(k) The board may enter into contracts with other public and private agencies and institutions for residential and building maintenance services if it determines that these services could be provided more efficiently and less expensively by a contractor than by the board itself. The board may also enter into contracts with public or private agencies and institutions, school districts or combinations of school districts, or service cooperatives to provide supplemental educational instruction and services.

(l) The board may provide or contract for services and programs by and for the Center for Arts Education, including a store, operating in connection with the center; theatrical events; and other programs and services that, in the determination of the board, serve the purposes of the center.

(m) The board may provide for transportation of pupils to and from the Center for Arts Education for all or part of the school year, as the board considers advisable and subject to its rules. Notwithstanding any other law to the contrary, the board may charge a reasonable fee for transportation of pupils. Every driver providing transportation of pupils under this paragraph must possess all qualifications required by the commissioner of education. The board may contract for furnishing authorized transportation under rules established by the commissioner of education and may purchase and furnish gasoline to a contract carrier for use in the performance of a contract with the board for transportation of pupils to and from the Center for Arts Education. When transportation is provided, scheduling of routes, establishment of the location of bus stops, the manner and method of transportation, the control and discipline of pupils, and any other related matter is within the sole discretion, control, and management of the board.

(n) The board may provide room and board for its pupils. If the board provides room and board, it shall charge a reasonable fee for the room and board. The fee is not subject to chapter 14 and is not a prohibited fee according to sections 123B.34 to 123B.39.

(o) The board may establish and set fees for services and programs. If the board sets fees not authorized or prohibited by the Minnesota public school fee law, it may do so without complying with the requirements of section 123B.38.

(p) The board may apply for all competitive grants administered by agencies of the state and other government or nongovernment sources.

Subd. 3a. **Center account.** A center for arts education account is established in the special revenue fund in the state treasury. All money collected by the board, including rental income, must be deposited in the account. Money in the account, including interest earned, is appropriated to the board for the operation of its services and programs.

Subd. 3b. **Appeal.** A parent who disagrees with a board action that adversely affects the academic program of an enrolled pupil may appeal the board's action to the commissioner of education within 30 days of the board's action. The decision of the commissioner shall be binding on the board. The board must inform each pupil and parent at the time of enrolling of a parent's right to appeal a board action affecting the pupil's academic program.

Subd. 4. **Employees.** (a)(1) The board must appoint a director of the Center for Arts Education who shall serve in the unclassified service. The director must hold a Minnesota superintendent license.

(2) The board must employ, upon recommendation of the director, a coordinator of resource programs who shall serve in the unclassified service.

(3) The board must employ, upon recommendation of the director, up to six department chairs who shall serve in the unclassified service. The chairs shall be licensed teachers unless no licensure exists for the subject area or discipline for which the chair is hired.

(4) The board may employ other necessary employees, upon recommendation of the director.

(5) The board must employ, upon recommendation of the director, an executive secretary for the director, who shall serve in the unclassified service.

(6) All persons employed as teachers must hold Minnesota teaching licenses in their respective fields or be approved by the Professional Educator Licensing and Standards Board.

(b) The employees hired under this subdivision and other necessary employees hired by the board shall be state employees in the executive branch.

Subd. 4a. **Admission and curriculum requirements.** (a) The board may adopt rules for admission to and discharge from the full-time programs for talented pupils, rules regarding discharge

from the dormitory, and rules regarding the operation of the center, including transportation of its pupils. Rules covering admission are governed by chapter 14. Rules covering discharge from the full-time program for talented pupils must be consistent with sections 121A.40 to 121A.56, the Pupil Fair Dismissal Act. Rules covering discharge from the dormitory are not governed by the Pupil Fair Dismissal Act as set forth in sections 121A.40 to 121A.56. Rules regarding discharge and the operation of the center are not governed by chapter 14.

(b) Proceedings concerning the full-time program for talented pupils, including admission, discharge, a pupil's program, and a pupil's progress, are governed by the rules adopted by the board and are not contested cases governed by chapter 14.

Subd. 6. **Public postsecondary institutions; providing space.** Public postsecondary institutions must provide space for programs offered by the Perpich Center for Arts Education at no cost or reasonable cost to the center to the extent that space is available at the public postsecondary institutions.

Subd. 7. **Purchasing instructional items.** Technical educational equipment may be procured for programs of the Perpich Center for Arts Education by the board either by brand designation or in accordance with standards and specifications the board may adopt, notwithstanding chapters 16B and 16C.

Subd. 8. **Exemption to September 1 school start restriction.** Notwithstanding section 120A.40, the Perpich Center for Arts Education may begin the school year any day prior to September 1.

129C.105 BOARD MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS.

(a) Notwithstanding section 13D.01 and if complying with section 13D.02 is impractical, the Board of the Perpich Center for Arts Education may conduct a meeting of its members by telephone or other electronic means when:

(1) all members of the board participating in the meeting, wherever the members' physical locations, can hear one another and all discussion and testimony;

(2) members of the public present at the regular meeting location of the board can hear all discussion and testimony and all votes of members of the board;

(3) at least one member of the board is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the board participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the board, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The board may require the person making such a connection to pay for documented marginal costs that the board incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

(e) The board must publish minutes of all meetings on the center's website.

129C.15 RESOURCE, MAGNET, AND OUTREACH PROGRAMS.

Subdivision 1. **Resource and outreach.** The center must offer resource and outreach programs and services statewide aimed at the enhancement of arts education opportunities for pupils in elementary and secondary school. The programs and services must include:

(1) developing and demonstrating exemplary curriculum, instructional practices, and assessment;

(2) disseminating information; and

(3) providing programs for pupils and teachers that develop technical and creative skills in art forms that are underrepresented and in geographic regions that are underserved.

Subd. 2. **Magnet programs.** The center must identify at least one school district in each congressional district with interest and the potential to offer magnet arts programs using the curriculum developed by the Perpich Center for Arts Education.

Subd. 3. **Center responsibilities.** The center must:

- (1) provide information and technical services to arts teachers, professional arts organizations, school districts, and the Department of Education;
- (2) gather and conduct research in arts education;
- (3) design and promote arts education opportunities for all Minnesota pupils in elementary and secondary schools; and
- (4) serve as liaison for the Department of Education to national organizations for arts education.

129C.20 MATERIALS, TRAINING, AND ASSISTANCE.

The Perpich Center for Arts Education, in cooperation with the Minnesota Alliance for Arts in Education and the Minnesota State Arts Board must provide materials, training, and assistance to the arts education committees in the school districts. The center may contract with the Minnesota Alliance for Arts in Education for its involvement in providing services, including staff assistance, to the program.

129C.25 COMPREHENSIVE ARTS PLANNING PROGRAM.

The Perpich Center for Arts Education shall prescribe the form and manner of application by one or more districts to be designated as a site to participate in the comprehensive arts planning program. Up to 30 sites may be selected. The center shall designate sites in consultation with the Minnesota Alliance for Arts in Education and the Minnesota State Arts Board.

129C.26 COMPREHENSIVE ARTS PLANNING PROGRAM SITES.

Subdivision 1. **Funding.** Each site shall receive \$1,250 each year for two years. If fewer than 30 sites are selected, each site shall receive an additional proportionate share of money appropriated and not used. Before receiving money for the second year, a long-range plan for arts education must be submitted to the Perpich Center for Arts Education.

Subd. 2. **Criteria.** The center, in consultation with the Comprehensive Arts Planning Program State Steering Committee, must establish criteria for site selection. Criteria shall include at least the following:

- (1) a willingness by the district or group of districts to designate a program chair for comprehensive arts planning with sufficient authority to implement the program;
- (2) a willingness by the district or group of districts to create a committee comprised of school district and community people whose function is to promote comprehensive arts education in the district;
- (3) commitment on the part of committee members to participate in training offered by the Department of Education;
- (4) a commitment of the committee to conduct a needs assessment of arts education;
- (5) commitment by the committee to evaluate its involvement in the program;
- (6) a willingness by the district to adopt a long-range plan for arts education in the district; and
- (7) location of the district or group of districts to assure representation of urban, suburban, and rural districts and distribution of sites throughout the state.

Subd. 3. **Program accounts.** A district receiving funds must maintain a separate account for the receipt and disbursement of all funds relating to the program. The funds must be spent only for the purpose of arts education programs, including teacher release time.

Subd. 4. **Additional funding.** A district receiving funds may receive funds for the program from private sources and from other governmental agencies, including any state or federal funds available for arts education.

129C.27 ANNUAL DIRECTOR REPORT.

The director must report the following to the education committees of the legislature by January 15 of each year in accordance with section 3.195:

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- (1) outreach activities, including the number of districts, teachers, and administrators that have participated in outreach programs;
- (2) the impact of the center's outreach activities;
- (3) enrollment trends, including the number of students from each congressional district admitted to the Perpich Arts High School and efforts to increase enrollment by 20 percent by 2019; and
- (4) students' academic achievement, including performance on standard assessments, graduation rates, and the number of students enrolled in postsecondary education.

3600.0010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 3600.0010 to 3600.0085 have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the board of the Perpich Center for Arts Education established in Minnesota Statutes, section 129C.10, subdivision 1.

Subp. 2a. **Center.** "Center" means the full-time high school program offered at the Perpich Center for Arts Education established in Minnesota Statutes, section 129C.10, subdivision 3, paragraph (f), clause (1).

Subp. 2b. **Eligible applicant.** "Eligible applicant" means a student who resides in Minnesota at the time of the arts review process and at the time of enrollment, as determined by the executive director or the executive director's designee, and meets the following criteria:

A. is living with one or more parents who maintain a domicile and resides in Minnesota at the time of the arts review process and enrollment; or

B. is living with a legal guardian who maintains a domicile and resides in Minnesota at the time of the student's arts review process and enrollment, and the student is living with the guardian primarily for the purpose of care and support and not for the primary purpose of receiving an education in Minnesota.

Subp. 3. **Executive director.** "Executive director" means the individual appointed by the board under Minnesota Statutes, section 129C.10, subdivision 4, paragraph (a), clause (1), to administer the Perpich Center for Arts Education.

Subp. 6. **School record.** "School record" means the information requested of the applicant by the center to help determine the appropriateness of the applicant's admission. The information requested must relate to the areas of review as described in part 3600.0030, subpart 6, and includes for example, a transcript of courses taken at the secondary level and their accompanying grades; secondary level attendance records; information about the high school content standards under chapter 3501 attempted or completed by the applicant; and a certified record from the applicant's previous secondary schools regarding grades and standards completed and recommendation. This recommendation must be completed by the applicant's school counselor or teacher of English, math, science, social studies, or world languages.

3600.0020 HOW THIS CHAPTER APPLIES.

Parts 3600.0010 to 3600.0085 prescribe the application, arts review, and evaluation processes for students wanting admission to the center. Participants in other programs under Minnesota Statutes, section 129C.10, are not included in the application, arts review, and evaluation process in parts 3600.0010 to 3600.0085.

3600.0030 APPLICATION PROCESS.

Subpart 1. **Eligible applicants.**

A. An eligible applicant for enrollment in the full-time high school program as an 11th grader must have:

(1) successfully completed the requirements of the sending school for grade 9 and be enrolled in grade 10 at the time of application and successfully completed the requirements of the sending school for grade 10 by the end of the grade 10 academic year; and

(2) completed the number of high school content standards as determined annually by the executive director or the executive director's designee. In order to make this determination, by September 1 of each academic year, the executive director or the executive director's designee must determine, for the following academic year, which standards and

how many standards the eligible applicant must have completed. This determination will be based on:

(a) which content areas will not be offered by the center during the applicant's enrollment; and

(b) whether, given those standards being offered at the center, the student can complete the number of standards required so as to be able to graduate at the end of two years of enrollment.

B. An eligible applicant for enrollment in the center as a 12th grader must have:

(1) successfully completed the requirements of the sending school for grades 9 and 10 and be enrolled in grade 11 at the time of application and successfully completed the requirements of the sending school for grade 11 by the end of the grade 11 academic year;

(2) completed the number of high school content standards as determined annually by the executive director or the executive director's designee. In order to make this determination, by September 1 of each academic year, the executive director or the executive director's designee must determine, for the following academic year, which standards and how many standards the eligible applicant must have completed. This determination will be based on:

(a) which content areas will not be offered by the center during the applicant's enrollment; and

(b) whether, given those standards being offered at the center, the student can complete the number of standards required so as to be able to graduate at the end of one year of enrollment; and

(3) a "C" average in high school coursework.

Subp. 2. **Application process.** An eligible applicant must apply for admission to the center by completing application forms and supplying a school record. Students whose applications or school records are not complete by the deadline established annually by the executive director or the executive director's designee shall not be considered further for enrollment. The deadline established annually is stated on the yearly application form.

Subp. 4. **Number of applications.** Subject to the limitations in parts 3600.0045 to 3600.0085, an individual may apply no more than two times for admission into the center if the individual is an eligible applicant under part 3600.0030, subpart 1, at the time of the arts review process.

Subp. 6. **Areas of review.** An applicant shall be evaluated for admission into the center based on a review of the applicant in three areas:

A. the arts review process in part 3600.0045;

B. the academic interview process in part 3600.0055; and

C. the final evaluation process in part 3600.0065.

The processes under this subpart shall occur at the location and times determined by the executive director or the executive director's designee.

3600.0045 ARTS REVIEW PROCESS.

Subpart 1. **Arts activities.** An applicant may choose to be reviewed in up to two areas of specialty designated on the application, within the following categories: dance, literary arts, media arts, music, theater, and visual arts. Within each specialty area, the executive director or the executive director's designee shall evaluate the applicant's following arts activities:

A. The demonstration of an example or examples of the applicant's previous arts activities, products, and abilities. The executive director or the executive director's designee must evaluate an applicant's artistic abilities or potential with the following criteria:

(1) skills/proficiency, including the degree the applicant possesses potential for rapid acquisition of skills needed to effectively communicate the applicant's arts specialty area or areas;

(2) creativity/imagination, including the level at which the applicant demonstrates the ability to develop inventive, personal, concise, creative expressions within the applicant's arts specialty area or areas; and

(3) attitude, including the extent the applicant demonstrates commitment, energy, and motivation for activities within the applicant's arts specialty area or areas.

B. The spontaneous individual and group activities that highlight individual creativity and group interaction. These activities must be related to the applicant's specialty area or areas. The executive director or the executive director's designee must evaluate an applicant's artistic abilities or potential with the following criteria:

(1) skills/proficiency, including the degree the applicant possesses potential for rapid acquisition of skills needed to effectively communicate the applicant's arts specialty area or areas;

(2) creativity/imagination, including the level at which the applicant's responses demonstrate inventive, personal, concise, imaginative creative expressions; and

(3) attitude, including the extent the applicant demonstrates a willingness to participate with commitment, energy, and motivation.

C. The solution to an arts assignment. Two weeks before the arts review begins, the center shall send applicants an arts assignment specific to the applicants' specialty area or areas. An applicant must bring the solution to the assignment to the arts review and present it to the executive director or the executive director's designee who must evaluate the solution with the following criteria:

(1) the extent that the solution demonstrates skill and proficiency effectiveness including the ability to effectively communicate the arts specialty area or areas;

(2) the extent that the solution represents an imaginative, creative solution including the ability to develop inventive, personal, concise expression within the arts specialty area or areas; and

(3) attitude, including the extent the applicant demonstrates a willingness to participate with commitment, energy, and motivation.

D. Participation in an interview. The executive director or the executive director's designee shall interview an applicant using a list of questions prepared by the executive director or executive director's designee to assess the applicant's attitude, including motivation and commitment to the applicant's arts specialty area or areas.

Subp. 2. **Rating of arts review.** Applicants shall be given a rating of "strongly recommended," "recommended," or "not recommended" in each arts review within each specialty area or areas under subpart 1.

3600.0055 ACADEMIC INTERVIEW PROCESS.

After the arts review, academic applicants shall be interviewed at a location designated by the executive director or the executive director's designee. The purpose of the interview is to comprehensively assess the applicant, including for example the applicant's maturity, the applicant's ability to handle the transition to the center, the applicant's attitude toward obtaining a comprehensive education in addition to an arts education, an explanation of past

academic issues, including, for example, absences or low academic standing, and what the applicant will contribute to the community of students and faculty at the center.

3600.0065 FINAL EVALUATION PROCESS.

A. After completing the arts review process under part 3600.0045 and the academic interview process under part 3600.0055, an administrative team designated by the executive director or the executive director's designee shall review the student's school record and the results of the arts review and the academic interview to determine whether to admit the applicant into the center. An applicant shall be assessed on the applicant's arts review, the strength of the applicant's overall school records, and the academic interview or interviews. An applicant shall be admitted if a majority of the team recommends admission.

B. An applicant shall be disqualified from further consideration prior to final evaluation if:

- (1) the school record as requested by the center is not complete; and
- (2) the academic interview process is not complete.

3600.0075 SECOND ROUND APPLICATIONS.

If openings at the center remain unfilled after the final evaluations are completed, the executive director or the executive director's designee may reopen the entire application process under parts 3600.0030 to 3600.0065. Students who were not recommended in the process in the immediately preceding application round are not eligible to reapply for enrollment in the upcoming academic year.

3600.0085 BASIS FOR DISQUALIFICATION FROM ENROLLMENT.

A. An approved applicant for enrollment in grade 11 shall not be enrolled unless the following information has been provided by a date annually determined by the executive director or the executive director's designee:

- (1) a certified record from each high school attended that demonstrates the applicant has successfully completed the requirements of grades 9 and 10; and
- (2) a certified record from each high school attended that demonstrates the number and type of completed high school content standards.

B. An approved applicant for enrollment in grade 12 shall not be enrolled unless the following information has been provided by a date annually determined by the executive director or the executive director's designee:

- (1) a certified record from each high school attended that demonstrates the applicant successfully completed the requirements of grades 9, 10, and 11; and
- (2) a certified record from each high school attended that demonstrates the number and type of completed high school content standards.